

26-02-BZ

APPLICANT – Eric Palatnik, P.C., for Bolla EM Realty LLC, owner.

SUBJECT – Application March 14, 2014 – Extension of Term of a previously approved Variance (§72-21) which permitted the operation of an Automotive Service Station (UG 16B) with accessory uses, which expired on December 10, 2012; Amendment to convert the existing bays into accessory convenience store and to enlarge the building; Waiver of the Rules. C1-2/R3-2 zoning district.

PREMISES AFFECTED – 1680 Richmond Avenue aka 3101 Victory Boulevard, northwest corner of Richmond Avenue and Victory Boulevard, Block 2160, Lot 1, Borough Staten Island.

COMMUNITY BOARD #2SI

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 waiver of the Rules of Practice and Procedure, a re-opening of a variance and an amendment to permit, on a site within an R3X (C1-2) zoning district, the enlargement of a one-story automobile service station and the conversion of the automobile service bays therein (Use Group 16) to an accessory convenience store, and the legalization of an existing enclosure for on-site remediation equipment, two existing 12,000 gallon tanks (the previous grant provided for four 10,000 gallon tanks), a 0'-6" canopy setback to Richmond Avenue and 42'-0" canopy setback to Victory Boulevard, a fenced trash enclosure and a realignment of permitted signage, as well as an extension of the term; and

WHEREAS, a public hearing was held on this application on March 24, 2015, after due notice by publication in *The City Record*, and then to decision on April 14, 2015; and

WHEREAS, Commissioner Montanez performed an inspection of the premises, site, and surrounding neighborhood; and

WHEREAS, Community Board 2, Staten Island, recommends approval of this application; and

WHEREAS, the subject site is a corner lot located on the northwest corner of the intersection of Richmond Avenue and Victory Boulevard, within an R3X (C1-2) zoning district, on Staten Island; and

WHEREAS, the site has approximately 126 feet of frontage along Richmond Avenue, 93 feet of frontage along Victory Boulevard, and 13,000 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 1,955 sq. ft. of floor area, three automotive service bays, and an existing, smaller accessory convenience store; and

WHEREAS, the Board has exercised jurisdiction over the site since January 6, 1970, when, under BSA Cal. No. 141-69-BZ, the Board granted an application to permit an automotive service station at the site; and

WHEREAS, on December 10, 2002, under the subject calendar number, the Board extended the term of the variance granted under BSA Cal. NO. 141-69-BZ and permitted the extension of the dispenser at the site; and

WHEREAS, the grant was subsequently amended and the term extended; and

WHEREAS, on January 13, 2009, the Board extended the applicant's deadline to obtain a certificate of occupancy for the site to July 13, 2009; and

WHEREAS, on December 10, 2012, the term of the grant expired and was not timely renewed; and

WHEREAS, accordingly, the applicant now seeks a waiver of the Board's Rules to extend the term of the grant; and

WHEREAS, in addition, the applicant seeks an amendment to permit the following: (1) the enlargement and conversion of the one-story building at the site to an accessory convenience store; (2) the legalization of an existing enclosure for on-site remediation equipment; (3) the legalization of two existing 12,000 gallon tanks (the previous grant provided for four 10,000 gallon tanks); (4) the legalization of a 0'-6" canopy setback to Richmond Avenue and 42'-0" canopy setback to Victory Boulevard; and (5) the legalization of a fenced trash enclosure and a realignment of permitted signage; and

WHEREAS, with respect to the proposed expansion of the accessory 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 inquired as to a temporary structure on the site; and

WHEREAS, in response, the applicant explained that the temporary structure houses a two-phase groundwater/soil vapor extraction remediation system; and

WHEREAS, the Board directed the applicant to remove the temporary structure upon the completion of the remediation and, upon removal of the aforesaid temporary structure, to provide parking as required on Board-approved plans; and

WHEREAS, based upon the above, the Board finds that the evidence in the record supports the findings required to be made under ZR § 11-411, and the requested extension of term and amendment 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

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December 10, 2002, so that as amended the resolution reads: "to permit the noted modifications and to extend the term of the grant for ten years from the prior expiration, to expire on December 10, 2022"; *on condition* that all work will substantially conform to drawings, filed with this application marked "Received April 2, 2015" – (7) sheets; and on further condition:

THAT this grant shall be limited to a term of ten years, to expire on December 10, 2022;

THAT the building will have a maximum of 2,519 sq. ft. of floor area;

THAT the temporary structure containing remediation equipment will be removed upon completion of the required remediation of the site and that parking shall be restored to the area currently occupied by the aforesaid temporary structure as per BSA-approved plans;

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

THAT the trash enclosure shall be in accordance with the BSA-approved plans;

THAT signage shall be in accordance with C1 regulations;

THAT landscaping and buffering will be maintained in accordance with the BSA-approved plans;

THAT lighting will be directed downward and away from adjoining residences;

THAT the above conditions will be noted in the Certificate of Occupancy;

THAT a certificate of occupancy will be obtained by April 15, 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. 520146191)

Adopted by the Board of Standards and Appeals, April 14, 2015.

A true copy of resolution adopted by the Board of Standards and Appeals, April 14, 2015.

Printed in Bulletin Nos. 16-17, Vol. 100.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

