

**793-88-BZ**

**APPLICANT** - Manuel B. Vidal, Jr., for 164 Willis Avenue Realty Corp., owner; RSV S/S, Inc., lessee.  
**SUBJECT** - Application March 19, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 12, 2000.

**PREMISES AFFECTED** - 164/76 Willis Avenue aka 401 East 135th Street, northeast corner, Block 2280, Lots 1, 4, 5, 7, 76, Borough of The Bronx.

**COMMUNITY BOARD #1BX**

**APPEARANCES** -

For Applicant: Manuel B. Vidal, Jr.

**ACTION OF THE BOARD** - Rules of Practice and Procedure Waived, application reopened and term of variance extended.

**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 May 17 2002 acting on Application No.347-1985 reads:

1. Proposal to insert an accessory building to accommodate a convenience store and to extend the term of the variance granted under Cal. No. 793-88-BZ, which expired June 12, 2000.
2. To replace existing 25' sign with a 50' sign that will serve to inform vehicular traffic traveling on the Major Deegan Expressway of the entrance of a fuel facility easily accessible immediately upon exiting at the Willis Avenue exit ramp off the said expressway.
3. To eliminate the existing Kiosk completely.

WHEREAS, a public hearing was held on this application on August 6, 2002, after due notice by publication in The City Record, and laid over to September 10, 2002, October 8, 2002 and then to October 29, 2002, for decision; and

WHEREAS, Community Board #1, the Bronx, recommends approval of this application; and

WHEREAS, On June 12, 1990, the Board permitted within an R6/C-8 zoning district, for a term of ten years, expiring June 12, 2000, the construction of an automotive service station, (Use Group 16); and

WHEREAS, the instant application seeks to add an accessory convenience store and to extend the term of the expired variance; and

WHEREAS, by Certification of Inspection and Compliance dated June 7, 2002, the applicant states that he personally inspected the premises and surrounding area and has determined that the premises is in compliance with each condition of prior Board action, except that due to vandalism the landscaping has not been maintained; and

WHEREAS, in response to Board concerns, the applicant will replant trees and maintain other landscaping; and

WHEREAS, the applicant also seeks a extension

of term of ten years.

Resolved, that the Board of Standards and Appeals Waives the Rules of Practice and Procedure and reopens and amends the resolution, adopted on June 12, 1990, so that as amended this portion of the resolution shall read:

" to permit the addition of an accessory convenience store; on condition

THAT the term of this grant shall be limited to ten years expiring October 29, 2012;

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

THAT the premises be maintained free of debris and graffiti;

THAT all lighting shall be positioned down and away from residential uses;

THAT there shall be no parking of vehicles on the sidewalk;

THAT signage shall comply with all applicable regulations at all times;

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

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked "Received September 16, 2002"-(3) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; and on further condition

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 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, October 29, 2002.