



# COMMUNITY BOARD 11

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*Jerry Iannece  
Chair*

*Susan Seinfeld  
District Manager*

## COMMITTEE REPORT

TO: Board Members  
FROM: Christine Haider, Chair  
North Bayside/East Flushing Zoning Committee  
RE: BSA Cal. No. 982-83BZ  
191-20 Northern Blvd.  
Date: March 22, 2011

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On March 16, 2011 the North Bayside/East Flushing Zoning Committee met to discuss the above referenced BSA Variance application. Present were Board Members, Christine Haider, Chair; Henry Euler, Andy Rothman, Tommy Meara, Christina Scherer and Terri Pouymari of Auburndale Improvement Association. Also present were Christina Coutinho, Community Assistant, the applicant's representative H.Irving Sigman, PE and Alan J. Sigman, RA. Four residents also attended.

Mr. Sigman explained that Special Order Calendar (SOC) has been filed to extend the term of the variance, and extend the time to obtain a Certificate of Occupancy (C of O) which expired on May 6, 2006. The property is known as Circle Mall and has five store spaces which are included in the variance. Since applicant has filed with the BSA, Carpet City and Block Buster Video have closed. Pier One has downsized to a smaller store and Gothic Cabinetry and Verizon are now tenants. A photo studio occupies the 2<sup>nd</sup> floor. There is a fire wall with a one hour rating between tenant spaces on the first floor. The basement is one big space and will not be used. The owner is seeking to rent space to First Med and a pain management office in the other two store spaces. The rental to medical offices raises the question of disposal of medical waste, which requires separate cartage.

The committee felt that the existing parking lot is not adequate for the addition of two medical offices and three other tenants. There are no Handicapped parking spaces in the lot, and Christine Haider requested that at least two spots be reserved for handicapped parking at the west side of the lot. Henry Euler stated that required parking is not up to owner it is up to the use. Christina Scherer asked if there could be valet parking. Residents reported that Sala restaurant uses the parking lot, which is not permitted by the variance. A condition that is in the BSA resolution was no overnight parking and gate is to be locked. Residents mentioned that lot is never locked and that gray panel trucks, with no plates, have been seen parked in the lot. There is still flooding and drywells need to be made functional. Signage needs to be updated making it clear which store patrons have permission to park in the lot.

The south west corner (192<sup>nd</sup> St & Northern Blvd) is used for parking cars. There are always at least 3-5 cars parked on sidewalk. It was stated in the original application, #8, that flowers and plants would be planted on the 19 feet adjacent to building before sidewalk. This was never done, instead concrete was laid and cars are parking here, which is not permitted by the variance. Terri Pouymari asked for

the planting of grass, flowers and trees in place of the concrete. Alan Sigman stated that he will advise Mr. Barone to put up “No Parking” signs.

Christine Haider asked about the plans for the vacant lot next to the existing parking lot. Stating this would be a reasonable solution for the parking. Mr. Sigman said that owner may sell the lot, no definite plans as yet. The committee was concerned about the two violations on the property – Mr. Sigman said that he had to look into the status and will get back to us.

Mr. Sigman agreed to make the owner aware of all the committee’s concerns as assured us that all of these matters will be addressed.

Henry Euler made a motion to accept the variance, for a five year term, with the original 17 conditions and two additional conditions. Andy Rothman seconded the motion.

1. That the owner shall comply with the conditions set forth in the Conditional Negative Declaration, approved 12/19/83.
2. That (50) parking spaces shall be provided on Block 5513 Lot 12 and that signs on Lot 12 and Lot 27 clearly indicate the availability of parking for the stores and offices at the subject premises.
3. That all signs on the premises shall comply with C1 zoning district regulations.
4. That a Certificate of Occupancy be obtained for Lot 12 as an accessory parking lot.
5. That the curb cuts on Northern Blvd. be eliminated where not needed for approved loading or unloading within the building.
6. That the use and occupancy shall not include the following: amusement arcade, fast-food restaurant, discotheque, billiard parlor, pet shop, OTB parlor, drug rehabilitation center.
7. That the use and occupancy shall not include any all-night operations.
8. That the existing lawn area on 192<sup>nd</sup> Street shall be maintained, that planters and street trees be installed, as shown on the plan, and maintained and replaced when necessary. NOTE: This is the area that the owner covered with concrete and where cars are parking.
9. That no trucks shall be allowed to park on the area of the (50) off-street parking spaces intended for customers.
10. That the parking lot shall be locked at night.
11. That the drywells shall be maintained on a regular basis to avoid flooding.
12. That any debris behind the building adjacent to the homes be removed.
13. That the premises shall be maintained free of debris and graffiti.
14. That any graffiti located on the premises shall be removed within (48) hours.
15. That all of the conditions shall appear on the new certificate of occupancy.
16. That the BSA approval is limited to the relief granted by the Board, in response to specifically cited and filed Department of Buildings/other jurisdiction objection(s) only.
17. That the 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.

Two additional conditions:

- 1) That the requested 10 year variance be reduced to a 5 year term.
- 2) That the 19 feet of concrete on the corner of 192 Street and Northern Blvd. be removed and add trees, shrubs, plants and 4 ft fence as agreed by the community.

The committee voted in favor of the variance with all 19 conditions: 3 in favor (Haider, Rothman, Meara) with two abstentions (Euler, Scherer).