



CITY PLANNING COMMISSION

October 21, 2009 Calendar No. 5

M 770073(A) ZMX

IN THE MATTER OF an application submitted by FGP West Street LLC for a modification to Restrictive Declaration D-28 (C 770073 ZMX) involving property located at 1800 Williamsbridge Road (Block 4200, Lots 35 & 46), in an R4/C1-2 District.

WHEREAS, on August 8, 2009, FGP West Street LLC submitted an application (M 770073A ZMX) for the modification of a Restrictive Declaration dated November 29, 1977 to facilitate the enlargement of a commercial building located at 1800 Williamsbridge Road on Block 4200, Lots 35 & 46 in the Borough of the Bronx; and

WHEREAS, the restrictive declaration (hereinafter the “1977 Declaration”), dated November 29, 1977, was recorded in the New York City Register at Reel 353, page 1572; and

WHEREAS, the 1977 Declaration includes various conditions upon future development, and restricts future site planning through the imposition of among other things, loading, parking layout and buffering requirements; and

WHEREAS, the Declarant wishes to redevelop the property that is the subject of this application in a manner inconsistent with certain aspects of the 1977 Declaration and has submitted an application designation number M 770073(A) ZMX (the “2009 Application”) to the Chairperson of the New York City Planning Commission; and

WHEREAS, in addition to the replacement of the site plan, proposed modifications to the 1977 Declaration include the following:

1. The updating of the previously approved site plan to reflect the proposed enlargement, the reconfiguration of the parking layout and to document compliance with all underlying zoning district regulations pertaining to loading, parking and buffering;

2. The elimination of the requirement that prior to the application for issuance of a building permit for commercial development the property owners(s) shall apply to the Community Board, the City Planning Commission and the Board of Estimate for approval to do said construction;
3. The elimination of the requirement that for any permitted enlargement the existing off-street loading area and any new loading areas be located more than 50 feet from the rear lot line; and
4. The elimination of the requirement that along the rear lot line there will be fixed concrete bumpers and a ten foot high chain link fence made more that 50% opaque with wood slats;

WHEREAS, this application (M 770073(A) ZMX) was reviewed pursuant to City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order 91 of 1977 and was declared as a Type II action in a letter dated September 2, 2009; and

WHEREAS, this application was referred to the Community Board for 30 days and in a letter dated September 17, 2009, Community Board 11 expressed support of the modification of the 1977 Declaration; and

WHEREAS, the Commission has determined that the application warrants approval; and

RESOLVED, that the application (M 77073(A) ZMX) submitted by FGP West Street LLC for a modification to Restrictive Declaration D-28 (C 770073 ZMX) involving property located at 1800 Williamsbridge Road (Block 4200, Lots 35 & 46), in an R4/C1-2 District, is approved.

AMANDA M. BURDEN, FAICP Chair
KENNETH J. KNUCKLES, Esq., Vice Chairman
ANGELA M. BATTAGLIA, RAYANN BESSER, ALFRED C. CERULLO, III,
BETTY Y. CHEN, MARIA M. DEL TORO, RICHARD W. EADDY,
NATHAN LEVENTHAL, ANNA HAYES LEVIN, KAREN A. PHILLIPS,
SHIRLEY A. MCRAE, Commissioners