

**799-89-BZ**

APPLICANT – Law Office of Jay Goldstein, PLLC, for 1470 Bruckner Boulevard Corp., owner.

SUBJECT – Application September 24, 2013 – Extension of Term of a previously approved Variance (ZR 72-21) for the continued operation of a UG 17 Contractor's Establishment (*Colgate Scaffolding*) which expired on December 23, 2013. C8-1/R6 zoning district.

PREMISES AFFECTED – 1460-1470 Bruckner Boulevard, On the South side of Bruckner Blvd between Colgate Avenue and Evergreen Avenue. Block 3649, Lot 27 & 30. Borough of Bronx.

**COMMUNITY BOARD #9BX**

**ACTION OF THE BOARD** – Application granted on condition.

**THE VOTE TO GRANT** –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez .....5  
Negative:.....0

**THE RESOLUTION** –

WHEREAS, this is an application for an extension of term for a variance authorizing a contractor's establishment (Use Group 17) on a site partially within a C8-1 zoning district and partially within an R6 zoning district, which expired on December 23, 2013; and

WHEREAS, a public hearing was held on this application on January 28, 2014, after due notice by publication in *The City Record*, with a continued hearing on March 4, 2014, and then to decision on March 25, 2014; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Commissioner Hinkson and Commissioner Ottley-Brown; and

WHEREAS, Community Board 9, Bronx, recommends approval of this application; and

WHEREAS, the subject site spans the south side of Bruckner Boulevard between Colgate Avenue and Evergreen Avenue, and is located partially within a C8-1 zoning district and partially within an R6 zoning district; and

WHEREAS, the site is occupied by two one-story industrial buildings occupied as a contractor's establishment (Use Group 17) and accessory at-grade parking; and

WHEREAS, the site has been subject to the Board's jurisdiction since July 25, 1950, when, under BSA Cal. No. 380-50-BZ, the Board granted a variance to permit, in a residence district, the construction and maintenance of a building on Lot 30 for storage and sale of automobile parts and automobiles, an accessory office, and an automobile repair shop; on July 21, 1953,

the Board granted a variance to permit, in a residence district, the construction and maintenance of a building on Lot 27 for an automobile repair shop with painting and welding; and

WHEREAS, subsequently, around 1989, one owner took control of the lots and began using them together as a contractor's establishment (Use Group 17), and on July 13, 1993, the Board granted a variance legalizing the consolidation and the use for a term of ten years, to expire on July 13, 2003; and

WHEREAS, by resolution dated December 23, 2003, the Board granted an extension of the term of the variance for ten years, to expire on December 23, 2013; and

WHEREAS, the applicant now seeks to extend the term of the variance authorizing the contractor's establishment for ten years; and

WHEREAS, at hearing, the Board directed the applicant to: (1) remove barbed wire from the fence surrounding the site; (2) submit photographs showing the removal of debris from the parking areas on the site; and (3) confirm that the accessory signage was limited to Colgate Avenue and Bruckner Boulevard; and

WHEREAS, in response, the applicant submitted photographs showing the removal of the barbed wire and debris; in addition, the applicant confirmed that accessory signage was limited to Colgate Avenue and Bruckner Boulevard and would not be placed along Evergreen Avenue; and

WHEREAS, based upon its review of the record, the Board finds that an extension of term for ten years is appropriate with certain conditions as set forth below.

*Therefore it is Resolved*, that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated July 13, 1993, so that as amended the resolution reads: "to grant an extension of the variance for a term of ten years, to expire on December 23, 2023; *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked 'Received September 24, 2013- Five (5) sheets; and *on further condition*:"

THAT this grant will be limited to a term of ten years, to expire on December 23, 2023;

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

THAT DOB 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, March 25, 2014.

**A true copy of resolution adopted by the Board of Standards and Appeals, March 25, 2014.**

**Printed in Bulletin Nos. 12-13, Vol. 99.**

**Copies Sent**

**To Applicant**

**Fire Com'r.**

**Borough Com'r.**

