

**Testimony of the New York City Department of Consumer Affairs  
Before the  
New York City Council Committee on Consumer Affairs  
Oversight Hearing on  
Price Displays at Gas Stations in New York City  
and on  
Introduction 287 (Gas Station Road Signs)**

September 18, 2014

Good afternoon Chairman Espinal and members of the Consumer Affairs Committee. I am Amit S. Bagga, Deputy Commissioner of External Affairs at the Department of Consumer Affairs. I am joined by Marla Tepper, General Counsel of the Department of Consumer Affairs. I am here today representing Commissioner Julie Menin, who looked forward to testifying before you, but is currently in Washington, D.C. today for pre-scheduled meetings.

We greatly appreciate the opportunity to speak with you today about DCA's work regarding price displays at gas stations in New York City and about Introduction 287, a Local Law to amend the administrative code related to gas station road signs.

DCA is proud to be implementing Mayor de Blasio's vision for New York City by continuing to empower and protect consumers while also reducing onerous fines on small business.

The Agency's top priorities are to both educate business owners about the law and to facilitate compliance. Since May 2014, we have undertaken many steps to achieve these goals. For the first time, all 41 of DCA's most commonly-used plain-language checklists are easily accessible to business owners through the Agency's website and DCA has made many of its resources available in several languages beyond those mandated by Executive Order, such as Bengali and Arabic.

Small business owners can also request an inspection in the language of their choice, as our inspectors can now conduct an inspection utilizing Language Line over a cell phone. DCA has also implemented a 24-point plan to reduce fines for minor violations, from reducing the number of counts for certain violations to issuing warnings instead of violations for small infractions.

DCA has expanded its assistance to businesses by providing an inspector in our licensing center at 42 Broadway to guide all new applicants, and we also offer business owners additional DCA services, most notably financial counseling through our Office of Financial Empowerment. Additionally, the Agency recently hired a new legal ombudsman, whose primary role will be to provide information to and answer questions from business regarding DCA's laws, rules, and eventually, hearing procedures.

It is in the pursuit of efficient, effective, and fair compliance that the Department of Consumer Affairs offers its position on the proposed legislation being addressed today.

DCA plays a key role in regulating New York City's gas stations. We inspect the City's approximately 10,000 pumps across 800 gas stations for accuracy, at least once each year. We are able to condemn pumps on the spot if they fail to meet accuracy standards and we re-inspect condemned devices that must be fixed before we authorize them to be put back into service. DCA also deploys inspectors to respond to consumer complaints received through 311 and through our website.

In addition to accuracy at the pump, the Agency inspects gas stations for compliance with a number of other consumer protection laws and rules, including the posting of price signs, marking of fill ports, consistency of the unit price box on the pump and signage, and having a working air pump.

In fiscal year 2014, DCA conducted 1,611 inspections and issued 243 violations. Since July 1 of this year, fiscal year 2015, we have conducted 315 inspections and issued 40 violations through September 12, 2014.

In 2013, the City Council enacted Local Law 9 of 2013, amending section 20-672 of the Administrative Code of the City of New York, to require that all gas stations post road signs displaying the total selling price of gasoline or diesel motor fuel. The law also requires that, where the total selling price for purchases made with cash is less than for purchases made with another form of payment, such as debit or credit card, the road signs disclose the total selling price for cash, debit card, and credit card purchases.

In October 2013, in order to implement Local Law 9 of 2013, DCA issued rules, which became effective November 12, 2013, that establish the size requirements of the sign and require stations to display the road sign whether or not they charge one price for gas irrespective of the payment type. This size requirement is a minimum of 60 inches wide and 36 inches high. The rules also require that, where the total selling price for purchases made with cash is less than for purchases made with another form of payment, such as debit or credit card, the signs disclose the total selling price for cash, debit card and credit card purchases. The rules also prescribe a minimum type size of 430 points. The previous rule did not require such a sign, but only sets forth the required content of a sign if the gas station chooses to advertise the petroleum product for sale.

Based on concerns by the industry regarding the ability to post the prescribed road signs in compliance with zoning regulations and that the costs of the sign are burdensome, DCA, under the direction of the office of Deputy Mayor Glen, decided to stay enforcement of the rule on January 24, 2014.

Introduction 287 would allow for gas station owners to apply for a waiver from DCA in instances when the prescribed size of the mandated road sign is deemed impermissible based on zoning regulations. We understand that business owners cannot be expected to comply both with sign size requirements that contravene zoning regulations and therefore support the intent of this provision in the legislation.

We appreciate that the Council, through Introduction 287, has made efforts to address the challenges in enabling businesses to comply with existing law and also the challenges faced by the Agency in enforcing the law.

We must recognize at the outset that helping businesses comply with the existing law is a multi-faceted, multi-agency process. We look forward to working closely with the Department of City Planning, Department of Buildings, and the Mayor's Office to consider the most effective way to respect the City's zoning resolution while ensuring as many businesses are in compliance as possible.

The installation of exterior roadside signage is regulated by the Sign Enforcement Unit within the Department of Buildings. Signs must comply with regulations outlined in the NYC

Construction Codes and the NYC Zoning Resolution. One potential solution could require business owners, who are currently required by DOB regulation to obtain permission from the Sign Enforcement Unit in order to erect a roadside sign, to first seek written approval (or a denial) from DOB before a waiver determination can be rendered by DCA.

If the Department of Buildings does not approve the installation of a sign that is of the currently-required size and the denial of the permit is based on zoning requirements, then DCA could issue a waiver to the applicant, establishing that the applicant need not comply with the requirement for that particular gas station to feature a roadside sign. Our Agency does not take the position that signage laws can supercede zoning regulations and we do not recommend allowing additional signs on lots where such signs would violate zoning rules.

The proposed revision would streamline the waiver process for the applicant and for city agencies, and also render the law enforceable, as DCA's patrol inspectors, when observing the lack of a roadside sign as a gas station, could simply ask for the owner to produce proof of DCA's waiver.

This process, by which the appropriate city agencies are rendering relevant decisions, would ensure transparency and consistency in the zoning determination process, reduce burdens on small business owners, and facilitate compliance.

It should be noted that pursuant to Local Law 9 of 2013, there are significant costs associated with business owners complying with signage requirements. We have been advised by both the Department of City Planning and the Department of Buildings that ensuring compliance with zoning can be an intensive process which requires both City and business owner resources. Business owners would need to hire an architect to submit plans to DOB and pay filing fees even to receive an objection, which would then be used to ascertain a DCA waiver. The total cost to a business owner could be in the thousands of dollars.

With respect to the bill's current language regarding implementation, the proposed 120-day window after passage is unfortunately insufficient for DCA to engage in rulemaking and for businesses to go through the permitting process and obtain the signs or waivers. We recommend extending the time to add an additional 80 days.

Lastly, we do not take a position on the bill's provision to allow gas station owners to utilize LED lights to illuminate roadside signs, as jurisdiction regarding such usage lies with the Department of City Planning. The Mayor's Office is currently reviewing the proposed bill to determine whether there would be conflicts with the Zoning Resolution.

We seek to work with you, Chairman Espinal and your colleagues to consider a bill that is both equitable and enforceable.

Thank you for the opportunity to testify before you and the Committee today. Ms. Tepper or I will be happy to answer any questions you might have.



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General Counsel

## **Memorandum in Opposition to New York City Council**

### **Introduction No. 257 in relation to Gas Station Road Signs.**

The Gasoline and Automotive Dealers Association was established in 1931 in Brooklyn, New York. We represent service stations with repair shops, stand-alone repair shops, service stations with convenient stores and car washes. These businesses could be considered small businesses when you factor them against the true definition of small business, we are many businesses.

Regulations that are promulgated and enforced by the city and the state agencies are a real hardship to these businesses. In many cases fines are draconian and non-compliance with any regulation is strictly dealt with. There is no better example than what has happened with the sign law, which the New York City Council passed, to try to clarify discount for cash practices. The law was so poorly thought out that it was impossible, and is still impossible, to comply with. Discussions with Consumer Affairs during the last administration were fruitless, however, we did have some success with some New York City Council members who understood the problem and have indicated a willingness to change the law if it cannot be altered by the agency.

If Introduction No. 287, in relation to gas station signs is an attempt to solve that problem or clarify that law, it does not. While new legislation would be an opportunity to correct many of the ills that were promulgated on the industry and other business by the last administration, this legislation falls far short of that goal. For example; this law allows the owner or operator of such location to apply to the commissioner for a waiver from the requirements that there is such a sign, poster, or placard, on the grounds that compliance with the requirements will result in a violation otherwise applicable zoning regulations. There is no consideration of the cost to comply with the new regulations. A change in the sign would run between \$5,000 and \$15,000. Granted we would need to get variances and permit changes from the City, however, that only adds to the cost of the practical problem of replacing the sign. This law still requires that all prices, cash and credit, of all brands sold at the service station be on the sign. This is impractical since the sign would have to be huge.

Page – 2

During the debacle of the last sign law some service stations discontinued discount for cash. This affected many New York City motorists that enjoyed the lower price when paying cash. When the discount for cash program is discontinued the price of motor fuel that was sold for cash must be increased. This has removed a competitive pricing practice that many motorists enjoyed.

Motor fuel is priced in many different ways. Service stations are not equal. The price varies from whom they purchase the motor fuel at wholesale, changes the price upon delivery. Stations that own their own property and receive product from a rack can save up to twenty cents per gallon. Stations that lease or rent their stations are paying higher rents and higher wholesale prices than ever before. The discount for cash program allows these stations to find a competitive way of staying in business.

What business does not advertise its' lowest prices? Why service stations that sell motor fuel are singled out is a mystery.

We would like to work with the New York City Council to come up with legislation that will resolve their concerns. However this bill does not do it. At the very least it will discontinue discount for cash in the city, increasing the price of motor fuel to many motorists.

Not only will it do this it will also force dealers that are using this practice to go out of business.

There is also the possibility since this law interferes with a cash credit card program which was recently declared unconstitutional by a Federal Court that it may also be unconstitutional.

We ask that this legislation be withdrawn and attempts to work with the industry to find a mutually beneficial solution.

Thank for any interest you provide our request.

**ERIC PALATNIK, P.C.**

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September 15, 2014

Chairperson Espinal and Councilmembers  
Department of Consumer Affairs  
250 Broadway, 16<sup>th</sup> Floor  
New York, NY 10007

***Re: Proposed Legislation Has Potential to Create Unintended Confusion  
"The Bingo Hall Effect"  
Stated Hearing of September 18<sup>th</sup>, 2014  
Committee on Consumer Affairs  
Local Law Relating to Gas Station Price Signage, Int 0287-2014***

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Dear Chairperson Espinal and Councilmembers,

We are writing to inform you of an unintended consequence which we have identified in the above-referenced proposed legislation which your Committee is scheduled to hear on September 18, 2014. The legislation, which is intended to provide clarity to a motoring consumer, clearly alerting them to a price differential between cash and credit pricing, instead, will, as written, cause the creation of "bingo hall" types of numerical signs, with a litany of numbers, as shown in enclosed exhibit 1. (Please see enclosed exhibit 1 entitled, "example of proposed signage which can result from the proposed legislation"). Your review of this plan sheet will reveal a pricing structure that is difficult to understand when one is standing still and reading it. It will be even more confusing to passing motorists at roadway speeds. This in turn does not achieve your stated goal of providing clarity to the consumer.

We recommend that the legislation be amended to match recently enacted legislation in municipalities in both New Jersey and Westchester. The relevant portions are enclosed in Exhibit 2 entitled "Recently Enacted Legislation That Eliminates the Bingo Hall Effect". This attachment also portrays what a sign pursuant to these Legislations would look like (Exhibit 3). It clearly shows any price differential and achieves your stated goal of providing clarity to the consumer.

The requested revision is reasonable. As shown in the above attachment, the new proposed price signs are large and potentially dangerous. The numbers will blend and consumers, especially while driving, will not be able to extract the necessary information. The signs will block sight lines of drivers as they exit and enter the station. Because they will overhang well past the current price sign there is potential for the sign to be hit by cars and trucks. Service stations in New York City are already located on small pieces of property which will make maneuvering around these signs difficult.

## ERIC PALATNIK

Additionally, the larger price signs will require a new footing and potentially a new pole. The cost can easily exceed twenty thousand (20,000.00) Dollars per site. Furthermore, in many zoning districts, these signs would exceed the total allowable square footage for signage on the property. Causing many property owners to request the provided waiver from the Department of Buildings. Again, this would not achieve the stated goals of the legislation.

It is for each of the foregoing reasons as referenced above and expanded upon in the below discussion, that we respectfully request that you consider amending the proposed legislation so that it will, without doubt, achieve your stated goals.

### DISCUSSION

In August of 2013 the City Council made revisions to the laws of the City of New York that greatly altered the price signs located at service stations. The intent of the law was to end customer confusion concerning discount for cash pricing at service stations. The interpretation of the law by Consumer Affairs requires that a new price sign be installed at all service stations, that offer a discount for cash, that will be a minimum of two and half times larger than the current price sign. I have included with this letter two examples of the new approved price sign; one showing a site that is only self-service the other for a site that is self and full service. As you can see these signs are large and might add further confusion as there are a minimum of sixteen different prices on the sign.

The intent of the law may be to persuade service station operators to go back to one price for all forms of payment, but that is an unlikely reality. Furthermore in the case *Expression Hair Design et al v. Schneiderman et al*, Southern District of New York, NO. 13-03775, the Court held that the New York State law that prohibited a surcharge on credit card transactions was unconstitutional.

Today's service station operator is not a big corporation but an individual entrepreneur trying to make a living in New York City. The average operator is working on 10 to 15 cents a gallon net. These pennies per gallon pay for rent, employees, real estate taxes and sales tax. For that same transaction the credit card company is also netting 10 cents a gallon, for that 10 cents the credit card companies do not have to pay rent, real estate taxes or sales tax in New York. The total cost of the transaction is the burden of the service station operator. We have included the current credit card fees associated with Shell sites in New York for your review (Please see enclosed Exhibit 4, entitled "Credit Card Fees Associated with Sites in New York").

Instead, we propose to adopt a sign regulation that will require gas retailers who offer two-tier pricing to display prices for only one blend of gasoline (i.e. regular). In 2012 and 2013, the Westchester Department of Consumer Protection and the New Jersey Office of Weights & Measures each passed a law that imposed sign requirements similar to those which we propose (Exhibit 2, N.J.S.A 18:19-2.7; Westchester Law 4723-2011).

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The referenced legislation creates a clearer and simple sign so that the driver can easily comprehend the prices.

## CONCLUSION

We look forward to meeting on Thursday, September 18<sup>th</sup> and hearing your thoughts on our proposal.  
Thank you for your time.

Sincerely,

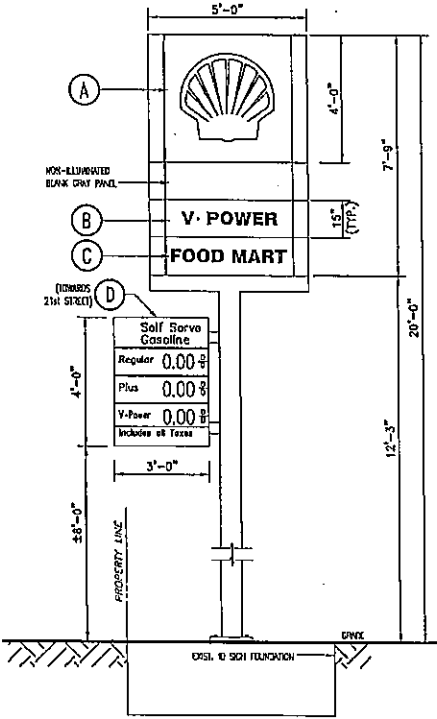
Eric Palatnik, P.C



## Exhibit 1

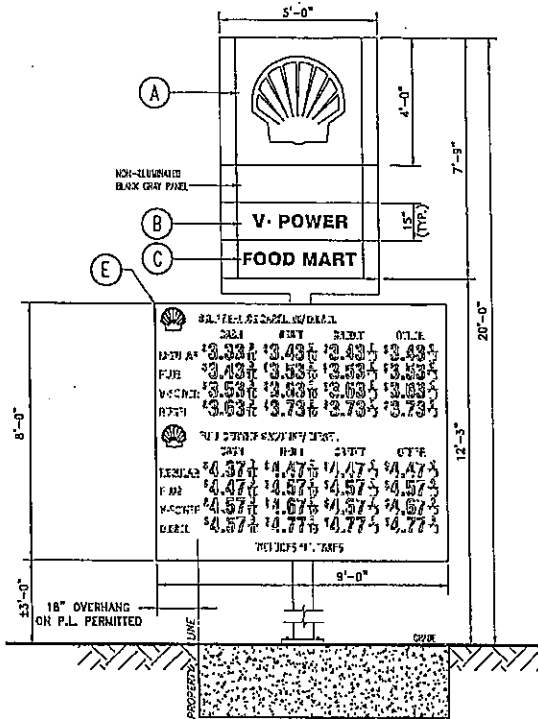
# Example of Proposed Sign Which Can Result From Proposed Legislation

## The “BINGO HALL” Effect



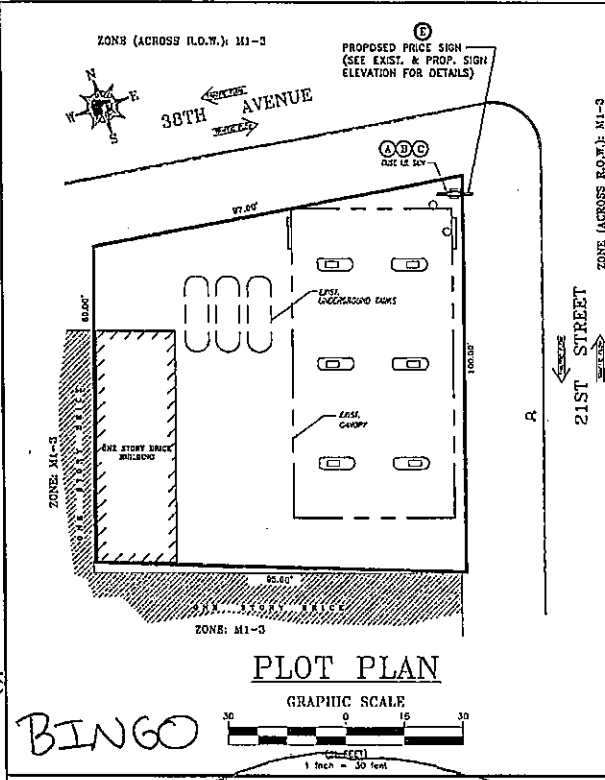
EXISTING SIGN ELEVATIONS  
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EXISTING SIGNS				
STATUS	SIGN	TYPE OF SIGN	AREA	ILLUMINATED (YES/NO)
EXISTING	A	SHELL Pecten FREESTANDING SIGN	16.0 SF	YES
EXISTING	B	"V-POWER" FREESTANDING SIGN	5.0 SF	YES
EXISTING	C	"FOOD MART" FREESTANDING SIGN	5.0 SF	YES
EXISTING	D	HYC PRICE FREESTANDING SIGN	12.0 SF	YES



PROPOSED SIGN ELEVATIONS  
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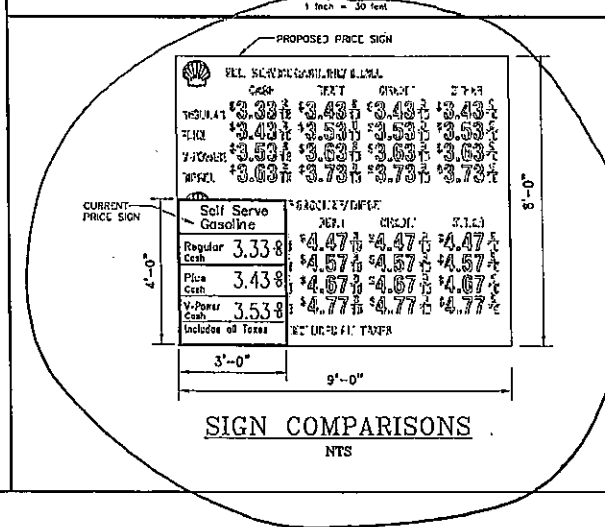
PROPOSED SIGNS				
STATUS	SIGN	TYPE OF SIGN	AREA	ILLUMINATED (YES/NO)
EXISTING	A	SHELL Pecten FREESTANDING SIGN	16.0 SF	YES
EXISTING	B	"V-POWER" FREESTANDING SIGN	5.0 SF	YES
EXISTING	C	"FOOD MART" FREESTANDING SIGN	5.0 SF	YES
PROPOSED	E	HYC PRICE FREESTANDING SIGN	72.0 SF	YES



PLOT PLAN

GRAPHIC SCALE

BINGO



SIGN COMPARISONS  
NTS

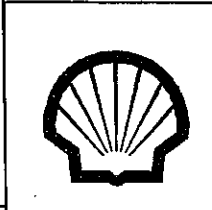


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REV.	DATE	DESCRIPTION

SIHELL SERVICE STATION  
38-02 21ST STREET  
LONG ISLAND CITY, NY

BLOCK: 471  
LOT: 734  
ZONE: M1-3  
MAP: 95

SCALE: AS SHOWN / 1/4" = 1'-0"  
DATE: 12/03/13 / SHEET: 1

PROPOSED SIGN  
SITE PLAN

SG-100.00

REV. 1 OF 1

## Exhibit 2

### Recently Enacted Legislation That Eliminates the Bingo Hall Effect



Department of Consumer Protection

John P. Gaccione  
Acting Director  
and County Sealer

May 1, 2012

Dear Gasoline Retailer:

Westchester County Local Law (4723-2011), adopted by the Westchester County Board of Legislators, becomes effective June 9, 2012. This local law requires that gasoline retailers who offer "two tier" pricing (cash price vs. debit/credit price) to display all tiers of pricing when utilizing street side price signs. This is a change to the existing Deceptive Trade Practice Law which permitted the posting of one "tier" of selling prices along with the corresponding method of payment for those selling prices.

Westchester County Local Law (4723-2011):

*"Displaying gasoline prices in a manner which fails to include and make plainly visible to the consumer of the difference, if any, between the price per gallon for payment by cash, debit or credit. For example, a sign which only reveals the price per gallon for a cash payment, but fails to include and make plainly visible the price per gallon for payment by debit or credit when a difference in price exists, shall constitute a deceptive trade practice. However, a sign which does not distinguish between the price per gallon for payment by cash and payment by debit or credit shall not be considered a deceptive trade practice only if the price per gallon is the same regardless of the form of payment."*

Below are answers to some frequently asked questions which will assist retailers in complying with the provisions of the new law:

Does the new regulation affect gasoline retailers who offer only one (1) "tier" or price for cash and debit/credit sales and display prices on a street sign? *No, the new regulation only applies to those retailers who use "two tier" pricing and use street signs to advertise prices.*

Are retailers who do not advertise prices by using street signs, now required to post prices on a street sign? *No, the new law does not require retailers to have prices posted on street signs. Street signs displaying selling prices are not required under State or County Law.*

Can a retailer who utilizes two tier pricing, display the prices for only one blend of gasoline (e.g. regular) on a street sign? *Yes, as long as both the cash and debit/credit prices for that blend are displayed on the street sign.*

Does the new regulation affect existing "pump top" signs on gasoline pumps? *No, pump top signs are required by New York State Agriculture and Market Law. There has been no change to the State Law with regards to pump top signs.*

Are gasoline retailers subject to fines if they use "two tier" pricing and post on street signs only the lower "tier" price? *Yes, gasoline retailers are subject to fines under the enforcement provisions of the Westchester County Consumer Protection Code.*

Additional questions regarding the new law should be directed to the Department of Consumer Protection, Weights and Measures Division at [conpro@westchester.gov](mailto:conpro@westchester.gov) or by calling (914) 995-2179.

Sincerely,

John P. Gaccione  
Acting Director and County Sealer

112 East Post Road, Room 419

White Plains, New York 10601-5113 Telephone: (914) 995-2155 Fax: (914) 995-3113 Website: [consumer.westchester.gov](http://consumer.westchester.gov)



Vendor required to file a refund application for sales tax paid on defaulted installment contracts, rather than deduct the net amount of sales prices not collected on quarterly returns; refund claims for sales taxes paid more than two years previously barred by statutory limitation period. Commercial Refrigeration & Fixture Co., Inc. v. Director, Div. of Taxation, 2 N.J. Tax 415, 184 N.J. Super. 387, 446 A.2d 210 (Tax Ct. 1981).

18:19-2.4 Brand names and trade names displayed.

(a) Conspicuous display.

1. All above-ground equipment for storing or dispensing motor fuel operated by a retail dealer must bear, in a conspicuous place, the name or trade mark of the product stored therein or dispensed therefrom.

2. No retail dealer may permit delivery into underground or above-ground containers, tanks or equipment of any motor fuel other than the brand represented or designated by the name or trade mark appearing on such container or dispensing equipment attached thereto.

(b) Visible to customers.

1. The brand name or trade mark must be placed in such a position on the pump that will be readily visible to customers approaching such pump.

2. The letters and numerals included in such brand name or trade mark must be of such a size that they will be readily readable by a customer approaching the pump.

(c) Brand names and trade marks must be displayed through the medium of glass, globes, display panels, dialco-manula, paint applications, or similar permanent devices on the pump.

(d) If the motor fuel stored in or dispensed from any above-ground equipment by a retail dealer does not have a brand name or trade mark, the container or dispensing equipment must have, conspicuously displayed thereon the words "No Brand".

Historical Note

Formerly Reg. RC-2, filed 1/1/48.

Statutory References

N.J.S.A. 56:6-2.

18:19-2.5 Substitution of fuels prohibited

No retailer shall be a party to the substitution of one grade of motor fuel for another.

Statutory References

N.J.S.A. 56:6-2.

Supp. 2-7-05

19-4

18:19-2.6 Other advertising requirements

(n) Any advertising of the retail price of motor fuel through any other medium which contains a reference to the per gallon price or the per liter and per gallon price thereof, must include all taxes in the price stated, and there must be included in such advertising a statement that such price includes taxes, or a statement of the amount of taxes which are included in such price.

(h) Such advertising must be identified by the name of the product, and the letters of the name shall be not less than one-half the size of the figures used in the price.

Amended by R.1982, d.77, effective March 15, 1982.

See: 13 N.J.R. 855(a), 14 N.J.R. 285(c).

Added "or the per liter and per gallon price".

Statutory References

N.J.S.A. 56:6-2.

18:19-2.7 Posted prices and brand names; cash discounts; of diesel fuel

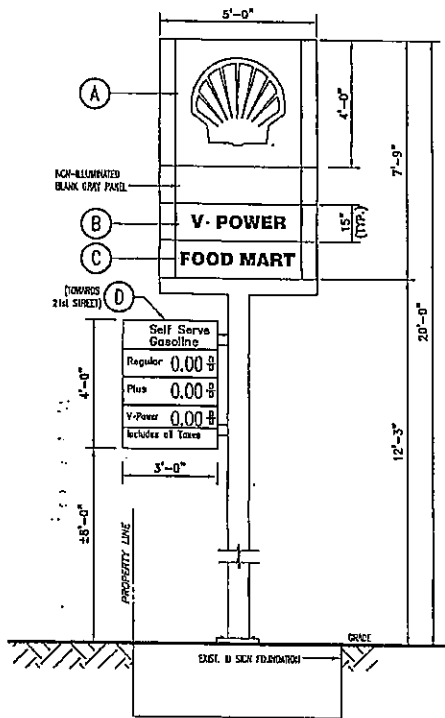
(a) Except as provided hereinunder, the provisions of N.J.A.C. 18:19-2.1 through 2.5 as they relate to posted prices and brand names are deemed to apply in a uniform and consistent manner to each motor fuel product as such products are identified by the supplier's invoice at the time of the purchase.

(b) A retail dealer may sell similar fuels at different prices to cash and credit customers, and the price posted on top of the pump and on the pump meter shall be the credit purchase price. A conspicuous sign shall also be displayed at the pump or at the island posting the price per gallon (or per gallon and per liter) reduction for cash purchases of fuels. At his option, a dealer may also meet the cash/credit price posting requirement with a pump top sign pursuant to N.J.A.C. 18:19-2.1(c) showing the cash price per gallon on the top half of the sign and the credit price per gallon on the bottom half of the sign having the same background colors (compare N.J.A.C. 18:19-2.1(c)(ii)). If the dealer offers the same price for cash and credit customers, the dealer may substitute a message in words for one row of digits. The message would state that the same price applies for cash and credit sales. If the dealer elects to offer an island dedicated exclusively to cash sales, the price posted on top of the pumps and the pump meters at the dedicated island shall be the cash purchase price.

(c) In the case of computerized electronic pumps equipped with customer select devices, the price posting requirements for the pump meter shall be satisfied if alternative cash and credit prices for the product are clearly visible to the motorist on the face of the pump prior to the selection of cash or credit payment mode and where the motorist's selection is identified during the operation of the pump for the motorist.

## Exhibit 3

### Example of NJ/Westchester Sign

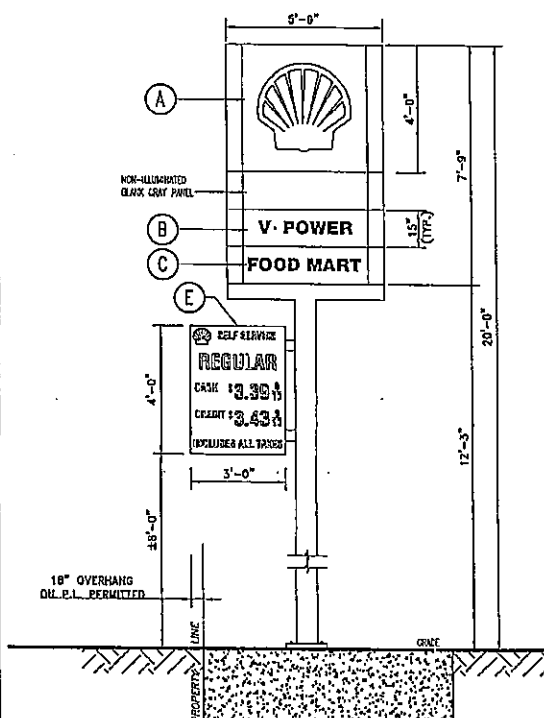


**EXISTING SIGN ELEVATIONS**

NTS

**EXISTING SIGNS**

STATUS	SIGN	TYPE OF SIGN	AREA	ILLUMINATED (YES/NO)
EXISTING	(A)	SHELL Pecten FREESTANDING SIGN	16.0 SF	YES
EXISTING	(B)	"V-POWER" FREESTANDING SIGN	5.0 SF	YES
EXISTING	(C)	"FOOD MART" FREESTANDING SIGN	5.0 SF	YES
EXISTING	(D)	NYC PRICE FREESTANDING SIGN	12.0 SF	YES

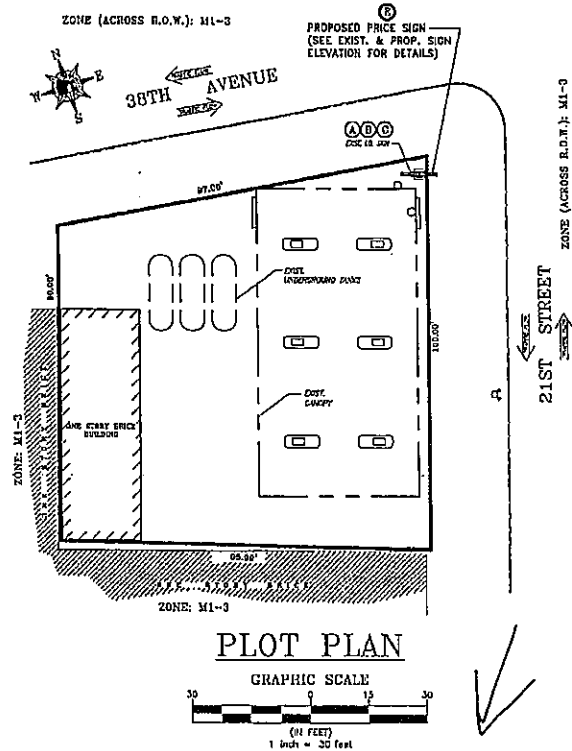


**ALTERNATE SIGN ELEVATIONS**

NTS

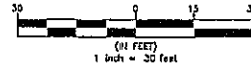
**EXISTING/ALTERNATE SIGNS**

STATUS	SIGN	TYPE OF SIGN	AREA	ILLUMINATED (YES/NO)
EXISTING	(A)	SHELL Pecten FREESTANDING SIGN	16.0 SF	YES
EXISTING	(B)	"V-POWER" FREESTANDING SIGN	5.0 SF	YES
EXISTING	(C)	"FOOD MART" FREESTANDING SIGN	5.0 SF	YES
PROPOSED	(E)	NYC PRICE FREESTANDING SIGN	12.0 SF	YES

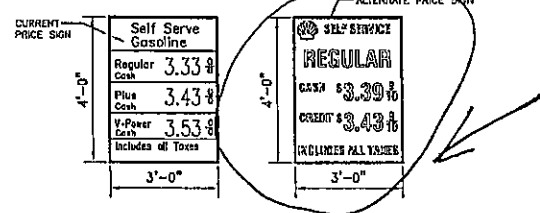


**PLOT PLAN**

GRAPHIC SCALE



*New Jersey Westchester*



**SIGN COMPARISONS**

NTS



521 CONKLIN STREET  
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LAWRENCE D. O'BRIEN

PROFESSIONAL ENGINEER  
NEW YORK LICENSE NO. 065537

THE EDUCATION LAW OF THE STATE OF NEW YORK PROHIBITS ANY PERSON FROM OFFERING OR RECEIVING ANY FEE OR OTHER COMPENSATION FOR THE PERFORMANCE OF PROFESSIONAL ENGINEERING SERVICES UNLESS THE PERSON IS A LICENSED PROFESSIONAL ENGINEER UNDER THE EDUCATION LAW OF THE STATE OF NEW YORK. THE PROFESSIONAL ENGINEER MUST SIGN AND SEAL EACH SET OF ALTERNATES AND MAKE THE PROFESSIONAL SEAL AND SIGNATURE CLEARLY VISIBLE AND DISCLOSE THE FULL EXTENT OF THE ALTERATION ON THE DRAWING AND/OR IN THE SPECIFICATIONS. (NY EDUCATION LAW SECTION 2209-2)



REV.	DATE	DESCRIPTION

SHELL SERVICE STATION  
38-02 21ST STREET  
LONG ISLAND CITY, NY  
BLOCK: 471  
LOT: 734  
ZONE: M1-3  
MAP: 95

SDS AS 3100M W/F 1/10/12-05  
DATE 12/09/10 DWG F 04/10/10

PROPOSED SIGN  
SITE PLAN  
(SELF ONLY)

SG=300.00  
REV. 1 OF 1

**Exhibit 4**

**Credit Card Fees Associated with sites in**  
**New York**



## TRANSACTION CARD GUIDE

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### 3. TRANSACTION CARD PROCESSING FEES

Following are the Transaction Card processing fees that are applicable to Shell retail sites as of September 1, 2013:

Shell Card (Consumer)	No Fee
Shell MasterCard at Shell Retail Sites	No Fee
Shell Gift Card (Shell Retail Sites) - Activation	1.50% Credit /Rebate
Shell Gift Card (Shell Retail Sites) - Redemption	No Fee
Shell Fleet Card	1.50% & \$0.10
Shell Fleet Navigator Card	1.99% & \$0.30
Shell Saver Card	No Fee
Visa	1.85% & \$0.12
Visa Fleet	1.85% & \$0.12
MasterCard	1.85% & \$0.12
MasterCard Fleet	1.85% & \$0.12
Diners Club	2.40% & \$0.15
Discover Card	2.00% & \$0.13
American Express	2.40% & \$0.15
Voyager Fleet	2.45% & \$0.30
Wright Express Fleet	2.45% & \$0.30
Debit Cards	0.85% & \$0.14

**SHELL RESERVES THE RIGHT TO IMPOSE OR MODIFY TRANSACTION CARD PROCESSING FEES OR SERVICE CHARGES AT ANY TIME.**

**Exhibit 5**

**Int. No. 287-2014**

**A Local Law to Amend the**  
**Administrative Code of the City of New**  
**York, in Relation to Gas Station Road**  
**Signs**

By Council Members Arroyo and Koo

A Local Law to amend the administrative code of the city of New York, in relation to gas station road signs.

Be it enacted by the Council as follows:

Section 1. Subdivisions b and c of section 20-672 of title 20 of the administrative code of the city of New York is amended to read as follows:

b. In addition to any sign or placard required pursuant to subdivision five of section one hundred ninety-two of the agriculture and markets law, there shall be a sign, poster or placard clearly visible to drivers of approaching motor vehicles on the premises of every location at which gasoline and/or diesel motor fuel are sold or offered for sale. Such sign shall be in a size and style to be determined by the commissioner. The owner or operator of such location may apply to the commissioner for a waiver from the requirement that there be such a sign, poster or placard on the grounds that compliance with this requirement will result in a violation of otherwise applicable zoning regulations.

1. Such sign, in addition to any other sign, poster or placard that advertises the selling price of gasoline and directly or indirectly refers to a premises where the advertised gasoline and/or diesel motor fuel are sold or offered for sale, shall state the name, trade name, brand, mark or symbol and grade or quality classification of such gasoline or diesel motor fuel, together with the total selling price per gallon. Total selling price shall be the sum of the basic price per gallon plus all applicable taxes. Such sign, poster or placard shall conform to the rules and regulations of all governmental agencies with jurisdiction as to structure and location.

[1]2. A retail dealer shall only sell at the total selling price. Any such price when posted may not be raised for a period of not less than twenty-four hours.

[2]3. Where the total selling price for purchases made with cash is less than the total selling price for purchases made with credit card, debit card or other form of non-cash payment, such sign, poster or placard shall state the total selling price for each type of accepted payment.

c. All numbers referring to price shall be the same height, width and thickness. Identification of the gasoline or diesel motor fuel offered for sale, and any non-numerical language distinguishing the total cash selling price from the total credit card, debit card or other form of non-cash payment selling price shall be in letters and numbers not less than one-half of the height, width and thickness of the numbers referring to price. Letters and numbers shall be black on a white background unless such letters and numbers are displayed on an illuminated light-emitting diode (LED) sign.

§ 2. This local law shall take effect one hundred twenty days after its enactment into law; provided, however, that the commissioner shall take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, the adoption of any necessary rules.

RC  
LS#1069  
3/13/14

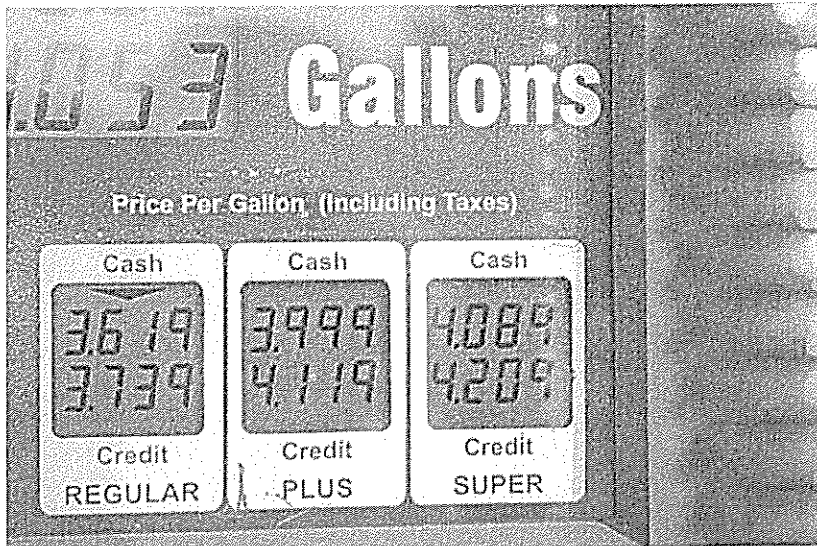
**Exhibit 6**

**Suffolk County Rejected Law Requiring  
Gas Stations to Post Cash/Credit Pricing**

# Suffolk won't require signs with credit prices for gas

Updated September 10, 2014 1:50 PM

By RICK BRAND [rick.brand@newsday.com](mailto:rick.brand@newsday.com)

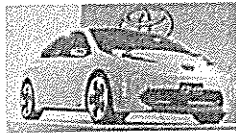


The gasoline pumps in front of the Metro Mart gas station on Fort Salonga Road in Northport display different prices for cash or credit card purchases on Sept. 3, 2014. (Credit: Daniel Brennan)

## Related media



Find cheap gas



Car Nation blog

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\$289 & up  
4-Star Times Square  
Hotel, 10% Off



See All Travel Deals »

LISTED BY **TRAVELZOO**  
\*Some taxes, fees additional

Suffolk lawmakers Tuesday night voted down a controversial proposal that would have forced gasoline dealers to put up roadside signs to disclose their high credit card prices.

The measure was rejected 6-11, with five Democrats joining the six-member Republican bloc. Legis. Rob Catarco (D-Patchogue) abstained.

Backers said it would have protected consumers from the 15 to 20 rogue gas stations charging credit card prices of at least \$1 more than the cash prices -- raising the cost to fill up by \$15 to \$20 or more. The proposal would have required gas stations to post roadside signs disclosing their credit card prices only if they were 5 percent higher than the cash prices.

**DATA:** LI employment | Top companies, salaries | LI economic indicators | Salary comparison

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"It's a common-sense bill," said Legis. Jay Schneiderman (I-Montauk). "Some stations are charging a 25 percent surcharge for gas and that hurts."

Presiding Officer DuWayne Gregory (D-Amityville) said he backed the measure because "the consumers have a right to know."

But Legis. William Spencer (D-Centerport) said the proposal "crosses a line. People in business have a right to strategize to find a way to

make a living."

"This is really overkill," said Legis. Thomas Cilmi (R-Bay Shore). Though he said his eyes are failing at age 50, he said, "I can see clear as a bell the difference between the credit card and cash price at the pump."

Legis. Louis D'Amaro (D-North Babylon) called the bill "anti-consumer" because roadside signs would create a "disincentive for cash discounts" and create higher prices.

He also disliked that the bill targeted mainly one owner. "It is bad policy to use legislation to go after one owner who is not breaking the law," he said.

An owner, Steve Keshtgar, who officials say owns about a dozen stations that charge high credit card prices, showed up for the first time to oppose the measure, calling it "overregulation."

"Consumers are extremely happy" with his cash prices, he said, "and it is extremely hard to compete this market."

Legis. William Lindsay (D-Oakdale) said he was "extremely disappointed" by the vote. "Unfortunately a specific group of lawmakers chose to protect the interests of the gasoline industry" over consumers, he said.

Kevin Beyer, president of the 600-member Long Island Gasoline Retailers Association, said he was pleased that so many lawmakers saw the unfairness of the proposal.

"I'm happy, but I'm also upset we wasted so much time on this. . . . We have never deceived anyone." However, he added, "With all the publicity, at least the consumer knows what to look for." Lawmakers also:

-- Approved a measure requiring the county to hold a referendum before changing the county's watershed program, funded with a quarter-cent of county sales tax.

-- Tabled a resolution on a nearly \$30 million settlement of a lawsuit brought by environmentalists over use of the sewer assessment stabilization fund. Gregory said approving the settlement now would bind the county to making payments and take away the choice of voters to back the deal in a November referendum. -- Approved a contract for a Peekskill-based nonprofit, Hudson River HealthCare Inc., to take over operation of county health centers in Patchogue and Shirley. The administration lowered the savings estimate from \$31 million to \$22 million over five years and estimated that of the 92 people who worked at the health centers, as many as 15 might not be absorbed by Hudson or Brookhaven Memorial Hospital Medical Center, which operated the facilities for the county before the switch. The takeover should begin Nov. 1.

## Exhibit 7

# Gas Stations that Require BSA Approval



647-70-BZ

APPLICANT – Jeffrey A. Chester Esq/GSHLLP, for Channel Holding Company, Inc., owner; Cain Management II Inc., lessee.

SUBJECT – Application August 1, 2013 – Amendment of a previously approved Special Permit (§73-211) which permitted the operation an automotive service station and auto laundry (UG 16B). Amendment seeks to convert accessory space into an accessory convenience store. C2-3/R5 zoning district.

PREMISES AFFECTED – 59-14 Beach Channel Drive, Beach Channel Drive corner of Beach 59th Street, Block 16011, Lot 105, Borough of Queens.

COMMUNITY BOARD #14Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez .....5

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a reopening and an amendment to permit a change in use from an office accessory to an automotive service station to an accessory convenience store; and

WHEREAS, a public hearing was held on this application on October 29, 2013, after due notice by publication in the *City Record*, with a continued hearing on November 26, 2013, and then to decision on December 10, 2013; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by Commissioner Montanez; and

WHEREAS, Community Board 14, Queens, recommends approval of the application; and

WHEREAS, the site is located on the north side of Beach Channel Drive between Beach 62nd Street and Beach 58th Street, within a C2-3 (R5D) zoning district; and

WHEREAS, the site is currently occupied by a one-story gasoline service station, which includes automobile repair and laundry, and an accessory office; and

WHEREAS, on November 22, 1949, under BSA Cal. No. 321-49-BZ, the Board granted a variance to permit the construction of a gasoline service station, lubricatorium, automobile repair shop, automobile laundry, and offices; the grant was for a term of five years, and such grant was extended and amended several times; and

WHEREAS, on February 17, 1971, under the subject calendar number, the Board granted, pursuant to ZR §§ 11-412, 11-413, and 73-211, an application to permit the reconstruction and enlargement of the gasoline service station, automobile repair shop, and automobile laundry; this grant did not include a term; and

WHEREAS, most recently, on March 12, 1996, the Board amended the grant to permit the installation of a canopy over the pump islands, the installation of new curb cuts, and the enlargement of the automobile laundry; and

WHEREAS, the applicant now seeks an amendment to the special permit to allow the conversion of accessory office space (779 sq. ft. of floor area) to an accessory convenience store (Dunkin' Donuts counter); and

WHEREAS, the applicant represents that the proposed convenience store satisfies Department of Buildings Technical Policy and Procedure Notice No. 10/1999, which sets forth criteria for convenience stores accessory to gasoline service stations; and

WHEREAS, the applicant notes that the proposal does not result in an increase in floor area or alter the existing building envelope; and

WHEREAS, at hearing, the Board requested clarification regarding the proposed accessory signage and the hours of operation for the convenience store; and

WHEREAS, in response, the applicant submitted amended plans and photographs confirming that the signage complies with the C2-3 regulations; in addition, the applicant clarified that the convenience store will operate initially seven days per week, from 5:00 a.m. to 11:00 p.m., and the hours may be extended to 24 hours per day, if business conditions warrant; the applicant notes that Community Board 14 expressed support for a 24-hour convenience store at the site; and

WHEREAS, based on its review of the record, the Board finds that the proposed conversion of an office accessory to an automotive service station to an accessory convenience store is appropriate, with the conditions set forth below.

*Therefore it is Resolved*, that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated February 17, 1971, so that as amended this portion of the resolution reads: "to permit a change in use from an office accessory to an automotive service station to an accessory convenience store"; *on condition* that any and all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked 'Received November 12, 2013' - (3) sheets; and *on further condition*:

THAT the signage will comply with C2-3 zoning district regulations;

THAT all construction will be completed and a certificate of occupancy will be obtained by December 10, 2015;

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

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings 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)/configuration(s) not related to the relief granted. (DOB Application No. 420870908)

Adopted by the Board of Standards and Appeals, December 10, 2013.

A true copy of resolution adopted by the Board of Standards and Appeals, December 10, 2013.

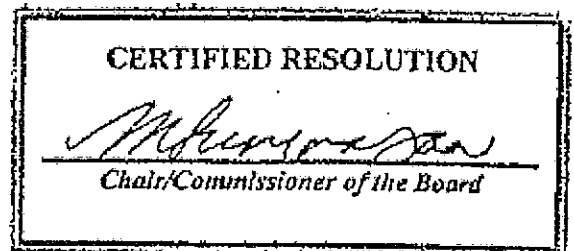
Printed in Bulletin Nos. 49-50, Vol. 98.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.



**201-02-BZ**

APPLICANT – Eric Palatnik, P.C., for Paco Page, LLC, owner.

SUBJECT – Application May 17, 2013 – Extension of Term of a previously approved Variance (§72-21) for the construction of an automotive service station (UG 16B) with accessory convenience store which expired on January 28, 2013; Waiver of the rules. C1-1/R3X (SRD) zoning district.

PREMISES AFFECTED – 6778 Hylan Boulevard, between Page Avenue and Culotta Lane, Block 7734, Lot 13 & 20, Borough of Staten Island.

**COMMUNITY BOARD #3SI**

**ACTION OF THE BOARD** – Application granted on condition.

**THE VOTE TO GRANT –**

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez .....5

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 term of a variance to permit, on a site within a C1-1 (R3X) zoning district, the operation of an automotive service station (Use Group 16B) with an accessory convenience store, which expired on January 28, 2013; and

WHEREAS, a public hearing was held on this application on February 22, 2014, after due notice by publication in *The City Record*, with a continued hearing on March 4, 2014, and then to decision on March 25, 2014; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Chair Srinivasan and Commissioner Montanez; and

WHEREAS, Community Board 3, Staten Island, recommends approval of this approval; and

WHEREAS, the subject site is located on the southeast corner of Hylan Boulevard and Page Avenue, within a C1-1 (R3X) zoning district; and

WHEREAS, on January 28, 2003, under the subject calendar number, the Board granted a variance to permit the construction of an automotive service station with an accessory convenience store; and

WHEREAS, on May 22, 2007, the Board granted an extension of time to complete construction and obtain a certificate of occupancy, which expired on May 22, 2011; the Board granted an additional extension of time on September 20, 2011, to expire on September 20,

A true copy of resolution adopted by the Board of Standards and Appeals, March 25, 2014.

Printed in Bulletin Nos. 12-13, Vol. 99.

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2015; and

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

WHEREAS, the applicant notes that there are no proposed changes to the BSA-approved plans; however, a new application number is required at DOB due to the delay in commencing construction under the original application number; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of time to complete construction is 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 January 28, 2003, so that as amended the resolution reads: "to permit an extension of the term of the variance for an additional ten years, to expire on January 28, 2023"; *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked 'Received February 26, 2014' - Six (6) sheets; and *on further condition*:

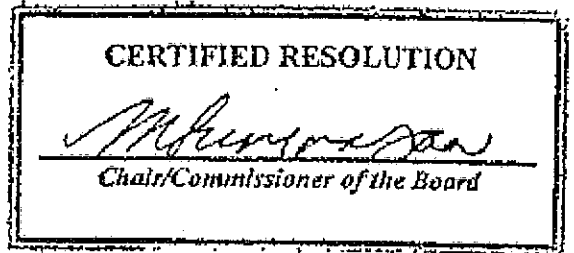
THAT all conditions from prior resolutions not specifically waived by the Board remain in effect;

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

THAT the Department of Buildings 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."

(DOB Application No. 520046539)

Adopted by the Board of Standards and Appeals, March 25, 2014.



615-57-BZ

APPLICANT – Sheldon Lobel, P.C. for Cumberland farms,INC., owner.

SUBJECT – Application May 10, 2013 – Extension of term (§11-411) of a previously granted variance for the continued operation of a (UG 16B) automotive service station (*Gulf*) with accessory uses, which expired on June 5, 2013. C1-3/R5B zoning district.

PREMISES AFFECTED – 154-11 Horace Harding Expressway, Located on the north side of Horace Harding Expressway between Kissena Boulevard and 154th Place. Block 6731, Lot 1. Borough of Queens.

COMMUNITY BOARD #7Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez .....5

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for an extension of term for a previously granted variance for a gasoline service station, which expired on June 5, 2013; and

WHEREAS, a public hearing was held on this application on July 16, 2013 after due notice by publication in *The City Record*, with continued hearings on August 13, 2013, and September 10, 2013, and then to decision on October 8, 2013; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Chair Srinivasan, Commissioner Hinkson, and Commissioner Montanez; and

WHEREAS, Community Board, 7, Queens, recommends approval of this application; and

WHEREAS, the subject site spans the full width of the block on the north side of Horace Harding Expressway between Kissena Boulevard and 154th Place; and

WHEREAS, the site is located partially within a C1-3 (R5B) zoning district and partially within a C1-3 (R4-1) zoning district, and is occupied by a gasoline service station; and

WHEREAS, the Board has exercised jurisdiction over the subject site since January 14, 1958 when, under the subject calendar number, the Board granted a variance for the alteration of an existing gasoline service station; and

WHEREAS, subsequently, the grant has been

amended and the term extended by the Board at various times; and

WHEREAS, most recently, on January 9, 2007, the term of the grant was extended for ten years from the expiration of the prior grant; and

WHEREAS, the applicant now requests an additional ten-year term; and

WHEREAS, pursuant to ZR § 11-411, the Board may permit an extension of term for a previously granted variance; and

WHEREAS, at hearing, the Board expressed concern regarding the lack of landscaping at the site; and

WHEREAS, in response, the applicant provided photographs showing: (1) the planting of 19 new evergreen trees along the site’s rear retaining wall; and (2) the trimming of the existing shrubs and trees, as well as the lawn along 154th Place; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of term and extension of time to obtain a certificate of occupancy are appropriate with certain conditions as set forth below.

*Therefore it is Resolved*, that the Board of Standards and Appeals *reopens* and *amends* the resolution, as adopted on January 14, 1958, and as subsequently extended and amended, so that as amended this portion of the resolution shall read: “to extend the term for ten years from June 5, 2013 to expire on June 5, 2023, *on condition* that the use shall substantially conform to drawings as filed with this application, marked ‘Received May 10, 2013’– (6) sheets; and *on further condition*:

THAT the term of this grant shall expire on June 5, 2023;

THAT the above condition shall be listed on 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 the Department of Buildings 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)/configuration(s) not related to the relief granted.” (DOB Application No. 400032255)

Adopted by the Board of Standards and Appeals, October 8, 2013.

A true copy of resolution adopted by the Board of Standards and Appeals, October 8, 2013.

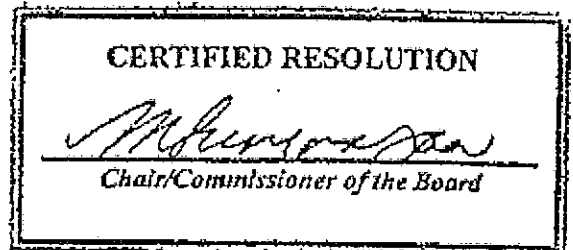
Printed in Bulletin Nos. 40-41, Vol. 98.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.



**27-05-BZ**

APPLICANT – Sheldon Lobel, P.C., for Cumberland Farms, Inc., owners.

SUBJECT – Application February 4, 2013 – Extension of Term (§11-411) of an approved variance which permitted the operation of an automotive service station (UG 16B) with accessory uses, which expired on April 18, 2011; Amendment to permit the legalization of site layout and operational changes; Waiver of the Rules. C2-4/R6 zoning district.

PREMISES AFFECTED – 91-11 Roosevelt Avenue, north side of Roosevelt Avenue between 91st and 92nd Street, Block 1479, Lot 38, Borough of Queens.

**COMMUNITY BOARD #3Q**

**ACTION OF THE BOARD** – Application granted on condition.

**THE VOTE TO GRANT** –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez .....5

Negative:.....0

**THE RESOLUTION** –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, an extension of term for the continued use of an automotive service station, which expired on April 18, 2011, and an amendment to legalize deviations from the previously-approved plans, change the hours of operation of the automobile repair shop, and permit the rental of two vehicles from the station; and

WHEREAS, a public hearing was held on this application on May 7, 2013, after due notice by publication in *The City Record*, with continued hearings on June 4, 2013, June 18, 2013, and July 23, 2013, and then to decision on August 13, 2013; and

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

WHEREAS, Community Board 3, Queens, recommends approval of this application; and

WHEREAS, the subject site is a rectangular lot that spans the full width of the north side of Roosevelt Avenue between 91st Street and 92nd Street, within a C2-4 (R6) zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject site since November 12, 1941 when, under BSA Cal. No. 361-37-BZ, the Board, pursuant to 1916 Zoning Resolution § 7h, granted a use variance to permit the transient parking and storage of more than five automobiles in a business use district for a term of two years; and

WHEREAS, on April 18, 1961, the Board approved an amendment to the grant allowing, in addition to the parking and storage of automobiles, the construction and maintenance of a gasoline service station, auto laundry, lubricatorium, office, sale of auto

accessories, and minor auto repairs with hand tools only, for a term of 20 years; and

WHEREAS, subsequently, the grant was extended and amended by the Board at various times, and expired on April 18, 2001; and

WHEREAS, most recently, on November 29, 2005, under the subject calendar number, the Board reinstated the prior grant pursuant to ZR § 11-411 for a term of ten years, to expire on April 18, 2011; and

WHEREAS, the applicant now requests an additional extension of the term, and an amendment to legalize deviations from the previously-approved plans, change the hours of operation of the auto repair shop, and permit the rental of two vehicles from the site; and

WHEREAS, as to the deviations from the previously-approved plans, the applicant seeks to legalize a modification to the number and configuration of parking spaces; the applicant notes that it modified the site to accommodate the installation of a remediation shed, which the New York State Department of Environmental Conservation required in connection with DEC Spill No. 98-08815; and

WHEREAS, as to the proposed change in the hours of operation of the auto repair shop, the applicant seeks an expansion from Monday through Friday, from 6:00 a.m. to 6:00 p.m. and Saturday, from 6:00 a.m. to 6:00 p.m. to Monday through Saturday, from 7:00 a.m. to 7:00 p.m. and Sunday, from 8:00 a.m. to 6:00 p.m.; and

WHEREAS, as to the rental of vehicles from the site, the applicant seeks to legalize its current practice of renting two U-Haul vans or small trucks on an hourly basis seven days per week between the hours of 7:00 a.m. and 7:00 p.m.; and

WHEREAS, pursuant to ZR § 11-411, the Board may permit an extension of term and pursuant to ZR § 11-412, the Board may permit amendments; and

WHEREAS, at hearing, the Board directed the applicant to address the following site conditions: (1) inadequate landscaping along the 91st Street frontage; (2) bent bollards along the northwest lot line; and (3) damaged sidewalks along the Roosevelt Avenue frontage; in addition, the Board instructed the applicant to explore the feasibility of removing the curb cut on 91st Street; and

WHEREAS, in response, the applicant provided photographs reflecting improved landscaping and repaired bollards; the applicant also submitted: (1) a statement indicating that it intends to eventually replace the existing bollards with concrete bollards; and (2) a sidewalk replacement plan, which will be implemented upon the renewal of the term of the grant; and

WHEREAS, as to the 91st Street curb cut, the applicant’s engineer prepared tanker truck circulation diagrams showing the existing circulation plan (using the 91st Street curb cut) and a modified circulation plan

**27-05-BZ**

(without the 91st Street curb cut); based on the diagram, the applicant represents that maneuvering will become unduly burdensome without the 91st Street curb cut; the applicant also notes that removal of the curb cut would require the relocation of a manhole that is partially located within the curb cut and partially within the street, and that such relocation must be coordinated with the Department of Environmental Protection; finally, the applicant notes that the curb cut was approved by the Board and has operated for more than 25 years without incident; and

WHEREAS, accordingly, the Board agrees with the applicant that it is infeasible to remove the 91st Street curb cut and it may remain; and

WHEREAS, based upon the above, the Board finds, pursuant to ZR §§ 11-411 and 11-412, that the requested extension of term and amendments 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 November 29, 2005, so that as amended this portion of the resolution shall read: "to grant an extension of the special permit for a term of ten years from the prior expiration, to change the hours of operation, and to allow rental of commercial vehicles from the site, *on condition* that any and all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked 'Received June 6, 2013'-(5) sheets; and *on further condition*:

THAT the term of this grant will be for ten years, to expire on April 18, 2021;

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

THAT signage will comply with C1 district regulations;

THAT a maximum of two commercial vans or trucks may be stored at the site for rental on a daily basis;

THAT the hours of operation for auto repair will be limited to Monday through Saturday, from 7:00 a.m. to 7:00 p.m. and Sunday, from 8:00 a.m. to 6:00 p.m.;

THAT the hours of operation for commercial vehicle rental will be limited to seven days per week, from 7:00 a.m. and 7:00 p.m.;

THAT the above conditions will be listed on the certificate of occupancy;

THAT a new certificate of occupancy will be obtained by August 13, 2014;

A true copy of resolution adopted by the Board of Standards and Appeals, August 13, 2013.

Printed in Bulletin Nos. 31-33, Vol. 98.

Copies Sent

To Applicant

Fire Com'r.

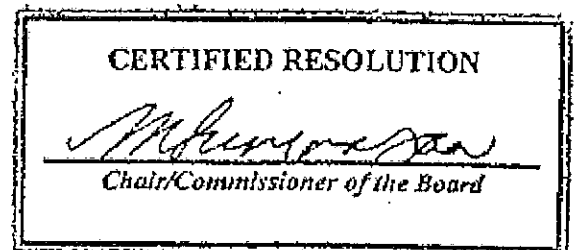
Borough Com'r.

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

HAT 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."

(DOB Application No. 420344755)

Adopted by the Board of Standards and Appeals, August 13, 2013.



**410-68-BZ**

APPLICANT – Eric Palatnik, P.C., for Alessandro Bartellino, owner.

SUBJECT – Application May 22, 2012 – Extension of Term (§11-411) of approved variance which permitted the operation of (UG16B) automotive service station (*Citgo*) with accessory uses, which expired on November 26, 2008; Extension of Time to obtain a Certificate of Occupancy which expired on January 11, 2008; Waiver of the Rules. R3-2 zoning district.

AFFECTED PREMISES – 85-05 Astoria Boulevard, east corner of 85<sup>th</sup> Street. Block 1097, Lot 1. Borough of Queens.

**COMMUNITY BOARD #3Q**

**ACTION OF THE BOARD** – Application granted on condition.

**THE VOTE TO GRANT –**

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez .....5

Negative:.....0

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, an extension of term for the continued use of an automobile repair shop, which expired on November 26, 2008, and an extension of time to obtain a certificate of occupancy, which expired on January 11, 2008; and

WHEREAS, a public hearing was held on this application on January 8, 2013, after due notice by publication in *The City Record*, with continued hearings on February 26, 2013, March 19, 2013, April 23, 2013 and May 21, 2013, and then to decision on June 11, 2013; and

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

WHEREAS, Community Board 3, Queens, recommends approval of this application, on condition that the applicant: (1) ceases servicing automobiles on the sidewalk and the curb facing 85th Street; (2) ceases all activity relating to the sale of used automobiles; (3) documents any proposed changes to landscaping and provides landscaping at locations where it has been neglected; (4) provides adequate 24-hour lighting for the gasoline canopies, islands, and pump dispensers; (5) prohibits access to the public toilet except by keyed locking device; (6) stores motor oil, waste, and debris in a safe location and free from potential safety hazards to the general public and employees; and (7) addresses all outstanding ECB violations; and

WHEREAS, the subject site spans the full length of the east side of 85th Street between 24th Avenue and Astoria Boulevard, within an R3-2 zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject site since February 24, 1953, when

under BSA Cal. No. 676-53-BZ, it granted a variance to permit the construction and operation of a gasoline service station, automobile wash, lubritorium, motor vehicle repair, storage and sale of accessories, and office; the variance also permitted a curb cut nearer to a residence use district than was permitted under the 1916 Zoning Resolution; and

WHEREAS, on November 26, 1968, under the subject calendar number, the Board granted an application to permit the existing automotive service station

WHEREAS, subsequently, the grant has been amended and the term extended by the Board at various times, including a 1968 amendment that permitted the construction of a one-story enlargement to the existing building; and

WHEREAS, most recently, on January 11, 2005, the Board authorized: (1) the conversion of a portion of the service station to an accessory convenience store; (2) the construction of two additional service bays, a service attendant’s area, and a customer waiting area; (3) an extension to the existing canopy; (4) the relocation of the pump island; and (5) the addition of one new fuel dispenser; the Board’s grant required that a new certificate of occupancy be obtained within one year of the grant; and

WHEREAS, by resolution dated April 11, 2006, the time to complete construction and obtain a certificate of occupancy was extended and was required to be obtained by January 11, 2008; however, to date, a certificate of occupancy has not yet been obtained; in addition, the term of the special permit for the service station expired on November 26, 2008; and

WHEREAS, accordingly, the applicant now requests an additional extension of the term and seeks an extension of time to complete construction and obtain a certificate of occupancy; and

WHEREAS, pursuant to ZR § 11-411, the Board may permit an extension of term; and

WHEREAS, at hearing, the Board directed the applicant to address the following concerns: (1) excessive signage; (2) the presence of graffiti; (3) the existence of a shed at the rear of the building; (4) the inadequate landscaping; and (5) the community board’s concerns regarding the sale of motor vehicles at the site, the keyed access of the public toilet and the safe storage and disposal of motor oil waste and debris; and

WHEREAS, in response, the applicant submitted photographs depicting the removal of the excessive signage, the graffiti and the shed, and the installation of landscaping in accordance with the Board’s direction; in addition, the applicant submitted an affidavit from the operator of the service station, which indicates that no motor vehicle sales will take place at the site, that the public toilet will remain locked at all times, and that motor oil waste and debris will be stored in a safe location and be inaccessible to the public; and

410-68-BZ

WHEREAS, based upon the above, the Board finds that the requested extension of term and an extension of time to obtain a certificate of occupancy 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 November 26, 1968, so that as amended this portion of the resolution shall read: "to extend the term for ten years from the prior expiration, to expire on November 26, 2018; *on condition* that all use and operations shall substantially conform drawings filed with this application marked 'Received November 27, 2012'-(5) sheets and 'May 2, 2013'-(1) sheet; and *on further condition*:

THAT the term of the grant will expire on November 26, 2018;

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

THAT motor vehicle sales will not take place at the site;

THAT signage will comply with C1 district regulations;

THAT the above conditions will be listed on the certificate of occupancy;

THAT a new certificate of occupancy will be obtained by June 11, 2014;

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

THAT the Department of Buildings 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."

(DOB Application No. 401856997)

Adopted by the Board of Standards and Appeals, June 11, 2013.

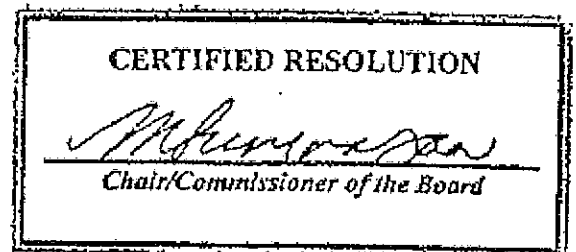
A true copy of resolution adopted by the Board of Standards and Appeals, June 11, 2013.  
Printed in Bulletin No. 24, Vol. 98.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.



**135-46-BZ**

**APPLICANT** – Eric Palatnik, P.C., for Arielle A. Jewels, Inc., owner.

**SUBJECT** – Application March 30, 2012 – Extension of Term (§11-411) of approved variance which permitted an automotive service station (UG 16B) with accessory uses, which expired on January 29, 2012, and an amendment (§11-413) to convert the use to auto laundry (UG 16B) hand car wash; waiver for the Rules. R4 zoning district.

**PREMISES AFFECTED** – 3802 Avenue U, southeast corner of East 38<sup>th</sup> Street, between Ryder Avenue and East 38<sup>th</sup> Street, Block 8555, Lot 37, Borough of Brooklyn.

**COMMUNITY BOARD #18BK**

**ACTION OF THE BOARD** – Application granted on condition.

**THE VOTE TO GRANT** –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Otley-Brown, Commissioner Hinkson and Commissioner Montanez .....5

Negative:.....0

**THE RESOLUTION** –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, an extension of term for the continued use of an automobile repair shop, which expired on July 29, 2012, and an amendment to permit hand-washing of automobiles; and

WHEREAS, a public hearing was held on this application on December 4, 2012, after due notice by publication in *The City Record*, with continued hearings on January 29, 2013 and May 7, 2013, and then to decision on June 4, 2013; and

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

WHEREAS, Community Board 18, Brooklyn, recommends a conditional approval of this application; the conditions are (1) the property be maintained with screened fencing and landscaping on both sides of the residential streets with no curb cuts on East 38th Street and Ryder Street; (2) lighting and signage only face Avenue U and be shielded so as not to interfere with the residential side streets; (3) no parking or storage of trucks and/or vehicles on the property; (4) hours of operation be limited to 9:00 a.m. to 6:00 p.m. for washing and auto repair work; (5) no mechanical equipment or venting for the operation of the hand car wash; and (6) all sewers and chemicals meet State DEC and NYC DEP requirements; and

WHEREAS, the subject site spans the full length of the south side of Avenue U between East 38th Street and Ryder Street, within an R4 zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject premises since July 16, 1946, when

under the subject calendar number, it granted a variance for a change of use, to allow the erection of a new building on an existing gasoline service station and parking for more than five (5) motor vehicles, minor repairs, brake testing and wheel alignment; and

WHEREAS, subsequently, the grant has been amended and the term extended by the Board at various times; and

WHEREAS, most recently, on February 15, 2005, the Board granted an approval to extend the term for ten years from January 29, 2002 to expire on January 29, 2012; and

WHEREAS, the applicant now requests an additional extension of the term and seeks to modify the grant to allow hand-washing of automobiles on a portion of the site; and

WHEREAS, the applicant notes that a portion of a service bay will be eliminated to accommodate the hand-washing operation and that curb cuts on Ryder Street and 38th Street will be eliminated in connection with the renovation; and

WHEREAS, pursuant to ZR § 11-411, the Board may permit an extension of term; and

WHEREAS, at hearing, the Board directed the applicant to address the following concerns: (1) the apparent inactivity of the gasoline sales; (2) the presence of storage containers; and (3) the operational details of the hand-washing operation; and

WHEREAS, in response, the applicant explained that gasoline sales would resume once a supplier is found and pumps are reinstalled and that the storage containers were necessary for the cleanup and renovation of the site; and

WHEREAS, as to the operational details of the proposed hand-washing use, the applicant explained that it would be non-automated and would include hand-washing of automobiles with a hose, and hand-detailing and waxing; the applicant also represented that although the wash would be available to patrons Monday through Saturday from 7:00 a.m. to 7:00 p.m., the washing would be clearly incidental the principal use, in that only five to six cars per day are anticipated; and

WHEREAS, based upon the above, the Board finds that the requested extension of term 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 July 16, 1946, so that as amended this portion of the resolution shall read: “to extend the term for ten years from the prior expiration, to expire on January 29, 2022, and to allow for the addition of hand-washing of automobiles; *on condition* that all use and operations shall substantially conform drawings filed with this application marked ‘Received January 17, 2013’-(3) sheets; and *on further*



135-46-BZ

condition:

THAT the term of the grant will expire on January 29, 2022;

THAT all lighting be directed away from adjacent residential uses;

THAT there will be no parking or storage of vehicles other than those awaiting service;

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

THAT signage will comply with C2-2 district regulations;

THAT the above conditions will be listed on the certificate of occupancy;

THAT a new certificate of occupancy will be obtained by December 4, 2013;

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

THAT the Department of Buildings 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."

(DOB Application No. 320429764)

Adopted by the Board of Standards and Appeals,  
June 4, 2013.

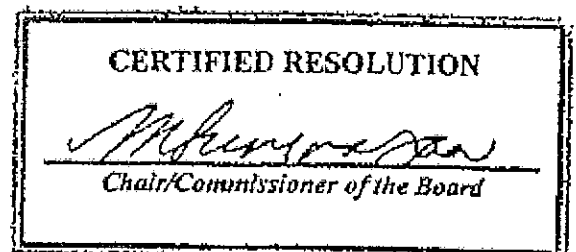
A true copy of resolution adopted by the Board of Standards and Appeals, June 4, 2013.  
Printed in Bulletin Nos. 22-23, Vol. 98.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.



**189-03-BZ**

**APPLICANT** – Eric Palatnik, P.C., for 830 East 233<sup>rd</sup> Street Corp., owner.

**SUBJECT** – Application November 21, 2011 – Extension of Term of a previously granted special permit (§73-211) for the continued operation of an automotive service station (*Shell*) with an accessory convenience store (UG 16B) which expires on October 21, 2013; Extension of Time to obtain a Certificate of Occupancy which expired on October 21, 2008; Waiver of the Rules. C2-2/R-5 zoning district.

**PREMISES AFFECTED** – 836 East 233<sup>rd</sup> Street, southeast corner of East 233<sup>rd</sup> Street and Bussing Avenue, Block 4857, Lot 44, 41, Borough of Bronx.

**COMMUNITY BOARD #12BX**

**ACTION OF THE BOARD** – Application granted on condition.

**THE VOTE TO GRANT** –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Otteley-Brown, Commissioner Hinkson and Commissioner Montanez .....5

Negative:.....0

**THE RESOLUTION** –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, an extension of term for an automotive service station, which will expire on October 21, 2013, and an extension of time to obtain a certificate of occupancy; and

WHEREAS, a public hearing was held on this application on August 21, 2012, after due notice by publication in *The City Record*, with continued hearings on October 16, 2012, November 20, 2012, January 8, 2013, February 12, 2013 and March 12, 2013, and then to decision on April 9, 2013; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Chair Srinivasan, Vice-Chair Collins, Commissioner Hinkson, and Commissioner Otteley-Brown; and

WHEREAS, Community Board 12, Bronx, recommends approval of this application; and

WHEREAS, the site is located on the southeast corner of East 233<sup>rd</sup> Street and Bussing Avenue, within a C2-2 (R5) zoning district; and

WHEREAS, the site is currently occupied by an automotive service station; and

WHEREAS, the Board has exercised jurisdiction over the subject site since November 6, 1958 when, under BSA Cal. No. 292-58-BZ, the Board granted a variance to permit the extension of an existing gasoline service station on Lot 44; and

WHEREAS, on October 21, 2003, under BSA Cal. No. 189-03-BZ, the Board granted an application for a special permit under ZR § 73-211 to legalize the enlargement of the zoning lot to include Lot 41 for a term of ten years to expire on October 12, 2013; and

WHEREAS, the use of Lot 41 is limited to parking

of vehicles awaiting storage; and

WHEREAS, on June 14, 2005, the Board granted an application to permit the enlargement and conversion of the existing service bays to an accessory convenience store; and

WHEREAS, most recently, on August 15, 2006, under the subject calendar number, the Board granted an application to extend the time to complete construction and obtain a certificate of occupancy which expired on October 21, 2008; and

WHEREAS, the applicant states that it does not plan to construct the accessory convenience store; and

WHEREAS, the applicant now seeks to extend the term; and

WHEREAS, the applicant also seeks an extension of time to obtain a certificate of occupancy; and

WHEREAS, at hearing, the Board directed the applicant to (1) verify that all signage complies with the prior approval and to remove any excessive signage and (2) install planters along the perimeter of Lot 41 adjacent to the site and at the Bussing Avenue frontage, as reflected on the approved plans; and

WHEREAS, in response, the applicant submitted a revised signage analysis and photographs reflecting that the planters have been installed; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of term and extension of time to obtain a certificate of occupancy 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 21, 2003, so that as amended this portion of the resolution shall read: “to extend the term for a period of 10 years from the date of this grant; *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked ‘Received April 8, 2013’- (5) sheets; and *on further condition*:

THAT the term of this grant shall expire on April 9, 2023;

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

THAT a certificate of occupancy be obtained by October 9, 2013;

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

THAT the Department of Buildings 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.”

(DOB Application No. 200869916)

Adopted by the Board of Standards and Appeals, April 9, 2013.

A true copy of resolution adopted by the Board of Standards and Appeals, April 9, 2013.

Printed in Bulletin Nos. 13-15, Vol. 98.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

**30-58-BZ**

**APPLICANT** – Vassalotti Associates Architects, LLP for Maximum Properties, Inc., owner; Joseph Macchia, lessee.

**SUBJECT** – Application July 10, 2012 – Extension of Term (§11-411) of a variance permitting the operation of an automotive service station (UG 16B) which expired on March 12, 2004; Waiver of the Rules. C2-1/R3-1 zoning district.

**PREMISES AFFECTED** – 184-17 Horace Harding Expressway, north west corner of 185<sup>th</sup> Street. Block 7067, Lot 50, Borough of Queens.

**COMMUNITY BOARD #11Q**

**ACTION OF THE BOARD** – Application granted on condition.

**THE VOTE TO GRANT** –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez .....5  
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 term for the continued use of an automotive service station, which expired on March 12, 2004; and

WHEREAS, a public hearing was held on this application on September 25, 2012, after due notice by publication in *The City Record*, with continued hearings on October 30, 2012, and November 15, 2012, and then to decision on December 4, 2012; and

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

WHEREAS, Community Board 11, Queens, recommends approval of this application, with the condition that the term be limited to five years due to concerns regarding the maintenance of the site; and

WHEREAS, the Community Board requested that the applicant undertake the following remediation measures: (1) clean the graffiti off the building; (2) replace the sidewalk; (3) remove the empty barrels located on the corner of 185<sup>th</sup> Street and Booth Memorial Avenue; (4) repair the rear wall and repair the wall on the west side of the building; (5) repair the fence between the gas station and the adjacent property; (6) remove the boat being stored on the site; (7) remove the "Mechanic on Wheels" van from the site; and (8) restrict vehicles from parking on the site unless they are awaiting service; and

WHEREAS, a representative of the Auburndale Improvement Association, Inc., provided testimony citing similar concerns to those of the Community Board and also requesting that the term of the grant be limited to five years; and

WHEREAS, the site is an irregularly-shaped corner lot located at the intersection of the Horace Harding Expressway, 185<sup>th</sup> Street, and Booth Memorial Avenue, within a C2-2 (R3-1) zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject site since January 20, 1959 when, under the subject calendar number, the Board granted a variance to permit the construction of a gasoline service station with accessory uses for a term of 15 years; and

WHEREAS, subsequently, the grant has been amended and the term extended by the Board at various times; and

WHEREAS, on December 13, 1994, the Board granted a ten-year extension of term, to expire on March 12, 2004; and

WHEREAS, most recently, on October 16, 2001, the Board granted an amendment to permit the construction of a metal canopy over new gasoline pump islands and to allow the alteration of the sales area to provide an attendant's booth; and

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

WHEREAS, pursuant to ZR § 11-411, the Board may permit an extension of term; and

WHEREAS, at hearing, the Board directed the applicant to address the concerns raised by the Community Board; and

WHEREAS, in response, the applicant states that the maintenance concerns raised by the Community Board have been addressed, as the graffiti has been removed, the sidewalk has been repaired, the empty barrels and other debris have been removed, the building has been painted, the fence has been repaired, and the boat has been removed from the site; and

WHEREAS, the applicant states that the van referenced by the Community Board is an emergency repair van owned and operated by the service station repair facility; and

WHEREAS, based upon the above, the Board finds that the requested extension of term is 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 January 20, 1959, so that as amended this portion of the resolution shall read: "to extend the term for five years from the date of this grant, to expire on December 4, 2017; *on condition* that all use and operations shall substantially conform drawings filed with this application marked 'Received July 11, 2012'-(2) sheets; and *on further condition*:

THAT the term of the grant will expire on December 4, 2017;

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

THAT signage will comply with C2 district regulations

THAT parking on the site is limited to vehicles awaiting service;

THAT the above conditions will be listed on the certificate of occupancy;

THAT a new certificate of occupancy will be

**30-58-BZ**

obtained by December 4, 2013;

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

THAT the Department of Buildings 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.”

(DOB Application No. 401076759)

Adopted by the Board of Standards and Appeals,  
December 4, 2012.

A true copy of resolution adopted by the Board of Standards and Appeals, December 4, 2012.  
Printed in Bulletin No. 50, Vol. 97.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

68-12-BZ

CEQR #12-BSA-100Q

APPLICANT – Vassalotti Associates Architects, LLP, for Rockaway Boulevard Associates, LLC, owner.

SUBJECT – Application March 21, 2012 – Reinstatement (§11-411) of a previously approved variance which permitted the operation of an Automotive Service Station (UG 16B) with accessory uses which expired on December 22, 1999; Waiver of the Rules. R5 zoning district.

PREMISES AFFECTED – 89-15 Rockaway Boulevard, northwest corner of the intersection of Rockaway Boulevard and 90<sup>th</sup> Street, Block 9093, Lot 13, Borough of Queens.

COMMUNITY BOARD #9Q

APPEARANCES –

For Applicant: Adam Rothkrug.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez .....5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Queens Borough Commissioner, dated February 28, 2012, acting on Department of Buildings Application No. 420534639, reads in pertinent part:

Proposed extension of term for variance beyond 12/22/99 is contrary to Board of Standards and Appeals BZ # 865-55 Bul # 45 Vol. LXIV; and

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reinstatement, an extension of term, and an extension of time to obtain a certificate of occupancy for a prior Board approval of an automobile service station with accessory uses (Use Group 16) in an R5 zoning district, pursuant to ZR § 11-411; and

WHEREAS, a public hearing was held on this application on June 5, 2012, after due notice by publication in the *City Record*, with continued hearings on July 10, 2012 and August 7, 2012, and then to decision on September 11, 2012; and

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

WHEREAS, Community Board 9, Queens, recommends approval of this application; and

WHEREAS, the premises is located on the northwest corner of Rockaway Boulevard and 90<sup>th</sup> Street, within an R5 zoning district; and

WHEREAS, the subject site is a triangularly-shaped lot with 160 feet of frontage along Rockaway Boulevard, 160 feet of frontage along 90<sup>th</sup> Street, and a total lot area of 12,213 sq. ft.; and

WHEREAS, the Board has exercised jurisdiction

over the subject site since December 11, 1956 when, under BSA Cal. No. 865-55-BZ, the Board granted a variance to permit the site to be occupied as a gasoline service station with accessory uses, for a term of 15 years; and

WHEREAS, subsequently, the grant has been amended and the term extended at various times; and

WHEREAS, most recently, on January 22, 1992, the Board granted a ten-year extension of term, which expired on December 22, 1999; and

WHEREAS, the term of the variance has not been extended since its expiration on December 22, 1999; and

WHEREAS, the applicant represents, however, that the use of the site as a gasoline service station with accessory uses has been continuous since the initial grant; and

WHEREAS, the applicant now proposes to reinstate the prior grant; and

WHEREAS, the applicant has requested a ten-year extension of term and extension of time to obtain a certificate of occupancy; and

WHEREAS, pursuant to ZR § 11-411, the Board may extend the term of an expired variance for a term of not more than ten years; and

WHEREAS, at hearing, the Board directed the applicant to remove the cars listed for sale from the site and to provide landscaping on the site; and

WHEREAS, in response, the applicant submitted photographs and revised plans reflecting the removal of the cars for sale and the addition of landscaped areas along the western lot line and around the identification sign post area and the addition of raised planters around the pump island areas; and

WHEREAS, based upon the above, the Board has determined that evidence in the record supports the findings 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, issues a Type II determination under 6 NYCRR Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under ZR § 11-411 to permit the reinstatement, extension of term, and extension of time to obtain a certificate of occupancy for a prior Board approval of an automobile service station with accessory uses (UG 16), *on condition* that any and all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked “Received March 21, 2012”-(1) sheet and “July 31, 2012”-(1) sheet; and *on further condition*:

THAT the term of this grant will be for ten years, to expire on September 11, 2022;

THAT the lot will be kept free of debris and graffiti;

68-12-BZ

CEQR #12-BSA-100Q

THAT all signage will comply with C1 district regulations;

THAT parking on the site will be limited to vehicles awaiting service;

THAT landscaping will be maintained in accordance with the BSA-approved plans;

THAT the above conditions will be listed on the certificate of occupancy;

THAT a new certificate of occupancy be obtained by September 11, 2013;

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) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings 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)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, September 11, 2012.

A true copy of resolution adopted by the Board of Standards and Appeals, September 11, 2012.  
Printed in Bulletin Nos. 36-38, Vol. 97.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

**718-56-BZ**

**APPLICANT** – Walter T. Gorman, P.E., for 741 Forest Service Corp., owner; Avi Diner, lessee.

**SUBJECT** – Application April 10, 2012 – Extension of Term (§11-411) of a previously approved variance permitting the operation of an automotive service station (UG 16B) with accessory uses which will expire on July 2, 2012. C2-1/R3-2 zoning district.

**PREMISES AFFECTED** – 741 Forest Avenue, northwest corner North Burgher Avenue, Block 183, Lot 52, Borough of Staten Island.

**COMMUNITY BOARD #ISI**

**APPEARANCES** –

For Applicant: Zaheer Khanzada.

**ACTION OF THE BOARD** – Application granted on condition.

**THE VOTE TO GRANT** –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez .....5

Negative: .....0

**THE RESOLUTION** –

WHEREAS, this is an application for a reopening and an extension of term for the continued use of a gasoline service station, which expired on July 2, 2012; and

WHEREAS, a public hearing was held on this application on June 19, 2012, after due notice by publication in *The City Record*, with a continued hearing on August 7, 2012, and then to decision on August 21, 2012; and

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

WHEREAS, Community Board 1, Staten Island, recommends approval of this application; and

WHEREAS, the site is located on the northwest corner of Forest Avenue and North Burgher Avenue, within a C2-1 (R3-2) zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject site since July 2, 1957 when, under the subject calendar number, the Board granted a variance to permit the construction of a gasoline service station with accessory uses for a term of 15 years; and

WHEREAS, subsequently, the grant has been amended and the term extended by the Board at various times; and

WHEREAS, most recently, on July 15, 2008, the Board granted an extension of term for ten years from the expiration of the prior grant, to expire on July 2, 2012, an extension of time to obtain a certificate of occupancy, and an amendment to legalize the

conversion of one restroom to office space and office/sales space to an accessory convenience store; and

WHEREAS, the applicant now requests an additional ten year extension of the term; and

WHEREAS, pursuant to ZR § 11-411, the Board may permit an extension of term; and

WHEREAS, the applicant also seeks to legalize minor modifications to the site, including the installation of an above ground waste oil tank on a 6'-0" by 6'-0" concrete pad at the northwest corner of the site, and a reduction in the number of required parking spaces from eight to seven due to the placement of the above ground oil tank on the site; and

WHEREAS, at hearing, the Board raised concerns regarding the status of a disabled truck located at the northwest portion of the site and the outdoor storage of tires at the site; and

WHEREAS, in response, the applicant submitted photographs reflecting that the disabled truck has been removed from the site and the tires have been removed from the exterior of the building; the applicant states that tire storage will only take place inside the service building; and

WHEREAS, based upon the above, the Board finds that the requested extension of term and modifications to the approved plans are appropriate with certain conditions as set forth below.

*Therefore it is Resolved* that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated July 2, 1957, so that as amended this portion of the resolution shall read: "to extend the term for ten years from July 2, 2012, to expire on July 2, 2022; and to permit certain site modifications; *on condition* that all use and operations shall substantially conform drawings filed with this application marked 'Received April 10, 2012'-(6) sheets; and *on further condition*:

THAT the term of the grant will expire on July 2, 2022;

THAT the above condition will be listed on the certificate of occupancy;

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

THAT the Department of Buildings 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."

(DOB Application No. 520092499)

Adopted by the Board of Standards and Appeals, August 21, 2012.

A true copy of resolution adopted by the Board of Standards and Appeals, August 21, 2012.

Printed in Bulletin No. 35, Vol. 97.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

**636-70-BZ**

APPLICANT – Walter T. Gorman, P.E., for East River Petroleum Realty LLC, owner; Kings 108 Car Care, Inc. (Mobile S/S), lessee.

SUBJECT – Application January 24, 2012 – Amendment to an approved Special Permit (§73-211) for the operation of an automotive service station (UG 16B) with accessory uses. C2-2/R6 zoning district.

PREMISES AFFECTED – 105-45 to 105-55 Horace Harding Expressway, northwest corner 108<sup>th</sup> Street, Block 1694, Lot 23. Borough of Queens.

**COMMUNITY BOARD #4Q**

**APPEARANCES –**

For Applicant: Chetran Budhu.

**ACTION OF THE BOARD –** Application granted on condition.

**THE VOTE TO GRANT –**

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez .....5

Negative:.....0

**THE RESOLUTION –**

WHEREAS, this is an application for a reopening and an amendment to a previously granted variance for an automotive service station with accessory uses (Use Group 16); and

WHEREAS, a public hearing was held on this application on February 28, 2012 after due notice by publication in *The City Record*, with a continued hearing on March 27, 2012, and then to decision on April 24, 2012; and

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

WHEREAS, Community Board 4, Queens, states that it has no objection to this application; and

WHEREAS, the site is located on a corner through lot bounded by Horace Harding Expressway to the south, Granger Street to the west, and 108<sup>th</sup> Street to the east, within a C2-2 (R6) zoning district; and

WHEREAS, the subject site is occupied by an automotive service station with accessory uses; and

WHEREAS, the Board has exercised jurisdiction over the subject site since March 2, 1971 when, under the subject calendar number, the Board granted a special permit to allow the reconstruction of an existing automotive service station with accessory uses; and

WHEREAS, subsequently, the grant was amended by the Board on various occasions; and

WHEREAS, most recently, on March 23, 1999, the Board granted an amendment to permit the conversion of an existing building to a convenience store, the removal of two existing pump islands to be replaced with five new pump islands and canopy, and the discontinuance of the automotive repair use; and

WHEREAS, the applicant states that the owner did not pursue the modifications permitted under the 1999 grant, and now requests an amendment to allow the site to revert to its use and operation prior to the

1999 grant; and

WHEREAS, at hearing, the Board directed the applicant to clarify how the site operates and whether it is in compliance with the conditions from prior grants; and

WHEREAS, in response, the applicant submitted an operation plan reflecting that the site consists of a gasoline service station and snack shop which operate 24 hours per day, and an automotive repair shop which operates Monday through Friday, from 8:00 a.m. to 6:00 p.m., Saturday, from 8:00 a.m. to 5:00 p.m., and closed on Sunday; and

WHEREAS, the applicant also submitted compliance charts reflecting that the site is in compliance with all relevant conditions from prior Board grants; and

WHEREAS, at hearing, the Board also questioned whether the applicant could eliminate any of the curb cuts on the site; and

WHEREAS, in response, the applicant submitted a circulation plan and states that in order to move vehicles safely and quickly off the site so that on-site congestion can be avoided, it is necessary to dedicate one of the Horace Harding Expressway curb cuts exclusively for exiting traffic, and that if the owner had to eliminate one of the five curb cuts on the site it might not be able to dedicate one curb cut solely for egress; and

WHEREAS, based upon its review of the record, the Board finds the requested amendment to the approved plans is appropriate with certain conditions as set forth below.

*Therefore it is Resolved* that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated March 2, 1971, so that as amended this portion of the resolution shall read: “to permit the noted modifications to the approved plans; *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked ‘Received January 24, 2012’–(6) sheets; and *on further condition*:

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

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

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

THAT the Department of Buildings 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.”

(DOB Application No. 420344130)

Adopted by the Board of Standards and Appeals April 24, 2012.

A true copy of resolution adopted by the Board of Standards and Appeals, April 24, 2012.

Printed in Bulletin Nos. 16-18, Vol. 97.

**Copies Sent**

To Applicant

Fire Com'r.

Borough Com'r.



742-70-BZ

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for 830 Bay Street, LLC, owner.

SUBJECT – Application May 27, 2011 – Extension of Term of a Variance (§72-21) for the continued operation of an automotive service station which expired on May 18, 2011; Extension of Time to obtain a Certificate of Occupancy which expired on February 26, 2009 and waiver of the rules. C1-1/R3-2 zoning district.

PREMISES AFFECTED – 830 Bay Street, southwest corner of Bay Street and Vanderbilt Avenue. Block 2836, Lot 15, Borough of Staten Island.

COMMUNITY BOARD #ISI

APPEARANCES –

For Applicant: Todd Dale.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a reopening, an extension of term, and an extension of time to obtain a certificate of occupancy for an automotive repair and gasoline service station; and

WHEREAS, a public hearing was held on this application on July 26, 2011, after due notice by publication in *The City Record*, with continued hearings on September 13, 2011, October 18, 2011 and November 22, 2011, and then to decision on February 7, 2012; and

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

WHEREAS, Community Board 1, Staten Island, recommends disapproval of this application, citing concerns that the certificate of occupancy has not been obtained and the operator has not complied with the conditions from previous grants; and

WHEREAS, the site is located on the southwest corner of Bay Street and Vanderbilt Avenue, within a C1-1 (R3-2) zoning district; and

WHEREAS, the site is occupied by an automotive service station with accessory uses; and

WHEREAS, the applicant states that only the automotive repair use is currently operating at the site, but that it intends to reinstitute the gasoline station operations at the site as soon as possible; and

WHEREAS, the Board has exercised jurisdiction over the site since May 18, 1971 when, under the subject calendar number, the Board granted a variance to permit the construction of an automotive service station with accessory uses at the site, for a term of ten years; and

WHEREAS, subsequently, the grant was amended and the term extended by the Board at various times; and

WHEREAS, most recently, on February 26, 2008, the Board granted an extension of term and an amendment to permit the use of a storage trailer adjacent to the repair building, which expired on May 18, 2011; a condition of the grant was that a certificate of occupancy be obtained by February 26, 2009; and

WHEREAS, the applicant now seeks an additional extension of term and an extension of time to obtain a certificate of occupancy; and

WHEREAS, at hearing, the Board directed the applicant to revise the site plan to reflect that one of the curb cuts along Bay Street has been removed, plant landscaping in accordance with the previously approved plans, and repave the site; and

WHEREAS, in response, the applicant submitted a revised site plan reflecting that the northernmost curb cut on Bay Street has been removed, and submitted photographs reflecting that evergreen trees and bushes have been planted adjacent to the neighboring residence along the western border of the site and in the planter at the northeast corner of the site, in accordance with the previously-approved plans; and

WHEREAS, as to the repaving of the site, the applicant submitted a fuel tank installation plan which reflects that new fuel tanks will be installed in April 2012 in anticipation of the reinstatement of the gasoline station operations, and that the site will be repaved immediately following the installation of the new fuel tanks; and

WHEREAS, the applicant states that installation of the fuel tanks is expected to take approximately 60 days; and

WHEREAS, the applicant submitted an affidavit from the owner stating that the site will be repaved upon completion of the fuel tank installation, and in any event the site will be repaved prior to June 30, 2012; and

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

*Therefore it is Resolved* that the Board of Standards and Appeals *reopens*, and *amends* the resolution, as adopted May 18, 1971, so that as amended this portion of the resolution shall read: “to extend the term for ten years from the expiration of the prior grant, to expire on May 18, 2021, and to grant an extension of time to obtain a certificate of occupancy for one year from the date of this grant, to expire on February 7, 2013; *on condition:*

THAT the term will expire on May 18, 2021;

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

THAT all landscaping will be planted and maintained per the BSA-approved plans;

THAT the above conditions will appear on the Certificate of Occupancy;

THAT a new certificate of occupancy will be

**742-70-BZ**

obtained by February 7, 2013;

THAT the asphalt on the site must be repaved by June 30, 2012;

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

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

THAT the Department of Buildings 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)/configuration(s) not related to the relief granted.”  
(DOB Application No. 500901688)

Adopted by the Board of Standards and Appeals,  
February 7, 2012.

A true copy of resolution adopted by the Board of Standards and Appeals, February 7, 2012.  
Printed in Bulletin No. 7, Vol. 97.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

227-10-BZ

APPLICANT – Eric Palatnik, P.C., for Power Test Realty Company Limited Partnership, owner.

SUBJECT – Application December 14, 2010 – Reinstatement (§11-411) of a previously approved variance permitting the operation of an automotive service station (UG 16B) (*Getty*) which expired on October 11, 2000; Amendment to legalize fuel dispensing islands; Extension of Time to obtain a certificate of occupancy which expired on November 17, 1993; Waiver of the rules. C2-2/R3-2 zoning district.

PREMISES AFFECTED – 204-12 Northern Boulevard, Northern Boulevard and 204<sup>th</sup> Street. Block 7301, Lot 11, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez .....

Negative:.....5

THE RESOLUTION –

WHEREAS, the decision of the Queens Borough Commissioner, dated November 18, 2010, acting on Department of Buildings Application No. 420279200, reads in pertinent part:

“Comply with BSA – to extend term of variance granted by the Board of Standards and Appeals BSA Cal. No. 212-51-BZ and obtain new certificate of occupancy;” and

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reinstatement, an extension of term, an extension of time to obtain a certificate of occupancy, and an amendment to permit minor modifications to the approved plans for a prior Board approval of an automobile service station with accessory uses (Use Group 16) in a C2-2 (R3-2) zoning district, pursuant to ZR § 11-411; and

WHEREAS, a public hearing was held on this application on March 1, 2011, after due notice by publication in the *City Record*, with continued hearings on April 12, 2011, May 17, 2011, July 12, 2011 and August 23, 2011 and then to decision on September 20, 2011; and

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

WHEREAS, Community Board 11, Queens, recommends disapproval of this application, citing the following concerns: (1) commercial trucks are parked on the site; (2) old tires are stored on the property; and (3) the fence is in disrepair; and

WHEREAS, members of the surrounding community provided testimony in opposition to this application; and

WHEREAS, the premises is located on the south side of Northern Boulevard, between 204<sup>th</sup> Street and the Clearview Expressway, within a C2-2 (R3-2) zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject site since October 11, 1955 when, under BSA Cal. No. 212-51-BZ, the Board granted a variance to permit the site to be occupied as a gasoline service station with accessory uses, for a term of 15 years; and

WHEREAS, subsequently, the grant has been amended and the term extended at various times; and

WHEREAS, most recently, on November 17, 1992, the Board granted a ten-year extension of term, which expired on October 11, 2000; and

WHEREAS, the term of the variance has not been extended since its expiration on October 11, 2000, and

WHEREAS, the applicant represents, however, that the use of the site as a gasoline service station with accessory uses has been continuous since the initial grant; and

WHEREAS, the applicant now proposes to reinstate the prior grant; and

WHEREAS, the applicant has requested a ten-year extension of term and extension of time to obtain a certificate of occupancy; and

WHEREAS, pursuant to ZR § 11-411, the Board may extend the term of an expired variance for a term of not more than ten years; and

WHEREAS, the applicant also requests an amendment to reflect the replacement of the two old pump islands with four new pump islands; and

WHEREAS, at hearing, the Board directed the applicant to address the Community Board’s concerns regarding truck parking, fencing, and site maintenance, and raised additional concerns about the lack of landscaping, the lack of screening for the adjacent residents, and the excessive signage on the site; and

WHEREAS, in response, the applicant submitted photographs and revised plans reflecting the removal of the tires and other debris from the site, the installation of new fencing with privacy slats, the addition of landscaping, a reduction in the signage to comply with the underlying C2 district signage regulations, and that parking on the site is limited to vehicles awaiting service; and

WHEREAS, the Board has determined that evidence in the record supports the findings 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, issues a Type II determination under 6 NYCRR Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under ZR § 11-411 to permit the reinstatement, extension of term, extension of time to obtain a certificate of occupancy, and amendment to the previously-approved plans for a prior Board approval of an automobile service station with accessory uses (UG

**227-10-BZ**

16), *on condition* that any and all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received August 12, 2011"- (8) sheets; and *on further condition*:

THAT the term of this grant shall be for ten years, to expire on September 20, 2021;

THAT the lot shall be kept free of debris and graffiti;

THAT all signage on the shall comply with C2 district regulations;

THAT parking on the site shall be limited to vehicles awaiting service;

THAT landscaping and fencing shall be maintained in accordance with the BSA-approved plans;

THAT the above conditions shall be listed on the certificate of occupancy;

THAT a new certificate of occupancy be obtained by September 20, 2012;

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) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings 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)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, September 20, 2011.

A true copy of resolution adopted by the Board of Standards and Appeals, September 20, 2011.  
Printed in Bulletin No. 39, Vol. 96.

Copies Sent  
To Applicant  
Fire Com'r.  
Borough Com'r.

**164-60-BZ**

**APPLICANT** – Carl A. Sulfaro, Esq., for Luciani Enrica Melchiorre, owner; Steven Scott, Inc., lessee.

**SUBJECT** – Application December 7, 2010 – Extension of Term (§11-411) for an automotive service station (UG 16B) (*Sumoco*) with accessory uses which expired on April 10, 2010; Waiver of the Rules. C1-3/R3-2 zoning district.

**PREMISES AFFECTED** – 100-20 Metropolitan Avenue, southeast corner of Metropolitan Avenue and 70<sup>th</sup> Road, Block 3895, Lot 32, Borough of Queens.

**COMMUNITY BOARD #6Q**

**APPEARANCES** –

For Applicant: Steven Sulfaro.

**ACTION OF THE BOARD** – Application granted on condition.

**THE VOTE TO GRANT** –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez .....5

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 term for the continued operation of an automotive service station, which expired on April 10, 2009; and

WHEREAS, a public hearing was held on this application on March 1, 2011, after due notice by publication in *The City Record*, with a continued hearing on March 29, 2011, and then to decision on May 3, 2011; and

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

WHEREAS, Community Board 6, Queens, recommends approval of this application; and

WHEREAS, the site is located on the southeast corner of Metropolitan Avenue and 70<sup>th</sup> Road, within a C1-3 (R3-2) zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject site since January 10, 1961 when, under the subject calendar number, the Board granted a variance to permit the construction of a gasoline service station with accessory uses, for a term of 15 years; and

WHEREAS, subsequently, the grant has been amended and the term extended by the Board at various times; and

WHEREAS, most recently, on June 8, 1999, the Board granted a ten year extension of term, which expired on April 10, 2009; and

WHEREAS, the applicant now requests an additional ten-year term; and

WHEREAS, at hearing, the Board raised concerns about the condition of the plantings on the site; and

WHEREAS, in response, the applicant submitted a revised site plan reflecting the replacement of the planting areas along the rear of the site and along the 70<sup>th</sup> Road frontage; and

WHEREAS, pursuant to ZR § 11-411, the Board may permit an extension of term; and

WHEREAS, based upon the above, the Board finds that the requested extension of term is 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 January 10, 1961, so that as amended this portion of the resolution shall read: “to extend the term for ten years from April 10, 2009, to expire on April 10, 2019; *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked ‘Received December 7, 2010’–(3) sheets and ‘Received March 30, 2011’–(1) sheet; and *on further condition*:

THAT the term of the grant shall expire on April 10, 2019;

THAT the above condition shall appear on the certificate of occupancy;

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

THAT the Department of Buildings 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.”

(DOB Application No. 420259080)

Adopted by the Board of Standards and Appeals May 3, 2011.

A true copy of resolution adopted by the Board of Standards and Appeals, May 3, 2011.

Printed in Bulletin Nos. 17-19, Vol. 96.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

132-58-BZ

APPLICANT – Sheldon Lobel, P.C., for Cumberland Farms Inc., owner.

SUBJECT – Application July 9, 2010 – Extension of Term (§11-411) of a previously approved automotive service station (UG 16B) (*Gulf*) with accessory uses which expired on June 18, 2010. C1-2/R3-2 zoning district.

PREMISES AFFECTED – 17-45 Francis Lewis Boulevard, aka 17-55 Francis Lewis Boulevard, east side of Francis Lewis Boulevard, between 17<sup>th</sup> Road and 18<sup>th</sup> Avenue, Block 4747, Lot 31, Borough of Queens.

**COMMUNITY BOARD #7Q**

**APPEARANCES –**

For Applicant: Irving Minkin and Josh Rinesmith.

**ACTION OF THE BOARD –** Application granted on condition.

**THE VOTE TO GRANT –**

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5

Negative:.....0

**THE RESOLUTION –**

WHEREAS, this is an application for a reopening and an extension of term for the continued use of an automobile service station with accessory uses, which expired on June 18, 2010, and for an amendment to permit limited automotive repair services on Sundays; and

WHEREAS, a public hearing was held on this application on November 23, 2010 after due notice by publication in *The City Record*, with continued hearings on January 11, 2011 and February 8, 2011, and then to decision on March 8, 2011; and

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

WHEREAS, Community Board 7, Queens, recommends approval of this application, on condition that the hours of operation be limited to 7:00 a.m. to 7:00 p.m., and that the site be closed on Sundays; and

WHEREAS, the site is located on the east side of Francis Lewis Boulevard, between 17<sup>th</sup> Road and 18<sup>th</sup> Avenue, within a C1-2 (R3-2) zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject site since March 31, 1959 when, under the subject calendar number, the Board granted a variance to permit the premises to be occupied by a gasoline service station with accessory uses, for a term of 15 years; and

WHEREAS, subsequently, the grant has been amended and the term extended by the Board at various times; and

WHEREAS, most recently, on June 12, 2001, the grant was amended to permit a reduction in the number of pump islands from six to five and to allow a redesigning of the overhead canopy, and the term was

extended for ten years from the expiration of the prior grant, to expire on June 18, 2010; and

WHEREAS, the applicant now seeks a ten-year extension of term; and

WHEREAS, pursuant to ZR § 11-411, the Board may permit an extension of term; and

WHEREAS, the applicant also seeks an amendment to legalize Sunday hours of operation at the site for limited automotive repair services; and

WHEREAS, the Board notes that a condition of the prior grant stipulated that the hours of operation for the automotive repair service would be limited to Monday through Saturday, from 7:00 a.m. to 7:00 p.m., and closed on Sundays; and

WHEREAS, the applicant states that it complies with the hours of operation for the automotive repair service on Mondays through Saturdays, but seeks to operate the automotive repair service on Sundays from 8:00 a.m. to 6:00 p.m., with services limited to oil changes, tire repairs and rotations/changes, and New York State Inspections; and

WHEREAS, the applicant states that all work on Sundays will be conducted within the enclosed service station building, and if any vehicles require additional work their owners will be informed that the work will not commence until a certified mechanic arrives on Monday; and

WHEREAS, as to the Community Board’s request that the automotive repair service remain closed on Sundays, the Board notes that the Community Board voted on an earlier iteration of the proposal which did not include a request for an amendment to allow Sunday hours of operation and an explanation of the limited nature of services that will be offered on Sundays; therefore, the requested amendment was not considered by the Community Board; and

WHEREAS, at hearing, the Board questioned whether the site is in compliance with the underlying C1 district signage regulations; and

WHEREAS, in response, the applicant submitted photographs reflecting that excess signage has been removed from the site, and submitted signage analyses indicating that the site is now in compliance with C1 district signage regulations; and

WHEREAS, at hearing, the Board raised concerns about the use of Lot 41, and directed the applicant to provide street trees and landscaping on the site; and

WHEREAS, in response, the applicant submitted a revised site plan reflecting that Lot 41 will remain a fenced-in grassed area, and reflecting the planting of street trees along 17<sup>th</sup> Road, 18<sup>th</sup> Avenue, and Francis Lewis Boulevard, and the addition of landscaping behind the convenience store building; and

WHEREAS, based upon the above, the Board finds that the requested extension of term and amendment are appropriate with certain conditions as set forth below.

132-58-BZ

*Therefore it is Resolved* that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated March 31, 1959, so that as amended this portion of the resolution shall read: "to extend the term for ten years from the expiration of the prior grant, to expire on June 18, 2020, and to permit the noted amendment to the hours of operation on the site; *on condition* that all use and operations shall substantially conform to plans filed with this application marked "Received February 18, 2011"- (8) sheets; and *on further condition*:

THAT the term of the grant shall expire on June 18, 2020;

THAT the hours of operation for the automotive repair service shall be limited to: Monday through Saturday, from 7:00 a.m. to 7:00 p.m., and Sunday, from 8:00 a.m. to 6:00 p.m.;

THAT the Sunday operation of the automotive repair service shall be limited to oil changes, tire repairs and rotations/changes, and New York State inspections;

THAT all signage shall comply with C1 district regulations;

THAT landscaping shall be provided and maintained on the site in accordance with the BSA-approved plans;

THAT the site shall be maintained free of debris and graffiti;

THAT the above conditions shall appear on the certificate of occupancy;

THAT a new certificate of occupancy shall be obtained by March 8, 2012;

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

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

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

THAT the Department of Buildings 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."

(DOB Application Nos. 401839793 & 400479601)

Adopted by the Board of Standards and Appeals  
March 8, 2011.

A true copy of resolution adopted by the Board of Standards and Appeals, March 8, 2011.  
Printed in Bulletin No. 11, Vol. 96.

Copies Sent  
To Applicant  
Fire Com'r.  
Borough Com'r.

**14-09-BZ**  
**CEQR#09-BSA-066R**

APPLICANT – Eric Palatnik, P.C., for Orenstein Brothers, owner; ExxonMobil Corporation, lessee.

SUBJECT – Application January 26, 2009 – Special Permit (§73-211) to allow an automotive service station with an accessory convenience store and automotive laundry (UG 16B). C2-1/R3-2 zoning district.

PREMISES AFFECTED – 2294 Forest Avenue, Southeast intersection of Forest Avenue and South Avenue, Block 1685, Lot 15, 20, Borough of Staten Island.

**COMMUNITY BOARD #1SI**

**APPEARANCES –**

For Applicant: Eric Palatnik.

**ACTION OF THE BOARD –** Application granted on condition.

**THE VOTE TO GRANT –**

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Hinkson and Commissioner Montanez....4

Absent: Commissioner Ottley-Brown.....1

Negative:.....0

**THE RESOLUTION:**

WHEREAS, the decision of the Staten Island Borough Commissioner, dated July 27, 2010, acting on Department of Buildings Application Nos. 510063636 and 510063645, reads in pertinent part:

“ZR 32-10. Proposed automotive service station (Use Group 16B) with accessory uses is not permitted as of right in a C2-1/R3-2 zoning district, and requires a special permit by the New York City Board of Standards and Appeals pursuant to Section 73-211 of the Zoning Resolution;” and

WHEREAS, this is an application for a special permit under ZR § 73-211, on a site previously before the Board, to permit the proposed demolition of the existing automotive service station and the construction of a new automotive service station with an accessory convenience store and automobile laundry (Use Group 16), within a C2-1 (R3-2) zoning district; and

WHEREAS, a public hearing was held on this application on October 27, 2009, after due notice by publication in the *City Record*, with continued hearings on January 12, 2010, March 9, 2010, May 11, 2010 and July 13, 2010, and then to decision on August 24, 2010; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Chair Srinivasan, Vice-Chair Collins, Commissioner Montanez, and Commissioner Ottley-Brown; and

WHEREAS, Community Board 1, Staten Island, recommends approval of this application, with the following conditions: (1) the northwest corner of the site be developed as a right-turn only lane for northeast bound traffic on South Avenue; (2) that a curb cut not be installed at the northwest corner of Forest Avenue; and (3) new curbs and sidewalks are constructed along the Wemple Street frontage, along with asphalt paving and internal landscaping buffering as necessary; and

WHEREAS, Staten Island Borough President James P. Molinaro recommends approval of this application; and

WHEREAS, the premises is located on a corner through lot bounded by Forest Avenue to the north, South Avenue to the west, and Wemple Street to the south, within a C2-1 (R3-2) zoning district; and

WHEREAS, the subject site has a total lot area of 47,847 sq. ft.; and

WHEREAS, there is currently an automobile service station occupying the Lot 20 portion of the site; and

WHEREAS, on November 14, 1972, under BSA Cal. No. 389-72-BZ, the Board granted a special permit pursuant to ZR § 73-211 to permit the construction of an automotive service station with accessory uses; and

WHEREAS, most recently, on September 25, 1990, the Board amended the grant to permit the change in design and arrangement of the automotive service station, the construction of a new steel canopy over two new self-serve gasoline pump islands, and to alter the existing office and sales area of the accessory building to accommodate an attendant’s booth; and

WHEREAS, the applicant now seeks to demolish the existing automotive service station and replace it with an automotive service station with an accessory convenience store, an 864 sq. ft. accessory auto laundry, eight new fuel pumps, and on-site parking for 14 automobiles; and

WHEREAS, the required findings for the special permit for gasoline service stations in certain districts, pursuant to ZR § 73-211, include the following: (1) that the site is located within certain commercial zoning districts in which the longer dimension is at least 375 feet; (2) the site has a minimum lot area of 7,500 sq. ft.; (3) the site has a maximum lot area of 15,000 sq. ft. unless it is located on an arterial highway or a major street; (4) that any facilities for lubrication, minor repairs or washing be located within an enclosed building; (5) that five reservoir parking spaces be provided; (6) that means of ingress and egress are designed so as to cause minimum obstruction; (7) that screening be provided along any rear lot line or side lot line adjoining residential districts; and (8) that signage comply with applicable district regulations; and

WHEREAS, the applicant represents that the C2-1 zoning district that encompasses this site extends to the east for a distance exceeding the 375-ft. minimum required by ZR § 73-211; and

WHEREAS, the site’s total lot area of 47,847 sq. ft. meets the minimum lot area requirement of ZR § 73-211; and

WHEREAS, the applicant provided correspondence from the Department of City Planning stating that Forest Avenue is a “major street”; thus, the maximum lot area requirement of ZR § 73-211 does not apply to the subject site; and



14-09-BZ  
CEQR#09-BSA-066R

WHEREAS, the applicant states that there are no facilities for lubrication or minor repairs proposed at the subject site, and that the proposed accessory auto laundry consists of a completely enclosed building; and

WHEREAS, at hearing, the Board questioned whether the proposed auto laundry fit within the definition of an "accessory use" under ZR § 12-10; specifically, the Board raised concerns as to whether the proposed auto laundry use is "clearly incidental to, and customarily found in connection with" the principal gasoline station use; and

WHEREAS, in support of the argument that an auto laundry use is customarily found in connection with a gasoline station, the applicant submitted a report on the car wash industry from the Internal Revenue Service (the "IRS Report"), which states that there are approximately 22,000 auto laundries in the United States and Canada, and that 65 percent of these sites include the sale of gasoline, reflecting that these two uses are commonly co-located; and

WHEREAS, as further evidence that an auto laundry use is customarily found in connection with gasoline stations, the applicant submitted a letter from the Exxon Mobil Construction Project Coordinator dated June 15, 2010, stating that it is customary for new automotive service stations to include accessory auto laundries, and that approximately 70 percent of service stations developed from 2001 to 2008 also included accessory auto laundries; and

WHEREAS, the applicant also submitted various examples of auto laundries that operate in conjunction with gasoline stations within New York City, as well as the plans for a number of gasoline stations in Massachusetts, New Hampshire, and Rhode Island which all include self-service fully automated auto laundries for a single car, and with an average size of approximately 1,150 sq. ft.; and

WHEREAS, the applicant states that the proposed self-service, fully automated, 864 sq. ft. auto laundry at the subject site is comparable to the auto laundries associated with the gas stations for which the applicant submitted plans to the Board; and

WHEREAS, as to the incidental nature of the proposed auto laundry use at the site, the applicant submitted a survey from a traffic consultant for a similar facility located at 231 Bay Street, Staten Island, which concludes that on weekdays only eight out of 801 cars that visited the facility (one percent) used the auto laundry during a 7:00 a.m. to 7:00 p.m. period, and on weekends only 18 out of 456 cars that visited the facility (four percent) used the auto laundry from a 10:00 a.m. to 5:00 p.m. period; and

WHEREAS, the survey conducted by the traffic consultant further reflected that the auto laundry was the primary use for only one of the cars that visited the site; and

WHEREAS, the applicant represents that the use

of the subject site will be comparable to that of the 231 Bay Street site, in that the proposed auto laundry will generate a minimal number of trips compared to the trips generated by the gasoline service and convenience store; and

WHEREAS, in further support of the incidental nature of the proposed auto laundry, the applicant submitted a letter from the Exxon Mobil Construction Project Coordinator dated February 19, 2010, stating that the proposed auto laundry is anticipated to account for just seven percent of the total sales at the subject site, while gasoline sales and convenience store sales are expected to account for the remaining 93 percent of total sales; and

WHEREAS, additionally, the IRS Report submitted by the applicant states that many of the sites where auto laundries are located file with the IRS as a gasoline and/or service station, as their auto laundry use serves as a secondary source of business income; and

WHEREAS, the Board notes that the proposed auto laundry accounts for less than two percent of the total lot area of the site (864 sq. ft. out of 47,847 sq. ft.), and that the small size of the proposed auto laundry, both in and of itself and when compared to the total lot area, supports the applicant's claim that the use will be incidental to the primary automotive service station use; and

WHEREAS, the IRS Report submitted by the applicant also distinguishes self-serve auto laundries from full service auto laundries, noting that the former usually consist of single stall drive-in bays that are fully automated and have limited washing options, while the latter usually can service multiple cars simultaneously, are operated by attendants, and provide various washing options; and

WHEREAS, the applicant states that the features of the proposed auto laundry are consistent with the self-serve auto laundries referenced in the IRS Report, and that such self-serve auto laundry uses are more commonly found incidental to a gas station use due to their limited features and capacity, while full service auto laundries are more often primary uses; and

14-09-BZ  
CEQR#09-BSA-066R

WHEREAS, specifically, the applicant states that the proposed auto laundry can be distinguished from full service auto laundries in that the proposed facility will accommodate a single car at a time, will be fully automated, will not provide attendants or a vacuum station, will offer exterior washing only, will occupy only 864 sq. ft. out of a total lot area of 47,847 sq. ft., and is anticipated to account for only approximately seven percent of total sales at the site; and

WHEREAS, the Board is persuaded by the evidence submitted by the applicant and agrees that the proposed auto laundry is an "accessory use" to the proposed automotive service station in the instant case; and

WHEREAS, in accepting that the proposed auto laundry is an accessory use to the automotive service station, the Board notes that its finding is based on the unique facts related to the physical conditions of the site as presented in the instant application, and that this decision does not have general applicability to any pending or future Board application; and

WHEREAS, as to the requirement under ZR § 73-211 that five reservoir spaces be provided on the site, the applicant submitted a site plan reflecting that five reservoir parking spaces could be accommodated on the site; and

WHEREAS, with respect to ingress and egress from the site, in response to concerns raised by the Community Board and Borough President, the applicant revised its plans to eliminate the westernmost curb cut on Forest Avenue, and have also eliminated the northernmost curb cut on South Avenue and added a curb cut on the west side of Wemple Street; and

WHEREAS, the applicant also submitted a traffic circulation plan and states that the proposed layout of the site and the revised ingress and egress points are designed to ensure that vehicular movement in and from the site can circulate with a minimum of obstruction of streets and sidewalks; and

WHEREAS, as to site screening, the applicant notes this requirement is inapplicable to the subject site because the side and rear lot lines front upon either a C2-1 zoning district or a street; and

WHEREAS, nevertheless, the Board directed the applicant to provide landscaping and screening at the site; and

WHEREAS, in response, the applicant submitted revised plans reflecting a 4'-0" landscape buffer along Wemple Street, the addition of nine street trees along the Forest Avenue, South Avenue, and Wemple Avenue frontages, as well as additional landscaping along the perimeter of the site; and

WHEREAS, as to signage, the applicant initially proposed 210 sq. ft. of total signage, but revised its signage plan during the course of hearings to reduce the proposed signage to a total surface area of 150 sq. ft., in accordance with the provisions of ZR § 73-211; and

WHEREAS, at hearing, the Board directed the applicant to confirm that the signage at the site complies with C2-1 district regulations; and

WHEREAS, in response, the applicant states that the signage on the site complies with C2-1 regulations; and

WHEREAS, accordingly, the applicant has submitted sufficient evidence that the findings set forth at ZR § 73-211 have been met; and

WHEREAS, the applicant states that the proposed accessory convenience store is permitted as of right in a C2-1 zoning district; and

WHEREAS, the Board notes that Technical Policy and Procedure Notice (TPPN) # 10/99, provides that a retail convenience store located on the same zoning lot as a gasoline service station will be deemed accessory if: (i) the convenience store is contained within a completely enclosed building; and (ii) the convenience store has a maximum retail selling space of 2,500 square feet or 25 percent of the zoning lot area, whichever is less; and

WHEREAS, the applicant represents that the convenience store will be located within the enclosed building and will have a retail selling space of less than 2,500 square feet; and

WHEREAS, thus, the Board notes that the convenience store qualifies as an accessory use pursuant to TPPN # 10/99; and

WHEREAS, the applicant represents that lighting will be designed so as to be directed at the site and away from adjacent uses; and

WHEREAS, at hearing, the Board questioned whether a wetlands permit is required from the Department of Environmental Conservation ("DEC"), due to the site's location; and

WHEREAS, in response, the applicant submitted a letter from the DEC stating that the site is not located within DEC Freshwater Wetlands jurisdiction or Tidal Wetlands jurisdiction, and therefore no wetlands permits are required; and

WHEREAS, the Board notes that the reconstruction of the gasoline service station will not interfere with any pending public improvement project; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-211 and 73-03; and

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR Part 617; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement, CEQR No. 09-BSA-066R, dated January 26, 2009; and

14-09-BZ  
CEQR#09-BSA-066R

WHEREAS, the EAS documents show that the continued operation of the gasoline service station would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Hazardous Materials; Waterfront Revitalization Program; Infrastructure; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; Construction Impacts; and Public Health; and

WHEREAS, the Board has determined that the operation of the gasoline service station will not have a significant adverse impact on the environment.

*Therefore it is Resolved* that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-211 and 73-03, to permit in a C2-1 (R3-2) zoning district, the proposed demolition of the existing automotive service station and the construction of a new automobile service station with an accessory convenience store and accessory automotive laundry (Use Group 16); *on condition* that all work shall substantially conform to drawings filed with this application marked "Received February 26, 2010"-(2) sheets, "May 10, 2010"-(1) sheet and "June 23, 2010"-(1) sheet; and *on further condition*:

THAT signage shall comply with C2-1 zoning district regulations and be limited to that indicated on the BSA-approved plans;

THAT the accessory automobile laundry shall: (1) have a maximum size of 864 sq. ft.; (2) be a fully automated self-serve facility with no attendants; (3) service no more than one car at a time; and (4) offer exterior washing only;

THAT landscaping shall be provided and maintained as indicated on the BSA-approved plans;

THAT the above condition shall appear on the Certificate of Occupancy;

THAT the site shall be maintained clean and free of debris and graffiti;

THAT substantial construction be completed in accordance with ZR § 73-70;

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

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all of the applicable provisions of the

Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals,  
August 24, 2010.

**84-08-BZ**

**APPLICANT** – Walter T. Gorman, P.E., for Exxon Mobil Corporation, owner; L & M Service Station, lessee.

**SUBJECT** – Application April 9, 2008 – Special Permit (§§11-411, 11-412 & 73-01 (d)) to reinstate and amend the variance granted under Cal. No. 410-48-BZ for an automotive service station with accessory uses located in a C1-2/R4 zoning district.

**PREMISES AFFECTED** – 67-24 Main Street, a/k/a 68-12 Main Street, West side Street 315.5' north of 68<sup>th</sup> Drive, Block 6486, Lot 38, Borough of Queens.

**COMMUNITY BOARD #8Q**

**APPEARANCES** –

For Applicant: Cindy Bachan.

**ACTION OF THE BOARD** – Application granted on condition.

**THE VOTE TO GRANT** –

Affirmative: Chair Srinivasan, Vice-Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5

Negative:.....0

**THE RESOLUTION:**

WHEREAS, the decision of the Queens Borough Commissioner, dated April 7, 2008, acting on Department of Buildings Application No. 410061846, reads in pertinent part:

“Proposal to extend the term of the zoning variance which expired on June 10, 1968 is contrary to the latest resolution adopted by the Board of Standards and Appeals under Cal. No. 410-48-BZ and contrary to C.O. # 124955 which also expired on June 10, 1968 and must, therefore, be referred back to the BSA for reinstatement of the variance since the variance granted under Cal. No. 410-48-BZ has lapsed;” and

WHEREAS, in addition, the decision of the Queens Borough Commissioner, dated July 24, 2008, also acting on Department of Buildings Application No. 410061846, reads in pertinent part:

“Proposal to legalize the increase in floor area of the service building, legalize the 40’ and 42’ curb cuts on Main Street and the conversion of a storage area to an accessory convenience store is contrary to Section 33-26 Z.R. and contrary to the latest resolution and drawing adopted by the Board of Standards and Appeals under Cal. # 410-48-BZ and must be referred back to the board to become an amendment under Cal. # 84-08-BZ which is currently pending;” and

WHEREAS, this is an application for a special permit pursuant to ZR § 11-411, to reinstate a prior variance which allowed the operation of a gasoline service station with accessory uses (Use Group 16) in a C1-2 (R4) zoning district, and to permit, pursuant to ZR § 11-412, the legalization of modifications to the site

contrary to ZR § 33-26; and

WHEREAS, a public hearing was held on this application on July 22, 2008 after due notice by publication in the *City Record*, with continued hearings on August 26, 2008, and September 23, 2008, and then to decision on October 28, 2008; and

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

WHEREAS, Community Board 8, Queens, recommends approval of this application; and

WHEREAS, the premises is located on the west side of Main Street, 315 feet north of 68<sup>th</sup> Drive, in a C1-2 (R4) zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject site since October 26, 1948 when, under BSA Cal. No. 410-48-BZ, the Board granted a variance to permit the premises to be occupied by a gasoline service station with accessory uses; and

WHEREAS, on June 26, 1958, under BSA Cal. No. 410-48-BZ, the Board granted an extension of term for a gasoline service station with accessory uses for a term of ten years, expiring on June 10, 1968; and

WHEREAS, the term of the variance has not been extended since its expiration on June 10, 1968, and

WHEREAS, the applicant represents, however, that the use of the site as a gasoline service station has been continuous since the expiration noted above; and

WHEREAS, the applicant now proposes to reinstate the prior grant and seeks a special permit pursuant to ZR § 73-01(d); and

WHEREAS, the applicant has requested a ten-year extension of term; and

WHEREAS, pursuant to ZR § 11-411, the Board may extend the term of an expired variance; and

WHEREAS, the applicant also seeks to amend the grant to legalize site conditions that do not conform with previously approved plans, to reflect: (i) a 927 sq. ft. increase in floor area of the service building, (ii) the enlargement of the two curb cuts located on Main Street, and (iii) the conversion of the previously approved storage area to an accessory convenience store; and

WHEREAS, pursuant to ZR § 11-412, the Board may grant a request for changes to the site; and

WHEREAS, the Board questioned whether the proposed convenience store complies with Technical Policy and Procedure Notice (TPPN) # 10/99, which provides that a retail convenience store located on the same zoning lot as a gasoline service station will be deemed accessory if: (i) the accessory convenience store is contained within a completely enclosed building, and (ii) the accessory convenience store has a maximum retail selling space of 2,500 square feet or 25 percent of the zoning lot area, whichever is less; and

WHEREAS, the applicant represents that the

**84-08-BZ**

proposed convenience store is located on the same zoning lot as the gasoline service station, is contained completely within the enclosed building, and has a selling space of approximately 450 square feet, which is approximately four percent of the lot area; and

WHEREAS, thus, the proposed convenience store qualifies as an accessory use pursuant to TPPN # 10/99; and

WHEREAS, at hearing, the Board questioned whether the service station identification sign could be relocated so as not to interfere with parking and circulation at the site; and

WHEREAS, in response, the applicant submitted photographs establishing that other potential locations would not be visible to motorists traveling north along Main Street; and

WHEREAS, at hearing, the Board also raised concerns about the condition of the fences and landscaping surrounding the site; and

WHEREAS, in response, the applicant agreed to make fencing repairs and submitted photographs establishing that the site had been cleaned and new shrubbery had been planted; and

WHEREAS, the board notes that the modifications to the site will not interfere with any pending public improvement project; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, the Board has determined that evidence in the record supports the findings required to be made under ZR §§ 11-411, 11-412, and 73-03.

*Therefore it is Resolved* that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under ZR §§ 11-411 and 11-412, for a reinstatement of a prior Board approval, an extension of term, and a legalization of changes in the site plan of a gasoline service station (Use Group 16) with accessory automotive uses in a C1-2 (R4) zoning district; *on condition* that any and all work shall substantially conform to drawings as they apply to the

objection above noted, filed with this application marked "Received July 18, 2008"-(2) sheets and "August 11, 2008"-(1) sheet; and *on further condition*:

THAT this permit shall be for a term of ten years, to expire on October 28, 2018;

THAT the lot shall be kept free of graffiti, dirt and debris;

THAT the above conditions shall be listed on the certificate of occupancy;

THAT a new certificate of occupancy be obtained by April 28, 2009;

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) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings 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)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, October 28, 2008.

A true copy of resolution adopted by the Board of Standards and Appeals, October 28, 2008.

Printed in Bulletin Nos. 41-43, Vol. 93.

**Copies Sent**

To Applicant

Fire Com'r.

Borough Com'r.

79-07-BZ

CEQR #07-BSA-074Q

APPLICANT – Sheldon Lobel, P.C., for Power Test Realty Company, LP, owner.

SUBJECT – Application April 12, 2007 – under §11-411 to re-establish the previously granted variance permitting the operation of an automotive service station with accessory uses which is not permitted as-of-right in a C2/2R3-2 zoning district as per §32-10 of the zoning resolution. The prior BSA grant was under calendar number 711-53-BZ and expired on July 24, 2001.

PREMISES AFFECTED – 114-05 Farmers Boulevard, east side of Farmers Boulevard between Murdock Avenue and 114<sup>th</sup> Road, Block 11007, Lot 5, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES –

For Applicant: Elizabeth Bennett.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Queens Borough Commissioner, dated April 3, 2007 acting on Department of Buildings Application No. 402509530, reads in pertinent part:

“Continued use of the automotive station with accessory uses at the premises is not permitted as-of-right in a C2-2/R3-2 zoning district as per section 32-10 of the Zoning Resolution and is contrary to the prior BSA grant under calendar number 711-53-BZ”; and

WHEREAS, this is an application for a reinstatement of a prior Board approval to permit an automotive service station, pursuant to ZR § 11-411; and

WHEREAS, a public hearing was held on this application on October 2, 2007 after due notice by publication in *The City Record*, with continued hearings on October 30, 2007, January 8, 2008 and January 29, 2008, and then to decision on February 26, 2008; and

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

WHEREAS, Community Board 12, Queens, recommended approval of the application; and

WHEREAS, the site is located on the east side of Farmers Boulevard between Murdock Avenue and 114<sup>th</sup> Road; and

WHEREAS, the site is located in a C2-2 (R3-2) zoning district and is occupied by an automotive service station with an accessory convenience store; and

WHEREAS, the Board has exercised jurisdiction

over the subject site since July 24, 1956 when, under Cal. No. 711-53-BZ, the Board granted a variance permitting the reconstruction of an existing automotive service station; and

WHEREAS, subsequently, the grant has been amended and the term extended by the Board at various times; and

WHEREAS, most recently, on May 18, 1993, the grant was amended to extend the term for ten years from the expiration of the prior grant on July 24, 1991; and

WHEREAS, the applicant now seeks to reinstate the original variance, granted under BSA Cal. No. 711-53-BZ; and

WHEREAS, pursuant to ZR § 11-411, the Board may extend the term of an expired variance; and

WHEREAS, the applicant represents that there has not been an enlargement to the zoning lot; and

WHEREAS, at hearing, the Board questioned the presence of unregistered vehicles parked on site, based on observations from site visits, since the sale of cars is not a permitted use; and

WHEREAS, the applicant represented that the unregistered vehicles were only at the site temporarily as they are repaired for offsite sales dealers; and

WHEREAS, in support of this representation, the applicant submitted an affidavit from the owner as to the use at the site; and

WHEREAS, at hearing, the Board raised concerns about the maintenance of the site; and

WHEREAS, the applicant agreed to remove clothing drop-off boxes, unused tires and un-registered vehicles from the site; and

WHEREAS, the Board also raised concerns about the condition of the perimeter fence and screening fence around a fuel tank on site, and the lack of bollards surrounding the signpost; and

WHEREAS, the applicant agreed to replace the perimeter fence and to install a new screening fence around the fuel oil tank and new bollards around the signpost; and

WHEREAS, the Board directed the applicant to revise the existing/proposed site plan to include notes depicting the replacement of the existing perimeter fence and to provide the Board with photographs of the site to confirm that it is being adequately maintained; and

WHEREAS, the applicant submitted revised plans indicating the fencing to be replaced and photographs showing that the remainder of the site is adequately maintained; and

WHEREAS, based upon its review of the record, the Board finds that the evidence in the record supports the findings required to be made under ZR § 11-411 and a reinstatement is appropriate with certain conditions as set forth below.

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR Part 617; and

79-07-BZ  
CEQR #07-BSA-074Q

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement, CEQR No. 07-BSA-074Q, dated April 12, 2007; and

WHEREAS, the EAS documents show that the continued operation of the automotive service station would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Hazardous Materials; Waterfront Revitalization Program; Infrastructure; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; Construction Impacts; and Public Health; and

WHEREAS, the Board has determined that the operation of the service station will not have a significant adverse impact on the environment.

*Therefore it is Resolved* that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR § 11-411, for a reinstatement of a prior Board approval of an automotive service station; *on condition* that any and all use shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received April 12, 2007"-(2) sheets and "February 22, 2008"-(1) sheet; and *on further condition*:

THAT this grant shall be for a term of ten years to expire on February 26, 2018;

THAT signage be installed indicating that parking will be limited to employees and patrons of the automotive service station;

THAT the above conditions shall be listed on the certificate of occupancy;

THAT a certificate of occupancy shall be obtained within six months of the date of this grant, by August 26, 2008;

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) only; and

THAT the Department of Buildings must ensure

A true copy of resolution adopted by the Board of Standards and Appeals, February 26, 2008.  
Printed in Bulletin Nos. 8-9, Vol. 93.

Copies Sent  
To Applicant  
Fire Com'r.  
Borough Com'r.

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)/configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals,  
February 26, 2008.

## Exhibit 8

# 2013 Rule Amendment Regarding Price Signage That Must be Posted by Businesses Selling Petroleum Products



## NOTICE OF ADOPTION

Notice of Adoption of a Rule Amendment Regarding price signage that must be posted by businesses selling petroleum products.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Commissioner of the Department of Consumer Affairs (the "Commissioner") by Section 2203 of the New York City Charter and Section 20-675 of the Administrative Code of the City of New York and in accordance with the requirements of Section 1043 of the New York City Charter, of the adoption by the Department of Consumer Affairs (the "Department") of an amendment to the rule regarding price signage that must be posted by businesses selling petroleum products.

This rule was proposed and published on August 16, 2013. The required public hearing was held on September 16, 2013.

### Statement of Basis and Purpose of Rule

The City Council enacted Local Law 9 of 2013 amending section 20-672 of the Administrative Code of the City of New York to require that all gas stations post road signs displaying the total selling price of gasoline or diesel motor fuel. The law also requires that, where the total selling price for purchases made with cash is less than for purchases made with another form of payment, such as debit or credit card, the road signs disclose the total selling price for cash, debit card and credit purchases. The rule amends 6 RCNY 4-63(b) to implement the requirements of Local Law 9.

The rule amends 6 RCNY 4-63(b)(1) to require gas stations to post a road sign not less than 60 inches wide and 36 inches high advertising the price of the petroleum products for sale. The current rule does not require such a sign, but only sets forth the required content of a sign if the gas station chooses to advertise the petroleum product for sale.

The rule adds a new subparagraph (iv) to 6 RCNY 4-63(b)(2) to require that, when the price of the petroleum product is less for a cash purchase than other forms of purchase, the mandated road sign and all other curb signs advertising the sale of gasoline and diesel motor fuel must display the total selling price per gallon with cash, debit card, credit card or other form of payment for each grade of the petroleum product offered for sale.

The rule amends subparagraph (ii) of section 4-63(b)(5) to require that the minimum type size used on the mandated road sign is at least 430 points to ensure that the price and other information can be read by motorists.

W G " # + letters

New matter is underlined; deleted matter is in [brackets].

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

## RULE

Section 1. Subdivision (b) of section 4-63 of subchapter E of Chapter 4 of Title 6 of the rules of the City of New York is amended to read as follows:

(b) Required curb sign and other [Signs] signs not located on dispensing equipment.

(1) [Any sign, poster or placard used to display or refer to the price per gallon or used to advertise "savings," "discounts," or terms of like import, of petroleum products, including gasoline and diesel motor fuel, other than that used on a dispensing device, shall have a maximum size including the size of any frame, of 3 feet by 4 feet.] Every location at which gasoline or diesel motor fuel is sold or offered for sale must maintain a sign, poster or placard clearly visible to drivers of approaching motor vehicles with dimensions not less than 60 inches in width by 36 inches in height.

(2) There shall be clearly displayed on [such] every sign, poster or [other display] placard used to display or refer to the price per gallon or used to advertise petroleum products, including gasoline and diesel motor fuel, other than that used on a dispensing device:

(i) On the upper portion of the sign, the name, trade name, brand, mark or symbol, and grade or quality classification of such product, or, if such products are sold without identification, such sign, placard or other display shall refer clearly to such products as unbranded;

(ii) the total selling price per unit of measure at which such product is customarily sold at retail which for gasoline or diesel motor fuel shall be by gallon; and

(iii) in close proximity to the total selling price, the legend "Includes All Taxes."

(iv) when the total selling price of purchases made with cash is less than the total selling price for purchases made with credit card, debit card or other form of non-cash payment, the following words referring to method of payment listed in the following order from left to right: "Cash", "Debit," "Credit," "Other." Each grade of the petroleum product must be listed on a separate line. Following the grade name, from left to right, each line must list the applicable price per method of payment beneath the corresponding method of payment listed, "Cash," "Debit," "Credit" or "Other."

For Example:

	Cash	Debit	Credit	Other
Grade 1	\$.....	\$...	\$...	\$...
Grade 2	\$.....	\$....	\$....	\$....
Grade 3	\$.....	\$....	\$....	\$....

(3) The total number of signs, posters and placards used to advertise "savings," "discounts," or selling prices of gasoline and diesel motor fuel shall not exceed the number of vehicular traffic streets upon which the service station faces. For the purpose of this section, signs used on dispensing devices shall not be included in the number of signs permitted to be displayed and a sandwich or "A" sign, placard or poster shall be considered one sign.

(4) Any sign, poster or placard shall be located within the building line of the service station.

(5) Letters and numbers on such signs shall conform to the following:

(i) All numbers referring to price shall be the same height, width and thickness except that where a tenth of a cent number is used, that number must be at least one half the size of the number to which it relates.

(ii) [All letters shall be of a height, width and thickness that is no greater than the size of the largest number on the sign, poster or placard referring to price.] Type size cannot be less than 430 points.

(iii) Identification of the gasoline or diesel motor fuel offered for sale and any non-numerical language distinguishing the total cash selling price from the total credit card, debit card or other form of non-cash payment selling price shall be in letters and numbers not less than one-half of the height, width and thickness of the numbers referring to price.

**Good Afternoon Members of the Committee on Consumer Affairs. My name is Adam Wolf and I am the COO of Jericho Wholesale a Shell distributor in NY and NJ.**

**In the past week I have meet with a few of the members of the city council to discuss with them my concerns on the proposed resolution. Through these meetings I was able to understand what the committee expected to accomplish in protecting the consumer. As a service station owner my concern is in how the resolution will ultimately be interpreted by consumer affairs and the costs associated with complying. The resolution from 2013 when enacted by consumer affairs creates a sign that was almost nine feet wide and depending on if a location is full-service, self-service or both the height of the sign could range from four and half feet to eight feet high. In addition to creating visual pollution, this sign would have been difficult to install at many of our locations based on the size of the property and would have required tens of thousands of dollars to install. I have included in my hand out today examples of this sign marked as exhibit "a" and "b" As you can see the new sign is confusing, loaded with numbers and resembles a bingo board. The resolution offers six months to comply, however there is no possibility of having plans approved and custom signs made for the hundreds of service stations in NYC within that time frame.**

**Although the current resolutions may accomplish the goal of the committee I believe there is <sup>a</sup> way to communicate the cash credit price to consumers using the existing sign frames in a concise and clear message.**

**Before I continue I was asked this week why in our industry do we have cash credit pricing. Without going into the legality of it, it is simple to explain. It is really no different than a merchant that requires you to charge 10 or 15 dollars before you use a credit card. Credit card fees at service stations can be as high as 2.45% with a 30 cent transaction fee. So if a customer buys 10 gallons of fuel at today's regular price of 3.59 the credit card company is making 11.8 cents a gallon. In some cases that is more than the merchant makes per gallon on the transaction. We sell a commodity that is totally fungible and every penny matters. A pump at a service station is really no different than an ATM at the local convenience store. When you go to that ATM they charge you a fee for your own money. The sale of Gasoline is very much the same.**

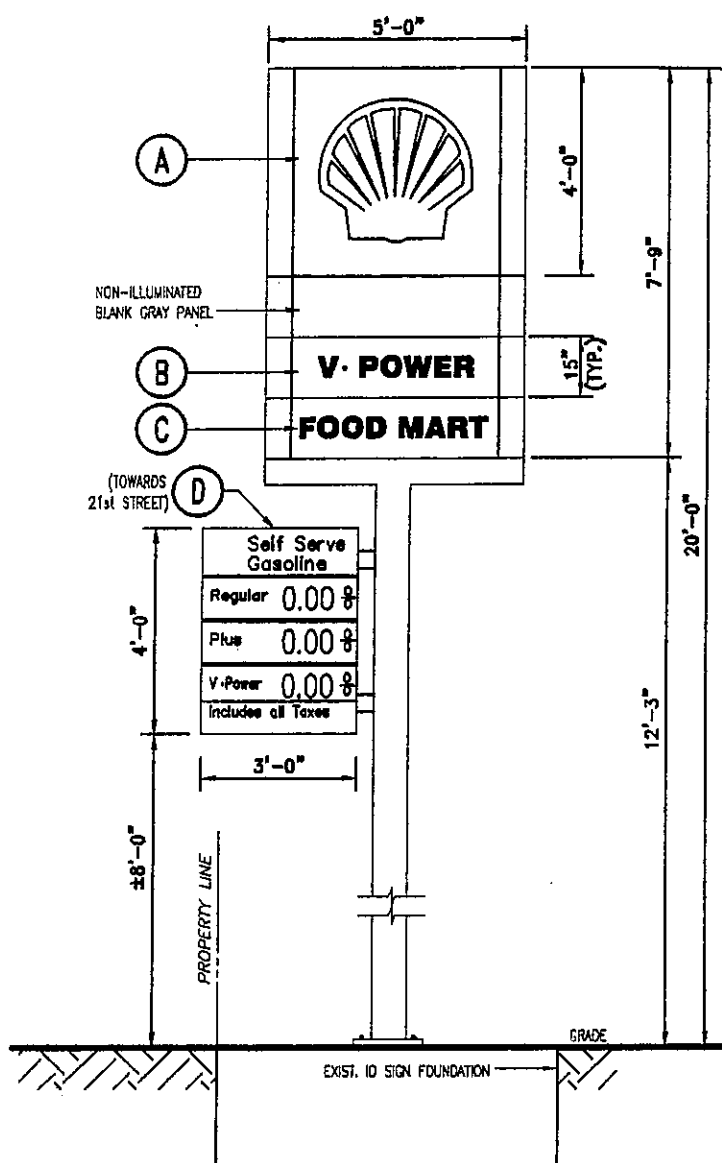
**The 2014 resolution before us today, does provide an exception process if the site is able to attain a waiver from the Department of Buildings. In the past consumer affairs regulations had standardized our street price signs. The signs had always been 3 feet by 4 feet and the products displayed generally are regular, midgrade and premium. This new resolution will create a loophole in the law**

where not all sites need to comply; ultimately changing the competitive landscape and not ultimately accomplishing the goals of this committee.

What I propose is that we adopt the NJ or Westchester model. These jurisdictions have implemented laws that state that if you post a price you must post the cash and credit price and you must at least post the lowest price of fuel you are selling.(80% of my customers purchase regular) This adaptation of the law would allow us to use the current price signs and reface them to comply. Thereby meeting the goal of the Council. I have today with me scale prints of what this new sign would look like as both a standard sign and as a LED. It is a cost effective option that can be implemented quickly

I often say that gasoline service stations have some of the most transparent pricing in retail. We have a street price sign indicating the price; we post the price on top of the pump and on the pump before you select the grade the price is posted as well. Finally as you purchase the fuel we give you a running total. It would be nice if when you went to the grocery store they provided you a running total of your purchases as you put items into your cart.

Thank you for your time today.

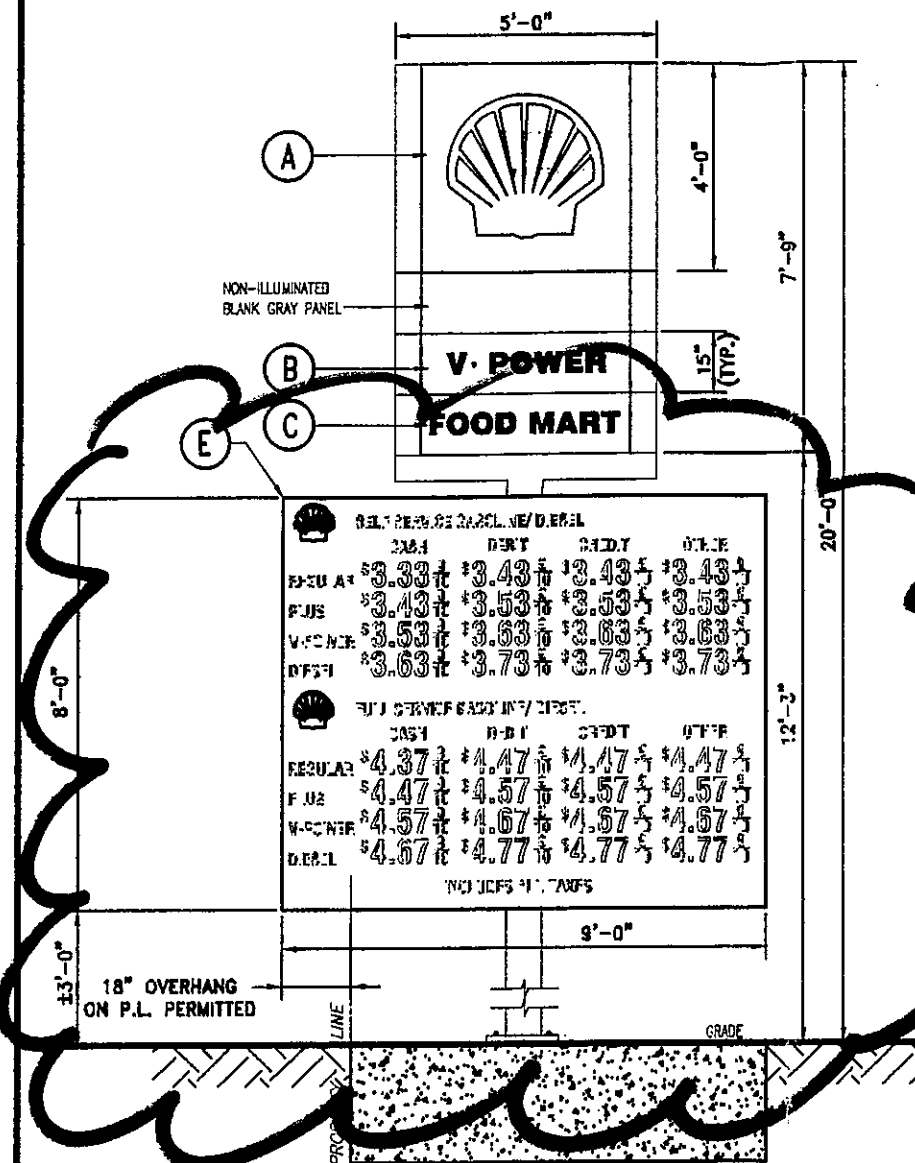


**EXISTING SIGN ELEVATIONS**

NTS

**EXISTING SIGNS**

STATUS	SIGN	TYPE OF SIGN	AREA	ILLUMINATED (YES/NO)
EXISTING	(A)	SHELL Pecten FREESTANDING SIGN	16.0 SF	YES
EXISTING	(B)	"V-POWER" FREESTANDING SIGN	5.0 SF	YES
EXISTING	(C)	"FOOD MART" FREESTANDING SIGN	5.0 SF	YES
EXISTING	(D)	NYC PRICE FREESTANDING SIGN	12.0 SF	YES

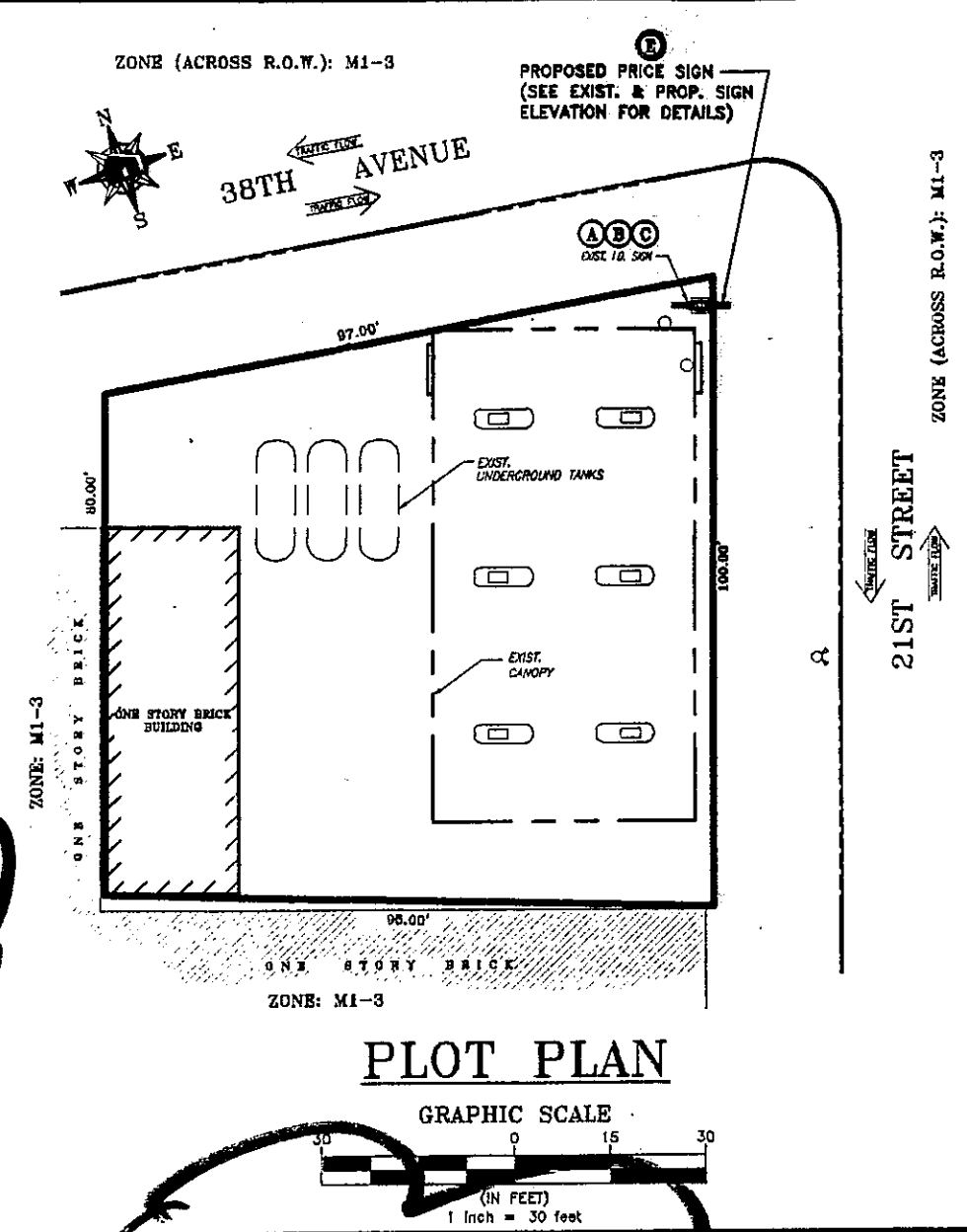


**PROPOSED SIGN ELEVATIONS**

NTS

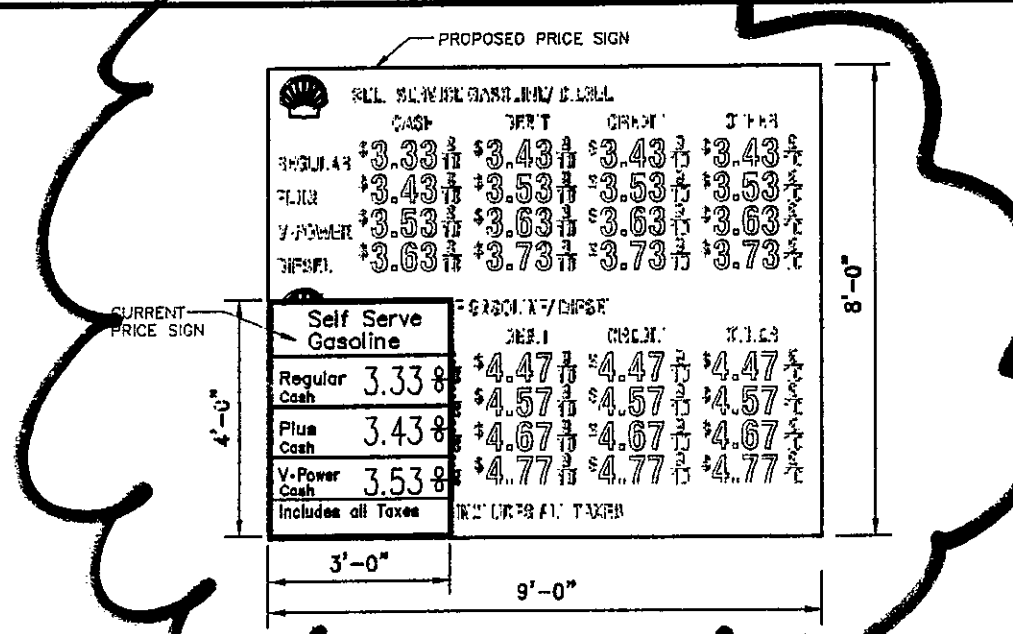
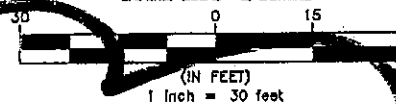
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EXISTING	(C)	"FOOD MART" FREESTANDING SIGN	5.0 SF	YES
PROPOSED	(E)	NYC PRICE FREESTANDING SIGN	72.0 SF	YES



**PLOT PLAN**

GRAPHIC SCALE



**SIGN COMPARISONS**

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REV.	DATE	DESCRIPTION

SITE ADDRESS

**SHELL SERVICE STAT**  
38-02 21ST STREET  
LONG ISLAND CITY, NY

BLOCK: 471  
LOT: 734  
ZONE: M1-3  
MAP: 9b

SCALE	AS SHOWN	HPE F. NO.
DATE	12/09/13	DWG. F.

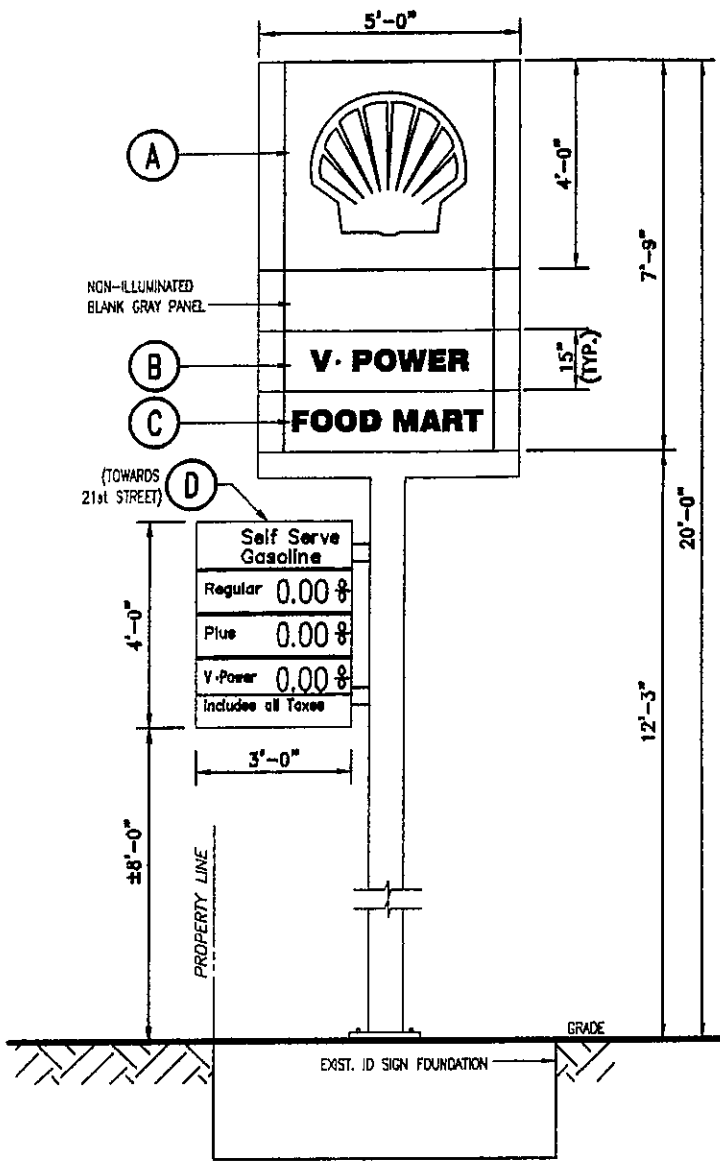
TITLE

**PROPOSED SITE PLAN**

SHEET NO.

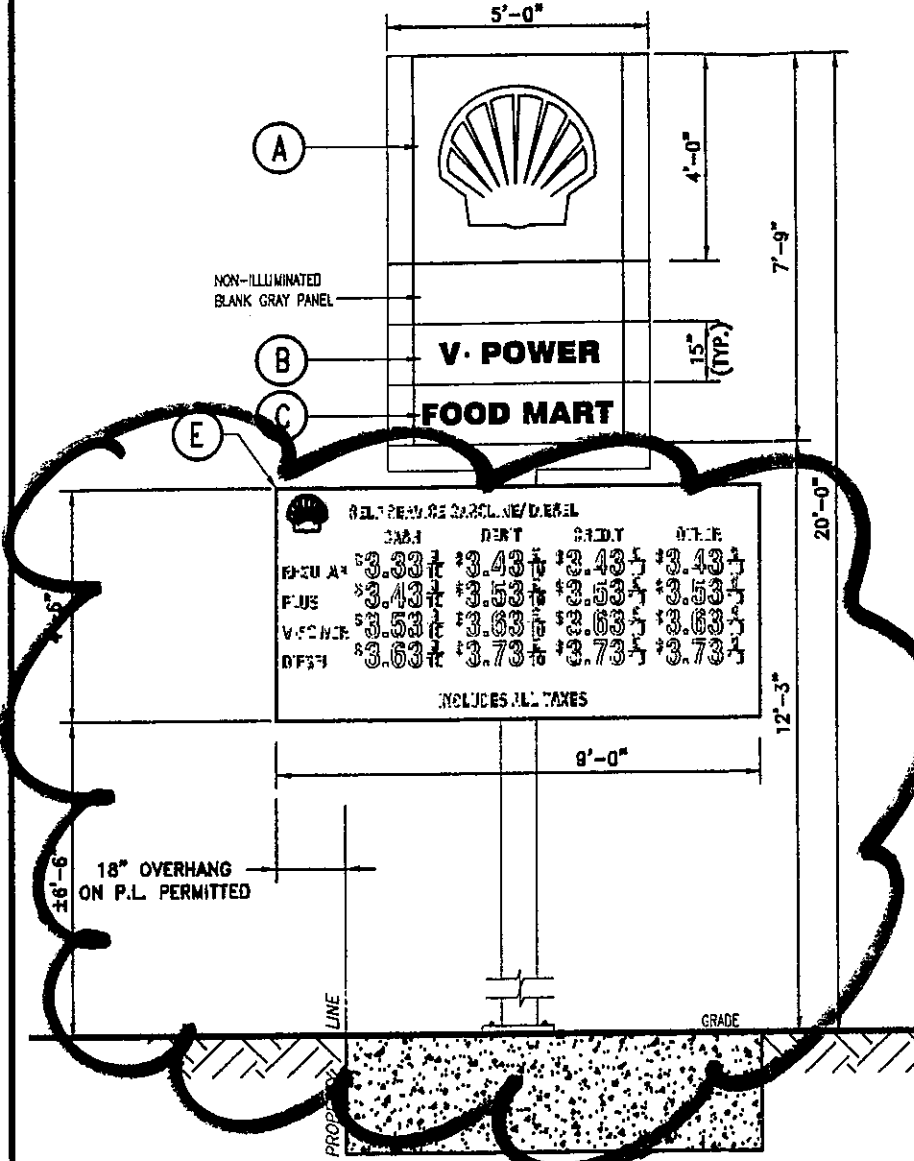
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REV.



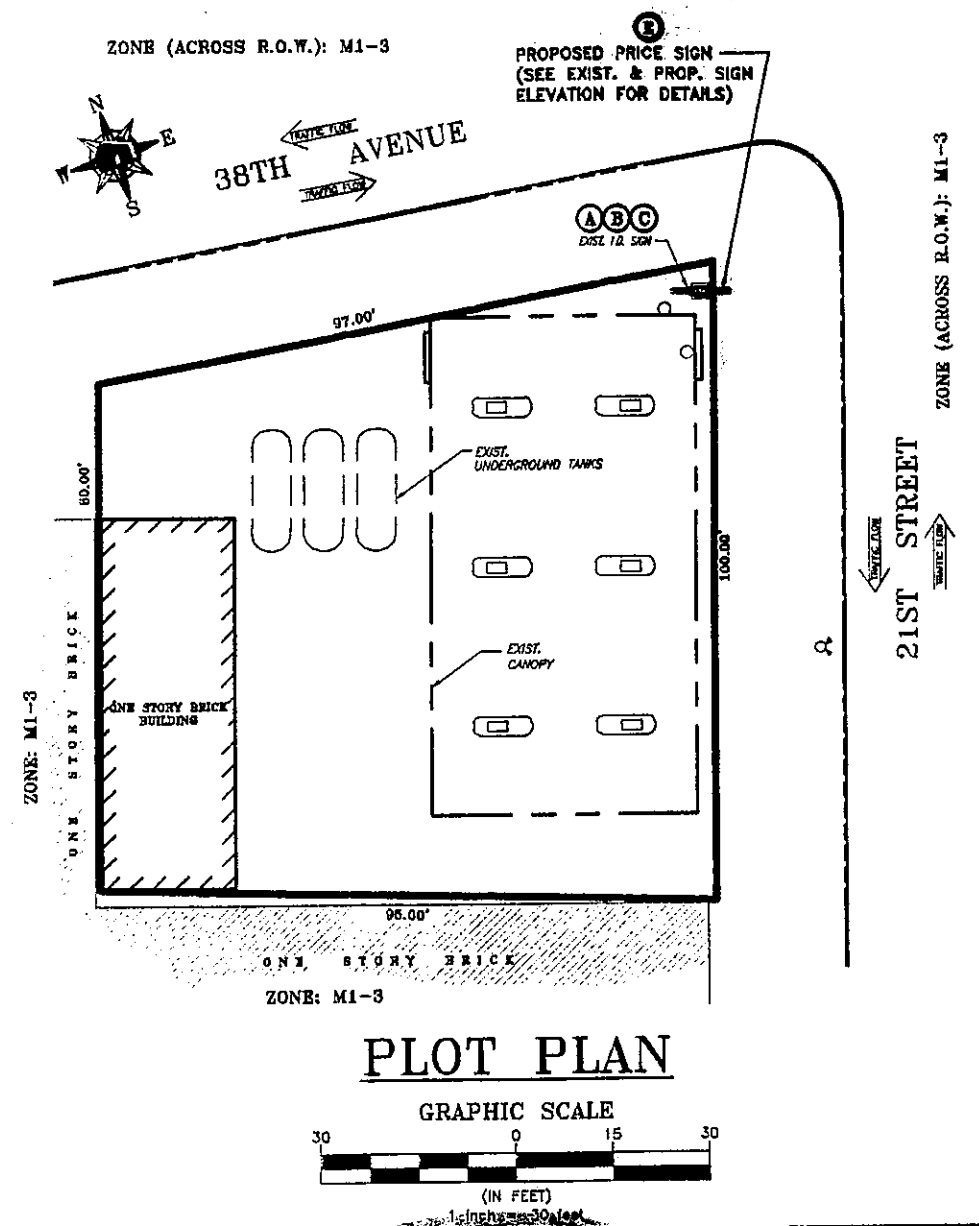
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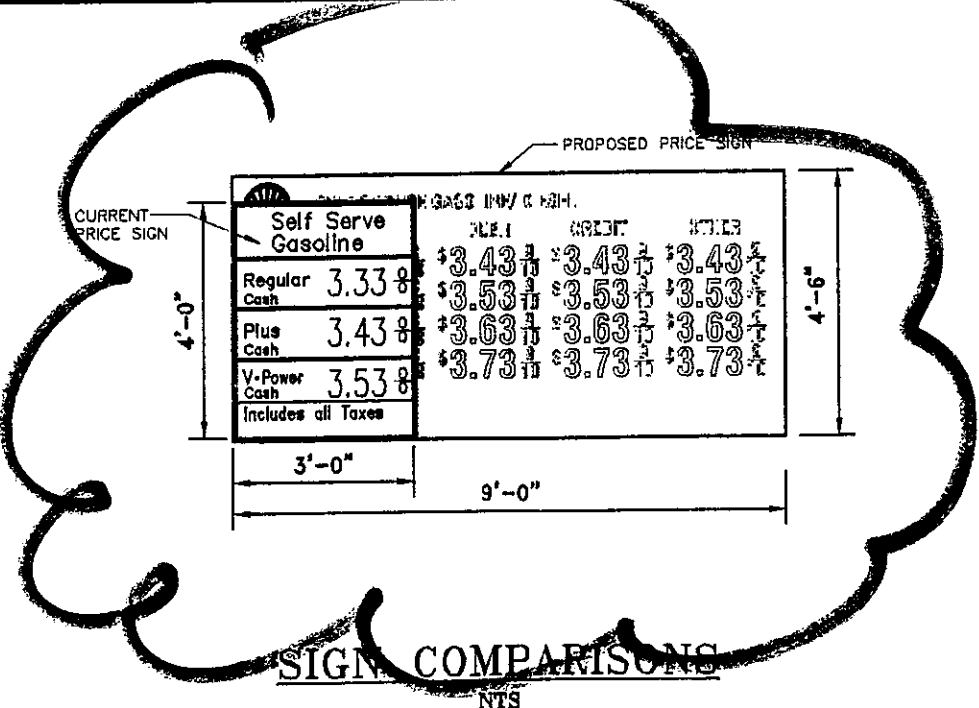


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NTS

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**PLOT PLAN**



**SIGN COMPARISONS**  
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REV.	DATE	DESCRIPTION

SITE ADDRESS  
**SHELL SERVICE STAT**  
38-02 21ST STREET  
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BLOCK: 471  
LOT: 734  
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SCALE: AS SHOWN  
DATE: 12/09/13  
TITLE: PROPOSED SIGN SITE PLAN

SHEET NO: **SG-100**  
REV.

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: RALPH BOMBARDIER

Address: 377 DOUGLASS ST BRONX

I represent: GASOLINE & AUTOMOTIVE REPAIR ASSOC

Address: 377 DOUGLASS ST

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 287 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: MARLA TEPPER

Address: \_\_\_\_\_

I represent: Department of Consumer Affairs

Address: 42 Broadway, 8th Floor NYC

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 287 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: AGENT BARTON

Address: 42 B'way

I represent: DCAP

Address: 42 B'way

Please complete this card and return to the Sergeant-at-Arms



**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

Name: Adom Wolf (PLEASE PRINT)

Address: 125 Jericho Turnpike

I represent: Bill Wolf Petroleum

Address: 125 Jericho Turnpike

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: 9/18

Name: Eric Palatnik (PLEASE PRINT)

Address: 32 Broadway

I represent: Bill Wolf Petroleum

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms