

274-02-BZ

CEQR #03-BSA-054X

APPLICANT - Sheldon Lobel, P.C., for BP Products N.A. (owner lot 18), owner; Gasatria Oil Corporation, *(Owner Lot 14).

SUBJECT - Application October 9, 2002 - under Z.R. §73-50 to permit in a C8-3 zoning District, the proposed construction of an automotive service station with an accessory convenience store, and a waiver of the rear yard requirement under §33-29.

PREMISES AFFECTED - 2350 Jerome Avenue, between 184th Street and North Street, Block 3187, Lots 14 and 18, Borough of The Bronx.

COMMUNITY BOARD #5BX

APPEARANCES -

Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated September 16, 2002 acting on Application No. 200750856 reads:

“Proposed construction of a new 2,900 s.f. building housing an automotive filling station (U.G. 16) with an accessory convenience store within required 30’ rear yard setback along district boundary per section 33-29 requires a special permit approval under the provisions of Z.R. 73-50 by NYC BSA for a waiver of the rear yard requirement.”; and

WHEREAS, a public hearing was held on this application on February 4, 2003 after due notice by publication in *The City Record*, and laid over to February 25, 2003 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, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application for a special permit pursuant to Z.R. §73-50, to permit in a C8-3 zoning District, the proposed construction of an automotive service station with an accessory convenience store, and a waiver of the rear yard requirement under §33-29; and

WHEREAS, the subject site is located within a C8-3 zoning district and borders an R8 zoning district to the east; and

WHEREAS, although the proposed use is permitted as-of-right in the subject zoning district, its

adjacency to a R8 district requires a 30 foot rear yard as mandated in §33-29, which this application seeks relief from; and

WHEREAS, the proposal seeks to construct a new automotive service station with an accessory convenience store containing 2,900 square feet of floor area at the northern end of the premises leaving a rear yard on 18.5 feet; and

WHEREAS, under §73-50, the Board may grant a waiver of rear yard requirements set forth in §33-29 provided that such waiver will not have an adverse affect on the surrounding area; and

WHEREAS, the applicant represents that to the rear of the subject site, and within the R8 district, is an existing brick multiple dwelling and a smaller residential structure, both of which rest at a grade substantially higher than the grade of the subject premises; and

WHEREAS, the applicant asserts that due to these grade conditions, the location of the proposed structure at the premises will, at its highest point, be located below the ground level of the residential properties to its rear; and

WHEREAS, the applicant represents that there will be automobile repairs on the premises; and

WHEREAS, therefore, the Board finds that the rear yard waiver will not have an adverse affect on the surrounding area, will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

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

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-50 and 73-03.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings to grant a special permit pursuant to Z.R. §73-50, to permit in a C8-3 zoning District, the proposed construction of an automotive service station with an accessory convenience store, and a waiver of the rear yard requirement under §33-29, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked “Received October 9, 2002”-(6) sheets; and *on further condition*;

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

THAT there shall be no washing of cars other than as an accessory use;

THAT there shall be no used car sales on the premises;

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THAT there shall be no parking of cars on the sidewalk at any time;

THAT any automobile vacuums shall only be operated between the hours of 9:00 A.M. - 7:00 P.M.;

THAT the term of this special permit shall be limited to ten (10) years from the date of this grant, expiring February 25, 2013;

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 construction shall be completed in accordance with Z.R. §73-70;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a new Certificate of Occupancy shall be obtained within 2 years of this grant;

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;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

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;

Adopted by the Board of Standards and Appeals, February 25, 2003.

Updated – 4/3/2003

**A true copy of resolution adopted by the Board of Standards and Appeals, February 25, 2003.
Printed in Bulletin No. 9-10, Vol. 88.**

**Copies Sent
To Applicant
Fire Com'r.
Borough Com'r.**