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*The City of New York
Borough of Queens*

Community Board 8
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District Manager, Marie Adam-Ovide

PUBLIC HEARING: **158-15 Union Turnpike Rezoning**
CEQR No. 12DCP096Q
ULURP No. 120178ZMQ

DATE: **Tuesday, October 22, 2013, 7:30 p.m.**

PLACE: **Hillside Manor**
188-11 Hillside Avenue
Hollis, NY 11423

ATTENDANCE: **Steven Konigsberg, Zoning Chairperson**
Jagir Singh Bains, Area 4 Chairperson
Edward Chung
Susan Cleary
Kenneth Cohen, II
Kevin Forrestal
James Gallagher, Jr.
Tammy Osherov
District Manager Marie Adam Ovide
Irving Poy – Office of the Queens Borough President
Steven Everett – Dept. of City Planning
Courtney Cariello, representing Assemblywoman Nily Rozic
Richard Lobel, Esq.
Sam Zirk, Zirk Union Turnpike, LLC

Purpose of Public Hearing

In the matter of an application submitted by Zirk Union Tpkce, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 14c:

1. eliminating from within an existing R3-2 District a C1-2 District bounded by 79th Avenue, a line 100 feet easterly of Parsons Boulevard, Union Turnpike, and Parsons Boulevard;
2. changing from an R3-2 District to an R5D District property bounded by 79th Avenue, a line 540 feet easterly of Parsons Boulevard, Union Turnpike, and Parsons Boulevard; and
3. establishing within a proposed R5D District a C1-3 District bounded by 79th Avenue, a line 540 feet easterly of Parsons Boulevard, Union Turnpike and Parsons Boulevard.

Zoning Chairperson, Steve Konigsberg, called the meeting to order at 7:30 p.m. Mr. Konigsberg introduced the Board Members. There were eight (8) Board Members present; therefore, we did have a quorum. Mr. Konigsberg announced that the full Board will be voting on this issue on Wednesday, November 13, 2013. The Board Meeting will be held at 7:30 p.m. at the Hillcrest Jewish Center located at 183-02 Union Turnpike.

Zoning Chairperson introduced Mr. Richard Lobel from the Law Firm, Sheldon Lobel, PC. Accompanying Mr. Lobel was Attorney Nora Martins and Environmental Consultant Evan Lemonides. They were also joined by Sam Zirk, the owner of the present property.

Richard Lobel presented a slide show of the proposed application submitted by Zirk Union Tpke, LLC.

- The property is located at 158-15 Union Turnpike. It is bounded by Parsons Boulevard, Union Turnpike and 79th Avenue.
- Seeking a zoning map amendment to rezone a portion of Block 6831 (Lots 21, 22, 1 & 7) in the Hillcrest neighborhood of Queens, New York from an R3-2/C1-2 zoning district to an R5D/C1-3 district. The proposed zoning map amendment would facilitate the development of Lot 21 on Block 6831, while more closely reflecting the existing development in the Rezoning Area and surrounding area.
- The proposed zoning map amendment would facilitate the development of a 4-story mixed-use commercial and residential building. The property is currently vacant and undeveloped. The proposed building will be 40 feet tall and will contain 39 dwelling units.
- A sub-cellar and cellar will provide approximately 51 parking spaces for commercial and 20 parking spaces for the residents.
- Parking will be accessed from a curb cut on Union Turnpike.
- The first floor will be all retail/commercial use.
- Sam Zirk, the owner of the property went door-to-door getting a consensus of the neighbors' opinion on the undeveloped site. Twenty (20) letters in favor of the proposed building were submitted to the Zoning Chair of Community Board 8. People would like to see some type of development at this site.

Board Member's Questions and Comments

Jim Gallagher questioned how many apartment units will be built. The papers submitted to CB8 stated 62 units. Answer: There will be 39 units. Lobel's office stated a revised statement was sent.

Susan Cleary asked what will be done with the green space at the site. Answer: We will be providing street trees.

Edward Chung questioned the shadows of large buildings. How will this new building affect the homeowners in the immediate neighborhood? Answer: The R3-2 regulations in existence right now actually allow a height up to 35 ft. The proposed R5D permits a height of 40 ft. It is only a 5 ft. differential and not considered significant enough in nature to trigger additional study.

Kevin Forrestal had concerns about the application that he believes has inconsistencies.

- 15,800 sq. ft of HeartShare property is not shown in the proposal for the rezoning. Is there any reason it was left out? Answer: The square footage calculations were reviewed by DOB. Mr. Zirk stated that HeartShare's square footage is included.
- Mr. Forrestal addressed the inconsistencies in the curb cuts (4 on Union Turnpike, 3 on 79th Avenue and 3 on Parsons Blvd.). Answer: Mr. Lobel explained we are addressing only the curb cuts on Lot 22.

- Mr. Forrestal stated the “vacant lot” was used for trailers for many, many years.
- Parking all around the building will be non compliant. Answer: As we do the new building, we are going to be required to maintain parking requirements.
- Mr. Forrestal expressed his concern that they are not allowed to have parking in front. The entrance or egress is not allowed off the main street. Will this rezoning require a variance? Answer: We would not do that. His understanding is that the entrance on Union Turnpike is within regulation.

Kenneth Cohen, II addressed the letter submitted by Kenneth D. Cohen and the Flushing Suburban Civic Association Inc. The Executive Members of the Flushing Suburban Civic Association felt insulted that anyone would request any change to any property without notification and discussion in an appropriate time and manner with the Civic Association and the residents of the community. Is there any type of plan or presentation for the community as a whole aside from this public hearing? Answer: Mr. Lobel does understand that the local civic associations carry a lot of weight. For the record, Mr. Lobel’s office did request a meeting with the civic leadership. Unfortunately, he did not hear from Mr. Cohen. He did try to make that effort. He will be happy to give a presentation to the community. The applicant did go door to door to make an effort with the neighbors who are most affected.

Kenneth Cohen, II responded that when you change zoning, you affect the community as a whole. Please keep that in mind.

Steve Konigsberg

- Is any portion of the parking going to be available to the general public or is that all reserved for your commercial and residential tenants? Answer: All the parking spots will be for the commercial and residential tenants only.
- Obviously, this zoning affects more than this one lot. How does it have an impact on the already existing structures that are there? Answer: Cornerstone, the largest building will not be affected because they are non-complying. There would not be any serious redevelopment for the three-story building because they can do commercial/residential under the old zoning. Kentucky Fried Chicken can have additional commercial development, however, they are under an existing special permit from the BSA for their drive-thru. They are also under a lengthy ground lease. Their lease would inhibit any kind of redevelopment.
- What would you do with the handling of the trash? Answer: There are enclosures for trash within the building itself. Should the Community Board have any special recommendations, we would be happy to work with them.
- Where will the HVAC mechanical structures be placed? Answer: On the roof.

Kenneth Cohen, II asked if the entrance for this project is on Union Turnpike or 79th Avenue. Answer: There is a curb cut on Union Turnpike.

Tammy Oshero asked how many apartments, commercial stores and community facilities will there be? Answer: It is a mixed use building. The ground floor will be commercial and there will be 39 apartments above on three residential floors. There are no community facilities.

Kenneth Cohen asked what type of apartments these will be as far as price range. Answer: Market rate rentals.

James Gallagher asked if the cars will be exiting on Union Turnpike as well. Answer: Cars will be entering and existing from Union Turnpike only. There will be no 79th Avenue entrance or egress.

Edward Chung asked if an environmental impact was done on the building. Answer: Yes. The only issues that came up was that the City wanted to make sure the HVAC structures were away from the Cornerstone Building as well as the windows would need to be special sound proof windows because of the traffic noise.

Kevin Forrestal asked about the breakdown of the 39 apartments in regard to studios, etc. Answer: The plans are only basic at this time. There will be studios/1 bedroom/2 bedrooms/3 bedrooms. Will there be any affordable housing? Answer: No.

Mr. Forrestal also asked if Cornerstone has given consent. Answer: Yes.
Are you going to build with “unionize labor” and/or pay prevailing wage? Answer: No answer at this time.

Susan Cleary asked what commercial spaces would there be? Answer: The commercial spaces will occupy the ground floor. It has not been decided as of yet.

Kenneth Cohen asked where the residential and commercial lobby would be. Answer: Off of Union Turnpike.

Public Participation

Jackie Forrestal, representing the Hillcrest Estates Civic Association, which is the community on the south side of Union Turnpike. She is speaking this evening in opposition to the proposed zoning change for 158-15 Union Turnpike and its neighboring properties.

- The south side of Union Turnpike is zoned R5D with a commercial overlay of C1-3, it is only 100 feet deep. This proposed rezoning on the north side of the Turnpike is a very large piece of land and measures over 300 feet at its greatest depth.
- The area proposed for rezoning neighbors a community of one and two-family residences. Rezoning such a large block of land in a community of homes is totally out of character. An R5D zoning provides for 40 foot buildings with elevator shafts, etc. which can rise higher. That height would block light and air and would create shadows on the residences to the north of the subject area.
- Also, R5D zoning does not allow for curb cuts on wide streets. Therefore, all traffic would be forced to use 79th Avenue –a narrow one-way street westbound between Union Turnpike and Parsons Boulevard which would cause traffic problems for the community.
- Lastly, research shows some question about the size of the former St. Joseph’s Hospital now leased by Galway Properties to Cornerstone and to HeartShare. Documentation shows the actual square footage of Cornerstone to be 70,000 sf and of HeartShare to be 15,800 sf – a total of 85,800 sf. When advertised for sale in 2008, the building was described as an 87,400 square foot building. This is not what is shown in the proposal for rezoning.
- R5D is not supposed to have a curb cut on a wide street.

Mr. Lobel responded to the comment on Cornerstone’s square footage. The site itself in the rezoning would have 17,000 sq. ft. available for development. The actual development that is proposed this evening would be approximately 68,000 sq. ft. There is well over 50,000 sq. ft. available on the site which will be unused because of the R5D zoning.

District Manager Marie Adam-Ovide asked Mr. Steve Everett, City Planning Representative, if he had any information on an R5D with a commercial overlay that would allow them to have a curb cut on a wide street.

Answer: Mr. Everett explained that it was reviewed by our Technical Review Division and it was deemed that they can have a curb cut on Union Turnpike. He will look into this further for the Community Board. *

Susan Cleary asked if this project was reviewed with DOT. Answer: No.

Irving Poy, Office of the Queens Borough President

Mr. Poy explained that assuming the proposed plans go through; the developer would have to file for all kinds of permits with the Department of Buildings. That is the point where they would determine whether or not the curb cut is allowable. There are standards that DOT sets in order to make a curb cut permanent.

Kevin Forrestal stated that the issue is if the cars have to come from 79th Avenue, it would be a hardship for the community. Coming in from 79th Avenue would not be very practical. If this is not a buildable type of property in an R5D, we should not approve it.

Motion

Kevin Forrestal made a motion to approve ULURP No. 120178 ZMQ “Union Turnpike Rezoning”, seconded by Jagir Singh Bains.

Discussion

- Jagir Singh Bains stated it is not very clear where the entrance/egress will be. Parking will be a concern as well.
- Kevin Forrestal stated this concept that City Planning came up with is not an appropriate one. He thinks there is no question that there is need for residential housing but he doesn't think there is need for residential housing to go forward without some other things going on at the same time. Such as transportation. Transportation on Union Turnpike is already crowded. We do not have enough schools. Not enough hospitals. We do not have enough sewers or water pressure. We do not have enough infrastructures to go forward to build anything beyond what is absolutely legally allowable until the City comes up with a plan to build and take care of the structures to support the people in those buildings and the people traveling around them.
- Edward Chung is not comfortable with building 39 apartments and how it will affect Union Turnpike. It is always congested. He has doubts about this building.
- James Gallagher also has doubts about the whole plan. The Kentucky Fried Chicken can go out of business in a year. Who knows what kind of structure will go there. In addition, he doesn't like the idea of putting apartments right next to Cornerstone.
- Susan Cleary thinks it is naïve in its concept and possible execution.
- Kenneth Cohen II stated he is always leery when you want to change the zoning. When you change the zoning you sort of change the footprint forever. Who knows what will happen to that lot after owners change. He doesn't agree with changing zoning when there is not adequate effort in communicating with the community. He cannot support an action like this.

Vote: 1 in favor 7 in opposition 0 abstained

Board Members who were in favor: Steven Konigsberg

Board Members who were opposed: Jagir Singh Bains, Edward Chung, Susan D. Cleary, Kenneth Cohen, Kevin Forrestal, James Gallagher and Tammy Osherov.

Adjournment:

This Public Hearing adjourned at 8:30 p.m.

Respectfully submitted by Barbara McKeon, CB8 Staff Member, October 24, 2013

*Email sent to Marie Adam-Ovide from Mr. Stephen Everett, City Planning on October 23, 2013

Hi Marie,

I spoke with both our Technical Review Division and our Zoning Division and it appears that you are correct in this case. Section 36-531 would apply, meaning that the applicant would not be allowed to create a new curb cut on Union Turnpike because he has access to 79th Avenue. City Planning has, of course, only reviewed the proposed drawings as illustrative materials and any further plans would need DOB approval.

The site does have an existing 24' curb cut on Union Turnpike, however, and the applicant would be allowed to use that instead of the 15' curb cut that is shifted approximately 20' west in the proposed plan.

Additionally, if it is deemed that access to required site parking cannot be accomplished on either street, due to curb cut restrictions, the applicant may seek a waiver of requirements from the Commissioner of Buildings per Section 36-24. This is unlikely in this scenario, though, due to the existing curb cut on Union Turnpike and the available access to 79th Avenue.

I have also communicated this information to the applicant's representatives, who are more than willing to comply with any and all site regulations, as necessary.

Please let me know if you have any other questions, and I look forward to the Board meeting on 11/13.

*Stephen Everett
New York City Department of City Planning
Queens Borough Office*