



## COMMUNITY BOARD 11

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*Jerry Iannece  
Chair*

*Susan Seinfeld  
District Manager*

FROM: Christine L. Haider, Chair  
North Bayside/East Flushing Zoning Committee  
RE: BSA Cal. No. 713-55BZ  
181-05 Horace Harding Expressway  
Date: May 31, 2011

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On May 16, 2011, the North Bayside/East Flushing Zoning Committee met to discuss the above referenced BSA application to the NYC Board of Standards and Appeals to reopen and extend the term for a period of 10 years, of a previously-granted variance which expires on December 11, 2011. Present were Board Members, Christine Haider, Chair; Henry Euler, Andy Rothman, Christina Scherer, Ocelia Claro, Mohan Jethwani and Committee Member, Dina Quondamatteo. Also present were Susan Seinfeld, District Manager, Mark Scott, Borough President's Office and the applicant's representative John Ronan, for Walter Gorman, P.E.

Mr. John Ronan explained that Brendan Utopia Mobil located at 181-05 Horace Harding Expressway is owned by East River Petroleum Realty LLC and is requesting the term of variance be extended for a period of ten (10) years to expire on December 11, 2021. The applicant stated that there are no open violations pending against this property. A search at the Fire Department showed that there is no record of violations. The existing underground storage tanks (UST) in excess of 110 gallons that store petroleum (excluding fuel oils used consumptively on-site) have been upgraded or replaced to be in compliance with the Federal (EPA) UST regulations set forth in 40 CFR Part 280. If any new petroleum USTs are proposed to be installed on the subject site, they will be designed and constructed to be in compliance with these regulations.

Mr. Ronan explained the minor items of non-compliance such as the fact that there is a 6 ft. high chain link fence on each side of the concrete pavement area at the rear of the property rather than a 6 ft. high iron fence and gate; a pole-mounted traffic camera has been installed on the sidewalk along Horace Harding Expressway and the Pegasus sign, which had been located on the front of the service building on the eastern side of the property, has been removed.

The committee asked that the same conditions remain in the variance and appear in the Certificate of Occupancy:

1. No parking of cars or trucks on sidewalk
2. Premises shall be kept clean of debris and graffiti
3. All lighting shall be pointed away from residential dwellings

4. Landscaping shall be maintained in accordance with BSA approved plans
5. All signs shall be maintained in accordance with BSA approved plans
6. That a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution
7. Approval be limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objections(s) only
8. Approved plans shall be considered approved only for the portions related to the specific relief granted
9. Department of Buildings 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 configurations(s) not related to the relief granted (NB No. 3323)

In addition, the committee wanted to add the following conditions:

10. Graffiti at the rear of the station be removed and any new graffiti be removed
11. Only vehicles waiting for service be parked on the site
12. No commercial vehicles or renting space to vehicles
13. No selling of beer or alcoholic beverages

After discussion, a motion was made by Henry Euler and seconded by Andy Rothman to extend the term of variance for 10 years with the above existing and new conditions. The vote of all seven (7) committee members (Claro, Euler, Haider, Jethwani, Quondamatteo, Rothman, Scherer) was unanimous in favor of the application.

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