



250 Broadway, 29th Floor
 New York, NY 10007
 212-386-0009 - Phone
 646-500-6271 - Fax
 www.nyc.gov/bsa

ZONING (BZ) CALENDAR
 Application Form

Board of Standards
 and Appeals

BSA APPLICATION NO. 223-14-BZ
 CEQR NO. _____

Section A

Applicant/
 Owner

Sheldon Lobel, P.C.	1963 McDonald LLC
NAME OF APPLICANT	NAME OF APPLICANT
18 East 41st Street	1963 McDonald Avenue
ADDRESS	ADDRESS
New York NY 10017	Brooklyn NY 11223
CITY STATE ZIP	CITY STATE ZIP
212 725-2727	
AREA CODE TELEPHONE	
212 725-2727	
AREA CODE TELEPHONE	
rlobel@sheldonlobelpc.com	
EMAIL	

Section B

Site
 Data

1963 McDonald Avenue 11223
 STREET ADDRESS (INCLUDE ANY A.P.N.) ZIP CODE

Located on the eastern side of McDonald Avenue between Woodside Avenue and Kings Highway.
 DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS

6685	62	Brooklyn	15	Special Ocean Parkway District
BLOCK	LOT(S)	BOROUGH	COMMUNITY DISTRICT	LANDMARK/HISTORIC DISTRICT
Hon. David Greenfield	R5/C2-4	22d		
CITY COUNCIL MEMBER	ZONING DISTRICT (include special district, if any)	ZONING MAP NUMBER		

Section C

Dept of Building
 Decision

BSA AUTHORIZING SECTION(S) 76-21 for VARIANCE SPECIAL PERMIT (Including 11-41)
 Section(s) of the Zoning Resolution to be varied 23-141, 23-47
 DOB Decision (Objection/ Denial) date: August 12, 2014 Acting on Application No: 320935100

Section D

Description

(LEGALIZATION YES NO IN PART)

This application seeks a variance pursuant to ZR Section 72-21 to waive maximum floor area, lot coverage, and open space regulations pursuant to ZR Section 23-141, and rear yard contrary to ZR Section 23-47.

Section E

BSA History
 and
 Related Actions

If "YES" to any of the below questions, please explain in the STATEMENT OF FACTS

	YES	NO
1. Has the premises been the subject of any previous BSA application(s)? PRIOR BSA APPLICATION NO(S): _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Are there any applications concerning the premises pending before any other government agency?....	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Is the property the subject of any court action?.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Section F

Signature

I HEREBY AFFIRM THAT BASED ON INFORMATION AND BELIEF, THE ABOVE STATEMENTS AND AFFIRMATIONS CONTAINED IN THE PAPERS ARE TRUE.

Richard Lobel Attorney

FRANK ST. JACOBI
 Notary Public, State of New York
 Registration #025T6903742
 Qualified in Kings County
 Commission Expires May 19, 2018

SWORN TO _____ 2014

NOTARY PUBLIC

NYS RA / PE SEAL AND SIGN

BSA ZONING ANALYSIS

REVISED APRIL 2005

BSA CALENDAR NO. _____

BLOCK 6658

LOT 62

SUBJECT SITE ADDRESS _____

1963 MCDONALD AVENUE, BROOKLYN, NY 11223

APPLICANT _____

SHELDON LOBEL, P.C.

ZONING DISTRICT R5 / C2-4

PRIOR BSA # _____

COMPLIANT: "Y"

IF NOT: "N" and

INDICATE AMT

OVER/UNDER

SPECIAL/HISTORIC DISTRICT OP/SD _____

COMMUNITY BOARD BK-15

* APPLICABLE ZR SECTION	MAXIMUM PERMITTED	MINIMUM REQUIRED	LEGAL PER C of O or BSA	EXISTING	PROPOSED	
				5,153.75	5,153.75	Y
				43'-2.75"		Y
				4 & 6	4	Y
				0	0	Y
				9,276.94	9,276.94	Y
				0	0	Y
	6,442.18			9,276.94		N
				0	0	Y
				1.8	1.8	Y
				0	0	Y
	1.25			1.8		Y
		2,319.18		0	0	N (2,319.18)
		45%		0%	0%	N (45%)
				90%	90%	N (35%)
				25'-4"	25'-4"	Y
				25'-4"	25'-4"	Y
					2	Y
		0		0'	0'	Y
		0		0'	0'	Y
		20'		0'	0'	N (20')
		1:1		1:1	1:1	Y
		0	0	0	0	Y
		0	0	0	0	Y

LOT AREA

LOT WIDTH

USE GROUP (S)

FA RESIDENTIAL

FA COMMUNITY FACILITY

FA COMMERCIAL/INDUST.

FLOOR AREA TOTAL

FAR RESIDENTIAL

FAR COMMUNITY FACILITY

FAR COMMERCIAL/INDUST.

FAR TOTAL

OPEN SPACE

OPEN SPACE RATIO

LOT COVERAGE (%)

NO. DWELLING UNITS

WALL HEIGHT

TOTAL HEIGHT

NUMBER OF STORIES

FRONT YARD

SIDE YARD

SIDE YARD

REAR YARD

SETBACK (S)

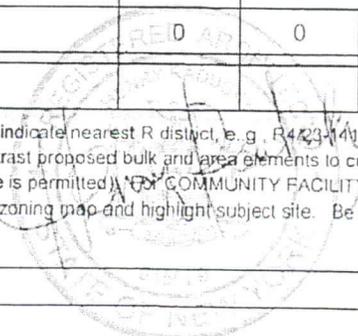
SKY EXP. PLANE (SLOPE)

NO. PARKING SPACES

LOADING BERTH (S)

OTHER:

* In Applicable ZR Section column: For RESIDENTIAL developments in non-residential districts, indicate nearest R district, e.g. R423-141, and contrast compliance. For COMMERCIAL or MANUFACTURING developments in residential districts, contrast proposed bulk and area elements to current R district requirements, except for parking and loading requirements (contrast to nearest district where use is permitted). For COMMUNITY FACILITY uses in districts where not permitted, contrast to nearest district where permitted. For all applications, attach zoning map and highlight subject site. Be sure that all items noted in the DOB Denial/Objection are included. NOTES:





DISTRICT OFFICE
 424 161TH WENSTON
 BROOKLYN, NY 11201
 (718) 853 2304
 FAX (718) 853 4858

CITY HALL OFFICE
 250 BROADWAY, 17TH FLOOR
 NEW YORK, NY 10007
 (212) 700 1357
 FAX (212) 221 1067

THE COUNCIL OF
 THE CITY OF NEW YORK
DAVID G. GREENFIELD
 COUNCIL MEMBER, 44TH DISTRICT, BROOKLYN

COMMITTEES
 EDUCATION
 PUBLIC SAFETY
 AGING
 MENTAL HEALTH
 VETERANS
 TRANSPORTATION

CO-CHAIR BROOKLYN DELEGATION

December 31, 2013

Hon. Meenakshi Srinivasan, Chair
 New York City Board of Standards and Appeals
 40 Rector Street, 9th Floor
 New York, New York 10006

RE: Potential BSA Variance
1963 McDonald Avenue
Brooklyn, New York (the "Premises")

Dear Chair Srinivasan and Members of the Board:

I am writing in support of an application filed by the owner of the above-referenced property seeking a Board of Standards and Appeals variance providing waivers of floor area, rear yard and lot coverage requirements in order to legalize the existing building at the Premises. This would allow for the installation of a local office serving Areivim, a nonprofit organization that provides counseling, crisis intervention and other critical support to at-risk youth. The main office of this nonprofit organization is located in Monsey, New York, and the approval of this application will allow Areivim to help fulfill the great demand for youth services in Brooklyn.

Although the existing building at the Premises does not comply with all bulk requirements, I am told the variance is necessary in order to meet the programmatic needs of Areivim. The larger floor space is necessary to provide enough space to properly accommodate individual counseling and group therapy sessions while also maintaining sufficient area for administrative offices.

The new Areivim care center will not only provide critical therapy and counseling to at-risk youth, at a convenient location right in Brooklyn the community, but will also serve as a safe space for youth to interact and build a support network. This is especially needed locally, as many teenagers currently do not receive the support they need at home or in school. Moreover, the modest building envelope is well within the character of the surrounding area.

For the above-stated reasons, I support this application and urge the Board to grant the requested variance. Thank you for your close attention to this important matter and please do not hesitate to contact me with any questions.

Sincerely,

David G. Greenfield
 Member, NYC Council



Sheldon Lobel ^{PC}

ATTORNEYS AT LAW

18 East 41st Street, 5th Floor

New York, New York 10017

212-725-2727 FAX 212-725-3910

info@sheldonlobelpc.com

www.sheldonlobelpc.com

September 11, 2014

STATEMENT OF FACTS AND FINDINGS

Premises: 1963 McDonald Avenue
Block 6658, Lot 62
Brooklyn, New York

PRELIMINARY STATEMENT

This application is filed pursuant to Section 72-21 of the Zoning Resolution of the City of New York, as amended (the "Zoning Resolution"), to request variances from the provisions of Zoning Resolution Sections 23-141 (maximum floor area ratio), 23-141 (lot coverage), and 33-26 (rear yard) to legalize the existing building at the Premises containing both a house of worship and community facility uses. The Premises is located within the Special Ocean Parkway District ("OP") and is primarily within an R5/C2-4 zoning district and partially within an R5 district.

EXISTING SITE CONDITIONS AND HISTORY

The subject Premises is one tax lot, known as Block 6658, Lot 62, located at 1963 McDonald Avenue in the Borough of Brooklyn. The Premises is located on the east side of McDonald Avenue, approximately 207 feet from the southeast intersection of McDonald Avenue and Kings Highway. The Premises has approximately 43 feet of frontage on McDonald Avenue and depths ranging from 100 feet on the northern lot line and 125 feet on the southern lot line.

The subject lot is approximately 5,153.75 square feet in total area, with approximately 4,721.76 square feet in the R5/C2-4 zoning district and 432 square feet in the R5 district. Pursuant to ZR § 77-11, the use regulations of the R5/C2-4 OP District apply to the entire zoning lot.

THE APPLICANT

The applicant, Arevim, is a nonprofit organization that provides counseling, crisis intervention, and other critical support to at-risk youth in the Orthodox Jewish community. Arevim has provided these services to at-risk youth since its inception in 2000. The organization's mission is to facilitate the healthy growth of the family unit while focusing on teenagers and their parents and acting as a conduit between parents and children, as well as students and schools. Their mission is carried out through facilitating school and job placement, permanent and temporary housing, mental health referrals, counseling, and a host of ongoing programs, including summer camps and special events. Arevim's main office is located in Monsey, New York, and the organization has grown to respond to the growing needs of at-risk youth. Arevim wishes to expand into Brooklyn by opening a satellite facility on the cellar and first floor of the Proposed Building.

The second floor of the Proposed Building will hold a synagogue unaffiliated with Arevim. The synagogue will be most active on weekdays with an expected weekday membership of approximately forty people and prayers held three times a day. The synagogue will primarily cater to observant Jews who require prayer rooms for weekday services but attend a larger, more traditional synagogue on weekends. In that regard, Friday and Saturday attendance is expected to be less voluminous than weekday attendance, with an approximate attendance of eighteen people.

The needs of the proposed synagogue are such that it requires sufficient space to host all members who wish to pray during the work week. As there are fewer available prayer rooms in the surrounding area of the Premises, this will satisfy a need in the community allowing observant Jews to pray together in satisfaction of important religious mandates.

PROPOSED PROJECT

This application seeks a variance to legalize the existing two-story and cellar building for ground floor a Use Group 4 non-profit mental health care community facility and a Use Group 4 house of

worship (the "Proposed Building"). The Proposed Building complies with use regulations and bulk regulations with the exception of floor area, lot coverage, open space, and rear yard requirements. The Proposed Building is governed primarily by ZR § 113-11 of the Ocean Parkway Special District, which requires all community facility developments to comply with the residential bulk regulations of ZR Article II, Chapter 3. The Proposed Building contains a community facility on the first story and a house of worship on the second story. Such uses are permitted as-of-right in the subject R5/C2-4 zoning district.

As per the enclosed plans, the Proposed Building has a total floor area of approximately 9,377 sf (1.8 FAR), whereas approximately 6,442 sf, or 1.25 FAR is permitted as-of-right. Thus, an additional floor area of approximately 2,835 sf is proposed. The Proposed Building is approximately 25'-4" tall and therefore complies with street wall height regulations. As the Proposed Building is built to the lot line, there is no rear yard, where a 20' rear yard is required. The Proposed Building will have an open space ratio of 0%, which does not comply with the required open space ratio of 45%. The existing/proposed lot coverage is 90%, exceeding the maximum permitted of 55%.

DEPARTMENT OF BUILDINGS OBJECTIONS

As is prerequisite for a variance application, plans were filed with the Department of Buildings for the proposed the design. The following updated objections were issued on August 12, 2014:

Proposed Floor Area Ratio exceeds the maximum permitted pursuant to Zoning Resolution ("ZR") § 23-141, made applicable by ZR § 113-11, and thus is contrary to ZR § 113-11.

Proposed Lot Coverage exceeds the maximum permitted pursuant to ZR § 23-141, made applicable by ZR § 113-11, and thus is contrary to ZR § 113-11.

Proposed Open Space is less than the minimum required pursuant to ZR § 23-141, made applicable by ZR § 113-11, and thus is contrary to ZR § 113-11.

Proposed Rear Yard is less than the minimum required pursuant to ZR § 23-47, made applicable by ZR § 113-11, and thus is contrary to ZR § 113-11.

As the Application Number appears to be missing from the DOB Objection, please see the attached DOB filing record, which illustrates the filing of the Alt-1 application.

ZONING RESOLUTION SECTION 72-21

Under Section 72-21 of the Zoning Resolution, the Board of Standards and Appeals has the authority to vary the strict application of zoning regulations, provided the five requisite findings are satisfied. However, due consideration must be given to the fact that one of the proposed uses is that of a religious institution. The house of worship serves the local community, a not-for-profit use legally entitled to deferential and protective treatment in zoning matters because of its unique contribution to the public welfare. As a general rule, religious institutions are presumed to have a beneficial effect on the residential communities in which they locate. The laws of the State of New York fully support this position. It is widely acknowledged in New York that religious institutions and schools occupy a special status under the zoning law and that "when the church enters the picture, different considerations apply...Thus church and school accessory uses are, in themselves, clearly in furtherance of the public morals and general welfare..." Diocese of Rochester v. Planning Board of Town of Brighton, 1 N.Y.2d 508, 523-26 (1956). Courts have consistently held that the favorable zoning status accorded to religious and educational uses is limited solely by factors involving the health, safety or welfare of the public. Cornell University v. Bagnardi, 68 N.Y.2d 583 (1986).

(A) UNIQUE CONDITIONS:

There are a number of factors that render the Premises unique as compared with other properties in the surrounding area. As a result, unnecessary hardship and practical difficulties in complying strictly with the provisions of the Zoning Resolution are created. As stated in ZR Section 72-21 (a) the Board must find:

that there are unique physical conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to and inherent in the particular zoning lot; and that, as a result of such unique physical conditions, practical difficulties or unnecessary hardship arise in complying strictly with the use or bulk provisions of the Resolution; and that the alleged practical difficulties or unnecessary hardship are not due to circumstances created generally by the strict application of such provisions in the neighborhood or district in which the zoning lot is located;

The following are unique conditions pertaining to the Premises, all of which have been cited for uniqueness in previous applications before the Board:

1. Irregular Lot Shape

As is described above and seen in the materials submitted herewith, the subject lot is irregularly shaped. The unique shape of the subject lot is directly related to and forms one of the bases for the requested lot coverage and rear yard waivers. The unique dimensions impact the rear of the lot and limit the potential floor plates at the Premises. The practical difficulties encountered at the site are thus a direct result of the uniqueness derived from the lot's unique shape and irregular dimensions.

2. Programmatic Needs

The applicant's programmatic needs form another basis for the requested waivers of floor area, lot coverage, open space, and rear yard requirements. As a not-for-profit organization involved in the development of supportive counseling, the applicant receives funding from private donors and has secured the funding and necessary staff to open a satellite office at the Premises. See attached correspondence from Areivim's Executive Director, Eli Wiener. Such program requirements include, without limitation, adequate space for group therapy and counseling.

As the applicant's programmatic needs include providing counseling, crisis intervention and other critical support to at-risk youth, these unique needs dictate in part the requirements for the Proposed Building. A larger floor plate on the first floor is necessary to provide adequate space to accommodate individual counseling and group therapy sessions while also maintaining sufficient area for administrative offices. Similarly, the proposed bulk waivers will provide adequate space for the synagogue on the second floor. Absent the requested waivers from the Board, the applicant will be unable to fulfill its programmatic needs.

In addition to providing deferential treatment to religious institutions, the Board has consistently recognized that the programmatic needs of not-for-profit corporations can contribute to the uniqueness of

a proposed site. See BSA Resolution, Cal. No. 382-03-BZ (March 9, 2004) (stating “the Board finds that the unique conditions mentioned above, when considered in the aggregate and in conjunction with the programmatic needs of [the applicant], create practical difficulties in developing the site in strict conformity with current zoning”). Here, as a result of the unique needs of the congregation, practical difficulties arise in complying strictly with the provisions of the Zoning Resolution.

(B) REASONABLE RETURN

This finding is not applicable as the owner and proposed user of the subject premises is a not-for-profit religious organization.

(C) CHARACTER OF THE NEIGHBORHOOD

The proposed variance will not affect the character of the neighborhood, impair the appropriate use or development of adjacent property or be detrimental to the public welfare. Although the proposed floor area, lot coverage, and rear yards are non-compliant in the subject R5/C2-4 OP zoning district, the requested waivers are minimal in light of the applicant’s programmatic needs. Furthermore, the building envelope fits within the character of the neighborhood, as several buildings on the subject block exceed the 1.25 FAR limitation within the applicable zoning district according to publicly available data (*See* Block 6658, Lots 11, 26, 30, 39, 42, 43, 59, 71, 72, and 73). In fact, four of these lots have greater FARs than that of the Proposed Building (See Block 6658, Lots 11 (1.89 FAR), 26 (3.52 FAR), 59 (1.9 FAR), and 73 (2.25 FAR)). Thus, the modest waivers requested to legalize the Proposed Building are well within the character of the neighborhood.

The Proposed Building and Areivim care center would be a welcome addition to the neighborhood, which is currently underserved in the area of youth care services. The community support and need for youth services in the area is evident in Councilmember David G. Greenfield’s letter of support, which is enclosed herewith. The Areivim office at the Proposed Building is only

programmatically feasible upon receipt of the requested minimal waivers and would be an asset to the community. In light of these neighborhood characteristics, the proposed variance will neither affect the character of the neighborhood, substantially impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

(D) SELF-CREATED HARDSHIP

The practical difficulties encountered on this site are not caused by the owner of the site nor a predecessor in title, but are inherent in the unique needs of the synagogue's congregation.

(E) MINIMAL VARIANCE

Within the intent of the Zoning Resolution, the instant request is minimal but will afford the community facility and the congregation relief. Given the programmatic needs described above, we respectfully submit that the proposed community center and synagogue design is the minimum necessary to functionally accommodate the congregation

CONCLUSION

The variance sought reasonably and minimally meets the needs of both the community facility and the synagogue. The scope of improvements included in the legalization is necessary in order to accommodate the programmatic needs of the congregation. It is respectfully requested that the Board approve the application in all respects.

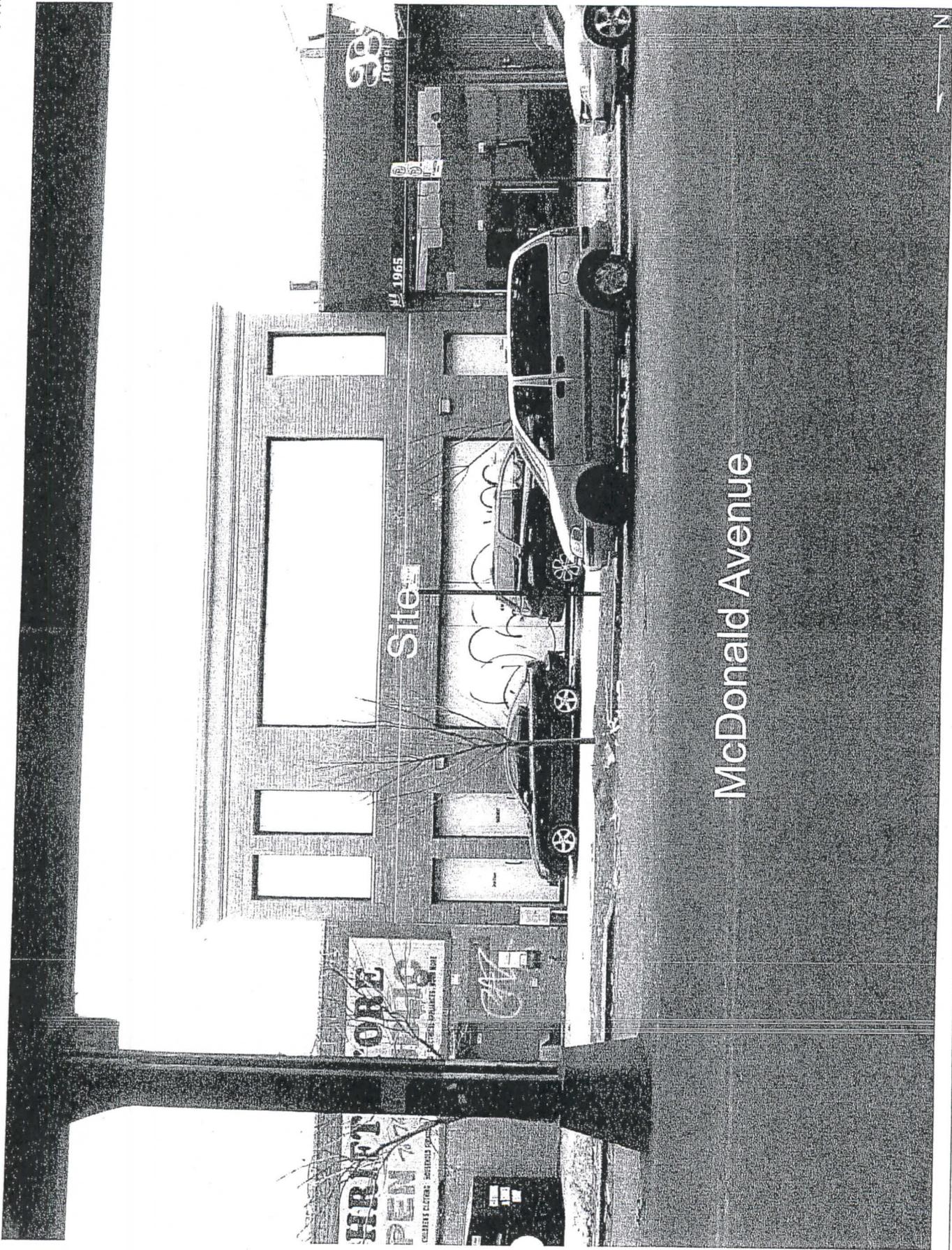
Respectfully submitted,



Richard Lobel

1963 McDonald Avenue, Brooklyn
Block 6658, Lot 62

Photo #3



McDonald Avenue