

72-11-BZ

APPLICANT – Walter T. Gorman, P.E., for Tanner and Rothafel Partnership, owner; Lukoil, lessee.

SUBJECT – Application June 30, 2014 – Extension of Time to obtain a Certificate of Occupancy for a previously granted Variance for the continued operation of an Automotive Service Station (Getty) which expired on October 25, 2012; Waiver of the Rules. C1-3/R6B zoning district.

PREMISES AFFECTED – 101-06 Astoria Boulevard, southeast corner of 101st Street, Block 1688, Lot 30, Borough of Queens.

COMMUNITY BOARD #3Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Commissioner Hinkson, Commissioner Ottley-Brown and Commissioner Montanez3
Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, and an extension of time to obtain a certificate of occupancy for a gasoline service station with accessory uses within an R3-2 zoning district, which expired on October 25, 2012; and

WHEREAS, a public hearing was held on this application on July 29, 2014, after due notice by publication in *The City Record*, and then to decision on August 19, 2014; and

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

WHEREAS, the subject site located on a through lot bounded by Astoria Boulevard to the north, 101st Street to the west, and 31st Avenue to the south, within an R3-2 zoning district; and

WHEREAS, the site, which has 10,859 sq. ft. of lot area, is occupied by a one-story gasoline service station (Use Group 16) with 1,196 sq. ft. of floor area (0.06 FAR); and

WHEREAS, the Board has exercised jurisdiction over the subject site since March 31, 1959 when, under BSA Cal. No. 711-56-BZ, the Board granted a variance to permit the site to be occupied as a gasoline service station with accessory uses, within a residence district, for a term of 15 years; and

WHEREAS, subsequently, the grant has been

amended and the term extended at various times, most recently on October 25, 2011; on that date, under the subject calendar, the Board reinstated the variance and extended its term for ten years, to expire on October 25, 2021; and

WHEREAS, the 2011 grant included a condition requiring that a certificate of occupancy be obtained by October 25, 2012; however, the applicant states that, as of that date, a certificate of occupancy had not been obtained; and

WHEREAS, accordingly, the applicant seeks an extension of time to obtain the CO; and

WHEREAS, the applicant represents that the issuance of the CO has been delayed because the operator took longer than anticipated to remove all debris from the site and install landscaping; and

WHEREAS, at hearing, the Board directed the applicant to provide further information regarding the proposed accessory signage; and

WHEREAS, in response, the applicant states that the signage at the site is being changed from “Getty” to “Lukoil” and that it will comply with the C1 signage regulations; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of time to complete construction and amendment are appropriate with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens* and *amends* the resolution, dated October 25, 2011, so that as amended the resolution reads: “to grant an extension of the time to obtain a certificate of occupancy, to expire on October 25, 2015; *on condition*:

THAT a certificate of occupancy will be obtained by October 25, 2015;

THAT signage will be in accordance with C1 signage regulations;

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

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, August 19, 2014.

A true copy of resolution adopted by the Board of Standards and Appeals, August 19, 2014.

Printed in Bulletin Nos. 32-34, Vol. 99.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

