

Note.—This resolution is final but subject to formal revision before publication in the Bulletin. Please notify the General Counsel of any typographical or other formal errors so that corrections may be made before the Bulletin is published.

CORRECTION: This resolution adopted on March 10, 2025, under Calendar No. 154-90-BZ, is hereby corrected to read as follows:

BOARD OF STANDARDS AND APPEALS

MEETING OF: March 10, 2025
CALENDAR NO.: 154-90-BZ
PREMISES: 730 Avenue S, Brooklyn
Block 7089, Lot 11

ACTION OF BOARD — Application granted on condition.

THE VOTE —
Affirmative: Chair Chanda, Vice-Chair Scibetta,
Commissioner Ottley-Brown, Commissioner Sheta, and
Commissioner Yoon.....5
Negative:.....0

THE RESOLUTION —

I. The Request

The decision of the Department of Buildings (“DOB”), dated December 13, 2023, acting on DOB Job No. B00960660, states in pertinent part:

1. The proposed amendment is contrary to BSA Calendar Number 154-90-BZ and does not conform to BSA approved plans; must be referred to the Board of Standards and Appeals to amend the BSA approved plans accordingly.
2. Proposed plans are contrary to ZR Section 113-51 in that the floor area/FAR exceeds the maximum permitted.
3. Proposed front yards are contrary to ZR Sections 113-542 and 23-45.
4. Proposed side yards are contrary to ZR Sections 113-543 and 23-461.

5. Proposed plans are contrary to ZR Sections 113-55 and 23-631 in that the perimeter wall height and building height exceed the maximum permitted.

This is an application for an amendment to previously granted variance, under Z.R. § 72-21, that permitted the construction of a building used as a house of worship that does not comply with underlying zoning regulations pertaining to floor area, open space ratio, front yards, and side yards.

A public hearing was held on this application on November 18, 2024, after due notice by publication in *The City Record*, with continued hearings on January 27, 2025, and February 10, 2025, and then to decision on March 10, 2025. Commissioner Ottley-Brown and Commissioner Yoon performed inspections of the Premises and surrounding area. Community Board 15, Brooklyn, recommends approval of this application and requests that the proposal fits in with other structures in the surrounding area.

II. Location

The Premises are located on the southwest corner of Avenue S and East 8th Street, within an R5 zoning district and in the Special Ocean Parkway District, in Brooklyn. With approximately 40'-6" of frontage along Avenue S, 100 feet of frontage along East 8th Street, and 4,050 square feet of lot area, the Premises are currently improved with a two-story, with cellar, house of worship building.

III. Board History

The Board has exercised jurisdiction over the Premises since April 23, 1991, when, under the subject calendar number, the Board granted a variance, under Z.R. § 72-21, to permit the construction of a house of worship building that creates non-compliance with respect to floor area, open space ratio (Z.R. § 23-141), front yards, and side yards (Z.R. § 23-45), on condition that all work substantially conform to BSA-approved plans; the development, as approved, be subject to verification by DOB 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, substantial construction be completed in accordance with Z.R. § 72-23.

IV. Proposal

The applicant now seeks to amend the variance to facilitate an addition of a third and fourth floor to the existing two-story, with cellar, house of worship building. Specifically, the applicant proposes to add a third floor with approximately 3,722 square feet of floor area, and a fourth floor with approximately 3,454 square feet of floor area, bringing the Premises to 13,729 square feet of floor area (3.39 FAR), where a

maximum of 1.50 FAR (6,075 square feet of floor area) is permitted (Z.R. § 113-521). The proposal includes no front yard, where one front yard with ten feet of depth and one front yard with five feet of depth is required (Z.R. § 23-321). Additionally, the proposed perimeter wall and total building height is 53'-6" with a 10'-11" setback at the fourth floor along Avenue S, where a maximum perimeter wall height of 35', and a maximum building height of 45' are permitted (Z.R. § 23-422), and above 35', a 10' setback would be required on a wide street and a 15' setback would be required on a narrow street (Z.R. § 23-423). Additionally, the applicant seeks to amend the approval to remove the existing ramp and install a lift from the street level to the first floor, in compliance with ADA requirements.

In support of the amendment application, the applicant submits a room utilization and growth chart to demonstrate that the unanticipated growth of the congregation has presented a programmatic need for the additional spaces. Specifically, the applicant details the needs for 1) additional worship space, such that the Premises and Annex Building¹ together will be able to accommodate a total of up to 1,078 worshipers simultaneously at all of the various Sabbath morning prayer services; 2) additional multipurpose space to accommodate youth groups and small congregant celebrations; and 3) additional rabbinic office space, which the congregation's five rabbis will use on a rotating basis.

V. Board Review

In response to Board questions, the applicant submits that discrepancies in the as-built existing building and the approval are resolved in that the proposal was scaled back, from 8,100 square feet, without an update to the zoning analysis. The applicant clarifies that the originally approved floor area for the building was approximately 6,373 square feet (1.57 FAR), because the existing floor plans are virtually identical to the originally approved floor plan schematics.

The building was scaled back by approximately 11 feet along Avenue S at the fourth floor. The ramp was also removed so as to increase sidewalk space around the Premises and replaced with a lift at the ground floor. The applicant represents that the proposed use of the rooftop is for the Sukkot holiday and, accordingly, the rooftop area was updated to show a sound attenuation buffer as well as notes that rooftop access is permitted only during the holiday; there will be no noise amplification or additional lights beyond those required for emergency lighting. Further, the applicant revised the rooftop plan, lowering the rooftop mechanical fencing to six feet, in response to FDNY comments to permit required access paths about the Premises.

¹ The Premises operate in conjunction with the Annex Building, located at 718 Avenue S, Brooklyn, Block 7089, Lot 7, approved on March 4, 2008, under BSA Cal. No. 237-07-BZ (CEQR No. 08BSA035K), pursuant to Z.R. § 72-21.

The Fire Department, by correspondence dated January 28, 2025, states a fire operational evaluation has been conducted at the Premises and there is no objection to the temporary structure placed on the roof of the Premises during the observance of Sukkot.

VI. Environmental Review

The project is classified as an Unlisted action pursuant to Section 617.2 of 6 NYCRR. The Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final EAS CEQR No. 24BSA013K, dated March 10, 2025. The EAS documents that the project as proposed would not have significant adverse impacts on land use, zoning, and public policy; socioeconomic conditions; community facilities; open space; shadows; historic and cultural resources; urban design and visual resources; natural resources; hazardous materials; water and sewer infrastructure; neighborhood character; or construction.

No other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable. Based on the foregoing, the Board has determined that the proposed action will not have a significant adverse impact on the environment.

VII. Decision

Based upon its review of the record, the Board has determined that the proposed amendment is appropriate with certain conditions as set forth below.

Therefore, it is Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution, dated April 23, 1991, so that as amended this portion of the resolution shall read: “to permit the enlargement of the existing house of worship building that does not comply with underlying zoning regulations for FAR (Z.R. § 113-521), yards (Z.R. §§ 113-52 and 23-321(b)), and height (Z.R. § 113-52, 23-422(d)), *on condition* that all work and site conditions shall substantially conform to drawings filed with this application marked “Board Approved” — Twelve (12) sheets, dated January 30, 2025; and on further condition:

THAT the bulk parameters of the building shall be as follows: a maximum of four stories, a maximum of 3.39 FAR (13,729 square feet of floor area), no front yards, and a maximum base height and building height of 53'-6", all as illustrated on the Board-approved plans;

THAT there shall be no commercial catering at the Premises;

THAT the proposed modifications to the Premises shall comply with ADA requirements;

THAT windows at the eastern lot line shall be inoperable and opaque;

THAT all operable windows shall have a minimum STC rating of 28 dBA;

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THAT all site lighting shall be directed down and away from residences;

THAT no rooftop access other than emergency and maintenance except for holidays of Sukkot shall be permitted;

THAT there shall be no sound amplification or additional lighting on the roof other than emergency lights;

THAT a six-foot-tall guardrail with a 850 series sound block acoustic fence panel by fence screen or equal of an STC rating of 28 minimum that is UV resistant, 1/8 inch thick shall be installed as shown on the BSA-approved plan;

THAT the FDNY access path that is shown on the roof shall be compliant with the Fire Code 504.4.4 and shall be painted yellow and kept free and clear;

THAT sprinklers and fire alarms shall be installed in the building with the fire alarm to be connected to a FDNY-approved central station;

THAT HVAC type shall comply with applicable laws and regulations, as determined by DOB and other relevant agencies;

THAT all conditions not specifically waived by the Board remain in effect;

THAT the above conditions shall appear on the certificate of occupancy;

THAT a certificate of occupancy, also indicating this approval and calendar number ('BSA Cal. No. 154-90-BZ'), shall be obtained within four years, by February 24, 2029;

THAT this approval is limited to the relief granted by the Board in response to objections cited and filed by the Department of Buildings;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

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 plans or configurations not related to the relief granted."

Adopted by the Board of Standards and Appeals, March 10, 2025.

CERTIFICATION

**This copy of the resolution
dated March 10, 2025
is hereby filed by the
Board of Standards and Appeals
On May 22, 2025.**



**Carlo Costanza
Executive Director**