

140-99-BZ

99-BSA-168K

APPLICANT - Kenneth K. Lowenstein c/o Weil, Gotshal & Manges LLP, for The Doe Fund, Inc., contract vendee; 138th Bruckner LLC, owner.

SUBJECT - Application June 25, 1999 - under Z.R. §72-21, to permit within an M3-1 zoning district, the combination of three six-story buildings for use as a community facility with sleeping accommodations and accessory uses, which is contrary to Z.R. §42-10.

PREMISES AFFECTED - 759-767 East 138th Street, East 138th Street, Bruckner Boulevard, Block 2590, Lot 98, 100, & 102, Borough of The Bronx.

COMMUNITY BOARD #1BX

APPEARANCES -

For Applicant: Kenneth Lowenstein.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Bonfilio,  
Commissioner Korbey and Commissioner Caliendo.....4

Negative: .....0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Bonfilio,  
Commissioner Korbey and Commissioner Caliendo.....4

Negative: .....0

THE RESOLUTION -

WHEREAS, the decision of the Department of Buildings, dated June 8, 1999 acting on Alt. Applic. No. 200568073 reads:

"1- Proposed Community USE GR 3 not permitted in M3-1 District as per Z.R. 42-10"; and

WHEREAS, Community Board No. 1, Bronx, has recommended approval of this application; and

WHEREAS, a public hearing was held on this application on January 18, 2000 after due notice by publication in the Bulletin and laid over to February 1, 2000. On February 1, 2000 the hearing was closed and a decision rendered; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Paul Bonfilio, R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, within an M3-1 zoning district, the combination of three six-story buildings for use as a community facility with sleeping accommodations and accessory uses, which is contrary to Z.R. §42-10; and

WHEREAS, the site is improved with three separate six-story buildings which are vacant but had been used as multiple dwellings from their construction in 1906 until the 1970's; and

WHEREAS, the subject premises is a five sided parcel of three lots totaling 11,214 square feet with 112.5' of frontage on East 138th Street and 12.97' of frontage on Bruckner Boulevard; and

WHEREAS, the three buildings on the lot are approximately 96 years old and have been sealed since the early 1980's; and

WHEREAS, evidence in the record indicates that the subject buildings having been built as multiple dwellings, are not suitable for commercial or manufacturing uses; and

WHEREAS, the applicant has submitted evidence that the floor loads are inadequate for manufacturing loads, there are no elevators or loading docks and the floor plates are inadequate for offices and manufacturing; and

WHEREAS, these unique conditions demonstrate that the development of this site with a conforming use creates an unnecessary hardship; and

WHEREAS, the applicant need not submit a feasibility study since this it is a non-profit organization and the variance is to benefit their programmatic needs; and

WHEREAS, evidence in the record shows that the surrounding area, although containing industrial uses, also contains residential uses; and

WHEREAS, the uses of the premises as a community facility will be a vast improvement over the vacant and deteriorating status the building has held over the last 15 to 20 years; and

WHEREAS, the proposed community facility will serve primarily as a dwelling for approximately 119 persons; and

WHEREAS, for over 70 years, the site was occupied residentially and has never been used a manufacturing site; and

WHEREAS, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent property nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the applicant proposes to refurbish the interior of the existing buildings with no changes to the outer envelope; and

WHEREAS, the Board finds that this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

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Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, to permit, within an M3-1 zoning district, the combination of three six-story buildings for use as a community facility with sleeping accommodations and accessory uses, which is contrary to Z.R. §42-10, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received June 25, 1999"-(1) sheet, "November 16, 1999"-(13) sheets and "February 1, 2000"-(13) sheets; and on further condition;

THAT the buildings contain a new automatic wet sprinkler system;

THAT the building be equipped with a central station as per Building Code §27-964;

THAT hard wired smoke detectors be installed;

THAT divisions be created to result in maximum fire areas of 3,000 square feet;

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department; and

THAT substantial construction shall be completed in accordance with Z.R. §72-23.

Adopted by the Board of Standards and Appeals, February 1, 2000.

A true copy of resolution adopted by the Board of Standards and Appeals, February 1, 2000.  
Printed in Bulletin Nos. 5-6, Vol. 85.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

