



DEPARTMENT OF BUILDINGS

EXECUTIVE OFFICES
60 HUDSON STREET, NEW YORK, N.Y. 10013

RUDOLPH J. RINALDI, Commissioner

312-8100

April 1, 1992

Perry Balagur, Esq.
Graubard Mollen Horowitz
Pomeranz & Shapiro
600 Third Avenue
New York, NY 10016-1903

Re: Amalgamated Warbasse Houses
BN 1619/90
2701 West 6th Street
Brooklyn, New York

Dear Mr. Balagur:

In response to your letter of March 20, 1992 this Department has further reviewed the application of Amalgamated Warbasse Houses ("Warbasse") with respect to its power plant.

Warbasse's proposal entails the expansion of its existing power plant which presently serves its residents. The power plant was developed approximately 26 years ago in conjunction with the residential development and is permitted as an accessory use within a residence zoning district.

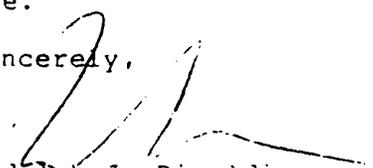
The proposed expansion will produce a Co-generation Facility capable of generating in excess of five times the amount of power needed to serve the residential development. The excess generated will be sold to Con Edison for the provision of services to off-site consumers. Given the magnitude of the excess energy to be generated by this Co-generation Facility, the use cannot be considered accessory. Since the facility is not an electric substation, it is not eligible for any of the special permits under the jurisdiction of the City Planning Commission and Board of Standards and Appeals under the Zoning Resolution.

It is my belief that Co-generation Facilities are an important source of additional electric power and should be encouraged as a matter of City policy. However, under current provisions of the Zoning Resolution, a Co-generation Facility with excess power to sell, is not permitted as an accessory use to a residential development.

Since this use cannot be permitted as-of-right or as accessory to the primary use on the site, we previously recommended that you seek a change in the special permit provisions under Article 7 of the Zoning Resolution to permit Co-generation Facilities, in addition to the current provisions which authorize substations; or, a change in the underlying zoning district by shifting the adjacent manufacturing M-3 district boundary line so that it includes the location of your facility. The use would be as-of-right in that manufacturing zone.

Another approach would be to amend the Zoning Resolution to permit certain residential and institutional developments to have accessory Co-generation Facilities capable of generating excess electric power to be utilized off-site.

Sincerely,



Rudolph J. Rinaldi
Commissioner

cc: George C. Sakona
Deputy Commissioner, Department of Buildings

David Klasfeld, Esq.
Counsel to the Deputy Mayor for Planning

Richard Schaffer, Chair
City Planning Commission

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