

## MINUTES OF COMMUNITY BOARD 11 REGULAR MEETING

DATE: May 5, 2008

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

### ATTENDANCE:

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

### ALSO PRESENT:

Susan Seinfeld	District Manager, Community Board 11
Linda Vallerugo	Assistant District Manager, Community Board 11
Jordon Goldes	Representing Congressman Ackerman
Bryan Rivera	Representing Assemblyman Mark Weprin
Steve Behar	Representing Councilman Tony Avella
Bruce Eiber	Representing Councilman David Weprin
John Dorsa	Representing NYC Comptroller
P.O. Anja Gianelle	111 <sup>th</sup> Precinct

The meeting was called to order at 7:30 PM by Steven Newman, Chair

### **ACCEPTANCE OF MINUTES**

Steve Newman stated that Joan Garippa has made some spelling and minor grammatical changes to the minutes, but the corrections did not in any way change the actual content of the minutes.

Henry Euler noted that item #7 of public participation refers to the zoning of the proposed apartment building on Northern Boulevard and Douglaston Parkway as R2, and it should be corrected to read R1-2.

The minutes of April 7, 2008 were accepted with the above corrections.

### **PUBLIC PARTICIPATION**

1. Diane Giardino questioned why the mailing of zip code 11364 in Bayside Hills is now being referred to as Oakland Gardens. Ms. Giardino stated that she has lived in this community for over 50 years. It was always Bayside Hills and now it is being identified as Oakland Gardens.

Steve Newman stated that we will write to the Postmaster and Congressman Ackerman about this issue. Jordan Goldes, of Congressman Gary Ackerman's office, said that he would raise the issue with Congressman Ackerman.

2. Tim Vance, Acting Chairperson of the New John Golden Civic Assoc., spoke about their opposition to the expansion of St. Mary's Hospital, as it is planned at this time. He noted that the Bayside Historical Society, East Bayside Homeowners Assoc. and Bayside Gables join them in their opposition. Mr. Vance stated that, because of a lack of notification, the neighbors never had an opportunity to speak at the NYS Dept. of Health hearing. He announced that a public hearing will be held later in June where the neighbors will have an opportunity to voice their opposition and make suggestions. He invited the Board members to attend the hearing.

Steve Newman asked that we be kept advised of the date and meeting place so that we can send out a mailing.

3. Patrick Lyons commended the Board for last month's public hearing on the cell tower monopole. He believes that our meeting demonstrated democracy in action. Mr. Lyons gave an update on the New John Golden Homeowners Association stating that they met with Dr. Simpser of St. Mary's and discussed various issues. He hopes that further discussion will follow, the community will have input on the environmental impact study and there will be a public hearing regarding the expansion at St. Mary's.

4. Mandingo Tshaka, President of the Bayside Clearspring Council, spoke about the meeting held at Councilman Avella's office regarding the proposed hotel on 210 Street and Northern Blvd. Mr. Tshaka stated that the hotel does not meet the five findings required in the zoning resolution. A hotel will have a negative impact on the community. A second meeting is to be scheduled

regarding this hotel, and Mr. Tshaka requested that the Board not participate. The developer should go through the proper channels and meet all the BSA requirements.

Steve Newman stated that Susan Seinfeld, Henry Euler, representing the Auburndale Civic Assoc., Christine Haider and himself attended the meeting at Councilman Avella's office. The purpose of the preliminary meeting was to allow the developer to lay out his concept to the community. If they do go forward with the project, it will have to go through the ULURP process and come before the Board. The second preliminary meeting is for the people who attended the first meeting, which included the adjacent neighbors, to have time to think about the proposal and present questions. The property could be developed as-of-right to a much larger size than this hotel.

5. Amit Baggra, of Congressman Anthony Weiner's office, stated that the Congressman is aware that the communities in the area are very concerned about zoning and maintaining the character of their neighborhoods. He urged individuals to contact the Congressman's office with any questions or problems. Individuals can visit the website "Who Represents Me NYC" to obtain a list of their elected officials.

#### **PRESENTATION**

William Nelson, Executive Director of the Flushing YMCA, spoke about the many programs available at the YMCA. The Bayside YMCA offers after school programs, early childhood programs and summer camps. He pointed out that many people do not realize that the YMCA provides so many free programs to the young people in the community. The Flushing YMCA serves over 14,000 children throughout Queens. Free kid cards are offered which allows children, who are in a program, but not enrolled with the YMCA, to utilize the YMCA facilities with their families. Mr. Nelson explained that the Bayside YMCA building is underutilized. Their goal is to expand on the programs and the use of the building. The Bayside location will now have karate and yoga programs, as well as teen and family programs available. He urged individuals to visit the Bayside YMCA, and to feel free to contact the staff at (718) 229-5917 regarding any questions about the various programs. He also stated that community groups may be interested in utilizing the space. All were invited to the open house on May 17<sup>th</sup>. Mr. Nelson noted that the Flushing YMCA also offers various senior programs.

Steve Newman stated that our area of Queens has the second largest number of seniors over 65 with the least number of services. We have one senior center in our district, and he encourages the Flushing YMCA and others to compete for additional senior programs for the CB11 district.

#### **PUBLIC HEARING**

1. Duane Schielke, Executive Vice President, Steven Mosenson, General Counsel and Joseph Pancari, Executive Vice President of Cerebral Palsy Association (CPA) gave a presentation on the proposal to develop two community residential facilities, one at 51-34 Marathon Parkway and the other at 63-40 255 Street. Mr. Schielke explained that they will be relocating 8 people who are currently living in apartments in Queens. The apartments are being converted to condominiums and the owner is not renewing the lease. Each house will house 4 families who have cerebral palsy

with ambulatory problems. The residents will attend adult day programs and travel by CPA buses. The homes will have staff present at all times to assist residents. Both homes will be renovated to accommodate wheelchairs and provide other safety features, ramps will be installed in the front of the properties which will be covered by landscaping. Mr. Schielke stated that their homes are always well kept, and they pride themselves as good neighbors in the community. Li Jun Ni spoke in opposition to the home at 51-34 Marathon Parkway regarding safety concerns and also read a statement in opposition from his neighbor Cai Wei Hong. Etel Chiantella spoke in opposition to the proposed home at 63-40 255 Street stating that this specific location is isolated and will not provide handicapped residents with adequate public services. David Kerpen also spoke in opposition regarding concerns as to property values if, at a later date, the property should be sold by Cerebral Palsy to a less desirable group. Zion Halili and Stephen Pivawer, Group Home Site Selection Co-Chairs gave the committee report outlining the details and renovations of each house. It was explained that at the committee meeting, residents next to the 255 Street home had concerns because of its proximity to Little Neck Parkway and the number of vehicles that would be parked at the house. Concerns were also raised about the home on Marathon Parkway because of its proximity to MS 67 and the lack of parking during the week. The committee also had discussed the selling price of the homes, comparative costs of housing, federal and state money that supports the homes and the financial status of CPA. It was pointed out that Section 41:34 of the NY Mental Hygiene Law on site selection states that there are three options the "municipality" has in commenting on the selection: 1) approve the site recommended; 2) suggest alternative sites; or 3) object to the establishment of a residence at the site because to do so, in the Board's opinion, would result in such a concentration of residential facilities that the nature and character of the neighborhood would be substantially altered. The committee made a motion to approve the site selection of both homes by a vote of 5 in favor, 2 opposed and 1 abstention. Lengthy discussion followed. Questions were raised regarding the cost of the homes, the cost of the renovations, the cost of the care for the residents and the salaries of the CPA executives. Also, concerns were raised regarding the safety issue of a resident facility located in close proximity to a middle school and discussion pursued about possible more affordable alternative sites. Mr. Schielke stated that the cost of the renovations would be approximately \$250,000 for each home, the selling price of the home located on Marathon Parkway was \$690,000, and the home on 255 Street was \$729,000. Steve Newman responded to the question of salaries, since that topic has been raised on several occasions, stating that he had a list of salaries of executives for non-for profit organizations and hospitals. Salaries for non-profit executives, who manage large complicated organizations, are significant.

Motion (08-06) was made to recommend approval of the site selection of a residential facility at 51-34 Marathon Pkwy. Roll call vote was taken resulting in 22 in favor (Berrios, Caloras, Corn, DiBenedetto, Euler, Ferazzoli, Fried, Haber, Halili, Hellmann, Iannece, Jethwani, Karahalis, Keit, Macinick, McEaney, Miller, Newman, Novick, Rosse, Scherer, Walsh), 9 opposed (Claro, Garippa, Giusetti, Haider, Rothman, Sekdorian, Skala, Speranza, Yagudaev), and 8 abstentions (Bruno, Colasante, Doster, Meer, Mimoni, Palzer, Pivawer, Sollano).

Motion (08-07) was made to recommend approval of the site selection of a residential facility at 63-40 255 Street. Roll call vote was taken resulting in 22 in favor (Berrios, Caloras, Corn,

DiBenedetto, Euler, Ferazzoli, Fried, Giusetti, Haber, Halili, Hellmann, Iannece, Jethwani, Keit, Macinick, McEaney, Miller, Newman, Novick, Rosse, Scherer, Walsh), 9 opposed (Claro, Garippa, Haider, Rothman, Sekdorian, Skala, Speranza, Yagudaev), and 8 abstentions (Bruno, Colasante, Doster, Meer, Mimoni, Palzer, Pivawer, Sollano).

2. Douglaston Historic District Extension - Steve Newman reported that 17 people have signed up to speak on this item. In the interest of saving time, he asked each group to limit their speakers to three people and request that the speakers address all the points of their group. Each side will have equal speaking time. Melvyn Meer questioned how this issue came before the Board and why there was not a committee report. Bernard Haber explained that this is a public issue regarding the extension of an additional 17 houses to the Douglaston Historic District. We are having a public hearing just as we would any other land issue. He further explained that we had not received any information from Landmarks other than what was distributed to the Board, and a representative from Landmarks was not able to attend this meeting to make a presentation. Kevin Wolfe, Vice President of the Douglaston/Little Neck Historical Society, gave a presentation on the background of the historic district. The Douglas Manor area was designated a landmarked area in 1997, and 31 houses in the Douglaston Hill area received landmarked designation in 2004. This proposed extension includes 20 buildings. Among the buildings are 17 private houses, the Community Church of Douglaston, the Manor apartment building and PS 98. He stressed the importance of maintaining and preserving the historic significance and architecture of the properties which include mid-19<sup>th</sup> century and early-20<sup>th</sup> century buildings. Steve Newman noted that we received letters from the Queens Preservation Council and the Queens Historical Society in support of the landmarking. Cindy McCann spoke in favor, stating that we need to preserve this lovely unique community. Franklin White, who lives within the designated area, spoke in opposition. He stated that 14 of the 17 homeowners, which represents 80% of the residents in the proposed area, are opposed to the landmarking. Mr. White stated that the homeowners were never notified, when the process started about 1 ½ years ago by the Historical Society, that this plan for their homes was being submitted to the Landmarks Commission. Despite letters of opposition from the homeowners to the Preservation Commission and the Historical Society, the landmarking process is still moving forward. He stated that the residents want to be able to control their own property and not be told how to make renovations or changes to their homes. Tom Sepe also spoke in opposition, stating again that the residents were never consulted, notified or given an opportunity to vote on the extension proposal. Stuart Hersch gave a closing statement in favor of the landmarking, stating how the Douglaston community has become a model of architectural preservation and that landmarking will increase property value and maintain the historic quality of the homes in the community. Steve Boutis gave a closing statement in opposition to the proposal stating that many of the houses are very old and landmarking will place an extra financial burden on homeowners when making renovations or repairs. Lengthy discussion followed. Concerns were raised that there was not a committee report and were the residents notified of the meeting. It was noted that since 1997, a committee from the Board and the Historical Society have reviewed over 300 landmarking applications and none were turned down by Landmarks. Instead Landmarks works with the applicant to make the proper changes. None of these applications have ever been brought to the full Board for review, committee reports are not written, only a letter of recommendation is sent to the Landmarks Commission. Over time this committee has been

centered in the Community Board. The committee contains many local architects as well as Community Board members. In this case, Landmarks is looking for the Douglaston community to give a recommendation on the extension. Motion (08-08) was made to recommend the extension of the Douglaston Historic District. Roll call vote was taken resulting in 14 in favor (Berrios, Caloras, DiBenedetto, Doster, Euler, Haber, Haider, Hellmann, Iannece, McEneaney, Palzer, Rosse, Scherer, Sollano), 24 opposed (Bruno, Claro, Colasante, Corn, Ferazzoli, Fried, Garippa, Giusetti, Halili, Jethwani, Karahalidis, Keit, Macinick, Meer, Miller, Mimoni, Newman, Novick, Pivawer, Rothman, Sekdorian, Skala, Speranza, Yagudaev) and no abstentions. The motion did not carry.

### **COMMITTEE REPORT**

Since neither of the Education Committee Co-chairs were present at the committee meeting, Susan Seinfeld, District Manager, was asked to give the Education Committee report. Susan Seinfeld explained that the committee reviewed two items. One item was a bill which was introduced in the State Assembly by Catherine Nolan to require public review for the leasing of school buildings by the Department of Education, and the other was to discuss the Chancellor's ban on students bringing cell phones to school. David Palmer, from the Lawyers of the Public Interest, spoke in favor of the Nolan bill and discussed how buildings had been leased by the School Construction Authority that were contaminated by high levels of toxic chemicals such as lead and mercury which later required the schools to close for decontamination.

Assemblymember Nolan's bill would require the site selection of leased buildings to go through the public review process. Councilman Gennaro was also present at the meeting and discussed that the "same as" bill should be introduced in the Senate. Senator Padavan had introduced a bill in the Senate which does not require Community Board or City Council review. This was a politically charged situation because Councilman Gennaro has entered the campaign as Senator Padavan's adversary. After reviewing the Assembly bill and the resolutions passed by CEDC, CB7 and CB8 in support of the bill, a motion was made to recommend support of the Nolan Assembly bill A.8838 and a "same as bill" in the Senate. The motion failed by a vote of 2 against, 2 in favor and 3 abstentions.

The committee then discussed the Chancellor's ban on students bringing cell phones to school. Robert Caloras presented the concerns raised by the parents in District 26 who want to be able to keep in touch with their children when traveling to and from school. They also discussed the various problems cell phones can cause in schools such as cell phone theft, cheating and taking photos. Under the Chancellor's policy, possession alone allows the principal to confiscate a phone. Assemblymember Nolan introduced legislation that would direct the Chancellor to establish guidelines for allowing possession of phones. The Community Education Council District 26 (CEDC) passed a resolution. The resolution was reviewed by the Committee and suggestions were made to amend the resolution for CB11. A motion was made to adopt the amended version of the CEDC resolution by a vote of 5 in favor, 1 against and 1 abstention.

Steve Newman explained that we invited the Lawyers for Public Interest to attend this meeting, but they were unable to attend. Ross Holden, Vice President and General Counsel, of the School Construction Authority (SCA), is here this evening on behalf of the Dept. of Education to discuss

the leasing of property for schools. Mr. Holden explained that there was one building leased in Manhattan in the early 1990's that was previously a dry cleaning plant. The soil was contaminated, and the building was never opened. Since the SCA has become involved they are diligent with environmental review. Phase I is a visual inspection of the property and paper analysis of the past use of the property. They proceed to Phase II if they have reason to believe the property could be contaminated. Phase II is the actual physical testing of the soil and ground water. In the case of the Mott Haven property in the Bronx, which is mentioned by the Lawyers for Public Interest, the property was actually City owned and they spent \$30 million for clean-up. The Padavan bill protects the environment but is a compromise between Assemblywoman Nolan's full scale public review with SEQRA review. The process of a full review may take 6 months or more and landlords would not want to do business with the City if it takes too long. The Padavan bill abbreviates the process.

Robert Caloras addressed the issue of the school leasing and stated that the real question here is why there is a two tier system. When you buy property for a school building, you must go through a SEQRA review, City Council review and public hearings. The system in Senator Padavan's bill does not have that bite. You should have the same review when you lease as when you buy. The process of leasing takes time. For example, at the Little Neck Jewish Center, which is now being leased for a school, negotiations to lease that property took at least 6 to 8 months because the synagogue and SCA had many questions. In his opinion, the market will not take the building away from the school even if it takes 5 to 8 months to test. The Nolan bill will expedite the process. Children should not be going to a school where there is any possibility that the building may be contaminated, whether or not the Department of Education deems it safe. The Padavan bill only calls for public hearings with nothing else. Discussion followed. Comments were raised that an outside speaker attended the committee meeting who had his own political interests and that was not appropriate. Steve Newman said we will always accept comments from our elected officials. Further comments were made that when a school site selection property is bought for a school it must undergo a comprehensive SEQRA review and community input, which is what took place with the synagogue in Bayside Hills. The Community Board hearing found the location not to be an appropriate site for a school. Leased property should have to go through the same environmental and public review process, not only for the safety of our children but the prerogative of the community to address the various issues and concerns of a particular site. Other remarks were made that many landlords are not eager to enter into a lease agreement with the City due to lengthy negotiations and payment processes. Motion (08-09) was made to recommend that CB11 support the Nolan Assembly Bill A8838 and a "same as bill" in the Senate. Roll call vote was taken resulting 23 in favor (Bruno, Caloras, Claro, Colasante, Corn, DiBenedetto, Doster, Garippa, Haider, Iannece, Jethwani, Karahalidis, Keit, Macinick, McEneaney, Meer, Miller, Newman, Novick, Palzer, Rothman, Scherer, Sollano), 1 opposed (Halili), 7 abstentions (Euler, Giusetti, Hellmann, Mimoni, Pivawer, Skala, Speranza) and 1 present (Fried).

Steve Newman asked to call the question on the cell phone ban issue. Objection was raised and therefore, the cell phone ban issue will be tabled until next month's meeting.

Steve Newman announced that due to the late hour, the Transportation items which are scheduled

to be heard next on the agenda will be held over until next month's meeting.

Steve Newman reminded all that the next meeting is not on the first Monday of the month. It has been scheduled for Monday, June 23<sup>rd</sup>.

The meeting adjourned at 11:00 PM