

CITY PLANNING COMMISSION

June 16, 1999/Calendar No. 15

C 980081 ZSK

IN THE MATTER OF an application submitted by the God of Mercy Church, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-921 of the Zoning Resolution to allow a church (Use Group 4A) to occupy an entire one-story with mezzanine building located at 700-702 East 98th Street (Block 8115, Lot 53), in an M1-1 District, Borough of Brooklyn, Community District 17.

The application for the special permit was filed by the God of Mercy Church on August 14, 1997 to allow a church (Use Group 4A) to occupy an existing one-story industrial building, located at 700-702 East 98th Street (Block 8115, Lot 53), in an M1-1 District.

BACKGROUND

The applicant has requested a special permit pursuant to ZR Section 74-921 for the use of an existing one-story industrial building, located in an M1-1 zoning district at 700-702 East 98th Street, as a church (Use Group 4A). The church proposes to relocate from its present location, a storefront at 682 East 98th Street (to the north of the proposed site on the same block), which is inadequate to accommodate the needs of the congregation.

The proposed site is located on the mid-block of the west side of East 98th Street between Avenue B and Ditmas Avenue within an M1-1 district. An R5 district abuts the rear of the site. The area of the zoning lot is 10,000 square feet. The building contains 9,018 square feet of floor area on one floor and a mezzanine, and it is being used temporarily for truck storage by the present owner, a plumbing contractor, pending sale of the property to the applicant. There is no accessory parking on the lot.

The existing building is of brick-faced concrete block construction. Applicant proposes to replace the existing garage doors with double-glazed windows and wood or metal exterior doors.

The surrounding neighborhood is residential in character to the north and west of the site, and commercial or industrial to the south and east. According to the applicant, the majority of the congregation of some 180 members live within walking distance of the present and the proposed site. Average present attendance at services is approximately 130. Services are held twice on Sunday in the morning and the evening, and on one or two weekday evenings. The Sunday services generate a maximum of 48 vehicular trips for the entire day. East 98th Street, although 80 feet wide, is a local street only two and one-half blocks long, and is lightly traveled. Curbside parking adjacent to the proposed site is available and unrestricted at the times when the church will be occupied.

ENVIRONMENTAL REVIEW

This application (C 980081 ZSK) 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 98DCP013K. 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 February 1, 1999.

UNIFORM LAND USE REVIEW

This application (C 980081 ZSK) was certified as complete by the Department of City Planning on February 1, 1999, and was duly referred to Community Board 17 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 17 held a public hearing on this application on March 17, 1999, and on March 17, 1999, by a vote of 29 to 0 with no 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 May 10, 1999.

City Planning Commission Public Hearing

On May 5, 1999 (Calendar No. 4), the City Planning Commission scheduled May 19, 1999, for a public hearing on this application (C 980081 ZSK). The hearing was duly held on May 19, 1999 (Calendar No. 8). A representative of the applicant spoke in favor of the application. There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the grant of this special permit is appropriate. The applicant proposes to acquire a one-story industrial building, located at 700-702 East 98th Street, and

convert the interior space for use as a church. According to the applicant, its present storefront location is inadequate to accommodate the needs of the congregation, and it has been unable to obtain an appropriate alternate site for a new facility in a zoning district in which it would be as of right.

The Commission notes that the brick-faced concrete block construction of the existing building, and the proposed use of double-glazed windows and wood or metal exterior doors, will provide adequate separation of the proposed use from noise, traffic, and other adverse effects of surrounding uses. The proposed site is located on a lightly traveled local street in the vicinity of its present location, and will not result in additional traffic to or through local streets. The Commission notes that the proposed location is within two to three and one-half blocks from local bus stops. However, according to the applicant, the majority of the congregation lives within walking distance of the proposed location.

The Commission further notes that the proposed site is adjacent to the boundary between the manufacturing district in which it is located and a residence district in which it would be as of right. The church will be occupied primarily on Sundays and weekday evenings when adjacent businesses in the manufacturing district are closed and will not result in any significant traffic or other adverse effects. The Commission therefore considers that the proposed re-use of the building located at 700-702 East 98th Street by a church is appropriate.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-921 of the Zoning Resolution:

- a) within the neighborhood primarily to be served by the proposed facility there is no practical possibility of obtaining a site of adequate size, located in a district wherein it is permitted as of right, because appropriate sites in such districts are occupied by substantial improvements;
- (b) an adequate separation from noise, traffic and other adverse effects of the surrounding non-residential districts is achieved through the use of sound-attenuating exterior wall and window construction or by the provision of adequate open areas along lot lines of the zoning lot;
- (c) such facility is so located as to draw a minimum of vehicular traffic to and through local streets and that the streets providing access to such use will be adequate to handle the traffic generated thereby;
- (d) Finding (d) is inapplicable;
- (e) in selecting the site due consideration has been given to the proximity and adequacy of bus and rapid transit facilities;
- (f) such community facility is not located more than 400 feet from the boundary of a district wherein such facility is permitted as-of-right; and
- (g) such use will not produce traffic congestion or other adverse effects that interfere with the appropriate use of land in the district or in any adjacent district.

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 the God of Mercy Church for the grant of a special permit , Borough of Brooklyn, Community District 17, is approved, pursuant to Section findings of the Zoning Resolution, subject to the following terms and conditions:

1. The property that is the subject of this application (C 980081 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 Strange & Vella, Architects, P.C., filed with this application and incorporated in this resolution:

<u>Title</u>	<u>Last Date Revised</u>
Site Plan	February 11, 1998

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.

The above resolution (C 980081 ZSK), duly adopted by the City Planning Commission on June 16, 1999 (Calendar No. 15), 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.

- JOSEPH B. ROSE, Chairman**
- VICTOR G. ALICEA, Vice-Chairman**
- ALBERT ABNEY, ANGELA M. BATTAGLIA, AMANDA M. BURDEN, A.I.C.P.,**
- IRWIN G. CANTOR, P.E., KATHY HIRATA CHIN, ESQ.,**
- ALEXANDER GARVIN, ANTHONY I. GIACOBBE, ESQ.,**
- WILLIAM J. GRINKER, BRENDA LEVIN, EDWARD T. ROGOWSKY,**
- JACOB B. WARD, ESQ., Commissioners**

**Community/Borough Board
Recommendation**

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX # (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send a copy of the completed form with any attachments to the applicant's representative as indicated on the Notice of Certification, one copy to the Borough President, and one copy to the Borough Board, when applicable.

APPLICATION # C 980081 ZSK

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by the God of Mercy Church pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-921 of the Zoning Resolution to allow a church (Use Group 4A) to occupy an entire existing one-story with mezzanine building located at 700-702 East 98th Street (Block 8115, Lot 53), in an M1-1 District, Community District 17, Borough of Brooklyn.

The plan for this proposal is on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

COMMUNITY BOARD NO. 17

BOROUGH Brooklyn

BOROUGH BOARD _____

DATE OF PUBLIC HEARING March 17, 1999

LOCATION CNR 5506 Church Avenue

WAS QUORUM PRESENT? XX YES _____ NO

(A public hearing shall require a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.)

VOTE ADOPTING RECOMMENDATION TAKEN

DATE March 17, 1999

LOCATION CNR 5506 Church Avenue

RECOMMENDATION

XX APPROVE _____ APPROVE WITH MODIFICATIONS/CONDITIONS
_____ DISAPPROVE _____ DISAPPROVE WITH MODIFICATIONS/CONDITIONS

EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

IN FAVOR 29 AGAINST 0 ABSTAINING 0

TOTAL MEMBERS APPOINTED TO BOARD 45

William J. [Signature]
COMMUNITY/BOROUGH BOARD OFFICER

DATE

4-23-99

District Manager
TITLE

1/91

Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX # (212) 720-3356

INSTRUCTIONS

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2. Send one copy with any attachments to the applicants representatives as indicated on the Notice of Certification

APPLICATION # 980081 ZSK
 DESCRIPTION God of Mercy Church


COMMUNITY DISTRICT NO. 17 BOROUGH OF BROOKLYN

RECOMMENDATION

- APPROVE
- APPROVE WITH MODIFICATIONS/CONDITIONS
- DISAPPROVE
- DISAPPROVE WITH MODIFICATIONS/CONDITIONS

EXPLANATION OF RECOMMENDATION – MODIFICATIONS/CONDITIONS

- RECOMMENDATION ATTACHED
- RECOMMENDATION TO FOLLOW


 BOROUGH PRESIDENT

May 10, 1999

DATE:

RECOMMENDATION REPORT BY THE
PRESIDENT OF THE BOROUGH OF BROOKLYN
GOD OF MERCY CHURCH: ZONING SPECIAL PERMIT
980081 ZSK

BACKGROUND

The God of Mercy Church submitted an application requesting the granting of a zoning special permit pursuant to Section 74-921 of the city's Zoning Resolution, to facilitate the conversion of a one-story and mezzanine brick building into a church. The building, previously used as a plumbing establishment, is located at 700-702 East 98th Street (Block 8115, Lot 53). The site is in an M1-1 zoning district in Community District 17.

BOROUGH PRESIDENT'S PUBLIC HEARING

On April 27, 1999, the Borough President held a public hearing on the application. There was one speaker, Mr. Blaise Parascandola, the attorney representing the applicant.

God of Mercy Church has negotiated a contract of sale for the proposed site. The main hours of operation of the church are on Sundays, and some weekday evenings.

The attorney provided a brief description of the project and the need for requesting the special permit. He stated that the church is currently located in the vicinity of the proposed site in an R6 zoning district. He showed the plans for the layout of the proposed church facility and gave a description of how the building would be modified to suit the needs of the church. He explained that the property is vacant, except for the storage of vehicles which are to be removed.

The Borough President asked questions about the use of the church during the week and any potential conflict with adjacent auto repair shops for parking. Mr. Parascandola stated that there are no parking restrictions after 11:00 a.m. and that the fellowship uses public transportation.

In responding to additional questions from the Borough President, the attorney described the proposed renovations which could be completed in a few months at the projected cost of \$100,000 to \$150,000. In response to the Borough President's inquiry, the attorney stated that currently 200 members attend services at the church which is very cramped. He noted that with the new location, the fellowship is expected to rise to 300 members.

CONSIDERATION

Community Board 17 sent a letter dated March 29, 1999 to the Borough President stating that on March 17 the board voted to recommend approval of the application.

On March 26, 1999, a representative from the Borough President's office visited the proposed site and its surrounding area. The one-story building is vacant and secured. Directly to the north of the site are residential properties and auto repair, garages and building material yards are to the south.

The God of Mercy Church is proposing to relocate to this larger site within the manufacturing district because its present location is inadequate for the existing and projected membership. There is no other site available within the residential district that can fit the church's needs.

The Borough President concurs with Community Board 17's favorable recommendation on the application. He believes that the proposed renovation of this underutilized building will bring many benefits to the area.

RECOMMENDATION

Whereas, on March 17, 1999, Community Board 17 voted to recommend approval of the application;

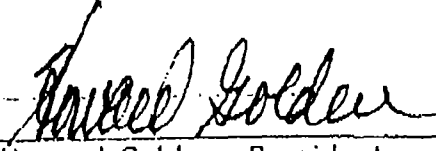
Whereas, the proposed site is vacant and underutilized;

Whereas, the Borough President encourages the appropriate reuse of existing vacant or underutilized buildings located throughout the borough;

Whereas, the God Church of Mercy has proposed to purchase and renovate the proposed site for use as a religious facility;

Whereas, in M1 zoning districts, the City Planning Commission may permit such community facilities by granting a zoning special permit; now therefore be it

Resolved, that the President of the Borough of Brooklyn, pursuant to Section 197-c of the New York City Charter, recommends approval of this application.


Howard Golden, President
of the Borough of Brooklyn