

**174-07-BZ**

APPLICANT – Carl A. Sulfaro, Esq., for Bolla EM Realty, LLC, owner.

SUBJECT – Application November 12, 2013 – Extension of Time to complete construction of an approved Special Permit (§73-211) which permitted the reconstruction of an existing auto service station (UG 16B), which expired on June 17, 2012; Amendment to permit changes to the canopy structure, exterior yard and interior accessory convenience store layout. C2-3/R7-A zoning district.

PREMISES AFFECTED – 1935 Coney Island Avenue, northeast corner of Avenue P. Block 6758, Lot 51. Borough of Brooklyn.

**COMMUNITY BOARD #12BK**

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

**THE VOTE TO GRANT –**

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Otteley-Brown, Commissioner Hinkson and Commissioner Montanez .....5

Negative:.....0

**THE RESOLUTION –**

WHEREAS, this is an application for a reopening and an extension of time to complete renovation of an existing automotive service station, and an amendment to permit certain modifications to the convenience store accessory to the station; and

WHEREAS, a public hearing was held on this application on April 1, 2014, after due notice by publication in *The City Record*, with a continued hearing on May 6, 2014, and then to decision on June 10, 2014; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Chair Srinivasan, Commissioner Hinkson, and Commissioner Montanez; and

WHEREAS, Community Board 14, Brooklyn, recommends approval of this application; and

WHEREAS, the subject site is located on the northeast corner of the intersection of Coney Island Avenue and Avenue P, within an R7A (C2-3) zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject site since June 26, 1919, when, under BSA Cal. No. 368-19-BZ, it approved a variance for the construction of a one-story parking garage in what was then a residential zoning district; and

WHEREAS, subsequently, on September 14, 1982, under BSA Cal. No. 215-82-A, the Board granted an appeal to permit self-service gasoline pumps at the site; and

WHEREAS, most recently, on June 17, 2008, under the subject calendar number, the Board granted a special permit pursuant to ZR § 73-211 to permit site modifications to an existing automotive service station, including a new metal canopy and new fuel dispensing

pumps, contrary to ZR §§ 52-22 and 52-41, for a term of ten years, to expire on June 17, 2018; and

WHEREAS, under the 2008 grant, substantial construction was to be completed by June 17, 2012, in accordance with ZR § 73-30; however, work was not even commenced by that date and the site has since been acquired by a new owner; and

WHEREAS, accordingly, the applicant seeks an extension of time to complete construction; and

WHEREAS, in addition, the applicant seeks an amendment to permit certain modifications to the accessory convenience store on the site; the applicant notes that although the proposal will result in a minor increase the size of the accessory convenience store, the store remains in compliance with Department of Buildings Technical Policy and Procedure Notice No. 10/1999; and

WHEREAS, at hearing, the Board expressed concerns regarding: (1) the hours of garbage collection; (2) the illumination of the site and its effects on adjacent residential sites; (3) the location of the bus stop along Coney Island Avenue; and (4) a non-permitted advertising sign at the site; and

WHEREAS, as to the hours of garbage collection, the applicant represents that garbage collection will be limited to three times per week and between the hours of 7:30 a.m. and 7:30 p.m.; and

WHEREAS, as to the illumination of the site, the applicant reduced the number of lighting fixtures on the canopy from 18 to 12, which will minimize the light spillage into the adjacent residential sites; and

WHEREAS, as to the location of the bus stop, the applicant states that the Metropolitan Transit Authority (“MTA”) has endorsed its proposed relocation of the bus stop, however, Department of Transportation (“DOT”) approval has not yet been secured; and

WHEREAS, finally, as to the advertising sign, the applicant submitted a photograph that demonstrates that the sign has been removed; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of time to complete construction and amendment are 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 June 17, 2008, so that as amended the resolution reads: “to permit the noted modifications and to grant an extension of the time to complete construction for a term of four years from the expiration of the previous grant, to expire on June 17, 2016; *on condition* that all work shall substantially conform to drawings filed with this application marked ‘Received May 20, 2014’ - (9) sheets; *on further condition*:

THAT DOT, MTA, and any other required approvals for the relocation of the bus stop along Coney Island Avenue will be obtained prior to the issuance of a DOB permit;

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THAT lighting, signage, and site circulation will in accordance with the BSA-approved plans;

THAT garbage collection will be limited to three days per week between the hours of 7:30 a.m. and 7:30 p.m.;

THAT the above conditions will appear on the Certificate of Occupancy;

THAT substantial construction will be completed by June 17, 2016;

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

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, June 10, 2014.

**A true copy of resolution adopted by the Board of Standards and Appeals, June 10, 2014.**

**Printed in Bulletin Nos. 22-24, Vol. 99.**

**Copies Sent**

**To Applicant**

**Fire Com'r.**

**Borough Com'r.**

