

# ***COMMUNITY BOARD 11 QUEENS***

## **MINUTES OF COMMUNITY BOARD 11 REGULAR MEETING**

DATE: December 7, 2009

PLACE: M.S .158 (Marie Curie)  
46-35 OCEANIA STREET  
BAYSIDE, NY 11361

### **ATTENDANCE:**

Jerry Iannece, Chair	Present	George Karahalios	Present
Edith Basom	Absent	Gordon Keit	Present
Daniel Berrios	Absent	Eileen Kenny	Absent
Lana Bind	Present	Incha Kim	Present
Rose Bruno	Present	Franklyn Lloyd	Absent
Edward Braunstein	Present	Susan Macinick	Absent
Robert Caloras	Present	Janet McEaney	Absent
Ocelia Claro	Present	Melvyn Meer	Present
James Colasante	Absent	Eileen Miller	Present
Paul DiBenedetto	Present	David Millet	Absent
Edward Doster	Present	Victor Mimoni	Present
Henry Euler	Present	Steven Newman	Present
Mario Ferazzoli	Present	Dennis Novick	Present
JoAnn Ferrari	Present	Allan Palzer	Present
Lee Fiorino	Present	Stephen Pivawer	Present
Jack Fried	Present	John Rosse	Absent
Joan Garippa	Present	Andrew Rothman	Present
Roy Giusetti	Present	Christina Scherer	Present
Bernard Haber	Absent	Gary Sekdorian	Present
Christine Haider	Present	Frank Skala	Present
Zion Halili	Present	Mamie Smith	Present
Joseph Hellmann	Present	Joseph Sollano	Present
Laura James	Present	Robert Speranza	Present
Mohan Jethwani	Present	Stephen Tong	Absent
		Alex Yagudaev	Present

**ALSO PRESENT:**

Susan Seinfeld	District Manager, Community Board 11
Linda Vallerugo	Assistant District Manager, Community Board 11
Claudia Filomena	Mayor's Office of Community Assistance
Dan Getman	Representing Congressman Gary Ackerman
David Fischer	Representing Assemblywoman Ann-Margaret Carrozza
Gene McSweeney	Representing Assemblywoman Ann-Margaret Carrozza
Felix Martinez	Queens District Attorney's Office
P.O. Bill Conway	111 <sup>th</sup> Precinct
Michael Agnello	Dept. of Parks and Recreation

The meeting was called to order at 7:35 PM by Jerry Iannece, Chair.

Dan Halloran, Councilmember-elect for the 19<sup>th</sup> District, addressed the Board and reported that the Queens Delegation met today and discussed many issues including school closings. A meeting has been scheduled with the Chancellor and members of the Council to see what preventative measures can be taken. His new office which is located at 166-08 24 Road in Whitestone will be open beginning the last two weeks in December. The office phone number is (718) 631-0328. Councilman-elect Halloran asked all to feel free to contact him regarding any issues.

Jerry Iannece held a moment of silence in memory of the attack at Pearl Harbor on December 7<sup>th</sup>.

**PUBLIC PARTICIPATION**

1. Mandingo Tshaka spoke about the lack of notification to the residents regarding our public hearing on Helms Bros. last month. Mr. Tshaka reported that all the residents on 45<sup>th</sup> Dr. and Oceania St. were not notified, yet businesses on Northern Blvd. were notified. He believes that CB11 has violated Section 72-21 of the NYC Zoning Resolution, which mandates that we address the five findings when voting on a variance. CB11 has always voted against the community on issues involving the southside of Northern Blvd., and he intends to call for a full investigation.

Jerry Iannece explained that under the ULURP procedure, we are required to hold a hearing within 60 days, but we are not required to notify anyone. However, CB11 has adopted a policy where we notify each and every business and residence within a 200 ft. radius. He disagreed with Mr. Tshaka and stated that CB11 voted against the Helms Bros.' lot on Oceania St. when it came before the Board several years ago.

2. Michael Feiner reported on the Bayside Hills Civic Assoc. Annual Holiday Lighting, which will be held on Sunday, December 13<sup>th</sup>, at 5 PM, at Bell Blvd. and 53 Ave. He invited all to attend the event. He requested that the Board members visit the softball field at PS 46 because he would like the opinion of the Board regarding the trees which were planted along the outfield before he takes any further action.

3. Kathy Santis gave an update on the construction of the house of worship at 26-18 210 Street. The bank has started foreclosure on the property. She stated that the properties in that area have a restriction on their deeds which states they must remain single family dwellings. On their application, they implied that there are no restrictions on the deed. Ms. Santis asked for another audit on the property. The next inspection date is January 12<sup>th</sup>.

Jerry Iannece explained that community facilities are as-of-right. The bank issue is a personal contractual agreement between the bank and the individual owners. A restrictive covenant is a private law and legal action must be taken against the property owners to have the restrictive covenant enforced. However, there is no provision in the law which allows the Buildings Dept. to enforce restrictive covenants.

4. Matthew Melore, a student of the Bronx High School of Science, spoke in opposition to the Department of Education's Resolution A-12, which prohibits bake sales in schools. He explained that without the bake sales in schools, virtually all profitable fundraising by the students has stopped. He asked for the Board to support the High School Students United to Overturn Regulation A-12.

Discussion followed by the Board regarding improvements in school nutrition and the fundraising benefits of bake sales. It was agreed, by a show of hands, that the Chair would write a letter in support of the students to the Chancellor to overturn Regulation A-12.

5. Tom O'Rourke spoke about parking problems created by the Church at 211 Street and 46 Ave. He noted that the Church is continuing to expand its congregation, has purchased 4 additional properties and intends to build a school. However, no provisions have been made for parking. Mr. O'Rourke asked for the Board's help with this issue.

Jerry Iannece explained that parking for a house of worship is based on the largest room of assembly rather than fixed seats.

### **ACCEPTANCE OF MINUTES**

Henry Euler noted his comments on Auburndale rezoning should be corrected to read the creation of a single family attached zone not detached. Secondly, under drilling in the Marcellus Shale, it should be changed to read plans for at least 50,000 wells throughout NY State instead of throughout the states. The minutes of November 2, 2009 were accepted with the above corrections.

### **CORRESPONDENCE**

Jerry Iannece reported the he attended the Borough Board meeting earlier this evening on the topic of Education. A power point presentation was given on the various needs of Queens County. He pointed out that District 25 and District 26 were not on the list. We have three of the most overcrowded high schools in all of Queens County and it is important that they begin to look at Northeast Queens. Our Education Committee has prepared a resolution on this issue, which we will discuss later in the evening.

Jerry Iannece stated that the Bayside H.S. sign has generated quite a bit of discussion and publicity over the last several weeks. Issues have now been raised as to the legality of the sign. He proposed that the Board set up a committee to investigate this issue and then present their findings to the full Board at the January meeting. Lengthy discussion followed and concerns were raised about the legality of the sign and the permit issued by the Buildings Dept., that a school is not a related facility and it is located within 200 ft. of a park. Jerry Iannece asked anyone interested in being on the committee to give their name to the office.

The Community District Education Council 26 is holding a meeting with Chancellor Klein on Wednesday, December 16<sup>th</sup> at PS/IS 266 at 74-10 Commonwealth Blvd. from 6:15 PM to 7:30 PM. All are invited to attend.

On the issue of the former Café on the Green site, Susan Seinfeld attended a meeting with Parks and CB7 to learn about the new concession. The new establishment will be called Valentino's on the Green. Extensive interior renovations are taking place to restore the facility to its original 1920's-30's style. It should be opened by late Spring.

Jerry Iannece gave an update on Oakland Lake Ravine. He explained that as part of the Alley Creek Drainage project, improvements were to be made to Oakland Lake Ravine. After the sewer lines were installed, DEP deemed the ravine work no longer necessary. Due to the persistence of the Board, Sen. Padavan and Assemblywoman Carrozza, DEP was convinced to come back to the table. They will now begin cleaning up five sites around the perimeter of the lake. The project includes cleaning out the ravine, stabilizing the slopes and rebuilding pathways. The work is due to begin shortly and last from 1 ½ to 2 years. Further work is needed on two additional sites in the Ravine, but this was a major project and a huge accomplishment for the Board.

#### **COMMUNITY BOARD MEMBER DISCUSSION**

Henry Euler reported on the November 10<sup>th</sup> meeting with Amanda Burden, of City Planning, regarding the Auburndale/Hollis Hills/Oakland Gardens rezoning. The Auburndale Improvement Assoc. had five specific requests of City Planning regarding the proposal. Three of the issues have still not been resolved and another meeting has been requested. Oakland Gardens still also has some issues on the zoning designation, and Hollis Hills is ready to go. City Planning anticipates certification of the plans in January or February.

Melvyn Meer reported on a Buildings Department regulation concerning the testing of cement. He is doing a small minor extension in his home of 90 sq. ft. Under this Building Code directive, he had to have the concrete tested at a cost of \$800. It is his understanding that whether it is a large major roadway construction or a small individual homeowner's extension, it will cost \$800 to have the cement tested. He believes that small homeowners should be allowed to waive the testing of the concrete. Jerry Iannece asked the Board, by a show of hands, to authorize CB11 to write to the Buildings Dept. and our local elected officials to address this issue. Joseph Hellmann objected, for the record, stating that if there should be a problem, it would be much more costly than \$800.

Robert Caloras spoke about the Community District Education Council 26 meeting with Chancellor Klein at PS/IS 266 on December 16<sup>th</sup>. The meeting is a town hall meeting with questions and answers. He stressed the importance of individuals to show up at the meeting and express their concerns of our District 25 and District 26 schools. The meeting begins at 6:30 PM, but he urged individuals to arrive at 6:15 PM if they wish to register to ask a question.

Discussion followed by the Board regarding the closing of Jamaica H.S. and how it will impact on our already severely overcrowded local high schools, open admissions and zoned schools. It was noted that there will be a public hearing on the closing of Jamaica H.S. and the importance of attending that hearing to express our concerns.

Eileen Miller spoke about the closing of St. John's, Mary Immaculate and Parkway Hospital which has caused an increase in the number of patients at Flushing Hospital. Flushing Hospital wants the community to know that they have increased their staff and are prepared and available to serve the community. She also reported on the National Children Study, which follows children from before they are born to 25 years of age. To date, they have 100 participants and have had 2 births. Under this 25 year program, they hope to get a better understanding of various childhood diseases.

Rose Bruno commented on the inadequate speaker system we use during the meetings. Jerry Iannece pointed out that the problem is due to the poor acoustics in the auditorium.

Andy Rothman spoke about the TV and movie filming which takes place in our community. The filming is usually disruptive to the neighborhood by taking up parking spaces and closing sections of the street. He suggested that there should be a policy in place where the local businesses could benefit and profit from the film shoots. Jerry Iannece stated that usually the filming crews frequent the local businesses and the Board has not received complaints from the business owners. Frank Skala agreed with Andy Rothman's comments that the local businesses should be receiving some of the profits due to the inconvenience of the film shoots.

Mohan Jethwani noted that last month at the Helms Bros. hearing, a neighborhood committee was to be formed to review a more aesthetically pleasing fencing for the community. He asked for an update, and Susan Seinfeld reported that only one person came forward to be on the committee. It was agreed that the office will send a letter to Mr. Mandingo Tshaka asking him to reach out to the neighbors on this issue.

Christina Scherer reported that she has noticed the bright lights from Helms Bros. shine directly onto private homes. The same condition exists at the business on 45 Ave. and 203 St. She also complained about school buses which idle their engines beyond the legal limit. She specifically noted this problem at the YAI building on Northern Blvd. Jerry Iannece said the Board will send a letter to YAI on this matter. Ms. Scherer also commented that she believes cars are being parked in the lot at the Alley Pond Driving Range by other than golfers using the facility.

N 1000139 ZRY – Residential Streetscape Preservation Text Amendment – Jerry Iannece reported that the purpose of the text amendment is to preserve the streetscape character of residential neighborhoods. The text amendment will strengthen the planting requirements in R1 through R5 districts, refine rules for curb cuts in front yard parking, restore original intent of zoning regulations affecting residential parking and planting rules, encourage group parking facilities and preserve on-street parking spaces, add neighborhood character findings and ensure that adequate parking is provided for new dwelling units. Discussion followed about homeowners paving over front lawns, cement paving adding to inadequate storm drainage, illegal curb cuts and the need for stricter legislation. Motion (09-21) was made to recommend approval of the Residential Streetscape Preservation Text Amendment. Roll call vote was taken resulting in 36 in favor (Braunstein, Bruno, Caloras, Claro, DiBenedetto, Doster, Euler, Ferazzoli, Ferrari, Fiorino, Fried, Garippa, Giusetti, Haider, Halili, Hellmann, Iannece, James, Jethwani, Karahalis, Keit, Kim, Meer, Miller, Newman, Novick, Palzer, Pivawer, Rothman, Scherer, Sekdorian, Skala, Smith, Sollano, Speranza, Yagudaev), 1 opposed (Mimoni) and no abstentions. Victor Mimoni wanted it noted, for the record, that he voted in opposition because he believed the text amendment should be stronger.

### **COMMITTEE REPORT**

Laura James, Education Committee Co-Chair, reported on the revised Resolution on High School Overcrowding. She explained that the resolution had been tabled last month and she highlighted the new revisions. Whereas #6 was revised to read not only numerous health and safety issues for students but also has a negative impact on education. The next change was on the first Be It Further Resolved where language was added to read including the placement of population caps which reflect building capacity, and maintain their current status as zoned high schools servicing the needs of their surrounding communities. The final change is on the second page where it had originally read there is a need for another school now reads another high school. Discussion followed and it was noted that Bayside H.S. is not operating at a 200% capacity. It was agreed that population numbers would be adjusted to read operating at over capacity. Motion (09-22) was made to recommend approval of the Resolution on High School Overcrowding. Roll call vote was taken resulting in 37 in favor (Bind, Braunstein, Bruno, Caloras, Claro, DiBenedetto, Doster, Euler, Ferazzoli, Ferrari, Fiorino, Fried, Garippa, Giusetti, Haider, Halili, Hellmann, Iannece, James, Jethwani, Karahalis, Keit, Kim, Meer, Miller, Mimoni, Newman, Novick, Palzer, Pivawer, Rothman, Scherer, Sekdorian, Skala, Smith, Sollano, Speranza, Yagudaev), none opposed and no abstentions.

Frank Skala reported that our Annual Holiday party will be held on Sunday, January 10<sup>th</sup> at Bourbon Street from 1 PM to 5 PM. Information will be going out in the mail after Christmas. He reminded all to RSVP if they will be attending so that they can be notified if there is a cancellation due to a snowstorm.

Jerry Iannece wished all a Merry Christmas and Happy Hanukkah.

The meeting adjourned at 9:05PM.