



The City of New York

Queens Community Board 11

Serving the Communities of Auburndale, Bayside, Douglaston, Hollis Hills
Little Neck and Oakland Gardens

Jerry Iannece Chairperson / **Susan Seinfeld** District Manager

COMMITTEE REPORT – REVISED

TO: Board Members
FROM: Christine Haider, Chair
North Bayside/East Flushing Zoning Committee
RE: BSA Cal. No. 30-58 BZ
184-17 Horace Harding Expressway/Citgo Gas Station
DATE: September 28, 2012

On August 27, 2012 the North Bayside/East Flushing Zoning Committee met to discuss the above referenced BSA application. Present were Board Members, Christine Haider, Chair, Henry Euler, Christina Scherer, Andy Rothman and Frank Skala; Susan Seinfeld, District Manager, Mark Scott, Borough President's office and the applicant's representative, Hiram Rothkrug. No community residents attended.

Mr. Rothkrug explained to the committee that the applicant, Maximum Properties, Inc. has applied to BSA to reopen and extend the term of the variance previously granted, in 1994, which expired on October 11, 2004. A gas station has operated on the site since 1958. It is leased to an operator. They are open 24 hours for gas and 8:00 AM to 6:00 PM for repairs. He said that the owner was not aware that the variance had to be renewed since there was an amendment for the installation of the canopy in 2001 when they became the current owners. He received a letter from the Dept. of Buildings for an impending padlock of the premises. Mr. Rothkrug was told that the owner should have been aware since he owes \$18,000. in fines to ECB and had received letters from the Community Board. He explained that if a business has continually operated and the variance is expired less than ten years, with hefty penalties, the owner can apply to reopen the case under the old number.

The members requested information about the gas tanks and the several gas leak monitoring pits located on Booth Memorial Avenue. Mr. Rothkrug produced the August monitoring report and information on the replacement of the gas tanks in 1999. The leak was detected in 2003 when the adjacent buildings were demolished and a Brownfield cleanup was ordered. Susan Seinfeld said she spoke with NYS Dept. of Environmental bulk gas storage unit earlier in the day and confirmed the information given.

Christine Haider then discussed the various conditions at the property that need remediation and which violated the previous BSA Resolution. Mr. Rothkrug assured us that he will speak to the owner regarding these violations and the condition of the station. The following are the conditions:

1. Graffiti must be cleaned off building.
2. Sidewalk must be replaced; the entire sidewalk on 58th Avenue is broken or missing.
3. There are 3-55 gallon empty barrels labeled anti-freeze that must be removed from the corner of 185th St and Booth Memorial Avenue.
4. The rear wall must be repaired.
5. The wall on the west side of the building must be repaired.
6. There is no fence delineating the gas station from the adjacent property. Currently, there is the construction fence that is in disrepair, separating the two properties.

7. There is a boat, being stored on-site, and must be removed.
8. The "Mechanic on Wheels" van must be removed.
9. No vehicles should be parked on the premises, unless waiting for service.

Additionally, it was pointed out that shrubs were planted in the rear last week; the RV that is always at the site was moved; cars are being repaired on the street with oil pans under some of the cars and the hoods are open on the street; the curb cut on 185 Street is not accessible because cars are parked in the way and bins are in the way. Christine Haider asked if the business is still a licensed NYS Inspection Station and how long is the tenant's lease?

Since only five members of the committee of a 17 member committee were present no motion was made. Mr. Rothkrug said that he will work with the owner to make corrections and answer questions prior to the Oct. 1 public hearing.

ADDENDUM: The chair asked the committee to meet again to give the applicant a chance to show good faith and take care of some of the many things that needed to be done to the station to bring it in compliance.

The committee met again on Monday, September 24, 2012 at 7:30 PM in the CB11 District Office. Present were Board Members, Christine Haider, Chair; Henry Euler, Andy Rothman, Christine Scherer, Susan Macinick, Mohan Jethwani and Anthony Koutsouradis.

The chair stated that on September 17, 2012 she inspected the station and found the following conditions:

1. A Black Lincoln Town Car, NY Plate VG-104, with its hood up, was double-parked on Booth Memorial Avenue, near 185th St. and someone from the gas station was attending to the car.
2. The 3 - 55 gallon drums have been removed from the corner of 185th & Booth Memorial Avenue.
3. The orange construction fencing at the back of the station was gone and a gate was in its place.
4. The station had a fresh coat of paint.
5. The boat was removed.
6. The "Mechanic on Wheels" van was off-site and parked on Horace Harding Expressway Service Road.
7. The curb cut on 185th St. was still blocked by a car parked on the station.
8. There was an accumulation of tires, parts of machinery, an old chair, etc. still cluttering up the west side of the station. When I brought this to the operator's attention, he began to move it.

Mr. Hiram Rothkrug mentioned that the applicant has gone forward to have the sidewalk done and hope it would be finished by the October 1, 2012 meeting. However, he did express disappointment that a car was being attended to outside the gas station. He has told the owner that work in the street has to stop. The committee seemed to think that the applicant was trying to come into compliance, but had some work to do.

After discussion, a motion was made by Henry Euler to renew the variance for a period of 5 years with all the conditions stated above. This was seconded by Christine Scherer. All were in favor of the motion.