

COMMUNITY BOARD #7 PUBLIC HEARING & REGULAR MEETING
MONDAY, NOVEMBER 9, 2015
UNION PLAZA CARE CENTER
33-23 UNION STREET
FLUSHING, NEW YORK

PRESENT

Chuck Apelian
John Byas
Tyler Cassell
Kim Cody
Nicholas Corrado
Joseph Femenia
Arlene Fleishman
Rose Forkan
Fred Fu
Vincent Gianelli
Pablo Hernandez
Jeff Huang

Kevin Kang
Eugene Kelty
Phil Konigsberg
Esther Lee
Frank Macchio
Rev. R. McEachern
Barbara McHugh
Selma Moses
Kim Ohanian
Millicent O'Meally
Vana Partridge
Kris Ram
Andrew Rocco

Belal Salim
Marc Schiffman
Warren Schreiber
Kevin Shields
Joshua Sussman
Peter Sutich
Joseph Sweeney
Carlos Talisaysay
John Tsavalos
Peter Tu
Arnold Wagner
Harpreet Wahan
Linna Yu

ABSENT

James Cervino
Chin-Hsiang Chiang
Timothy Chuang

Peter Kwiath
Devon O'Connor
Terence Park

Matthew Silverstein
Alison Tan
Clarissa Wong
Jie Zhu

COMMUNITY BOARD #7 STAFF

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

GUESTS

Eric Kim, Congresswoman Meng's office
Erin Rogers, Assemblywoman Rozic's office
Tim Thomas, Assemblyman Simanowitz's office

GUESTS (continued)

Stella Chan, Councilman Koo's office
Adam Chen, Public Advocate James' office
Susie Tannenbaum, Queens Borough Pres. office
Jeong-Ah Choi, Queens Borough Pres. office

Chair Eugene Kelty called the meeting to order at 7:05 p.m. with the Pledge of Allegiance followed by a moment of silence in remembrance of our military forces in harm's way abroad, and a reminder that in two days we celebrate Veterans Day in their honor. Keep them in your hearts and prayers, especially those who gave their lives protecting us.

Chair Kelty then read the announcements, which the board members can ask to view at the end of the meeting or next day at our office. For tips on keeping your water meter from freezing, if it's in an unprotected area, you can e-mail the DEP at www.nyc.gov/dep for a list of do's and don't's, since it's the homeowner's responsibility to maintain it. Regarding the Q44 Select Bus Service, the NYPD will be patrolling bus lanes and issuing violations for both moving and parking violators starting November 29, 2015. We know many are unhappy with the SBS service since the MTA and DOT implemented it, even though Community Board #7 advised against it at a previous meeting.

Chair Kelty introduced **Eric Coler**, from the Citizens Committee of New York City, a non-profit organization since the 1970's, giving grant money up to \$3000 for community projects. It could be for art projects, education, safety classes, community garden groups, tennis associations, healing circles, etc.,... anything to help your community. The deadline to apply is January 25, 2016. Last year 350 grants were given totaling \$1.5 million throughout NYC. To learn more, call 212-822-9563 or www.citizenynyc.org or grants@citiznesnyc.org.

Q. Where do you get your funds from?

A. Private donors.

Q. Is this given out once a year?

A. Yes, only once every year. The interview process takes about 6 months.

Chair Kelty announced that **Item #5, 146-45 22nd Avenue**, BSA Calendar **#172-15-BZ** was tabled and **Item #9** is being moved up as **Item #5** to accommodate the applicant. Also, under the Regular meeting we will add **151-45 6th Road as Item #10** since Committee Chair Joseph Sweeney held a committee meeting on this just before the start of tonight's Public Hearing.

Chair Kelty took the roll call of community board members with **(38)** present **(8)** absent **(2)** excused

ITEM #5 – 11-11 131 Street, College Point – BSA Calendar #202-05-BZ Committee Chair Andrew Rocco gave his October 21, 2015 meeting report regarding the applicants request to extend the term of the special permit pursuant to ZR 73-36 for another 10 years and to legalize modifications to interior spaces under #298-13-BZ. All CB 7 members felt that Spa Castle has been a good business/neighbor over the past years and voted to extend the permit. He gave the floor to Eric Palatnik, Atty for the applicant, who explained their permit expires July 2016. He added a few years ago they recognized the need for more parking spaces on an additional level, which was approved by us. The problem with a neighbor across the street complaining about the garbage juices running downhill was rectified by utilization of a costly membrane garbage system eliminating the liquid runoff which satisfied everyone.

Q. The special permit is a PC permit?

A. Yes!

Q. What are the modifications of the permit?

A. The modifications include 7 or 8 minor movements of interior walls to be included in the renewal.

With no further questions, the Committee Chair, Andrew Rocco ended his committee meeting report with members unanimously approving the 10 year extension to the permit and legalization of the interior wall changes. There were no further discussions on the item.

The motion on the floor this evening is to approve the 10 year extension of the permit with the interior wall changes to be included in the permit, seconded by Marc Schiffman.

The vote taken was (34) For (1) Abstained/Conflict (0) Against (3) Arrived after vote

ITEM #6 – Mandatory Inclusionary Housing & Zoning for Quality & Affordability – Committee Chair

Frank Macchio gave the floor to **John Young** of Queens City Planning who stated New York City has an affordability crisis and the strategy presented is two-fold. One is Mandatory Inclusionary Housing which addresses the problem by requiring new buildings to include affordable housing. The second is changing the zoning requirements for provisional affordable and senior housing. Mr. Young gave the floor over Hye Kyung Yang of City Planning who gave a slide show presentation on Housing New York’s plan to build 200,000 units of high-quality affordable housing over the next decade creating opportunities to New Yorkers whose income range from the very lowest to those in the middle class, and foster vibrant and diverse neighborhoods. The New York Metro area’s AMI (Area Median Income) is \$77,700 for a family of three. In Queens the AMI is \$57,001. What is affordable varies based on income and household size, and an apartment is considered affordable if a family spends no more than one third of its income on rent and utilities. The “affordable” varies from the lowest at 30% AMI to 165% AMI at its highest. HPD will also administer loans and tax incentives to help building owners rehabilitate their properties and preserve housing quality. In exchange for this financial assistance, property owners are required to maintain rents at affordable levels for existing tenants as well as limit rent increases for approximately 30 years. The City will also award publicly owned land to private developers, through RFP (Request for Proposals) processes, who commit to affordability levels and other priorities.

MIH will work with subsidy programs to reach incomes as low as 30% AMI; the State 421-a Tax exemption program, which will require affordable housing in every rental building receiving benefits; and the Zoning for Quality & Affordability to promote senior and affordable housing using subsidies for better buildings. MIH would have its own review process and would go through community board review.

Q. Where does the mandatory part come in?

A. MIH is a set of zoning regulations that will apply in all future rezoning areas and mandates all new residential developments to include permanent affordable housing for low to moderate income families.

Q. If affordable housing is eligible for 421-a tax exemption, what happens when the exemption expires?

A. Regardless of a 421-a lapse, under the mandatory provisions, the affordable reforms will remain in place for 30 years.

The City has made a commitment to create and preserve 10,000 affordable senior housing units and long term care facilities to help seniors remain in their communities, using housing subsidies and better building. However, to meet the need for affordable senior housing, it will be necessary to reduce parking or it will be optional. Off-street parking is very costly and residents of affordable housing may find it difficult to support these fees. Also, it is felt that lower income households and seniors own fewer cars and are less likely to park in their facilities.

Committee Chair Frank Macchio said he and his committee voted first on the Mandatory Inclusionary Housing, the necessary working tools, and then Zoning for Quality & Affordability on what needs to be done. Tonight, he started with Zoning and asked for questions.

Q. What does increasing the base of the building an additional five feet do?

A. It gives more height if the ground level is leased to a business, or if it's an apartment, it raises the window level higher so no one can look directly in

Chair Macchio added the zone changes will allow for more bulk and footage. As an example, on Northern Boulevard and the 160's, you have store fronts, some tall building and directly behind them is beautiful Flushing Broadway. Behind the store fronts is a buffer zone which can now be built in at least for the first floor or two, and branded as an accessory to the building itself. You'll get a little more height, and parking will be reduced to almost zero. The plan infers that seniors do not drive, and use public transportation. Board #7 does not agree.

Q. Are there any other transit zones in our district?

A. No! Other than downtown Flushing, there are no transit zones in our district.

Q. What defines a transit zone?

A. Elevated transit and subways, not including the LIRR railroad.

Q. If someone builds affordable senior housing that's not in a transit zone, would they require to provide parking?

A. Yes, it will be the required car parking plan, with no changes.

Q. Is it true in a low density zone it's down to 10%?

A. Yes, the reduced rates are down 10%

Q. What other neighborhoods will be affected?

A. No other neighborhood is being studied. This is a proposal to create a program using only Flushing West in Board 7 for a Mandatory study, which will subsequently be applied after the program is created.

Q. To be clear, MIH can be applicable to anywhere in Board 7?

A. MIH could be applicable, but it requires rezoning and density testing where the program can be applied, and we would have to appear before Board 7.

Q. What area is Flushing West?

A. Flushing West is from Roosevelt Avenue and College Point Blvd, then to the Northern Blvd. Bridge and Shea Stadium. It's in the same area as Two Fulton Square.

A. All the maps are on our web site.

Q. Are there any areas where certain zones are considered hot spots?

A. None!

Q. Who controls the funding?

A. HPD will monitor the funds. Using City, State and Federal subsidies to fund the creation of Affordable units, HPD will administer loan and tax incentives to developers of affordable housing and to building owners who rehabilitate their properties and preserve housing quality in exchange for maintaining rents at affordable for up to 30 years, subject to strong regulatory oversight.

Speaker Henry Euler, First Vice President of Auburndale Improvement Association, said the association sent out a petition in opposition to the Mayor's proposal to almost 600 members and received 300 signatures against the proposal. It was felt the Mayor's proposal would decimate the accomplishments the community and civic associations achieved through well planned contextual re-zonings which were reached over years of working diligently area by area. The new proposal will allow for taller, bulkier buildings and reduce or eliminate parking altogether for affordable and senior housing.

Chair Kelty, at first, said he voted earlier for Mandatory Inclusionary Housing, which was brought to committee first, and then against Zoning for Quality and Affordability, which was like putting the cart before the horse. However, hearing it in reverse places it in better perspective and now he will vote against both.

Discussion followed.

Board Members Peter Tu, Warren Schreiber, Selma Moses and Phil Konigsberg and lastly Vice Chair Apelian spoke against both MIH and Zoning for Quality. While affordable housing is essential, under this plan those who are in most need will not be able to afford it, and on the other side of the coin, the plan may not support the developer or building owners on the affordable portion. If it's implemented, it may open the door to citywide applications to rezone everywhere indiscriminately.

Committee Chair Macchio pointed out over the last ten years we did a well-planned, detailed, downzoned, contextual zoning neighborhood by neighborhood to make sure it took everything into consideration. This new proposal is a get-it-done 1-2-3 quick plan which, when in place, will be beyond our control to make changes to it. **Vice-Chair Apelian** added it took us ten years of contextual rezoning to get it right, going block by block and meeting after meeting. This proposal goes in the face of what we've already worked so hard to achieve, with no thought given to the possible consequences to our community. In Queens, unlike Manhattan, cars are necessary to get from place to place, making parking essential. The new plan to reduce parking is unthinkable.

The motion on the floor is to approve the Mandatory Inclusionary Housing plan, seconded by Millicent O'Meally.

The vote taken was (35) Against (2) For (1) Abstained/Conflict

The motion on the floor is to disapprove the Zoning for Quality & Affordability, seconded by Arlene Fleishman.

The vote taken was (35) For (1) Against (1) Abstained/Conflict (1) Left the Room

ITEM #7–One-Way Proposal – 156th St. Northbound betw. 14th Ave & Cross Island Pkwy – Committee Chair Joseph Femenia gave his July 22, 2015 committee report approving the one-way operation only for 156th Street northbound without a paired street. The issue to have 156th St. one-way paired with 155th St. was introduced in 2004, but because of the opposition from 155 St. residents, it had to be denied. Since the DOT now approves stand-alone conversions in some cases without a paired street, the committee unanimously approved the two-way to a one-way street.

Speaker Joanne Rizzo, who lives on 156th Street stated the street is very narrow to be a two-way, and she recently had to repair damage to her parked car from vehicles speeding through. More importantly a car can be repaired, but what of the safety of the children who live on the block. They have been asking for more than 10 years to have it a one-way street. **Speaker Benny Ragusano**, who has been living on the block for a year and a half, is a concerned parent of two young children. As a narrow two-way tertiary street with several blind spots, used to access and/or come off 14th Avenue & Cryders Lane, he is for the conversion as it poses a constant danger to those living on that block. **Speaker Michael Jakellaris**, also a 15 year resident on the block with three children, complained about the speeding cars

going up to Cryders Lane from 155th and 156th Streets to get to the Cross Island Parkway. There is a need for stop signs at these locations.

Discussion by Board Members followed: Chair **Kelty** is not sure how he will vote yet. He explained the DOT set the priorities for pairing years ago. He doesn't want to lose parking on any block, but he does want everyone to realize that whatever is decided tonight could result in 155th and 157th Street residents coming back to us in the future, if the change affects them adversely to get to the Cross Island Parkway. Vice Chair **Apelian** understand Gene's concerns, but supports the one-way because 156th Street is too narrow for two-way traffic. The main roads 154th Street and 157th Street, both two-way, can handle the area traffic sufficiently. He doesn't understand why 155th Street residents object to becoming one-way since it is a dead-end street on both sides. **Kim Ohanian** stated only one person from 155th Street was at the meeting and was against a one-way Street? **Pablo Hernandez** asked if the DOT study included possible speeding if it was made a one-way and then require a speed hump? Committee Chair **Femenia** said unfortunately drivers speed down 156th Street now, whenever they can, because its direct to the Cross Island Parkway, making it extremely more dangerous. **Vincent Gianelli** added if you make it down that street without a problem, you're lucky. **Kim Cody**, said he recently motorcycled down 156th Street and had to move over to let an auto pass by. **Kevin Shield** said he never likes to drive down 156th Street, so he avoids it wherever possible.

The vote now on the floor is to approve the one-way proposal of 156th Street northbound between 14th Avenue and Cross Island Parkway without a paired street, seconded by Selma Moses.

The vote taken was (37) Approve (1) Against (0) Abstained

ITEM #8 - One Way Proposal – 21st Road W/B between 166th Street & Francis Lewis Boulevard....and One Way Proposal - 21st Avenue E/B between 166th Street and 163rd Street – Committee

Chair Joseph Femenia referred to their committee meeting of October 22, 2015 regarding the safety and enforcement issue schools are confronted with as the reason for one-ways. He gave the floor to **Principal Anna Dimilta** representing the children of P.S. 184, an elementary school. She explained that of the 523 students enrolled, 420 are dropped off and picked up by family members. Over the past two years there have been 4 traffic accidents during entry and dismissal of students, thankfully no injuries. On September 11, 2015 a second grader had an asthma attack during dismissal, which did not respond to medication, and because of grid lock traffic around the school, the ambulance was unable to get through and the child had to be carried more than a block away by his grandfather. Thankfully the child survived the attack, but what if? The safety of the children should be considered before the convenience of the residents. Chair Kelty added the reason for the delay in approval was because CB #7 needed the petition for the one-way proposals to be signed by residents of the area.

Q. How many blocks will be changed?

A. One block on 21st Road and one on 21st Avenue.

Q. What about closing the street during school hours?

A. It's illegal to close any street.

Chair Kelty said it's being done in Manhattan. On 84th Street from Park Avenue to Madison Avenue the street is closed as a play street every day, since they don't have a school yard. Whether it's done legally or not, it creates a massive traffic jam daily.

Q. Do you have a playground area in your school yard?

A. Yes we do, but our reason for a street closure is not for a playground, but the safety of the children being dropped off and picked up, so the permit was refused. Board member **Millicent O'Meally** feels the parents are causing the problem. Speaker **Mike Abate**, a resident of 21st Road the past 40 years, said there are more cars on the road than ever before, they're larger, and parking spaces on both sides of the street are always filled leaving less room to maneuver on the road. The issue is the safety of the children and residents, with double and triple parking by parents the main problem. Speaker **Dit Cheung**, residing on 21st Road the past 27 years stated he's against the one way because it won't help. The problem is caused by the parents who do not live here. The "No Parking from 7 am to 4 pm" sign is ignored. Board member and Education Committee Chair, **Arlene Fleishman**, added this is a problem at every school in our district. We are not going to stop the parents who drive their children to and from school, nor are we going to stop all the buses added since Bloomberg took office busing children all over the City. She has checked many of the schools. Buses park in front of the schools a half hour to forty-five minutes before schools let out, and parents who live three blocks away drive their children to school. Nobody walks their children to school anymore. She asks everyone to support the one-way which will alleviate the problem to some degree. Speaker **Jasmine Garlia**, PTA President of P.S. 184 asks for a Yes vote, even though it may inconvenience the area residents. Speaker **Theresa Knight** spoke on behalf of her mom who lives in the area who believes a one-way is not the answer. Ms. Knight lives in North Flushing near P.S. 32, which very successfully uses closure of the street, even though they have a school playground. Her sister, a school nurse in a College Point school, said they use a combination of parent volunteers and staff successfully to monitor the movement of cars. **Committee Chair Femenia said his committee voted on Kim Ohanian's motion to approve the one-way, seconded by Selma Moses, with a unanimous vote of 9 to 0.**

Discussion followed!

Board member **Josh Sussman** voiced his disapproval for a one-way because it won't solve the problem and may even make it worse. Maybe staggering the pickup time would help! Board member **Rev. R. McEachern** questioned how many of the residents were at the October meeting? Committee Chair Femenia could not give names, but said that none of the people here today were there. **Chair Kelty said give them the names, but wanted it clearly understood we do not knock on everyone's door, we rely on civic or business associations, the PTA, etc. to send the word out. We did mail out area residents a questionnaire asking if they are for or against the one-way and it came back 21 For and 14 Against.** Board member **Pablo Hernandez** we need another solution between parents and residents. **Principal Dimilta** said they have held meetings to try thinking outside of the box with no positive solution available. First Vice-Chair **Chuck Apelian**, who heads the Land Use Committee, summed up by saying Committee Chair Femenia chairs the toughest committee because it effects individual blocks, not whole neighborhoods, making the issues extremely sensitive. Although a one-way doesn't change the outlook completely, it is a step in the right direction, because the potential for a child to get hurt is reduced somewhat, so he supports it. The ideas brought up tonight are all good but, unfortunately, parents don't listen when it's about getting their children to school, and their behavior completely irrational and unchangeable. Other members agreed there is a need for crossing guards and enforcement by the Police Department. Board member **Kim Cody** reminded us that crossing guards only can help children cross safely and have no authority to enforce, whereas Board member **Peter Sutich** said the New York Administrative Code states school guards are given the task to cross children and to redirect traffic, and if so, should have the authority to issue summonses. Third Vice-Chair **Warren Schreiber** said every two years schools come to us to for help on the enforcement issue. He understands their frustrations, but strongly feels it's time for the schools to come down hard on the parents. He will vote for the one-way,

but is certain it will not remove the possibility of losing a child because of an adult's serious lapse in judgment.

The motion now on the floor is to approve the one-way proposal of 21st Road Westbound between 166th Street & Francis Lewis Boulevard, and the one-way proposal of 21st Avenue Eastbound between 166th Street & 163rd Street, seconded by Arlene Fleishman.

The vote taken was (33) Approve (4) Disapprove (1) Abstain/Conflict

ITEM #9 - 151-45 6TH Road, Whitestone (Waterpointe Site) City Planning #N-120401CMQ- Committee Chair **Joseph Sweeney** gave a brief review of this large parcel of land consisting of 12 acres of land and 6 acres of water. In 2009 the original owner, BayRock paid \$25 million for the site, and received approval for a variance to modify the distance between the buildings of 52 detached single family homes. Unfortunately, the site was found to be contaminated and the cleanup process under the Brownsfield Program had to take place. However, the so-called new clean fill brought to the site on weekends turned out to be even more contaminated. The company, after spending \$500,000 for the cleanup, was fined \$150,000 by NYS and went into foreclosure, and the site was up for sale. In 2013 the new owner, Edgestone, who paid \$11.3 million, agreed to build the 52 homes, including a waterfront park for home-owner use. The site still had to be cleaned, however, and the cost to clean it rose considerably. In April of this year Edgestone requested the building of 107 homes, mostly 2-family, and after public outcry, reverted back to 52 homes. In September we discovered even if they agreed now to build 52 homes, next year they could change and build 107. We asked for a deed restriction and they sent us instead a confirmatory deed, which is non-binding. A deed restriction would insure the terms of the special building permit with current and future owners. Without it, we had no alternative but to deny their application, and with the support of our elected officials plan to send a letter to the Borough President to contextually downzone the property immediately to preserve the surrounding community from any large scale development. **Joe Sultana**, architect for Edgestone argued they did everything we asked for and was visibly upset stating he had cancelled a family vacation last minute to attend our October meeting, only to find it was also cancelled. He argued if you change the zone to R2A, you will get more houses on and lose the waterfront park. First Vice-Chair **Apelian**, in our defense. Stated the meeting was not cancelled, but tabled because we received only an affirmation they would sign a deed restriction, and it's not our job to hire an attorney to draw one up. We are not looking for an R2A because it's not what we've envisioned. He suggested the deed restriction be filed with City Planning together with the special permit. Committee chair **Sweeney** and the office tried to get in touch with the owners several times, to no avail. He did find out, however, the property is going up for sale, and if cleaned, will go for \$25 million, otherwise \$18 million as is. It was pointed out to Mr. Sultana, who lives in the area, by downzoning to R2A, 52 homes still can be built, but without the park.

The motion on the floor is to deny the application because the signed deed restriction requested by CB #7 from the owner, limiting the total of 52 homes to be built by the current and/or future owners, was never received, seconded by Selma Moses.

The vote taken was (37) Disapproved (1) Abstention without conflict (0) Approved

P U B L I C P A R T I C I P A T I O N

Speaker, **Jennifer Kim**, spoke about her concern about human trafficking of women in prostitution, massage parlors, etc. Her organization is committed to helping these women and asked for our support.

Chair **Kelty** announced that in each of the board member folders was the urgent reminder of the important protocols that must be followed by all community board members. He asked everyone to make a concerted effort in the new year.

Board Member Reverend McEachern said over the summer there was a lot of press concerning the tearing down and building a new church. He wanted to inform the community board first that they are going to build a new church, and are presently in the planning stages of a design. During construction they will have to relocate temporarily. He asked for our well wishes and prayers. The original church was built in 1811 as a wood frame structure and has gone through many changes.

Q. Will it be torn down completely, and a much larger church built?

A. Yes, but it will not be an oversized church.

There being no further speakers, the meeting was ended at 10:35 p.m. Chair Kelty wished everyone a Happy & Healthy Holiday and the very best for the New Year 2016.

Respectfully submitted,

Mary Zuliani