

107-99-BZ

CEQR #99-BSA-148M

APPLICANT - Ronald Ogur, P.E., for Wincap Properties Inc. (lot 41) GWEC Corp. (lot 49), owner; East Side Car Wash, lessee.

SUBJECT - Application May 11, 1999 - under Z.R. §73-03 and §73-211, to permit within a C2-8 zoning district, the proposed enlargement in lot area and accessory building of an automotive service station (Use Group 16B), which is contrary to Z.R. §32-25 and §52-41.

PREMISES AFFECTED - 1766/1770 1st Avenue, southeast corner of 1st Avenue & East 92nd Street, Block 1571, Lot 41 & 49, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Ronald Ogur.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Bonfilio
Commissioner Korbey and Commissioner
Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Department of Buildings, dated May 11, 1999 acting on Alt. Applic. 102237456 reads:

“The proposed increase in the area of the zoning lot and construction of a one story and cellar enlargement to an existing “Automotive Service Station (Use Group 16B), on the C2-8 portion of the lot, is contrary to Sections 32-25 and 52-41 of the Zoning Resolution.”; and

WHEREAS, Community Board # 8, Manhattan has recommended approval of this application; and

WHEREAS, a public hearing was held on this application on October 26, 1999 after due notice by publication in the *Bulletin*, laid over to December 7, 1999, January 18, 2000 and then to February 8, 2000 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Paul Bonfilio, R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §73-03 and §73-211 to permit, within a C2-8 zoning district, the proposed enlargement in lot area and accessory building of an automotive service station (Use Group 16B), which is contrary to Z.R. §32-25 and §52-41; and

WHEREAS, the subject zoning lot is irregular in shape, located on the southeast corner of First Avenue and 92nd Street and has a frontage of approximately 75' on First Avenue and approximately 244'0" on East 92nd Street; and

WHEREAS, the portion of the lot within 100'-0" of First Avenue contains 7,721 square feet located within a C2-8 district with the balance of the lot (14,502 square feet) located within a C8-4 district; and

WHEREAS, the portion of the subject premises known as tax lot number 41 was originally developed with a one story Class III non-fireproof building erected under N.B.# 35/56; and

WHEREAS, under Certificate of Occupancy Number 49271 the applicant was permitted the uses of “Gasoline Selling Station, Motor Vehicle Repair Shop, Greasing, Auto Washing, with Parking for more than five motor vehicles on a vacant portion of the lot; and

WHEREAS, in 1984 under Calendar Number 673-83-BZ the Board granted a Special Permit for the erection of a one story enlargement within the C2 portion of the site; and

WHEREAS, the applicant represents that within the C8-4 District the site has been enlarged several times through May 30, 1996 resulting in the present uses of “Automotive Service Station and Automobile Laundry”; and

WHEREAS, the history of development of the zoning lot indicates that it has been used for automotive uses since as early as 1950s; and

WHEREAS, the Board finds that the C2-8 District extends an excess of 800'; and

WHEREAS, the entire site consists of 22,223 square feet in area, is located on First Avenue; and

WHEREAS, First Avenue is 100' in width and is a major street; and

WHEREAS, all facilities for lubrication, minor repairs, and washing are located within a completely enclosed building; and

WHEREAS, reservoir space for five automobiles awaiting service is provided within the zoning lot, which is in addition to the spaces available within the enclosed lubritorium or at the pumps; and

WHEREAS, the Board has determined that the proposed increase in lot area and the rearrangement of the pump islands and curb cuts will be a considerable improvement from the existing arrangement, so that at expected operational peak vehicular movement into or from the automotive service station will cause a minimum of obstruction on the streets or sidewalks; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§ 73-03 and 73-211; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the Board finds that the subject proposal is consistent with provisions of New York City's Local Waterfront Revitalization Program; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

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Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §§ 73-03 and 73-211 and grants a Special Permit, limited to the objection cited, to permit, within a C2-8 zoning district, the proposed enlargement in lot area and accessory building of an automotive service station (Use Group 16B), which is contrary to Z.R. §32-25 and §52-41, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received May 11, 1999"-(3) sheets, "September 14, 1999"-(1) sheet, "November 16, 1999"-(1) sheet and "February 1, 2000"-(1) sheet; and on further condition;

THAT the term of the special permit shall be limited to ten years from the date of this grant to expire on February 8, 2010;

THAT all gates be locked after closing;

THAT the hours of operation of the premises be as follows: fuel dispensing auto laundry and detailing - 24 hours, 7 days a week; lubratorium and tire installation Monday through Saturday 7:00 A.M. through 7:00 P.M. and Sundays 9:00 A.M. through 5:00 P.M.;

THAT the premises remain graffiti free and free of debris at all times;

THAT there be no outside storage and no parking of vehicles on the sidewalk;

THAT the above referenced conditions appear on the new Certificate of Occupancy;

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department; and

THAT a substantial construction be completed in accordance with Z.R. §73-70.

Adopted by the Board of Standards and Appeals, February 8, 2000.

A true copy of resolution adopted by the Board of Standards and Appeals, February 8, 2000.
Printed in Bulletin Nos. 7, Vol. 85.

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

