

168-98-BZ

APPLICANT - Easa Moulana, for Mathieu Pine and Herbert Freedman, owners.

SUBJECT - Application March 19, 1998 - under Z.R. §11-411, to permit in an R6 zoning district, on a site previously before the Board, the reestablishment of an expired variance, previously granted under Calendar Number 1966-61-BZ which permitted a parking lot for more than five motor vehicles (Use Group 8).

PREMISES AFFECTED - 3058 /60 Bailey Avenue, east side, 153.03' north of Albany Crescent, Block 3261, Lot 12, Borough of The Bronx.

**COMMUNITY BOARD #8BX**

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

**THE VOTE TO GRANT** -

Affirmative: Chairman Chin, Vice-Chair Bonfilio and Commissioner Korbey .....	3
Negative: .....	0
Not Voting: Commissioner Caliendo .....	1

**THE RESOLUTION** -

WHEREAS, the decision of the Borough Commissioner, dated February 19, 1998 acting on Alt. Applic. No.1127/1961, reads:

" request extension of the term of the variance 'BSA # 1966-61-BZ adopted on July 24, 1973 and printed in Bulletin NO. 31 Vol. LVIII, a true copy of which is being filed here-with.;"

and

WHEREAS, a public hearing was held on this application on November 24, 1998 after due notice by publication in the *Bulletin*, and then laid over to February 2, 1999, March 2, 1999 and then to March 23, 1999 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., and Commissioner Mitchell Korbey; and

WHEREAS, this is an application under Z.R. § 11-411 to allow in an R6 zoning district, on a site previously before the Board, the reestablishment of an expired variance, previously granted under Calendar Number 1966-61-BZ which permitted a Multiple Dwelling accessory parking lot for more than five motor vehicles (Use Group 8); and

WHEREAS, in 1963 the Board permitted an accessory parking lot as amended through July 30, 1985, expiring December 5, 1988; and

WHEREAS, on December 5, 1988, the term of the variance expired; and

WHEREAS, however, the evidence in the record demonstrates that the premises has operated as a parking lot (Use Group 8) continuously from December 5, 1988 to the present; and

WHEREAS, the applicant now proposes to reinstate the variance and legalize the existing conditions on the site; and

WHEREAS, the evidence in the record demonstrates that this action will not alter the essential character of the neighborhood or district in which the zoning lot is located nor substantially impair the appropriate use or development of adjacent properties, and will not be detrimental to the public welfare; and

*Therefore, it is resolved* that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and grants a variation in the application of the Zoning Resolution, limited to the objection cited, to permit in an R6 zoning district, on a site previously before the Board, the reestablishment of an expired variance, previously granted under Calendar Number 1966-61-BZ which permitted a parking lot for more than five motor vehicles (Use Group 8), on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received March 19, 1998" -(2) sheets and on further condition:

THAT the term of the variance shall be limited to ten years to expire on March 23, 2009;

THAT fencing and screening shall be provided and maintained in accordance with BSA approved plans;

THAT landscaping shall be provided and maintained in accordance with BSA approved plans;

THAT all lighting shall be positioned down and away from nearby residential uses;

THAT the premises shall be maintain clean and free of graffiti;

THAT the above conditions shall appear on the 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 certificate of occupancy shall be obtained within one year of the date of this grant.

Adopted by the Board of Standards and Appeals, March 23, 1999.

A true copy of resolution adopted by the Board of Standards and Appeals, March 23, 1999.  
Printed in Bulletin No. 12-13, Vol. 84.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

