

192-99-BZ

CEQR #00-BSA-038M

APPLICANT - Fredrick A. Becker, Esq, for Time Warner Cable, owner.

SUBJECT - Application September 13, 1999 - under Z.R. §73-14 to permit in a R7-2 zoning district, the proposed erection and operation of a communications equipment structure (Use Group 6) contrary to Z.R. §22-00.

PREMISES AFFECTED - 306 East 112th Street, south side of East 112th Street, 100' east of Second Avenue, Block 1683, Lot 47, Borough of Manhattan.

COMMUNITY BOARD #11M

APPEARANCES -

For Applicant: Fredrick A. Becker.

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 September 13, 1999, acting on Applic. No.102566135 reads:

"The proposed communications equipment structure is contrary to that allowed under Sec. 22-00 of the NYC zoning resolution Use Group 6 is not permitted in a R7-2 zoning district."; and

WHEREAS, a public hearing was held on this application on November 23, 1999 after due notice by publication in the *Bulletin*, and laid over to December 7, 1999 for decision; and

WHEREAS, the premises and surrounding area had 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 for a special permit under Z.R. §73-14, to permit, in a R7-2 zoning district, the proposed erection and operation of a communications equipment structure (Use Group 6) contrary to Z.R. §22-00; and

WHEREAS, the applicant proposes to erect, in an R7-2 zoning district, a two-story building to be used as a communications equipment structure (cable television transfer and distribution facility) on a lot which is currently vacant; and

WHEREAS, the record indicates that the proposed facility is needed to improve cable television service and internet access to the community; and

WHEREAS, the proposed structure will be built to resemble the surrounding four-story residential structures with a facade faced in brick; and

WHEREAS, the proposal will provide the required 30' rear yard; and

WHEREAS, the applicant will fully sprinkler the building; and

WHEREAS, the facility will not be occupied by personnel and service visits will be needed approximately once a week; and

WHEREAS, many of the surrounding residential buildings contain commercial uses on the ground floor; and

WHEREAS, the Board finds that the applicant contracted commercial real estate brokers and over a two year search was unable to find an appropriate location; and

WHEREAS, the Board finds that the proposed use will generate a minimum of vehicular traffic to and through local streets in residential areas; and

WHEREAS, the proposed project will not have any significant adverse impacts upon the quiet, privacy, light and air of the surrounding neighborhood; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; 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; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-14 and 73-03.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes the required findings and grants a special permit under Z.R. § 73-14 to permit in a R7-2 zoning district, the proposed erection and operation of a communications equipment structure (Use Group 6) contrary to Z.R. §22-00 on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received September 13, 1999"-(6) sheets and "October 4, 1999"-(1) sheet; and on further condition;

THAT the term of this special permit be limited to twenty years expiring December 7, 2019;

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. §73-70;

Adopted by the Board of Standards and Appeals, December 7, 1999.

A true copy of resolution adopted by the Board of Standards and Appeals, December 7, 1999

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

