

1203-65-BZ

APPLICANT – Warshaw Burstein, LLP, for NY Dealers Stations, LLC, owner.

SUBJECT – Application August 20, 2014 – Amendment of a previously approved Special Permit (§73-211) which permitted the operation of an Automotive Service Station (UG 16B) with accessory used. The amendment seeks to permit the conversation of existing services bays to an accessory convenient store. C2-2/R5 zoning district.

PREMISES AFFECTED – 1929 Bruckner Boulevard, northwest corner of the intersection formed by Virginia Avenue and Bruckner Boulevard, Block 3787, Lot 1, Borough of Bronx.

COMMUNITY BOARD #9BX

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez.....4
Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a re-opening of a special permit authorizing the operation of an one-story automobile service station (Use Group 16) and an amendment to allow the conversion of existing automotive repair bays to an accessory convenience store; and

WHEREAS, a public hearing was held on this application on March 31, 2015, after due notice by publication in *The City Record*, and then to decision on April 28, 2015; and

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

WHEREAS, Community Board 9, Bronx, has no objection to this application; and

WHEREAS, the subject site is located on the northeast corner of the intersection of Virginia Avenue and Bruckner Boulevard, within an R5 (C2-1) zoning district; and

WHEREAS, the site has approximately 104 feet of frontage along Virginia Avenue, approximately 188 feet of frontage along Bruckner Boulevard, and 20,177 sq. ft. of lot area; and

WHEREAS, the site is occupied by a one-story building used as an automotive service station with gasoline sales (Use Group 16), which contains 1,622 sq. ft. of floor area, three automotive service bays, four pump islands, and 16 accessory parking spaces; in addition, the site has four curb cuts (three along Bruckner Boulevard and one along Virginia Avenue); and

WHEREAS, the Board has exercised jurisdiction over the site since May 14, 1957, when, under BSA Cal. No. 788-56-BZ, the Board granted a use variance to permit operation of an automobile sales establishment in

a residence district, contrary to the use regulations of the 1916 Zoning Resolution, for a term of five years; this grant was subsequently amended and its term extended at various times; and

WHEREAS, on March 15, 1966, under the subject calendar number, the Board granted a special permit pursuant to ZR §§ 73-211 and 73-212 to permit, in an R5 (C2-1) zoning district, the construction of an automotive service station with projecting accessory signage; and

WHEREAS, the grant was subsequently amended at various times to permit certain changes to the site plan; in addition, on September 13, 1983, under BSA Cal. No. 299-83-A, the Board authorized the use of a self-service gasoline and oil selling station contrary to the Fire Code; and

WHEREAS, the applicant now seeks an amendment to allow the conversion of the automotive repair bays to an accessory convenience store; the applicant notes that the store will be a 7-11 franchise and will operate 24 hours per day, seven days per week; in addition, the applicant seeks to maintain the site’s 16 accessory parking spaces and install new buffering along the northern lot line; and

WHEREAS, with respect to the proposed accessory convenience store, the applicant represents that the proposal complies with DOB Technical Policy and Procedure Notice No. 10/1999, which sets forth the requirements for convenience stores accessory to gasoline and automotive service stations; and

WHEREAS, at hearing, the Board directed the applicant to: (1) remove all graffiti from the site; (2) remove the clothing donation bins; (3) remove all non-complying signage from the site; (4) immediately install landscaping in accordance with the proposed drawings; and (5) revise the proposed drawings to reflect compliance with the signage requirements, the fence along the site’s northern lot line, numbered spaces, and landscaping and buffering; and

WHEREAS, in response, the applicant provided: (1) photographs depicting the removal of the graffiti, clothing bins, and excessive signage, as well as the installation of landscaping in accordance with the submitted drawings; and (2) revised drawings; and

WHEREAS, based upon the above, the Board finds that the requested amendment to the special permit is appropriate, subject to certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated March 15, 1966, so that as amended the resolution reads: “to permit the conversion of automotive service bays to an accessory convenience store and other modifications to the site plan; *on condition* that all work will substantially conform to drawings, filed with this application marked ‘Received April 24, 2015’–(6) sheets; and on further condition:

THAT the building shall have a maximum floor

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area of 1,622 sq. ft.;

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

THAT the signage, landscaping, fencing, parking, and site circulation shall be in accordance with the BSA-approved drawings;

THAT lighting at the site shall be directed downward and away from adjoining residences;

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

THAT a certificate of occupancy shall be obtained by April 28, 2017;

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

THAT this approval is limited to the relief granted by the Board in response to specifically cited DOB/other jurisdiction objection(s); and

THAT DOB shall 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.”

(DOB Application No. 220384402)

Adopted by the Board of Standards and Appeals, April 28, 2015.

A true copy of resolution adopted by the Board of Standards and Appeals, April 28, 2015.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

