



## CITY PLANNING COMMISSION

---

February 7, 2007/ Calendar No.11

C 070034 ZSK

---

**IN THE MATTER OF** an application submitted by Boro Park Volunteers of Hatzolah, Inc. and the NYC Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow a portion of a railroad right-of-way that has been permanently discontinued or terminated to be included in the lot area of a proposed 2-story ambulance/emergency garage, dispatch and training facility on property located at 3701 14<sup>th</sup> Avenue (Block 5348, p/o Lot 9), in an M2-1 District, Borough of Brooklyn, Community District 12.

---

The application for special permit pursuant to Section 74-681 was filed by Boro Park Volunteers of Hatzolah, Inc. and the Economic Development Corporation (EDC) on July 24, 2006, to allow a portion of a railroad right-of-way which has been permanently discontinued or terminated, to be included in the lot area of a zoning lot located at 3701 14<sup>th</sup> Avenue to facilitate the development of an ambulance garage and dispatch facility.

### **BACKGROUND**

The subject site is located in an M2-1 district, at the southeast corner of 37<sup>th</sup> Street and 14<sup>th</sup> Avenue in the Borough Park section of Brooklyn. The immediate area is zoned M2-1 and M1-2 and is generally characterized by manufacturing and warehouse uses with some residential uses to the north and south of the site. The site itself is composed of Block 5348, part of Lot 9.

The site is an approximately 5,000 square foot city-owned property within the permanently discontinued railroad right-of-way. The site is undeveloped and is leased by the Department of Administrative Services (DCAS) to a moving company for the storage of their trucks on a month-to-month basis. On June 4, 2003, the City Planning Commission approved the disposition of Block 5348, part of Lot 9 pursuant to zoning (C 020442 PPK, Cal. No. 17). Block 5348, the block where the site is located, is developed with a number of industrial and commercial uses, including a gasoline service station, a bakery, a printing supplies manufacturer and a building material warehouse. The southern portion of Block 5348 has a number of two-story residential buildings.

Hatzolah of Boro Park (“Hatzolah”), a not-for-profit organization, was founded in 1988 and is affiliated with Chevra Hatzolah, the largest volunteer emergency medical and ambulance service in the United States. Hatzolah has grown rapidly over the past few years, and as a result, has outgrown its existing facility in Borough Park, located on 16<sup>th</sup> Avenue between 52<sup>nd</sup> and 53<sup>rd</sup> streets. The proposed ambulance vehicle garage/dispatch facility would provide an opportunity for Hatzolah to maintain and expand the scope and quality of its services.

As filed with the Commission, the proposed building would consist of two stories and a cellar. The building would contain 9,600 square feet of floor area with a total Floor Area Ratio (FAR) of 1.92. The ambulance garage, to be located on the ground floor, would contain six bays for ambulance/emergency vehicle parking, equipment storage and mechanical space. The second floor would accommodate an administrative office, a conference room, two training rooms and accessory space. The cellar space would be used for larger group training sessions, mechanical and accessory space.

Hatzolah also filed an application with the Board of Standards and Appeals (BSA), (Calendar No. 149-06 BZ) on July 7, 2006 seeking a variance to permit the development of a three-story building on the site. The BSA variance application requested a waiver of bulk requirements for additional FAR (ZR Section 43-12) and a waiver of parking requirements (ZR Section 44-21).

The proposed three-story and cellar building would have a total floor area of 14,600 square feet with an FAR of 2.92 (the maximum permitted FAR in an M2-1 district is 2.0). The floor plans for the cellar, first and second floors for both the two-and three-story buildings are identical. The proposed three-story building includes an additional floor with a floor area of 5,000 square feet which would contain classrooms for group training sessions, an equipment room, exercise room and accessory space. The third floor offices (Use Group 6B) trigger a parking requirement of seventeen spaces. The variance requested a waiver to not provide these parking spaces. On October 17, 2006 the BSA approved the variance ( BSA Calendar No. 149-06-BZ).

The former railroad right-of-way, which is the subject of this special permit application, was part of the former Culver Shuttle elevated transit lines and at ground level, the South Brooklyn Railroad, which ran along 37<sup>th</sup> Street between Fort Hamilton Parkway and McDonald Avenue in the Borough Park section of Brooklyn. Service on the rapid transit line was terminated in 1975 and on the railroad line in the early 1980's. The elevated structure was demolished in 1985. Following the demolition of the transit line, the New York City Transit Authority (NYCTA) surrendered the railroad right-of-way to DCAS.

### **ENVIRONMENTAL REVIEW**

This application was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 06DME004K. The lead agency is the Deputy Mayor for Economic Development and Rebuilding.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on September 13, 2006.

### **UNIFORM LAND USE REVIEW**

This application (C 070034 ZSK) was certified as complete by the Department of City Planning on September 25, 2006, and was duly referred to Community Board 12 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

### **Community Board Public Hearing**

Community Board 12 held a public hearing on this application on October 24, 2006, and on that same date, by a vote of 33 to 0 with 0 abstentions, adopted a resolution recommending approval of the application.

### **Borough President Recommendation**

This application was considered by the Borough President, who issued a recommendation approving the application on November 17, 2006.

### **City Planning Commission Public Hearing**

On December 20, 2006, (Calendar No. 1), the City Planning Commission scheduled January 10, 2007 for a public hearing on this application (C 070034 ZSK). The hearing was duly held on January 10, 2007 (Calendar No. 19). There were eight speakers in favor of the application and none in opposition.

Those speaking in favor of the application included three representatives from Hatzolah, a representative from EDC, a representative from Maimonides Medical Center, a representative from a neighboring ambulance service, a representative from a local church and the Councilmember from the 44<sup>th</sup> district. Those speaking in favor of the application stated that the approval of the special permit application would allow Hatzolah to maintain and expand the scope and quality of its services.

There were no other speakers and the hearing was closed.

### **CONSIDERATION**

The Commission believes that the grant of this special permit is appropriate.

The proposed ambulance vehicle garage/dispatch and training facility would provide an opportunity for Hatzolah to maintain and expand the scope and quality of its services. There are no plans for the use of the railroad right-of-way for transit purposes and therefore the site provides an excellent opportunity for Hatzolah to expand its services and relocate from its existing facility in Borough Park which it has outgrown.

The Commission notes the streets providing access to the uses generated by the proposed

ambulance garage/dispatch facility are adequate to handle the resulting traffic. Access to the site would be both from 37<sup>th</sup> Street which is a 60 foot wide local street and 14<sup>th</sup> Avenue which is an 80 foot wide street.

The proposed ambulance garage and dispatch facility will be located entirely on the zoning lot created within a portion of the former railroad right-of-way. The proposed facility will not adversely affect neighboring uses, and will be in character with the surrounding area which is zoned M2-1 and M1-2 and contains several manufacturing and auto-related uses along 37<sup>th</sup> Street. All uses in the building relate to the ambulance service provided by Hatzolah.

The Commission also notes that the railroad right-of-way has been permanently discontinued.

## **FINDINGS**

The City Planning Commission hereby makes the following findings pursuant to Section 74-681 (Development within or over a railroad or transit right-of-way or yard) of the Zoning Resolution:

- (1) the streets providing access to all uses are adequate to handle increased traffic therefrom;
- (2) the distribution of floor area and the number of rooms or dwelling units does not adversely affect the character of the surrounding area by being unduly concentrated in any portion of such development;
- (3) all uses, and developments or enlargements located on the zoning lot do not adversely affect one another;
- (4) the railroad right-of-way is not deemed appropriate for future transportation use.

## **RESOLUTION**

**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Section 197-c and 200 of the New York City Charter, that based on the environmental determination, and the consideration and findings described in this report, the application of Boro Park Volunteers of Hatzolah, Inc. and

the Economic Development Corporation for the grant of a special permit, pursuant to Section 74-681 of the Zoning Resolution to allow a portion of a railroad right-of-way that has been permanently discontinued or terminated to be included in the lot area of a proposed two-story ambulance/emergency garage, dispatch and training facility on property located at 3701 14<sup>th</sup> Avenue (Block 5348, p/o Lot 9), in an M2-1 District, Borough of Brooklyn, Community District 12, is approved, pursuant to Section 74-681 of the Zoning Resolution, subject to the following terms and conditions:

1. The property that is the subject of this application (C 070034 ZSK) shall be Developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Alexander Novikov, P.E., filed with this application and incorporated in this resolution:

| <u>Drawing No.</u> | <u>Title</u> | <u>Last Date Revised</u> |
|--------------------|--------------|--------------------------|
| P2-1               | Site Plan    | July 10, 2006            |
| P2-6               | Section      | May 26, 2006             |

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
5. All leases, subleases, or other agreements for use or occupancy of space at the subject

Property shall give actual notice of this special permit to the lessee, sublessee or occupant.

6. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application modification, cancellation or amendment of the special permit hereby granted.
7. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C 070034 ZSK), duly adopted by the City Planning Commission on February 7, 2007 (Calendar No. 11), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

**AMANDA M. BURDEN, AICP, Chair**  
**KENNETH J. KNUCKLES, Esq., Vice-Chairman**  
**ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,**  
**ALFRED C. CERULLO, R.A., RICHARD W. EADDY, JANE D. GOL, LISA A. GOMEZ,**  
**CHRISTOPHER KUI, JOHN MEROLO, KAREN A. PHILLIPS, DOLLY WILLIAMS,**  
Commissioners