

25-08-BZ

APPLICANT – Eric Palatnik, P.C., for Torah Academy for Girls, owner.

SUBJECT – Application February 14, 2013 – Amendment to a Variance (§72-21) which permitted bulk waivers for the construction of a school (*Torah Academy for Girls*). The proposed amendment seeks to enlarge the school to provide additional classrooms. R4-1 zoning district.

PREMISES AFFECTED – 444 Beach 6th Street, Beach Street and Meehan Avenue, Block 15591, Lot 1, Borough of Queens.

COMMUNITY BOARD #14Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez5
Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a reopening and an amendment to a previously-granted variance, which, pursuant to ZR § 72-21, authorized in an R4-1 zoning district the enlargement of a three-story school building contrary to bulk regulations; and

WHEREAS, the application is brought on behalf of Torah Academy for Girls (the “Yeshiva”), a nonprofit religious educational institution; and

WHEREAS, a public hearing was held on this application on December 10, 2013, after due notice by publication in the *City Record*, with a continued hearing on January 14, 2014, and then to decision on February 4, 2014; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Chair Srinivasan, Commissioner Hinkson, and Commissioner Montanez; and

WHEREAS, the subject site comprises the western half of Block 15591, which is bounded by Meehan Avenue, Beach 6th Street, and Jarvis Avenue, within an R4-1 zoning district; and

WHEREAS, the site has approximately 239 feet of frontage on Meehan Avenue, 190 feet of frontage on Beach 6th Street, and approximately 289 feet of frontage on Jarvis Avenue, and approximately 50,003 sq. ft. of lot area; and; and

WHEREAS, the site is occupied by a one- to four-story school building (Use Group 3) with 84,389 sq. ft. of floor area (1.69 FAR); and

WHEREAS, on May 20, 2008, under the subject calendar number, the Board granted a variance to allow the enlargement of the building contrary to the requirements for lot coverage (ZR §§ 24-11 and 24-12), front yard (ZR § 24-34), rear yard (ZR § 24-382), perimeter wall height, setback, and sky-exposure plane (ZR § 24-521); and

WHEREAS, the applicant notes that prior to the 2008 grant, the Board, under BSA Cal. No. 158-02-BZ, permitted the enlargement of the building contrary to the requirements for floor area, side yards, front yard, rear yard, and height and setback; a floor area waiver was necessary because, at the time, the site was zoned R3-1, which has a maximum permitted community facility FAR of 1.0; and

WHEREAS, the applicant now requests an amendment to vertically and horizontally enlarge the building, resulting in an increase of the degree of waiver granted with respect to lot coverage and setbacks; and

WHEREAS, as to lot coverage, the applicant states that it will increase from 63.25 percent to 66.07 percent (the maximum permitted lot coverage is 58.06 percent); and

WHEREAS, as to setbacks, the applicant states that one of the three setbacks provided will be decreased from a depth of 23’-9” to a depth of 20’-11 9/16” and the other two setbacks provided will remain at depths of 15’-0” and 1’-8” (three setbacks with depths of 15’-0” are required); and

WHEREAS, in addition, the applicant states that the enlargement will result in an increase in floor area from 84,389 sq. ft. (1.69 FAR) to 98,388 sq. ft. (1.97 FAR); however, the applicant notes that the proposed FAR is within the 2.0 FAR permitted as-of-right in the R4-1 district; and

WHEREAS, the applicant states that the proposed enlargement will result in the following: (1) an additional classroom on the first story; (2) one fewer classroom on the second story; (3) five fewer regular classrooms but three additional remedial classrooms and a new library on the third story; (4) eight additional classrooms, a computer lab and a multipurpose room on the fourth story; and (5) a rooftop recreation area; and

WHEREAS, the applicant states that the Yeshiva requires the enlargement in order to satisfy its programmatic needs, which include providing sufficient space for its growing student body, which requires 35 sq. ft. of classroom space per student; and

WHEREAS, specifically, the applicant represents that while enrollment at the Yeshiva is nearly 1,100 students, its existing facilities are capable of accommodating no more than 922 students; and

WHEREAS, the applicant represents that the enlargement will bring the Yeshiva to a classroom space-per-student of 33.3 sq. ft., which is acceptable given its stated objective of 35 sq. ft. per student; and

WHEREAS, in addition, the applicant states that the proposed enlargement will allow greater flexibility in structuring curriculum and provide significantly more recreation space than is currently available; and

WHEREAS, at hearing, the Board directed the applicant to provide additional information regarding the streetscape, adjoining properties, the movement of bus traffic along the site, and the proposed screening from the

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nearby residences; and

WHEREAS, in response, the applicant submitted: (1) a streetscape and radius diagram; (2) photographs of the adjoining properties; and (3) revised plans depicting the bus loading area and the opaque fence separating the site from the nearby residences; and

WHEREAS, based upon the above, the Board has determined that the evidence in the record supports a grant of the requested amendment with the conditions listed below.

Therefore it is Resolved, that the Board of Standards and Appeals reopens and amends the resolution, dated May 20, 2008, to grant the noted modifications to the previous approval; *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked 'Received January 13, 2014' - Nine (9) sheets; and *on further condition*:

THAT the bulk parameters of the building will be as follows: 98,388 sq. ft. of floor area (1.97 FAR); a maximum lot coverage of 66.07 percent; setbacks of 15'-0", 20'-11 9/16", and 1'-8";

THAT the landscaping, bus loading, and fencing will be in accordance with the BSA-approved plans;

THAT construction will proceed in accordance with ZR § 72-23;

THAT all conditions from the prior grant will remain in effect, except as otherwise stated herein;

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

THAT the approved plans will 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 4, 2014.

A true copy of resolution adopted by the Board of Standards and Appeals, February 4, 2014.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

