



Westmoreland Association, Inc.

ORGANIZED 1917 & INCORPORATED 1924
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718-224-7256

www.LittleNeck.net/Westmoreland

**Statement of Walter Mugdan,
President, Westmoreland Association
at a New York City Council Hearing on Proposed Amendments
Concerning the Bureau of Standards and Appeals
July 24, 2007**

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The Westmoreland Association, Inc., is a not-for-profit homeowners' association representing the interests of residents in the Westmoreland area of Little Neck, Queens, New York. The area is bounded generally by Northern Boulevard on the south, the Long Island Rail Road on the north, Little Neck Parkway on the west, and Nassau Road on the east. (The Westmoreland development also includes a number of homes located in Great Neck, Nassau County, New York.)

The Westmoreland area was developed starting in 1906 by the Rickert-Finlay Company, (RF) which subdivided the area into blocks and lots. As each lot or group of lots was sold, a number restrictive covenants was included in the deed which would thereafter run with the land. At the present time, some 330 homes are in the Westmoreland area

The Westmoreland Association enthusiastically supports Int. 261/2006 by Council Members Avella, *et al.* This legislation would effectively create an appeals process to the City Council from a decision of the New York City Board of Standards and Appeals (BSA).

It has been the sad experience of the Westmoreland Association that the BSA has, historically, been all too willing to grant the requests of developers for variances from the City's zoning requirements. The granting of a variance should be the rare exception, and not the common outcome of a BSA proceeding.

The subject legislation would allow the City Council – a body of elected representatives – to review a decision of the BSA – a body of appointed officials, not directly responsible to the electorate. We believe this legislation will significantly assist homeowners and homeowners' associations such as the Westmoreland Association by enabling us to ask the Council to review BSA decisions that allow significant deviations from the Council's own duly adopted zoning and planning rules. This appeals process will help to ensure that zoning rules are more faithfully observed, and that the character of neighborhoods protected by those rules is better maintained.

**DANIEL MCCALLA
419 CLERMONT AVENUE
BROOKLYN N.Y. 11238
646-326 3820/ 718-623-8345**

**City Councilmen Melinda Katz
Chairmen - New York City Council Land Use Committee
City Hall
New York , N.Y. 1001**

July 21st 2007

Honorable Councilwomen Katz

My name is Daniel McCalla I am a resident of Fort Green Brooklyn and I am a member of the Four Borough Neighborhood Preservation Alliance and The Clermont Green Avenue Block Association. I am here to testify in support of Intro 261 (Avella) in relation to appeals at the Board of Standards and Appeals. The Board of Standards and Appeals or better known by as the "BSA" is currently a city agency controlled by the Mayor. The primary purpose originally to allow owners to override the Zoning Resolutions for Landowners with financial hardships. However now the BSA is a weapon of choice for Developers and architects who are looking to override the zoning resolution for a zoning district for self imposed financial hardships.

The New York City Council currently has no oversight powers regarding Land use matters conducted at the BSA. I recently attended a general meeting of my Community Board, while discussing a Contextual Zoning application a community board member put in a motion to disapprove a request for a property owner to not be involved in the Contextual Zoning. What bothered me is the Board member thought if the applicant had to go through the BSA, That the Community Boards decision or recommendation would have more weight. Technically Boards only have recommendation power, and some Community Boards recommendations have more weight than others in Brooklyn. During the Summer of 2005 the Chairwomen of CB2 in Brooklyn reminded members that a landowners application was going to the BSA, and the CB2 recommendations are only recommendations. The BSA variance went approved leaving a tower type structure which can be observed from all directions of Clinton Hill and Fort Green

Intro 261 requiring an application to be filled with the City Planning commission and The Speaker of The City Council to be voted on by Council members simply puts in what was left out regarding landuse powers of the Council, with the City Charter change of 1991. I am of the opinion that an unforeseen effect of the dissolution of The Board of Estimates, is the creation of an imperial Mayor, in regards to powers of landuse. This imbalance needs to be addressed

Thank You
Daniel McCalla
Chairmen of State and City Legislation Committee
The Four Borough Neighborhood Preservation Alliance Corporation



TESTIMONY BEFORE THE LAND USE COMMITTEE
of the NEW YORK CITY COUNCIL
IN SUPPORT OF INTRO. 261,

July 24, 2007

Greenwich
Village
Society for
Historic
Preservation

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Good morning members of the City Council. My name is Andrew Berman, and I am the Executive Director of the Greenwich Village Society for Historic Preservation. GVSHP is the largest membership organization in Greenwich Village, NoHo and the East Village, dedicated to historic preservation and sound neighborhood planning. I am here today to testify strongly in support of Intro. 261, which would allow variances and special permits approved by the Board of Standards and Appeals (BSA) to be reviewed by the City Council and approved, modified or disapproved.

Under the current system, decisions of the BSA can only be appealed through the Article 78 process, an expensive process which is extremely burdensome for most members of the public and does not truly afford an opportunity for BSA decisions to be reviewed. Speaking from personal experience, my organization, a membership-supported community-based organization, has never been in a position to be able to file an appeal of a BSA decision, in part because of the expense involved.

As I understand, before the Charter Revision of 1989, the Board of Estimate had the power to review decisions of the BSA. While the City Council inherited most of the Board of Estimate's land use powers, this power appears to have disappeared. The City Council has the power to review special permit decisions by the City Planning Commission, but retains no such power vis-a-vis the BSA.

Such a system leaves this body largely unchecked. Given that it is made entirely of appointees of the Mayor, this would seem to give the Mayor a disproportionate degree of power regarding land use decisions, and to eliminate the necessary checks and balances which are otherwise part of our city's land use governance system.

The need to provide checks and balances to the BSA, and to review its decisions, is more than theoretical. As someone who has testified before the BSA in dozens of cases over the last several years I can tell you that, in my opinion at least, the BSA does grant variances and special permits without meeting the findings required by law. Given that Intro.261 will be limited in its scope to the "sufficiency of evidence," this will allow such decisions of the BSA to be reviewed and when appropriate modified or disapproved, without opening the door to purely subjective determinations or those based entirely upon political pressure.

The neighborhoods represented by GVSHP, which includes Greenwich Village, NoHo, Hudson Square, and the East Village, receive among the highest concentration of variances granted by the Board of Standards and Appeals anywhere in New York City. We have seen how variances can utterly transform a neighborhood's character and scale. Given the incredible power and impact the granting of variances can have, we feel it is especially appropriate and necessary that checks and balances be placed upon the BSA and its decisions be made subject to review by a separate body. I hope that the Council will act expeditiously to enact this legislation, and assist in protecting New York City's neighborhoods' from arbitrary and inappropriate decisions regarding development and neighborhood character. And I would like to thank all the sponsors of this legislation, and most especially Councilmember Avella, for introducing this bill and so vigorously championing this cause.

City Council hearing on Intro. 261/ July 24, 2007
From: Ed Jaworski, Executive Vice President,
Madison-Marine-Homecrest Civic Association
1821 East 28 St., Brooklyn NY 11229

My wife and I were not even familiar with the BSA until about 3 years ago. Now we make regular appearance there regarding Zoning Resolution 73-622, Special Permits. We believe that our presence has made the commissioners aware of our neighborhood's concerns about these special permits, in spite of the fact that our Community Board 15's Zoning Committee openly promotes them in the face of growing opposition. In fact, for the first time since April, BSA now posts on its website the fact that there are new guidelines for 73-622.

ZR73-622 came into being in January 1998 in just 3 ½ community boards in the entire city—all in Brooklyn, one of which voted in December to opt out. Through this past February, statistics from the BSA indicate that it has entertained 241 special permit applications denying just 3.

The text of 73-622 charges BSA with protecting the essential character of neighborhoods. In September 1999, City Planning sent a letter to BSA recommending a permit NOT be granted for a specific property because it violated the law's intent and would change the block's character. The BSA granted it.

I challenge this committee to visit my neighborhood and tell us that the character has not been adversely impacted by a proliferation of McMansions. About 2 years ago, our civic group collected over 1,200 signatures about special permit abuse. It was dismissed by CB15's zoning committee—a member of which is an engineer, who was one of the conceivers of the rule, and who stands in front of the BSA and says: "You've given me these permits before, you have to give me this one." And, the BSA grants it.

People are getting discouraged with the way CB15 and the BSA have allowed the neighborhood to be altered. And, perhaps in fact, that is a goal: encourage the real estate - development folks to force out long-time residents and make room for the 1 million increase in population the Mayor projects. Afterall, the BSA is a Mayoral agency following marching orders.

In 2004, about the time Councilman Avella introduced this 261 measure, the Municipal Arts Society suggested an analysis and mapping of variances and permits. It thought that City Planning and/or the City Council should be a monitor of community character. MAS said a "density alarm" should be sounded if BSA was allowing so much clustering that, in fact, zoning was changing without changing a community's underlying zoning,

Well, that density alarm is ringing so loud in my neighborhood that perhaps I should shout: We need Intro 261 today!

73-60 (7/22/71)

MODIFICATIONS OF BULK REGULATIONS

73-61 (5/13/82)

General Provisions

Subject to the general findings required by Section 73-03 and in accordance with the provisions contained in Sections 73-62 to 73-68 inclusive, the Board of Standards and Appeals shall have the power to permit modification of the *bulk* regulations of this Resolution, and shall have the power to impose appropriate conditions and safeguards thereon.

In the *Special Midtown District*, the powers of the Board to permit modification of the *bulk* regulations are made inapplicable in accordance with the provisions of Section 81-61. (Applicability of Chapter 3 of Article VII).

73-62 (2/26/98)

Modification of Bulk Regulations for Residential Buildings

73-621 (2/26/98)

Enlargement, extension, or conversion of buildings containing residential uses

For a complying or *non-complying* building existing on December 15, 1961, or in R2X, R3, R4 or R5 Districts on June 30, 1989, and containing *residential uses*, the Board of Standards and Appeals may permit an *enlargement*, a conversion or (in the case of a *mixed building*) an *extension*, provided that such *enlargement*, conversion or *extension* shall not create any new *non-compliance* or increase the amount or degree of any existing *non-compliance* except as provided in this Section.

In the districts and for the *buildings* for which an *open space ratio* is required, the *open space ratio* permitted under this Section shall not be less than 90 percent of the *open space ratio* required under the applicable *bulk* regulations set forth in Article II or III of this Resolution. In the districts and for the *buildings* to which a maximum *lot coverage* applies, the maximum *lot coverage* permitted under this Section shall not exceed 110 percent of the maximum *lot coverage* permitted under the applicable *bulk* regulations set forth in Article II or III of this Resolution. In all districts, the *floor area ratio* permitted under this Section shall not exceed the *floor area ratio* permitted under such regulations by more than ten percent. In R2X, R3 or R4 Districts, the additional *floor area* permitted pursuant to this Section may be computed using a base *floor area ratio* including the *floor area* permitted under a sloping roof with a structural headroom between five and eight feet when such space is

Special Permit Law 73-622
73-622 (11/15/00) amended 2000

Enlargements of single- and two-family detached and semi-detached residences

The Board of Standards and Appeals may permit an *enlargement* of a *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;
- †
- †(b) R2 Districts within the area bounded by Avenue I, Nostrand Avenue, Kings Highway, Avenue O and Ocean Avenue, in Community District 14, in the Borough of Brooklyn.

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

- (1) any *enlargement* within a *side yard* shall be limited to an *enlargement* within an existing *non-complying side yard* and such *enlargement* shall not result in a decrease in the existing minimum width of open area between the *building* that is being *enlarged* and the *side lot line*;
- (2) any *enlargement* that is located in a *rear yard* is not located within 20 feet of the *rear lot line*; and
- (3) any *enlargement* resulting in a *non-complying* perimeter wall height shall only be permitted in R2X, R3, R4, R4A and R4-1 Districts, and only where the *enlarged building* is adjacent to a *single- or two-family detached or semi-detached residence* with an existing *non-complying* perimeter wall facing the *street*. The increased height of the perimeter wall of the *enlarged building* shall be equal to or less than the height of the adjacent building's *non-complying* perimeter wall facing the *street*, measured at the lowest point before a setback or pitched roof begins. Above such height, the setback regulations of Section 23-631, paragraph (b), shall continue to apply.

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



BSA NYC BOARD OF STANDARDS AND APPEALS



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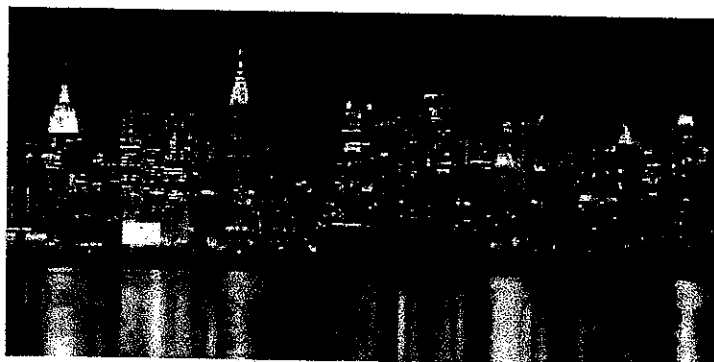
Forms & Instructions

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STREET ADDRESS:
(Example: 123 4th St)

BOROUGH:
Select a Borough

FIND

More Resources

- BSA Decisions
- Dept. of Transportation
- Dept. of City Planning
- Dept. of Environmental Protection
- Dept. of Buildings
- Office of Emergency Management
- Landmarks

✓ **Special Permit for Home Enlargements (ZR §73-622) - New Guidelines for Applicants**

[Click to download New Guidelines \(In .pdf\)](#)

(attached)

Engineer Commissioner Position Available

[Click to download Job Description \(In .pdf\)](#)

Public Hearings & Executive Sessions

Public Hearings are generally held on Tuesdays at 10:00A.M. and 1:30P.M. at 40 Rector Street, 6th floor.

Executive Sessions are held the day before public hearings at 10:00A.M. at 40 Rector Street, 9th floor. The Executive Sessions are open to the public.

Please click on "[Public Hearings](#)" to the left to obtain the calendar.

**Guidelines for Applications for Single-or Two-family Home Enlargements
Special Permits pursuant to Section ZR 73-622**

In order to ensure an efficient and comprehensive review, the following guidelines should be followed for applications for the enlargement of single-or two family homes pursuant to Section 73-622 of the Zoning Resolution. A complete application should include, as detailed below, a thorough written statement, complete set of drawings, and supporting materials, including maps, photographs, charts and tables.

- ✓ The special permit is available for the enlargement of any existing one- or two-family ✓ home within Community Districts 10, 11 and 15 in Brooklyn, and within R2 zoning districts within the area bounded by Avenue I, Nostrand Avenue, Kings Highway, Avenue O and Ocean Avenue, in Community District 14 Brooklyn.

REQUIREMENTS FOR THE STATEMENT OF FACTS AND FINDINGS

Eligibility

✓ The applicant must clearly establish eligibility for the special permit. Specifically, the proposal must involve the enlargement of an existing one- or two-family home. The special permit cannot be used for proposals that would demolish all or substantially all of the walls and floor area of an existing home. ✓ *

Therefore, the written statement must include a description of the following: (1) the amount of existing walls (foundation walls and above-grade walls) to remain and their physical composition (e.g., structure and materials); (2) area and configuration of existing floors and/or joists to remain; and (3) any other existing structures to remain (including roofs, garages, decks and porches).

Waivers

The applicant must clearly identify in the statement the type and degree of the requested waiver. The special permit only allows waivers of the following:

- floor area ratio (FAR)
- open space ratio/lot coverage
- side yards (only extensions of complying or lawful pre-existing non-complying side yards are permitted)
- rear yards (up to 20 feet from the rear lot line)
- perimeter wall (only to the height of a lawful pre-existing non-complying perimeter wall height of an adjacent home)

No new non-compliance may be created as a result of the enlargement, except as to these provisions.

Findings

✓ The applicant must address each finding separately, including a narrative that explains how the proposal will not change the essential character of the neighborhood nor impact the surroundings. ✓

As part of this discussion, the applicant must compare the proposal's floor area, FAR, perimeter wall height, building height (ridge height) and rear yard encroachment in the context of surrounding buildings. ✓

REQUIREMENTS FOR DRAWINGS

All drawings should be on 11" X 17" paper, properly dimensioned, of uniform scale, and signed and sealed by a licensed architect or engineer. A complete set of drawings includes the following:

Existing Building

- Site plan, including a floor area schedule for each existing floor and any attic;
- Cellar plan (as applicable);
- First and second floor plans (as applicable);
- Attic floor plan (as applicable), showing area counting as zoning floor area;
- Two sections (longitudinal and traverse);
- Four elevations.

Proposed Enlargement

✓ Proposed enlargement drawings should identify (1) the portion of the existing buildings to remain, including walls (both foundation and above-grade), floors or floor joists and, if applicable, portions of roof, and (2) proposed new construction. The amount of the elements that will remain should be clearly depicted and dimensioned in all plans, sections and elevations. If necessary, additional sections may be required to address this request. A complete set of drawings includes the following: ✓

- Site plan, including a floor area schedule for each proposed floor and any attic
- Cellar plan (as applicable), showing an open floor plan, with a note reading "All interior partitions to be approved by DOB";
- First and second floor (as applicable) plans;
- Attic floor plan (as applicable), which identifies floor space counting as zoning floor area, with a note reading "Floor layout and maximum attic floor area of [insert number] sq. ft shall be as approved by DOB";
- At least two sections (longitudinal and traverse);
- Four elevations.

Applicants should not include the following unnecessary information on drawings for the proposed enlargement:

- Details related to structure or materials (e.g. plaster, veneers, etc.);
- New porches or decks;
- Existing and new detached garages.

A note on the drawings should be added to the site plan reading “All Garages, Porches, Decks and Veneers to be approved by DOB as per Building Code”. ✓

Supporting Material

- Building elevations showing the proposed enlargement in the context of the adjacent homes (e.g., two homes on either side of the subject home); in certain cases, the Board may request elevations of additional homes along the subject street (i.e. a streetscape);
- Current building footprints within 200 foot radius;
- Map and/or table of FAR and building heights within 200 foot radius;
- Photographs of the existing building, including views from the rear and side yard portions;
- Photographs of adjacent buildings and homes in the vicinity.

Legalizations

If the application is to legalize an existing enlargement, a complete set of drawings that identifies pre-enlargement or legal conditions must be provided. Proof of pre-enlargement conditions (e.g., original DOB drawings, DOB-approved drawings prior to expansion or enlargement, photographs, and surveys) must also be provided.

Bay News
Courier Life

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February 1, 2007

Clarify special permits

To The Editor:

I write in response to the December 28, 2006 article, entitled, "Support for Special Permits Shows Signs of Faltering."

I believe it is appropriate to correct some of the misstatements regarding the New York City Board of Standards and Appeals' review of special permit applications.

The language of the NYC Zoning Resolution specifically states that the special permit is available for property owners to "enlarge" an existing residence.

The Board, therefore, requires that each applicant document that they are retaining existing foundation walls, floors, floor joists and walls of the *existing* building. The entire demolition of an existing building is not permitted.

The Board does not take any position on the possible elimination of the special permit from the Zoning Resolution. Nonetheless, while the special permit is available to property owners, the Board will continue to ensure that the threshold requirements, as identified in the Zoning Resolution, are applied consistently to all applications.

Jeff Mulligan
Executive Director
Board of Standards And Appeals

**Report on Special Permits, ZR73-622 / Actions by Board of Standards and Appeals
(BSA)**
(Jan. 1998 through Feb. 2007)

	<u>Community Bd. 10</u>	<u>CB11</u>	<u>CB12</u>	<u>CB14</u>	<u>CB15</u>	<u>Totals</u>
Applied	6	3	4	129	99	241
Denied	0	0	0	0	3	3 (1.2%)
Granted	5	1	4	117	83	210 (87%)
Dismissed	1					1
Withdrawn				1	1	2
Pending/ In Hearing		2		11	12	25



CITY PLANNING COMMISSION
CITY OF NEW YORK
OFFICE OF THE CHAIRMAN

RECEIVED
STAFF
SEP 21 11 06 AM '99
CAL. NO.

BY HAND

September 21, 1999

The Honorable James Chin
Chairman
Board of Standards and Appeals
40 Rector Street, 9th Floor
New York, New York 10006

RE: Cal. No. 36-99 EZ
1347 East 23rd Street
Brooklyn, New York

Dear Chairman Chin:

The above referenced application requests a special permit pursuant to ZR Section 73-622 for the "enlargements of a single- or two-family detached or semi-detached residences" in certain areas of Brooklyn. The subject site is located on the east side of East 23rd Street between Avenue M and Avenue N in the Midwood section of Brooklyn. Specifically, the application proposes the demolition of two existing detached single-family homes on 40 foot wide adjacent lots and the construction of a single detached one-family home on the merged, 80 foot wide lot.

As the authors of this zoning provision, which was adopted less than two years ago, we know, and we believe the Law Department will affirm, that the provisions of ZR Section 73-622 cannot be applied to a situation when, as in this case, the application proposes the construction of a new residence. Section 73-622 authorizes the Board of Standards and Appeals (BSA) to permit the enlargement a single- or two-family detached or semi-detached residence, provided certain conditions exist and findings are met. It clearly does not authorize the construction of new homes following demolition of existing residences. The December 22, 1997 Report of the City Planning Commission approving ZR Section 73-622 states in plain terms that: "The purpose of this special permit is to provide a means for owners of single and two-family residences to make

enlargements to their existing homes." (Emphasis added) Report at 15. The Board should reject the application for this reason.

Even assuming that ZR 73-622 were incorrectly read to authorize construction of non-compliant new homes following demolition of existing residences, the Commission believes that the proposed new structure is not appropriate at this location, and if approved would alter the character of the block.

The merged lots create a new lot of 8,000 square feet. The application proposes a new single-family home of 7,173.4 square feet which will be almost **four times** the size in floor area of the surrounding homes on the block. The existing single-family detached homes on 40 foot wide lots have an average floor area of 1,800 square feet. Under the current R2 zone (0.5 FAR), an as-of-right single-family detached house of 4,000 square feet can be built on an 8,000 square foot lot.

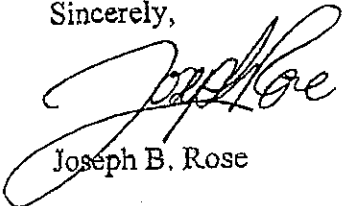
Section 73-622 states that the Board of Standards and Appeals shall find that the "enlarged building" will not alter the essential character of the neighborhood. We believe that the proposed new home (which is clearly not an "enlarged building") would alter the character of the block in a number of ways.

- Although the proposed house meets the height regulations of the R2 district, it will be nearly 12 feet higher than all other houses on the block - 39'10" in height as compared to the existing 28' in height.
- The proposed street wall width of the new house will be 66'5", as compared to the existing street wall widths on the block of approximately 22 feet.
- The side yards of the proposed house meet the side yard regulations of the R2 district. However, the building extends two feet into the required 30 foot rear yard.

While the above alone form a basis for rejection of this application, we wish to reiterate our primary concern: the provisions of the special permit do not apply in this case. Section 73-622 permits the BSA to grant special permits for enlargements of existing homes, not new construction. The plans filed with the BSA clearly indicate that the proposed house does not enlarge any existing structures on the site.

I recommend that the application be denied.

Sincerely,



Joseph B. Rose

c: Pasquale Pacifico



**NORTH FLUSHING
CIVIC ASSOCIATION, INC.**

P.O. Box 541142, Flushing, NY 11354 (718) 353-3197

July 20, 2007

**Board of
Directors**

Councilman Anthony Avella
38-50 Bell Blvd, Suite C
Bayside, NY 11361

**Tyler D. Cassell
President**

Subject: Intro #261, #262, and #263 City Council Hearing
City Council Hearing, July 24, 2007

**Santhe Cellos
Treasurer**

Dear Councilman Avella:

The North Flushing Civic Association, a civic association in northern Queens, with over 100 members, supports the passage of Intro #261, #262, and #263 to provide changes at the Board of Standards and Appeals.

**Pat Finn
Secretary**

Time and time again we have witnessed the Board of Standards and Appeals (BSA) approve requests that were voted "No" by the local Community Boards, "No" by elected officials, "No" by our Borough President, "No" by the civic associations, and "No" local residents. In northern Queens, some of the worst decisions were when they allowed an illegally created parking lot to remain, another mega drugstore to occupy a busy corner where hardly any parking exists, and a huge health spa in an inappropriate area of College Point.

Pete Cettina

**Dina Dabbany-
Miraglia**

Stanley Ho

Branka Mijatovic

Millicent O'Meally

Henry Tom

The latest BSA approval disaster for us in North Flushing is to put a 6-story apartment building with religious-use on a small landlocked piece of R-6 zoned property where the only entrance is through an R-2 zoned lot at 141-48 33rd Avenue in Flushing. This small piece of R-6 land should have been purchased by the apartments on the East and South side of it, and kept as a nice tree-forested buffer zone, but it wasn't. The only entrance to this landlocked property is through the R-2 zone, which contains a nice colonial house and backyard. Now the house is going to be knocked down and converted into a driveway to get to this new apartment building.

This decision means that another nice home will vanish from our precious residential area, and will be converted into something we don't need. The neighbors on either side will now have a driveway as their new neighbor. In addition, 13 beautiful large trees were just cut down in preparation for building. This is supposed to be a time when we are being urged to save the trees because of the many benefits they pass on to local residents, and our city.

Our communities are defenseless against the BSA. Once BSA renders a decision, the only thing the community can do is hire a lawyer and fight. It's a tough uphill battle. Unfortunately, most civic groups don't have the money to mount even a minimal fight against the BSA, so they lose because they can't afford to fight. The Community Board's decision is only advisory, so it is not surprising that many applicants bypass them altogether, and go directly to BSA. Or, when they do come to Community Board meetings they act defiantly about changes to their plans knowing that the real decision lies at BSA. As a result, you have BSA doing ad hoc planning where zoning laws get overlooked to suit the needs of the builder.

When the Board of Estimate was eliminated and replaced by the BSA, the appeals process was conveniently left out. We need changes at the BSA, and we, the people who live here, need an oversight process to protect us. There is no "one-size-fits-all" BSA decision-making process that serves our city well. It is unfair to use the same criteria for a street corner in Brooklyn, or the Bronx, that you would use for an entirely different neighborhood in Queens. Each borough, each neighborhood, each block, and each property is unique. You must take into account the specific site, the local neighborhood, the surroundings, saturation, and mostly the needs and wishes of those who live there. The residents who are impacted by BSA decisions have to live there long after the decisions are made.

City Planning is not pro-active and they do not develop plans for our city; they only react to plans by builders, or other agencies. We hear the term "community-based planning" being spoken by City Officials today. Many cities around the country have embraced this concept, allowing the local communities to have a real say in their own future. We urge this concept to be enacted in our city too. We are all stakeholders in our future and we should have a say in our development.

We support the Intro #261 in front of us today, and also Intro #262 and Intro #263 that would change BSA. These changes are needed and long overdue.

Respectfully,

Tyler D. Cassell
President
North Flushing Civic Association

NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY AFTERNOON, June 5, 2007

1:30 P.M.

<i>BZ – DECISIONS</i>		
✓ 4.	265-06-BZ	<p>Sheldon Lobel, P.C. 141-48 33rd Avenue, QUEENS Variance (§72-21) to allow accessory use to UG 2 multiple dwellings on an R2 portion of a zoning lot split by district boundaries (R2 and R6); R6 portion of the lot will be developed with an as-of-right multiple dwelling and house of worship; contrary to use regulations (§22-00 and §22-12). COMMUNITY BOARD #7Q</p> <p>Examiner: Jed Weiss (212) 788-8781</p> <p>Status: Granted – 6/5/07</p>
5.	321-06-BZ	<p>The Law Office of Fredrick A. Becker 315 West 57th Street, MANHATTAN Special Permit (§73-36) to allow the operation of a physical culture establishment in a portion of the first floor of a multi-story mixed use building. COMMUNITY BOARD #4M</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Granted – 6/5/07</p>
6.	13-07-BZ	<p>Jesse Masyr, Wachtel & Masyr, LLP 1120 East New York Avenue, BROOKLYN Application (§11-413) to change the use on the project site from parking and storage of motor vehicles and auto rental (UG 8) to accessory off-street parking (UG 6) for an adjacent drug store. R6 zoning district. COMMUNITY BOARD # 17BK</p> <p>Examiner: Carlo Costanza (212) 788-8739</p> <p>Status: Granted – 6/5/07</p>

*****DISCLAIMER*****

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