



Melinda Katz  
Queens Borough President

## Community Board No. 2

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Denise Keehan-Smith  
Chairwoman

Debra Markell Kleinert  
District Manager

**October 19, 2016**

### **Land Use Committee Meeting Minutes**

#### **Attendees**

Lisa Deller  
Stephen Cooper  
Ira Greenberg  
Kenneth Greenberg  
Richard Gundlach  
Denise Keehan-Smith  
Michael Son  
Regina Shanley

#### **Absentees**

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

#### **CB 2 Staff**

Debra Markell Kleinert

#### **Public Member**

Joseph Conley

#### **Department of City Planning**

Penny Lee

#### **Queens Borough President's Office |**

Irving Poy

### **Elected Officials**

Kenny Medrano, Council Member/Majority Leader Jimmy Van Bramer's Office

### **Guests**

Jerry Wolkoff  
Nelson Cater, Esq, Attorney for Universal Church  
Ricardo Fernandes  
Mothusi Phometsi, Architect for Universal Church  
Eric Palatnik, Attorney for Universal Church  
Jessica Rubenstein  
Cantonio Cahuantzi  
David Micena  
David Borges  
Antonio Carballo

Ms. Deller welcomed everyone to the meeting.

Ms. Deller requested Mr. Jerry Wolkoff provide an update on the Wolkoff Project and requested a review of the agreements:

### **Wolkoff Project**

Mr. Jerry Wolkoff provided the following update:

- The project will include approximately 200 units of affordable housing and has a 421A tax abatement that requires a 20% affordable housing component.
- Regarding the inclusion of art space, there will be a specific wall within and the exterior of the building to bring back street art. The project will also include artist studio space.
- Mr. Wolkoff said that he would bring the architectural plans back to Land Use for review.
- He reported that the first tower is up to the fourth floor currently. The second tower will begin within three months and a year from November both towers will be topped out.
- Wants to wait another year to discuss the retail space.
- The studios for artists will be on Davis Street.
- He said that it is important to continue 5 Pointz Street Art.

Ms. Deller brought up the issues of a petition from neighborhood residents regarding construction taking place as late as midnight and the ongoing protest by union members at the site.

Mr. Wolkoff discussed some of the union labor issues.

Mr. Wolkoff stated he has been doing this for 60 years. Whatever he has agreed to do here, he will live up to the fiduciary responsibility to the community. He is putting in a lot of money, effort and time to build a beautiful building.

### **School Construction Authority**

### **Discussion of Proposed New School at 38-04 48<sup>th</sup> Street**

Kenny Medrano handed out written Testimony from Council Member/Majority Leader Jimmy Van Bramer that was submitted at the Community Education Council (CEC) 30 on the Construction of a New Middle School in Sunnyside.

Mr. Mirasola, Director of External Affairs, SCA provided the following update:

- Presented a slide presentation with before and after photos of how SCA has included historic preservation in school construction project. He said that the Public Comment period extends to November 4<sup>th</sup>.
- Mr. Mirasola discussed a statement that was issued by the Council Member at the last Community Education Council (CEC) Meeting.
- He announced the SCA would agree to all of Council Member requests.
- Mr. Mirasola provided a paraphrase of what the Council Member requested:
  - SCA should make all efforts to preserve the building and if it is not possible, the SCA should work with the community, form a committee, get together and to find something that works for the community.
- Mr. Mirasola announced that Lorraine Grillo, CEO of SCA stated that should SCA have to take it down the existing building that she would commit to give a building that would more closely resemble the original structure.
- He discussed the design process for a school in Jackson Heights and how they worked with the community during the design process. He also discussed situations in Brooklyn where the schools were different and are willing to go the extra mile to work with the community.
- The SCA is the best at what they do and are the best in the whole country.
- He said that the Landmarks Commission does not have jurisdiction over the SCA. The State Historic Preservation Office (SHIPPO) does. The SCA, which is a state agency has to speak to the State Historic Preservation Office and work with them to find out what their requirements are.
- Engineers have to look over the building. The building has taken in a lot of water over the years and they do not know if it is structurally sound.
- The SCA will provide their recommendations.

Ms. Deller discussed the issue of parking, traffic, pedestrian traffic, safety and security.

Mr. Mirasola discussed the parking issue and that schools do not have teacher parking. A discussion about the parking concerns took place.

Ms. Deller stated that the CEC expected this to be a “zoned” school. Mr. Mirasola said that it had not yet been determined whether this would be a “zoned” school.

Mr. Mirasola stated the SCA does not provide parking for teachers and does not decide what the road signs would be. He recommended that the Community Board discuss with the DOE and DOT.

Mr. Mirisola stated it is too early to discuss how tall the building is going to be. The Committee discussed the concerns of homeowners whose rear yards will be adjacent to the school.

Ms. Deller asked about the Environmental Studies. Mr. Mirisola stated they will be testing the soil and will remediate the site and reported there will be standard construction hours.

The Committee discussed possible alternative sites:

- Sports Authority site. Mr. Mirisola reported this site is not available.
- The site behind Phipps
- City owned property on the other side of the rail road tracks. Mr. Mirolosa reported this site is not available as it is the DEP 3<sup>rd</sup> Water Shaft.
- Wendy's Site on Queens Boulevard.

Mr. Mirisola discussed the sound proofing of the windows since the 48<sup>th</sup> Street site is near the railroad.

Mr. Cooper asked about the square footage for a 600 seat school. Mr. Mirisola said that he would provide the information.

#### **BSA 68-03 Roosevelt Avenue – Universal Church – BSA Application 2016-4148-BZ**

Mr. Palatnik, attorney for the Universal Church provided the following update:

Mr. Palatnik introduced the Pastor of the Universal Church, the Project Architect for the project, the Attorney for the Church, and a representative for church development.

- A public hearing was held on September 27, 2016.
- Many people signed up to speak in opposition of the project.
- Heard many of the complaints.
- Asking for a variance for the Universal Church to build a facility that is 67,000 square feet.
- The church is located in and R5 & R6 district.
- They are not asking for more floor area and are allowed to build 125,000 square foot church.
- It is tall but they are at half of what the permitted floor area is.
- Asking for a height variance, which is a substantial visible variance. Want a height of 79 feet.
- Mr. Palatnik reviewed the plans.

Ms. Deller said that criticism of the building is that it's too tall and asked why the church isn't willing to reduce the height. She stated that the concern is it is too big for adjacent homeowners and that the church is asking for an BSA variance for a site that is vacant. They will be adding huge capacity in the sanctuary for approximately 900 people to attend services.

Mr. Palatnik stated they are trying to get everyone into one room. They are trying to create a spiritual religious environment.

Ms. Deller asked them to consider a redesign.

The architect provided the following update:

- Looked at challenges on the site and the neighborhood and took all things into consideration.
- Want to resolve the problem for the neighborhood and the church.

Ms. Deller requested that the church provide a design that will fit into the community.

Mr. Palatnik discussed the following:

- Religious Land Use and Institutionalized Persons Act.
- The existing location near the subway creates noise and the vibration is disruptive to engage in their prayer functions.

The issue of parking was discussed.

The pastor spoke about the worship experience and because of this it is just terrible for vibration and noise while the service is being conducted. They are seeking a better worship experience. Want to continue the important programs of the church.

The architect stated this was the best orientation of the programs of the church and the neighborhood challenges.

Mr. Palatnik stated the following:

- They are next to the train station and can hear the screeches of the metal.
- Many people spoke at the hearing held at St. Sebastian's but Mr. Palatnik did not know where they were from.
- The Church knows what they are doing and the people that they spoke to do support the application.

Ms. Deller asked them to consider modifying the application.

Mr. Palatnik discussed the following:

- Programmatically they have nowhere else to go and maintain this while the new building is being built.
- Trying to say there were many people opposing it and now there are people here supporting it.

The architect discussed the curb cut is on Roosevelt Avenue and 38<sup>th</sup> Avenue but do not want to use that as the main entrance.

Irving Poy, Queens Borough President's Office asked about the front elevation from 69<sup>th</sup> Avenue and if they have done an estimate of the volume that goes from the front to the back and how many square feet.

In response to a question about excavation, the architect stated they have been working with the MTA.

Ms. Deller requested an update on the treatment of the parking lot wall. The architect discussed the parking lot.

The pastor discussed the variance of the height and said he has been there for 20 years.

Mr. Conley discussed the issue of day laborers and also asked if they would open their doors to the community for community space.

The pastor stated the area will be much better and safer with the new church in this location.

**BSA 60-11 Queens Boulevard – 60-82-BZ**

Continue discussion on this application which seeks to extend the term of the variance last extended on March 13, 2007 This is to permit the use of the premises as an automotive service station with accessory uses.

Mr. Palatnik provided the following update:

- The variance is being renewed they plan to replace the car wash machines.

Ms. Keehan-Smith reported the following:

- There are many issues and concerns at this location.
- The car wash has pumps and machines by 60<sup>th</sup> Street and when someone walks by, they get soaked.
- People waiting to cross the street get sprayed with water and there is no protection for pedestrians.
- There is only one service lane on Queens Boulevard, which gets backed up, traffic is horrible and there is no treatment of the water.
- Cars line up and while they are waiting they are blasting their music and it is a problem for the community.
- The attendants are disrespectful.
- There is housing all around the area.

Mr. Palatnik stated they are designing a system to put in. He represents BP Gas, the owner of the site and CB 2 and he will reach out to them. He reported they have plans to put in a filtration system.

**Land Use Committee Recommendations:**

**Proposed New School at 38-04 48<sup>th</sup> Street**

The committee made a recommendation to vote in favor of the site acquisition subject to the following stipulations:

- Community Board 2 to be included in an advisory capacity to SCA on the programming and the design of the new school,

- The school will be a “zoned” school for District 30.
- The SCA will incorporate the historic Clarence Stein building in the new design and build a school that is historically and architecturally consistent with the architecture of the surrounding Sunnyside Gardens community
- The vote was 5 in favor of the motion 1 opposed and 0 abstentions

The Land Use Committee also recommended that CB2 invite DOE and the DOT representatives to advise the Board on their policies and procedures regarding the impact of the school construction and parking on surround community.

**BSA 68-03 Roosevelt Avenue – Universal Church – BSA Application 2016-4148-BZ**

There was a discussion about the BSA approval process and the five findings that need to be made to obtain a variance, which the BSA website describes as:

“(a) that there are unique physical conditions .... inherent in the particular zoning lot; and that, as a result of such unique physical conditions, practical difficulties or unnecessary hardship arise;

(b) that because of such physical conditions there is no reasonable possibility that the development of the zoning lot will bring a reasonable return ... this finding shall not be required for the granting of a variance to a non-profit organization;

(c) that the variance, if granted, will not alter the essential character of the neighborhood;

(d) that the practical difficulties or unnecessary hardship claimed as a ground for a variance have not been created by the owner;

(e) ...the variance, if granted, is the minimum variance necessary to afford relief”

Ms. Deller summarized the community criticism received by the Board; that proposed church structure is too high and shifts too much bulk to the rear of the lot, she requested that the developer go back to the drawing board and focus on redesigning the building to reduce the size of the building and need for a BSA variance.

Stephen Cooper made a motion and it was seconded to oppose the BSA variance application on the basis the property allows them to build a church at the size they are requesting without seeking a variance. The zoning allows them to build as of right and we prefer the as of right option.

- All were in favor of the motion with no one opposed and no abstentions.

**60-11 Queens Boulevard**

Mr. Palatnik will go back to the representatives to discuss the issues and complaints

A motion was made to adjourn the meeting.

Respectfully submitted by:  
MA Gurrado

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