

278-86-BZ

APPLICANT – Eric Palatnik P.C., for White Castle System, Inc., owner.

SUBJECT – Application October 29, 2013 – Extension of Term of a previously approved Special Permit (§73-243) to permit the operation of an accessory drive-thru facility to an eating and drinking establishment (*White Castle*), which expired on November 26, 2011, amendment to the plans, and Waiver of the Rules. C1-2/R5 zoning district.

PREMISES AFFECTED – 1677 Bruckner Boulevard, Fteley Avenue thru to Metcalf Avenue, Block 3721, Lot 1, 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 Montanez5
Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, an extension of term for an accessory drive-through, which expired on January 18, 2013, and an amendment to permit a minor enlargement and certain modifications to the site plan; and

WHEREAS, a public hearing was held on this application on May 13, 2014, after due notice by publication in *The City Record*, with a continued hearing on June 17, 2014, and then to decision on June 17, 2014; and

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

WHEREAS, Community Board 9, Bronx, offers no objection to the application; and

WHEREAS, the subject site is located on a corner through lot bounded by Metcalf Avenue to the west, Bruckner Boulevard to the north, and Fteley Avenue to the east, within a C1-2 (R5) zoning district; and

WHEREAS, the site has 52,421 sq. ft. of lot area and is occupied by a one-story eating and drinking establishment (Use Group 6) with 2,755 sq. ft. of floor area (0.05 FAR), 56 parking spaces, and accessory drive-through; and

WHEREAS, the site is operated as a White Castle; its hours of operation are 24 hours per day, seven per week; and

WHEREAS, the Board has exercised jurisdiction over the site since November 25, 1986, when, under BSA Cal. No. 278-86-BZ, the Board granted a special permit for the operation of a drive-through facility accessory to an eating and drinking establishment, for a term of five years; and

WHEREAS, the term was extended by the Board on April 7, 1992, for a term of ten years, to expire on

November 25, 2001, and on December 4, 2001, for a term of ten years, to expire on November 25, 2011; and

WHEREAS, most recently, on April 24, 2012, under BSA Cal. No. 167-11-BZ, the Board authorized the demolition and reconstruction of the building at the site and an extension of the term of the grant for five years, to expire on April 24, 2017; and

WHEREAS, the applicant represents that the construction contemplated under BSA Cal. No. 167-11-BZ was never undertaken and that the owner seeks to surrender that grant, reinstate the grant under the subject calendar number, amend it to allow a minor enlargement (an increase of 34 sq. ft.) of the building, an increase in the surface area of the service window, and minor modifications to the site plan, and extend its term for an additional five years; and

WHEREAS, the applicant notes that neither the site circulation, nor the location of the curb cuts, nor the number of reservoir spaces for the drive-through will be materially altered under the revised site plan; likewise, the number of parking spaces (56) will remain as approved under the original grant; and

WHEREAS, based upon its review of the record, the Board finds that the proposed amendment and extension of term are appropriate with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens* and *amends* the resolution, dated November 25, 1986, so that as amended this portion of the resolution reads: “to permit the noted modification and an extension of the term of the special permit for an additional five years, to expire on June 17, 2019; *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 April 16, 2014’-(8) sheets; and *on further condition*:

THAT the grant will expire on June 17, 2019;

THAT signage will comply with C1 regulations;

THAT the above conditions and all relevant conditions from prior grants will appear on the certificate of occupancy; and

THAT a certificate of occupancy will be obtained by June 17, 2015;

THAT all conditions from the prior resolutions 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 filed DOB/other jurisdiction objection(s) only; 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, June 17, 2014.

A true copy of resolution adopted by the Board of Standards and Appeals, June 17, 2014.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

