

**153-02-BZ**

**CEQR#02-BSA-200K**

APPLICANT - Francis R. Angelino, Esq., for Joseph Fauci & Lorraine Fauci, Paul Fauci & Marie Fauci, owner; Significant Steps Child Dev. Ctr., lessee.

SUBJECT - Application May 10, 2002 - under Z.R. §72-21, to permit the proposed construction and operation of a three-story school, Use Group 3, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 275/77 Third Avenue, east side, between President and Carroll Streets, Block 448, Lots 7 and 8, Borough of Brooklyn.

**COMMUNITY BOARD #6BK**

**APPEARANCES -**

For Applicant: Francis R. Angelino.

For Opposition: Capt. Michael Maloney and John Scrofani, Fire Department.

**ACTION OF THE BOARD -** Application granted on condition.

**THE VOTE TO REOPEN HEARING -**

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner

Miele.....5

Negative:.....0

0

**THE VOTE TO CLOSE HEARING -**

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner

Miele.....5

Negative:.....0

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**THE VOTE TO GRANT -**

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner

Miele.....5

Negative:.....0

0

**THE RESOLUTION -**

WHEREAS, the decision of the Borough Commissioner, dated April 17, 2002 acting on N.B. Application No. 301065638, reads;

“School (U.G. 3) is not a permitted, as-of-right, use in a M1-2 District and, as such, must be referred to the Board of Standards and Appeals for approval, as per section 42-00 of the Zoning Resolution.”; and

WHEREAS, a public hearing was held on this application on August 6, 2002 after due notice by publication in The City Record, and laid over to August 13, 2002 for decision; 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 Satish Babbar and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21 to permit the proposed construction and operation of a three-story school, Use Group 3, located in an M1-2 zoning district, which is contrary

to Z.R. §42-00; and

WHEREAS, Community Board #6 in Brooklyn has recommended approval of this application; and

WHEREAS, the subject lot is a vacant 2,625 square foot parcel located on 3rd Avenue, between President and Carroll Streets, situated in an M1-2 zoning district; and

WHEREAS, the proposed school will be a handicap-accessible, 6,180 square foot, three-story building which will house two classrooms, an evaluation office, occupational and speech therapy rooms, business office, and elevator, kitchen facilities and toilets; and

WHEREAS, the proposed school's hours of operation will be 9:00 AM to 3:30 PM Monday through Friday;

WHEREAS, the record indicates that the subject lot is very small and shallow, measuring approximately only 37'5 1/4" fronting on Third Avenue, and extending only 69'10 3/4" in depth; and

WHEREAS, the applicant represents that the school is a non-profit school for very young children with developmental challenges, requiring additional space for occupational, physical and speech/language therapies as well as special education; and

WHEREAS, the record indicates that the school is presently located in a small, pre-school building located at 284 Third Avenue (across from the subject premises) and has school offices that are currently located at 279 Third Avenue; and

WHEREAS, the applicant states that the school has outgrown its present facilities, resulting in overcrowding and the rejection of potential students; and

WHEREAS, the applicant further represents that the construction of a new building, the consolidation of classroom and office space into one building and the ability to increase enrollment, is necessary in order to meet the programmatic needs of the school; and

WHEREAS, the record indicates that the applicant has unsuccessfully attempted to find other potential locations, where the school would be permitted as-of-right and which were of adequate size to fulfill the school's programmatic needs; and

WHEREAS, the Board finds that there are unique conditions, namely the small and shallow zoning lot and the programmatic needs of the school, which create practical difficulties and unnecessary hardships in constructing a building in compliance with the underlying district regulations and in developing the Site to meet the programmatic needs of the school; and

WHEREAS, the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the development on this site will be in furtherance of its not-for-profit purposes; and

WHEREAS, the applicant states that the proposed building is designed to blend into the mix of institutional, residential and commercial buildings and uses in the neighborhood; and

WHEREAS, the record indicates that the block is made up of two and three-story buildings with storefronts on the ground level that are primarily used

for retail purposes as well as two that are currently in use by the school and one that is in use as a social club; and

WHEREAS, the applicant represents most students arrive at the school in two small school

WHEREAS, the applicant states that there will be adequate separation from noise, traffic, and other adverse effects of the manufacturing district; and

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

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

WHEREAS, evidence in the record demonstrates that this proposal is the minimum necessary to meet the programmatic needs of the school; 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 proposed building will contain an automatic wet sprinkler system to be installed in the cellar and an interior alarm system throughout the building with both systems to be connected to a Fire Department approved central station; and

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

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

WHEREAS, the Board finds that the proposed action is consistent with the City's Local Waterfront Revitalization Program policies.

Resolved, that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. 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, to permit the proposed construction and operation of a three-story school, Use Group 3, located in an M1-2 zoning district, which is contrary to Z.R. §42-00, on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received June 26, 2002"-(8) sheets and "August 13, 2002"-(1) sheet; and on further condition;

THAT the maximum number of students shall be limited to 70;

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

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a Certificate of Occupancy shall be obtained within two years of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered

buses contracted by the New York City Department of Transportation, and that a small number of students from the surrounding neighborhood are walked to and from school by parents/caregivers; and

approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, August 13, 2002.