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BOARD OF STANDARDS AND APPEALS

MEETING OF: April 26, 2021
CALENDAR NO.: 2019-90-A
PREMISES: 24, 32 Joralemon Street, 10, 20, 30 Columbia Place, Brooklyn
Block 258, Lot 17

ACTION OF BOARD — Application dismissed.

THE VOTE —

Affirmative: Chair Perlmutter, Vice-Chair Chanda, Commissioner Ottley-Brown, Commissioner Sheta, and Commissioner Scibetta
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Negative:.....0

THE RESOLUTION —

This is an appeal brought by a Tenants’ Association, (“the appellant”) challenging the validity of a New York City Department of Buildings (“DOB”) Alteration Type 1 Application No. 320774667, dated April 10, 2019.

A public hearing was held on this application on July 28, 2020, after due notice by publication in *The City Record*, and then to decision on April 26, 2021. Vice-Chair Chanda performed an inspection of the Premises and surrounding neighborhood.

The Premises are a complex of buildings which form an L-shape at the intersection of Joralemon Street and Columbia Place, in an R6 zoning district and the Brooklyn Heights Historic District, in Brooklyn. With approximately 298 feet of frontage along Columbia Place, 167 feet of frontage along Joralemon Street, and 36,769 square feet of lot area, the Premises are currently occupied by five existing, six-story, mixed-use residential and commercial buildings.

In this appeal, the appellant argues that the Tenant’s Protection Plan (“TPP”) filed by the building owner and necessary for the excavation of the courtyard area to install a parking garage in the cellar is inadequate and does not comply with Building Code § 28-104.8.4. In support of this contention, the appellant argues that the safety plans that the building owner filed with the DOB do not reflect the field conditions which the members of the Tenants’ Association have observed and alleges that the DOB has failed to enforce the requirements for a TPP, specifically for egress, fire safety, health requirements, and structural safety.

To begin, the appellant argues that in the approved TPP, the building owner does not address how excavation of the courtyard will affect egress from this courtyard onto Joralemon Street. The appellant further expresses frustration at that the building owner’s lack of response to fire safety, health

requirements, and structural safety, which it represents will not be adversely affected.

In support of its decision to grant this permit and accept the building owner's TPP, DOB first notes that because this site is within a historic district, the New York City Landmarks Preservation Commission ("LPC") issued a Certificate of Appropriateness regarding the proposed work on May 28, 2009, prior to any filing with the DOB, and has renewed this Certificate of Appropriateness on September 18, 2014, and again, on August 1, 2018. DOB then argues that its determination in accepting the sufficiency of the TPP is reasonable and within its discretionary powers. DOB continues to that it has conducted numerous audits of the application at issue and the building owner has responded to and resolved all audit objections. DOB states that appellant's challenges to the TPP are misplaced and speculative. Finally, DOB argues that if the issues raised by the appellant do occur, DOB can still issue Stop Work Orders and/or violations as necessary.

At hearing, the Board voiced its concern that many of the appellant's articulated issues regarding the proposed project would be solved with increased cooperation and open communication with DOB and the building owner. As a plan to move forward, the Board proposed, and the parties agreed to, a combined inspection by DOB and FDNY in the presence of a member of the Tenants' Association. Additionally, the Board requested a more updated timeline from the appellants, as the one submitted was from May 2019 and clearer and more legible SOE drawings to better assess any potential structural damage that could occur during the proposed work and to clarify the location of the ramps to the parking garage; and an architect's signed and sealed plans reflecting current site conditions.

The Board posed these questions and requested that both the appellant and DOB respond to them in their next submissions.

However, on March 29, 2021, the owner withdrew its application to the DOB for this project, thereby, nullifying the appellants' stated concerns and the Board's jurisdiction over the case.

Therefore, it is Resolved, that the Board of Standards and Appeals does hereby *dismiss* this application for lack of jurisdiction.

Adopted by the Board of Standards and Appeals, April 26, 2021.

CERTIFICATION

***This copy of the Resolution
dated April 26, 2021
is hereby filed by
the Board of Standards and Appeals
dated May 21, 2021***



***Carlo Costanza
Executive Director***