

Community Board Ten Board Meeting Attendance
Shore Hill Community Room
Monday, December 21, 2015 – 7:15 pm

Board Members Present: 37

Greg Ahl
Elizabeth Amato
Jumana Bishara
Allen Bortnick
Jaynemie Capetanakis
Kevin Peter Carroll
Paul Cassone
Judith Collins
Doris Cruz
Ida D'Amelio
Donna Mae DePola
Khader El-Yateem
Ann Falutico
Michael Festa
Barbara Germack
Judith Grimaldi
Stephen Harrison
Victoria Hervas-Castaneda
Bob Hudock
June Johnson
Habib Joudeh
Brian Kaszuba
Katherine Khatari
Brian Kieran
Stella Kokolis
Nikolaos Leonardos
Nick Nikolopoulos
Adil Oualim
Susan Pulaski
Mary Quinones
Dean Rasinya
Husam Rimawi
Linda Sarsour
Joseph Sokoloski
Lawrence Stelter
Lori Willis
Jonathan Yedin

Board Members Excused: 8

Ronald Gross
Rhea McCone
Dilia Schack
Eleanor Schiano
Joanne Seminara
Sandy Vallas
Brian Walsh
Mary Ann Walsh

Board Members Absent: 4

Shirley Chin
Ramsey Joudeh
Hani Sarji
Joseph Shaia

Ex-Officio:

Councilman Vincent Gentile

COMMUNITY BOARD TEN GUESTS

Date: December 21, 2015 - 7:15 PM

Subject: CB10 Board Meeting - Shore Hill Community Room

PLEASE PROVIDE AS MUCH INFORMATION AS POSSIBLE. THANK YOU.

Name/Address	Phone #	Fax #	E-Mail Address	Organization/Affiliation
Julia Webb	009 218 0318		webb3@brooklynda.org	Brooklyn DA's Office
Alexander Lankin	917-971-4784		alexw52@gmail.com	AM HAMUS
Tosson & Awood LLP	718 417 0900		nt@tossonawood.com st@tossonawood.com	
Aleksandr Ormen	(917) 826-1695		AlexanderOrmen@gmail.com	Enlove Reston
Eileen Kassab	718-748-6261		ekassab@klylibrary.org	LIBRARY
Kate Cuoco	440.315.5928		kate-cuoco@gmail.com	
Linda Lupia			LTlupia@gmail.com	
Allen Bucy			abucy@pbadvocate.nyc.gov	
LINDA ORLANDO 260 65th St 23L	347-355-2010		LINORLANDO@aol.com	
John Quaglin	917 238-6044		quaglin@nystate.gov	Senator Gordon

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Name/Address	Phone #	Fax #	E-Mail Address	Organization/Affiliation
Meaghan McGoldrick	646-403-5184		mumcgoldrick@ homereporter.com	Home Reporter
Eric Fenniman	718-238-8512		fennius@gmail.com	
Andrew Contrino	718-439-8211		andrew45.andrew@gmail	
Bill Ju Dons	718 8331809			
Rose Casella				N/A
LINDA KYPIA				
KATE CUCCO				
KATHY CUCCO				
Nicholas Chulaver	718 907-0207			Glenn Assistent Nicole Hallstrom
Gregory Glaver	212-912-7775		gglover@ccrb.nyc.gov	CCRB

**COMMUNITY BOARD TEN BOARD MEETING
DECEMBER 21, 2015 – SHORE HILL COMMUNITY ROOM
MINUTES**

Chair Kieran called the meeting to order at 7:25 PM and invited James Schreiner, Xaverian High School Robotics Team Coordinator, and members of the Robotic Team to lead the Honor of the Pledge.

Chair Kieran asked for a motion from the floor to adopt the Agenda. Motion by BM Sokoloski, and seconded.

Chair Kieran asked for a motion from the floor to adopt the Minutes from the November 16, 2015 Board Meeting. Motion by BM Bortnick, seconded by BM Rasinya.

PUBLIC SESSION

Council Member Vincent Gentile wished everyone a merry Christmas, happy New Year, and happy Hanukah. He is grateful that the Zadroga Act has been renewed in Congress, so those who had been affected by 9/11 will get coverage for the next 75 years. Today he joined the Fire Department and members of the Dyker Heights community at Ladder 149 on 79th Street and 11th Avenue as they dedicated a plaque to Lt. Howard Bischoff in that fire house. Lt. Bischoff spent many hours and days at the World Trade Center, and last September succumbed to colon cancer.

The Councilman said he has gotten calls to close the Montague Street tunnel, because from what he has been told, the service on the R train was much better when the tunnel was closed than since it has been reopened. His staff put a video together called the R Train Nightmares which is on YouTube. He had a rally on December 11th calling on the MTA to pay attention to us here in Bay Ridge. Now that the train has been restored to its full length, we want a full length review of the R train. We are asking that the R line service be audited the same as the C and A lines were audited. As a result of those audits, service improved. We want to see the same thing happen to the R line. He and Senator Squadron have drafted a letter which they are adding other elected officials to asking the MTA to make their next review the R line. He will keep the pressure on the Transit Authority and we will see more things in the future.

Newly elected Assembly Member Pamela Harris said she appreciates the chance to serve us. She introduced her Chief of Staff, Alexandra Larkin, who has been in this community all her life and previously worked for Councilman David Greenfield. The Assemblywoman is now working on picking the rest of her team. Their office, which will be located at 8525 3rd Avenue, is currently being worked on to make it handicapped accessible. The West 12th Street location that Alec Brook-Krasny had also is having work done. Chair Kieran said that we are looking forward to working with the Assembly Member; we had a good relationship with Alec Brook-Krasny and look forward to having a wonderful relationship with her. AM Harris wished everyone a happy holiday.

Assembly Member Felix Ortiz came tonight to thank everyone for giving him the opportunity to represent us. There was an issue in our district with Santa not going to one of our schools. He announced that on Wednesday Santa will be going to PS 169 between 12:00-2:00 PM. The Assemblyman wished everyone a happy holiday and wished that God bless everyone.

Alena Cociata and her neighbor, residents of 80th Street, spoke about problems with the 80th Street IS 201 Dyker Middle School playground. They stated that teenagers go to the park any time between 9:00 PM and 4:00 AM and set fires in the park. Last week there were two or three fires in one day. They also make a lot of noise. Wednesday night at 11:00 PM there was a car parked at the fire hydrant and cars triple-parked next to it so no one could drive down the street. The teens are so out of control that they feel comfortable blocking off the street and hanging out in the street. Residents had to call 911 Thursday, Friday and Saturday nights. Saturday night they actually vandalized houses on 80th Street between 11th and 12th Avenues. She notified DM Beckmann on

this issue. This is an ongoing problem and it has to stop. BM Johnson said it is her understanding that the only New York City park along that side is the Patrick O'Rourke Park. She understands that next to it belongs to the school, so really the complaint is not to the Parks Committee, but to the school and 911. The O'Rourke Park is locked every night by one of the neighbors. DM Beckmann said that we can add this to our agenda and have a meeting with the Police and Education Committee. She did speak with Captain Festino, the Commanding Officer. She noted that the District Office had about five calls from residents, one from last week about a situation of youths with bats that became escalated, and also some drug use in the park. It certainly is a condition that we need to work on as a community and do some outreach. The neighbor noted that he caught kids in the driveway smoking pot after school, some from the school and some just hanging out. He took their picture and told them to leave. DM Beckmann noted there was a request from neighbors to add a locked gate to deter this activity from taking place inside the park area. The neighbor noted that in August the School Construction Authority agreed to build a fence there for the Parks Department. Chair Kieran said maybe we can make them move along with that. Alena said that it is escalating and now they are vandalizing properties. She feels it is not being addressed. DM Beckman noted that Captain Festino did say he was going to put special attention, enhance patrol presence, and she thinks we will need to meet separately on this. Sgt. Ryan from the 68th Precinct stated that there are certain blocks that are on the conditions list, which includes drug activity, however she does not believe that block was on the list so it will be added. She asked if the school yard is an open gate and was told that it is open on both sides of the street. Alena stated that on Saturday when 911 was called, the kids ran into the handball courts which are in the back of the school yard, so if the police drove by they would not see them. The police went up 81st Street and the kids ran out 80th Street. Sgt. Ryan said they will ride by there tonight. Chair Kieran said we will certainly address this issue and address the input from the residents on that block.

Nicholas Chamberas from Assembly Member Nicole Malliotakis' office stated that he is a daily Bay Ridge commuter on the R train, and thanked Councilman Gentile for the rally he organized. He is keeping his personal opinions to himself regarding the MTA's reaction and response. As we all know, mass transit for Bay Ridgites has been an issue and the Assemblywoman has been working on this before she ran for office. She had a very spirited exchange with the former chairman of the MTA, Jay Walder shortly after taking office. It has been an ongoing issue that most of our elected officials have been working on. This is not an issue that is going to go away; it is not going to be solved by the most recent MTA response regarding numbers about ridership.

Assemblywoman Malliotakis is pleased about the renewal of the Zadroga Act for another 75 years, which is something that was accomplished by bi-partisanship. Nick noted that they collected more toys than ever this year and thanked everyone for their contributions. Tomorrow they will visit the Guild for Exceptional Children and Fort Hamilton Army base. He thanked Pastor El-Yateem for having everything ready for pickup when he got to Salam Luther Church. On behalf of himself and Assemblywoman Mailliotakis he wished everyone a very merry Christmas and happy New Year.

Julia Webb from District Attorney Thompson's office announced that they got 60 unregistered illegal guns off the street through the gun buyback program. She invited anyone who has questions or issues to contact her.

Eileen Kassab from the Dyker Library wished everyone a happy holiday. She left information regarding "Our Streets Our Stories" and invited everyone to bring their stories into the library. Your stories will be recorded and digital photos will be taken of your photographs, memorabilia, and other documents. Your original documents will be returned to you along with a digital version. It will be on Friday and Saturday, January 29th and 30th from 11AM to 4PM.

Bob Hudock spoke about zoning reform noting that from 2010 to 2014 population in New York City grew by 315,000 people. 93% of those people were born here. 50% of the residents in the area are renters. If we take a vote that reduces the growth of housing stock in this neighborhood, that will make property values go up which is great if you are a homeowner. It is not great if you are a renter. We have a responsibility as a society to

address injustices done in the past by our ancestors. We should look at the Christmas story – Mary and Joseph looking for a place to stay, people telling them to move along because there was no room at the inn. He wished everyone happy holidays.

Allen Bucy from the Public Advocate's office left information regarding the worst landlords list. If you go on the worst landlords list website, you can see how many times these landlords have gone to housing court. On behalf of the Public Advocate's office, he wished everyone a happy holiday.

John Quaglione from Senator Golden's office brought the 2016 Parking Calendar to the meeting. He announced that kindergarten applications for the NYC Department of Education have already started and noted the deadline is January 15th. A bill sponsored by Senator Golden was signed into law by the Governor last week to protect EMT workers and paramedics. It creates a penalty of seven years in prison if they are assaulted on the job. There were 73 assaults this year and 78 last year on EMT workers. He wished everyone happy holidays.

PUBLIC HEARING

Zoning and Land Use Committee Chair Pro tem Harrison rendered the Committee report regarding the BSA application for the property located at 1223 67th Street. See attached. Discussion followed.

Sara Awad, the attorney for the applicant, emphasized that they really need this application to go through because the family will be driven to financial ruin. There are people responsible for this mistake; the Department of Buildings, the architect. The fact of the matter is there is no guarantee of success if the BSA does not approve the application if they go after whoever might be responsible. At this point, the owners are looking to proceed with minor touches on the construction. It is listed as an enlargement but also being altered from a one family to a two family. This property is directly on the cusp of the R4 R5 zoning. This is such unique circumstances. If the decision is recommended in their favor, she is sure it would be honed in so specifically to detail the circumstances in this case, so they could be protected. Also the character of the community would be protected as well. This owner is not trying to circumvent rules or law. She was relying on the architect and the DOB; it is not a self-certified application. Everything was done on the up and up. The owners are long standing members of the community and small business owners. They are trying to get this completed so they do not live in an illegal house anymore.

BM Harrison stated that the recommendation is disapproval but also should contain something in there that we fully recognize the circumstances. His opinion is that the fact of the matter is if we approve this, in the future someone can now say that something that is an R5 is now acceptable and forget about the zoning. BM Cassone wanted to clarify when this was filed. BM Harrison replied that the owner applied on March 21, 2007. The zoning was changed in July 2007, and in November 2007 the DOB passed the application under the R5, which they should have never done. BM Hudock does not think it is unusual for DOB to take so long because they are an inefficient agency. He asked if zoning changed during the design process or after construction had already begun, and was told it was during the review process. He then questioned the FAR.

BM Joudeh thinks that since DOB made the mistake, the owners are going through a lot of hardship, this application should be limited to that property only and not the rest of the block. BM Harrison said that we recognize that but the problem would be the BSA decision sets a precedent. A similar applicant could come back to that approval. What we are trying to do here is say we are disapproving it because it is not characteristic, so we can be consistent as a Community Board. We also added something there for their consideration. But we are on the record saying this is not characteristic of our community. Chair Kieran said as a point of information, the BSA will do what it feels is right.

BM El-Yateem's concern is that we are going to victimize the victim. They applied for the permit under the old law, which was granted after the zoning was changed. He understands what BM Harrison is saying, but they already went through the project and were not knowingly at fault. BM Nikolopolous agrees with BM El-Yateem saying it is almost a contract between the DOB and the homeowner. Someone messed up but the contract stands. He feels for the owner on this. BM Grimaldi asked if the application is disallowed, will the owner have to tear it down, and was told possibly. Chair Kieran stated that the BSA could approve it even if we disapprove it. BM Yedin asked why we cannot approve it with conditions. Chair Kieran replied that we do not want to make this a precedent. BM Harrison said the problem is that the application that is now being made is not the application they originally had. This application is being made under a special permit process. Anyone on that block could have made this application. When we say yes to this one, we would have to say yes to anyone who wants to do it there, and he thinks that is a bad precedent.

BM Sarsour asked if it is binding if we say no, and was told it is not. She said they are already grandfathered because they applied under the last contract which was a mistake and would be different for a new applicant who would not have the same circumstances. It would not be setting a precedent anywhere else. Chair Kieran thinks it is a permit for legalization, so anyone who has out-of-zoning construction or creates one will say I want a special permit and use this as a precedent.

BM Yedin wants to know why we cannot say we approve it based on the fact that we feel for the owners. BM Harrison said the Committee considered reversing it, but it does not work that way. One of the things we can consider is saying that however, in making this recommendation, Community Board Ten believes the unique circumstances that led to this application were not caused by the owner who has sustained great hardship as a result; we could add to that "and should be considered in the BSA's position". BM Kokolis said that when the owner applied they got the permit, and it does not make sense that if they do not get the application they might have to tear it down. Let it go now and put restrictions on it. BM Oualim said we do not know whose fault this is, but we should protect the family. BM Hudock does not think this will set a precedent. BM Harrison replied that this Community Board would be making a statement that that building comports with the character of the community.

BM Cruz stated that the Zoning and Land Use Committee and the full Board has been against the special process for many years and has asked that Community Board Ten be removed from that process. That being said, the Community Board's vote and decision is advisory to the BSA, and to our knowledge they have never taken our advice. Every time we have voted to deny an application, they have approved it. As a Committee member, BM Rasinya said he supported the motion. Having said that he disagrees that we are going to set a precedent if we approve this. We have to look at everything on an individual basis. This is so unique that, #1, the likelihood of it happening again is extremely remote at best; and #2, it does not hold water to say what we did for one, we have to do for someone else. We vote on each issue individually. He does not think we are harming the community or ourselves if we approve this.

DM Beckmann added that when the Community Board adopted its motion for the rezoning of Dyker Heights and Bay Ridge, this Board upon adoption of those resolutions in both instances also spoke to the Department of Buildings to make sure that all pending projects were cataloged and documented in terms of new construction and major alterations. She wanted to make it clear that the Board did ask this at the time. Frankly we get calls quite often where we have challenges to zoning. She thinks whatever the Board decides we should look at that in the future. These things should not happen, especially when at the time we tried to ask the Department of Buildings to make sure this would not happen.

BM El-Yateem asked if it is possible to amend the Committee's motion. Chair Kieran said it is, and it is up to the Board. He did make one suggestion. He thinks the precedent that has been discussed is not a question for us, it is what the BSA would do.

BM Bortnick looked at the photographs and noticed there are three types of buildings next to each other. He cannot understand why this business of permitting these people to finish is so objective and dependent only on law as against common sense. This is a block which does not have a uniform character. If the building looks different it will not cause any objection. These people have invested their money, they have their back against the wall, and it makes absolutely no sense to him why people who own buildings where they have differences on their own block suddenly feel that there is a great objection to anything that might look different from what they are living in.

BM Willis suggested a letter to the BSA saying that this Community Board has always wanted to be exempt from this variance position, and that the sole reason we are voting in favor of it is that we believe the Department of Buildings made a huge error causing hardship for the family. BM Kaszuba added that however we do vote, the Board has the opportunity to testify at the BSA hearing. He feels we should testify at the hearing to reiterate that however they vote it is expressly addressed in the BSA decision itself, which could help them not set a precedent. If the BSA makes the decision to let this go through but does not really explain all the things that happened, then someone who does not know the history would think they could do it also. He thinks if the BSA puts it in their decision, it will potentially alter the future applications. We not only put it in our report and send a letter, but we show up and testify to drive that point home.

BM Harrison personally would like to see the applicants get this passed and get on with their lives. At the same time, he feels we are making a mistake if we decide we are going forward and say we approve this, because that means the character of the community, which is exactly what we fought against when we got the zoning changed. What we said is that we agree it is not in character, however they should consider it.

BM Falutico asked if we have the option of taking no action and was told we could do that. BM El-Yateem said that due to the extreme circumstances, we give conditional approval to the application. Chair Kieran said we could do that, but he likes BM Falutico's recommendation to take no action.

BM Cruz made a motion to take no action and state our case as to why we are taking no action, because we do not approve of the special permit, however there are very unique circumstances here that have to be dealt with. Motion seconded by BM Quinones.

Chair Kieran asked for a vote on tabling the motion by the Committee to disapprove the application.

Motion: CB 10 to table the motion made by the Zoning and Land Use Committee to disapprove the BSA Application No. 234-15-BZ, for the property located at 1223 67th Street, which seeks to legalize the enlargement of an existing single family detached residence located at 1223 67th Street. 32 in favor; 5 opposed. Motion carried.

Motion: CB 10 takes no position for BSA Application No. 234-15-BZ, for the property located at 1223 67th Street, which seeks to legalize the enlargement of an existing single family detached residence located at 1223 67th Street. However, in making no recommendation, CB 10 agrees that the unique circumstances that led to this application were not caused directly by the owner who has sustained great hardship as a result and that this should be taken into consideration by the Board of Standards and Appeals. 26 in favor; 6 opposed; 3 recusals – BM Rasinya, BM Falutico, BM Stelter. Motion carried.

CHAIR'S REPORT

Chair Kieran wished everyone happy holidays. It is a time when we think of family and friends. It is also a time to remember. We hear about bad news – corruption in Albany, leaders being convicted of betraying the public's trust, public officials sometimes derelict in their duties – and it always makes the news, and it should make the news. However, the thing for us to remember is that those folks who do that are in the very small

minority of the people who serve. They do not reflect what really generally happens and it should sometimes cloud the good things done by people who do not get the attention. We know that, and should spread that message out to our friends, family and the community, and let them be thankful and happy for the good things that happen that make our community and nation wonderful and great.

DISTRICT MANAGER'S REPORT – See Attached

TREASURER'S REPORT – See Attached

COMMITTEE REPORTS

TRAFFIC AND TRANSPORTATION COMMITTEE

Traffic and Transportation Committee Chair Capetanakis rendered the Committee report. See attached.

POLICE AND PUBLIC SAFETY COMMITTEE

Police and Public Safety Committee Chair Willis rendered the Committee report. See attached.

Committee Chair Willis noted that the Committee's recommendation is to disapprove the application for Encore 4th Avenue Inc. unless the stipulations were agreed to. She noted the Committee did not meet in quorum so there is no motion on the floor. Motion was made by BM DePola and seconded.

BM Cruz commented that she is a neighbor and as of yesterday there are at least 10 large black bags of garbage that have been there for more than one week. She asked the applicant to please be a good neighbor and remove their garbage on a timely basis.

Motion: CB 10 to disapprove the new SLA application for Encore 4th Avenue, Inc., d/b/a Encore, 10005-09 4th Avenue unless the following stipulations were agreed to and met:

- 1. The hours of operation are: 10am to 12am, Monday – Thursday; 10am to 4am, Friday; and 9am to 4am Saturday and Sunday;**
- 2. There shall be no promoted events at the premises and no use of a promoter;**
- 3. The applicant shall not apply for a cabaret license or operate the premises as a cabaret;**
- 4. There shall be no hip hop, R&B or rap music at the premises, but only jazz, blues, classical, pop, and international music;**
- 5. The premises shall be operated as a restaurant and lounge;**
- 6. There shall be no d.j. or dancing at the premises except as may be attendant to private catering affairs;**
- 7. The front doors shall remain closed;**
- 8. Applicant shall meet with CB10 for a three-month review to address any issues which may arise; and**
- 9. Applicant shall notify CB10 of any intended change in the method of operation of the premises and return to meet with CB10 before implementing same.**

All in favor. Motion carried.

PARKS COMMITTEE

Parks Committee Chair Johnson rendered the Committee report. See attached.

OLD BUSINESS

BM Stelter announced that next month an important part of Bay Ridge infrastructure will have its 100th birthday. On January 15, 1916, the 4th Avenue subway was extended south from 59th Street to 86th Street.

NEW BUSINESS

None.

Motion from the floor to adjourn. With no further business, Chair Kicran adjourned the meeting at 9:05 PM and wished everyone a happy holiday.

ORIG

**Report of the Zoning and Land Use Committee
BSA Application No. 234-15-BZ
Committee Meeting Date: December 1, 2015
Report Date: December 21, 2015**

Good evening zoning fans.

ZALUC met in quorum on December 1, 2015 at the District Office to Consider BSA Application No. 234-15-BZ filed pursuant to Section 73-622 of the Zoning Resolution of the City of New York to request a Special Permit to allow the enlargement of an existing one family residence located in a Residential R4-1 zone in Dyker Heights located at 1223 67th Street. For reference, that's directly across the street from the Norwegian Christian Home entrance. Section 73-622 is one of the "special permit" sections that CB10 has for years tried unsuccessfully, to remove from application to Community District 10. Nevertheless, it still applies.

ZALUC Chair Ann Falutico recused herself from the Chair, and from voting, because of a relationship with the architects for the project. The matter was then chaired by Board Member Stephen A. Harrison.

In addition to the Board Members, the meeting was attended by District Manager Jo Beckmann, both attorneys from the firm of Tosson and Awad, LLP representing the owner/applicant. And Mr. Mina Tosson. The presentation to ZALUC was made by Sara Awad, Esq. Her partner, Nancy Tosson, Esq. is both an attorney for and the daughter of the owner. Mr. Mina Tosson, the son of the owner, is an architect, though not the architect for this project. At various time both Nancy and Mina Tosson spoke at the meeting.

The circumstances surrounding this application are highly unusual and possibly unique.

The owner lived in the premises as of May 1986 when a certificate of occupancy for a one family dwelling was issued. At the time, the lot was zoned as R5.

On March 21, 2007 the owner filed plans to enlarge the building and convert the building from a one to a two family home. The enlargement would have been as-of-right under the existing R5 zoning, so it never came before CB10 at that time.

However, only four months later, on July 25, 2007, the new Dyker Heights zoning that was spearheaded by CB10 went into effect and the zoning on the subject property shifted from R5 to R4-1. Because no building permit had yet been granted for the March 21, 2007 application, the new R-4-1 zoning applied to the subject property as of that date, and the proposed plans fell out of compliance with the new zoning. The proposed building was no longer an as-of-right project and should have been abandoned or a variance or special permit application of some kind should

have been filed to legalize the plans which would then have brought it before CB10 pursuant to the new zoning. It is likely that the application would then have been rejected by ZALUC and the Board as out of character with the neighborhood, particularly because the new zoning had so recently been passed to eliminate such enlargements.

However, for whatever reason, on November 29, 2007 the Department of Buildings improperly approved the pending application under the old R-5 zoning and a building permit was issued to the applicant on April 11, 2008. Thereafter, construction commenced and the permit was renewed and amended by the DOB three times on October 11, 2011 and on June 18 and July 19, 2012 without noticing the zoning error. Construction was substantially completed pursuant to the approved plan in July 2012 with some details remaining to be completed.

On August 6, 2012, five years after the application was submitted, as a result of final inspection, it appears somebody at DOB, for the first time, noticed the zoning discrepancy and DOB conducted a zoning audit. As a result of the audit a stop work order was properly issued on June 13, 2013 and the work permit was retroactively revoked because it did not comply with the new zoning.

The owner has lived in the house throughout this entire process and continues to live there. Her attorneys claim that she was never aware of the zoning change and that nothing was purposely concealed from the DOB. There is no objective evidence of any kind of fraud or misrepresentation to DOB.

But the fact remains that the construction proceeded contrary to applicable zoning and the structure is now clearly illegal. Thus, the only option open to the owner is to apply to legalize the structure pursuant to some applicable statute. The attorneys scoured the Zoning Resolution and settled on asking for a special permit under ZR73-622 as their best hope. That application is now before us.

The owner of a one or two family house is entitled to a special permit under ZR73-622 provided certain objective measurement criteria are not exceeded in FAR, open space ratio to lot coverage, side and rear yards and perimeter wall height. Also the owner must establish that the proposed enlargement will not change the essential character of the neighborhood nor impact the surroundings. This is essentially a subjective criteria.

The objective numerical criteria appear to have been met and, in any event, the BSA always calculates these to assure compliance.

The neighborhood character of the enlarged building, however, presents an issue. The owner argues that the enlargement is consistent with nearby homes that had been constructed under the previous R5 zoning and should be permitted. But members of ZALUC pointed out that the very purpose of changing the R-5 zoning to R4-1 was to stop the building of R-5 structures precisely because they were out of character with the neighborhood. So, almost by definition, the

enlargement is out of character with the neighborhood.

The owner argues that the problem arose through no fault of her own and failure to obtain this special permit will drive her to financial ruin. The committee spent significant time trying to determine if the owner was actually aware of the zoning change during construction and simply chose to take advantage of the DOB's error. There is nothing to truly indicate the owner had that knowledge. She appears to be more a victim of errors by the DOB and possibly by the legal and building professionals who advised her. How all of those did not pick up on this glaring problem is mind boggling.

Nevertheless, despite the hardship to the owner, the committee determined that to approve of this application would essentially endorse the use of the R5 zoning standard as a baseline for community character and set a precedent for similar applications in the future. ZALUC does not want to set that precedent and wishes to emphasize that we find this building enlargement to be out of character with the neighborhood. At the same time, ZALUC feels the need to express its sympathy with the owner's plight as having been caused by factors beyond her control.

ZALUC unanimously recommends and moves that the following resolution be adopted by CB10 and forwarded to the Board of Standards and Appeals:

"Community Board 10 recommends disapproval of the application for special permit pursuant to ZR73-622 based on the law as it existed at the time the original building permit was issued and based on our finding that the proposed building enlargement does not comport with community character.

However, in making this recommendation Community Board 10 believes the unique circumstances that led to this application were not directly caused by the owner who has sustained great hardship as a result."

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stephen A. Harrison", written over a light blue horizontal line.

Stephen A. Harrison
Chair Pro tem
ZALUC

District Manager Report
December 21, 2015

Dear Board Members,

One of the most challenging issues we handle at the District Office is an inoperative street light that it involves both the Department of Transportation and Con Edison can long as 6 months to repair. A recent example of a street light that was first reported out to our office in July of 2015 in front of 668 85th Street.. and many residents have called us is not expected to have Con Ed repairs completed until January 2016.

June Johnson and I attended a presentation at the Prospect Park Picnic House by Parks Commissioner Mitchell Silver regarding a new initiative Parks Without Borders. This is a new design approach focused on creating more open welcoming and beautiful public spaces where parks and neighborhoods meet. As part of One NYC, Mayor Bill deBlasio has dedicated \$50 million to the program. Our Parks Committee will be meeting on this initiative next month so stay tuned.

Tree planting season is underway and continues here in CB10 area.. Funding is still available for additional new plantings and scores of new trees are being planted in our community. On Friday, November 20, 2015, NYC Parks Commissioner Mitchell J. Silver, FAICP, joined Mayor Bill de Blasio, former Mayor Michael R. Bloomberg and New York Restoration Project's Bette Midler to celebrate the planting of the one millionth tree of the MillionTreesNYC initiative two years ahead of schedule and encourage all New Yorkers to make a pledge to adopt and care for trees in their communities.

The District Office recently assisted the Bay Ridge Towers who reported 13 trees that died along 65th Street from 4th Avenue to Ridge Blvd. These trees were removed last week by NYC Parks and will be replanted.

Garbage Collection Holiday Schedule There is no Sanitation collection. If Friday is your regular garbage or organics day, place your items out after 4 PM on Friday, December 25. If Friday is your regular recycling day, wait until after 4 PM on January 1 to put out your recycling

Bay Ridge Storefront Art Walk (SAW) asked us to help get the word out. SAW is now in its 7th year and are now accepting artist applications for 2016. Fifteen Brooklyn artists will be chosen to create site-specific art installations in collaboration with merchants along the avenue from 68th Street to 84th Street. The storefronts along 5th Avenue will be the stage to display these works, offering Bay Ridge residents and visitors a unique opportunity to engage with the visual arts and explore the dialogue between commerce, art and community.

Interested artists are urged to send their application materials no later than 5PM on Monday, January 27, 2016 to info@bayridgesaw.org. More information is available on our website.

Homeless Outreach Population Estimate (HOPE)

More than ever it is important to note the following – NYC Dept of Homeless services each year conducts its annual Homeless Outreach Population Estimate (HOPE). It is a unique opportunity to volunteer and participate in an extraordinary citywide effort. Homeless Services needs approximately 3,000 volunteers to help survey the number of homeless individuals living on city streets, parks, and in other public spaces in New York City. While it is the night of our Board Meeting it will be held at night.

This year the number of homeless calls to our office has increased from past years. In 2014, there were 1,100 calls and in 2015, there were 1,500 calls. This is a significant increase and we are working to address the needs of our homeless residents.

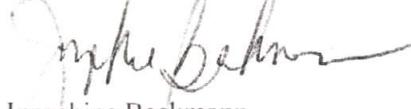
does each year with our Homeless Outreach liaison for Community Board Ten to help continue to get word out about services available to our homeless population.

Thank you to Greg Ahl who transports Community Board Ten donations to local domestic violence shelter.

The 2016 Meeting Halls Schedule is available for all Board Members. Please take one before you leave this evening. The next General Board Meeting will take place on Monday, January 25th at Shore Hill.

On behalf of Dorothy, JoAnn and myself, we would like to wish to all of you in celebrating -- a Merry Christmas, Happy Hanukah and a healthy and prosperous New Year.

Respectfully submitted,



Josephine Beckmann
District Manager

**COMMUNITY BOARD TEN
TREASURER'S REPORT**

Fiscal Year: July 1, 2015 to June 30, 2016

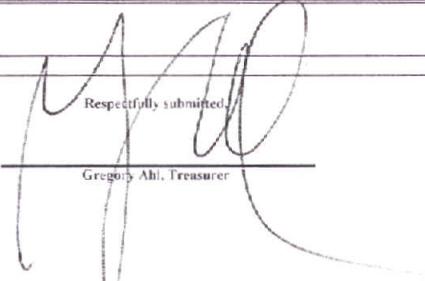
Budget Appropriation for FY 16	\$229,896.00
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	7/31/15	8/31/15	9/30/15	10/31/15	11/30/15	12/31/15	1/31/16	2/28/16	3/31/16	4/30/16	5/31/16	6/30/16	Y - T - D
NATOR	\$12,757.46	\$8,495.56	\$8,495.56	\$8,495.56	\$8,495.56								
ITE	\$7,713.71	\$5,136.78	\$5,214.76	\$5,265.23	\$5,265.23								
NT	\$2,166.09	\$1,444.90	\$1,455.25	\$1,480.00	\$1,480.00								
Total Personal Services	\$22,637.17	\$15,076.34	\$15,165.57	\$15,240.78	\$15,240.78	\$0.00	\$83,360.64						

Code	Description	7/31/15	8/31/15	9/30/15	10/31/15	11/30/15	12/31/15	1/31/16	2/29/16	3/31/16	4/30/16	5/31/16	6/30/16	Y - T - D
	Telephone	205.93	205.65	205.10	207.92	201.50								
	Intra-City Supplies													
	Intra-City Telephone													
	Supplies & Materials			583.41										
	Printing Supplies													
	Postage													
	Cleaning Supplies													
	Data Processing Supplies													
	Telecomm. Equipment													
	Office furniture													
	Office Equipment													
	Security Equipment		75.00		75.00									
	Data Process Equipment													
	Books													
	Tel./Communications													
	Rental/Misc/Equip		386.82	149.00	237.00	193.00								
	Advertising													
	Lensing Misc. Equip													
	Local travel expenditures													
	Telecomm. Maintenance		63.14	31.61	31.61	31.48								
	Office Equip. Maint													
	Data Process Equipment													
	Printing Supplies													
	Temporary Services-contractual													
	Cleaning Services	160.00	150.00	160.00	160.00	160.00								
	Iron Security Gate Maintenance													
	Awning													
Personal Services		\$365.93	\$890.61	\$1,129.12	\$711.53	\$585.98	\$0.00	\$3,683.17						

NOTES EXPENSES	23,003.10	15,965.95	16,294.69	14,952.31	15,826.76	0.00	87,043.81							
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BUDGET BALANCE														\$142,851.19
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Respectfully submitted,

Gregory Ahl, Treasurer

Traffic and Transportation Report: December 7, 2015

Chair: Jaynemie Capetanakis

Committee Members:

- Lizabeth Amato
- Jumana Bishara
- Doris Cruz
- Judith Grimaldi (excused)
- Steve Harrison
- Victoria Hervas-Castaneda (excused)
- Brian Kaszuba
- Nick Nikolopoulos (excused)
- Dean Rasinya
- Hani Sarji
- Joseph Sokoloski (excused)
- Larry Stelter (excused)

The membership of the Traffic and Transportation Committee met on Monday, December 7, 2015 at 7:00 pm to hear the following street naming applications. Our Community Board Street naming guidelines were last amended in 2012. We invite family or friends to present the application at our meeting and then we vote at a subsequent meeting. In our guidelines, the proposed honoree be deceased at least two years and the application show evidence of an individual's civic leadership and community contribution. Street naming guidelines also include those killed in the line of duty, performing a heroic act, or victims of 9-11. The City Council votes twice per year on Street naming without any consistency to the exact date that this occurs, so the applications are received on a rolling basis.

1. The first application was for 78th Street and 3rd Avenue to be named "Maureen Stramka Way." The application was submitted by Irene Hanvey. We received several letters of support, including from State Senator Marty Golden, Brooklyn Chamber of Commerce President Carlo Scissura, 68 Precinct Community Council President Ilene Sacco and Peter Clavin of Clavin Funeral Home. It was noted that Maureen had been an active community member and president of several organizations, including the Lions Club, and the Ragamuffin Parade. She was a well-respected volunteer of many groups including at the Fort Hamilton Army base, Merchants of Third Avenue, and our own Community Board 10. It was mentioned that she put her heart into volunteering and her persistence and advocacy had a positive impact on our community and New York City. It was mentioned that she was an advocate for the Blind and Handicapped, organizing many holiday events to benefit children. A binder of newspaper clippings and awards was presented to the committee to review as evidence of her years of service.
2. The second application was submitted by the daughter of Sal D'Amato to name the street by the triangle at 94th Street "Sal D'Amato Way." Mr. D'Amato was the owner of Harborview Car Service for over 30 years. Mr. D'Amato was a well-known businessman and philanthropist who gave time to many local organizations, including Bay Ridge on the Move, providing bus service to senior citizens, the Kiwanis Club, Advocates for Blind and Handicap children and the Guild for Exceptional Children. He also organized car service available for local doctors in snowstorms and was known to use his own car to get them to our local hospitals. Mr. D'Amato was also a Korean War veteran and on his own helped to maintain Pigeon Park. It was discussed with the applicant that the triangle is actually historically named and maintained by the city, as one resident had also

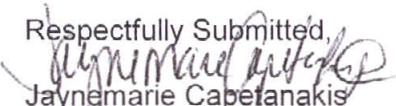
9419 5th Avenue. The family did not have documents to present the committee and plans to return.

3. The third application was for 71st Street between 8th Avenue and Fort Hamilton Parkway to be named Carol Lemmon Way. Carol's brother and sister-in-law came to our meeting. They shared with us that Carol lived on that block for about 70 years and was known to help friends and neighbors in need. She was an active member of her block association and often helped to raise money for needy, particularly through her work with St. Ephraim's Parish. Carol was a Marshall of the St. Patrick's Day Parade and was one of the few women who have been knighted by the Knights of Columbus for her volunteerism and generosity. She was a member of the Ancient Order of Hibernians and known as a "quiet doer" in our community. She was also a member of "United Neighbors" a local safety advocacy committee that fought for speed bumps because a child had been hit by a car. That measure was approved the day after she died and was a testament to her public service. The family did not have documents to present the committee and plans to return.
4. The last item was to name 78th Street and 3rd Avenue "Howie Dunn's Way." Although Mr. Dunn passed away recently, the application was requested now due to the fragile health of immediate family members. Mr. Dunn was a World War II veteran who was a well-known advocate for veterans and also for patriotism. He was a member of the Amity Post of the American Legion, former Post Commander, and came up with an idea over twenty years ago to "plant" flags along Third and Fifth Avenues with the permission of store owners. In addition to the American Legion and Kings County Memorial Day parades, Mr. Dunn was an active fundraiser for the Wounded Warrior project and spent many years as a volunteer for the Boy Scouts of America. During his lifetime, Mr. Dunn received numerous awards. The family will be putting their request in writing that we waive the criteria to wait for two years since the death of their loved one before making the request for street naming. They will also be providing their documentation for review.

The committee also looked at the City Council standards for consideration of street co-naming.

The meeting was adjourned at 8:50 pm.

Respectfully Submitted,


Jayne Marie Capetanakis

December 20, 2015

POLICE AND PUBLIC SAFETY COMMITTEE
COMMUNITY BOARD 10

Date/Time: December 15, 2015

Called to Order: 7:10 p.m.

Place: District Office, 8119 5th Avenue, Brooklyn, NY 11209

Quorum: No (attendance sheet attached)

Reopening of SLA on Premises Application for Encore 4th Avenue, Inc.

Premises: 10005-09 4th Avenue

200 Foot/500 Foot Hearing: n/a

This is a reopening, at the request of the applicant, of an SLA Application for a new On Premise liquor license which was voted on by the Board in November. A copy of the November PPS Committee report is attached. The applicant appeared by its owner, Mr. Aleksandr Orman, and its attorney, Raquel Vasserman, Esq. Subsequent to the November Board meeting, the applicant contacted the district office, and advised that it would again like to present before the Committee. The applicant had expressed at the last Committee meeting its plan for operation of the premises, which is the same method of operation of its Staten Island location (Alor Cafe), but it felt that it was not sufficiently reflected in the proposed stipulations voted on in November. At the PPS Committee meeting Tuesday night the applicant proposed the following changes/clarifications to the previously proposed stipulations. The applicant's hours of operation will be 10am-12am, Monday – Thursday; 10am to 4am, Friday; and 9am – 4am Saturday and Sunday. There will be no hip hop, R&B, or rap music at the premises, but the applicant will have jazz, blues, classical, pop, and international music. The premises will be operated as a restaurant and lounge. The applicant will have the kitchen open on Friday, Saturday and Sunday until approximately 1am, and a limited menu afterward per SLA requirements. The Committee voted unanimously to disapprove the application unless the following stipulations were agreed to and met:

1. The hours of operation are: 10am-12am, Monday – Thursday; 10am to 4am, Friday; and 9am – 4am Saturday and Sunday;
2. There shall be no promoted events at the premises and no use of a promoter;
3. The applicant shall not apply for a cabaret license or operate the premises as a cabaret;
4. There shall be no hip hop, R&B or rap music at the premises, but only jazz, blues, classical, pop, and international music;
5. The premises shall be operated as a restaurant and lounge;
6. There shall be no d.j. or dancing at the premises except as may be attendant to private catering affairs;
7. The front doors shall remain closed;
8. Applicant shall meet with CB10 for a three-month review to address any issues which may arise; and
9. Applicant shall notify CB10 of any intended change in the method of operation of the premises and return to meet with CB10 before implementing same.

POLICE AND PUBLIC SAFETY COMMITTEE
COMMUNITY BOARD 10

Six-Month Review of SLA on Premises License for Platinum Lifestyle Group Corp., d/b/a
Xin
Premises: 8324 3rd Avenue

There have been no complaints or issues with regard to the premises, and thus, no action was taken or recommended by the Committee.

The Meeting was adjourned at 7:45 p.m.

Respectfully submitted,



Lori Willis, Chair

COMMUNITY BOARD TEN ---- PARKS COMMITTEE MEETING --- D.O. – 12/9/15 -- 7PM

Brian Kieran, Chair --- Josephine Beckmann, District Manager --- June Johnson, Parks Chair

Present -- DM Josephine Beckmann, BM Greg Ahl, BM Shirley Chin, BM Rhea McCone, BM Hani Sarji, Jimmy Johnson, Narrows BG, Dave Matthews, Owls Head Park, Diana & Susan Frances, Owls Head Park, Yahya Khatari, Representing Councilman Vincent Gentile --- Waterfront Alliance WEDGE Presentation - Michael Porto, Director of Outreach Planning and Jose Soegaard --- June Johnson, Parks Chair

***** The Presentation made by Michael Porto, Director of Outreach & Planning of the Waterfront Alliance on WEDGE - Waterfront Edge Design Guidelines was both exciting and informative. This is a tool and scorecard designed to promote better waterfront projects through resilient, accessible and ecologically beneficial designs. A well-designed waterfront can and will improve your quality of life, and it can also keep you safe. It's all about innovative, interdisciplinary design.

WEDGE is a way to achieve real and necessary change at the waterfront. With input from hundreds of waterfront experts. Communities, Owners & Professionals and Government Agencies will submit waterfront projects that they think will be beneficial to their communities. These projects will be scored and, if selected, reviewed and certified.

Jimmy Johnson of Narrows BG explained an exciting project at the 69th St. Pier that he is going to design and submit for funding. Jimmy explained how a marsh could be designed between the Pier and the rock-jetty (Sewer Treatment Plant). The marsh would be great for oysters, clams and small fish. Mr. Porto said Jimmy's idea had merit and he should submit it.

*****We discussed the application, that was submitted to the last Board 10 by BM Greg Ahl, to rename the Owls Head Park -- The Bliss Overlook -- and we will be submitting the documentation to the Department of Parks for approval. The Bliss Family donated their property, to be used as a park to the City.

***** The request to name a garden in Owls Head Park in memory of volunteer Javier Achivardo will also be submitted to the Department of Parks for approval.

***** The planned date to start the rehabilitation of the McKinley Park triangle field will be after June 2016.

STATE LIQUOR AUTHORITY – NEW APPLICATIONS & RENEWALS

<u>Name/Address</u>	<u>Received at CB 10</u>	<u>Status</u>
Three Star Indian Corp., d/b/a King of Tandoor, 7407 3 rd Avenue	12/3/15	New Application Liquor, Wine & Beer
Bombay Tasty Bite Inc., d/b/a Bombay Grill, 8716 3 rd Avenue	12/7/15	New Application Wine & Beer Only
Annabells Pastaria Inc., 717 86 th Street	12/18/15	*New Application Wine & Beer Only
JMC Foods, d/b/a La Sorrentina, 6518 – 6522 – 6524 11 th Avenue	12/21/15	Alteration Liquor, Wine & Beer
Hot Pot Blog Inc., 828 64 th Street	1/4/16	*New Application Wine & Beer Only
7110 Partners LLC, 7110-7112 3 rd Avenue	1/7/16	*New Application Liquor, Wine & Beer
Tereus Café Inc., d/b/a Omonia Café, 7612-14 3 rd Avenue	1/7/16	Renewal Liquor, Wine & Beer
Parkville Corp., d/b/a Park Asia, 801 66 th Street	1/8/16	Renewal Liquor, Wine & Beer
Areo Restaurant Corp., 8422 8420 3 rd Avenue	1/11/16	Renewal Liquor, Wine & Beer
Cavan Garden Inc., d/b/a Three Jolly Pigeons, 6802 3 rd Avenue	1/13/16	Renewal Liquor, Wine & Beer

*Will be invited to present application at Police & Public Safety Committee Meeting in January 2016.
