

COMMUNITY BOARD #7 PUBLIC HEARING & REGULAR MEETING
MONDAY, JANUARY 12, 2015
UNION PLAZA CARE CENTER
33-23 UNION STREET
FLUSHING, NEW YORK

PRESENT

Charles Apelian
John Byas
Tyler Cassell
James Cervino
Kim Cody
Nicholas Corrado
Joseph Femenia
Arlene Fleishman
Rose Forkan
Fred Fu
Pablo Hernandez
Jeff Huang

Eugene Kelty
Donald Kirchhofer
Phil Konigsberg
Frank Macchio
Rev. R. McEachern
Barbara McHugh
Devon O'Connor
Kim Ohanian
Terence Park
Vana Partridge
Kris Ram
Marc Schiffman

Warren Schreiber
Kevin Shields
Matt Silverstein
Peter Sutich
Joseph Sweeney
Carlos Talisaysay
John Tsavalos
Peter Tu
Arnold Wagner
Clarissa Wong
Linna Yu

ABSENT

Chin-Hsiang Chiang
Timothy Chuang
Peter Kwiath

Esther Lee
Selma Moses
Millicent O'Meally

Jean Ren
Andrew Rocco
Joshua Sussman
Jie Zhu

COMMUNITY BOARD #7 STAFF-

Marilyn Bitterman, District Manager
Marilyn McAndrews, Community Assistant
Mary Zuliani, Community Assistant

GUESTS

Michael Stinson, Congressman Israel's office

Don Capalbi, for Congresswoman Meng

GUESTS (continued)

James Ward, Senator Avella's office	Amber Yoon, for Assemblyman Braunstein
Young Kim, Assemblyman Kim's office	Courtney Cariello, for Assemblywoman Rozic
Allen Hsu, Councilman Koo's office	Adam Chen, Public Advocate's office
Jeong-Ah Choi, Borough President's office	Susie Tanenbaum, Borough President's office
Elane Fan, NYC Comptroller's office	

Since Chair Gene Kelty was scheduled to arrive later, the meeting was called to order at 7:05 P.M. by First Vice-Chair Chuck Apelian with the Pledge of Allegiance to our Flag followed by a moment of silence in honor of our servicemen at home and abroad as well as our first responders on the home front. Also a special remembrance of the police officers gunned in Brooklyn and in Paris, France.

The roll call was taken with **(32)** present **(5)** excused and **(5)** absent. Three **(3)** more members came in after the first agenda vote, making the total number of members present **(35)**. First Vice-Chair Apelian followed next with the announcements, which will be available for anyone to view after the meeting or the next day at the community board office.

Since **Mr. Roger Singh**, who was to give the next presentation on **Health First** (Item #5) and the owners of **46-05 Parsons Boulevard** (item #6) have not arrived as yet, the Board went forward with item #7, **Parks Committee Update & Vote** on the **Gaelic Football** site in Frank Golden Park. Committee Chair Kim Ohanian gave her report on the Parks Committee November 13, 2015 meeting. The Shannon Gaels Football organization, a registered 501(c)(3) non-profit, was founded in 2002 with thirteen children. They now have 300 children and over 600 members who work to bring interest in physical fitness, promote Gaelic culture and games, instill teamwork and character development, create a sense of community, a spirit of volunteerism, and of course, maintain their heritage. The project will be completed in four phases, i.e., a training field 80 x 110 yards in synthetic turf and retaining wall; a playing field 87 x 142 yards with natural turf and bleachers; a small parking lot for 40 cars edged with plantings and large shade trees (on 14th Road side) and a foundation of permeable stone dust; and lastly energy efficient lighting for both fields. There will be handicap access as well as a comfort station. Bleachers will have grass infill and a "green" planted retaining wall with stone block. Drinking fountains and spray misteors at the training field will be included. Private money is already in place for Phase I in the amount of \$1.7 million. After approval Phase 1 should take 6 months. Phase II has already been allocated with \$500,000 from the Borough President and \$80,000 from Councilman Vallone to be available in July of 2018. The total cost of the project is \$4.5 million. Other permit holders may use the field when not in use by Shannon Gaels. There is still on-going talks between Parks Department and Shannon Gaels regarding fencing between the field and basketball courts. The committee voted unanimously in favor **12 to 0**. No questions or discussion followed.

The motion on the floor is to approve the proposal for Frank Golden Park as presented by

Shannon Gaels and seconded by Marc Schiffman.

The vote taken was (32) For (0) Against (0) Abstained

Upon his arrival, Chairperson Gene Kelty announced to all board members the sad news of the recent passing of Board Member Selma Moses' husband. He had been ill for several years and was a resident at Union Plaza Care Center when he passed. Our prayers are with Selma for her loss.

Item #6 – 46-05 Parsons Boulevard, Flushing – BSA #200-14-BZ – Application to construct a community facility Mosque in an R2 zone and seeking four waivers, i.e., Floor Area ratio (ZR 35-111), Sky Exposure Lane (ZR24-521), 2 Front Yards and 1 Side Yard(ZR 24-30), and Parking (ZR 25-30).

Committee Chair Tyler Cassell gave the floor to the applicant's attorney, **Emily Simons** who explained the applicants' need for a permanent home for approximately 420 male and female congregants, who practice their faith only in Arabic. Other mosques have services in English and Arabic. Because of its unusual irregular shape with no right angles and no room for parking, it will require four waivers. The cellar floor contains men's and women's ablution rooms, each with separate entrances. The two floors above will be prayer spaces; the first floor for men and the second for women since they pray separately. To accommodate the congregants, the bathrooms, storage and heating facility will also be in the cellar. If at any time the number of men exceeds women, a curtain is hung on the second floor so they remain separate. On Saturday and Sunday religious scholars will hold classes from 9 am to 1 pm for approximately 100 students to read and understand the Quran. Since the R2 district is 0.5 FAR, the applicant is seeking a 1.045 FAR to accommodate 420 worshipers. They seek a waiver of the required front yards to accommodate the minimum building to meet their programmatic needs and also a waiver of the parking requirement. The applicant's architect, **Jamil Coppin**, showed the "as or right" plan and then the applicant's proposed construction design plans and pictures of what the structure will look like with waiver approval. The unusual shape of the building, the reduction of the front yards, the necessary five feet sky exposure they require, the separation of entrances and exits and no parking facility all were given as the reason for the waivers. The side yard on 46th Avenue will still be 8 ft. and with the neighbor's own 8 ft. will total 16 feet between the Mosque and the house next door. The 15.4 front yard on 46th Ave. would be reduced to 7.0 ft. and bring the proposed building forward 8.4 ft. by 33 ft. high creating the need for a sky exposure waiver. The 15.4 front yard on Parsons Blvd. would be reduced to 6.4 ft. bringing the proposed building further out by 9.0 ft. with the waiver. The building will extend to almost the entire pointed rear side yard leaving an 8.0 ft. side yard setback which will also require a waiver. The question was asked about the height of the Mosque with the dome included. As long as the building height does not exceed 35 ft., there is, within reason, no limit to the dome as long as it is not open inside. The dome is expected to add an additional 12 ft. to the building.

Committee Chair Cassell gave his report stating the first committee meeting was tabled because of many unanswered questions. They were asked for a list of the 420 members they said lived within $\frac{3}{4}$ of a mile from the proposed Mosque. He asked if the Mosque at 149th Street & Beech Avenue was large enough to hold their congregants. Also what was their plan, if any, for expansion and where were the congregants going to park. Most important, why did they chose this R-2 location instead of a site in a higher zone where an “as of right” could be built with fewer variances. At the second meeting the committee was given a complete list of members, which in actuality totaled 595 persons, well over the original 420. They prefer their own Mosque because their services are held only in traditional Arabic, where other Mosques use both English and Arabic. They chose this location because the price was within their means, even though they would not be able to expand. They felt most of their members would walk to services or take the bus. The committee, however, felt the neighborhood is already congested with several churches in the vicinity, a school, medical offices, Flushing Hospital, three (3) bus stops as well as vehicular traffic. The building would be twice the size permitted on this small site, and would protrude way beyond the front setback of other homes and limit vision and air-flow down the block. There is also a very old tree on the west side of the lot, 9 $\frac{1}{2}$ feet from the curb and 41 inches in diameter, which belongs to the City and will require an additional expense to remove. The committee believed the application was not thought out properly and clearly would not benefit the City, the Mosque or the neighborhood. The committee vote was **8-0** to disapprove.

Discussion and questions followed.

Q. What kind of landscaping are you putting on the side yard?

A. We will plant bushes, screening and fencing.

Q. It was mentioned you had at one time leased properties on Beech Avenue and Sanford Avenue for a period of 13 years and 8 years respectively. Did you lose the lease for non-compliance?

A. No, the two locations were sold and the new owners had other plans.

Q. How many congregants did you have at these locations?

A. About 100 to 120 or so.

Q. Where have you been praying the last two years?

A. We’ve had nowhere to go. We gather together outside on Friday for afternoon prayer.

Q. With the 420 congregants, will you be getting a Public Assembly permit for each floor?

A. Yes! The C of O will be for 420, 210 for each floor.

Chair Kelty clarified that as a church, the building will be classified as a public assembly building and permits will be issued for each floor.

Q. Will there be an after school program?

A. No!

Board Member **Joe Sweeney** added that at committee he had asked for a list of the 420 members they claim are within $\frac{3}{4}$ of a mile who will walk to service, thus their reasoning for no parking spaces. However, the list given us totals 589 members.

Q. How do you plan to continue with your church, if you continue to expand?

A. We will have to find another location, unless we can get approval to build up.

Q. You mentioned in the beginning their programmable needs. How did you incorporate them in your design?

A. Architect **Jamil Coppin** explained 1) he placed the circulation spaces on either side to separate male and female entry, which the building code requires anyway 2) the prayer requirement of facing northeast also worked to their advantage. 3) The second floor can only be used by women, the first floor only by men and the cellar is only used for washing (ablution) before prayers. Each floor is approximately 2000 square feet of open area.

First Vice Chair Apelian countered the open area cannot be 2000 square feet per floor if your FAR is 4000 for two floors including the two staircases and possible accessories. How much actual open area is there? Do you have a floor plan?

A. Don't have the floor plan with me, but each person will use 5 square feet of space so 210 people need 1050 square feet.

Q. If at any given time there are more men than women, where are the additional men going to pray?

A. They will not be able to pray where the women are and vice versa. However, Many of us work outside of Queens, so we will be able to pray at other Mosques at 1 p.m. every afternoon. Our children will not be in our Mosque during prayers since they will be in school until three p.m.

Chair Kelty pointed out this is one of the reasons why parking becomes a problem at Mosques in Manhattan and elsewhere.

Q. What about holy days and special events like weddings, funerals?

A. There are only two special holy holidays, one in the summer and the other in the fall and Both are held in Flushing Meadow Park at sunrise in the morning. No weddings will be at our Mosque, maybe at sites like Leonard's. Exchange of vows can take place with the Iman and immediate family present only. Even if we number 600 congregants, if you remove babies, toddlers, children in school and adults at work outside of Flushing, our numbers at prayers wouldn't exceed 420.

Q. What will happen when you have a funeral with a large amount of people?

A. It will not be held at our Mosque.

Q. What will you do if the variances are not approved?

A. We have no plan! Our only choice left will be to pray at other Mosques.

Q. Earlier we asked you where did you pray the two years after you lost the lease on your last location. You said nowhere, but now you say you will have to pray at other Mosques.

A. Those two years we did pray at other Mosques. We misunderstood your earlier question.

Q. Where were the women praying the past 23 years during the last two locations.

A. The worship of Islam by women is encouraged to be done in the privacy of their homes.

The men are supposed to congregate at their community place for prayers.

Q. You stated a person requires 5 square feet to prayer.

A. In the old code a Muslim required 10 square feet to pray, but now it has been changed to 5 square feet standing to pray.

Q. Is the basement area included in the 4000 square feet?

A. No, it does not.

Q. How many square feet are in the basement?

A. The same, 1100 square feet.

Q. You include the basement in activities?

A. No, the basement is for ablution and toilets only.

Q. How many means of egress are there in the building?

A. Four, two on the first floor and two on the second floor.

Q. Are you planning a PA system to be heard outside?

A. No.

Q. Plans indicated occupancy in the cellar for 192. Is that true?

A. No, that has been changed and will only be for ablution and toilets.

Q. Are the bathrooms separated, one side for men and the other side for women?

A. Yes.

Chair Kelty said we require the corrections to the floor plans for the first, second and basement plans e-mailed to the attorney and our office by this coming Wednesday, and a hard usable printed copy **mailed** to our office.

The following speakers from the neighborhood and Kissena Park Civic Association were asked to speak for no more than three minutes each:-

Speaker **John Kelly** firmly stated that in this country we all have a right to worship God in our own way. Our communities are made up of ordinary people who came from all over the world for that right. However, he reminded the applicants that unlike other countries, we have laws in place to be respected by all alike. We have zoning laws with rules and regulations to live by to protect us and our communities. The property chosen by the applicant is of an unusual shape and much too small for their needs. However, they knowingly chose it because it was within their budget. This problem is not of our doing! Requesting four variances is unheard of especially since there are many properties in the area that are for sale and large enough without the need for variances. He wished the applicants well, but asked the Board to turn them down because it violated the zoning rules and regulations. Speaker **James Campbell** brought up the fact that their design is 2 ½ times the size of any single family home in the neighborhood. Also, parking in the area and traffic safety is already a major problem. This property has already been turned down twice because of requests for variances.

The first time was for 2 small attached homes and the second time for a dental office. Now it's for a two story elephant. Speaker **James Ward** from Avella's office read the Senator's letter in opposition because of the four variances. As Chair of the Zoning Sub-Committee for NYC Council in 2004, the Council passed a series of zoning reforms which included the permanent lowering of the "as of right" FAR for religious facilities to 0.5 and mandatory on-site parking

based on the occupancy of the largest room. Now with the recent disclosure by the applicant of possibly 600 instead of 420 congregants and the need to waive FAR, parking and front yard requirements, sky exposure plane, as well as removal of two large City trees to address their needs on this irregular lot, indicates it is a self-imposed hardship. The variances the applicant is asking for will be completely out of context with the rest of the neighborhood and granting them will set a dangerous precedent. Speaker **Grace Kelly** brought out the terrible congestion and parking problems already in the area. Speaker **Harry Coumna** suggested they build a facility in College Point where parking would not be a problem. Speaker **David Kohler** feels the property is too small for even 420 people without parking and considers it impossible with 600 congregants. Speaker **Paul Graziano**, an urban planning consultant living in Flushing, said the variance application for their proposed house of worship community facility violates every part of the R2 zoning that currently exists. Their proposal would have a major negative impact on traffic and neighborhood character. If the design of the facility were scaled correctly to the site at FAR 0.5 which is allowed "as of right", the waivers would be unnecessary. The curbside parking assessment of 254 spaces by Equity Environmental Engineering available between 1-2 pm is misleading and a false statement since they are not empty available spaces. Also, there is no mention of the several large No Parking zones surrounding the site itself. If the building is constructed as is, the sight lines for this busy and angled intersection will be obscured resulting in traffic situations, some of which could be deadly. Speaker **Joe Amoroso**, Zoning Chair for KPCA said zoning laws for community facilities allows some reasonable relief from strict zoning laws. The variance process is not meant to circumnavigate or negate the zoning laws when only minimal exemptions are needed. It must not, in any way, change the character of the neighborhood and will not apply to self-created hardships by the applicant. He asks the Board not to grant this application since it will set a precedent that will change the landscape of New York City residential communities forever. Speaker **Kathleen Kennedy**, who has lived in this neighborhood the past 60 years advises the area where the Mosque is proposed is swamp land. A building as large as the Mosque on this small piece of land runs the risk of toppling as it settles unless piles are driven down to the bedrock. There are underground streams that will cause problems with water seepage. It will have adverse effect on water flow with 420 people or more using the water. It could present a fire hazard because you cannot exit 210 people from each side without the possibility of the first floor collapsing. Parking may be the least of your problems. Speaker **Richard Paschel** objected to the proposed project on three points: First they are trying to fit an oversized building into a small odd-shaped lot and out of context to the area. Second, the lack of on-site parking since there are already 4 religious houses of worship in a 2-3 block area and limited street parking since Flushing Hospital 's employees and visitors also park to avoid paying. Finally, by the applicants' own admission, the structure would barely accommodate their existing congregation with no room for expansion for their admittedly growing congregation. Speaker **Henry Euler** voiced his support for his neighbors and their civic association stating a variance is a privilege granted to minimally change what is normally allowed without negatively impacting the surrounding community. The four variances they seek will set a precedent as well as change the character of the neighborhood, cause more

traffic issues and affect residents without on-site parking. Speaker **Carsten Glaeser**, Arborist and homeowner in the area opposes the numerous variances they are requesting, but as an arborist is also very concerned about Flushing's large urban trees which are irreplaceable and invaluable. In order to build this Mosque, they will require to cut and remove two established City street trees, one of which is almost a century old and valued at \$150,000. He asked the Board to consider this loss and impact to the community also. **Terri Pouymari** of the Auburndale Improvement Civic also opposes application because all the variances in essence would remove the backbone of the zoning laws. The site is not a proper size for the proposed construction. It is only appropriate for a single family home of less than 2400 feet. The building must change or the location must change. **Rosemary Hamel**, a resident for over 38 years, welcomes all houses of worship. Multi-culturalism is one of reason why she enjoys living in Flushing, but feels the antiquated water and sewer infrastructure can't handle a structure of this size besides the issues of parking, traffic, etc. The remaining 10 speakers named below were all against approving the application as it stands for the same reasons voiced by the 14 speakers above: **John McNulty, , Fred Hamel, Art Farmer, , Beverly McDermott, Henry Soderlund, Clara Sarmiento, Martin Davidowitz, Brigide Liriano, James Trikas, and Sunny Hahn.**

The last speaker, **Mohammed Seth**, who came to this country 40 years ago, spoke magnanimously of this country, its people and the laws that protect everyone. He thanked the Board for the opportunity to speak freely and hear what they have to say and explore legally what they can and cannot do. The Board responded fairly to their request and they now understand that no one objects to a Mosque being built, only to the size and the effect it would have on community at this site. He is also aware of the need for a permit to remove the trees and to plant 3 trees in their place, which will be done. The architect will have to reduce the size to what is allowed at this particular site. He again thanked everyone.

Q. Are they going to change the plans?

A. Yes, they going to go back to the drawing board.

Chair Kelty said we will table the application and keep the file open until they come back to us with their decision. However, we will require the corrections that were not shown in the original plans sent to the Board Office as soon as possible.

Item #9 – Executive Committee Elections for 2015 - Committee Chair Arnold Wagner read the community board by-laws enacted in 2014. The current 2014 executive committee chose to run again in 2015, i.e., Eugene Kelty as Chair, Chuck Apelian as First Vice-Chair, Frank Macchio as Second Vice Chair, Warren Schreiber as Third Vice-Chair and Barbara McHugh as Fourth Vice-Chair. As there were no additional nominations by mail or from the floor for each of the above positions, voting for each executive proceeded with all of the above resuming their roles for 2015.

Chair Kelty brought up the copy of the letter received from Community Board 11 addressed to Daniel Dromm, which is important to all 59 community boards. It appears Councilman Dromm

Introduced Int. #585 to establish term limits for community board members which Community Board 11 voted overwhelmingly to oppose. Discussion ensued by our Board whether we should send our own letter opposing term limits or not. The following comments were heard. The board membership on its own changes all the time and doesn't need term limits especially since they volunteer their time with no pay. Council members should not be able to get rid of members if it's because they do not vote in their favor. Long term members play an important role because of their knowledge gained over the years and their memory of how things played out on past issues. They can impart their knowledge to younger members who are still green. Also term limits may be a ploy to do away with all community boards. School boards at one time consisted of volunteers also. They did away with them and look at the education system today.

The vote taken tonight to send our own letter to Councilman Dromm in opposition of term limits for community board members is as follows.

(31) For (1) Abstention/Conflict (3) left before vote taken

PUBLIC PARTICIPATION

Andrew Johnson, from Columbia Journalism School, working on his master's thesis on Obama's Affordable Care Act and it's impact on New York City and all five boroughs. If you know of anyone who signed up for the Affordable Care Act can either e-mail or call him with any information.

James Trikas announced there is a rally and press conference taking place tomorrow on the steps of Borough Hall to support the Police Dept. over the recent negative attitude and assaults towards them. You can take the Q44 on Main Street to Union Turnpike and the Q46 at Union Turnpike to the last stop, which is across the street from Borough Hall.

Chair Kelty closed the meeting at 10:45 p.m.

Respectfully,

Mary Zuliani