

# ***COMMUNITY BOARD 11 QUEENS***

## **COMMITTEE REPORT**

TO: Board Members  
FROM: Christine Haider, Chair  
North Bayside/East Flushing Zoning Committee  
RE: BSA Cal. No. 297-99-BZ  
Exxon/Mobil Service Station 45-05 Bell Blvd.  
DATE: August 31, 2009

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On August 27, 2009 the North Bayside/East Flushing Zoning Committee met to discuss the above referenced BSA application. Present were Board Members, Christine Haider, Henry Euler, Frank Skala, Christina Scherer, Sue Macinick, Ed Braunstein, Laura James, Mel Meer and Andy Rothman. Also present were Susan Seinfeld, District Manager, Mark Scott, from the Queens Borough President's office and the applicant's attorney, John Ronan. There was one resident from the community in attendance.

Mr. Ronan explained to the committee that the applicant seeks a ten-year extension of the existing special permit expiring on September 19, 2010. The Certificate of Occupancy expired February 17, 1996; as a result, there is an outstanding ECB violation (ECB#341964015) against this property. Since the merger of Exxon and Mobil gas companies the company is working on updating and legalizing the C. of O. Once the C. of O. is issued, the applicant will ask the ECB to reopen the matter and schedule a new hearing to dismiss the violation.

Upon inspection, committee members remarked how clean and efficient the station is run.

On Sept. 19, 2000 the board adopted a resolution which permitted replacement of an existing non-conforming gasoline service station and an accessory convenience store; the convenience store was not built. The term of this special permit was limited to a term of ten (10) years to expire on Sept. 19, 2010.

ExxonMobil Corporation is presently involved in a boundary dispute with an adjoining property owner. The area in dispute is approximately a seventy (70) square foot portion of the site, on 45<sup>th</sup> Road. This area is designated for landscaping located at the southeast corner of the service station. The adjoining property owner, of 4 years, is claiming they acquired title to this area through "adverse possession;" and has recently erected physical improvements that encroach onto the station's property, preventing ExxonMobil from erecting the

new 6 ft. high chain link fence with slats and from planting the new evergreen shrubs as is required. The legal case is currently in the discovery stage but ExxonMobil is pushing to bring the matter to trial as quickly as possible.

As a matter of safety, a question was brought up about the code for the egress on Bell Boulevard since the right lane is now a "right turn only" lane. Mr. Ronan said that he would obtain this information for us and did so within the week. He explained that Zoning Resolution 36-53 refers to accessory parking lots and public parking garages only and requires that driveway entrances and exits be located not less than 50 feet from an intersection.

After much discussion of the above matters, a motion was made by Laura James and seconded by Mel Meer to recommend approval of extension of the Special Permit for a ten year term past September 19, 2010 with the following conditions:

1. No "for sale" vehicles or storage vehicles are to be parked on the site. Only cars waiting to be serviced are to be allowed on the site.
2. No overnight storage of vehicles or rental of spaces will be allowed at any time.

The committee voted six in favor, one opposed with one abstention to recommend approval of the application with the stated conditions.