

CEQR #00-BSA-047Q

APPLICANT - Joseph P. Morsellino, Esq., for ISCTRA Realty Corp., owner.

SUBJECT - Application September 30, 1999 - under Z.R. §§11-411 and 11-413 to permit, in an R6B zoning district, on a site previously before the Board, the proposed reestablishment of an expired variance previously granted under Calendar Number 1224-24-BZ Vol. II, and to legalize the change in the location of the manufacturing use and garage for more than five motor vehicles.

PREMISES AFFECTED - 12-26 30th Avenue, south side of 30th Avenue between 12th and 14th Streets, Block 515, Lot 31, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

For Opposition: 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 September 2, 1999, acting on Alt. Applic. No. 400856294 reads:

"IN AN R6 ZONE THE PLANS AS SUBMITTED DO NOT CONFORM TO THE TO THE PLANS AS APPROVED BY THE BOARD OF STANDARDS AND APPEALS. THE TERM OF THE VARIANCE HAS EXPIRED. BOTH ITEMS HAVE BEEN REFERRED BACK TO THE BOARD OF STANDARDS AND APPEALS FOR FURTHER ACTION ."; and

WHEREAS, Community Board No. 1, Queens, has recommended unanimous approval of this application; and

WHEREAS, a public hearing was held on this application on May 9, 2000 after due notice by publication in the City Record, laid over to June 6, 2000, and then to June 27, 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. § 11-411 and §11-413, to permit, in an R6B zoning district, on a site previously before the Board, the proposed reestablishment of an expired variance previously granted under Calendar Number 1224-24-BZ vol. II,

and to legalize the change in the location of the manufacturing use and garage for more than five motor vehicles; and

WHEREAS, on May 22,1962, under Calendar Number 1224-24-BZ vol. II, the Board expanded the existing public garage use to include a factory; and

WHEREAS, in 1972, the aforementioned uses were renewed; and

WHEREAS, the record indicates that the prior owner operated a Use Group 16 use from May 22, 1962 until February 10, 1997; and

WHEREAS, the applicant proposes to operate a manufacturing/storage use (Use Group 17) and/or storage of Business Vehicles (Use Group 16) on the first floor; and

WHEREAS, the first floor is area is occupied by the storage of business vehicles and an office for a messenger service; and

WHEREAS, the manufacturing use formerly occupied the entire cellar area as a factory and storage use pursuant to prior Board approval; and

WHEREAS, the cellar area is now occupied by an electrical/plumbing contractor's establishment (with accessory storage) (Use Group 16) and the parking garage which formerly occupied the first floor (Use Group 16 and 12); and

WHEREAS, the applicant seeks to reinstate the previous grant and exchange the location of the garage under the original grant with part of the factory/storage area in the cellar and to change the remainder of the cellar area from factory use to an electrical/plumbing contractor's establishment with accessory storage of goods and vehicles and a carpenter's office with storage; and

WHEREAS, the Board finds that this action 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 11-413; 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 11-413 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, to permit, in an R6B zoning district, on a site previously before the Board, the proposed reestablishment and extension of term of an expired variance previously granted under Calendar Number 1224-24-BZ Vol. II, and to legalize the change in the location of the manufacturing use and garage for more than five motor 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 February 9, 2000"-(4) sheets; and on further condition;

THAT the term of the variance shall be limited to ten years, to expire on June 27, 2010; and

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

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

THAT no vehicles shall be parked on the sidewalk;

THAT there shall be no dead storage of vehicles;

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, June 27, 2000.

A true copy of resolution adopted by the Board of Standards and Appeals, June 27, 2000.
Printed in Bulletin Nos. 25-26, Vol. 85.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.