

MINUTES OF COMMUNITY BOARD 11 REGULAR MEETING

DATE: January 7, 2008

PLACE: MS 158
(MARIE CURIE)
46-35 OCEANIA STREET
BAYSIDE

ATTENDANCE:

Steven Newman, Chair	Present	Mohan Jethwani	Present
Sidney Abelson	Absent	George Karahalidis	Present
Edith Basom	Present	Gordon Keit	Present
Daniel Berrios	Present	Eileen Kenny	Absent
Lana Bind	Present	Incha Kim	Present
Rose Bruno	Present	David Kramer	Absent
Robert Caloras	Absent	Franklin Lloyd	Absent
Ocelia Claro	Present	Melvyn Meer	Present
James Colasante	Present	Eileen Miller	Present
Joan Corn	Absent	David Millet	Absent
Osvaldo Cruz	Absent	Victor Mimoni	Present
Paul DiBenedetto	Absent	Dennis Novick	Present
Edward Doster	Present	Allan Palzer	Present
Henry Euler	Present	Stephen Pivawer	Present
Mario Ferazzoli	Present	James Rodgers	Absent
JoAnn Ferrari	Absent	John Rosse	Absent
Jack Fried	Present	Christina Scherer	Present
Joan Garippa	Present	Gary Sekdorian	Present
Roy Giusetti	Absent	Frank Skala	Present
Bernard Haber	Present	Mamie Smith	Present
Christine Haider	Present	Joseph Sollano	Present
Zion Halili	Absent	Robert Speranza	Present
Joseph Hellmann	Absent	Ryan Walsh	Absent
Jerry Iannece	Present		
Laura James	Present		

ALSO PRESENT:

Susan Seinfeld	District Manager, Community Board 11
Linda Vallerugo	Assistant District Manager, Community Board 11
Mark Scott	Representing Borough President Helen Marshall
Dan Egers	Representing Senator Frank Padavan
Marva Kalish	Representing Assemblyman Mark Weprin

Bruce Eiber	Representing Councilman David Weprin
Peter Flintoft	Representing Assemblyman Rory Lancman
Andrew Barnes	Mayor's Community Assistance Unit
Felix Martinez, Jr.	Queens District Attorneys Office
Debbie Markell-Kleinart	District Manager Community Board 2
Sue Macinach	CERT Leader
Mike Agnello	Department of Parks and Recreation
D.I. Scott Hanover	111 th Precinct
P.O. Bill Conway	111 th Precinct

The meeting was called to order at 7:30 P.M. by Steven Newman, Chair.

PUBLIC PARTICIPATION

1. Mary Donohue reported on a severe flooding problem on 194 Street between 45 Ave. and 46 Ave. Ms. Donohue explained that she has lived on 194 Street for 42 years and never had any problem with rainwater until DOT resurfaced the street this past spring and in doing so damaged curbs and raised the surface of the street almost completely eliminating the curbs. Residents have resorted to putting out sandbags along their driveways to prevent flooding. She asked CB11 for their assistance in getting emergency street and curb repair of 194 Street.

Steve Newman asked that we be given a list of all the claim numbers filed by the residents of 194 Street for damages with the Comptroller's office. We can then follow-up with some officials. A suggestion was also made that perhaps the residents should file a class action suit against the City.

2. Mandingo Tshaka spoke regarding problems with the auto dealerships on Northern Blvd. and asked about the outcome of the meetings with the auto dealers. Mr. Tshaka stated that the City issues licenses for businesses to operate and when a business continuously violates the terms of the agreement the license should be removed. He particularly noted problems with the Nissan dealership who is operating in violation of the C of O by exceeding the number of cars allowed to be parked in the lot. Cars block the sidewalk and force pedestrians to walk into the CVE service road.

Steve Newman explained that a committee was formed and we reached out to the Auto Dealership Association. They indicated that they would try to arrange for us to meet with a few of the problem auto dealers. This obviously has not materialized. Mr. Newman stated that he e-mailed Chris Haider and Susan Seinfeld today asking that we should identify three to five of the most serious offenders with specific problems and focus on having enforcement repeatedly ticket these offenders. Clearly a problem such as pedestrians walking in the street would be a serious public safety issue.

Gordon Keit suggested that we ask DOT to install barriers or poles along the sidewalk by the Nissan dealership which would prevent cars from being parked on the sidewalk.

Henry Euler stated dealerships operating in non-compliance of their variance should have their

variances lifted and dealerships violating their C of O should be padlocked.

Christine Scherer reported that on her walk to the meeting this evening she noticed that the Toyota dealership had new cars parked in the lot for prepping which is not permitted, and Nissan repeatedly has cars blocking the sidewalk on the CVE side of the property.

Individuals were reminded to call 311. The Police will be notified and respond to a 311 call.

Victor Mimoni noted that tickets should be issued to the VIN number of the car so that the dealership would be held responsible.

ANNOUNCEMENTS

On Thursday, January 31st at 7 PM, APEC will be holding a Community Forum on Global Warming. This is part of a nationwide series of forums on Global Warming being held at thousands of locations throughout the country.

The Public Service Commission will be holding hearings on the proposed Con Ed rate hikes. The hearing in the Borough of Queens will be held on Thursday, January 17th at the Queens Library in Long Island City, from 4:30 PM to 6:30 PM.

The State Insurance Dept. is holding a hearing on January 31st in lower Manhattan concerning the merge of HIP and GHI from “non profit” to “for profit”.

Jerry Iannece will be on Queens Public TV on the third Thursday of every month on channel 35 and the program will be repeated on the following Sunday on channel 56 at 8:30 PM.

Frank Skala gave an update on our annual Holiday Party which will be held on Sunday, January 13th, at Bourbon Street, from 2 PM to 5 PM He explained that the restaurant needs a head count and asked that Board members please advise us tonight before you leave if you intend on coming to the party.

Joseph Hellmann is recuperating from his hip surgery and is scheduled to return home sometime in mid January.

Tom Lloyd has been hospitalized with a blood infection.

Steve Newman reminded the Board members that our June meeting date has been changed to Monday, June 23rd.

ACCEPTANCE OF MINUTES

The minutes of December 3, 2007 were accepted as written.

Frank Skala noted a correction in the District Manager’s report. It should read a 2.5% budget reduction.

NEW BUSINESS

Henry Euler reported that the Auburndale Improvement Assoc. has written a letter on behalf of the residents of 194 Street requesting that DOT correct the unacceptable condition of the street. No one should have to live with sand bags in front of their homes. The Association also wrote a letter to BSA regarding the ongoing problems with auto dealerships in the community. He also commented that the Trust for Public Land has a new program where they will be upgrading many of the NYC school playgrounds to be used as community parks. In our area, they are working on PS 159 and IS 25. This Wednesday, at 5 PM, there will be a meeting at IS 25 regarding the proposed design for the new playground. Anyone interested should contact the Principal of the school.

Frank Skala reported that there was a homicide recently in the school playground at PS 94. He believes it would be a huge mistake to open school playgrounds for community use, particularly at night. They will become hangouts and create problems for the neighboring residents.

D.I. Hanover stated that the homicide is still under investigation.

Gordon Keit suggested that the former Bay Chevrolet property might be a good location for a new library.

Melvyn Meer spoke on the issue of the ban on cell phones in schools. The current policy of the City is not to allow cell phones in schools and prohibits children from carrying cell phones to and from school. Many parents are up in arms because children cannot communicate with their parents by cell phone before or after school. Bill A03525 has been introduced by Assemblywoman Catherine Nolan, Chair of the Assembly's Education Committee, which would set State standards for the possession of cell phones in the schools. Mr. Meer made a motion that the Board support Bill A03525. Discussion followed and comments were made that the City Council passed a bill that no one will interfere with the possession to and from school. They are looking at the possibility of storage lockers in schools for cell phones. Steve Newman stated that Roy Giusetti contacted him regarding this issue, but Roy could not be here this evening. Mr. Giusetti spoke with several parents from various middle schools and high schools about this issue. At present, as long as the kids have the cell phones off and no one is using them, they do not confiscate the phones. Steve Newman suggested that we bring this matter to the Education Committee for review, and we invite the Chancellor's office and Assemblywoman Nolan to attend or send a representative so that we can hear both sides of the issue. The Committee should meet in January or February and bring their recommendation to the full Board by the March meeting. Mr. Newman also pointed out that it is not likely that this legislation would be acted on before the budget is passed which would not be until the Spring. Frank Skala seconded Mel Meer's motion to support Bill A03525. Victor Mimoni made a second motion to refer the issue to Committee for further review. Mel Meer accepted this motion as a friendly amendment to refer the issue to Committee.

Jerry Iannece announced that he will donate to the Board the public address system which he used to bring to the Board meetings. Mr. Iannece also reported that he attended the Borough Board meeting earlier this evening regarding the Ft. Totten Conceptual Master Plan. Although Ft. Totten

is within the boundaries of CB7, it is very important to our district. The plan is that the old barracks will be torn down and a new park will be constructed with a Native American theme. The construction should start within the next few years. Even though Ft. Totten is not within our geographic boundaries, it is an exciting plan and something that CB11 should participate in.

Steve Newman thanked Jerry Iannece for attending the Borough Board meeting tonight and to both Jerry Iannece and Bernie Haber for the many years they put in working on this project.

Christine Haider thanked Steve Newman for the recent letter the Board sent to Amanda Burden, Chair of City Planning, asking that Auburndale be rezoned. Ms. Haider stated that the members of Auburndale were very upset to find out that Auburndale was only on the list of requested initiatives and not even on the top of the list.

Steve Newman stated that he will be writing another letter to Amanda Burden regarding a map of the areas for rezoning which will show what areas are her priorities, and neither Auburndale nor Hollis Hills are on the map. Obviously, there are certain priorities for rezoning to be accomplished before the Mayor's term ends and we need to try to have CB11 communities included.

Frank Skala stated that part of the Mayor's Plan is to have everyone within 10 minutes of a public park. The Mayor has now redefined all the playgrounds as parks. These are not parks and opening them to the public will only create more problems.

Mohan Jethwani stated that we have been trying to reach out to the community for more ethnic diversity in our membership. He stated that Susan Seinfeld has been very helpful in contacting community groups and newspapers regarding this issue but so far we have not had much success. Mohan Jethwani stated that if anyone knows of someone that might be interested to encourage them to contact the Board.

Rose Bruno stated her disappointment that the Auburndale community was not included in the Bayside rezoning. When City Planning addressed the Bayside rezoning, they should not have cut out Auburndale, which is part of CB11.

PUBLIC HEARING

Cal. # 255-07 A – 40-54 Francis Lewis Blvd. – Eric Palatnik, attorney representing the applicant, gave a presentation on the application to permit the proposed, as of right, two story day care center to be built in the bed of the mapped portions of Francis Lewis Blvd. and 42 Ave. Mr. Palatnik explained that the applicant had come before the Board about seven months ago for building a day care center in the bed of the mapped street. Although the community was opposed to this proposal, BSA approved the application based on the fact that DOT has no intention of widening the street. Since that time, the owner has purchased an additional lot and the enlarged zoning lot allows for a newly designed, larger structure to accommodate more children. Mr. Palatnik responded to some of the concerns raised at the committee meeting stating that there will be no disposal of diapers because children will not be accepted into the program unless they are potty trained. Children will brown bag lunch and there will be no food service, and the facility will meet

all student/teacher ratio requirements. Terri Pouymari, President of the Auburndale Improvement Assoc., Judy Gagliano, Dennis DeVoti, Maria DeVoti and Marie Russo all spoke in opposition to the proposal; stressing that there are already existing traffic problems caused by a public school located directly across the street. The residents contend that building in the bed of the mapped street would set a bad precedent since all the adjacent homes are set back. Concerns were also raised about the issue of dropping off children safely and the negative impact on the quality of life for the residents. Christine Haider, East Flushing/North Bayside Zoning Chair, gave the Committee report stating that the Committee had many questions and only some of them have been answered by Mr. Palatnik. She questioned him further about the trash storage and refuse collection, rooftop playground and fire plan. Ms. Haider stated that the Committee had major concerns that the proposed building will be covering more land, holding more children and teachers, children will be using the sub-basement of the building and the traffic congestion will increase dramatically. The Committee agreed that the facility was still an inappropriate size building for the location and not an ideal location for children, due to safety concerns at this already busy intersection. A facility of this type would drastically change the character and nature of the neighborhood. It was also believed that it was a bad precedent to build in the bed of a mapped street. Francis Lewis Blvd. narrows at the LIRR overpass just north of the site and in the future, Francis Lewis Blvd. may have to be widened. The residents opposed this application for all the reasons stated. The Committee made a motion to continue the previous position to oppose this application to build in the bed of the mapped street and for all the other reasons cited regarding the school. The motion carried by the committee by a vote of 5 in favor and 1 abstention. Discussion followed and the Board members agreed with the residents concerns. Comments were made that we voted against this application before and we should vote it down again. Motion (08-01) was made to continue the previous position of the Board to oppose the application to build in the bed of a mapped street for all the reasons cited. Roll call vote was taken resulting in 31 in favor (Berrios, Basom, Bind, Bruno, Claro, Colasante, Doster, Euler, Ferazzoli, Fried, Garippa, Haber, Haider, Iannece, James, Jethwani, Karahalis, Keit, Kim, Miller, Mimoni, Newman, Novick, Palzer, Pivawer, Scherer, Sekdorian, Skala, Smith, Sollano, Speranza), none opposed and no abstentions. The Board voted unanimously to disapprove the application. Steve Newman suggested that in our letter to BSA we include that we recognize their past practice is to accept or reject a GLC Section 35 application based on input from the various City agencies as to their intent to use the property. Instead we should ask that the BSA revisit the issue as to whether this is an appropriate site at all for a day care center.

COMMITTEE REPORT

N080110ZRY – AIA Zoning Text Amendment Application – Steve Newman reported that an Ad-Hoc Committee made up of the Zoning Chairs met to review the proposed text amendment to the City Planning Commission. We have been informed that our time frame for comment has been extended to February 6th. Joseph Sollano, Douglaston Zoning Chair, gave the Committee report stating that the AIA proposal would basically encourage design flexibility, encourage sustainable and energy efficient buildings. The amendments do not change the FAR in any zone. Most of the changes were in zones that very rarely would impact on our Board, but mostly deal with apartment and commercial buildings in Manhattan and Brooklyn. However, there was one change that affected BSA special permits for low density districts in R3-1, R3-2, R4 and R5 and this greatly

concerned the Committee. Mr. Sollano explained that the Committee was not certain as to the impact the other changes would have Citywide. Therefore, the Committee decided to vote down the text amendment in its entirety. Discussion followed and Steve Newman expressed concerns that this is an issue where 95% of the proposal has nothing to do with our Board. He believes we would be much more credible if we focus on the issue that impacts on our Board and remain silent and not comment on the rest of the proposal. Dennis Novick agreed and stated that is reason why, as a member of the Committee, he voted against the motion to reject the proposal in its entirety. Comments were also made that the text amendment deals with R6 districts which could affect us. Although the Committee's recommendation was to oppose the amendment, it was decided to make the motion in the positive. Motion (08-02) was made to recommend approval of the AIA Zoning Text Amendment in its entirety. Roll call vote was taken resulting in 5 in favor (Ferazzoli, Jethwani, Keit, Newman, Novick), 23 opposed (Bruno, Claro, Colasante, Doster, Euler, Fried, Garippa, Haber, Haider, Iannece, James, Karahalis, Kim, Miller, Mimoni, Palzer, Pivawer, Scherer, Sekdorian, Skala, Smith, Sollano, Speranza) and no abstentions. The motion did not carry.

The meeting adjourned at 9:30 PM.