

**182-98-BZ**

**APPLICANT** - Agusta & Ross, for Yeshiva of Brooklyn, owner.

**SUBJECT** - Application April 21, 1998 - under Z.R. §72-21, to permit the proposed upgrading of an antiquated and obsolete former nursing home located on Lot 39, with a modern four story and penthouse Yeshiva building, and to integrate this new building wing with the Yeshiva's existing more modern three story building located on Lot 36, creates non-compliance in regards to rear and front yards, and is therefore contrary to Z.R. §113-10.

**PREMISES AFFECTED** - 1464 and 1470/74 Ocean Parkway, west side, 280' north of Avenue "O", Block 6587, Lots 36 and 39, Borough of Brooklyn.

**COMMUNITY BOARD #12BK**

**APPEARANCES -**

For Applicant: Mitchell Ross.

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

**THE VOTE TO CLOSE HEARING -**

Affirmative: Chairman Chin, Vice-Chair Bonfilio and

Commissioner Korbey .....3

Negative: .....0

Absent: Commissioner Joseph.....1

**THE VOTE TO GRANT -**

Affirmative: Chairman Chin, Vice-Chair Bonfilio and

Commissioner Korbey .....3

Negative: .....0

Absent: Commissioner Joseph.....1

**THE RESOLUTION -**

WHEREAS, the decision of the Borough Commissioner, dated March 25, 1998, acting on Alt. Applic. No. 300697505, reads:

"SPECIAL BULK REGULATIONS FOR OCEAN PARKWAY SHALL APPLY. ARTICLE II CHAPTER 3 RESIDENTIAL BULK SHALL APPLY (30'-0"REQUIRED FRONT AND REAR YARDS) Z.R.: 113-10."; and

WHEREAS, Community Board No.12, Brooklyn has recommended approval of this application; and

WHEREAS, a public hearing was held on this application on November 17, 1998 after due notice by publication in the Bulletin and laid over to December 8, 1998 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 Paul Bonfilio R.A., and Commissioner Mitchell Korbey; and

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed reconstruction of an existing structure on lot 39 of the subject premises, creating a modern four-story with penthouse Yeshiva (Use Group 3) building, which will be integrated with the existing Yeshiva building located on lot 36; and

WHEREAS, the aforementioned reconstruction creates non-compliance with regard to rear and front yard requirements and therefore is contrary to Z.R. §113-10; and

WHEREAS, Lot 39 of the subject premises is presently improved with a two-story dilapidated structure (a former nursing home) which is presently used for school purposes; and

WHEREAS, Lot 36 of the subject premises is presently improved with a more modern three-story building used as a school; and

WHEREAS, in 1971, under Cal. No. 316-71-BZ, the Board permitted, in an R5&R6A zoning district, on lot 36 of the subject premises, the erection of a three story building to be used as a school; and

WHEREAS, the site is located within an R5& R6A zoning district within the Special Ocean Parkway District; and

WHEREAS, the site has a frontage of 120 feet on Ocean Parkway, a depth of 145' and a total floor area of 29,386.44 square feet; and

WHEREAS, the existing 75 year old dilapidated structure has become obsolete and cannot meet the programmatic needs of the Yeshiva; and

WHEREAS, the history of the development of the site and the existence of the obsolete structure which does not meet the programmatic needs of the Yeshiva create unique physical conditions which cause an unnecessary hardship in utilizing the site in its present state; and

WHEREAS, the applicant need not address Z.R. § 72-21(b) since the applicant is a not-for-profit organization and the construction will be in furtherance of its programmatic needs; and

WHEREAS, the applicant represents that the proposed new structure that will replace the existing dilapidated structure will benefit the surrounding community, as it will harmoniously blend with the area and will be aesthetically pleasing; and

WHEREAS, the applicant represents that the structure will be constructed with sound attenuating thermo-pane windows; and

WHEREAS, therefore, the Board finds that this 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, 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; and

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects; and

WHEREAS, the Board has determined that the proposed action complies with the requirements of the Special Ocean Parkway District; and

*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 objections cited, to permit, in an R5-R6A Zoning District, the proposed reconstruction of an existing structure on lot 39 of the subject premises, creating a modern four-story with penthouse Yeshiva (Use Group 3) building which will be integrated with the existing Yeshiva building located on lot 36 of the subject premises, which creates a non-compliance with regard to rear and front yard requirements and is thus contrary to Z.R. §113-10; on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "December 1, 1998"-(13) sheets; and on further condition;

THAT owner will work with necessary City agencies in order to establish a bus loading zone in front of subject premises;

THAT the premises will be used for education-related uses only;

THAT no catering will take place at the subject premises;

THAT the premises will remain graffiti free at all times;

THAT fencing and landscaping will be maintained in accordance with BSA- approved plans;

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

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;

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

Adopted by the Board of Standards and Appeals, December 8, 1998.

A true copy of resolution adopted by the Board of Standards and Appeals, December 8, 1998.  
Printed in Bulletin No. 49, Vol. 83.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

