



DEPARTMENT OF BUILDINGS

EXECUTIVE OFFICES
60 HUDSON STREET, NEW YORK, N. Y. 10013
CHARLES M. SMITH, Jr., R.A., Commissioner
312-8100

GEORGE E. BERGER, P.E.
Acting Deputy Commissioner
Technical Affairs
(212) 312-8120

M E M O R A N D U M

DATE: December 20, 1989

TO: Borough Superintendent Joseph Trivisonno, R.A.

FROM: Acting Deputy Commissioner George E. Berger, P.E. *GB*

SUBJECT: Side Yard Elevation in Relation to Section 23-661
Zoning Resolution

This memo is in reply to your memo dated 12/8/89 in which you raise the height of building question in relation to Section 23-661 per N.B. 2823/88, 130 Mace Street, Staten Island.

Section 23-661 refers to a building height "above the level of a side yard".

Although in the definition of "curb level" Section 12-10 indicates that curb level should be used in "determining the level of yards", Section 23-42 clearly states that the level of a yard may remain at natural grade level.

In reference to Section 23-661, the building height may be that height measured above the natural grade level unless the natural grade level is changed to some other level in which curb level should then be used.

Natural grade level shall be accepted from survey filed prior to approval showing elevation along side yard and adjoining lot unless reasons are known to the contrary.

cc: Commissioner Smith
General Counsel Foy
Executive Engineer Polsky
Borough Superintendents
File