

546-82-BZ

APPLICANT – Akerman Senterfitt, LLP, for Pasquale Carpentire, owner; Ganesh Budhu, lessee.

SUBJECT – Application June 20, 2013 – Extension of term of previously granted variance for the continued operation of a non-conforming open public parking lot which expired on June 14, 2013. R7-A zoning district. PREMISES AFFECTED – 148-15 89th Avenue, bounded by 88th Avenue to its north, 150th Street to its east, 148th Street to its west, 89th Avenue to its south, Block 9693, Lot 60, Borough of Queens.

COMMUNITY BOARD #12Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....4
Negative:.....0
Absent: Vice Chair Collins.....1

THE RESOLUTION –

WHEREAS, this is an application for a reopening and an extension of the term for a previously granted variance for a parking lot (Use Group 8), which expired on June 14, 2013; and

WHEREAS, a public hearing was held on this application on February 11, 2014, after due notice by publication in *The City Record*, with a continued hearing on March 25, 2014 and then to decision on April 8, 2014; and

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

WHEREAS, Community Board 12, Queens, recommends approval of this application; and

WHEREAS, the subject site is on the north side of 89th Avenue, between 148th Street and 150th Street; and

WHEREAS, the site is located within an R7A zoning district within the Downtown Special Jamaica District, and is occupied by a parking lot; and

WHEREAS, on June 14, 1983, under the subject calendar number, the Board granted a variance to allow an enlargement of an existing legal non-conforming open parking lot for a term of ten years; and

WHEREAS, on May 9, 1985, the grant was extended another ten years from its 1993 expiration, to expire on June 14, 2003, and amended to limit the capacity to 68 parking spaces and ten reservoir spaces; and

A true copy of resolution adopted by the Board of Standards and Appeals, April 8, 2014.

Printed in Bulletin No. 15, Vol. 99.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

WHEREAS, most recently, on September 9, 2008, the Board permitted an amendment to the grant to allow unattended parking of non-commercial vehicles at the site and extended the term of the grant for ten years, to expire on June 14, 2013; and

WHEREAS, the applicant now seeks an additional extension of the term; and

WHEREAS, pursuant to ZR §§ 72-01 and 72-22, the Board may extend the term of a variance; and

WHEREAS, at hearing, the Board directed the applicant to remove the barbed wire from the fence surrounding the site; and

WHEREAS, in response, the applicant submitted photographs depicting the removal of the barbed wire; and

WHEREAS, based upon its review of the record, the Board finds that an extension of term is 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 14, 1983, so that as amended the resolution reads: “to grant an extension of the variance for a term of ten years from the expiration of the prior grant, to expire on June 14, 2023; *on condition* that all site conditions will comply with drawings marked ‘Received January 9, 2014’– (1) sheet;; and *on further condition*:

THAT the term of the variance will expire on June 14, 2023;

THAT barbed wire will not be installed atop the fence at the site;

THAT the above conditions will be listed on the certificate of occupancy;

THAT an amended certificate of occupancy will be obtained by April 8, 2015;

THAT all conditions from 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.”

(Alt. No. 1206/79)

Adopted by the Board of Standards and Appeals, April 8, 2014.

