

83-02-BZ

CEQR #02-BSA-156K

APPLICANT - Law Offices of Howard Goldman, PLLC, for Big Sue, LLC, owner.

SUBJECT - Application March 21, 2002 - under Z.R. §72-21, to permit in an M1-1 zoning district, the proposed conversion of a four-story industrial building into a residential building with 34 units contrary to Z.R. §42-00.

PREMISES AFFECTED - 925 Bergen Street, between Franklin and Classon Avenues, Block 1142, Part of Lot 40(Tentative Lot 60), Borough of Brooklyn.

COMMUNITY BOARD #8BK

APPEARANCES - None.

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

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 13, 2002 acting on Application No. 301126528 reads:

“The proposed residential building located within an M1-1 zoning district is contrary to the use regulations of Section 42-00 of the zoning resolution and requires a variance from the Board of Standards and Appeals.”; and

WHEREAS, a public hearing was held on this application on November 19, 2002 after due notice by publication in *The City Record* and laid over to January 7, 2003, January 28, 2003 and then to February 25, 2003 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar and Commissioner Mitchell Korbey; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M1-1 zoning district, the proposed conversion of a four-story industrial building into a residential building with 34 units contrary to Z.R. §42-00; and

WHEREAS, the subject building is a four-story structure housing 46,369 square feet located on Bergen Street, between Franklin and Classon

Avenues; and

WHEREAS, the record indicates that the building was erected in the mid-1800s for manufacturing uses, but that today, the top three floors are vacant and that a month to month warehouse tenant occupies the ground floor; and

WHEREAS, the building suffers from an irregular configuration because it contains four floors in the front and three in the rear and has been subjected to numerous alterations which the applicant represents results in floor alignment problems and occupancy by different tenancies; and

WHEREAS, the building’s loading capacity is not sufficient for typical manufacturing uses that must be large enough to accommodate the large tractor-trailer customarily used for most manufacturing or commercial uses; and

WHEREAS, the record indicates that all floors, both rear and front, are encumbered by tightly spaced support columns which are made of different materials and are not consistent between the floors; and

WHEREAS, site’s history of development with long periods of vacancy, its small floor plates, poorly aligned floors, inability to provide loading docks pursuant to Z.R. Section 44-581 and evidence in the record indicating that the subject site cannot house or be converted to a viable entirely conforming structure creates an undue burden in complying strictly with the Zoning Resolution; and

WHEREAS, evidence in the record, including a feasibility study and financial analysis sufficiently demonstrates that a conforming use in the subject building would not yield a reasonable return; and

WHEREAS, the record indicates that the subject property is adjacent to legal non-conforming residential developments on its south and east sides; and

WHEREAS, the Board notes that the proposed development is a low-rise residential building similar to the surrounding residential buildings; and

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

WHEREAS, the applicant has adequately demonstrated to the Board that on-site parking is not feasible and that off-site parking will be provided for a minimum term of 10 years; and

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

WHEREAS, the Board finds that the variance application is the minimum variance 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 §72-21 of the Zoning Resolution;

and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement 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.

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, to permit, in an M1-1 zoning district, the proposed conversion of a four-story industrial building into a residential building with 34 units contrary to Z.R. §42-00 *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received January 21, 2003"-(2) sheets and "March 21, 2002"-(9) sheets; and on further condition;

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

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT off-site parking shall be provided for a minimum term of ten (10) years;

THAT the applicant shall comply with all applicable fire safety regulations;

THAT the above conditions shall be noted in the Certificate 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 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, February 25, 2003.

**A true copy of resolution adopted by the Board of Standards and Appeals, February 25, 2003.
Printed in Bulletin No. 9-10, Vol. 88.**

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.