



The City of New York

## Queens Community Board 11

Serving the Communities of Auburndale, Bayside, Douglaston, Hollis Hills  
Little Neck and Oakland Gardens

**Michael Budabin** Chairperson / **Joseph Marziliano** District Manager

To: All Board Members

From: Christine Haider, Committee Chair

Date: November 7, 2022

Re: 204-34 45 Drive  
BSA Cal. No. 2022-81BZ

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On Wednesday, November 2, 2022, the CB11 East Flushing Zoning Committee met via Zoom to review the above-referenced application to the Board of Standards and Appeals (BSA).

### **CB 11 Members**

Christine Haider, 2<sup>nd</sup> Vice Chair & Committee Chair

Henry Euler, 3<sup>rd</sup> Vice Chair

Mary Donahue, Committee Member

Sam Wong, Committee

Christina Scherer, CB11 Member

### **CB11 Staff**

Joseph Marziliano, District Manager

Jane Bentivenga, Community Coordinator

### **Guests**

Todd Dale, Rothkrug, Rothkrug & Spector, applicant's representative

The meeting began with Mr. Dale screen-sharing the application to the Board of Standards and Appeals. Mr. Dale explained that this is an application to permit a two-story, one-family building and cellar that does not provide one of the required front yards contrary to section 23-45 of the NYC Zoning Resolution. He stated that this site is an irregular corner lot abutting Clearview Expressway (CVE) service road between 45 Drive and 46 Avenue. It has approximately 190' frontage along the CVE service road and approximately 31' on the 45 Drive side. The lot tapers to a point south of 45 Drive making it triangular; this end of the lot is not buildable. This was a full-sized lot prior to NYC using eminent domain to allow the construction of the Clearview Expressway. The lot is currently vacant. It is 3,260 s.f. The proposed total floor area is 1,630 s.f., which is an FAR of 0.5 which is what is allowed in an R3-1 zone. Two parking spaces are proposed, though only one is required. They would be at the south of the building and the curb cut will be on the CVE service road. The relief that is being requested under this application is the less than 10' yard requirement. A 4' yard is being proposed requiring a waiver of 6'.

Mrs. Donahue asked if the side and rear neighbors have been informed about this proposal. Mr. Dale said they have; this lot is owned by an LLC. One of the members of that LLC owns one of the adjacent lots. Mr. Euler commented that this is “sliver development”. He believes that CB11 rejected a similar proposal some years ago. He feels that “sliver development” sets a precedent for future construction. Mr. Dale disagreed and stated this lot has always been in this configuration after the CVE was constructed.

Mr. Euler requested the dimensions of the lot, the proposed home, and the as-of-right home. Mr. Dale screen-shared the current tax map. The end of the triangle is 2.88’. The proposed width of the front of the new construction is 19’ 10” and tapers down to 13’ 11” at the rear. There will be a front door on 45 Drive and a rear door to the parking area. Mr. Wong asked if these are considered two front yards. Mr. Dale said yes, they are required for corner lots. Mr. Euler inquired what the attic will be used for. Mr. Dale stated it will be used for storage; it is not livable space.

Mrs. Donahue and Mr. Euler raised the issue of commercial vehicles being parked on this lot. Mrs. Donahue remarked that the lot had been “blacktopped”. Mrs. Donahue also expressed concern for the four street trees on the CVE side of the property. Mr. Dale stated they will be required to maintain the street trees. Some of the overhanging limbs may need to be trimmed. Removal of these trees is not proposed. Mrs. Haider spoke about her concern for the pointy, narrow end of the lot; she feels because it is unusable, it may not be maintained and become an eyesore for the community. Mr. Dale stated it is currently maintained and expects that to continue as this lot has the same owner as the property to the rear.

Mrs. Donahue asked what would happen with the triangular end of the property if it were sold. Mr. Dale said that if this variance is granted, all future changes would be required to go through the BSA process for an amendment. Mr. Dale stated this is a unique situation. If granted, this will ensure that this lot is in character with the neighborhood. Mr. Euler stated that his civic association represents this area, and they are opposed to “sliver development”.

Mr. Euler made a motion to approve this application as presented to the East Flushing Zoning Committee. Mrs. Haider seconded the motion. A roll call vote was taken resulting in 3 no and 1 yes. The motion did **not** pass. This application will be presented to the full Board at the December 5, 2022, meeting.

*Respectfully submitted 11-7-22*