

Austin Regan

From: Robert Papazian <rp@reparch.net>
Sent: Wednesday, May 06, 2015 9:29 AM
To: Austin Regan; Peter McEachern
Subject: Re: Mailer Residence
Attachments: SK1.pdf; SK2.pdf; SK3.pdf; SK4.pdf; SK5.pdf

Good morning Austin,

Should we look at some options to modify the existing conditions to eliminate most of the floor area.
Could these options be presented to the DOB to avoid a BSA hearing?:

Area 1 - the area along the side walls on either side is also the ceiling over the kitchen, the bathroom, the closet and egress stair.
Area 2 - storage area over dining room
Area 3 - Study area in front of crows nest
Area 4 - crows nest

Options for eliminating area from FAR

- option 1-make area inaccessible, remove ladders possibly add sloped floor surface, pitching up to outside wall.
- option 2 - pull up the flooring and leave the ceiling joists and ceiling finish below, like a typical attic.

Is the DOB still willing to accept catwalks less than 4' wide?

On Wed, Apr 29, 2015 at 2:02 PM, Austin Regan <AustinR@metropolisny.com> wrote:

Based on the conversations with DOB they were not going to accept the interiors platforms and rooftop rooms because they count as floor area and the building is over built. I am afraid the only thing that can be done is to try to get a variance from BSA. A zoning attorney would need to be consulted to determine if there is a possibility that a variance could be granted.

If you like I could reach out to an attorney and find out what the cost of a consultation would be.

Sent from my iPad

On Apr 29, 2015, at 1:54 PM, Robert Papazian <rp@reparch.net> wrote:

I'll call Austin on his cell.

On Apr 29, 2015 1:51 PM, "Peter McEachern" <petermac1@mindspring.com> wrote:

Hey Bob

Where do we stand with 142

Peter

-----Original Message-----

From: Robert Papazian
Sent: Apr 1, 2015 5:09 PM

To: Peter McEachern
Subject: Re: Mailer Residence

Hi Peter,
No, haven't recvd the check yet. I did email Austin regarding the killer DOB memo. I need to discuss specifics with him regarding his feedback from DOB.
I'll try to have a conversation with him prior to weeks end.

Thx
Bob

On Tue, Mar 31, 2015 at 8:51 PM, Peter McEachern <petermac1@mindspring.com> wrote:
Hi Bob,
Did you get your check? Any ideas on how to proceed?
Peter

-----Original Message-----
From: Robert Papazian
Sent: Mar 6, 2015 11:57 PM
To: Peter McEachern
Subject: Re: Mailer Residence

Austin emailed back today and said he was expecting to get some feed back from the commissioners office next week.

On Mar 6, 2015 10:46 PM, "Peter McEachern" <petermac1@mindspring.com> wrote:
Thanks Bob,
Peter

-----Original Message-----
From: Robert Papazian
Sent: Mar 6, 2015 3:39 PM
To: Peter McEachern
Subject: Re: Mailer Residence

Peter,
Austin met with the Commissioner for the preliminary mtg about 3 weeks ago, I was told it wasn't necessary for me to be there at this point. Austin said the initial feedback was promising but the commissioner wanted to review in house with other officials.
Coincidentally, I emailed Austin today inquiring about our next step. I'll keep you posted.

Bob

On Fri, Mar 6, 2015 at 3:27 PM, Peter McEachern <petermac1@mindspring.com> wrote:
Hi Bob,
Just wondering when you meet with the commissioner.
Thanks,
Peter

-----Original Message-----
From: Robert Papazian
Sent: Feb 8, 2015 10:21 AM
To: Peter McEachern
Cc: Michael Mailer , Austin Regan
Subject: Mailer Residence

Hi Peter,

Attached are the drawings we prepared based on the existing conditions we surveyed. These drawings will be used in the meeting with the Commissioner to discuss our options.

Bob

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262 West 38th Street, Suite 304

New York, NY 10018

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Regards,



Austin Regan

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February 10th , 2015

New York City Department of Buildings
Borough of Brooklyn
Municipal Building
210 Joralemon St
Brooklyn, N.Y. 11201
Att: Commissioner Ira Gluckman

Re: 142 Columbia Heights – The Mailer Apartment
Brooklyn., N.Y.
B: 208 L: 214
Rooftop Addition

Dear Commissioner Gluckman

As a follow up to our September 9th , 2014 meeting regarding the legalization of the 1964 roof top structure and corresponding interior spaces we are presenting more detailed floor plans showing the individual components and their relationship to the A- frame roof filed and signed off under Alteration 2288-60. The roof was classified as a skylight under that alteration.

Per your comments to our earlier presentation we must conform to zoning requirements related to maximum floor area. Zoning calculations presented on SK-4 show that the existing building and it's previously approved elements (i.e. B, 1-4th floors) are existing non- complying for floor area.

The 1964 construction consisted of the rooftop addition and a number of suspended platforms in the skylight volume. These platforms are not floors and are accessible by ships ladder and from the building roof. We have identified the individual platform elements and describe below why they should not be counted as zoning floor area. We ask your concurrence on each item.

We believe that the platforms in question can qualify as attic space. Per ZR 12-10 definition "... the floor area of the building does not include...(4) attic space (whether or not a floor has been laid)... For buildings with three or more dwelling units in R6...Districts developed or enlarged prior to February 2, 2011, such attic space providing structural headroom of less than eight feet shall not be considered floor area."

The platforms are all located under the A frame roof. On the next page is a space by space analysis supporting our contention that they are not floor area.



SK-2

1. Attic Storage A – See cross section B-B. Headroom to the structural collar ties is 5'-9"
2. Attic Storage – See cross section C-C. Headroom to the structural collar ties is 7'-1"
3. Mezzanine B – Walkway is less than 4'-0" wide (2'-5")
4. Mezzanine C – Average width of walkway is less than 4'-0" wide (3'-9")

SK-3

5. Catwalk - Walkway is less than 4'-0" wide (3'-0", 1'-7")
6. Attic B – See cross section B-B. Headroom to the underside of the peak of roof rafters is 7'-7"
7. Attic C – See cross section C-C. Additional bracing to rafters. Headroom to the underside of the bracing rafters is 7'-11"

Per the 1968 building code the definition of attic is "The space between the ceiling framing of the top most story and the underside of the roof framing." All spaces classified as attic on these plans meet the definition. There is not a definition in the zoning resolution for attic.

Thank you for your consideration

Very Truly yours,

Austin Regan, R.A.
Metropolis Group



ISSUANCE # 119

DEPARTMENT OF BUILDINGS

EXECUTIVE OFFICES
60 HUDSON STREET, NEW YORK, NY 10013

CHARLES M. SMITH, Jr., R.A., Commissioner

GEORGE E. BERGER, P.E.
Assistant Commissioner
Building Construction

TECHNICAL
POLICY AND PROCEDURE NOTICE #13/88

TO: BOROUGH SUPERINTENDENTS

FROM: George E. Berger, P.E.
Assistant Commissioner *GEB*

DATE: June 14, 1988

SUBJECT: ATTIC SPACE AND FLOOR AREA
Section 12-10 Zoning Resolution

This memorandum supersedes Department Memo dated February 20, 1975.

Section 12-10 of the New York City Zoning Resolution, relating to the floor area, reads in part as follows:

"floor area includes:

- (d) attic space (whether or not a floor has been laid) providing structural head room of eight feet or more.
- (g) any other floor space used for dwelling purposes, no matter where located within a building, when not specifically excluded."

Accordingly, an attic used for dwelling purposes shall have the entire attic, regardless of head room, considered as "floor area". An enclosed storage space within the attic with no head room of eight feet or more shall not be considered as "floor area".

Section 12-10 Zoning Resolution further reads:

"However, the floor area of a building shall not include:

(d) attic space whether or not a floor actually has been laid) providing structural head room of less than eight feet."

In order to be considered attic space within the intent of the exemption from floor area, pursuant to Section 12-10 of the Zoning Resolution, the following guidelines are to be used:

1. The exempt space must be adjacent to the perimeter of the building directly below the roof, and the measured head room of less than eight feet, shall be between the floor level and ceiling fastened directly to the roof rafters. All other floor space below dropped ceilings, collar or tie beams or any other type of ceiling construction shall be countable floor area, regardless of the head room.
2. The roof rafters slope upward toward the ridge with a minimum rise of $3\frac{1}{2}$ inches per foot.
3. The exterior side walls enclosing the exempt attic area are not to exceed 7'-0" in height.
4. The space contained between the finished ceiling of the attic area and ridge of the roof construction is not to be used or usable for any purpose, except normal household storage when properly designed.
5. Except for split-level buildings with a maximum difference of 12' between average roof levels, only the portion of the building located on the highest story shall be considered as having any attic space.

This change in Department interpretation shall be treated as an Amendment to the Zoning Resolution subject to the provisions of Section 11-33. However, applications which meet any of the following criteria shall be examined and approved pursuant to Department memorandum dated February 20, 1975:

1. Applications which as of the date of this memo:
 - a) have a New Building, Alteration or Building Notice Number, or

- b) had been filed with the City Planning Commission, the Department of Health, the Landmark Preservation Commission or the Department of Environmental Protection for any approval which would be required prior to issuance of a Department of Buildings permit, e.g., ULURP or SEQRA filings, drainage plans, SP-1s and SP-2s and connections to private sewage treatment plans.
- 2. Application for tax lot subdivision which are filed with the Tax Department on or before August 15, 1988.
 - 3. All applications filed with this Department on or before September 15, 1988.