

2-02-BZ

APPLICANT - Sheldon Lobel, P.C., for City of New York c/o NYC Economic Development Corp., owner; Bronx Preparatory Charter School, lessee.

SUBJECT - Application September 15, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 3872 Third Avenue, a/k/a 532 East 172nd Street, southeast corner of Third Avenue and East 172nd Street, Block 2929, Lot 8, Borough of The Bronx.

COMMUNITY BOARD #3BX

APPEARANCES - None.

ACTION OF THE BOARD - Application re-opened and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Miele and Commissioner Caliendo.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on October 28, 2003, after due notice by publication in *The City Record*, and laid over to December 9, 2003 for decision; and

WHEREAS, the applicant has requested a reopening of the of the resolution and an amendment seeking the elimination of sixteen (16) on-site accessory parking spaces and permission to erect the proposed gymnasium building section on grade as a one-story structure; and

WHEREAS, on November 8, 2002, the Board granted a variance and a special permit pursuant to Z.R. §§72-21 and 73-19 permitting a school in an M1-4 zoning district, and a variance of the rear yard requirements and restrictions on construction within 30 feet of the rear lot line coinciding with rear lot lines of lots in the adjoining residential district; and

WHEREAS, the record indicates that as construction progressed the cost of the project was much higher than anticipated; and

WHEREAS, the Board notes that the subject 16 on-site accessory parking spaces were volunteered by the applicant and were not a Board condition.

It is *resolved*, that the Board of Standards and Appeals *reopens and amends* the resolution, pursuant to Z.R. § 72-01 and 72-22, said resolution having been adopted on November 8, 2002, so that as amended this portion of the resolution shall read:

“To permit, the elimination of sixteen (16) on-site accessory parking spaces and to allow the erection of the proposed gymnasium on grade as a one-story structure in accordance with

revised plans,” *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received October 9, 2003”- (13) sheets; and *on further condition*;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT a new Certificate of Occupancy shall be obtained within one year of this resolution;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.”

(DOB Application NB # 200702463)

Adopted by the Board of Standards and Appeals, December 9 2003.

A true copy of resolution adopted by the Board of Standards and Appeals, December 9, 2003.

Printed in Bulletin No. 48-50, Vol. 88.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.