

391-80-BZ

APPLICANT – Sheldon Lobel, P.C., for The NY Community Hospital of Brooklyn, INK., owner.

SUBJECT – Application April 16, 2014 – Amendment of previously approved variance (§72-21) which permitted enlargement to an existing hospital building (*NY Community Hospital of Brooklyn*), contrary to bulk regulations. The Amendment seeks to enclose a ramp which increases the degree of lot coverage non-compliance. R7A zoning district.

PREMISES AFFECTED – 2525 Kings Highway, south side of Avenue O approximately 175 feet northeast of the intersection formed by Bedford Avenue and Kings Highway, Block 6772, Lot 4, Borough of Brooklyn.

COMMUNITY BOARD #14BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez4
Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a reopening and an amendment to a variance to permit a minor enlargement; and

WHEREAS, a public hearing was held on this application on June 24, 2014, after due notice by publication in *The City Record*, and then to decision on July 22, 2014; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Commissioner Montanez, and Commissioner Ottley-Brown; and

WHEREAS, Community Board 14, Brooklyn, recommends approval of this application, on condition that: (1) sound attenuation is provided; (2) the compactor is operated during daylight hours only; and (3) the gate enclosing the compactor area remains closed when the compactor is not operating; and

WHEREAS, this application is brought on behalf of the New York Community Hospital of Brooklyn (“NYCH”), which is a not-for-profit corporation and an affiliate of New York Presbyterian Hospital-Weill Medical College of Cornell University; and

WHEREAS, the subject site is a triangular lot bounded by Avenue O and Kings Highway, within an R7A zoning district; and

WHEREAS, the site has 13,471 sq. ft. of lot area and is occupied by a five-story hospital building with 52,632 sq. ft. of floor area (3.91 FAR); and

WHEREAS, the site has been under the Board’s jurisdiction since May 23, 1950, when, under BSA Cal. No. 70-50-A, the Board granted a variance under the 1916 Zoning Resolution to permit, in a residence use district, the brick enclosure of a ramp leading to the basement of an existing hospital and the construction of a fifth and sixth story and a penthouse; this grant extended at various times over the years to allow completion of

construction; and

WHEREAS, on December 12, 1950, under BSA Cal. No. 538-50-A, the Board granted an appeal to permit an air-conditioning system with an equipment room on the roof; and

WHEREAS, on January 29, 1963, under BSA Cal. No. 725-62-BZ, the Board granted a variance to permit, in an R6 zoning district, the enlargement of the existing four-story hospital building, contrary to the regulations for lot coverage, height and setback, sky-exposure plane, minimum dimensions of a court, and loading berths; and

WHEREAS, most recently, on October 7, 1980, under the subject calendar number, the Board granted a variance to permit the enlargement of the existing four-story hospital building contrary to the regulations for lot coverage, sky-exposure plane, rear yard equivalent, and loading berths; and

WHEREAS, the applicant now seeks to amend the grant to permit a minor enlargement that increase the degree of non-compliance with respect to lot coverage; the enlargement will be accomplished by infilling an existing court at the first through fifth stories and it will result in an increase in floor area from 52,632 sq. ft. (3.91 FAR) to 53,794 sq. ft. (3.99 FAR); and

WHEREAS, the applicant states that the enlarged portion of the building will accommodate storage areas, structural elements, and a trash compactor; and

WHEREAS, the applicant contends that NYCH requires the additional spaces and equipment in order to carry out its programmatic needs as teaching hospital; namely, the applicant states that NYCH must adhere to National Fire Protection Association (“NFPA”) standards; and

WHEREAS, the applicant represents that the proposed increases in floor area and floor space and the ability to compact refuse will enable the hospital to meet or exceed NFPA guidelines, resulting in improvements in building maintenance, patient care, and staff safety; and

WHEREAS, the Board acknowledges that the proposal will further NYCH’s programmatic needs; and

WHEREAS, at hearing, the Board directed the applicant to: (1) verify that the proposal complies with the applicable parking requirements; and (2) clarify the proposed sound attenuation measures for the compactor; and

WHEREAS, in response, the applicant stated that the proposal complies with applicable parking requirements and submitted plans depicting the proposed sound attenuation measures; and

WHEREAS, in addition, the applicant agrees to limit the hours of compacting to ordinary business hours; and

WHEREAS, based upon its review of the record, the Board finds that the proposed elimination of term is appropriate, with certain conditions, as noted below.

Therefore it is Resolved, that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated October 7, 1980, to permit the noted

391-80-BZ

modifications, *on condition* that any and all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked 'Received April 16, 2014' - nine (9) sheets; and *on further condition*:

THAT the floor area of the building will not exceed 53,794 sq. ft. (3.99 FAR);

THAT parking will be as reviewed and approved by DOB;

THAT compacting of refuse will be limited to daily, from 8:00 a.m. to 8:00 p.m;

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

THAT DOB must ensure compliance with all 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, July 22, 2014.

**A true copy of resolution adopted by the Board of Standards and Appeals, July 22, 2014.
Printed in Bulletin No. 30, Vol. 99.**

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

