



CITY PLANNING COMMISSION

March 24, 2004/Calendar No. 30

C 020654 ZMX

IN THE MATTER OF an application submitted by Jocques Graham, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 4b and 7a, establishing within an existing R5 District a C2-1 District bounded by White Plains Road, a line 290 feet northerly of Bruckner Expressway, a line midway between White Plains Road and Virginia Avenue, and a line 150 feet northerly of Bruckner Expressway, as shown on a diagram (for illustrative purposes only) dated November 3, 2003, Borough of The Bronx, Community District 9.

The application for an amendment of the Zoning Map was filed by Jocques Graham on May 31, 2002, to facilitate the construction of a one-story 5,000 square foot restaurant with 42 accessory parking spaces in the Soundview section of Community District 9, The Bronx.

BACKGROUND

This application proposes to establish a C2-1 commercial overlay within an existing R5 district along a portion of a blockfront on White Plains Road between Bruckner Boulevard and Watson Avenue (Block 3733, Lots 7, 9, and p/o Lot 5). The 14,840 square foot subject area is comprised of three vacant lots. The owner has applied for the zoning map change in order to facilitate the construction of a one-story restaurant. It's an extension of an existing C2-1 overlay on the same block and adjacent to the site.

Immediately south and adjacent to the proposed rezoning area is a furniture store and a gas station. Further south, across the Bruckner Boulevard service road and Expressway, is the Bruckner Plaza Shopping Center which contains a K-mart, a Toys R Us, and a supermarket.

These large stores serve as anchors for approximately 18 other commercial uses in the shopping

center. The area across the street from the area to be rezoned, along White Plains Road, contains a gas station, a restaurant and a rehabilitation center for the elderly. The lot adjacent to and immediately north of the rezoning area is occupied by a three-story residential building. The area further north is residential and consists of semi-detached two-family homes. The remainder of the block, fronting on White Plains Road, contains two-story homes. The elevated #6 train is approximately three blocks away.

The proposed action would extend an existing C2-1 commercial overlay for a distance of 140 feet along White Plains Road. A C2-1 district permits a wide range of local retail and service establishments (Use Group 1-9 and 14) and has a maximum FAR of 1.0. The applicant proposes to construct a one-story restaurant with 42 accessory parking spaces. Ingress and egress would be via White Plains Road.

ENVIRONMENTAL REVIEW

This application (C 020654 ZMX) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 02DCP060X. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on November 3, 2003.

UNIFORM LAND USE REVIEW

This application (C 020654 ZMX) was certified as complete by the Department of City Planning on November 3, 2003, and was duly referred to Community Board 9 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 9 held a public hearing on this application on December 10, 2003, and on December 18, 2003, by a vote of 21 in favor, 1 opposed and 0 abstentions, adopted a resolution recommending approval of the application with the following condition:

Rather than creating one egress of 22 feet, we recommend that separate egress/ingress be created to insure traffic safety, specifically, we recommend that the exiting vehicles at this location should be directed to make a right only via the creation of a curve/crescent shaped exit on White Plains Road. This would insure that vehicles would not turn left and cross over 4 lanes of traffic and creating a hazardous and dangerous condition. Also, we recommend that the entrance and exit should be no wider than 15 feet; this would further insure that only one vehicle could enter or exit at a time.

Instead of erection of a 6-foot fence, we recommend an 8-foot fence to be placed around the property.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation on February 9, 2004 approving the application.

City Planning Commission Public Hearing

On February 11, 2004 (Calendar No. 1), the City Planning Commission scheduled February 25, 2004, for a public hearing on this application (C 020654 ZMX). The hearing was duly held on February 25, 2004 (Calendar No. 3). There were two speakers in favor of the application and no speakers in opposition.

The speakers in favor included the applicant's representative who gave a brief description of the proposal, and the applicant who described the proposed fencing and landscaping for the site.

The applicant testified that he would provide a fence with planting fronting on the street and along the abutting residential uses. He also testified that he would provide a stop sign and a no left turn sign for exiting vehicles at the driveway and White Plains Road.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this amendment of the Zoning Map is appropriate.

The Commission notes that this section of Soundview is characterized by low-density residential and commercial uses. The subject area is currently zoned R5. The proposal, to extend an existing C2-1 commercial overlay to this area, would allow the applicant to construct a one-story restaurant with 42 accessory parking spaces on a site that has remained vacant for over 30 years. White Plains Road is a commercial corridor containing a range of local neighborhood retail.

There are many commercial uses fronting on White Plains Road in the vicinity of the subject site including a gasoline service station, a restaurant, and a rehabilitation center for the elderly. The #6 elevated subway line is approximately three blocks away.

The Commission believes that this zoning map amendment for an extension of an existing C2-1 commercial overlay, is consistent with the character of the surrounding area, and is therefore appropriate.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section Nos. 4b and 7a, establishing within an existing R5 District, a C2-1 District bounded by White Plains Road, a line 290 feet northerly of Bruckner Expressway, a line midway between White Plains Road and Virginia Avenue, and a line 150 feet northerly of Bruckner Expressway, as shown on a diagram dated November 3, 2003, Borough of The Bronx, Community District 9.

The above resolution (C 020654 ZMX), duly adopted by the City Planning Commission on March 24, 2004 (Calendar No. 30), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, AICP, Chair
KENNETH J. KNUCKLES, Esq., Vice-Chairman
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,
RICHARD W. EADDY, ALEXANDER GARVIN, JANE D. GOL,
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Commissioners