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Community Board No. 2

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February 17, 2016

Patrick A. O'Brien
Chairman
Debra Markell Kleinert
District Manager

Land Use Committee Meeting Minutes

Attendees

Lisa Deller
Kenneth Greenberg
Richard Gundlach
Michael Son

Absentees

Stephen Cooper
Anna Thea Bridge
Sally Frank
Charles Markey
Patrick A. O'Brien
Elliot Park

CB 2 Staff

Debra Markell Kleinert

Public Members

Joseph Conley

Department of City Planning

Penny Lee
Alexis Wheeler

Guests

Kenny Medrano, Council Member Van Bramer's Office
Christian Murray, Sunnyside Post
Aileen Nielsen
Jessica Rubenstein, Esq, Eric Palatnik PC's Office
Hilary Atzrott, Sheldon Lobel, PC

Ms. Deller welcomed everyone to the meeting.

Landmark Application 41-04 47th Street, Sunnyside – LPC Docket Number LPC 18-0478

The applicant stated the house is located at 41-04 47th Street, Sunnyside just off Skillman Avenue in the Sunnyside Historic District. It was not in good shape due to water damage and electrical problems. The applicant provided an update on the scope of work that is being proposed and presented before and after photos.

The summary of work proposed for the Exterior is:

- Replace Windows
 - Replace vinyl windows with historically appropriate wood windows, green trim, 6 over 6 wood windows.
- Enclose front porch
 - Use historically appropriate wood windows and door.
- Remove existing in wall AC Units; brick in openings.
- Replace rear terrace railing.
 - Use black metal railing consistent with neighboring houses
 - Not visible from street.
- Installation of two AC compressors in rear yard,
 - Not visible from street

The summary of work proposed for the Interior is:

- Relocation of two bathrooms.
- Expansion of kitchens.
- Update of appliances.
- Installation of new wood floors.

The applicant stated there will be no change to the front fence. The applicant spoke with the staff at Landmarks and will present their proposal to Landmarks on March 13, 2016.

- The applicant stated the color green they are choosing is one of three approved colors.
- The applicant is seeking a letter of support and has spoken to their neighbors about the project.
- Ms. Deller invited the applicant to attend the full board meeting on March 3, 2016.

A recommendation was made to not oppose the application. All were in favor by a show of hands.

BSA Application 32-23 Queens Boulevard aka 43-11 32nd Place – 173-93-BZ

To discuss a proposed application for the YMCA that has been calendared at the BSA for March 8, 2016. The applicant seeks an amendment of the previously approved variance to permit a community facility with accessory parking and now to propose the unused development rights for incorporation into a new as of right hotel.

Jessica Rubenstein, Eric Palatnik's office provided the following update:

- The YMCA is located on 32-23 Queens Boulevard at intersection of 32nd place, lot 24. In 1994 they were granted a variance for a change in use to build their current facility.

- They are coming before the Board because they are seeking to transfer 40,000 square feet of development rights to lot 50, which is adjacent to current lot 24, to build an as of right hotel. They need to go back to the BSA to amend the original resolution that granted their variance.
- The owner of the Premises is seeking an amendment of a previously approved variance to permit a community facility with accessory parking and now to propose the unused development rights for incorporation into a new as of right hotel. The application was filed on July 17, 2015.
- The hotel will be 325,000 square feet, 17 stories, 6.5 FAR. The hotel will be built as of right and will comply with the underlying regulations of the M1-4 district.
- This purpose of the application is to benefit Lot 50, which will be improved upon with the hotel. The application at the BSA is concerning lot 24. Lot 24 it is improved upon by the YMCA. The YMCA is giving their development rights to lot 50.
- Ms. Rubenstein stated that the YMCA did go through several amendments of the resolution. In 1997, they adopted a resolution to amend the original grant to reduce the size of the structure from 41,540 square feet to 30,160 square feet.
- In 2001, they returned to the board again to permit a 29,440 square foot enlargement on the main floor. In 2002, the board approved the reduction of the enlargement that was previously granted. This was based on programmatic needs as they are a non-for profit organization as they did not have to prove financial hardship. This application is unique because it is analyzing it in a different way. Received the variance to occupy the building for their programmatic needs.
- Ms. Rubenstein stated the total square footage when the lots merge will be 50,000 square feet and reported it has been calendared for March 8, 2016.
- Ms. Rubenstein stated she would forward the whole application.
- Ms. Deller stated there would be no benefit to the community for transfer of air rights and asked who the hotel operator is?

Joe Conley stated that CB 2 needs clarification on why this is going to the BSA regarding the transfer of air rights which requires BSA approval. In addition, he asked to bring back to the YMCA of Greater NYC, to build a community center and to rethink the use they have to develop a community center that is much needed in the community.

- Ms. Rubenstein reported there will be 18 parking spaces, and the entrance will be on 33rd Street and stated the application was sent to the BP's Office and the Council Member's Office.
- Ms. Deller requested that Mr. Palatnik to attend the March 3, 2016 Board Meeting.

BSA Application 64-01 Woodside Avenue – 138-11-A

To discuss a proposed application that allowed construction to continue on a seven-story mixed use residential/community facility building under the R6 zoning regulations (renewed application no 420251355-01NB). This application is to extend time to complete construction and secure a Certificate of Occupancy for the premises.

Hilary Atzrott, Sheldon Lobel, PC provided the following presentation:

- Ms. Atzrott stated this is a BSA Application for an extension of time to complete construction and secure a Certificate of Occupancy for the premises, which was granted a prior BSA approval under the common law doctrine of vested rights.
- The BSA granted an application on December 13, 2011 to allow construction of a seven story building at the Premises to continue under the R6 zoning after it was rezoned to R5D. Construction was to be completed by December 13, 2013, 97% of construction was completed within the two-year time frame between December 13, 2011 and December 13, 2013.
- Construction was substantially completed within the two-year time frame, the remaining construction is minor. Final completion was delayed because the building had to be connected to the sewer lines in the area. Necessary sewer approvals began in 2012 and due to administrative delays were not granted until 2014. The only remaining work is a final inspection and sign off from DOB.
- Photos were presented.

Mr. Conley provided the history of the site and spoke about the many demonstrations that took place at this site. There was considerable outrage from the community about the project. There were many stop work orders and the developer was disingenuous as he raced to get it done due to a zoning change that he knew was coming. It was a one family house that was taken down which is now has 17 new residential units. Mr. Conley stated the density on the project is totally out of scale.

- Ms. Atzrott stated she cannot speak as to what happened before that BSA approval as she was not involved with the project at that time. She discussed the common law rights case in 2011, and stated the BSA issued that approval which allowed them to proceed with construction.
- The issue with the sewer lines was discussed.
- Ms. Atzrott will follow up on the lack of trees at the location. She stated that it would be a more dangerous condition to have a vacant building in the community. The benefit is to have a full building. It will be market rate housing and is there is no affordable component required and it is as of right.
- Ms. Deller requested the developer attend the March 3, 2016 Community Board 2 Meeting.

Consumer Affairs Application

This is a new application for an unenclosed sidewalk café with 4 tables and 8 seats at Café 52 Restaurant Corp. located at 51-29 43rd Avenue, Woodside.

The applicant provided the following presentation:

- Diagram was reviewed and it will be on front side with 4 tables and 8 seats.
- Entrance to the curb is 27 feet long.
- From the table to the curb is 19 feet, and there is more than enough clearance.
- Hours of Operation will be from 7:00 am to 11 pm, Monday through Sunday and will stop serving at 10:00 pm.
- Existing planter will be removed.
- Wine and beer license.
- Parking of delivery vehicles was discussed.
- Ms. Deller discussed the barrier between café and sidewalk.

Street Renamings

Murray Fox Renaming

Ms. Deller welcomed Carol Masiello who stated she was present to speak about a street renaming for Murray Fox.

Ms. Deller stated she knew Mr. Fox and his family.

Ms. Masiello submitted a letter of support from the Kiwanis Club requesting a street renaming in honor of Murray Fox. She requested the location of the street renaming be for Greenpoint Avenue and 44th Street. Mr. Fox lived on Skillman Avenue.

The Land Use Committee made a recommendation for the street renaming as long as there was a letter or email in support from Mr. Fox's family. Ms. Masiello stated she would contact them.

Al Volpe Street Renaming

Mr. Conley stated he spoke to Kay Volpe on how best to honor Al Volpe's commitment to the community. There are two locations under consideration:

39th Drive by Berkley Towers or
51st Street and Skillman Avenue, this is the location where Mr. Volpe led the effort to get the street light installed. Mrs. Volpe thought this might be a good location and she is open to either one.

Ms. Deller agreed 51st Street and Skillman Avenue would be a good location.

Department of City Planning

Alexis Wheeler discussed the plans for a working group for the LIC waterfront plan. She discussed the scope of the area and stated it would start at Queens West near Anable Basin and it is unclear how far it would go to the private sites.

- She spoke about the scope of the area:

The Committee discussed the M Zones and that they are under attack.

A motion was made to send a letter to the Mayor to think about a moratorium on hotels with a copy to Carl Weisbrod. All were in favor by a show of hands.

Penny Lee stated she is hopeful that next month there will be communication on the LIC Core.

Ms. Deller discussed the 421-a tax abatement program and suggested the Board notify the community of affordable apartments and also suggested that we add a link on the website to HPD for projects in our community.

Land Use Committee Votes

Landmark Application 41-04 47th Street, Sunnyside – LPC Docket Number LPC 18-0478

Ms. Deller made a motion and it was seconded to approve this application. All were in favor with none opposed and no abstentions.

BSA 43-11 32nd Place

Ms. Deller made a motion and it was seconded to oppose the BSA Application to transfer air rights as there is no benefit to the community. All were in favor of the motion to oppose with none opposed and no abstentions.

BSA 64-10 Woodside Avenue

Ms. Deller made a motion to oppose the application on the grounds of the time delay, historically, it is a problem site, the community opposition was strong, and they failed to landscape frontage of the building which was required.

A discussion took place as the developer tried to beat the clock however; he has to put in a sewer line. Community space was discussed.

Ms. Deller stated that we need to pull the BSA Application to make sure whatever the BSA's opinion was at that time that it was adhered to.

Ms. Deller stated they will be invited to come back to the March Land Use Committee Meeting

The sewer approvals were approved in 2014 and we need to verify with DEP.

Kenny Greenberg made a motion to have the developer return to the Land Use Committee in March and get commitments on what he was obligated to do under the original BSA Application.

Consumer Affairs Application

This is a new application for an unenclosed sidewalk café with 4 tables and 8 seats at Café 52 Restaurant Corp. located at 51-29 43rd Avenue, Woodside.

Ms. Deller made a recommendation to approve the application and all were in favor of the approval with none opposed and no abstentions.

Paragon Paint

Ms. Deller reported CB 2 is preparing a draft letter to send to the BSA with the many reasons on why we are opposing the application. We have not heard anything from the applicant.

The meeting was adjourned.

Respectfully submitted by:
MA Gurrado

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