

109-14-A

APPLICANT – Eric Palatnik, P.C., for Carlo Saccheri, owner.

SUBJECT – Application May 23, 2014 – Proposed two story commercial building which does not front on a legally mapped street, contrary to GCL Section 36. M1-1 SRD Zoning District.

Proposed two story commercial building which does not front on a legally, mapped street contrary to GCL Section 36. M1-1 SRD Zoning District.

PREMISES AFFECTED – 44 Marjorie Street, south of Sharrotts Road and East of Arthur Kill Road, Block 7328, Lot 645, Borough of Queens.

COMMUNITY BOARD #3Q

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, the decision of the Department of Buildings (“DOB”) dated April 18, 2014 acting on DOB Application No. 520182686, reads in pertinent part:

The street giving access to the proposed building is not duly placed the official map of the City of New York, therefore,

- A) No Certificate of Occupancy can be issued pursuant to Article 3, Section 36 of the General City Law;
- B) Proposed construction does not have at least 8% of the total perimeter of building fronting directly upon a legally mapped street or frontage space contrary to section 502.1 of the 2008 Building Code; and

WHEREAS, this is an application to allow the construction of a two-story commercial building which does not front on a mapped street, contrary to General City Law (“GCL”) § 36; and

WHEREAS, a public hearing was held on this application on October 28, 2014 after due notice by publication in *The City Record*, continued hearing, and then to decision on January 13th, 2015; and

WHEREAS, Commissioners Montanez and Ottley-Brown performed an inspection of the site, premises, and surrounding area and neighborhood; and

WHEREAS, the subject site is located south of Sharrotts Road and east of Arthur Kill Road, within an M1-1 zoning district, within the Special South Richmond Development District; and

WHEREAS, the applicant proposes to construct a two-story commercial building with 12,742 sq. ft. of floor space the first floor of which shall be used for the receiving and storage of plumbing supplies and equipment as well as the parking of commercial trucks and the second story of which shall be used as accessory office space in connection with building’s plumbing use;

and

WHEREAS, by letter dated September 4, 2014, the Fire Department states that it has no objection to the proposal under the following conditions: (1) the proposed building must be sprinklered throughout in compliance with the NYC Fire Code and the NYC City Building Code; (2) the provided 30 feet by 30 feet frontage space shall be indicated by a yellow reflective paint striped diagonal line; (3) a sign shall be posted at the front entrance of the building indicating the location of and distance to the siamese connection; (4) the proposed hydrant shall be installed as per DEP requirements and located as per site plan A101.00; (5) A “No Parking Anytime” sign shall be provided on the subject property lot as per the NYC Fire Code Section FC503.2.7.2.1; and

WHEREAS, in response to the FDNY’s request the applicant has submitted revised plans noting all conditions; and

WHEREAS, at a hearing, the Board expressed its concern that the building’s two loading berths may conflict with the FDNY parking restrictions; and

WHEREAS, in response, by letter dated December 8, 2014, the Fire Department states that it has no objection to the use of the loading berths for loading and unloading goods and supplies; and

WHEREAS, the Board expressed its concern regarding the site’s eligibility for a parking waiver pursuant to ZR Section 44-231 based on the use group 16D originally proposed; and

WHEREAS, the applicant has amended his plans and DOB filings to reflect a Use Group 16A use for “HVAC and Plumbing Establishment” which has a parking category of B1; and

WHEREAS, the Board does not object to the change provided that DOB agrees with the designation of the use as a Use Group 16A use; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant approval of the application subject to certain conditions set forth herein.

Therefore it is Resolved, that the decision of the DOB, dated April 18, 2014, is modified by the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked “Received October 15, 2014; one (1) sheet; that the proposal will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT this approval is limited to the relief granted by the Board in response to objections cited and filed by DOB;

THAT building shall be fully-sprinklered in compliance with the NYC Fire Code and the NYC City Building Code;

THAT the 30 feet by 30 feet frontage space shall be

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indicated by a yellow reflective paint striped diagonal line;

THAT a sign shall be posted at the front entrance of the building indicating the location of and distance to the siamese connection;

THAT the proposed hydrant shall be installed as per DEP requirements and located as per site plan A101.00; (5) A "No Parking Anytime" sign shall be provided on the subject property lot as per the NYC Fire Code Section FC503.2.7.2.1;

THAT DOB review and approve the Use Group 16A designation proposed by the applicant;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; 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)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals
January 13, 2015.

**A true copy of resolution adopted by the Board of Standards and Appeals, January 13, 2015.
Printed in Bulletin No. 4, Vol. 100.**

**Copies Sent
To Applicant
Fire Com'r.
Borough Com'r.**

