

793-88-BZ

APPLICANT - Eric Palatnik, P.C., for 164 Willis Avenue Realty Corp., owner; RSV S/S Inc., lessee.

SUBJECT - Application December 1, 2004 and updated May 3, 2005 for an Amendment to a previously approved variance to a gasoline service station to construct a new convenience store located in an R6 zoning district.

PREMISES AFFECTED - 164/76 Willis Avenue, north east corner of 135th Street and Willis Avenue, Block 2280, Lots 1, 4, 5, 7, 76, Borough of The Bronx.

COMMUNITY BOARD #1BX

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele and Commissioner Chin.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, this is an application for a re-opening and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on June 14, 2005, after due notice by publication in The City Record, and then to decision on July 19, 2005; and

WHEREAS, Community Board No. 1, Bronx, recommends approval of the subject application; and

WHEREAS, on June 12, 1990, under the subject calendar number, the Board granted a variance to permit, in an R6 zoning district, the construction of an automotive service station (Use Group 16) which did not conform to the district use regulations; and

WHEREAS, at various times since 1990, under the subject calendar number, the Board has reopened the application to allow for other modifications and term extensions, the last being granted on October 12, 2002; and

WHEREAS, on October 12, 2002, under the subject calendar number, the Board granted an application for an extension of term to expire on October 29, 2012; in the same grant, the Board also approved the addition of an accessory convenience store to the subject property; and

WHEREAS, the applicant now seeks an amendment of the prior Board grant to permit the construction of a new convenience store; the proposed construction constitutes a reduction in the scope of construction previously approved by the Board; and

A true copy of resolution adopted by the Board of Standards and Appeals, July 19, 2005.

Printed in Bulletin No. 30, Vol. 90.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

WHEREAS, specifically, the applicant seeks to construct an accessory convenience store adjacent to the four-story building along the northern perimeter of the subject property; the Board previously approved the construction of an accessory convenience store adjacent to the two-story building along the eastern perimeter of the property; and

WHEREAS, the applicant no longer seeks to terminate use of the diesel pumps or reposition the fuel tanks; and

WHEREAS, the Board has determined that the evidence in the record supports a grant of the requested amendment to the prior resolution with the conditions listed below.

Therefore it is Resolved that the Board of Standards and Appeals re-opens and amends the resolution, so that as amended this portion of the resolution shall read: "to permit the construction of an automotive service station (Use Group 16) which does not conform to the district use regulations; on condition that all work and site conditions shall substantially conform to drawings filed with this application marked `Received May 3, 2005'-(5) sheets and `June 14, 2005'-(1) sheet; and on further condition;

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

THAT graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall appear on the certificate of occupancy;

THAT street trees shall be provided and landscaping shall be maintained in accordance with the Board-approved plans;

THAT all conditions from prior resolution(s) not specifically waived by the Board remain in effect;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and DOB/other jurisdiction objection(s) only; 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 plan(s)/configuration(s) not related to the relief granted."

(DOB Application No. 2P0003472)

Adopted by the Board of Standards and Appeals, July 19, 2005.