



CITY PLANNING COMMISSION

May 12, 2004/Calendar No. 25

C 020146 ZSQ

IN THE MATTER OF an application submitted by the Vaishnav Temple of New York, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit, pursuant to Section 74-901 of the Zoning Resolution to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area and Percentage of Lot Coverage) to apply to a proposed 2-story and cellar approximately 4,420 square foot enlargement of an existing church on property located at 196-43 Foothill Avenue (Block 10509, Lot 221) in an R1-2 District, Borough of Queens, Community District 8.

The application for the special permit was filed by the Vaishnav Temple of New York on October 16, 2001, to facilitate the enlargement of the Vaishnav Temple of New York in Holliswood, Queens.

BACKGROUND

The applicant, The Vaishnav Temple of New York, is seeking the grant of a special permit pursuant to Section 74-901 of the Zoning Resolution to permit the allowable floor area ratio of Section 24-11 for an enlargement of an existing temple in Holliswood, Queens Community District 8.

The Vaishnav Temple of New York is located at 196-43 Foothill Avenue and is currently zoned R1-2. The project site (Block 10509, Lot 221) is an irregularly shaped lot of approximately 12,526 square feet. The temple and adjoining buildings are built between 15 to 20 feet above grade. The existing building is a two-story building with a total floor area of 7,783 square feet. No on-site parking spaces are currently provided. The project site is a through lot located between Foothill and Dunton avenues and is adjacent to a portion of 197th Street. Properties

south and adjacent to the site along Dunton Avenue, Foothill Avenue, and 197th Street are developed with single-family detached houses on large irregular lots. The Holliswood Garden Apartments are located north of the site.

The maximum FAR for a community facility in an R1-2 district is 0.5. Pursuant to ZR Section 74-901, the City Planning Commission by Special Permit may permit the allowable community facility floor area ratio of ZR Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply. Under Section 24-11 of the Zoning Resolution , a maximum community facility FAR of 1.0 is allowed in an R1-2 district.

The applicant is seeking a special permit to increase the floor area from 0.62 to 0.97. The applicant proposes to add a two-story addition onto the south side of the existing building. The proposed enlargement would be approximately 30 feet high. The enlarged portion would accommodate a large prayer room and reconfigure the existing interior spaces. The proposed enlargement would increase the total floor area from 7,783 to 12,203 square feet. Seven on-site parking spaces would be provided and a new curb cut would be created on Foothill Avenue.

ENVIRONMENTAL REVIEW

This application (C020146 ZSQ) 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 New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91

of 1977. The designated CEQR number is 02DCP023Q. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on December 15, 2003.

UNIFORM LAND USE REVIEW

This application (C020146 ZSQ) was certified as complete by the Department of City Planning on December 15, 2003, and was duly referred to Community Board 8 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 8 held a public hearing on this application on January 26, 2004, and on February 11, 2004, by a vote of 35 to 1 with 0 abstentions, adopted a resolution recommending approval of the application with the following conditions:

- Garbage containers and the building be designed in accordance with the letter dated February 5, 2004: Whereas, the Board of Trustees of the Vaishnav Temple of New York hereby confirms that the temple's proposed building expansion would have an enclosed, air tight, secluded room to keep all trash generated by the Temple.
- In accordance with the letter of February 5, 2004, The Board of Trustees of the Vaishnav Temple hereby confirms that the Temple has made an arrangement with Wexford Operating, LLC. LLC has agreed to accommodate the parking of up to 100 vehicles of the worshippers during the 5-6 major Temple events in the year.
- In addition to the off-street parking, the on-premises parking during religious holidays or special events will include a valet who will park the vehicles in the spaces that are on-site. At the same time, they will attempt to see if they can increase the additional spaces on site

other than what is proposed.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application with conditions on March 19, 2004.

The Borough President's recommendation included the following conditions:

- The applicant should provide off-site parking during major events at Wexford Operating's parking garage as previously indicated. The applicant should also make sure that appropriate jitney service to and from the garage is provided during these events;
- The applicant should use valet parking to maximize the number of on-site parking spaces in order to satisfy parking demands generated during weekend services and other minor events held at the facility;
- All trash should be stored within the proposed air-tight room in the building as previously indicated and should only be brought out on the street the night before sanitation pickup.

City Planning Commission Public Hearing

On March 24, 2004 (Calendar No. 5), the City Planning Commission scheduled April 14, 2004, for a public hearing on this application (C020146 ZSQ). The hearing was duly held on April 14, 2004 (Calendar No. 14). There were five speakers in favor of the application and no speakers in opposition.

Four representatives of the applicant spoke in favor of the application. The applicant's engineer described the need and benefits of the proposed enlargement. Three members of the Vaishnav Temple of New York spoke regarding the existing size constraints and the need for the

enlargement to support their on-going health, education, and spiritual activities. The president of the Holliswood Civic Association stated that they initially were opposed to the project because of the parking problems that occurred during major religious events but after meeting with representatives from the temple they now feel comfortable with the proposed enlargement.

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 special permit would facilitate the enlargement of the Vaishnav Temple of New York in Holliswood. The special permit is necessary because the proposed floor area ratio (FAR) exceeds the current permitted FAR of 0.50 in an R1-2 district. This special permit to allow the community facility FAR permitted under Section 24-11 of the Zoning Resolution would allow a maximum permitted FAR of 1.0. The applicant is proposing an FAR of 0.97.

The distribution of bulk would create a satisfactory relationship with the scale of the adjacent residential buildings, particularly along Foothill Avenue. The proposed addition would extend along Foothill Avenue and would be similar in height to the existing residential homes along Foothill Avenue. The proposed enlargement is approximately 30 feet height, the existing residential homes are 2 ½ to 3 story structures approximately 25 to 30 feet high. The side yards of 17 and 12 feet exceed the eight-foot requirement, which would not unduly obstruct the access of

light and air.

The Commission believes that the proposed enlargement would not require any significant additions to the neighborhood's supporting services, since a large increase in parishioners is not anticipated. The proposed addition is intended to accommodate the existing parishioners and would include an assembly hall, classrooms, and a larger prayer area.

There would not be a significant increase in traffic on any of the streets providing access to the site. The daily traffic generated by the facility would be light and can be accommodated by the proposed seven parking spaces. The Commission notes that the Temple has made further accommodations to alleviate the parking problem during the major religious events that occur five to six times a year by making arrangements with a local parking garage to provide off-street parking and by providing continuous jitney service to and from the parking garage during these religious events.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-901

(Certain community facility uses in R1 and R2 Districts) of the Zoning Resolution:

(a) that the distribution of the bulk of the total development will not unduly obstruct the access of light and air in and to adjoining properties or public streets, and will result in satisfactory site planning and satisfactory urban design relationships of buildings to adjacent streets and surrounding developments;

(b) that the architectural and landscaping treatment and the height of the proposed building containing such uses blends harmoniously with the topography and the

surrounding area;

(c) that the proposed development will not require any significant additions to the supporting services of the neighborhood or that provision for adequate supporting services has been made; and

(d) that the streets providing access to such use are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

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 Sections 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 Vaishnav Temple of New York for the grant of a special permit to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area and Percentage of Lot Coverage) to apply to a proposed 2-story and cellar approximately 4,420 square foot enlargement of an existing church on property located on 196-43 Foothill Avenue (Block 10509, Lot 221), Borough of Queens, Community District 8, is approved, pursuant to Section 74-901 of the Zoning Resolution, subject to the following terms and conditions:

1. The property that is the subject of this application (C020146 ZSQ) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and

zoning computations indicated on the following plans, prepared by The Agusta Group, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
A-1	Site Plan	12-04-03

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. 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.
5. 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 of 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 of 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 for modification, cancellation or amendment of the special permit hereby granted.

6. 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.

7. The above resolution (C020146 ZSQ), duly adopted by the City Planning Commission on May 12, 2004 (Calendar No. XX), 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
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E.,
ANGELA R. CAVALUZZI, R.A., RICHARD W. EADDY,
ALEXANDER GARVIN, JANE D. GOL, CHRISTOPHER KUI,
JOHN MEROLO, DOLLY WILLIAMS, Commissioners