

617-56-BZ

APPLICANT – Kenneth H. Koons, AIA, for John O’Dwyer, owner.

SUBJECT – Application June 20, 2017 – Extension of Term (§11-411) of a previously approved variance which permitted the operation of a transient parking lot (UG 8) which is set to expired on September 27, 2017. C2-3/R6 & C1-3 zoning district.

PREMISES AFFECTED – 3120 Albany Crescent, Block 3267, Lot 15, Borough of Bronx.

COMMUNITY BOARD #15BX

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Chanda and Commissioner Ottley-Brown.....3

Negative:0

Abstain: Commissioner Sheta.....1

THE RESOLUTION –

WHEREAS, this is an application under ZR § 11-411 for an extension of term of a variance, previously granted by the Board, which expired September 27, 2017; and

WHEREAS, a public hearing was held on this application on October 3, 2017, after due notice by publication in *The City Record*, and then to decision on December 5, 2017; and

WHEREAS, Commissioner Ottley-Brown performed an inspection of the site and surrounding neighborhood; and

WHEREAS, Community Board 8, Bronx, recommends approval of this application; and

WHEREAS, the subject site is located on the east side of Albany Crescent, between West 231st Street and West 233rd Street, partially in an R6 (C1-3) zoning district and partially in an R6 (C2-3) zoning district, in the Bronx; and

WHEREAS, the site has approximately 112 feet of frontage along Albany Crescent, 162 feet of depth, 17,890 square feet of lot area and is occupied by an open parking lot with 66 spaces and an accessory office building; and

WHEREAS, the Board has exercised jurisdiction over the subject site since April 9, 1957, when, under the subject calendar number, the Board granted a variance to permit the maintenance of a parking lot for the parking and storage of more than five (5) motor vehicles for a term of five (5) years, expiring April 9, 1962, on condition that all buildings and uses on the subject site be removed and the site be leveled substantially to the grade of Albany Crescent and be surfaced with clean gravel or steam cinders and treated with a binder and properly rolled, that there be constructed on all lot lines a woven wire fence of the chain link type not less than 5’-6” in height with no openings therein except two to Albany Crescent each not over 11 feet in width, that such opening be fitted with gates of similar construction which normally be kept closed except when the parking lot is in operation,

that opposite such openings there may be two curb cuts now existing each not exceeding 11 feet in width, as shown, that during the term of this variance the site be occupied for no other use than as herein permitted, that there may be a building constructed for an office and shelter for an attendant not exceeding 100 square feet in area, nor one story in height, which may be located near the entrance, that such portable fire-fighting appliances be maintained as the Fire Department directs, that there may be a sign attached to the fence at the entrance, that such sign not exceed 15 square feet in area and not extend beyond the building line, that proper bumpers be maintained against such fences for protection thereto and that a certificate of occupancy be obtained within six (6) months, by October 9, 1957; and

WHEREAS, on June 26, 1962, under the subject calendar number, the Board granted an extension of term for five (5) years, expiring June 26, 1967, on condition that a new certificate of occupancy be obtained; and

WHEREAS, on June 20, 1967, under the subject calendar number, the Board granted an extension of term for five (5) years, expiring June 26, 1972, on condition that a certificate of occupancy be obtained; and

WHEREAS, on June 6, 1972, under the subject calendar number, the Board granted an extension of term for five (5) years, expiring June 26, 1977, on condition that a new certificate of occupancy be obtained; and

WHEREAS, on September 27, 1977, under the subject calendar number, the Board granted an extension of term for five (5) years, expiring September 27, 1982, on condition that a new certificate of occupancy be obtained within one (1) year, by September 27, 1978; and

WHEREAS, on September 13, 1983, under the subject calendar number, the Board granted an extension of term for five (5) years, expiring September 27, 1987, on condition that the sidewalk and curb be repaired where necessary and that bumpers be installed or repaired where required and that a new certificate of occupancy be obtained within one (1) year, by September 13, 1983; and

WHEREAS, on January 12, 1988, under the subject calendar number, the Board granted an extension of term for five (5) years, expiring September 27, 1992, on condition that a new certificate of occupancy be obtained within one (1) year, by January 12, 1989; and

WHEREAS, on October 26, 1993, under the subject calendar number, the Board granted an extension of term for five (5) years, expiring September 27, 1997, on condition that the fences be maintained, that the site be maintained graffiti free and that a new certificate of occupancy be obtained within one (1) year, by October 26, 1994; and

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WHEREAS, on January 13, 1998, under the subject calendar number, the Board granted an extension of term for ten (10) years, expiring September 27, 2007, on condition that the fencing be painted in a uniform color and adequately maintained, that the site be maintained graffiti free and that a new certificate of occupancy be obtained within one (1) year, by January 13, 1999; and

WHEREAS, on February 24, 2009, under the subject calendar number, the Board granted an extension of term for ten (10) years, expiring September 27, 2017, on condition that the term be listed on the certificate of occupancy and that a new certificate of occupancy be obtained by August 24, 2009; and

WHEREAS, the term of the variance having expired, the applicant now seeks an extension of term for an additional ten (10) years; and

WHEREAS, the applicant submitted a copy of a parking lot license issued by the New York City Department of Consumer Affairs (“DCA”) stating that the car capacity at the subject site is 80 parking spaces, which is more than the Board approved under the subject calendar number; and

WHEREAS, in response to concerns from the Board about the number of parking spaces at the site, the applicant amended the drawings to indicate that only 66 parking spaces are permitted, and the applicant represents any renewed parking lot license from DCA will only be for 66 parking spaces; and

WHEREAS, in response to further questions from the Board, the applicant submitted evidence that vinyl slats had been installed on the fencing with ragged edges, which the applicant states will be cut to create an even border along the top and bottom of the fencing; and

WHEREAS, based upon its review of the record, the Board finds the requested extension of term appropriate with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals does hereby *reopen* and *amend* the resolution, dated April 9, 1957, as amended through February 24, 2009, so that as amended this portion of the resolution shall read: “to *grant* an extension of term for ten (10) years, expiring September 27, 2027; *on condition* that the use and operation of the site and all work shall substantially conform to drawings filed with this application marked ‘Received August 22, 2017’- Three (3) sheets; and *on further condition*:

THAT the term of this grant shall be limited to ten (10) years, expiring September 27, 2027;

A true copy of resolution adopted by the Board of Standards and Appeals, December 5, 2017.

Printed in Bulletin Nos. 49-50, Vol. 102.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

THAT the vinyl slats installed on the fencing shall be trimmed to be even across the top and bottom of the fencing;

THAT the sidewalk and curb shall be repaired where necessary;

THAT bumpers shall be installed or repaired where required;

THAT the fences shall be painted in a uniform color and shall be adequately maintained;

THAT the site shall be maintained graffiti free;

THAT the above conditions shall be noted on the certificate of occupancy;

THAT a new certificate of occupancy shall be obtained within four (4) years, by December 5, 2021;

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect;

THAT this approval is limited to the relief granted by the Board in response to objections cited and filed by the Department of Buildings;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; 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 plans or configurations not related to the relief granted.”

Adopted by the Board of Standards and Appeals, December 5, 2017.

