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Chair*

COMMUNITY BOARD 11

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*Susan Seinfeld
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COMMITTEE REPORT

TO: Board Members
FROM: Christine Haider, Chair
North Bayside/East Flushing Zoning Committee
RE: ULURP # C090293 ZMQ
Rezoning Bell Blvd. between the south side of LIRR and 42 Avenue
DATE: Sept. 29, 2010

On September 23, 2010 the North Bayside/East Flushing Zoning Committee met to discuss the above referenced City Planning application. Present were Board Members, Christine Haider, Chair, Henry Euler, Christine Scherer, Mel Meer, Tom Meara, Frank Skala, Sue Macinick, Ed Braunstein, Andy Rothman, Rose Bruno, Laura James (3rd Vice Chair), and Dina Quandamatteo, community representative. Also present were Susan Seinfeld, District Manager, Mark Scott, Queens Borough President's office, Edgar Bajana, Dept. of City Planning and the applicant's representatives, Jeffrey Chester, Harvey Landau and Dan Segal. There was one business owner in attendance.

This application to the Dept. of City Planning was submitted by LRHC Bayside, Inc., the Lucille Roberts Health Club located at 41-19 Bell Boulevard. The application seeks a zoning change to remove the C1-2 overlay and replace it with C2-2 overlay from the LIRR right -of -way to 42 Avenue. The application covers five lots which include McDonald's, Parker's hardware, Benjamin Moore paint store and Rani Salon. Three of them have second floor businesses which include an SAT preparatory school, a driving school and a 3rd floor residence.

The change in the zone is necessary for Lucille Roberts in order to obtain a special permit from the Board of Standards and Appeals to operate a "physical culture establishment". Lucille Roberts was at this location legally since it started operating in 1993 when the area was zoned C4-2 (with a small portion of the rear in a C8-). Bell Boulevard was rezoned in 1995 and this area was rezoned to C1-2. They came before CB 11 in 2004 seeking a variance. However, the BSA would not proceed with the application since the applicant would not be able to prove the "B" finding of ZR 72-21 which requires the applicant to prove there is no reasonable return from the development of the lot. At that time, the Community Board recommended approval of the application.

The applicant and Mr. Bajana pointed out that the driving school and the Rani Salon/Spa were non-conforming in a C1-2 zone and this application to rezone would also legalize these businesses. The C2-2 requires the same height and bulk as a C1-2 but allows for other retail establishments.

Discussion followed. Andy Rothman pointed out that he believed that this is “spot zoning” which is not allowed according to State law. Mr. Bajana stated that the application was reviewed for environmental and legal compliance and that it was not spot zoning since more than one lot was included and the change would legalize other existing businesses. Frank Skala discussed his concerns that more use groups are allowed in C2-2 zones. Mr. Chester stated that the use groups Mr. Skala was concerned about are not services that would be appropriate for Bell Boulevard and the space available. The committee’s overriding concern is that the application was spot zoning.

A motion was made by Henry Euler to recommend approval of the zoning change. It was seconded by Andy Rothman.

The committee voted with 11 members opposed and one in favor.