

24-03-BZ

APPLICANT – Warsaw Burstein, LLP, for Cumberland Farms, Ink, owner.

SUBJECT – Application February 26, 2014 – Extension of Term (§11-411) of a previously approved variance which permitted a gasoline service station and an automobile repair facility (UG 16) which expired on July 15, 2013; Waiver of the Rules. C1-2/R2A zoning district.

PREMISES AFFECTED – 178-02 Union turnpike, intersection formed by Union Turnpike and Surrey Parcel, Block 7227, Lot 29, Borough of Queens.

COMMUNITY BOARD #8Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez4
Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a re-opening, and an extension of term for a variance permitting an automotive service station, which expired on July 15, 2013; and

WHEREAS, a public hearing was held on this application on June 17, 2014, after due notice by publication in *The City Record*, with a continued hearing on July 15, 2014, and then to decision on July 29, 2014; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Commissioner Hinkson and Commissioner Ottley-Brown; and

WHEREAS, the subject site is located on the south side of Union Turnpike at the intersection with Surrey Place, within a C1-2(R2A) zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject premises since on July 23, 1946, under BSA Cal. No. 624-39-BZ, it granted an application to permit a gasoline service station, lubritorium, and car wash in a business use district; and

WHEREAS, the grant was extended and amended at various times; on July 15, 2013, the Board reinstated the grant, under the subject calendar number for a term of ten years, to expire on July 15, 2013; and

WHEREAS, the applicant now seeks an additional extension of term; and

WHEREAS, at hearing, the Board raised concerns about: (1) the sufficiency of the screening along the rear

lot line; (2) the presence of a storage shed; and (3) the condition of the landscaping; and

WHEREAS, in response, the applicant stated: (1) that it would plant four evergreen trees in the southeast corner of the site to provide a noise/screening buffer in addition to the existing wall and fence along the rear lot line; (2) the shed, which is not visible to patrons and is screened by an opaque fence above a masonry wall, is required by the service station for storage of products due to the absence of storage space in the building; photos depicting the removal of the barbed wire; and (3) it will replace several dead trees along the site's eastern lot line as well as replant grass in the southeastern corner; and

WHEREAS, pursuant to ZR § 11-411, the Board may, in appropriate cases, allow an extension of the term of a pre-1961 variance; and

WHEREAS, the Board has determined that the evidence in the record supports the finding required to be made under ZR § 11-411.

Therefore it is Resolved, that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens* and *amends* the resolution, dated July 15, 2003, so that as amended the resolution reads: “to permit the extension of the term of the variance for an additional ten years from July 15, 2013 expiring on July 15, 2023; *on condition on condition* that all work will substantially conform to drawings, filed with this application marked “Received July 1, 2014” –(6) sheets; and on further condition:

THAT the term of the variance will expire on July 15, 2023;

THAT the premises will be maintained free of debris and graffiti;

THAT the above conditions will be noted in the Certificate of Occupancy;

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s); and

THAT DOB 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 configuration(s) not related to the relief granted.”

Adopted by the Board of Standards and Appeals, July 29, 2014.

A true copy of resolution adopted by the Board of Standards and Appeals, July 29, 2014.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

