



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. 808-55BZ
35-04 Bell Blvd.
DATE: March 28, 2012

On March 13, 2012 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, Frank Skala, Ocelia Claro, Daniel Berrios, Mohan Jethwani, Sue Macinick, Laura James, 3rd Vice Chair and Community member Dina Quandamatteo. Also present were Susan Seinfeld, District Manager and the applicant's representative Josh Rinesmith.

An application was filed in March, with the Board of Standards and Appeals, for an extension of term of a variance which expired on July 13, 2011. Mr. Rinesmith stated that a variance was first granted in 1955 and has been renewed for ten year terms since then, with an amendment in 1990 to add a convenience store and canopy. He said that the renewal was an oversight on the part of Cumberland Farms and then they waited for the archived files from BSA.

Discussion ensued about the three driveway entrances and confusion with areas one can park for the Dunkin' Donuts. It was noted that there is a bus stop in front and a mailbox on the corner. It was requested, by the committee, that the owners should have directional arrows painted on the ground at the driveways and parking spaces delineated. The committee also suggested the applicant have an engineer observe the traffic patterns and recommend changes. There was concern about the Italian restaurant across 35th Avenue, because parking valets are using the gas station to park the cars. This arrangement is not permitted on the gas station premises.

Andy Rothman said that he checked NYS Dept. of Environmental Conservation website and found that the gas tanks were inspected in 2003 and may not have to be re-inspected. Mr. Rinesmith will check with Cumberland Farms on the concerns of the committee and get back to us.*

A motion was made by Henry Euler to approve the application for the extension of term for a period of ten years. Andy Rothman seconded the motion. A vote was taken and the committee voted nine in favor and one opposed.

*Applicant's attorney, Josh Rinesmith submitted the following information following the meeting in response to questions raised: The gas tanks were installed in 1992, registered with

NYS DEC until October 2013 and with NYC DEP until February 2014. Tank testing is done annually by a third party consultant for Cumberland Farms. The testing is scheduled for June 2012. Cumberland Farms has instructed the station operator that other vehicles cannot be permitted to park on the premises. An engineer has been consulted to review of the traffic circulation. Based on that review, a revised site plan will be submitted to the BSA with a copy for the Community Board.