

316-98-BZ

CEQR #99-BSA-039X

APPLICANT - Anthony M. Salvati, for Hersel Sakhafe, owner.

SUBJECT - Application October 22, 1998 - under Z.R. § 11-411, to permit, in an R7-1 within a C1-4 zoning district, the proposed reestablishment of an expired variance previously granted under Calendar Number 760-58-BZ, which permitted a public parking lot (Use Group 8).

PREMISES AFFECTED - 1332/40 Ogden Avenue, east side, 138.80' south of West 170th Street, Block 2522, Lots 12, 13, 14 and 15, Borough of The Bronx.

COMMUNITY BOARD #4BX

APPEARANCES -

For Applicant: Peter Hirshman.

For Opposition: David Weinman.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Vice-Chair Bonfilio, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

Absent: Chairman Chin1

THE RESOLUTION

WHEREAS, the decision of the Borough Commissioner, dated , 199, acting on Alt. Applic. No.200326021 reads, in pertinent part:

"The current term of the variance for the CO #45459 has expired. The application is referred back to BSA for consideration of extending the term of the variance."; and

WHEREAS, a public hearing was held on this application on November 9, 1999 after due notice by publication in the *Bulletin*, laid over to December 7, 1999 and then to December 21, 1999 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, to permit in an R7-1 within a C1-4 zoning district, the proposed reestablishment of an expired variance previously granted under Calendar Number 760-58-BZ, which permitted a public parking lot (Use Group 8); and

WHEREAS, the record indicates that the public parking lot use has been continuous; and

WHEREAS, in 1969 the public parking lot use was restricted to a ten year term, under Calendar Number 760-58-BZ; and

WHEREAS, the applicant seeks an extension of ten years, and requests a new parking layout for passenger vehicles; and

WHEREAS, in order to minimize adverse impacts on the surrounding residential uses the Board has determined to no parking of commercial vans or trucks

will be allowed on the premises or its surrounding sidewalks; and

WHEREAS, therefore, the Board finds that this action, as modified, 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

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.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration 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 grants a variation in the application of the Zoning Resolution, limited to the objection cited, to permit, in an R7-1 within a C1-4 zoning district, the proposed reestablishment of an expired variance previously granted under Calendar Number 760-58-BZ, which permitted a public parking lot (Use Group 8), on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received November 17, 1998"-(1) sheet and "December 21, 1999"-(1) sheet; and on further condition;

THAT the term of the variance shall be limited to ten years, expiring December 21, 2009;

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

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

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, December 21, 1999.

A true copy of resolution adopted by the Board of Standards and Appeals, December 21, 1999

Printed in Bulletin Nos. 51-52, Vol. 84.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

CERTIFIED RESOLUTION

James Chin
Chairman of the Board