



The City of New York

Queens Community Board 11

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

Paul DiBenedetto Chairperson / **Joseph Marziliano** District Manager

To: All Board Members

From: Jena Lanzetta, North Bayside/East Flushing Committee Chair

Date: October 16, 2024

Re: BSA Cal. No. 374-71BZ
205-11 Northern Blvd.

Committee Members

Jena Lanzetta, Committee Chair
Sam Wong, Committee Co-Chair*
Henry Euler, 2nd Vice Chair*
Michelle Fields*
Christina Scherer*
Matt Mamak*

CB11 Staff

Joseph Marziliano, District Manager
Jane Bentivenga, Community Coordinator*
Christina Coutinho, Community Associate*

*Via Zoom

Guests

Todd Dale, applicant's representative

On Tuesday, October 15, 2024, the CB11 North Bayside/East Flushing Zoning Committee met to discuss an application to the NYC Board of Standards and Appeals (BSA) for the above-referenced location. Mr. Marziliano called the meeting to order and gave the floor to Jena Lanzetta, Committee Chair.

Ms. Lanzetta introduced the applicant's representative, Todd Dale. Mr. Dale gave an overview of the proposed plans and said that this application is to extend the term of a previously granted variance for 10 years, allowing an automobile showroom with open display of new and used cars in a C2-2/R3-2 zoning district. The application also seeks to update the plans to reflect the Dept. of Buildings (DOB) approval for a vertical enlargement and obtain a waiver for the delay in filing.

Mr. Dale gave a brief history of the property going back to the variance granted in 1975 for a plot of land that was previously a gas station. There have been several subsequent applications

and extensions, with the most recent in December of 2017. Mr. Dale stated it is an L-shaped lot that is approximately 16,100 sq. ft. The existing building is approximately 7,530 sq. ft. The eventual floor area of the building would be approximately 10,000 sq. ft. It will be one-story with a 28' mezzanine. No amendments to the prior conditions are requested. Currently, there are no DOB violations. There are five (5) open Environmental Control Board (ECB) violations. Three (3) of those date back to 2009 and remain open due to administrative issues. The other two (2) have been paid and the correction paperwork is pending. Mr. Dale stated that the public hearing for this item at BSA is November 6, 2024. At this time, Mr. Dale opened the meeting to questions and/or comments.

Mr. Euler asked what will be on the second floor of the vertical extension. Mr. Dale reiterated that it is not a second floor; it is a mezzanine. There will be offices and a staff room. There are approximately 20 employees with 10 or 11 on site at any time. Currently, employees are sharing offices and need the room. Mr. Euler remarked that the new height will cut off the light and air to the neighbors at the rear of the site. Mr. Dale said the height was approved by the DOB and it does not need BSA approval under this application. Mr. Euler expressed his opinion that the owner of Star Toyota has no respect for the community. He stated the community is not happy about it and it directly affects the property owners to the rear, Mr. and Mrs. Chau.

Ms. Lanzetta questioned how much higher the building will be than the adjacent homes. Mr. Dale was not sure. Ms. Lanzetta asked why the new height is not shown on the plans. Mr. Dale replied the height is not a part of the plan that requires BSA approval as the height is as-of-right in the C2-2 zone. Mr. Euler stated the variance expired two years ago; why didn't they file sooner? Mr. Dale said there was a change in their administration, and they were reviewing the plans with the DOB. Mr. Dale stated that the DOB is the lead agency when filing for the vertical enlargement. Mr. Dale stated the core of the variance application is for the extension of the employee parking into the residential portion of the site.

Mr. Chau added they when they had a court date in April with a judge, there was no mention of a mezzanine or second floor. No stairs were shown either. Mr. Dale asked what hearing he was referring to. Mr. Chau said he would get the judge's name. Mr. Dale stated he was aware of an Article 881 proceeding which is to allow for protective equipment to be put on adjacent lots. It does not address construction. Mr. Chau again stated there was no reference to a mezzanine or stairs in April. Mr. Dale stated a mezzanine is not a second floor. Mr. Chau asked if these plans will continue to change. Mr. Dale said no, if BSA approves this application, only minor changes may occur by a plans examiner. Mr. Chau is concerned with the enlargement, more vehicles and more people. Ms. Lanzetta inquired if the height will be the same as Star Nissan and Subaru which are diagonally across on Northern Blvd. Mr. Dale could not say as he is not familiar with those dealerships. Mr. Euler said that Helms Brothers did a similar extension but there are no adjacent rear properties. Another neighbor present, Mr. Capozzi, added that there are no homes to the rear of Star Nissan and Subaru either.

Ms. Fields asked about encroachment onto Mr. and Mrs. Chau's property. Mr. Dale replied that this is a common practice in New York City when there is construction on an adjacent property provided safety requirements are being met. Mr. Euler thought that only pertained to two commercial properties. Mr. Dales said no, it pertains to any two adjacent properties. Different agreements are made depending on the length of construction etc. involving payments. If an agreement cannot be reached, an Article 881 is filed, as it was in this case. The judge determined

the construction could proceed. It is essentially a temporary easement for scaffolding etc. Ms. Fields asked if there is an agreement in place for Mr. and Mrs. Chau and what safety measures are in place for their property. Mr. Chau stated that they have no written agreement with the owners of Star Toyota. He also said they received no notice of construction. However, workmen were on their garage; they have also found studs with nails in them and bricks on their property. Mr. Chau said they were not even advised of the construction beginning and there are certainly no safety measures being taken. Mr. Chau said they were never approached about an agreement. Mr. Dale disagreed as there had to be an attempt since an Article 881 proceeding was filed. Mr. Euler asked if they received any compensation. Mr. Chau said the lawyer received two checks. He was not sure of the amounts as he has not seen them but said one was for the lawyer and one was for them. Mr. Chau does not feel that just because compensation was given, they should be allowed to do whatever they want to without an agreement. Ms. Scherer added that construction began without any notice to anyone in the neighborhood. She said there are no tarps, fencing etc. and the site is already very messy. Mr. Euler and Ms. Scherer stated the owners use intimidation tactics. Resident, Mrs. Chung, cited the illegal parking of vehicles on Northern Blvd. in a no standing zone. She also said parking has been a huge issue for at least 20 years. This will only get worse once the enlargement is done.

Mr. Marziliano asked if the work currently taking place was repair work. Mr. Dale said that is his understanding of the current work. Mr. Dale said he will reach out to the property owner and inquire as to the work that is being done. He will advise CB11. Mr. Capozzi, who lives on 205 Street, stated that the roof was removed, they are jack hammering to remove the floor, there is heavy equipment on the site, and they use the fire hydrant as a water source. He has called 311 twice as they left the hydrant running at the end of the day.

Mr. Marziliano stated that there was no quorum present so a motion and vote could not be taken. However, the numerous objections will be noted in the committee report for the public hearing which will be held on Monday, November 4, 2024.

Mr. Euler commented that the position this business owner has put Mr. and Mrs. Chau in is very sad. He said they are very good neighbors and civic members. Star Toyota has intimidated them and made their life a misery.

Mr. Euler feels that this application should be denied by Community Board 11 at the public hearing. Ms. Fields and Ms. Scherer agree. Mr. Marziliano suggested that Mr. and Mrs. Chau and Mr. Capozzi sign up to speak at the upcoming public hearing.

Respectfully submitted 10/17/24