

**\*Correction**

This resolution adopted on July 20, 1999, under Calendar No. 169-98-BZ and printed in Volume 84, Bulletin No. 30, is hereby corrected to read as follows:

**169-98-BZ**

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

SUBJECT - Application March 19, 1998 - under Z.R. §11-411, to permit, in an R6 zoning district with a C2-3 overlay, on a site previously before the Board, the proposed reestablishment of an expired variance previously granted under Calendar #375-33-BZ, which permitted the non-transient parking and storage of vehicles.

PREMISES AFFECTED - 3141/51 Bailey Avenue, southwest corner of Albany Crescent, Block 3267, Lot 38, Borough of The Bronx.

**COMMUNITY BOARD #8BX**

**APPEARANCES -**

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 Borough Commissioner, dated February 19, 1998, acting on N.B. Applic. No. 686/52 reads:

"Request extension of the term of variance "BSA Cal. #375-33 BZ, Vol. II" Previously granted by the Board of Standards and Appeals. A true copy of the resolution is filed herewith and printed in BSA Bulletin No. 48, Volume LXIII."; and

WHEREAS, Community Board No.8, the Bronx, has recommended conditional approval of this application; and

WHEREAS, a public hearing was held on this application on December 8, 1998 after due notice by publication in the *Bulletin* laid over to March 9, 1999, April 13, 1999, April 20, 1999, May 18, 1999, June 22, 1999, July 13, 1999 and then to July 20, 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., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. § 11-411, to permit, in an R6 zoning district with a C2-3 overlay, on a site previously before the Board, the proposed reestablishment of an expired variance previously granted under Calendar #375-33-BZ, which permitted non-transient parking and storage of vehicles; and

WHEREAS, the site is a parcel with a frontage of approximately 106' of frontage and approximately 50' in depth and developed with an existing one story gasoline service station; and

WHEREAS, in 1953, under Cal. No. 375-33-BZ-Vol. II, the Board permitted, in a residence and business use district, the erection of a gasoline service station with accessory building, to be used for lubrication, auto washing, office storage and sales of auto accessories in the business portion of the premises partially in a residence use district; and

WHEREAS, in 1980, the aforementioned uses were renewed; and

WHEREAS, in order to minimize adverse impacts on the surrounding residential uses the Board has determined to limit the hours of operation from 8 a.m. to 8 p.m. with no repairs to occur on Sunday; and

WHEREAS, therefore, the Board finds that this action, as modified, will not alter the essential character of the surrounding neighborhood or impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. § 11-411; 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 evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

*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 makes each and every one of the required findings under Z.R. §11-411 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, to permit, in an R6 zoning district with a C2-3 overlay, on a site previously before the Board, the proposed reestablishment of an expired variance previously granted under Calendar #375-33-BZ, which permitted the non-transient parking and storage of vehicles, *on condition* that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received March 19, 1998"-(2) sheets and "April 6, 1999"-(3) sheets; and *on further condition*;

THAT the term of the variance shall be limited to ten years expiring on July 20, 2009;

THAT signage shall be provided in accordance with BSA-approved plans;

THAT the hours of operation shall be limited to 8 a.m. to 8 p.m. with no repair work on Sunday;

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

THAT lighting shall be provided in accordance with BSA-approved plans and shall be positioned down and away from the adjacent residential uses;

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 substantial construction shall be completed in accordance with Z.R. §72-23.

Adopted by the Board of Standards and Appeals, July 20, 1999.

\*The resolution which read: "*THAT the term of the variance shall be limited to ten years expiring on July 20, 2000*", now reads: "*THAT the term of the variance shall be limited to ten years expiring on July 20, 2009*". Corrected in Bulletin Nos. 35-37, Vol. 84, dated September 23, 1999.

A true copy of resolution adopted by the Board of Standards and Appeals, July 20, 1999.

Printed in Bulletin No. 30, Vol. 84.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

