



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

BSA APPLICATION NO. 2016-4131-B2
 CEQR NO. _____

Section A

Applicant/
 Owner

Rothkrug Rothkrug & Spector LLP			Ateret Torah Center		
NAME OF APPLICANT			OWNER OF RECORD		
55 Watermill Lane			901 Quentin Road		
ADDRESS			ADDRESS		
Great Neck	NY	11021	Brooklyn	NY	11223
CITY	STATE	ZIP	CITY	STATE	ZIP
516	487-2252		LESSEE / CONTRACT VENDEE		
AREA CODE	TELEPHONE		ADDRESS		
516	487-2439		CITY		
AREA CODE	FAX		STATE		
adam@rrslawllp.com			ZIP		
EMAIL					

Section B

Site
 Data

901 Quentin Road 11223
 STREET ADDRESS (INCLUDE ANY A/K/A) ZIP CODE

north side of Quentin Road between East 9th and East 10th Street
 DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS

6641	38	Brooklyn	15	n/a
BLOCK	LOT(S)	BOROUGH	COMMUNITY DISTRICT	LANDMARK/HISTORIC DISTRICT
David G. Greenfield	C8-2 and R5 (OP)		22d	
CITY COUNCIL MEMBER	ZONING DISTRICT (include special district, if any)		ZONING MAP NUMBER	

Section C
 Dept of Building
 Decision

BSA AUTHORIZING SECTION(S) 72-21 + 73-19 for VARIANCE SPECIAL PERMIT (Including 11-41)
 Section(s) of the Zoning Resolution to be varied 32-31 + 32-12, 33-432 + 33-42, 113-542 + 23-45, 113-55 + 23-631, 113-22
 DOB Decision (Objection/ Denial) date: 2/4/2016 Acting on Application No: 320622769

Section D

Description

(LEGALIZATION YES NO IN PART)

Application to permit construction of a four-story building to contain a school (UG 3), requiring a special permit for the proposed use in a C8-2 zoning district, and a variance to permit height + setback, front yard, street wall height, ridge line and absence of off-street loading facilities contrary to district requirements.

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)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PRIOR BSA APPLICATION NO(S): <u>1147-83-BZ</u>		
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 THE STATEMENTS CONTAINED IN THE PAPERS ARE TRUE.

Adam Rothkrug SWORN TO ME THIS 16 DAY OF FEB 20 16
 Signature of Applicant, Corporate Officer or Other Authorized Representative

Adam Rothkrug attorney
 Print Name Title

TODD DALE
 NOTARY PUBLIC STATE OF NEW YORK
 NO. 02DA6182837
 QUALIFIED IN KINGS COUNTY
 COMMISSION EXP. MARCH 10, 2016

NYS RA / PE SEAL AND SIGN

BSA ZONING ANALYSIS

REVISED APRIL 2005

BSA CALENDAR NO. _____

BLOCK 6641

LOT 38

SUBJECT SITE ADDRESS

901 Quentin Road, Brooklyn, NY 11223

APPLICANT

Willy L. Zambrano, R.A.

COMPLIANT: "Y"

ZONING DISTRICT C8-2 and R5

PRIOR BSA # 1147-83-BZ

IF NOT: "N" and

SPECIAL/HISTORIC DISTRICT OP

COMMUNITY BOARD 315

* APPLICABLE ZR SECTION	MAXIMUM PERMITTED	MINIMUM REQUIRED	LEGAL PER C of O or BSA	EXISTING	PROPOSED	INDICATE AMT OVER/UNDER
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LOT AREA	N/A		N/A	20,000	22,000.0	22,000.0	"Y"
LOT WIDTH	N/A		N/A	200'-0"	200'-0"	200'-0"	"Y"
USE GROUP (S)	32-31/113-502	N/A		3	3	3	"N"
FA RESIDENTIAL	N/A	N/A		N/A	N/A	N/A	N/A
FA COMMUNITY FACILITY	33-123/113-51	99,000.0		34,515.48	38,535.78	58,551.16	"Y"
FA COMMERCIAL/INDUST.	N/A	N/A		N/A	N/A	N/A	N/A
FLOOR AREA TOTAL	N/A	99,000.0		34,515.48	38,535.78	58,551.16	"Y"
FAR RESIDENTIAL	N/A	N/A		N/A	N/A	N/A	N/A
FAR COMMUNITY FACILITY	33-123/113-51	4.40		N/A	1.75	2.66	"Y"
FAR COMMERCIAL/INDUST.	N/A	N/A		N/A	N/A	N/A	N/A
FAR TOTAL	N/A	4.40		1.73	1.75	2.66	"Y"
OPEN SPACE	N/A		N/A	N/A	N/A	N/A	N/A
OPEN SPACE RATIO	N/A		N/A	N/A	N/A	N/A	N/A
LOT COVERAGE (%)	N/A & 113-57	N/A		48	58	68	"Y"
NO. DWELLING UNITS	N/A	N/A		N/A	N/A	N/A	N/A
WALL HEIGHT	33-432/113-55	60' & 21'		50'-6"	47'-7"	58'-0 1/2"	"N"
TOTAL HEIGHT	33-432/113-55	N/A & 35'		50'-6"	47'-7"	71'-6 1/2"	"N"
NUMBER OF STORIES				4	4 / 0	4 / 4	"Y"
FRONT YARD	N/A & 113-542		N/A & 10'	2'2.5"	2'2.5"&N/A	2'2.5"& 0'	"N"
SIDE YARD	33-291/113-544		15' & 8'	10'-5"	10'-5' & 0'	10'-5' & 8'	"Y"
SIDE YARD	N/A		N/A	N/A	N/A	N/A	N/A
REAR YARD	33-31/113-544		0' & 20'	N/A	N/A	N/A & 46.7	"Y"
SETBACK (S)	33-432 & N/A		15' & 20'	N/A	N/A	0'	"N"
SKY EXP. PLANE (SLOPE)	33-432 & N/A	1:5.6/1:2.7		N/A	N/A	0'	"N"
NO. PARKING SPACES	N/A	N/A	N/A	N/A	N/A	N/A	N/A
LOADING BERTH (S)	N/A	N/A	N/A	N/A	N/A	N/A	N/A
OTHER:				N/A			

* In Applicable ZR Section column: For RESIDENTIAL developments in non-residential districts, indicate nearest R district, e.g., R4/23-141, 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:

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STATEMENT OF FACTS AND FINDINGS

**901 Quentin Road
Block 6641 Lot 38
Brooklyn, New York**

Application filed pursuant to § 73-19 of the Zoning Resolution of the City of New York, as amended (“ZR”), for a special permit to allow a proposed school (UG3) in a C8-2 zoning district, and pursuant to ZR § 72-21 for the following zoning variances required in connection with the proposed building:

1. Height and setback do not comply with ZR §§ 33-432 and 33-42(f);
2. Front yard does not comply with ZR §§ 113-542 and 23-45;
3. Maximum street wall height does not comply with ZR §§ 113-55 and 23-631;
4. Maximum ridge line does not comply with ZR § 113-55 and 23-631;
5. Proposed building containing school without off street loading facilities and bus lane does not comply with ZR § 113-22(a).

The subject site is an irregular lot located at the southern border of the block bounded by Quentin Road, East 9th Street and East 10th Street in Brooklyn. The subject lot has 200 ft. frontage on the north side of Quentin Road, 100 ft. on the east side of East 9th Street, and 120 ft. frontage on the west side of East 10th Street, a total area of 22,000 sq. ft. The premises are located in C8-2 (OP) and R5 (OP) zoning districts within the area of Community Board 15 of Brooklyn. Reference to the City Planning Commission’s website does not indicate any pending zoning changes.

The premises are currently improved with three structures - a four-story building situated on the western portion of the lot, a two-story building situated on the northern portion of the lot, and a trailer located on the eastern portion of the lot. The main building, the four story structure located along the East 9th Street frontage, is home to Yeshiva Ateret Torah, a religious school established in the mid-

STATEMENT OF FACTS

(continued)

1980's pursuant to a special permit (§ 73-19 ZR) granted by the Board under Cal. No. 1147-83-BZ. The original approval, granted on May 30, 1984, permitted demolition of a large existing garage and construction of a cellar and three story structure within a C8-2 (OP) zoning district to be used as a school (UG3). On April 15, 1986 the Board granted an amendment to the resolution, permitting erection of an additional story (to create a four story building) and changes to the interior layout. The existing building complies and conforms to the most recent grant, with a final Certificate of Occupancy (No. 243419) issued on August 3, 1994. This building continues to be used as the main building for the Yeshiva Ateret Torah school, with an existing and proposed zoning floor area of 34,448 square feet (1.56 FAR).

Due to growth and subsequent overcrowding after completion of the original building, the school was forced to supplement the main building through the acquisition of a two story townhouse adjacent and north of their original site, fronting on East 10th Street, and through installation of a one story trailer housing temporary classrooms situated on the southeast portion of the subject lot. The townhouse (formerly residential) contains office space for the school, with a Certificate of Occupancy (No. 301744655F) issued on August 4, 2005 permitting use of the building as accessory school offices. The trailer, containing temporary classrooms, was authorized by the Department of Buildings in 1992.

It is proposed to replace the existing trailer and small two story building with a new cellar and four story building. The new building will be located on the eastern portion of the subject lot, near the intersection of Quentin Road and East 10th Street, with the area at the northeast corner of the lot becoming an open area, buffering the new building from the adjoining residential homes. The new building will be used by Yeshiva Ateret Torah primarily as a high school for older students, with an assembly area for students of all ages on the first floor. The cellar of the new building would contain a cafeteria/gymnasium space comprising the majority of the floor, with additional space for restrooms, indoor refuse storage, general storage and mechanical space – in addition, a hallway below grade would connect the new building with the existing school building located on the western portion of the

STATEMENT OF FACTS
(continued)

subject lot. The first floor would consist of an assembly space intended for use by elementary age students, a restroom, coat room, office, and an entrance lobby that would be accessible from East 10th Street and the courtyard between buildings. The second and third floors would each contain six classrooms, restroom, offices and storage space. The fourth floor would consist of the Beth Midrash, a study hall for older students dedicated to study of the Torah. Total floor area for the proposed building would be 20,015.38 sq. ft. with total floor area for the subject lot proposed to be 58,551.16 sq. ft. for the two buildings, resulting in an FAR of 2.66, significantly less than the permitted FAR combined FAR of 4.43.¹

Relief from the applicable zoning district regulations is required as the proposed school use is not permitted as of right in the existing C8-2 zoning district and requires special permit relief pursuant to ZR § 73-19. In addition, for Yeshiva Ateret Torah to meet its programmatic needs and serve the community, the proposed building cannot be constructed in compliance with the applicable bulk regulations, notably with respect to the portion of the premises located within the R5 zoning district. As proposed, non-compliances would exist with the proposed building as follows:

- Height and setback do not comply with ZR §§ 33-432 and 33-42(f) 631 (60 ft. permitted for portion of building in C8-2 district, 71 ft. 6½ in.. proposed);
- Front yard does not comply with ZR §§ 113-542 and 23-45 (10 ft. required for portion of building in R5 district, 0 ft. proposed);
- Maximum street wall height does not comply with ZR §§ 113-55 and 23-631 (21 ft. permitted for portion of building in R5 district, 58 ft. ½ in.. proposed);
- Maximum ridge line does not comply with ZR § 113-55 and 23-631 631 (35 ft. permitted for portion of building in R5 district, 58 ft. ½ in.. proposed);

¹ Permitted FAR for community facility in a C8-2(OP) district is 4.80 and FAR for a community facility in an R5(OP) district is 0.75. Total permitted floor area for the entire lot is 97,500 sq. ft. (20,000 sq. ft. in C8-2 district allows for 96,000 sq. ft. and 2000 sq. ft. in R5 district allows for 1500 sq. ft.) – 97,500 sq. ft. on a 22,000 sq. ft. lot results in permitted FAR of 4.43.

STATEMENT OF FACTS
(continued)

- Proposed building containing school without off street loading facilities and bus lane does not comply with ZR § 113-22(a) (*12 ft lane required with entrance and exit from two streets, none proposed*).

Other than the proposed non-compliances noted the building meets all bulk requirements of the underlying zoning districts, including a proposed floor of 59,453.67 sq. ft. for the two school buildings, significantly less than the 97,500 sq. ft. that would be permitted as of right. As to the variances requested, as detailed on the submitted plans, they are limited to small sections of the proposed building at the north and south sides of the proposed structure. For the portion proposed to be located in the R5 zoning district, waivers would be required pertaining to front yard, street wall height and ridge line to allow for a consistent floor plate and building design, matching the remainder of the building that would be in the C8-2 district. With respect to the waiver sought for building height and required setback, a waiver would be required only for the proposed vestibule at the roof level, situated between stairs, elevator mechanical space and mechanical rooms – all of which are permitted obstructions. Finally, a waiver is sought to allow for the proposed site design that does not include an internal off-street loading lane. No such lane currently is provided for the existing school, and creation of such a lane, including two street entrances/exits, would eliminate needed and safe outdoor recreation space for students and create a traffic circle adjacent to existing residential uses.

In addition to the bulk variances requested to allow the proposed building, a special permit is sought pursuant to ZR § 73-19 to allow the proposed school use in the portion of the lot located in the C8-2 zoning district. The findings of this special permit, available in the underlying C8-2 zoning district, would be met by the proposed design – (1) there are no sites of adequate size in a district where the use would be permitted as of right near the existing school, (2) the site is located within 400 feet of a district where the use would be allowed as of right, (3) there will be adequate separation between the school and adverse effects of the non-residential district, if any, and (4) all movement from traffic in streets near the new proposed building can be controlled to protect children (as evidenced by the continued safe operation of the existing school for decades).

STATEMENT OF FACTS
(continued)

The practical difficulties created by proposing a new school building that conforms and complies with district requirements is demonstrated by the multiple as of right scenarios provided with submitted plans. Options (No. 1 and No. 2) that locate the new building solely within the C8-2 district and would not require waivers result in blocking light and air from the existing school building, creating traffic adjacent to existing residential uses, separating the outdoor recreation area, and creating inefficient floor plates limited in size, that do not meet the needs of the school. A third option (No. 3) that would seek alternate variances for bulk requirements results in a loss of class rooms for the proposed new building, severely hindering the operation and needs of the school.

The variances sought are the minimum necessary to serve the programmatic needs of Yeshiva Ateret Torah. Without the requested variances, the school would be severely impaired in its goal of providing needed school services and continuing to serve the educational needs of the community.

Relevant to the requested variance, the federal “Religious Land Use and Institutionalized Persons Act of 2000” (“RLUIPA”), recognizes the importance that the free exercise of religion plays in our society. RLUIPA forbids state and local governments from imposing a substantial burden on the exercise of religion unless these governments can demonstrate that the imposition of such burden is the least restrictive means of furthering a compelling governmental interest. 42 U.S.C. §§ 2000cc-1 et seq. (West Supp. 2001). The proposed bulk variance for this corner lot is minimal, allowing the congregation to meet its programmatic needs, and no compelling governmental interest would be served by denying the request.

Furthermore, the New York State Court of Appeals has set forth the standard of analysis for any variance application that seeks to accommodate the construction of a religious institution. This standard does not permit denial of such a variance unless the proposed building is found to have an adverse impact that is “direct and immediate.” Westchester Reform Temple v. Brown, 22 N.Y.2d 488

STATEMENT OF FACTS
(continued)

(1968). Additionally, when considering a religious institution's application for a variance, "Factors such as the character of the area, density of population, increased traffic and diminution of property values are not sufficient grounds for the denial of a variance." *See* 22 N.Y.2d 488. This Board has embraced this standard in several previous resolutions.

Religious and educational institutions are presumed to advance the welfare of the public, and in order to deny a variance there must be an affirmative showing that such a use is to the contrary. *See Cornell Univ. v. Bagnardi*, 68 N.Y.2d 583, 510 N.Y.S.2d 861 (1986). A showing that the religious use would reduce property values, create noise, or increase traffic flow is not sufficient to prohibit that use. *See In re Westchester Reform Temple v. Brown*, 22 N.Y.2d 488; *see In re Diocese of Rochester v. Planning Bd. of Town of Brighton*, 1 N.Y.2d 508 (1956); *see Islamic Soc'y of Westchester & Rockland v. Foley*, 96 A.D.2d 536, 464 N.Y.S.2d 844 (1983); *see In re Mikveh of S. Shore Congregation v. Granito*, 78 A.D.2d 855. Religious institutions have been permitted to forgo lot area coverage requirements, parking lot size requirements, and building set back requirements. *See In re Am. Friends of Soc'y of St. Pius v. Schwab*, 68 A.D.2d 646 (1979); *see Genesis Assembly of God v. Davies*, 208 A.D.2d 627, 617 N.Y.S.2d 202 (1994); *see Reconstructionist Synagogue of N. Shore v. Incorporated Village of Roslyn Harbor*, 38 N.Y.2d 283, *cert. denied*, 426 U.S. 950, and *see* 96 A.D.2d 536.

SUGGESTED FINDINGS PURSUANT TO
§72-21 OF THE ZONING RESOLUTION

Following are the findings required for the grant of a variance of the zoning resolution pursuant to ZR § 72-21:

- (A) **There are unique conditions peculiar to this particular zoning lot that create practical difficulties and cause unnecessary hardship in complying strictly with the provisions of the Zoning Resolution. These practical difficulties and unnecessary hardship are not due**

SUGGESTED FINDINGS PURSUANT TO ZR § 72-21
(continued)

to circumstances created generally by the strict application of the Zoning Resolution to the neighborhood.

Strict application of the bulk requirements to the subject site, an irregular lot with a continuing history of use for a school, results in practical difficulties and unnecessary hardship that prevent Yeshiva Ateret Torah from providing the facilities necessary to fulfill its programmatic needs. Due to the unusual dimensions the subject lot that spans two zoning districts, there are limitations in developing the lot with a conforming and compliant structure.

Yeshiva Ateret Torah is an existing religious school, established in the mid-1980's pursuant to a special permit granted by the Board pursuant to ZR § 73-19 under Cal. No. 1147-83-BZ. The approval (granted on 5/30/84) allowed for demolition of a large existing garage building, and replacement of the building with a cellar and three-story structure. The applicable C8-2 regulations permitted a maximum FAR of 4.8 (or 96,000 sq. ft.) and the proposed building was 24,800 sq. ft.

Prior to completion of the original school building, Yeshiva Ateret Torah determined that the proposed building would be insufficient to meet the needs of the school and the expected student population. Correspondingly, the school returned to the Board, and the Board granted an amendment to add a 4th floor – approximately 10,000 sq. ft. – increasing the approved floor area to 34,575.48 sq. ft.

In the early 1980's the school had enrollment of 110 children. Students were of ages suitable for pre-kindergarten, kindergarten, first and second grades. In 1992, due to an increase in student attendance, the school obtained DOB approval to add a temporary trailer classroom in the yard area. In 2003, Yeshiva Ateret Torah acquired Lot 36, a 20 ft. x 100 ft. parcel lot on E. 10th Street immediately north and adjacent to the original lot that was improved with a one family dwelling. Subsequently, in 2004 the school obtained DOB approval to convert that building for use as accessory offices to the school and a Certificate of Occupancy for same was issued in 2005.

SUGGESTED FINDINGS PURSUANT TO ZR § 72-21

(continued)

Currently, the school serves of 653 students (boys) that are ages 6 through 18. These students include 488 elementary students and 165 high school students. The increase in student population and community demand for school services had created programmatic needs in allowing Yeshiva Ateret Torah to provide for its students, with the existing buildings no longer sufficient to meet the educational demands of the school. The current student population is 600% greater than at the time of the original school building's construction, and even with the office space provided and the trailer in the yard of the subject lot, space is limited and detrimental to the school and the students' needs.

The proposed building would allow Yeshiva Ateret Torah to move high school age students to the new building. It would also provide a needed public assembly area for the elementary students on the first floor, and a Beth Midrash, dedicated to study of the Torah, for older students on the fourth floor which is necessary to meet the educational and religious needs of Yeshiva Ateret Torah. Absent the waivers requested, a complying design would result in limited floor plates and/or lost classrooms, severely hindering the programmatic needs of the school.

The proposed facility is required to achieve the programmatic needs of Yeshiva Ateret Torah and to provide benefit to the residents of the community. The proposed facility is designed to serve the particular neighborhood with which Yeshiva Ateret Torah has long been involved, and as such the particular location of the subject site is critical.

(B) Due to the physical condition of the subject zoning lot there is no reasonable possibility that the development of the lot in strict conformity with the provisions of the Zoning Resolution will bring the owners a reasonable return.

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

SUGGESTED FINDINGS PURSUANT TO ZR § 72-21
(continued)

- (C) The variance, if granted, will not alter the essential character of the neighborhood or district in which it is located; and will not substantially impair the appropriate use or development of adjacent property; and will not be detrimental to the public welfare.**

The requested variance will result in a development that is in character with, and beneficial to, the surrounding neighborhood. Yeshiva Ateret Torah has been an active member of the community for over thirty years, and the proposed building would be located in nearly the same footprint as two outdated structures currently used for the existing school use.

Uses within the vicinity of the premises are primarily residential (to the north), community facility (along Quentin Road), or mixed-use (commercial/residential, south of Quentin Road). The proposed building would not seek to change the existing use of the premises and would only be an improvement of outdated and insufficient buildings. The proposed use is permitted in the R5 zoning district portion of the lot, and the Board previously granted a special permit for the proposed use in the C8-2 portion of the lot – a use that continues to this day.

- (D) The practical difficulties and unnecessary hardship affecting the subject site have not been created by the owner of the site or the predecessor in title.**

The hardship results from the strict application of the zoning resolution to the subject site, an irregular lot with a history of use as a school to be developed to meet the programmatic needs of Yeshiva Ateret Torah. These conditions were not caused by the owner or a predecessor in title and are inherent to the site.

- (E) Within the intent of the Zoning Resolution, the instant request is the minimum variance necessary to afford relief.**

The requested variance of bulk requirements is the minimum necessary to accommodate the programmatic needs of Yeshiva Ateret Torah. The proposed building is the minimum necessary to allow the school to effectively fulfill its religious mission and programmatic needs. Without the

SUGGESTED FINDINGS PURSUANT TO ZR § 72-21
(continued)

requested variances, the congregation could not provide needed education services to the community, and the proposed development that would allow for a more modern and less crowded school would not be possible.

SUGGESTED FINDINGS PURSUANT TO
§ 73-03 OF THE ZONING RESOLUTION

Following are the general findings the Board is required to make for grant of a special permit pursuant to § 73-03 of the Zoning Resolution:

The Board of Standards and Appeals shall have the power, as authorized by Section 73-01, paragraph (a) or (b), and subject to such appropriate conditions and safeguards as the Board shall prescribe, to grant special permit uses or modifications of use, parking, or bulk regulations as specifically provided in this Chapter, provided in each case:

(a) The Board shall make all of the findings required in the applicable sections of this Chapter with respect to each such special permit use or modification of use, parking or bulk regulations and shall find that, under the conditions and safeguards imposed, the hazards or disadvantages to the community at large of such special permit use or modification of use, parking or bulk regulations at the particular site are outweighed by the advantages to be derived by the community by the grant of such special permit. In each case the Board shall determine that the adverse effect, if any, on the privacy, quiet, light and air in the neighborhood of such special permit use or modification of use, parking or bulk regulations will be minimized by appropriate conditions governing location of the site, design and method of operation.

(b) In all cases the Board shall deny a special permit whenever such proposed special permit use or modification of use, parking or bulk regulations will interfere with any public improvement project (including housing, highways, public buildings or facilities, redevelopment or renewal projects, or right-of-way for sewers, transit or other public facilities) which is approved by or pending before the Board of Estimate, Site Selection Board or the City Planning Commission as determined from the calendars of each such agency issued prior to the date of the public hearings before the Board of Standards and Appeals.

SUGGESTED FINDINGS PURSUANT TO ZR § 73-03

(continued)

(c) When under the applicable findings the Board is required to determine whether the special permit use or modification of use, parking or bulk regulations is appropriately located in relation to the street system, the Board shall in its discretion make such determination on the basis of the Master Plan of Arterial Highways and Major Streets on the official City Map. Whenever the Board is required to make a finding on the location of a proposed special permit use or modification of use, parking or bulk regulations in relation to secondary or local streets and such classification of streets is not shown on the Master Plan, the Board in its discretion shall request the City Planning Commission to establish a report on the appropriate classification of such street.

(d) For applications relating to Sections 73-243, 73-48 and 73-49, the Board in its discretion shall request from the Department of Transportation a report with respect to the anticipated traffic congestion resulting from such special permit use or modification of use, parking or bulk regulations in the proposed location. If such a report is requested, the Board shall in its decision or determination give due consideration to such report and further shall have the power to substantiate the appropriate finding solely on the basis of the report of the Department of Transportation with respect to the issue referred.

(e) If a term of years is specified in the applicable section, the Board shall establish a term of years not to exceed such maximum. For those special permit uses or modification of use parking or bulk regulations for which a maximum term has not been specified, the Board may fix an appropriate term for any such special permit use or modification of use parking or bulk regulations.

(f) On application for renewal of any such special permit authorized in this Chapter, the Board shall determine whether the circumstances warranting the original grant still obtain. In addition, the Board shall ascertain whether the applicant has complied with the conditions and safeguards theretofore described by the Board during the prior term. In the event that the Board shall find the applicant has been in substantial violation thereof, it shall deny the application for renewal.

(g) The Board may permit the enlargement or extension of any existing use, which, if new, would be permitted by special permit in the specified districts under the provisions of Section 73-01 and other applicable provisions of this Chapter, provided that before granting any such permit for enlargement or extension within the permitted districts, the Board shall make all of the required findings applicable to the special permit use, except that:

SUGGESTED FINDINGS PURSUANT TO ZR § 73-03
(continued)

(1) in the case of colleges or universities in R1 or R2 Districts, the Board may waive all such required findings set forth in Section 73-121 (Colleges and universities); and

(2) in the case of public utility uses, the Board may waive all such required findings set forth in Sections 73-14 (Public Service Establishments) or 73-16 (Public Transit, Railroad or Electric Utility Substations).

No such enlargement or extension shall create a new noncompliance or increase the existing degree of non-compliance with the applicable bulk regulations, except as may be permitted in accordance with the provisions of Sections 73-62 to 73-68, inclusive, relating to Modification of Bulk Regulations.

a. There are no foreseeable hazards or disadvantages to the community, and no foreseeable adverse effect on the privacy, quiet, light and air in the neighborhood of such special permit use. The school use proposed under ZR § 73-19 already exists on the subject lot and would be permitted as of right in the R5 portion of the subject site. The applicant will agree to any appropriate conditions with regard to the design and method of operation of the proposed facility. It is anticipated that the proposed additional school building will be an asset to the surrounding area, allowing Yeshiva Ateret Torah to continue providing a desirable use to the local community.

b. The proposed physical culture establishment will not interfere with any public improvement project which is approved or pending before the City Council, Site Selection Board or City Planning Commission.

c. Section 73-19 does not require the Board to make a finding with respect to the location of the use in relation to the street system. Nevertheless, it is not anticipated the proposed facility will have any negative impact on the surrounding streets as the site is already developed with a school permitted pursuant to a prior grant of the Board.

d. Not applicable.

SUGGESTED FINDINGS PURSUANT TO ZR § 73-03
(continued)

- e. Section 73-19 does not provide for a term of years.
- f. Not applicable.
- g. Not applicable.

SUGGESTED FINDINGS PURSUANT TO
§ 73-19 OF THE ZONING RESOLUTION

Section 73-19 of the Zoning Resolution permits schools such as that proposed in a C8-2 zoning district provided that the following findings are made:

In C8 or M1 Districts, the Board of Standards and Appeals may permit schools which have no residential accommodations except accessory accommodations for a caretaker, provided that the following findings are made:

(a) that within the neighborhood to be served by the proposed school there is no practical possibility of obtaining a site of adequate size located in a district wherein it is permitted as of right, because appropriate sites in such districts are occupied by substantial improvements;

(b) that such school is located not more than 400 feet from the boundary of a district wherein such school is permitted as-of-right;

(c) that an adequate separation from noise, traffic and other adverse effects of the surrounding non-Residential Districts is achieved through the use of sound-attenuating exterior wall and window construction or by the provision of adequate open areas along lot lines of the zoning lot; and

(d) that the movement of traffic through the street on which the school is located can be controlled so as to protect children going to and from the school. The Board shall refer the application to the Department of Traffic for

SUGGESTED FINDINGS PURSUANT TO ZR § 73-19

(continued)

its report with respect to vehicular hazards to the safety of children within the block and in the immediate vicinity of the proposed site.

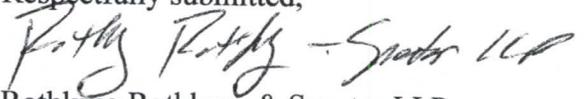
The Board may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

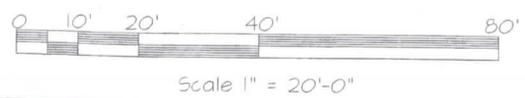
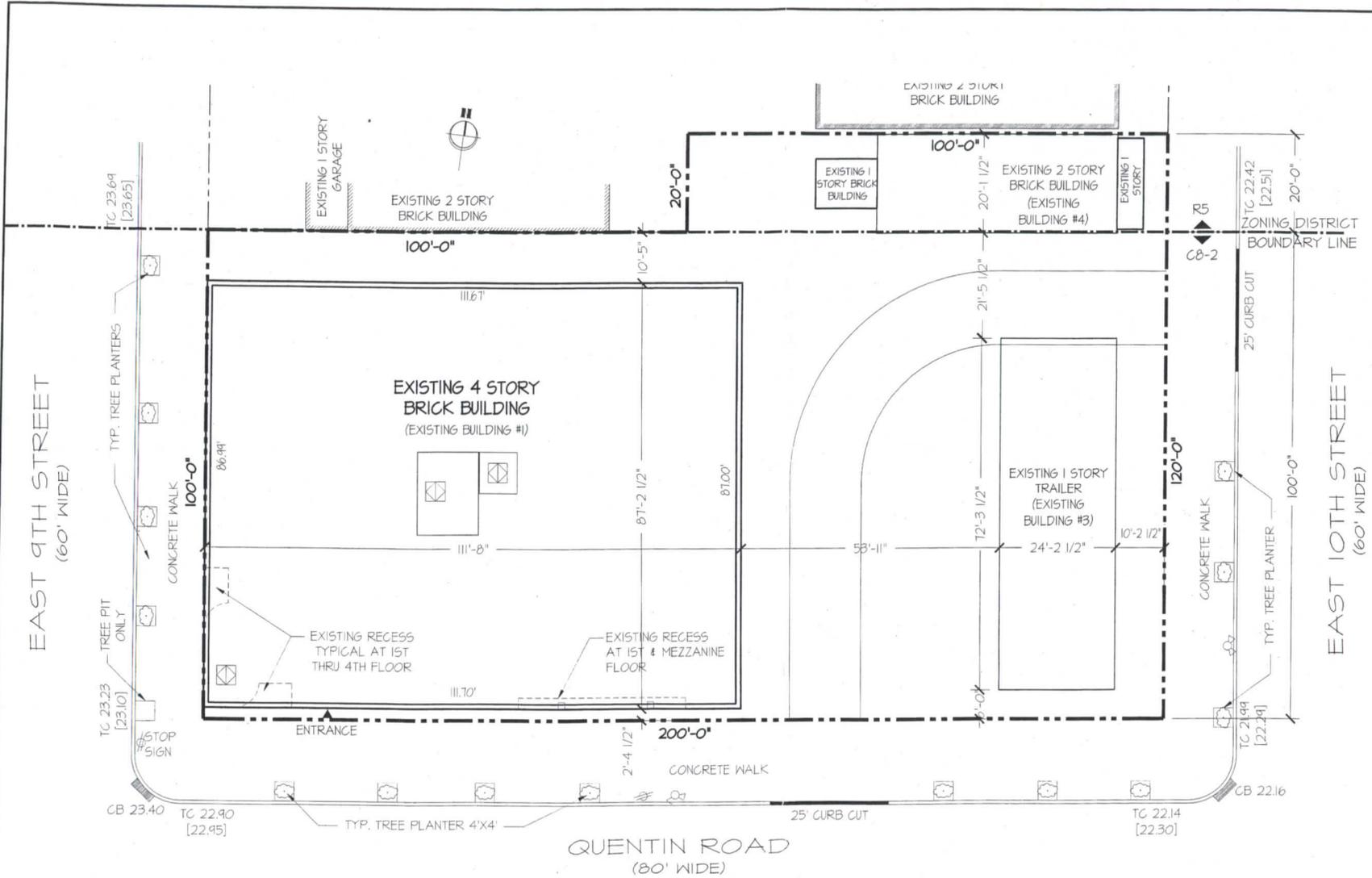
- a. There is no practical possibility of obtaining a site of adequate size in a district where the proposed school use is permitted as of right. The proposed building would be used in conjunction with the existing school building located on the same lot, limiting the distance between structures that would be practical. As indicated on the submitted radius area map, all lots within 400 feet are currently developed with no vacant parcels of any size in the vicinity of the existing school building.
- b. The school is not located more than 400 feet from the boundary of a district where the school use is permitted as of right. The subject C8-2 zoning district is immediately adjacent to an R5 zoning district, and the proposed building would actually be situated partially within both zoning district.
- c. The proposed building will provide an adequate separation of noise, traffic and other adverse affects from surrounding non-residential district. The proposed building would be located on a lot currently developed with an existing school, replacing an existing temporary structure with classrooms. The immediate block of the subject non-residential district is occupied by school uses that would not generate any noise, traffic or adverse affects, and the remainder of the non-residential district (west, south, east) is separated from the subject lot by streets.
- d. Movement of traffic through the street on which the school is located can be controlled to protect children going to and from school. The proposed building would occupy nearly

SUGGESTED FINDINGS PURSUANT TO ZR § 73-19
(continued)

the identical footprint of two existing building used by Yeshiva Ateret Torah, and no changes in the existing movement to and from school by children would be required.

Respectfully submitted,


Rothkrug Rothkrug & Spector LLP



BSA Calendar # _____

YESHIVAT ATERET TORAH

ADDRESS:
 901 QUENTIN ROAD
 BROOKLYN NEW YORK 11223

SCALE: 1"=20'-0"
 DATE: 06.18.2015
 PROJECT#: 14-114

SITE PLAN
 EXISTING CONDITIONS



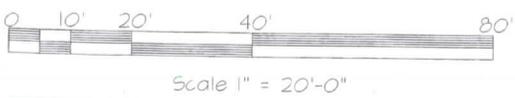
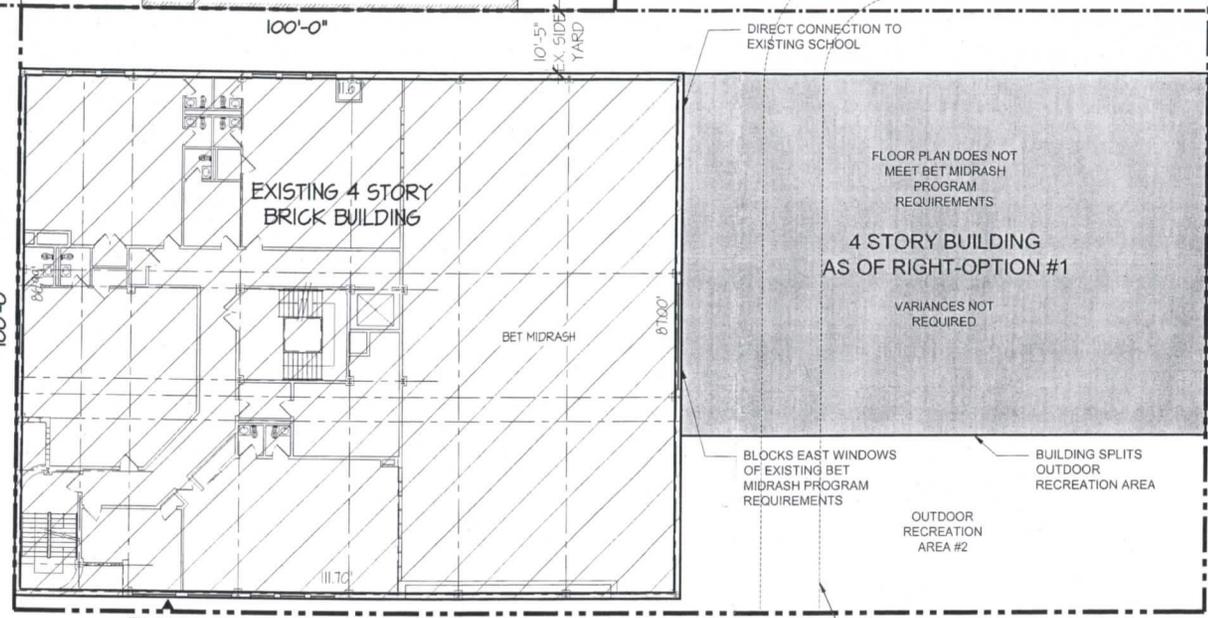
01

1 OF 2

EAST 9TH STREET
(60' WIDE)

EAST 10TH STREET
(60' WIDE)

QUENTIN ROAD
(80' WIDE)



BSA Calendar # _____

YESHIVAT ATERET TORAH

ADDRESS:
 901 QUENTIN ROAD
 BROOKLYN NEW YORK 11223
 SCALE: 1"=20'-0"
 DATE: 06.18.2015
 PROJECT#: 14-114

SITE PLAN
 OPTION #1
 AS OF RIGHT CONDITIONS



01

BSA Calendar # _____

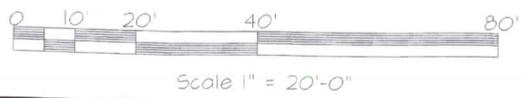
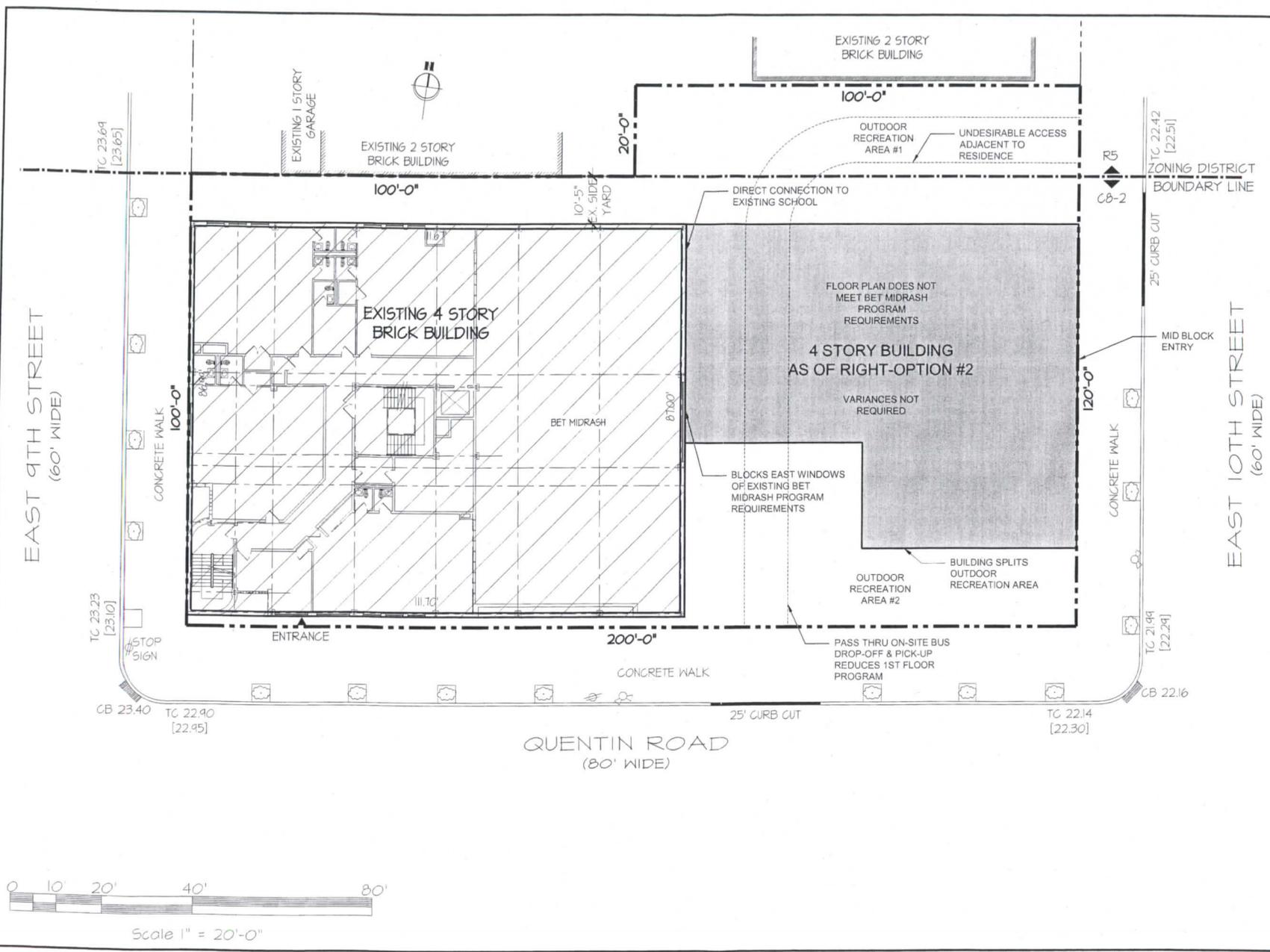
YESHIVAT ATERET TORAH

ADDRESS:
 901 QUENTIN ROAD
 BROOKLYN NEW YORK 11223
 SCALE: 1"=20'-0"
 DATE: 06.18.2015
 PROJECT#: 14-114

SITE PLAN
 OPTION #2
 AS OF RIGHT CONDITIONS



02



BSA Calendar # _____

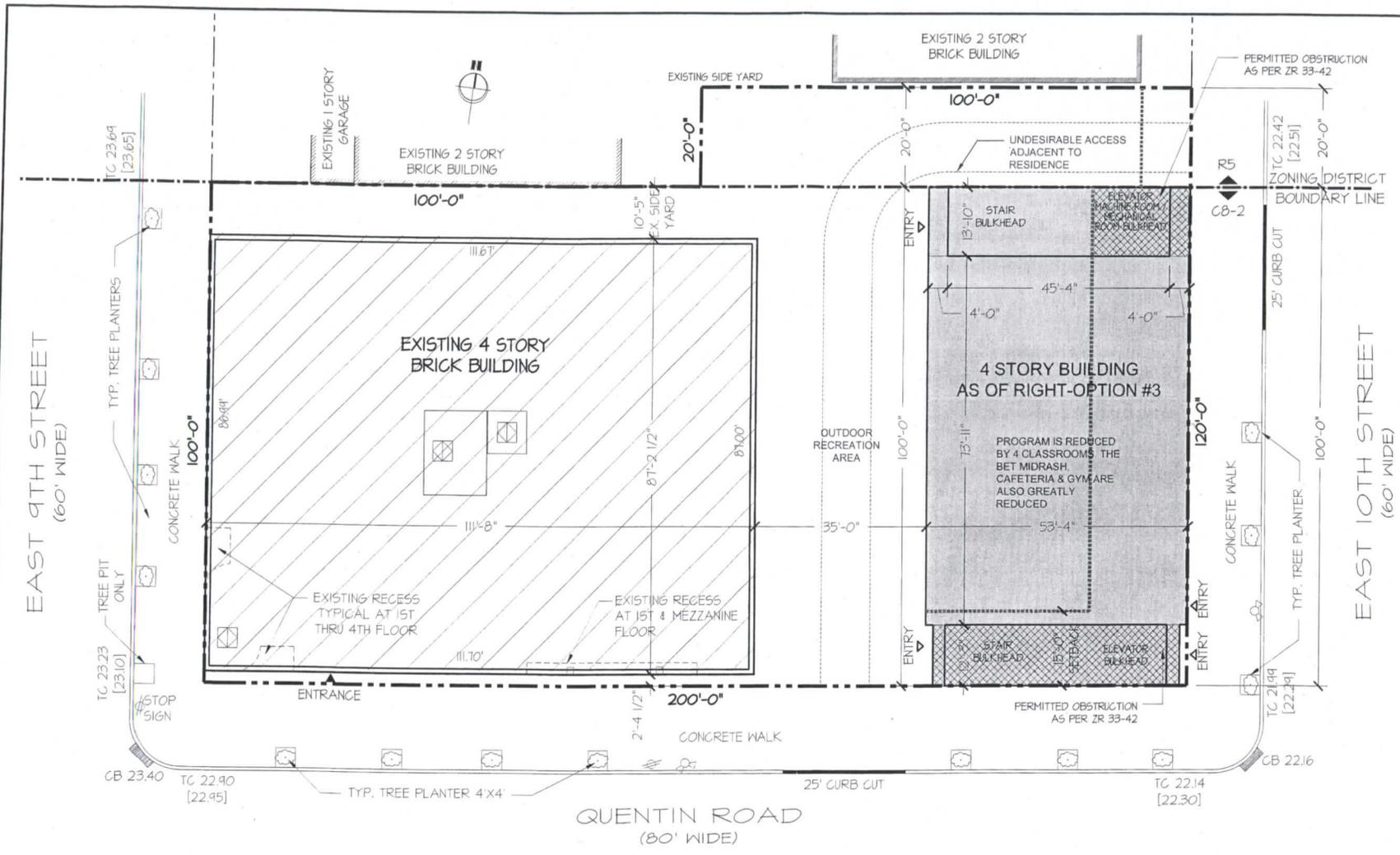
YESHIVAT ATERET TORAH

ADDRESS:
 901 QUENTIN ROAD
 BROOKLYN NEW YORK 11223
 SCALE: 1"=20'-0"
 DATE: 06.18.2015
 PROJECT#: 14-114

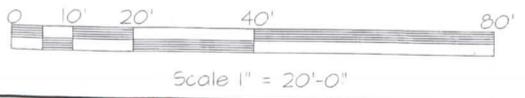
SITE PLAN
 OPTION #3
 AS OF RIGHT CONDITIONS



03



LEGEND	
	ZONING DISTRICT BOUNDARY LINE
	LINE OF INITIAL SETBACK DISTANCE
	EXISTING BUILDING #1
	PROPOSED BUILDING #2



BSA Calendar # _____

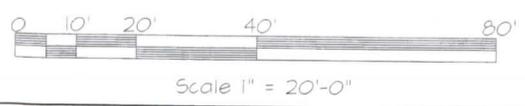
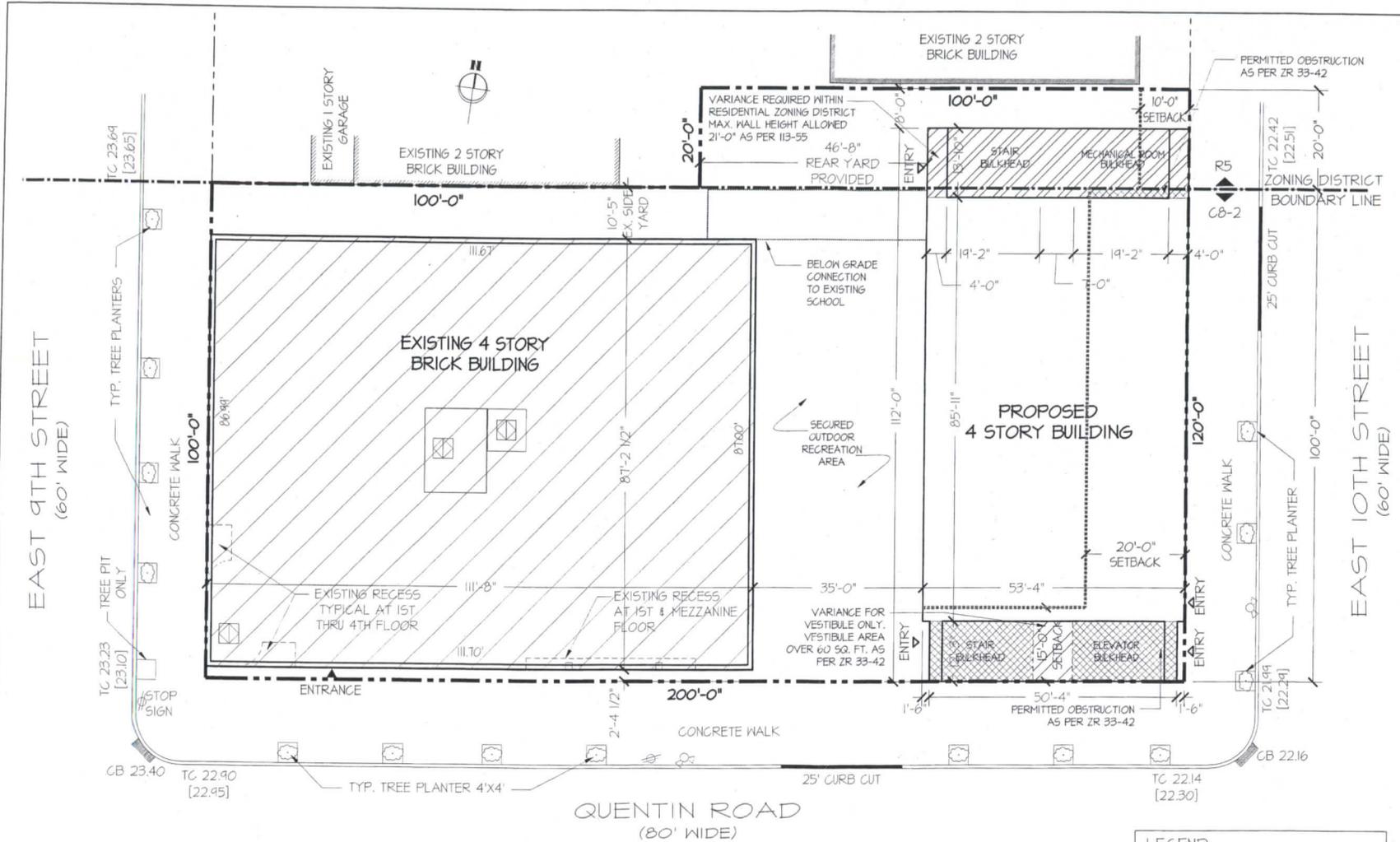
YESHIVAT ATERET TORAH

ADDRESS:
 901 QUENTIN ROAD
 BROOKLYN NEW YORK 11223
 SCALE: 1"=20'-0"
 DATE: 06.18.2015
 PROJECT#: 14-114

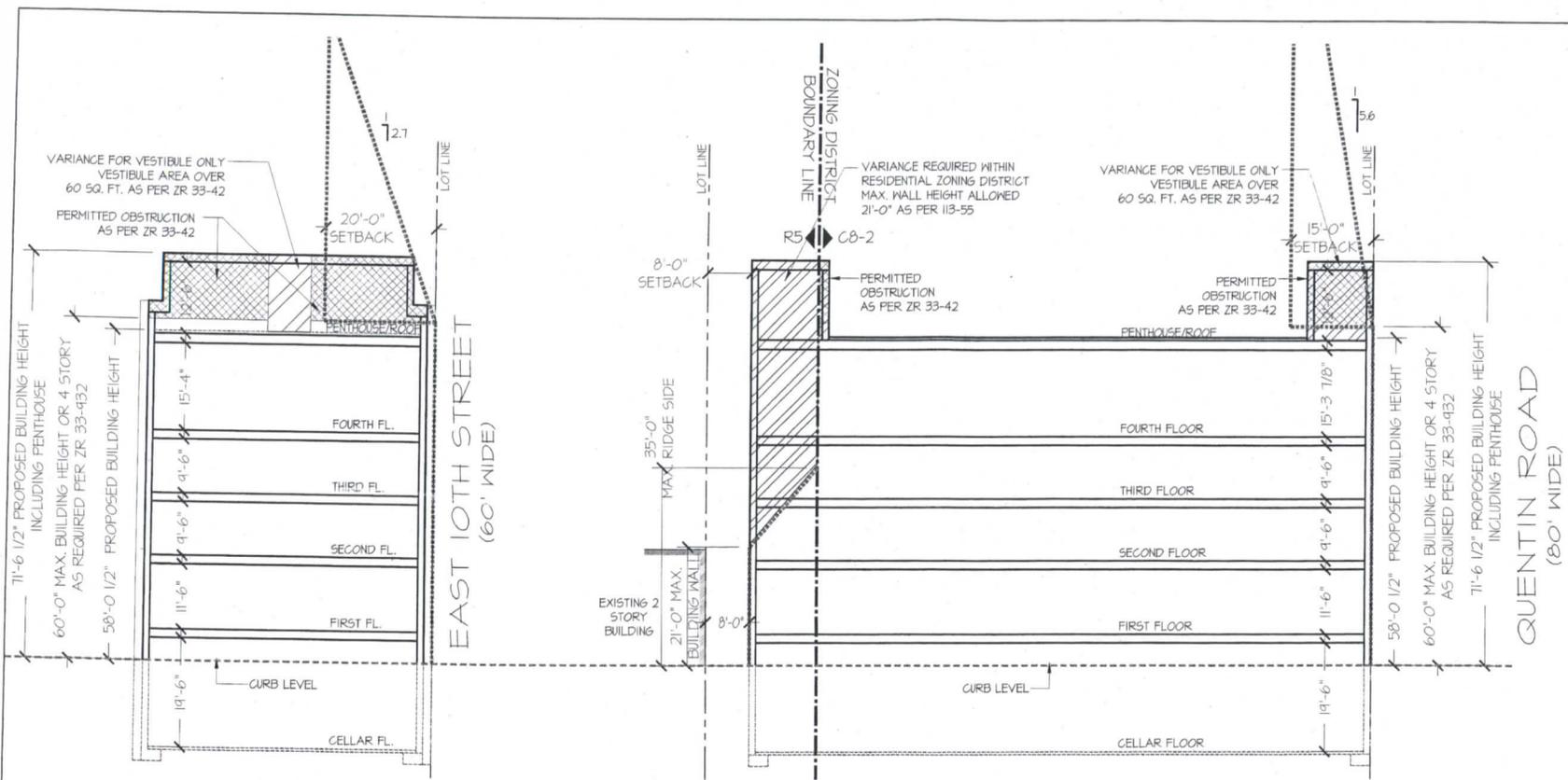
**SITE PLAN
 PROPOSED CONDITIONS**



02



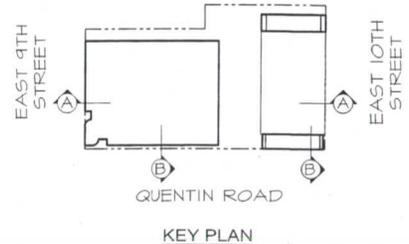
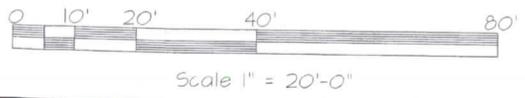
LEGEND	
	ZONING DISTRICT BOUNDARY LINE
	LINE OF INITIAL SETBACK DISTANCE
	EXISTING BUILDING #1
	PROPOSED BUILDING #2
	PERMITTED OBSTRUCTION
	VARIANCE REQUIRED



A PROPOSED HIGH & SETBACK @ EAST 10TH STREET
 PROPOSED BUILDING #2

B PROPOSED HIGH & SETBACK @ QUENTIN ROAD
 PROPOSED BUILDING #2

LEGEND	
	ZONING DISTRICT BOUNDARY LINE
	LINE OF INITIAL SETBACK DISTANCE
	PERMITTED OBSTRUCTION
	VARIANCE REQUIRED



BSA Calendar # _____

YESHIVAT ATERET TORAH

ADDRESS:
 901 QUENTIN ROAD
 BROOKLYN NEW YORK 11223

SCALE: N.T.S.

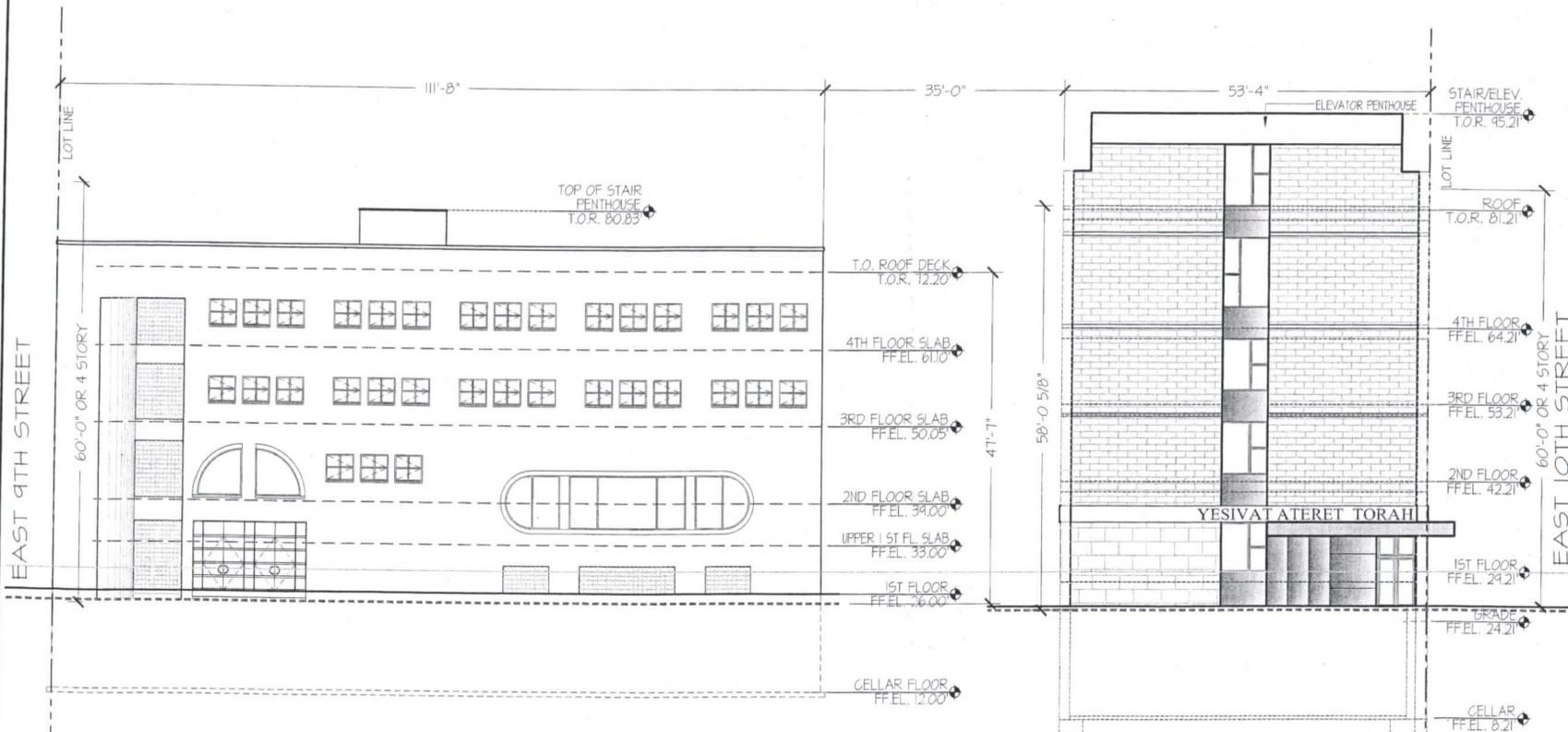
DATE: 06.18.2015

PROJECT#: 14-114

HEIGHT & SETBACK
 (BUILDING #2)
 PROPOSED CONDITIONS

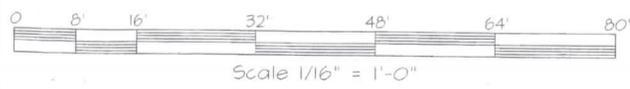


03



A SOUTH ELEVATION
 EXISTING BUILDING #1
 (NO CHANGE)

B SOUTH ELEVATION
 PROPOSED BUILDING #2



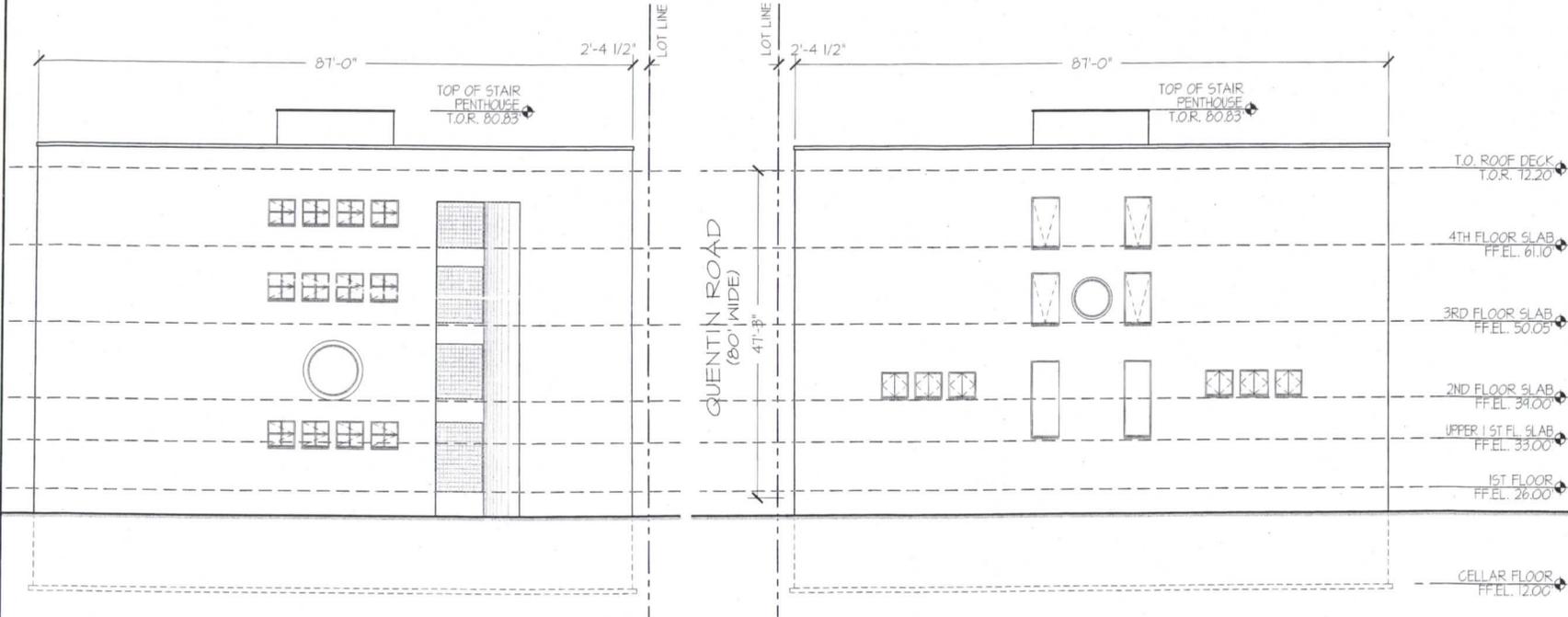
BSA Calendar # _____

YESHIVAT ATERET TORAH

ADDRESS:
 901 QUENTIN ROAD
 BROOKLYN NEW YORK 11223
 SCALE: 1/16" = 1'-0"
 DATE: 06.18.2015
 PROJECT#: 14-114

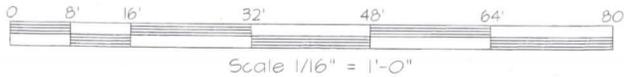
SOUTH ELEVATIONS
 BUILDINGS #1 & #2
 PROPOSED CONDITIONS





A WEST ELEVATION
 EXISTING BUILDING #1
 (NO CHANGE)

B EAST ELEVATION
 EXISTING BUILDING #1
 (NO CHANGE)



BSA Calendar # _____

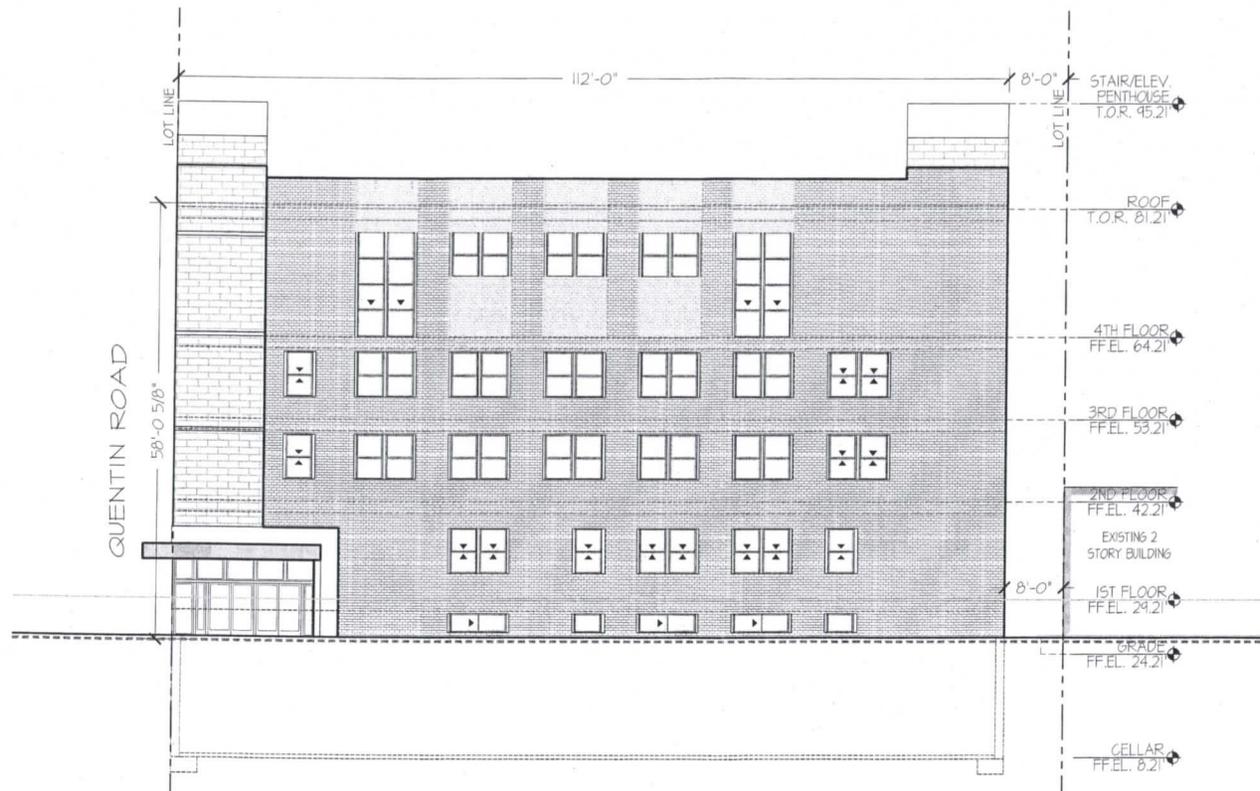
YESHIVAT ATERET TORAH

ADDRESS:
 901 QUENTIN ROAD
 BROOKLYN NEW YORK 11223
 SCALE: 1/16" = 1'-0"
 DATE: 06.18.2015
 PROJECT#: 14-114

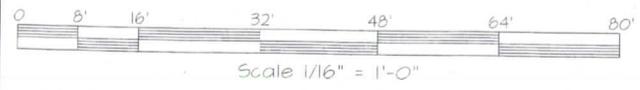
WEST & EAST ELEVATIONS
 BUILDING #1
 PROPOSED CONDITIONS



12



A EAST ELEVATION
 PROPOSED BUILDING #2



BSA Calendar # _____

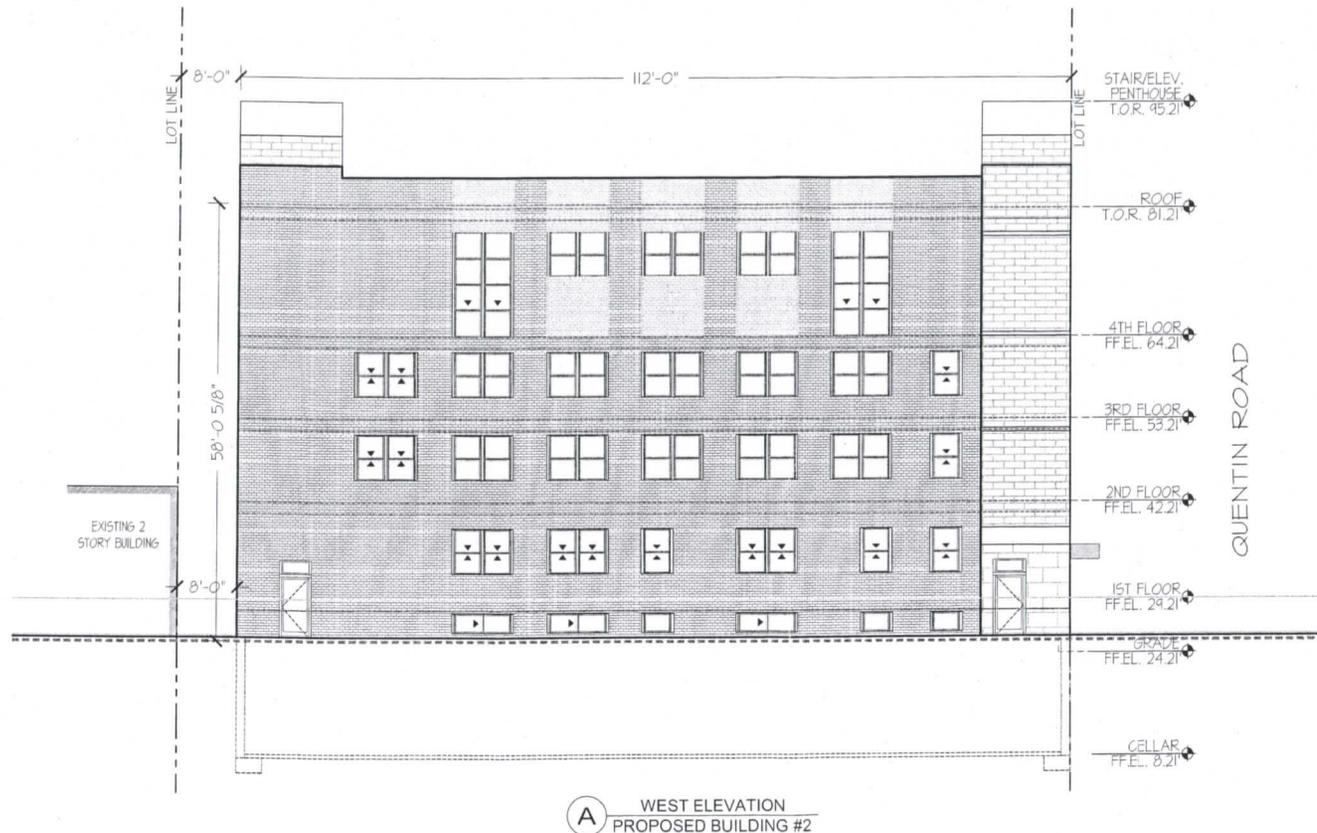
YESHIVAT ATERET TORAH

ADDRESS:
 901 QUENTIN ROAD
 BROOKLYN NEW YORK 11223
 SCALE: 1/16" = 1'-0"
 DATE: 06.18.2015
 PROJECT#: 14-114

EAST ELEVATION
 BUILDING #2
 PROPOSED CONDITIONS



13



(A) WEST ELEVATION
 PROPOSED BUILDING #2



BSA Calendar # _____

YESHIVAT ATERET TORAH

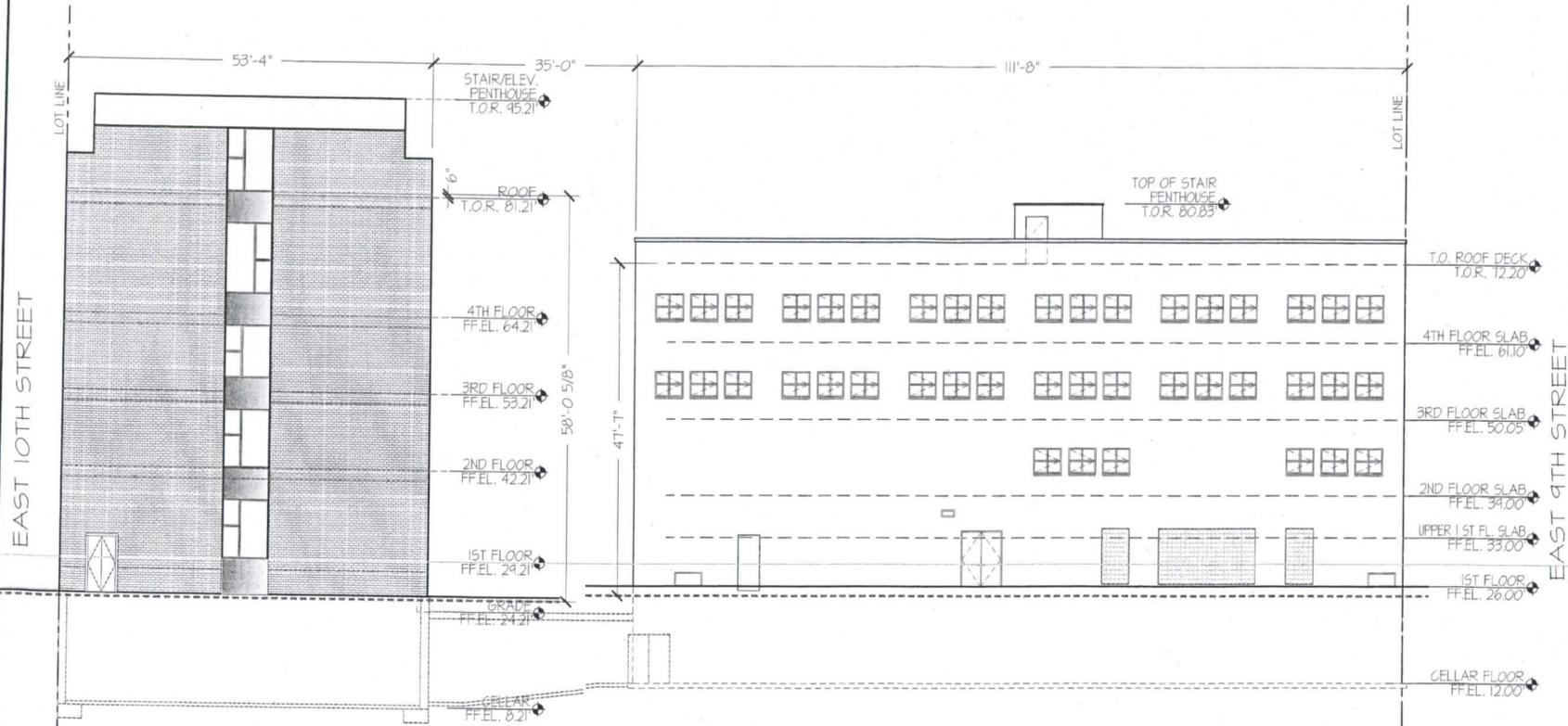
ADDRESS:
 901 QUENTIN ROAD
 BROOKLYN NEW YORK 11223

SCALE: 1/16" = 1'-0"
 DATE: 06.18.2015
 PROJECT#: 14-114

WEST ELEVATION
 BUILDING #2
 PROPOSED CONDITIONS

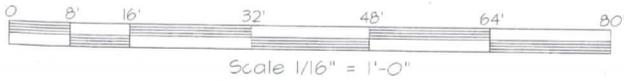


14



A NORTH ELEVATION
 PROPOSED BUILDING #2

B NORTH ELEVATION
 EXISTING BUILDING #1
 (NO CHANGE)



BSA Calendar # _____

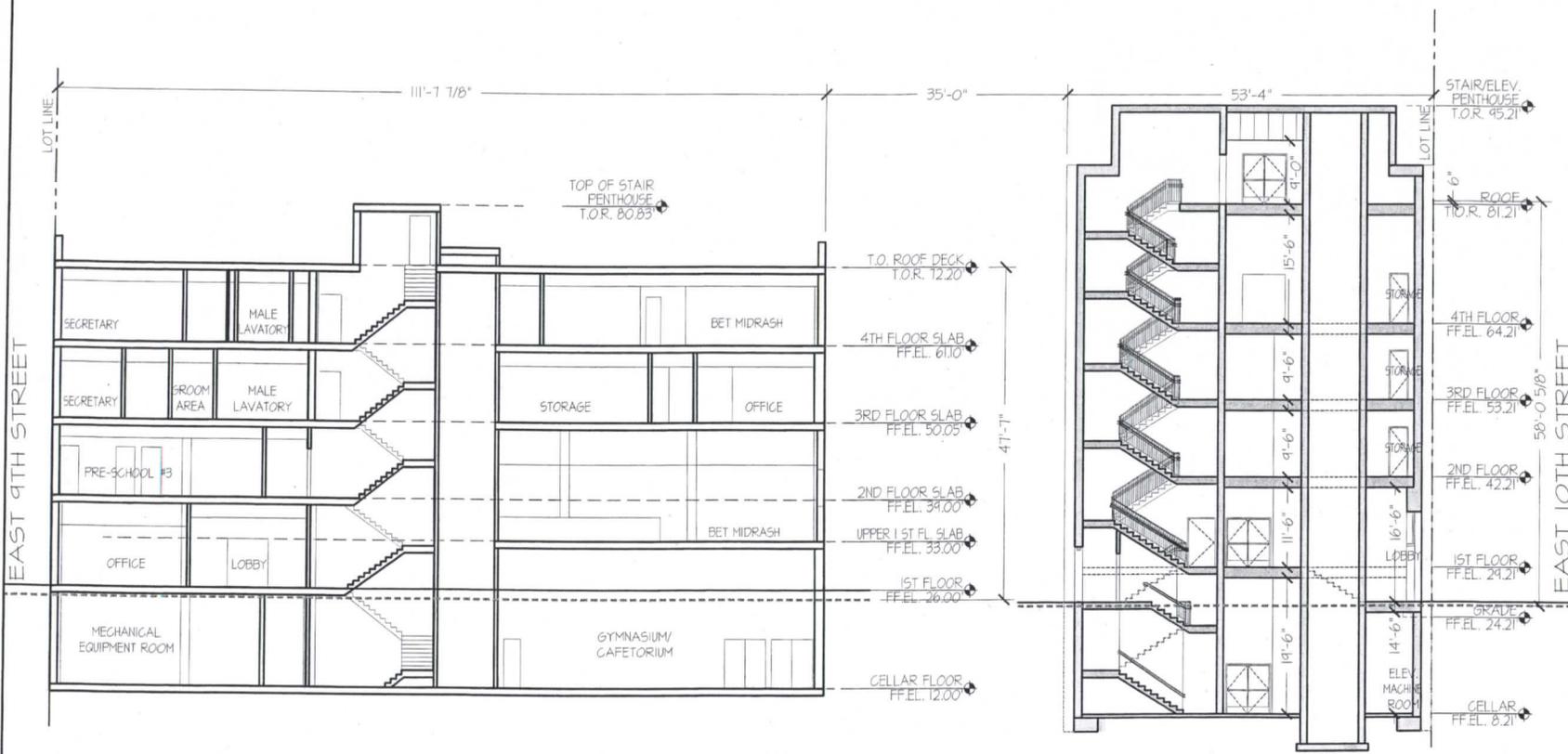
YESHIVAT ATERET TORAH

ADDRESS:
 901 QUENTIN ROAD
 BROOKLYN NEW YORK 11223
 SCALE: 1/16" = 1'-0"
 DATE: 06.18.2015
 PROJECT#: 14-114

NORTH ELEVATIONS
 BUILDINGS #1 & #2
 PROPOSED CONDITIONS



15



A LONGITUDINAL SECTION
 EXISTING BUILDING #1
 (NO CHANGE)

B TRANSVERSE SECTION
 PROPOSED BUILDING #2



BSA Calendar # _____

YESHIVAT ATERET TORAH

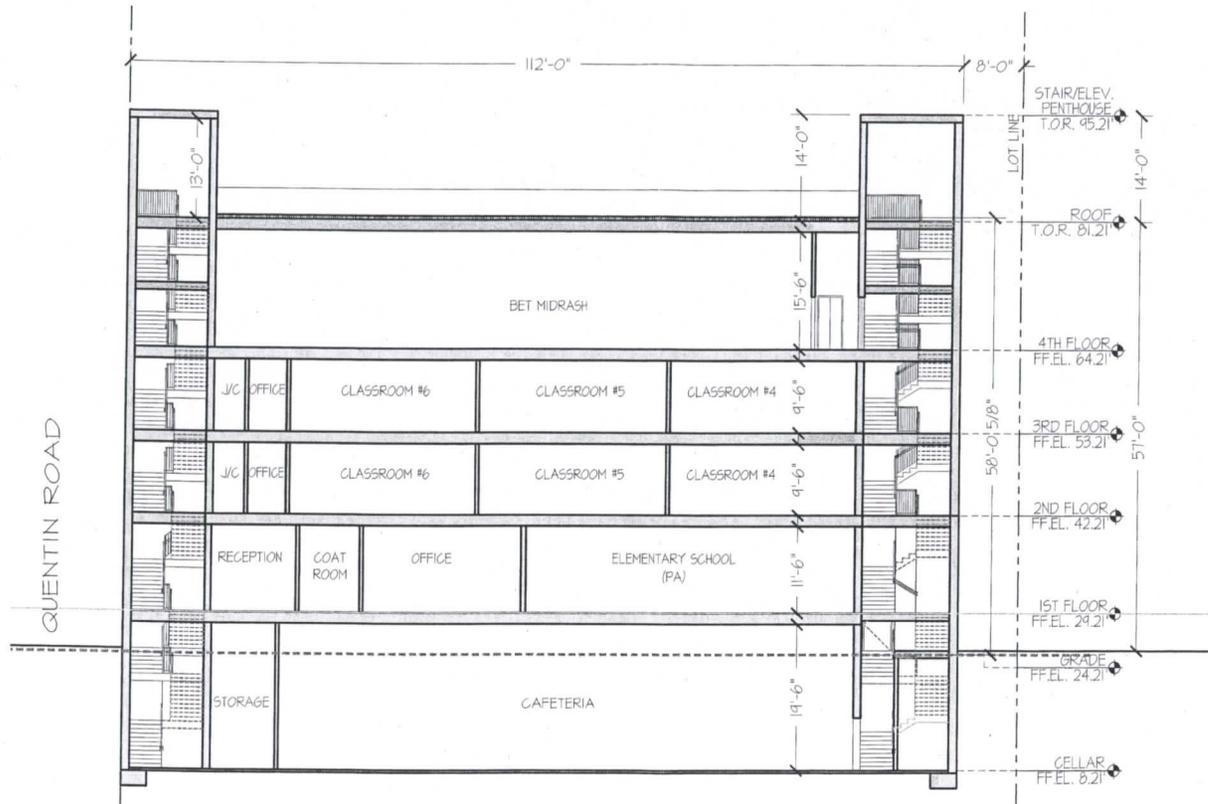
ADDRESS:
 901 QUENTIN ROAD
 BROOKLYN NEW YORK 11223

SCALE: 1/16" = 1'-0"
 DATE: 06.18.2015
 PROJECT#: 14-114

SECTIONS
 BUILDINGS #1 & #2
 PROPOSED CONDITIONS



16



A LONGITUDINAL SECTION
 PROPOSED BUILDING #2



BSA Calendar # _____

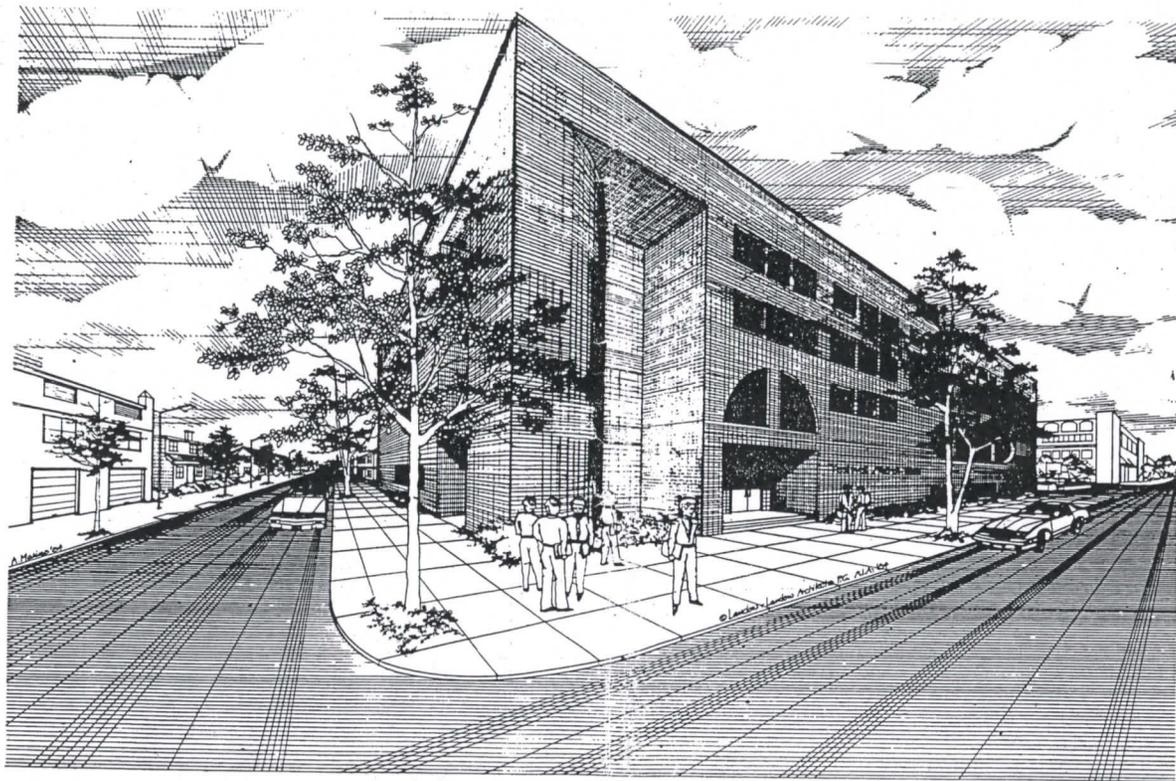
YESHIVAT ATERET TORAH

ADDRESS:
 901 QUENTIN ROAD
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 SCALE: 1/16" = 1'-0"
 DATE: 06.18.2015
 PROJECT#: 14-114

LONGITUDINAL SECTION
 BUILDING #2
 PROPOSED CONDITIONS



17



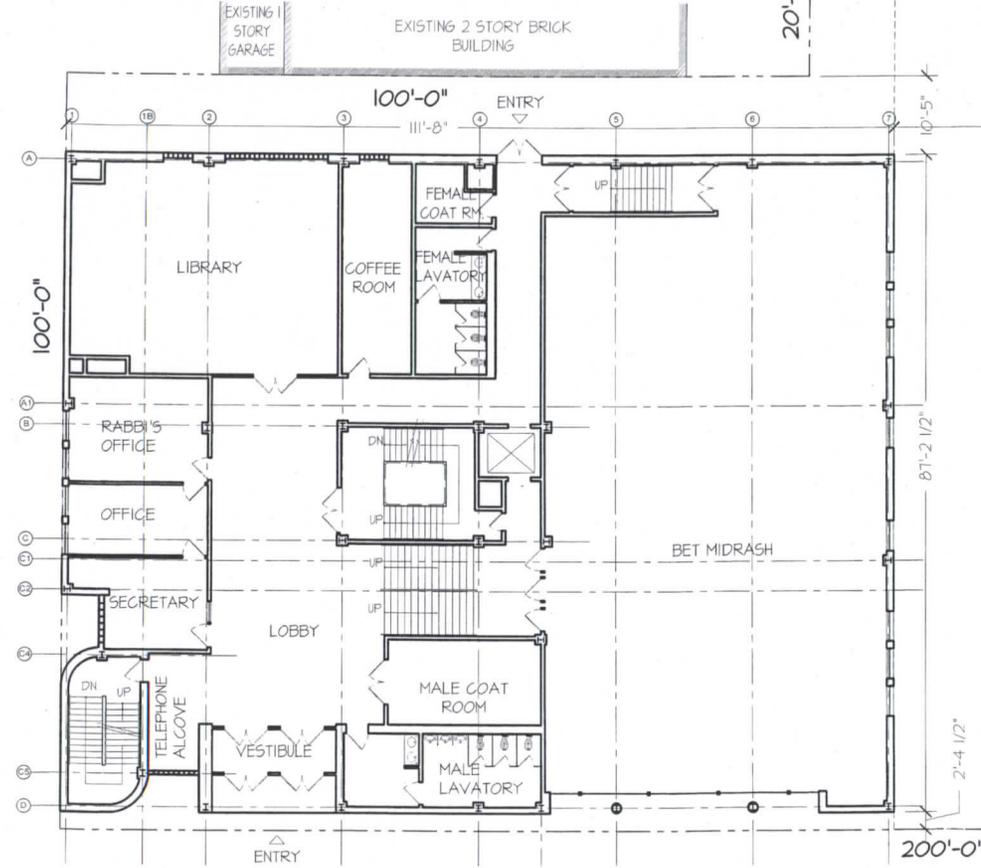

LANDOW and LANDOW ARCHITECTS PC AIA
 100 West Street, 10th Floor, New York, NY 10038
 Tel: 212-691-1000 Fax: 212-691-1001



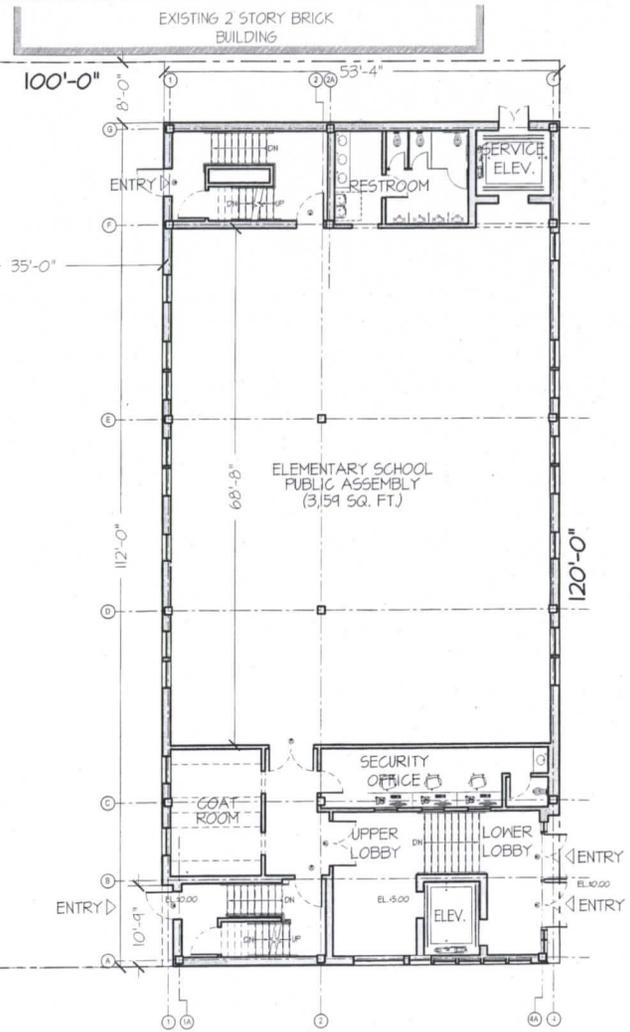
SK-1

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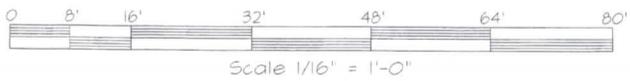
INTERIOR LAYOUT AS SHOWN SHALL BE SUBSTANTIALLY COMPLIED WITH, AND ALL EXITS SHALL BE AS APPROVED BY DOB. MAXIMUM OCCUPANT LOAD PER FLOOR/SPACE SHALL BE AS APPROVED BY DOB.



A FIRST FLOOR PLAN
EXISTING BUILDING #1
(NO CHANGE)



B FIRST FLOOR PLAN
PROPOSED BUILDING #2



ZAD architecture
ZAMBRANO ARCHITECTURAL DESIGN LLC
410 Atlantic Avenue, Freeport NY 11520
Tel: (516) 327-0851 / Fax: (516) 326-2712
WWW.ZAMBRANOARCHITECTS.COM

BSA Calendar # _____

YESHIVAT ATERET TORAH

ADDRESS:
901 QUENTIN ROAD
BROOKLYN NEW YORK 11223

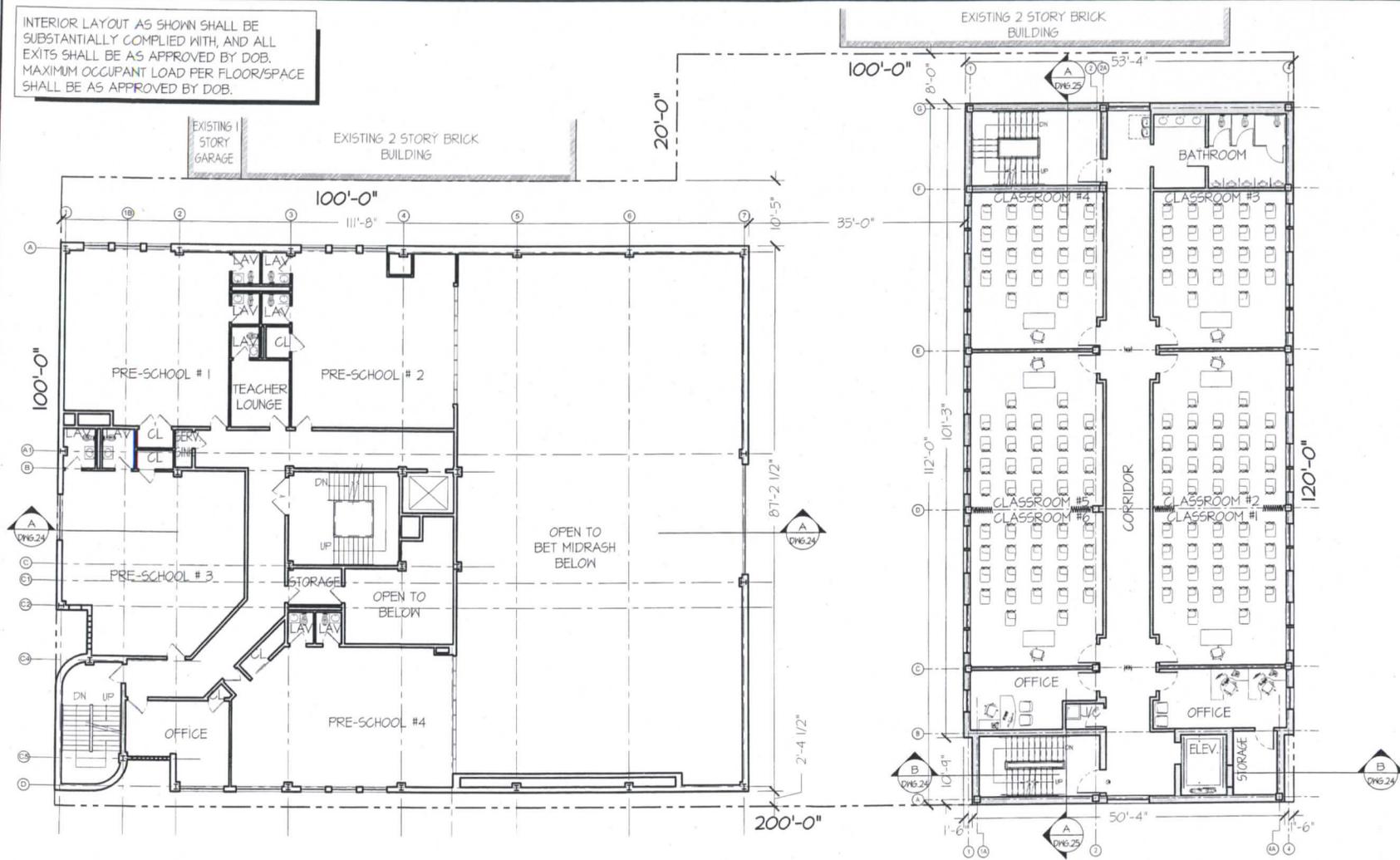
SCALE: 1/16" = 1'-0"
DATE: 06.18.2015
PROJECT#: 14-114

FIRST FLOOR PLAN
PROPOSED CONDITIONS



05

INTERIOR LAYOUT AS SHOWN SHALL BE SUBSTANTIALLY COMPLIED WITH, AND ALL EXITS SHALL BE AS APPROVED BY DOB. MAXIMUM OCCUPANT LOAD PER FLOOR/SPACE SHALL BE AS APPROVED BY DOB.



A SECOND FLOOR PLAN
EXISTING BUILDING #1
(NO CHANGE)

B SECOND FLOOR PLAN
PROPOSED BUILDING #2



ZAD architecture
ZAMBRANO ARCHITECTURAL DESIGN, LLC
410 Atlantic Avenue, Freeport, NY 11520
Tel: (516) 327-0851 / Fax: (516) 326-2712
WWW.ZAMBRANOARCHITECTS.COM

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YESHIVAT ATERET TORAH

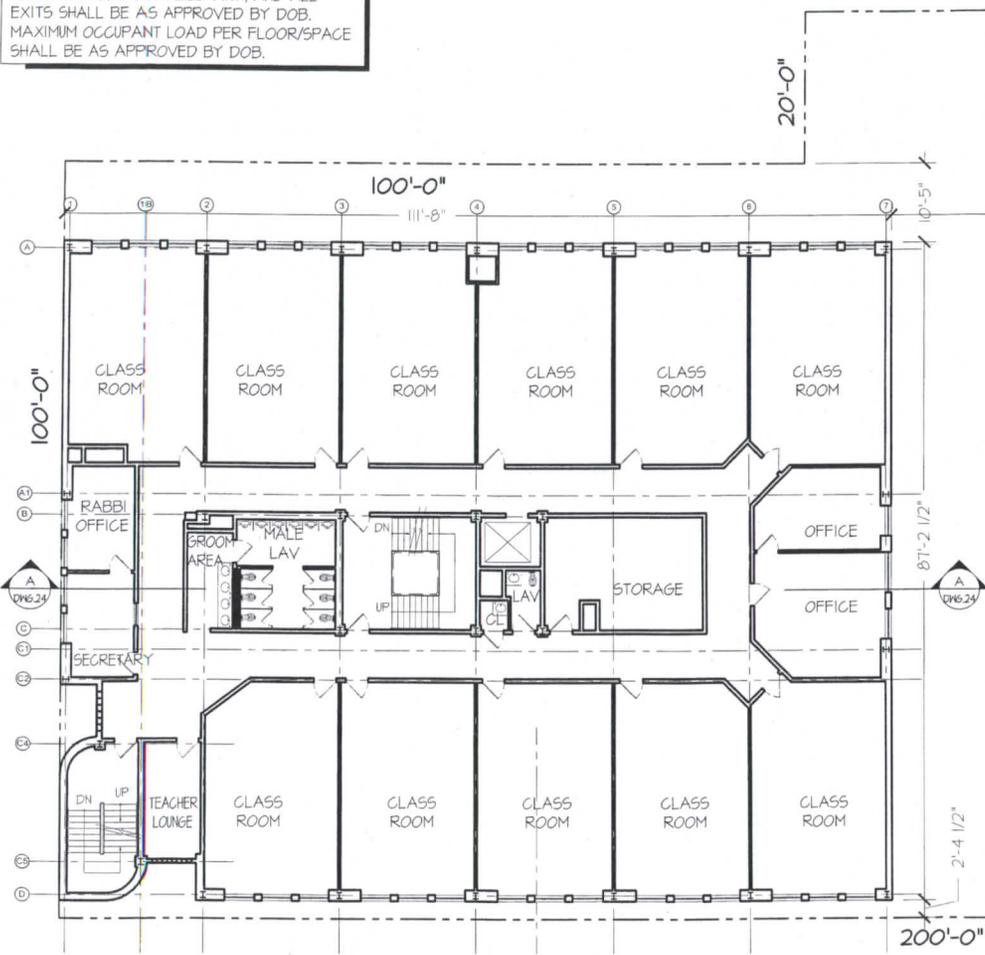
ADDRESS:
901 QUENTIN ROAD
BROOKLYN NEW YORK 11223
SCALE: 1/16" = 1'-0"
DATE: 06.18.2015
PROJECT#: 14-114

SECOND FLOOR PLAN
PROPOSED CONDITIONS

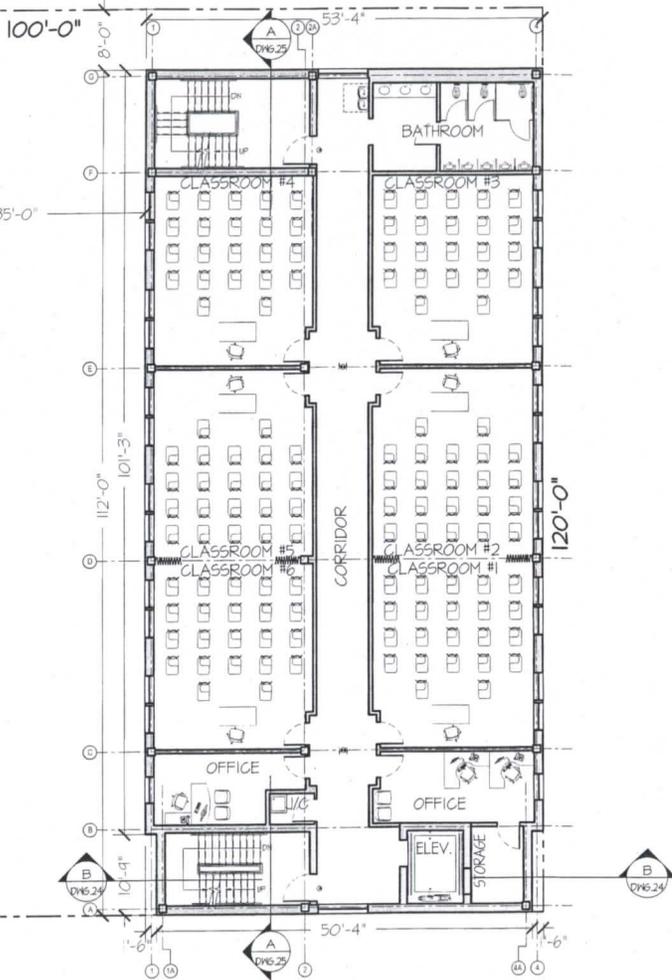


06

INTERIOR LAYOUT AS SHOWN SHALL BE SUBSTANTIALLY COMPLIED WITH, AND ALL EXITS SHALL BE AS APPROVED BY DOB. MAXIMUM OCCUPANT LOAD PER FLOOR/SPACE SHALL BE AS APPROVED BY DOB.



A THIRD FLOOR PLAN
EXISTING BUILDING #1
(NO CHANGE)



B THIRD FLOOR PLAN
PROPOSED BUILDING #2



ZAD architecture
ZAMBRANO ARCHITECTURAL DESIGN LLC
410 Atlantic Avenue, Freeport, NY 11520
Tel: (516) 327-0851 / Fax: (516) 328-2712
WWW.ZAMBRANOARCHITECTS.COM

BSA Calendar # _____

YESHIVAT ATERET TORAH

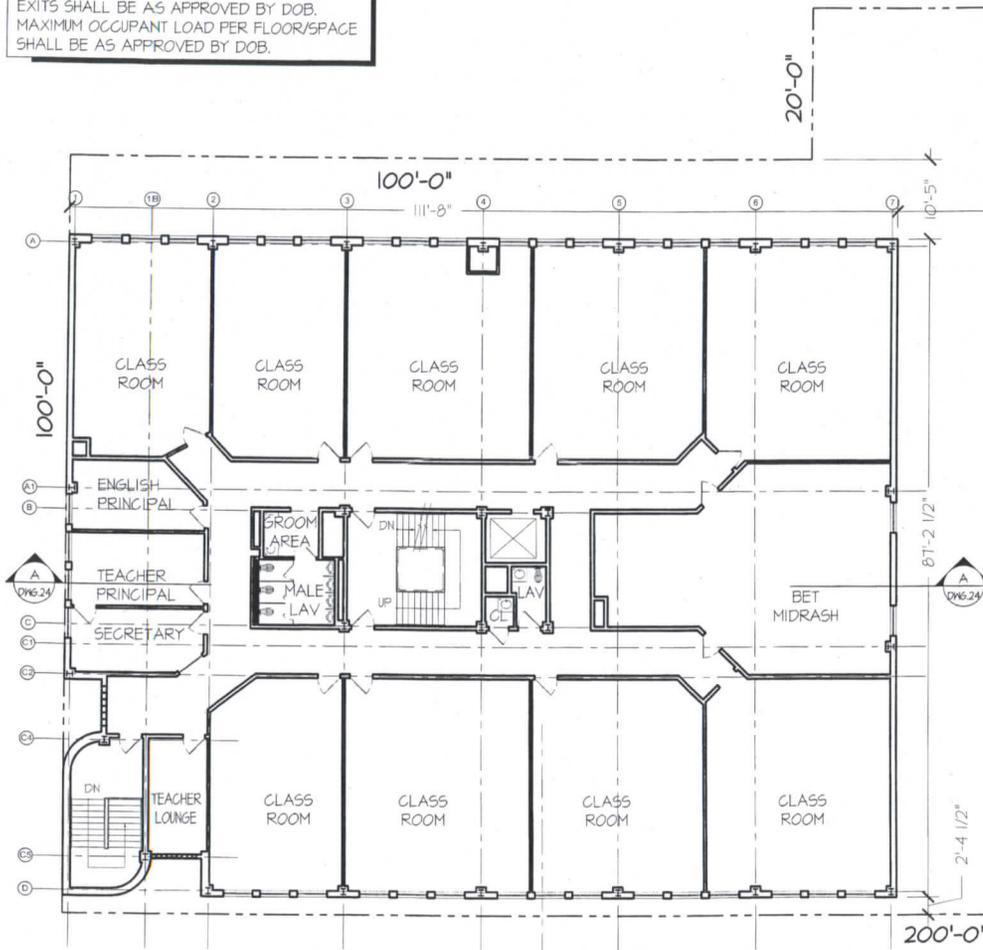
ADDRESS:
901 QUENTIN ROAD
BROOKLYN NEW YORK 11223
SCALE: 1/16" = 1'-0"
DATE: 06.18.2015
PROJECT#: 14-114

THIRD FLOOR PLAN
PROPOSED CONDITIONS

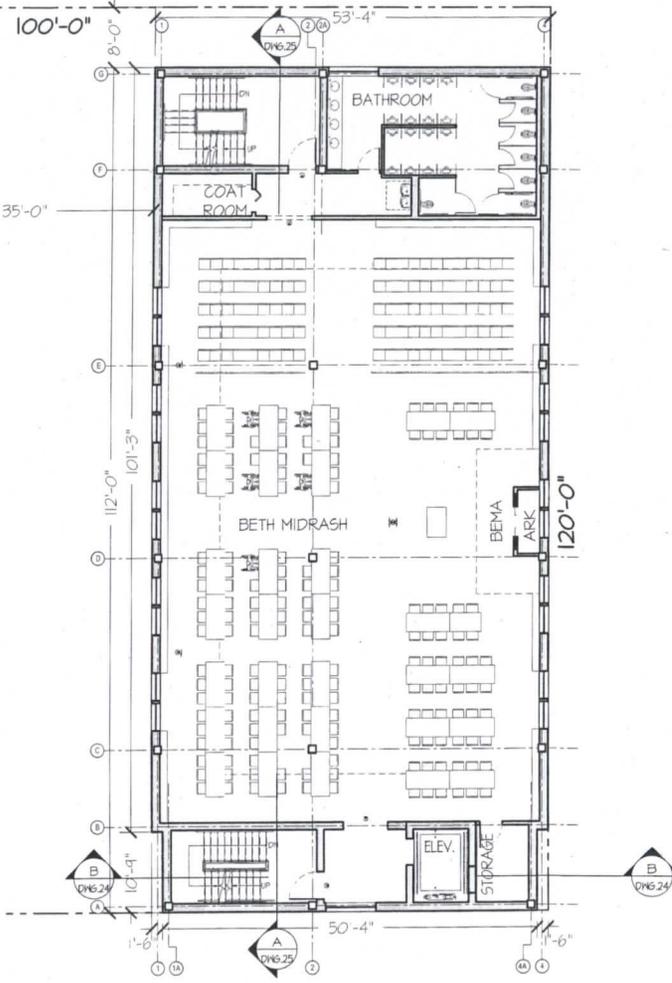
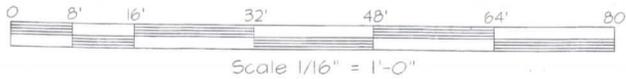


07

INTERIOR LAYOUT AS SHOWN SHALL BE SUBSTANTIALLY COMPLIED WITH, AND ALL EXITS SHALL BE AS APPROVED BY DOB. MAXIMUM OCCUPANT LOAD PER FLOOR/SPACE SHALL BE AS APPROVED BY DOB.



A FOURTH FLOOR PLAN
EXISTING BUILDING #1
(NO CHANGE)



B FOURTH FLOOR PLAN
PROPOSED BUILDING #2



ZAD architecture
ZAMBRANO ARCHITECTURAL DESIGN LLC
410 Atlantic Avenue, Freeport, NY 11520
Tel: (516) 327-0851 / Fax: (516) 326-2712
WWW.ZAMBRANOARCHITECTS.COM

BSA Calendar # _____

YESHIVAT ATERET TORAH

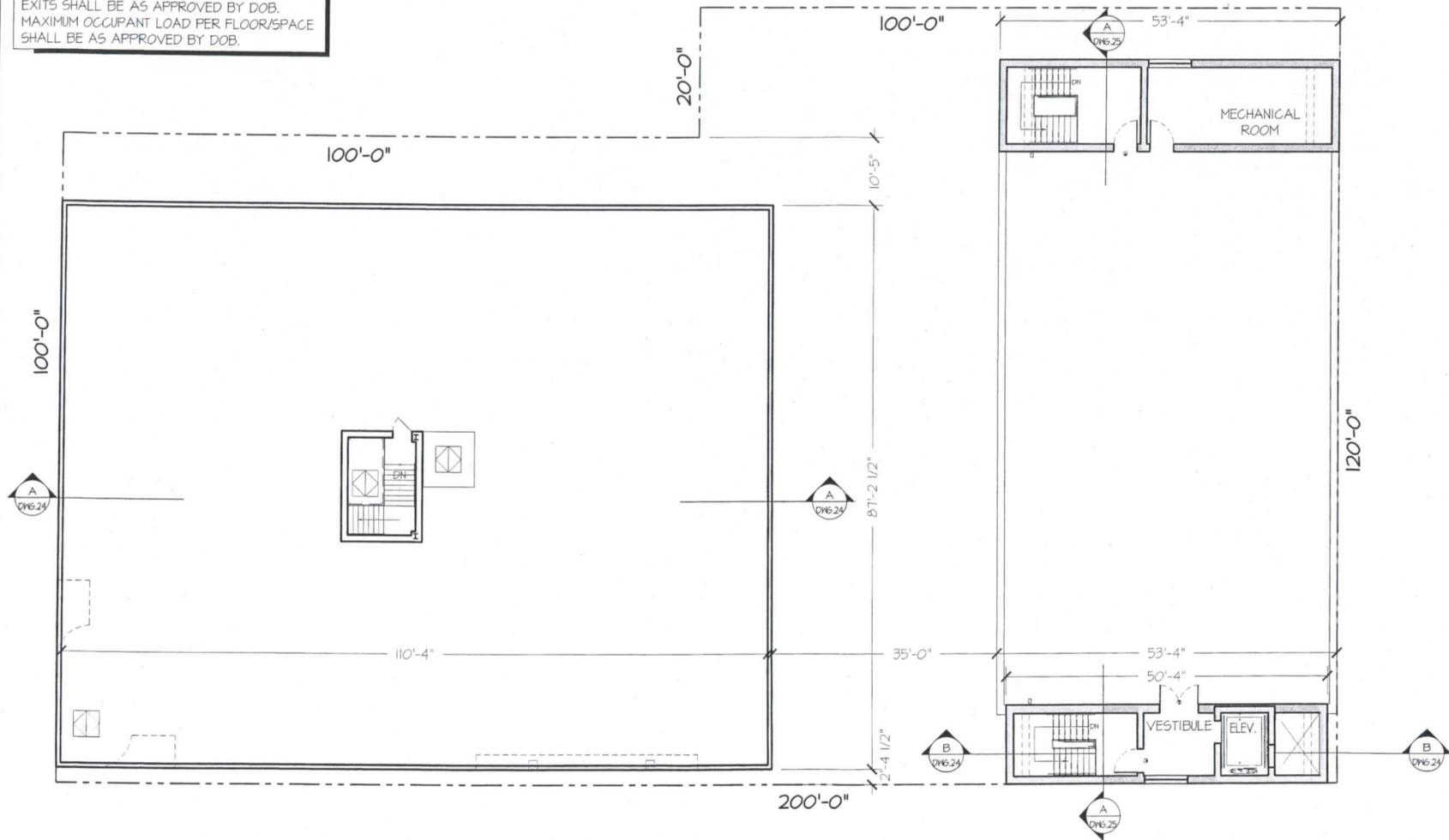
ADDRESS:
901 QUENTIN ROAD
BROOKLYN NEW YORK 11223
SCALE: 1/16" = 1'-0"
DATE: 06.18.2015
PROJECT#: 14-114

FOURTH FLOOR PLAN
PROPOSED CONDITIONS



08

INTERIOR LAYOUT AS SHOWN SHALL BE SUBSTANTIALLY COMPLIED WITH, AND ALL EXITS SHALL BE AS APPROVED BY DOB. MAXIMUM OCCUPANT LOAD PER FLOOR/SPACE SHALL BE AS APPROVED BY DOB.



A STAIR / ELEVATOR
PENTHOUSE PLAN
EXISTING BUILDING #1
(NO CHANGE)

B STAIR / ELEVATOR
PENTHOUSE PLAN
PROPOSED BUILDING #2



ZAD architecture
ZAMBRANO ARCHITECTURAL DESIGN, LLC
410 Atlantic Avenue, Freeport, NY 11520
Tel: (516) 327-0851 / Fax: (516) 326-2712
WWW.ZAMBRANOARCHITECTS.COM

BSA Calendar # _____

YESHIVAT ATERET
TORAH

ADDRESS:
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BROOKLYN NEW YORK 11223
SCALE: 1/16" = 1'-0"
DATE: 06.18.2015
PROJECT#: 14-114

PENTHOUSE FLOOR PLAN
PROPOSED CONDITIONS



09

