

# 153-14-A

APPLICANT – Rothkrug Rothkrug & Spector LLP, for Rabbi Jacob Joseph School, owner.

SUBJECT – Application July 1, 2014 – Proposed construction of a community facility building school located partially within the bed of a unbuilt mapped street pursuant to Article 3 Section 35 of the General City Law and waive of bulk regulations under ZR Section 72-01-(g). R3-2 Zoning district.

PREMISES AFFECTED – 200 Cambridge Avenue, 114.71' north of intersection on of Auburn Avenue and Cambridge Avenue, Block 1511, Lot 210, Borough of Staten Island.

## COMMUNITY BOARD #1SI

**ACTION OF THE BOARD** – Application granted on condition.

### THE VOTE TO GRANT –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez.....4

Negative:.....0

### THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings (“DOB”), dated June 6, 2014, acting on DOB Application No. 520195994, reads in pertinent part:

1. Proposed construction located partially within the bed of a mapped street is contrary to section 35 of the General City Law ...
2. Proposed new building has bulk non-compliances resulting from the location of such mapped street...; and

WHEREAS, a public hearing was held on this application on February 10, 2015, after due notice by publication in *The City Record*, hearing closed and reopen with a continued hearing on March 3, 2015, and then to decision on March 24, 2015; and

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

WHEREAS, this is an application to allow the construction of one-story school building which will be partially located within the bed of a mapped but unbuilt portion of Cambridge Avenue located between Auburn Avenue and Caswell Avenue, in Staten Island; and

WHEREAS, the subject site is located partially within an R3-2 zoning district and partially within an R3X zoning district; and

WHEREAS, the site has a lot area of approximately 158,196 sq. ft.; and

WHEREAS, by letter dated September 29, 2014, the New York City Fire Department (“FDNY”) states that it has no objections to the proposed application; and

WHEREAS, by letter dated December 10, 2014, the New York City Department of Environmental Protection (“DEP”) states that it has no objections to the proposed application; and

WHEREAS, by letter dated March 23, 2015, the New York City Department of Transportation (“DOT”) requests that the applicant install a 10-foot wide sidewalk around the cul-de-sac at the subject site and states that the improvement of Cambridge Avenue at the site is not

presently included in DOT’s Capital Improvement Program; and

WHEREAS, the Board notes that pursuant to GCL § 35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

*Therefore it is Resolved*, that the Board modifies the decision of the DOB, dated June 6, 2014, acting on DOB Application No. 520195994, by the power vested in it by Section 35 of the General City Law, and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal, limited to the decision noted above *on condition* that construction will substantially conform to the drawing filed with the application marked “March 23, 2015”- (1) sheet; and *on further condition*:

THAT DOB will review and approve plans associated with the Board’s approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped;

THAT “No Parking” signs shall be posted along the access road and turnaround, in compliance with Fire Code Section 503.2.7.2.1; and

THAT there will not be parking anywhere along the fire access road or turnaround;

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 DOB will review and approve plans associated with the Board’s approval for compliance with the underlying zoning regulations as if the unbuilt street were not mapped;

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB 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)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals on March 24, 2015.

**A true copy of resolution adopted by the Board of Standards and Appeals, March 24, 2015.**

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### Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

