

302-01-BZ

CEQR # 02-BSA-041X

APPLICANT - Jay Segal, Greenberg, Traurig, LLP, for Fordham Associates, LLC, owner.

SUBJECT - Application October 31, 2001 - under Z.R. §11-411, §73-01, to permit the proposed reestablishment of an expired variance, previously granted under Cal. No. 861-48-BZ, which expired January 10, 1988 which permitted an accessory parking facility for commercial use located in an R8 zoning district.

PREMISES AFFECTED - 2519/2525 Creston Avenue, southwest corner of East 191st Street, Block 3175, Lot 26, Borough of The Bronx.

COMMUNITY BOARD #7BX

APPEARANCES -

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:

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THE RESOLUTION-

WHEREAS, the decisions of the Borough Commissioner, dated August 10, 2001 and updated October 5, 2001 acting on Applic. No. 200683590, reads:

“Proposed continuation of use of premises, which are in R8 zoning district, as accessory parking facility for commercial use, after expiration of variance first granted in 1948, is contrary to Z.R. 22-00. Certificate of Occupancy expired 1/10/83.”; and

WHEREAS, a public hearing was held on this application on February 26, 2002, after due notice by publication in *The City Record* and laid over to March 19, 2002, April 9, 2002 and then to April 23, 2002 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, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §§11-411 and 73-01, to permit the proposed reestablishment of an expired variance, previously granted under Cal. No. 861-48-BZ, which expired January 10, 1988 which permitted an accessory parking facility for commercial use located in an R8 zoning district; and

WHEREAS, the subject site lies within an R8 zoning district, located on the southwest corner of the intersection of Creston Avenue and East 191st Street in the Bronx; and

WHEREAS, the applicant represents that the site

is an irregularly shaped quadrangle, with 172 feet of frontage on Creston Avenue and 135 feet of frontage on East 191st Street; and

WHEREAS, on December 7, 1948, under Calendar Number 861-48-BZ, the Board authorized use of the property as parking for motor vehicles for a term of two (2) years; and

WHEREAS, the record indicates that the property has been used as accessory parking to a large commercial building, located immediately across the street from and under common ownership, since the original variance was granted; and

WHEREAS, the applicant represents that there has been no discontinuance as a parking facility since the original grant; and

WHEREAS, the subject premises is located in a R8 zoning district, which became effective on December 15, 1961; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under §§11-411 and 73-01 of the Zoning Resolution.

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 73-01, to permit the proposed reestablishment of an expired variance, previously granted under Cal. No. 861-48-BZ, which expired January 10, 1988 which permitted an accessory parking facility for commercial use located in an R8 zoning district, 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 31, 2001”-(2) sheets; and on further condition;

THAT the term of the variance shall be limited to ten (10) years from the date of this grant, expiring on April 23, 2012;

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

THAT the fences and gates shall be of legal and uniform height;

THAT lighting shall be directed down and away from residential uses, and in accordance with BSA approved plans;

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

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; and

THAT a new Certificate of Occupancy be obtained within one (1) year of the date of this resolution.

Adopted by the Board of Standards and Appeals,
April 23, 2002.