

199-98-BZ

APPLICANT - Moshe M. Friedman, P.E., for Young Israel of Jackson Heights, owner.

SUBJECT - Application April 30, 1998 - under Z.R. §72-21, to permit the use of an existing three-story and cellar residence to be used as a synagogue and rabbi's apartment in an R5 zoning district, which is contrary to Z.R. §24-35.

PREMISES AFFECTED - 35-36 87<sup>th</sup> Street, west side, 291.17' north of 37<sup>th</sup> Avenue, Block 1460, Lot 23, Borough of Queens.

**COMMUNITY BOARD #3Q**

**APPEARANCES -**

For Applicant: Moshe M. Friedman.

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 and

Commissioner Korbey.....3

Negative: .....0

Absent: Commissioner Joseph.....1

**THE RESOLUTION -**

WHEREAS, the decision of the Borough Commissioner, dated April 21, 1998 acting on Applic. No. 4008487712 reads, in pertinent part:

“Proposed Synagogue & Rabbi’s Residence without the required side yards is contrary to §24-35 ZR *Side Yard Requirements for a Community Facility*”; and

WHEREAS, Community Board 3, Queens, has recommended approval of this application; and

WHEREAS, a public hearing was held on this application on November 4, 1998 after due notice by publication in the *Bulletin* and laid over to November 24, 1998 for decision; and

WHEREAS, the subject 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 use of an existing three-story and cellar residence to be used as a synagogue and rabbi’s apartment in an R5 zoning district, which is contrary to Z.R. §24-35; and

WHEREAS, the subject premises are 100' deep with 32.83' of frontage on 87<sup>th</sup> Street; and

WHEREAS, the subject premises are improved with a three-story semi-detached residential building; and

WHEREAS, the current application seeks to use the cellar and first floor as a synagogue, which would violate Z.R. §24-35, which requires two side yards for community facilities; and

WHEREAS, the evidence in the record demonstrates that the subject building was built before 1929 and cannot be altered to meet the side yard requirements for community facilities; and

WHEREAS, these unique conditions create an unnecessary hardship in developing the subject premises with a complying development; and

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

WHEREAS, the proposed synagogue is a legal use for the subject premises and will only violate the community facility side yard requirement; and

WHEREAS, the proposed use will not bring any additional traffic to the area since subject premises are within a block of the an existing, larger synagogue from which the congregation is looking to relocate; and

WHEREAS, the applicant assured the Board that the synagogue will be used for religious purposes only and will not be used for catering; and

WHEREAS, in response to concerns of the Board, the applicant has agreed to provide sound attenuating material on the common wall between the subject premises and the adjoining residence; 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 properties 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 Board finds that the variance is the minimum variance necessary to afford 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.

*Therefore, it is Resolved* that the Board of Standards and Appeals issues a Type II determination 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 the use of an existing three-story and cellar residence to be used as a synagogue and rabbi’s apartment in an R5 zoning district, which is contrary to Z.R. §24-35, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received April 30, 1998"-(9) sheets and "November 6, 1998"-(1) sheet; and *on further condition*;

THAT the synagogue be used for religious activities only;

THAT no catering take place at the subject premises;

THAT the occupancy of the subject premises be limited to 56 persons;

THAT sound attenuating material be installed on the common walls with the adjoining residence;

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 be completed in accordance with Z.R. §72-23.

Adopted by the Board of Standards and Appeals, November 24, 1998.

A true copy of resolution adopted by the Board of Standards and Appeals, November 24, 1998.

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Copies Sent  
To Applicant  
Fire Com'r.  
Borough Com'r.

