



IN THE MATTER OF an application submitted by Community Board 10, Brooklyn, pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, concerning Section 73-622 (Enlargements of single- and two-family detached and semi-detached residences), in Community Board 10, Borough of Brooklyn.

This application (N 160377 ZRK) for an amendment of the Zoning Resolution removing Community District 10 (CD 10) from applicability under Section 73-622 (Enlargements of single- and two-family detached and semi-detached residences) was filed by Community Board 10 on June 7, 2016.

BACKGROUND

Community Board 10 (CB 10) in Brooklyn is seeking to remove Community District 10 (CD 10) from ZR Section 73-622, Enlargements of single and two family detached and semi-detached residences. CB 10 believes that the original intent of ZR 73-622, allowing existing residents relief from non-compliances, providing for limited enlargement in order to remain within their community, is no longer necessary within the Community District.

Section 73-622 (Enlargements of single- and two-family detached and semi-detached residences), currently applies to three full community districts; Brooklyn CD's 10, 11, and 15; and a specific R2 area in CD 14. The deletion of CD 10 from applicability would not facilitate a specific project or induce any new development, but would require that enlargements to single- and two-family homes in CD 10 adhere to the as-of-right

residential zoning regulations, or rely on pre-established discretionary remedies to afford relief.

Section 73-622 of the Zoning Resolution was established in 1998 (N970203 ZRY, Cal. No. 6, 12/22/97) and was originally intended as a city-wide initiative. It allowed the Board of Standards (BSA), by Special Permit, to permit single and two-family detached and semi-detached residences to modestly increase floor area and encroach into a required 30 foot rear yard by up to 10 feet. Encroachments could also be permitted into required side yards, but only in order to allow for a straight-line extension. No encroachments would be permitted into a required front yard. Perimeter walls in R2X, R3, R4, R4A and R4-1 districts would be allowed to increase in height only in order to match the height of a neighboring house with a taller perimeter wall. The BSA must find that the enlarged building will not alter the essential character of the neighborhood, or district in which the building is located, or impair the future use or development of the surrounding area.

The 1997 application record documents that 12 of 20 voting community boards and the Brooklyn, Bronx, Queens and Staten Island Borough Presidents' submitted recommendations opposed to the special permit. On December 22, 1997, the CPC approved a modified application limiting the Special Permit to seven CD's: Brooklyn 10, 11, 15 and portions of CD 12 and CD 14, and Staten Island CD's 1 and 2. Subsequent to the CPC's approval, the City Council further modified the text amendment removing Staten Island CDs 1 and 2 from applicability (CC Res 0129-1998, 2/26/98). In 2000, the

CPC approved an amendment to 73-622 (N 000286 ZRK, Cal. No. 19, 10/18/00) that removed CD 12 from applicability.

CD 10 is one of 18 community districts in Brooklyn. It is located in the southwestern portion of the borough and includes the neighborhoods of Bay Ridge, Fort Hamilton and Dyker Heights. It is generally bounded by the LIRR/Bay Ridge railroad cut to the north, 14th Avenue to the east, Lower New York Bay to the south, and the Narrows and Upper New York Bay to the west. Within CD 10 is the Special Bay Ridge District (SBRD), established in 1978, and generally bounded by the LIRR/Bay Ridge railroad cut to the north, 7th Avenue to the east, 101st Street to the south and Shore Road to the west.

CD 10 has a broad range of lower density and contextual districts mapped throughout district, including: the one- and two family R2, R3-1, R3A, R3X, R4A, R4B and R4-1, and the multifamily R3-2 and R5B fronting many of the tree-lined avenues and most mid-blocks. The multi-family and mid-density districts, R6A, R6B, R7A and R7B, are mapped along the wide streets, including: Third, Fourth and Fifth Avenues, Shore Road, Ft. Hamilton Parkway, 11th and 13th avenues. These wide streets have larger apartment buildings ranging from four- to eight-stories and with some exceptions, commercial overlays ranging from C1-3 to C2-4, allowing for local retail servicing the residential areas. There is a C4-2A commercial corridor along 86th Street from Fourth Avenue to Fort Hamilton Parkway, the major shopping area for larger stores and destination retail. South of 88th Street, there is a triangular, seven block C8-2 district with car dealerships and auto repair services. At the northern edge of the district is an M1-1 and M1-2 district

with commercial, auto and light manufacturing uses along the 65th Street corridor and the southern side of the BMT/LIRR rail cut.

According to CB 10, the original land use justification for the applicability of the special permit is no longer needed since lower density and contextual districts were mapped extensively in the 2005 Bay Ridge Rezoning (C050134A ZMK, Cal. No. 14, 3/2/05) and the 2007 Dyker Heights/Ft. Hamilton Rezoning (C070387 ZMK, Cal. No. 17, 6/20/07). The amended zoning of approximately 400 Blocks within the district, which were not mapped when the initial text was supported and approved, more than adequately provide the fine-grained zoning controls to keep residential enlargements within the built form and character of most blocks.

ENVIRONMENTAL REVIEW

The application (N 160377 ZRK) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 16DCP178K. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a negative declaration was issued on June 20, 2016.

PUBLIC REVIEW

On June 20, 2016, this application (N 160377 ZRK) was duly referred to Community Board 10 and the Borough President for information and review in accordance with the procedures for non-ULURP matters.

Community Board Review

Community Board 10 held a public hearing on this application (N 160377 ZRK) on June 15, 2016 and on July 15, 2016, issued a letter to the City Planning Commission reporting the support of the public present at both the Public Hearing and Public Meeting and including the Community Board's Zoning and Land Use Committee report.

Borough President Review

The Borough President held a public hearing on this application (C 160377 ZRK) and on August 10, 2016 issued a recommendation to approve the application.

City Planning Commission Public Hearing

On August 10, 2016 (Calendar No. 1), the City Planning Commission (CPC) scheduled August 24, 2016 for a public hearing on this application (N 160377 ZRK). The hearing was duly held on August 24, 2016 (Calendar No. 16). There were four speakers in support of the application and one opposed

A representative of Community Board 10, speaking in favor of the application, stated that the current BSA Special Permit failed to fulfill its original intent to allow modest enlargements to non-compliances for families to remain in their homes and

neighborhood. The CB's representative also stated that the Board conducted a large outreach effort, including about 6000 letters in a mass mailing to area residents, civic groups and practitioners and the well-attended community meeting with speakers and attendees overwhelmingly in support of the application.

The Councilmember for the 43rd Council District, representing the area, spoke in favor of the application. While recognizing the good intentions of the original text, the Councilmember stated that it is the repeated practice of speculators to add space upon purchase, or to legalize illegal conditions. The Councilmember stated that the contextual rezonings adopted by City Planning in 2005 and 2007 better preserve neighborhood character. However, he also expressed concern for four applications currently seeking relief under the Special Permits which are now pending and stated that he intends to finalize vesting language, prior to the City Council vote.

The other two speakers in favor are both residents of the area, one a former Community Board 10 Chairman and Zoning and Land Use Committee Chairman, the other, a former Board member and president of a local civic preservation group. Each spoke of the recent mid-2000 area DCP rezonings which were adopted to protect neighborhood scale and character.

An attorney and practitioner who has appeared before the BSA for clients seeking relief under the Special Permit spoke in opposition to the application. He stated that this Special Permit has assisted growing families to both remain in their homes and

community and how difficult it is for individual home owners to meet the uniqueness standards, or hardship findings for a BSA variance, or obtain other forms or regulatory relief. In order to protect applicants that have filed at the BSA in good faith and have invested, time, money and care into their proposed enlargements, he advocated for a vesting provision which would continue those rights.

There were no other speakers and the hearing was closed.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW

This application (C 1600377 ZSK), was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 30, 2013 and by the New York State Department of State on February 3, 2016, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981, (New York State Executive Law, Section 910 *et seq.*). The designated WRP number is 16-076.

CONSIDERATION

The Commission believes that the zoning text amendment (N 160377 ZRK) is appropriate.

In many lower density areas of the city that have not been rezoned with contextual districts, many residential buildings remained non-complying, with residents still desiring

the ability to enlarge. The intent of this Special Permit was to provide a means for growing families to add a bedroom, bathroom or extend a kitchen, within certain limitations, that would allow the enlargement consistent with the existing neighborhood character.

The Commission concurs with Community Board 10 and the Councilmember, who have demonstrated that contextual rezonings initiated in 2005 and 2007, rezoning virtually all of Community District 10 (409 blocks), now provide the fine-grained zoning controls to enlarge residences in keeping with the built form and character of neighborhood blocks. These contextual districts were not established when the original Special Permit text was approved in 1997.

The Commission recognizes the Community Board's desire that as-of-right enlargements should remain in keeping within the limitations of existing contextual district regulations for maximum FAR, heights, side and rear yards, maintaining the built form and character of its lower density neighborhoods. The Commission also recognizes the Community Board's desire that residents seeking to enlarge their homes beyond the contextual district regulations seek variances from the BSA pursuant to ZR Section 72-21, or seek relief by BSA Special Permit pursuant to ZR Section 73-621, which limits enlargements and non-compliances to open space, lot coverage and floor area ratio not exceeding 10% of what is permitted.

RESOLUTION

RESOLVED, that the City Planning Commission has determined that the action described herein will have no significant adverse impact on the environment; and be it further

RESOLVED, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies, and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination, and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

* * *

**Article VII
ADMINISTRATION**

**Chapter 3
Special Permits by the Board of Standards and Appeals**

* * *

**73-622
Enlargements of single- and two-family detached and semi-detached residences**

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

- (a) Community Districts ~~10~~, 11 and 15, in the Borough of Brooklyn; and
- (b) R2 Districts within the area bounded by Avenue I, Nostrand Avenue, Kings Highway, Avenue O and Ocean Avenue, Community District 14, in the Borough of Brooklyn.

* * *

The above resolution (N 160377 ZRK), duly adopted by the City Planning Commission on September 21, 2016 (Calendar No. 18) is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

CARL WEISBROD, Chairman
KENNETH J. KNUCKLES, ESQ., Vice Chairman
RAYANN BESSER, ALFRED C. CERULLO, III, MICHELLE R. DE LA UZ,
JOSEPH I. DOUEK, CHERYL COHEN EFFRON; HOPE KNIGHT,
ANNA HAYES LEVIN, ORLANDO MARIN, LARISA ORTIZ, Commissioners

Brooklyn Borough President Recommendation
CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
CalendarOffice@planning.nyc.gov



INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representatives as indicated on the Notice of Certification.

APPLICATION

COMMUNITY BOARD 10 TEXT AMENDMENT, SPECIAL PERMIT 73-622 – 160377 ZRK

In the matter of the application submitted by Brooklyn Community Board 10 (CB 10), pursuant to Section 201 of the New York City Charter, for an amendment of the New York City Zoning Resolution (ZR), concerning Section 73-622 *Enlargements of single- and two-family detached and semi-detached residences*, in Brooklyn Community District 10 (CD 10). The text amendment proposes to remove CD 10 from the aforementioned Board of Standards and Appeals (BSA) special permit. The special permit currently applies to three full community districts in Brooklyn: CD 10, CD 11, and CD 15; and a specific R2 district in CD 14. Approval of such action would not facilitate a specific project, or include any new development. Approval of such action would no longer permit the filling for or approval of applications for the special permit for enlargements of single- and two-family homes within CD 10, instead requiring enlargements to adhere to the as-of-right residential zoning regulations, or rely on pre-established remedies, such as ZR 72-21 BSA variance or an alternative BSA special permit pursuant to ZR 73-621 *Enlargement, extension, or conversion of building containing residential uses*, limited to 10 percent increase of permitted floor area and lot coverage and/or 10 percent decrease of open space ratio.

COMMUNITY DISTRICT NO. 10

BOROUGH OF BROOKLYN

RECOMMENDATION

APPROVE
 APPROVE WITH
MODIFICATIONS/CONDITIONS

DISAPPROVE
 DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

SEE ATTACHED

BROOKLYN BOROUGH PRESIDENT

August 10, 2016

DATE

RECOMMENDATION FOR: COMMUNITY BOARD 10 TEXT AMENDMENT, SPECIAL PERMIT 73-622 – 160377 ZRK

The applicant, Brooklyn Community Board 10 (CB 10), seeks an amendment of the New York City Zoning Resolution (ZR), concerning Section 73-622 *Enlargements of single- and two-family detached and semi-detached residences*, in Brooklyn Community District 10 (CD 10). The text amendment proposes to remove CD 10 from the aforementioned Board of Standards and Appeals' (BSA) special permit. The special permit currently applies to three full community districts in Brooklyn: CD 10, CD 11, and CD 15; and a specific R2 district in CD 14. Approval of such action would not facilitate a specific project, or include any new development. Approval of such action would no longer permit the filling for or approval of applications for the special permit for enlargements of single- and two-family homes within CD 10. Instead, homeowners seeking enlargements will be required to adhere to the as-of-right residential zoning regulations, or rely on pre-established remedies, such as ZR 72-21, BSA variance, or an alternative BSA special permit pursuant to ZR 73-621 *Enlargement, extension, or conversion of building containing residential uses*, which is limited to 10 percent increase of permitted floor area and lot coverage and/or 10 percent decrease of open space ratio.

On July 28, 2016, Brooklyn Borough President Eric L. Adams held a public hearing on this application. There were 10 speakers for this item, with nine speakers in support and one speaker in opposition. The speakers represented Bay Ridge Conservancy, Brooklyn Housing Preservation Alliance, CB 10, Dyker Heights Civic Association, Sheldon Lobel PC, and homeowners in the community. Council Member Vincent Gentile was also present and stated his support for this application.

The speakers in support voiced their concern over:

- The devastating impacts this special permit has had on community character and residents' quality of life
- The abuse of this special permit over the years for private financial gain by developers, instead of its intended use to help families expand their homes to remain in place
- The fact that BSA has repeatedly disregarded CB 10 recommendations and approved every special permit application

The speaker in opposition represented four individuals who are currently at various stages of the special permit application process. The speaker advocated for a vesting provision to allow these individuals to continue their applications in accordance with ZR 73-622.

One voiced concern regarding ongoing illegal conversions in CD 10 of the community's predominantly one- and two-family residences into single room occupancies (SROs). It was believed that this has adversely impacted the neighborhood through school overcrowding, health hazards, and strains on sanitation services.

Additional testimony was received via email from one of the four individuals currently in the process of the special permit application, respectfully urging the decision makers to consider providing vesting language so that she is able to apply small modifications to her home in order to make it more functional for her growing family.

In response to Borough President Adams' inquiry as to whether CB 10 would be open to amending their application in order to allow the four pending special permit applicants to go before BSA, the district manager stated that there is no resistance with regard to these applications. Council Member Gentile stated that he would support such a provision and consider amending the application if there is a consensual date and vesting language.

Consideration

CB 10 has not taken a position on this application, although it is the longstanding policy of the Board to seek this amendment to the Zoning Resolution.

CD 10 is located in the southwestern portion of the borough and includes the neighborhoods of Bay Ridge, Dyker Heights, and Fort Hamilton. It is generally bounded by the Long Island Rail Road (LIRR)/Bay Ridge railroad to the north, 14th Avenue to the east, Lower New York Bay to the south, and the Narrows and Upper New York Bay to the west. CD 10 has a broad range of lower density and contextual zoning districts mapped throughout the community district, as well as multifamily and mid-density districts.

In 1998, the New York City Council adopted an application creating a new BSA special permit, ZR 73-622 *Enlargement of single- and two-family detached and semi-detached residences*. Originally intended as a citywide initiative, due to the negative recommendations of numerous community boards and the four affected borough presidents, the special permit applicability was restricted to a few community districts in Brooklyn. Its applicability is restricted to CDs 10, 11, and 15 and a section in CD 14.

The overall land use rationale for approving the special permit reflected the large numbers of residential buildings that do not fully comply with floor area, yard, lot coverage, and perimeter wall height requirements. It was intended to create an equitable process in which homeowners, who wished to enlarge their homes in order to accommodate their growing families, could do so in a manner consistent with the surrounding neighborhood. The special permit was expected to be an alternative method for allowing the upgrading of an aging housing stock, including fulfilling the desire to achieve additional bathrooms, bedrooms, family rooms, and upgraded kitchens that necessitate enlargement to existing homes.

The special permit allows floor area to exceed the underlying zoning district as well as up to a 10-foot encroachment into a required 30-foot rear yard. Encroachments are permitted into required side yards, but only in order to allow for a straight-line extension. No encroachments are permitted into a required front yard. Perimeter walls in R2X, R3, R4, R4A, and R4-1 districts are allowed to be increased in height only in order to match the height of a neighboring house with a taller perimeter wall. The BSA must find that the enlarged building will not alter the essential character of the neighborhood, or district in which the building is located, or impair the future use or development of the surrounding area.

This application seeks to remove CD 10 from ZR 73-622 *Enlargements of single- and two-family detached and semi-detached residences*. CB 10 believes that the original intent of ZR 73-622, allowing existing residents relief from non-compliances, to facilitate limited enlargement, has been applied more liberally by the BSA. Since the establishment of this special permit in 1998, 24 applications have been made within the CD 10 district. Of these applications, approximately half were disapproved by CB 10. Of those that were disapproved – all were approved by the BSA. CB 10 members believe that, in practice, applications in CD 10 have been predominantly used to legalize existing illegal conditions, or to produce luxury housing for speculative development. In addition, the lower density and contextual districts mapped extensively in the 2005 and 2007 area rezonings (approximately 400 blocks) more than adequately provide the fine-grained zoning controls to enlarge residences in keeping with the built form and character of most blocks.

CB 10 members voted four times over the last 13 years to remove CD 10 from ZR 73-622. These votes were adopted by the General Board at meetings held on December 13, 2003; December 18, 2006; November 18, 2010, and September 18, 2015. CB 10 believes that those seeking enlargements contrary to the Zoning Resolution should proceed with the established relief offered by way of BSA variance, or pursue a special permit according to ZR 73-621 *Enlargement, extension, or conversion of building containing residential uses*, which provides an additional 10 percent beyond the otherwise maximum permitted floor area. Such change would be consistent with the regulations pertaining to 55 CDs in the administration of citywide residential land use policy.

Borough President Adams acknowledges that there are currently three special permit applications at various stages of the review process, as well as another possible application that had not yet been determined if it would apply to this special permit. One application was already approved by the BSA and CB 10; another application was filed with BSA in April but was disapproved by CB 10, and the last application was filed with BSA in June but has not yet reached CB 10 for a vote. These are within the R2 zoning district of CD 10.

There are several sections of the Zoning Resolution that establish precedent for vesting when adoption of zoning text and/or map changes would otherwise preclude the completion of construction pursuant to a lawfully issued building permit. These sections should be taken into consideration should it be deemed appropriate to include a vesting provision as part of the CB 10 requested text amendment.

Though ZR 11-331 provides the right to complete construction, this provision is not even likely to help the property owner with the BSA approval. This vesting standard requires for the foundation to be completed as long as a building permit has been lawfully issued prior to the effective date of an applicable amendment, and all work on foundations being completed prior to such effective date. In the event that such required foundations have been commenced but not completed before such effective date, the building permit automatically lapses on the effective date and the right to continue construction terminates. An application to renew the building permit may be made to BSA not more than 30 days after the lapse of such building permit. BSA may renew the building permit and authorize an extension of time limited to one term of no more than six months to permit the completion of the required foundations, provided that BSA finds that, on the date the building permit lapsed, excavation had been completed and substantial progress had been made on foundations.

ZR 11-332 provides an extension of the time period to complete construction where a certificate of occupancy or a temporary certificate of occupancy had not been issued within two years after the effective date of any applicable amendment. It also provides an opportunity to complete construction that has not been completed on the effective date of any applicable amendment. BSA may renew such a building permit for two terms of not more than two years each for a minor development. In granting such an extension, BSA shall find that substantial construction has been completed and substantial expenditures made, subsequent to the granting of the permit, for work required by any applicable law for the use or development of the property pursuant to the permit.

ZR 11-333 provides residential developments with building permits issued on or before the effective date of an amendment, provided the foundation has been completed though a certificate of occupancy had not been issued within two years. This vesting allows construction to continue up to four years for a minor development, provided the commissioner of the New York City Department of Buildings (DOB) determines that 30 percent of the floor area of the minor development was roofed and enclosed by walls within two years of the effective date.

ZR 11-335, provides for lawfully-issued building permits for other construction in R1-2A and R2A districts, to permit construction to continue, provided that the DOB determines that all of the requisite structural framing to perform the work authorized under the permit was completed on or before the date establishing the district. If the DOB commissioner determined that such framing was not completed on such date, the provisions of paragraph (a) of Section 11-332 were applied.

Borough President Adams supports CB 10 for taking the initiative for self-determination of whether ZR 73-622 *Enlargements of single- and two-family detached and semi-detached residences*, should remain applicable within CD 10. As for the four property owners in various states of seeking enlargements pursuant to the special permit, he understands that consideration will be given by Council Member Gentile in consultation with CD 10 to determine to what extent, if any, vesting language might be incorporated in the determination made by the City Council. He believes that should vesting language be incorporated, established standards contained in these vesting sections should be given consideration to ensure that the right to construct is not open-ended and that there are mechanisms for relief if certain milestones are not met.

Borough President Adams also acknowledges the concerns stated at his public hearing regarding the ongoing illegal conversions of one- and two-family homes into SROs. This has been an ongoing issue elsewhere in Brooklyn. Borough President Adams, with support of Council Member Gentile, Council Member Jumaane D. Williams, chair of the Committee on Housing and Buildings, and Council Member Barry S. Grodenchik, introduced a bill on July 14, 2016 to increase the penalties for aggravated illegal conversions to three or more illegal dwelling units being created within one structure. The bill was developed in response to conditions that threaten the safety of occupants and neighbors, such as a November 2014 fire in an illegal unit above a Flatbush church, which killed an individual and injured 16 others while destroying the building. To prevent such incidents in the future, the proposed measure would establish a fine of at least \$45,000 for aggravated illegal conversions — \$15,000 for each unit — and expand the authority of the DOB and the New York City Environmental Control Board (ECB) to inspect properties and impose fines and other penalties. The bill is expected to make the City Council hearing agenda early this fall.

Recommendation

Be it resolved that the Borough President of Brooklyn, pursuant to section 201 of the New York City Charter, recommends that the City Planning Commission and City Council approve this application.



Community Board Ten

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JAYNEMARIE CAPETANAKIS
Secretary
SANDY VALLAS
Treasurer

DORIS N. CRUZ
Chair
JOSEPHINE BECKMANN
District Manager

July 15, 2016

Mr. Carl Weisbrod
Director
New York City Planning Commission
22 Reade Street
New York, NY 10007

Re: N160377ZRK

Dear Mr. Weisbrod:

I am writing today to submit comments pertaining to the above captioned Brooklyn Community Board Ten Text Amendment application seeking to repeal ZR 73-622 from Community District Ten.

A well-publicized and well-attended Public Hearing was held on June 15, 2016. The public notification included a 6,000 piece residential district mailing to those areas in which this section of the Special Permit has been granted in the past. Notices were also sent to local press, community groups, civic organizations, houses of worship, elected officials, prior applicants as well as local real estate brokers, architects and land use attorneys.


Over 100 residents attended the public hearing. I have attached copies of the sign in sheet and copies of submitted testimony as well as a transcript of those who offered verbal remarks at the hearing.

In total there were 19 speakers. 15 spoke in support and 2 spoke in opposition, one speaker asked a question and one took no position. Residents were asked to indicate their position on the sign in sheet and all were in favor except for 5 residents.

The Zoning and Land Use Committee presented its report to the General Board at its duly publicized meeting held on June 20, 2016 following the certification of the text amendment application by the Department of City Planning. The Zoning and Land Use Committee report noted the overwhelming support of all in attendance at the public hearing reaffirming the application made by Community Board Ten. The Chair in agreement with the members of the Board decided to submit all public testimony to the Department of City Planning to demonstrate the overwhelming community support for Community Board Ten's application.

In light of the above, I look forward to the continuation of the public review of application N160377ZRK – CB10 Text Amendment, Special Permit 73-622.

Sincerely


Doris N. Cruz
Chairperson

Enc.

cc: Council Member Gentile

ERIC L. ADAMS, BOROUGH PRESIDENT

COMMUNITY BOARD TEN GUESTS

Date: Zoning & Land Use Committee Meeting - 6/15/16

Subject: Application to the Dept. of City Planning proposing a zoning text amendment which would remove CB10 from ZR 73-622, a BSA Special Permit.

PLEASE PROVIDE AS MUCH INFORMATION AS POSSIBLE. THANK YOU.

Name/Address	Contact Phone #(s)	E-Mail Address	Organization/Affiliation
Joseph Tommasi 1369 84th St Eleng Romanos 133 84th St BL NY 11209	718 264 9714 646 296 6428	fiosandemand@gmail.com eromanos24@gmail.com	Home owner
Thomas Ruch 1175 86th St, Brooklyn, NY	718 745-7932	Custom 2002-efrmo@com	Home owner
Florence Rich 1175 86st. Brooklyn, NY.	347-424-5187	Floramas@aol.com	Home owner
LOUISE TUORTO 7225 755th 11228	718-680-0235	L7U411EYATHO.COM	Home owner
Ed Jaworski 1621 E. 28th St.		(coached)@aol.com	Pres., Madison-Marine-Liberalist Civic Assn
Thomas Trombasse	718-833-0231		Home Owner
MICHAEL DAVIS	718 759 0851		HOMEOWNER - BEARER
John Pellegrini Angela Pellegrini 8623 Shore Rd BK 11209	718-680-7695	-	Home Owner
SUSAN ESPUS, MD 1044-79th St. 11228	718-836-6490	MRSUEES10@aol.com	Homeowner

Supp

COMMUNITY BOARD TEN GUESTS

Date: Zoning & Land Use Committee Meeting - 6/15/16

Subject: Application to the Dept. of City Planning proposing a zoning text amendment which would remove CB10 from ZR 73-622, a BSA Special Permit.

PLEASE PROVIDE AS MUCH INFORMATION AS POSSIBLE. THANK YOU.

Name/Address	Contact Phone #(s)	E-Mail Address	Organization/Affiliation
Mary Jane Lavoche 7504-12 th Ave Brooklyn 11228			
Rocco Coluccio 1166 77 th St Brooklyn N.Y. 11228		roccocoluccio@verizon.net	
Maryanne Kozak 4645 81 st Bldg 11209		majaant@aol.com	
Nicholas Lin 7503 Fort Hamilton Pkwy BK NY		nicklinbent@gmail.com	
Wendy Zhang 7503 Fort Hamilton Hwy Pkwy BK NY			
Wesley Reid 1018 80 th St 11228		WESLEYREID@AOL.COM	
Nancy Nolan 1351-83 St		Nanssee7@aol.com	
Franz Monferato 1211-86 th St + 145 th St Brooklyn NY 11228		FMonferat@AOL.COM	
Adelma Bolic 1192 82 nd St Bldg 24 11228			
Saverio Khan 121 80 th St, Brooklyn 11209			

Sup/opp

2-11

COMMUNITY BOARD TEN GUESTS

Date: Zoning & Land Use Committee Meeting - 6/15/16

Subject: Application to the Dept. of City Planning proposing a zoning text amendment which would remove CB10 from ZR 73-622, a BSA Special Permit.

PLEASE PROVIDE AS MUCH INFORMATION AS POSSIBLE. THANK YOU.

Name/Address	Contact Phone #(s)	E-Mail Address	Organization/Affiliation	Support/Con
JUDITH BENNIN 1122-785T Apollonia, NY 11229	718-833-6498	Rebecca6890@aol.com		Support
LINDA RUTER PDI 1221 1240-815T Riviera NY 11228	718-745-2655			
Tom Volk Mingo			Dyckhoff's Circle	
AUGUST LEWZ	(718) 238-5973			
CAROL LENZ	(718) 238-4913			
VINCENT BORTCHIDO	(718) 238-1532		PARP	
TERESA Tamburini	347-524-2203			
RICHARD BARRY	718-238-7156	rbarry12@ny.rr.com		
JOE GIUNTA	718-236-1109	GIUNTA@AOL.COM		
KIRK TZANIDES	212 883-0004	kt@tzanideslaw.com		

COMMUNITY BOARD

Date: Zoning & Land Use Committee Meeting - 6/15/16

Subject: Application to the Dept. of City Planning proposing a zoning text amendment which would remove CB10 from ZR 73-622, a BSA Special Permit.

PLEASE PROVIDE AS MUCH INFORMATION AS POSSIBLE. THANK YOU.

Name/Address	Contact Phone #(s)	E-Mail Address	Organization/Affiliation	
MICHAEL CUNNINGHAM 645-90th ST. BRLIN NY 11228	917-796-5234	MC157@bellsouth.com		S
MISTEN FINNIN 112-5851 FARGO-LELANT BERRY LEX WAG 701 SRA 7A 1164-85-5th	718-608813	—	damian.ta@yahoo.com	?
Dom Moravelli 1142 75th St				0
Ralph Stoffolmo Stoffolmo	718-288-6660	stiffolmojr999@aol.com		0
Marina Stoffolmo		stiffolmojr@aol.com		S
Peter Syrdahl	718-680-4776			S
Peter Maiorano 1251 85th St	718 680-6573			
Dale Lin 7501 Fort Hamilton Pkwy BK NY	646-673-7065			

15/0

COMMUNITY BOARD TEN GUESTS

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Name/Address	Contact Phone #(s)	E-Mail Address	Organization/Affiliation
SILVIA PAGANELLI 14 80th ST Bklyn NY 11209	347-495-2831	Silvia1480SP@gmail.com	
Anita N6 1159 80th St Bklyn NY 11228	917-579818	anitag@tiffixwhs.com	
Nicole Smith 918 Bay Ridge Pkwy Grace Design 1306 85th St Bklyn NY	in support 917-922-7244 in support		
Thomas Design 1306 85th St Brooklyn	718-837-7648 IN Support		
Robin WINTORAN 1104-79st Brooklyn NY	718 748-6817		S
Lydia Martorano 1104 79th St 11228	718-748-6817	thehappyhaven@aol.com	S
Diana Kowal 637 1st Ave Bklyn	718 625-5000	blueribbon500@aol.com	S
Olga Nadezda 1420-53 st Bklyn	718-331-5448	EDR704@optimum.net	
Margaret Morales 1031-80th 11228	718-238-1835		

COMMUNITY BOARD TEN GUESTS

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Name/Address	Contact Phone #(s)	E-Mail Address	Organization/Affiliation
Lorene Bottins 1369-84th	718-833-4248		
Marcela Bravo 1153 73rd St.	(918)921-4855		
Mave Bartolomeo 1153 73 St. BONNIE MATHEWSON 858-71ST BLDG BY 11228	(718)921-4855		
Jeanine Barolo 861-71st St BLVD BY 11228	718-249-5071		
Pietra Vitale 1137th St 1137th St BY 11228	917 842 2958		
Helena Koutsouvas 7603 11Ave 2 KLV BY 11228	718 921-0669		
ANNEA VICONE 1524 84th STREET BROOKLYN NY 11228	718 833 2148		
Judith Diegner 6732 Ridge Blvd.	917 687-1950		
Euro-Edito 6939 Ridge Blvd	718-745-1876		
	1209	718 745-5443	

COMMUNITY BOARD LEADERS

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PLEASE PROVIDE AS MUCH INFORMATION AS POSSIBLE. THANK YOU.
 Name/Address Contact Phone #(s) E-Mail Address Organization/Affiliation

A. BERGAMINI-8118-10 Ave	718-833-3596		
M MAZZONE 8116-10 AVE TH	718 836-8187		
M. Spelman 1339-79 St	918-232-4236		
T. Meca: 904 06 TH ST	918-238-6604	Tankarom@aol.com	
Christopher Giannotta Brooklyn NY 975 76 th Street 11228 U.S.A.	1-917-754-9206	JurassicGenesis@AOL.COM	
KAPLINS & GRACE Phillips Brooklyn NY 965 76 th Street 11228	917 825 4552	gisisona@verizon.net	
ROSE MARIE BORG 648-90 STREET 11228-3535	718 748-5869	RMBMESSAGECENTER@aol.com	
Victoria Hofme 7801-4th Ave Bklyn NY 11201	718-748-5958 718-833-9350	Victoria Hofme 10 Armat.com Ilandis2@ny. com	
Chris Warren 344 Duynhoven Ave Cynthia Bottoms 1369-84 ST 814 th St, NY 11228		mm@ mde@barn.17@verizon.net	

COMMUNITY BOARD TEN GUESTS

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 Contact Phone #(s) E-Mail Address

Organization/Affiliation

Name/Address	Contact Phone #(s)	E-Mail Address	Organization/Affiliation
Lisette Quintana 812 71st Street	911-741-2960	Lisette529@aol.com	
Laura Garrettsen 8911 Napaesus Ave Bldg 1	718-748-4657		
David Bellan Tonio 1742 Hudson Bldg	718- 833-2557		
ELIE JENSEN 4665 COLONIAL RD, APT. 5-C BROOKLYN NY	718 491-2099		
LINDA HOBBS 8911 Napaesus Ave	917-647-6107		
Dante Mard & ERNIE 1067 79 St	718-648-0322	MAXHFO@AOL.COM	
Rudolph A. SALA 1217 79th Street	718-836-7471	RudySalas@aol.com	
Ann-Rita 1152 82 St	1-718-833-4178		
JOSEPH CRIVANNA 985 76 St	718-680-4410		
MUGELA SAELO 7802 10 Ave	718-745-4066		

COMMUNITY BOARD LEADERS

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Subject: Application to the Dept. of City Planning proposing a zoning text amendment which would remove CR10 from ZR 73-622, a BSA Special Permit.

S/O

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Name/Address	Contact Phone #(s)	E-Mail Address	Organization/Affiliation
Eleanor St. 31-79 Bklyn ny 11209	718-836-0360	EWilson 11209@yahoo.com	
Raymond & Angela & Steven 924 Ave A Ste 1128	646-546-8651	Raymond@com	
MARCELA & MARC BRANO 1153 73 ST. BARTOLOMEO	(718)921-4855	IN SUPPORT	OF.

S

ZALUC Meeting 6/15/16
Report on Repeal of ZR#73-622 in CB10 - Board 10 Application

Public Comment on the Application

Introductions *phone*

SAH - Chair Pro Tem (Explain Ann's absence)
Brian Kieran Board Chair
Josephine Beckmann - District Mgr.

Council Member Vincent Gentile
(other dignitaries)

phone

Background

I want to welcome all the members of the public who are here to provide comments on Community Board Ten's pending application for a text change to the City's Zoning Resolution whereby the Special Permit in section 73-622, allowing a particular kind of enlargement of one and two family attached and detached homes, will no longer apply to our district.

Before we proceed a few comments from the Board are necessary to explain where we are in the procedure *and how we will proceed tonight.*

Generally, there are a lot of legal procedures that can be used to propose changes to the City's zoning resolution. These range from ~~the~~ applications for text and map changes to the zoning law itself - changes that will affect large parts of the entire City or the entire City itself, to applications for a zoning variance or special permit usually made by individual owners who are seeking relief from zoning restrictions on one lot because of special circumstances.

The applications for changes to the zoning law itself are usually made by the City itself, through the City Planning Commission or by City agencies like the Community Boards. But applications to change the law actually can be made by just about anyone - developers, corporations, individuals etc. Ultimately these changes must be submitted to the City Council to be passed by means of a bill passed into law.

On the other hand variances and special permits are gained by procedures already written into the existing law. To get one of these you only have to meet the requirements of the existing law and get the application approved by the Board of Standards and Appeals, which is the body that judges the adequacy of any such requests.

In the matter before us tonight, the applicant to eliminate the Special Permit in question IS Community Board 10. The Board has already discussed, voted on and submitted the application. It is already before the City Planning Commission.

The Board's decision to submit the application is based on 13 years of study and experience with the Special Permit and how it has been handled by the Board of Standards and Appeals. 13 years ago the Board adopted a planning document called "The Case for Preservation Zoning". That document was the blueprint for our down zoning passed in 2003, a down zoning that has been hailed and supported across the City. In that document this Board took a stand in opposition to this Special Permit because it essentially nullifies the zoning that we so carefully crafted for our community, a zoning plan that was supported by every elected official at the time. Since then the Board has continually and repeatedly expressed its opposition to the Special Permit procedure. Even in those cases where the Board approved applications made by homeowners pursuant that Special Permit we have repeatedly stated our general opposition to the availability of the Special Permit in our District. There is nothing new about our Board's ardent opposition to the Special Permit.

One thing that is common to all applications ^{concerning} for ~~change of, or relief~~ from, zoning laws is the legal requirement that the proposed change, large or small be presented to any locally affected Community Board for a public hearing and a subsequent vote. The purpose is to give neighbors and the general public an opportunity to comment on the proposed change. For example every application that has ever been made under the Special Permit in question has been the subject of a Public Hearing just like the one tonight.

But there is a significant difference in tonight's public hearing. The City Planning Commission ^{referred} did refer the application back to us for a hearing because that's the mandatory legal process. But because Community Board 10 is the actual applicant there will be no further vote by our Board after the hearing.

Instead your comments are being recorded and the recording and a synopsis of comments will be forwarded to the Department of City Planning for consideration. Additionally you should know that the Department of City Planning will also conduct a public hearing in the future at which point you will again be invited to appear ^{and} comment.

In a few minutes I will call people to the comment table. I ask commentators to line up in the order that I call your name. Each person will be limited to _____ minutes, a limit that will be strictly enforced, so please adjust accordingly.

But before we do that I will ask Council member Gentile who has been an ardent supporter of this change to say a few words.

After that our District Manager, Josephone Beckmann, will make a power point presentation on the history and effect of the Special Permit in question.

Council member Gentile

District Manager Beckmann

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Respectfully Submitted
Shirley A. Allen

Public Comments:

- 1. Richard Barry: (Question)** *How long will this process take for this to be approved?* Right now it's in the Community Board process, so we have 45 days to get back to Department of City Planning. The Department of City Planning takes comments from Borough President. City Planning will hold a hearing where the public can testify. Then it goes to the City Council. (Several Months)
- 2. State Senator Golden Statement:** See Attached
- 3. Council Member Vincent Gentile Statement:** See Attached
- 4. Jeannine Bardo: (Supports)** Thank you for hard work. Most of her block has been illegally converted (hotels, SROs, multiple dwellings). Hopes that this application help to maintain community character.
- 5. Jordan Most: (Against)** Represent a number of special permit applicants over the years. Point out that the notion of illegal conversion, which is not really what this is about- when people talk enormous excavations, SROs, multifamily. When you look at map with the red and green dots in Dyker Heights and farther west- to characterize this as destroying the fabric is that the special permit is not doing that. The special permit more frequently used on smaller lots. Other mechanism to enlarge homes, the

variance is a very difficult and cumbersome to enlarge a single family home. You need to have very special conditions to use it. The other option 10% special permit (add 10% floor area to your house). Which generally, CD 10 has older homes which is why the Special Permit was created to modernize and update homes. [Requests CB 10 consider a grandfathering provision.]

6. **Cynthia Bottoms: (Supports)** Lived in this neighborhood entire life and does not believe development should be to the point where it infringes on others' rights. As far as grandfathering applications in, she is sorry, but if language is written allowing a small enlargement, and then BSA is overriding that language, then something is wrong. It doesn't sound right. Applications should not be grandfathered. Language must be clear.
7. **Eleny Romanos, 133 84th Street: (Against)** She and her husband grew up in Bay Ridge and their families live here. They bought a small one family home five years ago, and they have a growing family. They are planning a modest extension of less than 200 sq. feet to the back of the home, enclosing the 2nd floor back porch and not alter the character of the block. She believes this was the original intent for use of the special permit. Their plan was put on hold for financial reasons, and they are now in a position to move forward. The plan now would only hurt the families the Community Board serves. She implores the Community Board to leave a modest allowance in the

special permit for the hard working families and return with a proposal that would limit use of the special permit for anyone expanding beyond the initial intent or spirit of the special permit. [She respectfully requests that this text amendment and special permit allowance be reconsidered.]

8. **Chris Ikaris: (Supports)** Is a lifetime resident of Bay Ridge and has seen changes over time, not all for the better. He understands that the Special Permit was introduced for modest expansions allowing families to remain in place. He is concerned with regard to real estate speculation, property flipping and making a quick buck. He has seen how overbuilding artificially inflates the real estate market and the detrimental effect it has, not only on Bay Ridge but many neighborhoods throughout the city. It creates the incentive for alterations to “keep up with the Joneses’ “. The process is clearly being abused and the result is out of character development. About 20 years ago when Community Board 10 opted into the Special Permit, they reasonably believed that the BSA who grants the permits would not issue permits that would essentially alter the character of the neighborhood. Since then we have seen BSA approve various inappropriate expansions. The process is clearly abused and the result is overbuilding. Change is inevitable but this process is being abused. Therefore it should be rescinded.

- 9. Judith Biegner: (Supports)** Ridge Blvd. and 77th Street a beautiful corner house was demolished 5 years ago and the property became such an eyesore with a wooden fence all the way around. Explained that she disagrees with tearing down homes and being able to expand beyond zoning.
- 10. Brian Walsh: (Supports)** He is a lifelong Bay Ridge resident and homeowner who considers his home his greatest asset. He supports the text amendment. The way this zoning resolution is written, almost any homeowner can find themselves in this situation. A neighbor can apply for a special permit to overbuild his house and there is nothing you could do about it. You could write letters to the Board of Standards and Appeals, you could attend Public Hearings to voice your opposition, but in the end the permit will be issued. He states this with confidence since he has experienced it personally. When the permit is approved, it is a matter of time before you find yourself living next to an overbuilt eyesore which will not only limit your quality of life but will possibly diminish your property value. As homeowners we have hazard insurance to protect us from an unexpected calamity, if this legislation is passed, it will protect us from the unfortunate experience of having your neighbor's house receive a special permit and become overbuilt. I urge everyone to protect their investment and support this text amendment.

11. Fran Vella-Marrone, Dyker Heights Civic Association:
(Supports) We've heard much testimony this evening and we should take all into consideration. As president of the Dyker Heights Civic Association, we support the Community Board's application. Dyker Heights Civic Association supports the removal of the Special Permit from CB 10. About 10 years ago, we worked very closely with the Community Board and with the Councilman on the downzoning of Dyker Heights. We worked to change the zoning to reflect what we wanted to see in this community, to stop overdevelopment and stop the growing density, and to keep the character the way we wanted to see it in this community of Dyker Heights and Bay Ridge. It was wonderful. While the special permit was put into use with good intentions, and she knows there are some people who use it the correct way, there have been many applications that the Board supported. But there are also many applications that the Board did not support because they were out of character with the community and would add density and change the zoning that we put into place. These applications would be passed by the BSA and the whole issue of community character was never defined, it was interpretation. We obviously know what the character of our community is, but the BSA does not take that into consideration. They just blindly rubber stamped everything disregarding what we had said. I feel this is important, I know there are some people out there who feel it is important for them to expand, but there are other ways. To say that variances do not get approved is

not accurate. She added that she has served on the Board, and we did approve and make recommendations on variances. There were even some that we did not approve, but they did get approved. And there is a citywide special permit that does get approved. She also added that this does affect illegal conversions, because you saw some examples of homes that were being used illegally, and what happened? They used the special permit to legalize what they had going on there. So it does have something to do with illegal conversions and it will help to stem that tide. She knows that the Councilman has worked very hard on legislation to help that fight, but this does have something to do with illegal conversions. This is important, the Community Board is doing the right thing, they have worked on it for a number of years, and finally it is coming to a point where they are presenting it to the city. I think it is great and on behalf of the Dyker Heights Civic Association, we support you.

12. Bob Casara: Comments attached.

Ann Falutico: CB 10 ZALUC Chair stated that it would speak volumes if guests could indicate on the sign in sheet on the way out of the meeting tonight whether they are in support or opposition of this proposal, to get a consensus of those present.

13. Victoria Hofmo, founder of Bay Ridge Conservancy:
(Supports) See Attached

14. Ed Jaworski, Madison Homecrest Civic Association:

(Supports) He had two questions - How do you bring about new zoning when you can't enforce existing zoning regulations, and there's over \$700 million outstanding DOB fines out there that cannot be collected. Why is that? The answer at a town hall meeting a few weeks ago was that those fines are being written off and deemed uncollectible. He has written a letter to all City Council Members asking to define the special character of a neighborhood. Has asked his Council Member to contact Community Board 10 and CM Gentile to see if CB 15 can piggy back to repeal the special permit also. CB 15 has rubber stamped hundreds of these special permits which change the neighborhood character and there are 455 active Stop Work Orders that have been issued within CB 15. As far as other abuse of this special permit, an analysis of demolitions shows 3 demolitions before the special permit came into being in CB 15, in 1998 after the special permit was available there were 41 demolitions. In 1993 CB 10 had 2 demolitions. In 1998 after the special permit, there were 22 demolitions – well over ten times. As far as abuse of the special permit and the outstanding fines, the BSA does not follow the rules. A letter from the Chair of City Planning in 1999 suggesting the rejection of a special permit that was outside the perimeters of the guidelines sent to the Chair of BSA was referenced. BSA ignored the letter. He continued, stating that at the very least that neighborhood character must be defined. In the city

environmental quality of review technical manual there's an entire chapter on neighborhood character.

Neighborhood character is an amalgam of very eldest and new neighborhoods and their distinct personalities. What he has seen happen at hundreds of hours spent at BSA is that land use attorneys bully the BSA into accepting a one dimensional definition of the term "character." Does anyone here believe that character is defined by how much they weigh or their height? That's what land use attorneys have done – bullied the BSA into accepting a one dimensional definition of character.

He concluded that he supports CB 10 and hopes that his Council Member will work together with us. He hopes that CM Gentile can convince the NYC Council to tell DCP that they must define the term "neighborhood character." It can be done.

- 15. Susan Pulaski: (Supports)** She is a real estate agent and her experience is that people come to look at the housing stock in our neighborhood when they want to buy something. They come to look because they like the neighborhood and they start telling her they plan to bump this out, dig down here, expand this and she tells them they must follow the rules and get permission. They speak of the special permit and tell her that as the homeowner they can get what they want. She also mentions that they have neighbors and a whole community and that what they do to the house impacts the beauty of the whole neighborhood in which they are planning on buying. What she is told is that they don't care about what the house

looks like because they live inside the house and they don't see it when they are inside. They don't care what the neighbors look at or how it impacts them. Their whole concern is the square footage they are living in. That does not make good neighbors.

16. Joanne Seminara: (Supports) Zoning is a difficult issue, that we have been studying for many years and it is not easy. As Bay Ridgeites we have a long history of protecting our zoning. In 1977 our forbearers decided that we should have our own chapter in the Zoning Resolution. The Zoning Resolution is the law that dictates what you could do and where in the city of New York. We are within our own Bay Ridge Special District. In 1977 after a lot of work of many people in this CB they decided that Bay Ridge is special and we should protect the built character. They decided that most of Bay Ridge should remain low rise, except for certain sections like on 4th Avenue and Ridge Blvd., so the height limit should remain at 32 feet. They fought for zoning because they wanted height limits, they wanted street trees, because they wanted light and air, because they wanted backyards. They wanted to keep the fabric of this community, upon which we built our lives, consistent, beautiful, calm, and kind of an oasis in a crazy city where we could come and raise our families and live in somewhat peaceful conditions in the built condition. So our forbearers presented this and argued this to the city so that we would have this lovely neighborhood with consistent blocks where the homes

look like each other whether attached or not. We have this fabric that we have enjoyed for many years. So we try to work with that history – we think about how it will affect the character, we think about that bump out in the back, how it will affect the neighbors. We invite the neighbors to tell us what they think, if it's okay. This is something that has been abused because people are asking for 38%, 40% more floor area and there is no limit. We thought we could protect community character with that wonderful phrase, but our opinion is not respected, not for 20 years. So now we are asking to take this back and be consistent with what we tried to do. We think it's important. We are trying to protect the built conditions in our neighborhood. There are and should be exceptions to be made, but this is an exception without a roof and we want to have a limit on that within this Community Board who has always stood up.

17. **Doris Cruz: (Supports)** Addressed an earlier comment made this evening that we need more time. She stated that people familiar with the Board may be aware that we are on record four times since 2013 requesting removal of Community Board 10 from the special permit process. Anyone familiar with the Board should know that this is a comment that comes up every time there is a vote on the special permit and it is time for us to act now.
18. **Dean Rasinya: (Supports)** Referred to his first go-around with zoning in CB 10 about 20 years ago when

developers wanted to build around Narrows Avenue, the infamous UA Lot. We formed a group to fight that development and throughout the whole thing the developer kept repeating that he would have to build beyond the zoning or he would not make money. In the end, because of community input, the developer built exactly within zoning and he made plenty of money. His point was that developers and attorneys care about the money, they do not care about the community. He asked for a show of hands from those present, how many support the Community Board on this proposal, and the response was overwhelming. A show of hands of how many opposed the Community Board proposal revealed only a handful of those in opposition.

19. **Steve Harrison: (Supports)** Commented about Jury Nullification – which is how a jury has to decide a case. Despite all that the jury is given, they have to come back with a verdict in the case. What he sees with this proposal is something like “zoning nullification.” We have the best zoning probably in the city of New York because we really work at it. There was an extreme amount of time and effort that went into the current zoning . We have the Bay Ridge Special District which was wonderful for a time, but then we looked at it, worked on it and improved it. As far as he is concerned, our Board is very good at it. But when you have one thing like this in the snap of a finger it can change everything. When you buy a house on a beautiful block and the house next to you comes along and decides

they want 30 or 40% more, and they figure out a way to put it in, it can ruin everything. We know what community character means and when that cannot save us at the Board of Standards and Appeals, then we have zoning nullification. I do not want, and I don't think anyone here wants, zoning nullification. What we want is good zoning, good people, and we want them to be able to grow in place with appropriate regard for their neighbors and the community.

Marty Golden

June 15 at 3:29pm ·

STATEMENT BY SENATOR GOLDEN ON COMMUNITY BOARD 10 ZONING PROPOSAL ZR 73-622

Community Board 10 has raised some very serious concerns about the ZR Section 73-622. It is the Board's feeling that the Special Permit provision's use has deviated from the original intent: rather than allowing families to make modest expansions to their homes, the Board has concluded that the applications in this district have not been consistent with the intent.

The Board's findings merit serious discussion. Unfortunately, scheduling this public hearing for June means that many area residents will probably not be able to attend, express their opinions, or even be aware of this proposal, since this is a time of the year when many in our community are busy with end of school activities or planning for the summer.

An ideal scenario would have been for the Board to make this proposal public now; allow for discussion throughout the summer, and then hold this hearing in the fall. However, this cannot take place since the Board has already made application to the Board of Standards and Appeals, which starts the period for consideration.

Given this circumstance, I would ask that the Community Board recommend that there be an allowance for applications before the BSA prior to the implementation of this change. This would give those homeowners who were not aware of the special permit process one last opportunity to expand their homes in order to remain in the community.

Council Member Vincent Gentile, June 15, 2016
Community Board 10 Public Hearing
Special Permit Pursuant to ZR 73-622 Zoning Regulations

- History + Justification- 1997
 - “grow in place” for longtime homeowners of detached one + two family homes.
- During the 2005 Downzoning & 2007 downzoning ZR 73-622 was kept in
- Special Permit as used in reality by
 - Investors
 - New buyers of property within CB10 to add bulk immediately
- Position of BSA
 - “essential character” in evaluation- not defined
 - Given that CB10 was one of 4 CBs to ask for this special permit- BSA gives approval despite arguments against for every application since 1997
- Character of Community- Done over and over tight pattern areas like Dyker Heights
 - No recourse for Community short of rescinding special permit for CB10
- Brings us to this application pursuant to reaffirmation of the vote of the CB10 Board in December of 2015 to call for the removal of CB10 from the Special Permit
- Removal does not preclude or cut off request or plans for future enlargements of property
 - We still want families to grow in place
- Does it foreclose of stop all enlargements? NO! Disingenuous! Several ways would still be available:
 - Usable FAR under current zoning? “As of Right”
 - File for zoning variance for enlargement
 - Requires more public review + input but still a process that can work!
 - Citywide Special Permit Process- allows 10% expansion FAR

Prudent and necessary step we are taking

- To preserve the downzoning of 2005 + 2007
- To preserve/ further erode the contextual character of neighborhood
- Stop the abuse of what started out as a well-intentioned benefit of the zoning law

Now- When this application gets to the City Council for my review and vote of the entire Council, I’ll “consider” adding in a provision that would “grandfather” in a pending Special Permit application based upon the date of the application- if we can agree on date certain.

I fully support this effort and applaud CB10 for moving forward.

Special Permit ZR Section 73-622 Hearing

Knights of Columbus

June 15, 2016

By

Bob Cassara

I am Bob Cassara, a life-long resident of Bay Ridge/Dyker Heights and I am opposed to the Special Permit ZR Section 73-622.

This community has its Zoning set up to protect the character and charm of our community. In the early 2000s the Community Board, along with its elected officials pushed for and got the City to down-zone CB10 because of the as-of-right abuses we saw happening in our community, such as single family homes being torn down and replaced with much larger out of scale and character multi-family buildings. We came to a compromise with the City and most of our community was down-zoned with the exception of certain corridors along 4th Avenue and perhaps some other areas. Those areas were allowed to increase the height of buildings.

Based on what I have been told, there have not been many requests for and permission given to increase the size of buildings in our community by the Community Board. "In fact the Board of Standards and Appeals approved all applications despite instances where Community Board Ten members raised objections that the expansion projects did not conform to the intentions of the statute and adversely affected community character." In many cases ZR 73-622 Permit applications that were approved, the result is that it doesn't reflect the initial intent of the special permit but resulted in many enlargement applications for luxury expansions, speculative purchases or legalizations. This has happened big time in other areas, such as Manhattan Beach and Madison Marine Homecrest covered by Community Board 15 where this special permit also applies. It has completely change the neighborhood character.

Times are changing even further. Our community is now under siege by unscrupulous developers and investors who are illegally converting our predominantly one and two family residences into SROs. This in turn is causing overcrowding of our schools (170%), health hazards, strains on our sanitation services and risks to our first responders. These developers are illegally converting them under our very noses and those of the Department of Buildings. The DOB should be preventing this illegal behavior but they and other city agencies are unable or unwilling to stop it. If left unchecked, in time it will break our zoning. The developers/investors will seek to enlarge their property in order to make SROs that contain even more units. I fear that the Special Permit ZR Section 73-622 will only give these opportunists more of an incentive to cause destruction to our community, thus changing the very character of our community and eliminate the reasons why so many of us, for so long, have called this place home. Once the tipping point is reached, our community will be changed forever and will not be a place that any of us recognize or wish to continue to live in.

Not only do I call for the Special Permit 73-622 to be rescinded but I also call on the Department of Buildings to stop issuing any new Type II building permits in our community until the building codes can be changed to prevent any further destruction of our housing stock. ~~Special Permit 73-622 is not rescinded,~~

~~Special Permit 73-622 is not rescinded,~~

Thank You,

Bob Cassara

President and Founder of the Brooklyn Housing Preservation Alliance

Re: testimony

Victoria Hofmo [victoriahofmo1@gmail.com]

Sent: Thursday, July 07, 2016 3:06 PM**To:** Garuccio, Dorothy (CB)

On Wed, Jun 15, 2016 at 1:57 PM, Victoria Hofmo <victoriahofmo1@gmail.com> wrote:

**The Bay Ridge Conservancy**

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I am Victoria Hofmo, Founder of The Bay Ridge Conservancy. As to revoking the Special Permit in Community District 10, all I can say is Alleluia - It's a about time.

In 1997, when the New York City Planning Department offered each community district to vote on a Special Permit text amendment, I spoke out in opposition. The Board's intentions were good, as they wanted residents to be able to make minor alterations, such as bumping out a kitchen and to encourage homeowner stability.

However, I cautioned against it on behalf of the BRC, as we were concerned about how it would be misused. As we feared, the implementation was entirely different than what the community had been told. Since that time, the BRC has been trying to have the Special Permit revoked.

I have been at the Board of Standards and Appeals at least 6 times trying to prevent onerous construction projects, that far exceed minor alterations and have instead changed the entire shape, bulk and materials of a home, as well as the context of a block. One can only object to proposed alterations in terms of the criteria set by the zoning resolution, which is solely based on character inappropriateness. I took many photographs to prove the point. However, the BSA has not defined character and therefore always voted in favor of the applicant.

The last time, I went to testify at the BSA, in 2013, it was on behalf of Mrs. Walsh. Councilman Gentile, CB10 Chair, Josephine Beckman and many residents were their to support Mrs. Walsh.

Unbeknownst to us, there was another group from Dyker Heights, there to testify, against yet another Special Permit application. To our surprise, BSA Chair, Meenakshi Srinivasan suggested that we revoke the Special Permit, (since we kept testifying against the applications). I concur with the Commissioner.

Since the implementation of the Special Permit far exceeds what CB 10 had expected it needs to be revoked. And since the Special Permit is being used in projects that are in conflict with our rezoning, thus weakening our contextual zoning it needs to be revoked. And since the 621 Special Permit already allows for minor alterations, thus fulfilling CB10's original intention for voting for the Special Permit, it needs to be revoked. The Special Permit is not serving our community.

The fact that those trying to stop this revocation are real estate agencies, brokers, developers and attorneys who specialize in projects that break the zoning by utilizing the Special Permit loophole, just validates The Bay Ridge Conservancy's view, as well as the majority of our community, that the Special Permit process is not in the community's best interest and that we should follow the advice of former BSA Commissioner, Meenakshi Srinivasan to revoke it

Victoria Hofmo, President/Founder
The Bay Ridge Conservancy
June 15, 2016

Community Board 10

ZALUC Committee Report

Meeting Date: June 15, 2016, Report Date: June 20, 2016

Good evening zoning fans.

My name is Steve Harrison. I am a member of ZALUC. I recently chaired the meeting of ZALUC that took place on June 15 at the Knights of Columbus Hall at 105 86th Street. The Committee met in quorum. Although ZALUC Chair Ann Falutico was present at the meeting, because of a significant personal commitment Ann was unable to prepare for this meeting and asked me to chair same and to deliver this informational report. There is no vote or recommendation in connection with this report.

The purpose of the meeting was to conduct a public hearing concerning the Board's zoning application to remove CB10 as one of the 4 community districts in the City to which the home enlargement terms of the Special Permit defined by ZR 73-622 *apply*

You may recall that this is the special permit the Board has consistently criticized over the past 13 years as having the potential to nullify our hard won zoning because it has always been granted by the Board of Standards and Appeals regardless of the relevant facts, regardless of the objections of neighbors, regardless of the intent of the special permit and, perhaps most importantly, in complete disregard of the Board's recommendation concerning the proposed development's effect on community character. It was this last factor -our input on community character - that our Board saw as the chief limitation on abuse of the special permit. Because of that the Board voted to be included in the few Boards to which the permit applies. But we were wrong. The BSA did not and does not see the Board's input as a limitation to be observed but as a trifle to be ignored. As a result, with the canny aid of Council Member Vincent Gentile, the Board recently found itself in a position to apply to eliminate the Special Permit's application to our District. Thank you Council member. That application was filed after an arduous effort by DM Jo Beckmann and her intrepid staff. They deserve our thanks and applause.

The ZALUC meeting of June 15 commenced with opening remarks of Chair Brian Kieran to a packed house of interested citizens.

Chair Kieran then turned the podium over to me. In my opening remarks I briefly explained the history of the Special Permit. Most importantly I explained that the meeting was, indeed, a strange public hearing because the body holding the hearing, CB10, was also, ironically, the applicant for the zoning change. And as the applicant we were already on record as favoring the application.

That, however, is how the process works. By law, all land use applications that effect our

District are referred to the Board by either the BSA or City Planning, as the case may be, for a public hearing. Because of that, after our Board submitted this application, it was referred right back to us, as a matter of course for a public hearing.

I also explained that, while the public hearing would not result in any further action by CB10, all comments at the hearing would be forwarded to City Planning for its consideration on the application. I advised that the Board's public hearing served the purpose of allowing a local venue for comments and that a further hearing would take place before the City Planning Commission at a time and place to be announced by the Commission.

I then turned the podium over to Council Member Gentile who carefully explained why both he and CB10 support elimination of this Special Permit in our Community. He explained that despite the claims of some, homes in our community will still be enlarge able under multiple other sections of the Zoning Resolution but those enlargements will be subject to greater oversight and scrutiny and limitations that are less onerous on our community. Importantly, those additional sections give greater voice to the concerns of neighbors and to our Board.

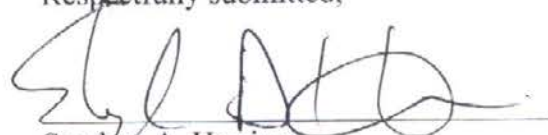
I then introduced General manager Beckmann who gave a Power Point presentation which she and the staff prepared. The presentation clearly showed the history of the Special Permit, the other types of procedures that can be used to enlarge a home, the concentrations of these permits, the number of times CB10 has objected and been ignored and last but not least, some rather egregious examples of enlarged homes under this section showing the significant effects on neighbors who subsequently had to live with these structures. As one later commentator later stated, those who oppose the elimination of the special permit see that as unfair to those who have the money to use this permit, but, in reality its existence is even more unfair to those neighbors whose light and air is affected and who must live with the consequences.

The podium was then turned over to the public hearing. Each witness was given about three minutes to comment.

I will not go through each witness's testimony. Suffice it to say that 13 people testified at the podium. Of those 10 spoke in favor of the Board's application to repeal and 3 spoke in opposition. *10 emails & letters in support. NONE in opposition.*

A count was then taken of the entire array and it was determined that of those present 80 were in favor of the Board's application to repeal the Special Permit and 5 were opposed to the Board's application.

Respectfully submitted,



Stephen A. Harrison