

**TRANSCRIPT OF PUBLIC HEARING BEFORE
THE CITY PLANNING COMMISSION
MARCH 23, 1960**

NYC
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1960
v.6

in the matter of

Comprehensive Amendment of the Zoning Resolution of The City of New York

Borough of Queens

Prepared by Department of City Planning
C.P. 15278

✓ VOLUME: 6

CP-15278

PUBLIC HEARING

before the

CITY PLANNING COMMISSION

in the matter of a

PROPOSED COMPREHENSIVE AMENDMENT
Pursuant to Section 200 of the New York City Charter

of the

ZONING RESOLUTION OF THE CITY OF NEW YORK

consisting of

TEXT AND MAPS

Held at City Hall, Borough of Manhattan

Beginning on March 14, 1960, and continued on
March 15, 18, 21, 22, 23 and 25, 1960.

CONTINUED HEARING - PROPOSED ZONING MAPS
FOR THE BOROUGH OF QUEENS
Wednesday, March 23, 1960

CITY PLANNING COMMISSION

James Felt, Chairman
Francis J. Bloustein,
Vice-Chairman
Goodhue Livingston, Jr.
Robert Moses
Lawrence M. Orton
Michael A. Provenzano
James G. Sweeney
Commissioners

Pauline J. Malter, Secretary

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March 23, 1960

CHAIRMAN FELT: The meeting will please come to order. Will the Secretary call the roll?

SECRETARY MALTER: Chairman Felt, Vice Chairman Bloustein, Commissioners Livingston, Orton, Sweeney, Provenzano, Acting Commissioner Constable.* Quorum present.

This is a continued public hearing in the matter of a proposed comprehensive amendment pursuant to Section 200 of the New York City Charter, of the Zoning Resolution of the City of New York, consisting of text and maps, which are a part thereof and which are appended thereto, being CP No. 15278.

On December 23, 1959, Calendar No. 48, the Commission fixed Monday, March 14, 1960, for a hearing on this matter. And for the convenience of the public, to insure orderly procedure and to permit a full hearing, the hearing was initially devoted to the proposed text and continued on the dates set forth below, starting at 10 A.M. each day: Tuesday, March 15, 1960, the hearing was continued on the proposed text; then continued to Friday, March 18, 1960, on the proposed zoning maps for the Borough of The Bronx; then to Monday, March 21, 1960, on the proposed zoning maps for the Borough of Brooklyn;

Felt / Malter

*(Edward Hoffman, sitting for Acting Commissioner Stuart Constable)

Tuesday, March 22, 1960, on the proposed zoning maps for the Borough of Manhattan; and today, Wednesday, March 23, 1960, the hearing will be devoted to the proposed zoning maps for the Borough of Queens; and will be continued tomorrow, Friday, March 25, 1960, on the proposed zoning maps for the Borough of Richmond.

CHAIRMAN FELT: I would like to make a brief statement at the outset.

As you may know, we have completed two days of hearings on the general text of the proposed Zoning Resolution. The testimony heard at these hearings, both in quantity and quality, has given us assurance that New Yorkers have a growing understanding and interest in achieving a modern zoning ordinance for this City. Today's hearing marks the fourth of five sessions devoted to the mapping in each of the Boroughs.

These meetings do not merely involve praise or criticism of the ordinance, but are in effect, workshop sessions in which the public comes before this body to offer specific mapping recommendations and suggestions which will help us prepare the best resolution possible. Many have told me personally that they would like to suggest map changes, but that they did not want their requests to imply any basic dissatisfaction with the Commission's Proposal.

I do not want anyone to feel that we regard the request for a mapping change as opposition to a modern zoning ordinance. We understand that many of you support the general

principles of the proposed resolution, but have specific questions regarding your property or your district. We welcome these questions and we shall endeavor to resolve them equitably.

Criticism and suggestions offered at this time and at the other hearings are accepted in the constructive vein in which they are offered. No request, no matter how small, will be ignored. We will spend many, many weeks working on these recommendations. In doing that, we will be reviewing maps, we will be making checks in the field, and we will continue meeting with groups and individuals. The result of this effort will be a zoning resolution in which every citizen can be assured that he or his representatives have participated. It will be your resolution.

Now, I have a list of people who have sent in their names. The first name on the list is Gordon W. Paulsen, the second is Robert G. Zeller, the third is Lillian L. Mitchell, the fourth is Jules Michaelis, and there are many others listed here. Is Mr. Paulsen present? (no response) Mr. Zeller? (no response) Those who are not present now will be called upon later. Mrs. Lillian L. Mitchell?

LILLIAN L. MITCHELL: My name is Lillian L. Mitchell and I represent the Rockaway Council of Civic Associations, Inc., the Edgemere Civic Association, the Lawrence Greens Civic Association, the North Hammels-Holland Civic Association, Rockaway Civic Club, Inc., Rockaway Park-Belle Harbor Civic Association,

Rockaway Property Owners Civic Association, Somerville-Arverne Civic Association, Wavecrest Civic Association, Wavecrest Gardens Community Association, Belle Harbor Property Owners, Inc., and Neponsit Property Owners, Inc.

At the outset, I would like to thank Mr. Felt and the other members of the City Planning Commission for giving us an opportunity to improve our homes by putting forth these new zoning regulations. We are heartily in favor of the proposed zoning resolution. This has not come after just one meeting, but it has been after membership meetings, executive meetings, and meetings with the Rockaway Council of Civic Associations.

We have really pored through all these regulations and, in the main, we are absolutely in accord, with just slight changes in the mapping. We wish to state that we represent mainly the residents of the entire peninsula; we represent people who enjoy their homes and want to protect their homes against any changes and commercialization of our area. We do not want any additional changes, for example, we are cognizant of the fact that the Chamber of Commerce of the Rockaways states that it represents us. They do not represent us. We do not want any further commercialization of our area. We want it to stay the way it is with certain minor changes in the area groups.

I would like to read from a letter which I mailed to the Commission - just to stress certain little changes that we want to recommend.

Mitchell

CHAIRMAN FELT: In other words, you endorse the proposed resolution but you have changes that you want to suggest to us in connection with the mapping?

MRS. MITCHELL: Yes; changes that would aid in upgrading of our area, not downgrading it.

CHAIRMAN FELT: All of these changes are on an upgrading basis?

MRS. MITCHELL: Right; all the changes are in upgrading, not in downgrading.

Number one: in residential areas under Use Group 3, permitted as a matter of right in 22-13A, provision is made for fraternal or philanthropic institutions, all types of institutions for children and the aged, and all types of nursing homes or sanitariums, provided that not more than 25% of the floor area should be used for central office purposes. We are opposed to this, and we suggest and recommend that such institutions be permitted only in residential districts designated as R5, to and including R10, and not be permitted in residential districts R1 to R4. In other words, we want further upgrading in that section.

Number two: under Use Group 3, (22-13B), accessory uses are provided in residential districts. Among these accessory uses are home occupations as defined on Page 5 of the Resolution.

We are strongly opposed to the inclusion as an accessory use of any home occupation in any residential district. We do not want home occupations in residential districts, which is an additional upgrading of the zoning. We believe that such home

occupations do not belong in residential districts.

Three: the elimination of Subdivision C from the definition of a family, Page 5. We do not want any unrelated persons being considered as members of a family group, which is also in favor of upgrading and not in opposition to your regulations.

On the question of variances which may be permitted by the Board of Standards and Appeals, 72-20, we suggest that a provision be included so that adequate notice of any requested variance be given to all property owners within a radius of 600 feet from the property for which a variance is sought.

CHAIRMAN FELT: Mrs. Mitchell, the distance of notification and the time of notification is something which is not within the rules or control of the City Planning Commission. That is an item which falls wholly within the province of the Board of Standards and Appeals. While we will be mindful of your views, this falls beyond our province.

MRS. MITCHELL: All right. Now, the area between Beach 117th Street to and including Beach 129th Street in Rockaway Park has been designated in the resolution as R3 and R4 Districts, (30-B, Page 219). A previous request was made to designate this area as a one and two-family district. We suggest and recommend that such a designation be given to this area, and if that is not feasible, that this area be designated as R2. We do not want row houses or garden apartments in this area. We want to conform to the present type of building, which is expensive one and two-family homes, as much as possible. Therefore, we want that upgraded

to R2, if possible.

Now, the area between Beach 90th Street to and including Beach 97th Streets, on the beach blocks, (30-B, Page 220), has been designated as R5 and R6. We suggest R4 in that area. We do not want to have too much traffic and large buildings. We want to upgrade it to R4 there.

In the area between Cornaga Avenue and Seagirt Avenue and Fernside Place and the west side of Beach 9th Street, exclusive of the commercial designation (31-A, Page 222), which has been designated as an R5 area, we suggest R6 there, in view of the fact ...

CHAIRMAN FELT: In other words, that is the place where you want a downgrading. What is the reason for that?

MRS. MITCHELL: In that place we have a lot of old buildings there which might be considered legal, with heating, and so forth, and the buildings are on small pieces of property. In order to preserve our area and put in modern buildings, we want to protect ourselves - we are so close to it - by permitting builders to come in and improve the area. That area needs improvement and, therefore, we feel that R6 would benefit the entire section, and that is why we want that one, the only one, downgraded one level so that builders can come in. We have 100 by 100 plots, 100 by 200 - it wouldn't be feasible - and we'll keep downgrading the area - by up-zoning it we're downgrading it.

I have one more statement on the Neponsit area and then I am finished. Neponsit is one of the few remaining "G" Zone

communities in the City of New York. While we are in accord with its proposed zoning as an R1 District, we do not believe that the change to an R1 District should in any way result in a relaxation of the present zoning. In other words, we don't want commercialization. We want it to stay the way it is now.

We firmly believe that your Commission will, and must, guard the few remaining residential areas in the City of New York, and we are grateful for the fact that you are trying to do that for us. Thank you.

CHAIRMAN FELT: Thank you, Mrs. Mitchell.

Mr. Michaelis?

JULES MICHAELIS: Mr. Chairman and Members of the City Planning commission, my name is Jules Michaelis, President of the Rockaway Civic Council and President of the Wavecrest Civic Association.

We are fully in accord with your plan. As Mrs. Mitchell has stated, and she has stated how the civic associations, the majority of them, **feel in the Rockaways**. However, we do not want any change on the boardwalk. The present zoning that is listed in the book is agreeable to us, and that is what we want. We don't want any other business along the boardwalk because we feel that it would deteriorate the entire Rockaways.

CHAIRMAN FELT: Do you refer now to the mapping along the boardwalk? That is agreeable to you?

MR. MICHAELIS: That is agreeable to us. We don't want any changes. That is all I have to say because Mrs. Mitchell has given you our viewpoint. Thank you.

CHAIRMAN FELT: Very well. Mr. Lindenbaum?

Michaelis

ABRAHAM M. LINDENBAUM: Mr. Chairman, gentlemen:
my name is Abraham M. Lindenbaum, 16 Court Street, Brooklyn.
I represent the Associated Builders of Greater New York.
I appeared before your Commission on the text last week and the
other day on Brooklyn. I don't want to take up too much of your
time. I just want to submit to you premises in Queens, in the
various sections of Queens - Elmhurst, Forest Hills, Kew Gardens
Hills, Briarwood, and so forth - to show you the difference in
bulk under the present regulations and under the proposed regu-
lations.

CHAIRMAN FELT: You mean, Mr. Lindenbaum, that what we
propose will permit a lesser bulk than what is presently permitted.

MR. LINDENBAUM: That's right. To give you an
illustration, in one in Kew Gardens Hills, where we are presently
permitted on a street front, fronting on three streets, it is
zoned "D" today, and we can put in 1,812 apartments. Under the
proposed zoning, we can only put in 276 - as against 1,812. That's
a rare case, but the situation I want to bring to your attention....

CHAIRMAN FELT: I am glad you mentioned that that is
a rare case, Mr. Lindenbaum.

MR. LINDENBAUM: That is a rare case - from 1800 to
200 - but there are cases from 396 to 131, and averages like that
are not rare. But I want to bring to this Commission's attention
the fact that we feel - my Association, comprised mostly of builders
of six-story elevator apartment houses - feel that they have not
been properly taken care of as far as the new maps are concerned.

CHAIRMAN FELT: Insofar as bulk is concerned.

Lindenbaum

MR. LINDENBAUM: As far as bulk is concerned - in six stories. They are not fire-proof builders. They do some of it but, in the main, in the Borough of Queens and the Borough of Brooklyn

CHAIRMAN FELT: In other words, they put up non-fireproof multiple dwellings.

MR. LINDENBAUM: That's right, sir. And they feel that with the type of properties that they put up, the type that is seen today, the new houses in Brooklyn, and so forth -- they have built at much less than their permitted bulk but much higher than your proposed bulk. We feel that some consideration should be given by your Commission and a new determination to upgrade, to give them a sufficient amount of apartments where the value of the land can be economically used. Because in Queens, as Commissioner Sweeney knows, today it is impossible to get vacant land. As a previous speaker said, it's important to go out and buy what we call improved land, with buildings on it. You pay very high prices for it. You don't have any use for the buildings because you have to tear them down. And you have got to take valuable space and get sufficient apartments in them to make it economically feasible, so we would appreciate it if you would take it into consideration. If you want to meet with us, we will tell you exactly what our problem is with these six-story apartment houses, we would be happy to do that.

CHAIRMAN FELT: Of course. We want to meet with every group so, obviously, we will be glad to meet with you and I will be happy to arrange an appointment. You stated the day before yesterday that your clients generally favor the resolution excepting as to bulk. Does that apply in your statement today, too?

MR. LINDENBAUM: That's right. In the main, we favor the resolution. There are some exceptions to it. I discussed that last week, but as far as the mapping is concerned, we are concerned with the bulk and, that is, the premises that I am speaking about here today.

CHAIRMAN FELT: Thank you, Mr. Lindenbaum.
Mrs. Phyllis Caroff?

PHYLLIS CAROFF: Mr. Chairman and Members of the Commission. I am Phyllis Caroff and I am a family case worker from the Community Service Society. We are appearing again today, as we did last May, to let you know that we support the amendment to the Zoning Resolution, and to tell you briefly why we are eager to see it passed.

The Society has long been concerned with family welfare in New York City. We do not have the special interest and competence of planners or builders, but a different kind of interest and competency which is, we believe, equally important.

Our interest is focused entirely on the effects which these proposals will have on the future lives of thousands of families and individuals, many of whom who will not be born for another twenty or thirty years.

Appropriate densities and land coverage varies from one borough to another. Queens is traditionally the Borough of small homeowners of which I am one. In the last few years, however, there has been a tremendous incursion of heavy-density buildings that should never have been allowed, and that would be controlled in the future under this proposed resolution.

Caroff

The proposed restrictions will also help to preserve and stabilize the character of our present medium and low density areas and thereby help to prevent the kind of neighborhood deterioration we have witnessed in the scattered slums of Jamaica, the Rockaways and elsewhere.

Mr. Chairman, as case workers we are, I think, especially aware of the tensions and pressures that are created or aggravated by the overcrowding of land and buildings. Such overcrowding seems to be the inevitable result of inadequate restrictions and controls.

We see children who, for lack of open play space, use the streets as playgrounds. Their parents punish them, although they themselves realize there is often no alternative.

We see areas, such as certain sections of the Rockaways with which I am familiar, where deterioration has progressed to such a degree that the only resolution is to come in with a bulldozer and knock everything down and start all over again. The Community Service Society is extremely concerned, as I am sure you are too, about the relocation of the families that live in these slums. It certainly makes more sense, both in human terms and financially, to pass the kind of zoning resolution which will deter the formation of new slums, rather than to find ourselves in the present situation, with all the attendant hardships to families and expense to our City.

Caroff

Another aspect of the proposed resolution that seems to me to be especially desirable is the orderly planning that it will make possible for all other agencies. As a member of the Parents' Association of Public School 120 and the Parent Teachers Association of Junior High School 218 and as former Chairman of the School Construction Committee, I am all too familiar with the tremendous difficulties in selecting school sites at present.

The unforeseen population shifts have resulted in unused buildings in one area and double shifts, or long and expensive bus rides in other sections. With the density controls proposed in this resolution, in the future it should be possible to avoid this waste that is so costly, both socially and to us, the taxpayers. What is true for schools applies equally to planning for other facilities, such as hospitals, health clinics, libraries and other community facilities.

From immediate personal acquaintances, I am familiar with some of the problems peculiar to Queens, and their effect on the well-being of our families. For example, our prevailing wind is from the west where, unfortunately, there is a concentration of industry. As a result of this situation, unhealthy and unpleasant fumes blow over the rest of our Borough. I was pleased to note, both as a resident and as a family case worker, that under this proposed resolution the conditions that cause these fumes will gradually be changed.

Also, the careful planning proposed for the industrial areas will control the flow of industrial traffic that has grown so much in recent years and constitutes a real hazard and disturbance in some of our residential areas. We all know the dangers involved when, in order to get to school, children must traverse streets with heavy traffic. I know many parents who, in order to avoid the dangers, take their children to school every day. This constitutes a real burden to working parents and one that could be avoided by better planning, such as proposed in this resolution.

Of special concern to us are the provisions relating to light, air and open space. Let us not forget that it was the search for these amenities that led many of our families to move to Queens. Our population has grown tremendously in the past few years, and according to all forecasts, it will continue to climb. These facts give particular urgency to passage of the controls and restrictions being proposed in order to preserve here in Queens an environment conducive to sound, healthy family living.

A high proportion of the residents of Queens are car owners, but the requirements of the present law in relation to provisions for off-street parking are wholly inadequate, and as a result many of our streets are lined with parked cars.

Caroff

The resolution before you includes adequate parking requirements in residential districts, requirements which will do much to make Queens a safer and more livable community.

Mr. Chairman, I have been a resident of Queens for the past eleven years, and during that time I have seen healthy growth in some sections contrasted by deterioration in others. This is a Borough of contrasts, with considerable overcrowding in some areas and large open spaces elsewhere. It is truly regrettable that re-zoning was not enacted ten or fifteen years ago, so that some of our past mistakes could have been avoided, and it is especially urgent in this Borough now, before it is entirely built up.

In considering the resolution before you, Mr. Chairman, I hope that you will keep uppermost in your minds the needs and the welfare of the families in Queens, the mothers, fathers and children that live here now and the many more that will be moving here in future years. After all, it is the people that live in the buildings that make the difference over the years. Thank you.

CHAIRMAN FELT: Thank you, Mrs. Caroff.

Is Mr. William J. Cedzich present?

WILLIAM J. CEDZICH: Mr. Commissioner, Members of the Planning Commission, my name is William J. Cedzich.

I represent the home owners of Richmond Hill and Woodhaven, and the members of the Richmond Hill Taxpayers Association, Inc., of which I am President.

This prominent taxpayers group has the distinction of being the largest single organization of its kind in the Borough of Queens.

At a meeting of the Queensboro Chamber of Commerce, on Monday, March 21, 1960, I was one of approximately forty civic leaders who were invited to discuss the new city zoning code. At the close of the meeting, the Queensboro Chamber of Commerce and representatives of the various private groups formed a committee of which I was named Chairman. However, since I have not as yet been authorized to either represent or speak for these organizations, I will confine my statement to the Richmond Hill and the Woodhaven areas of Queens.

Now, gentlemen, the 1950 Census reports 73,000 residents for Richmond Hill, 70,000 for Woodhaven and 5,000 for Brooklyn Manor, which is sandwiched in between these two communities, and you could safely estimate that another 20,000 could be added to the overall figure today -- which represents a sizeable portion of the population of Queens.

Mr. Chairman, as a resident of Queens myself, for the past thirty-seven years, it has been my fortune, along with the many civic duties that take me throughout the Borough, to recognize to some degree the needs and wants of these people.

Today will mark a memorable date in the history of Richmond Hill and Woodhaven, since the results of this hearing on the new zoning code will either spell curtains for the one and two-family home owner in these communities or it will be resolved in their favor so they may continue to live in peace and dignity in their once proud residential area, without the fear of towering apartment houses overshadowing their homes.

Mr. Commissioner, I do not believe that there is a person in this room who is opposed to upgrading and good zoning, and I wish to make it clear that I am not opposed to this new zoning code for New York City. I wish to make it crystal-clear that I am not opposed to a new zoning code for the City of New York.

CHAIRMAN FELT: When you say that you are not opposed to this new zoning code, you mean you are not opposed to our proposed zoning ordinance in general? Is that what you have in mind?

MR. CEDZICH: I will answer that in my next sentence, Mr. Commissioner. I said that I wish to make it crystal clear that I was not opposed to a new zoning code for New York City. I am just opposed to the defects in the Resolution as it affects us in Queens.

Now, in 1957, we had the communities of Richmond Hill and Woodhaven and Brooklyn Manor re-zoned to an E-1 District, which is designated for one and two-family homes only. This excludes any new apartment houses, apartment hotels, gas stations,

factories, knitting mills and light manufacturing establishments. At that time, an influx of knitting mills and light manufacturing were apparent in the retail business sections of our communities and the re-zoning of these areas was specifically to check this influx and prevent further infiltration.

In the new City zoning code, our communities are designated as R-5 areas, which permits the construction of apartment houses, apartment hotels and row-type houses, and we feel, gentlemen, that such designation would downgrade rather than upgrade these communities. Such zoning would invite apartment house speculators to have a field day at the expense of our one and two-family homeowners whose dwellings and properties would depreciate in value and desirability.

The residents of our communities have worked hard for most of their lives to gain and maintain the homes in which they now reside. They have invested life savings in these homes and have effected interior and exterior physical improvements at considerable expense.

Mr. Commissioner, what to you might mean fifteen or twenty-five thousand dollars, to these people, this is their life's savings; this is their very blood. They will not sacrifice their future, and I am included in this.

Gentlemen, they will not sacrifice their future and their homes for apartment houses that would rise like monsters and black them out from gardens and skies, forcing them to a regimented mode of living with which they are totally unfamiliar.

I wouldn't know how to live in an apartment house. I don't want to live in these vertical cheese boxes.

CHAIRMAN FELT: In other words, you favor the upgrading, is that right?

MR. CEDZICH: Absolutely.

(Applause)

We are the people to be considered in this matter of zoning since it is people like ourselves, Mr. Commissioner, members of this distinguished Board, who have helped build this great City. We were here first and we epitomize the true meaning of the word "homesteader." We have already paid for our roads, our sewers, our pavements, schools, libraries and churches, and we do not intend to be forced out to make room for apartment houses but intend to fight this right down to the very end.

For the past eight years, 75,000 middle income families, like ourselves, have left New York City each year because of the same situation with which we are confronted here today -- the destruction of beautiful residential areas to make way for slum clearance, low-cost cooperatives and middle income housing, and we deplore facing this situation in Queens.

Cedzich

Mr. Commissioner, when the middle class, who represent the backbone of the population, leave this City, the City itself will go with them and there will remain only the very wealthy who can afford to live in this City, those who are destitute and cannot afford to leave this City. Queens is the last patch of green left in the City, and we must act now to preserve it.

At the present time the communities of Richmond Hill, Woodhaven and Brooklyn Manor are zoned E-1, which permits the construction of one and two-family homes only, and excludes the construction of any apartment houses or row-type houses. Therefore, Mr. Commissioner, we respectfully recommend that the above areas be zoned as R3 with the text to read as follows:

"A Residence Use District for one and two-family detached dwellings only, with a minimum 40-foot frontage and the exclusion of any and all types of apartment houses, apartment hotels and row-type houses."

Now, Mr. Commissioner, there has been a lot of talk and a lot of controversy as to what will happen with the Board of Standards and Appeals, and what I say here is only the way I think about the Board of Standards and Appeals. If this code becomes successful or whether you take the Board of Standards and Appeals over, that is not for me to decide. I'm sure there are much wiser men in this body here who will be more apt to decide or make this decision.

What I would like to say here is that the present

Board of Standards and Appeals is to a marked degree, gentlemen, responsible for the chaos in this City today.

I have been before them on many occasions and have maybe won my point once out of about ten since we had these areas in Richmond Hill and Woodhaven re-zoned in 1957. Do you think that has stopped these knitting mills and apartments from coming in? The Board of Standards and Appeals hasn't helped to stop them one iota. There are certain assemblymen who should be using their talents at the Legislature today, where they are being paid to be, instead of representing law firms themselves. They practically live at the Board of Standards and Appeals, and they start these cases for getting variances, start anywhere from \$1,500 and up. It is a terrific racket and a terrific practice, and that's what I say is going on in the Board of Standards and Appeals today. This is what should warrant an investigation immediately of the Board of Standards and Appeals. Why are these variances granted? Why can't a man like me win when a variance is granted for a gasoline station in a Residence Use District? Why, in an area like 98th Street and Jamaica Avenue in Woodhaven today, are 200 federal post office trucks permitted to come on to a corner and go right up to the back or the side of a man's home and explode fumes into his front room? Where do they come to get a variance of this type in a Residence Use District and a civic leader like myself cannot get these people out? What is going on in the Board of Standards and Appeals? That is what I want to know. Thank you, gentlemen.

CHAIRMAN FELT: Thank you very much,
Mr. Cedzich. Is Mr. Modugno present?

Cedzich

JOSEPH MODUGNO: Mr. Chairman and gentlemen of the City Planning Commission, my name is Joseph Modugno. I am President of the North Shore Council and Co-Chairman of the Federation of Civic Councils of the Borough of Queens, which represents close to 200 civic associations in our great Borough.

Mr. Felt, I spoke last week, on this particular matter. I am here today principally to rectify or set straight any wrong impressions which may have been created, particularly by the Long Island Press and Star Journal in yesterday's headlines, which announce, civic leaders and business or commerce united to oppose the resolution -- the zoning resolution."

I would like to point out that perhaps forty-three civic leaders did attend and, as a matter of fact, Mr. George Regan, who is the present Chairman of the Federation of Civic Councils was present, merely as an observer. I was invited to attend, but after I made the opposition known, I was told that it wasn't necessary for me to be present.

I am here today to again clarify and make unmistakably clear what the position of the majority of the home owners is in the County of Queens. We all know that the history of the human race has been and will continue to be the history of struggles, primarily a struggle to survive against the elements, a struggle which began from time immemorial, the time when primitive men sought refuge in caves; from that time on to this date, the era of skyscrapers, magnificent buildings that rise to the sky -- a symbol of man's progress, a symbol of conquest against the elements, and a silent challenge to nature itself, and the many problems that confront

human beings on earth. In the primitive age of man, the primary motivating factor was survival. Today, that basic problem has been successfully solved and conquered and the problem is order, proper growth, and proper development -- all of which is conducive to better living. Proper growth and development would follow an intelligent and orderly disposition of our natural resources.

When the Almighty God, in his infinite wisdom created heaven and earth, order was the chief quality of his creation. Look at the sky on a starlit night and observe its orderly beauty. There's order in the beauty and majesty of mountains and in the immensity of the oceans.

The proposed new zoning amendment is the first man-made attempt to bring order out of the unzoned ugliness of our City -- a magnificent monument to man's true conquest over the elements and the fulfillment of man's desire to obtain the God-like qualities and characteristics of the universe itself.

The proposed zoning law is not a straight jacket of very doubtful merit, as has been described by some individuals merely because it lays down rules and regulations, for only within the framework of rules and regulations can you have proper growth and proper development.

The home owners of Queens County are not against business and manufacturing and commercial enterprises, for they realize fully well that they are essential and necessary to their well-being and for the well-being of their community, but their great growth and development can best be achieved within the

framework of a zoning resolution which will allow them to prosper and to flourish. The displacement of business and industry from established locations, while it may cause some temporary inconvenience to a few people now, will be in the long run for the best interests of the greatest majority of our people.

The elimination of the powers of the Board of Standards and Appeals is the greatest and most important contribution of the proposed zoning law to the orderly growth of our County. Our people are just about sick and tired of appearing before the Board of Standards and Appeals, on requests for variances for gas stations, and other changes which bring about a deterioration in their vested property rights, variances which have been granted time and time again, variances which are making the County of Queens the gasoline alley of our County and our State.

It cannot be denied, gentlemen, that some changes must be made, some changes have been made, and I'm sure that some will continue to be made....

CHAIRMAN FELT: That is the purpose of this hearing.

MR. MODUGNO: May I say very emphatically, Mr. Chairman, that so far as I am concerned, you have had, of all the public officials I know, a most willing ear to all the recommendations which have been made. This is a monumental task, but a worthwhile task, a task that will decide the future destiny of our City for many generations to come. We are at the crossroads today and we must make a decision. The decision must be made today, not

in the future.

The choice before us today is a very simple one -- either we enact the new zoning resolution which will allow us to grow and to develop, a zoning resolution that will be a symphony of order and beauty or we will have chaos and disorder and the ugliness of an unzoned City that some day will be strangled by uncontrolled growth and slowly perish and die. Let us meet the challenge before us with the determination and courage born of the conviction that the proposed zoning resolution is for the best interests of our people and of future generations to come. Thank you very much.

CHAIRMAN FELT: Mr. Modugno, how many home owners are members of your Association?

MR. MODUGNO: It is difficult to give you a mathematical count, but I would say that we have somewhere between 150,000 to 200,000 home owners in the County of Queens. We are also affiliated with close to 200 civic associations and the Federation of Civic Councils is made up of six Councils. Some of the councils have 30, some have 40, affiliated civic groups. The overall is close to 200 groups.

CHAIRMAN FELT: And you speak for those groups?

MR. MODUGNO: That's right; as Co-chairman of the Federation and, also, as President of the North Shore Council. We take in, for instance, College Point, Flushing Manor, part of Bayside, Whitestone, Beechhurst, and the entire North Queens area where 63,000 people reside.

CHAIRMAN FELT: Thank you very much. Is Mr. Mancusi present?

LEONARD MANCUSI: Mr. Chairman and Members of the Planning Commission, my name is Leonard Mancusi and I am the Co-Chairman of the Zoning Committee of the North Shore Council of Home Owners Association. I am also the President of the Francis Manor Civic Association of Whitestone.

I, too, wish to rectify or to make clear what appeared in the Star-Journal last evening with reference to the meeting attended by the groups of civic leaders and businessmen to discuss this zoning resolution.

I was not in attendance; I was not invited. Similiar officers and representatives of civic groups were also not invited or in attendance, which means that the group that spoke or attended that meeting, or held that meeting, cannot truthfully say that is was representative of the civic associations of Queens County.

I spoke before this board last week and I also urged the adoption of this new zoning resolution. We firmly believe that a resolution such as the one being proposed and being sought to be adopted is necessary and important today for the sake of the home owners in Queens County, and for the sake of the people of the City of New York.

Why we should be able to stand here and tell people that progress must stop is something I can never understand, and that is what some of these groups who are opposing the resolution want to tell us, and are telling us. Apparently they have no faith in the people who plan and look ahead for the progress and improvement and the betterment of their own communities. If they

Mancusi

are satisfied to remain in a hodge-podge of industry, manufacturing, residence, gasoline stations, all mixed together, then, I cannot speak very highly for them or of them.

This new resolution proposes to centralize, as I understand it, to place industry where industry should be, to place the residences where they should be, to put the apartment houses where they should be, without interfering or overstepping or stepping upon one another. I believe that is the only way we can have a decent and modern up-to-date City and a County that we can be proud of as being the garden spot of New York City. We are very proud of Queens. We love Queens. We know that the home owners in Queens have suffered a great deal and spent a great deal, great sums of money to preserve their homes.

We also believe that the integrity of the Planning Commission is such that it does not want to destroy the beauty of Queens County or the home owners or remove from them the patch of ground that they call their own, or their gardens. As we exist today, with the resolution or the zoning code as it exists today, people can obtain variances to downgrade a community. They can place a gasoline station or a car wash establishment anywhere they want, if they can obtain a variance to downgrade that area.

With the new resolution, that will not be possible. The area will be standardized for that particular zone, whether it is R1, R2, R3, M1, whatever it may be, that will be the standard for that particular area, that zone, and it will be mighty difficult, as I understand it, for a downgrading to be obtained by any

individual or group. If that is so, if it works out that way, then I am for it, and I know that the Associations, the Civic Associations of Queens are for it. They know that they will be preserved, they know their rights will be protected, and we speak highly in favor of the adoption of this resolution.

Gentlemen, speaking for my Organization, representing over 200 homeowners in our district in Whitestone and speaking as Co-Chairman of the Zoning Committee of the North Shore Council of Home Owners, we urge the adoption of this resolution and we urge that it be presented to the Board of Estimate for immediate approval. Thank you.

CHAIRMAN FELT: I have been told that there are a great many people here from Breezy Point. Will those of you who are from Breezy Point, please raise your hands.

(Showing of hands.)

Very well, I will be mindful of that and try to call on the representative shortly. Is Mr. Brown present?

LEO BROWN: Mr. Chairman, Mr. Vice-Chairman, Commissioners, my name is Leo Brown and I am Vice-Chairman of the Municipal Affairs Committee of the Liberal Party and I am Chairman of the Liberal Party in Queens County.

My interest in zoning has been personal and professional for a good many years. It goes back to the time when I was, first an Assistant Corporation Counsel of the City of New York, and has extended through the years during the period when I was Assistant

Counsel to the Governor and was Chairman of the New York State Building Code Commission. It is therefore with a great deal of pleasure that I appear before the Commission today in support of the proposed new zoning resolution.

The report of Voorhees Walker Smith and Smith was indeed a forward-looking study. What the Commission has done with it shows that this Commission is fully aware of the needs of our community.

I think it has been made perfectly plain that the proposed resolution is one that was developed with a great deal of deliberateness, with a good deal of thought and consideration on the part of this Commission. This Commission has said that the consultants, meaning Voorhees Walker Smith and Smith, operating in close cooperation with the staff of the Department of City Planning, worked for almost two years on the project. During that time, a first-hand examination was made of virtually every block, developed and undeveloped, in this City. Altogether, the Planning Commission and its staff held seven informal public hearings, more than 750 conferences and meetings with groups and individuals, received well over 1,000 communications and reports on zoning changes and re-checked several thousand miles of streets in mapping studies. The Planning Commission used this consultants' proposal as the basis for this resolution and took nothing for granted. That is the basis, the factual basis, from which this resolution comes.

Chairman Felt, in his preface to the Voorhees Walker Smith and Smith report, said, "The development and mapping of districts were based on first-hand examination on the ground, from the

air and from the surrounding waters of virtually every foot of land developed and undeveloped within the boundaries of New York City."

And last month, speaking before the Metropolitan Association of Real Estate Boards, Chairman Felt had this to say: "May I remind you that the consultants' proposal was presented after several years of intensive study of every block of land in this City and every available piece of data regarding building costs, construction trends, and the like, and after we received this proposal, it was subjected to further study and scrutiny." Then the Chairman went on to say, "Let me make one thing clear beyond a shadow of a doubt. This is a proposal I have worked over and reviewed and which I entirely and wholeheartedly endorse, not with the questionable appraisal of untested theory, but with the practical test of a real estate professional."

What Chairman Felt said in that statement, we find to be perfectly true in our study of this zoning resolution. We find that it shows every evidence of every block, every street, every zone carefully surveyed and carefully planned. We find that it was done with forethought, with a good deal of consideration, and we find that in principle, we can wholeheartedly endorse it.

The Liberal Party, as one segment of the community in the increasingly important Borough of Queens, is gravely concerned with the development of our Borough as a wholesome place to live, work and play. We therefore join with other groups in our Borough in asserting that we generally favor any plan which concerns itself with the health, safety, convenience and comfort of those who work, live in or visit our Borough. We believe that the proposed plan for re-zoning the City of New York is that kind of plan. On the

basis of our review of the proposed resolution, the Liberal Party desires to place itself on record in emphatic support of the basic principles of these proposals.

More than any other Borough, with a possible exception of Richmond, the Borough of Queens was the least developed in 1916 when the existing zoning resolution was enacted. We know that the 1916 enactment, with its innumerable changes since that date, has not prevented the blighting of many areas of Queens. We in Queens are all too familiar with slums, with residences in the midst of heavy industrial developments, and the unwholesome consequences which these conditions bring about in terms of juvenile delinquency, crime and disease. Many of these blighted areas have been brought into existence long after the enactment of the present Zoning Resolution. Their very existence attests as a most persuasive proof that a new approach to the problem of Zoning was and still is urgently needed. Again, we believe that the proposed plan for re-zoning our city offers that kind of approach.

There is still another reason why this plan merits the support of the community. In 1916 when the present Zoning Resolution was adopted, Queens was not a truly urban entity. It was rather a group of small isolated communities, largely unconnected with each other due to the fact that there were no mass transit facilities and few automobiles. Its phenomenal growth in recent years to the point where it is as large as the entire City of Detroit, and we very often forget that Queens is a city of two million people today, was a growth largely without plan, with a helter-skelter development which left much to be desired.

We suffer today from this haphazard growth in lack of adequate transportation, lack of adequate schools and recreational facilities, lack of adequate court facilities, lack of adequate hospital facilities, and lack of adequate sewerage and garbage disposal facilities. While it is true that efforts have been made to improve these conditions under existing zoning regulations, it is manifest that these efforts, no matter how well intentioned, are doomed to failure unless they are encompassed within the framework of a modern, scientific, forward-looking zoning code; and we believe that the proposed zoning plan is exactly that.

Many of the residents of Queens have come here from Manhattan and Brooklyn, where there is substantial imbalanced development. Queens is presently zoned for apartments with standards identical with those in Manhattan. We escaped from the inadequate living conditions in Manhattan, and we don't want to see Queens become another canyon city. We recognize that both single-family and two-family zones must continue to be protected, and that apartments will continue to be built, but we want to avoid another Grand Concourse or Jackson Heights. We don't want Queens Boulevard, Rego Park, Forest Hills, and the other beautiful residential sections in Queens to be invaded by these large tremendous apartment developments. We believe that the proposed plan protects one and two-family zones and sufficiently controls the bulk of buildings so as to assure future residents of the Borough adequate light, air, comfort and recreation space. Queens is living in the age of the automobile and the airplane; it should not be shackled by horse and buggy

concepts of zoning.

I just want to call attention to one particular crucial problem in the Borough, and that is the school problem. Experience in the recent past has demonstrated that planning for schools has been completely unsatisfactory. Let us assume a large area of vacant land - under existing regulations, no one can foretell the future population of that area; private builders begin to put up large apartment developments; frequently, the builder does not or cannot give consideration to the question of whether a school site will even be available; he just builds and rents. A few years later, the school question becomes intense and the schools available to the new tenants begin double and triple sessions. I think we pointed out to the Commission the other day that in Jamaica High School, the most popular high school in Queens, that high school is now operating on a quintuple session; and that's not taking into consideration the fact - did I say Jamaica? I meant Forest Hills -- the Forest Hills High School - and that is not taking into consideration the Parker Tower Development that is just being rented. When that becomes built, the conditions in Forest Hills will be absolutely intolerable so far as school conditions are concerned.

The proposed plan, however, meets that problem. First of all, it limits the number of families by means of space ratios and control of building bulk, and secondly, it makes possible for this Commission to ascertain the availability of a school site before the building permit is issued. We believe that this plan will

tend to alleviate the school overcrowding in the future.

There is room in the Borough of Queens, too, for residential districts, as well as for industrial sites. The proposed plan is conceived with the basic idea that no residences should be permitted in industrial areas, and that no industrial plants should be permitted in residential districts.

The plan envisions that our Borough can develop attractive areas for industrial use and make it possible for the residents of Queens to diminish the traveling time necessary to go to and from their places of employment. We can anticipate even a greater use of the automobile, particularly in view of a higher fare on public means of transportation. It becomes increasingly important, therefore, to see whether the proposed plan is practicable.

We know that huge areas of Queens are presently unrestricted as to zoning. It has been estimated that out of the almost 70,000 usable acres in the Borough, from 10 to 20 per cent is unrestricted or undetermined. These unrestricted areas are scattered all over the Borough and it is possible under present zoning for factories of heavy industrial types to locate there. There are many well-developed residential areas within these unrestricted zones - such an example is College Point. We believe that the present resolution goes far in solving the problem that is inherent in that question.

Among the many problems, and I am about to conclude, which antiquated zoning regulations have created, is that of our present retail districts. Even the so-called local retail

business districts have been permitted to deteriorate largely because present regulations permit not only local stores, but also warehouses, storage yards and almost all kinds of manufacturing. These, in turn, create congested traffic conditions of great magnitude. Enormous areas of Queens are thus adversely affected. We submit that the people of Queens, merchants and shoppers alike, have the right to demand local shopping districts free from the menace of heavy trucking serving factories and warehouses in those districts. We are tired of seeing business being driven out of our Borough to adjacent communities whose zoning regulations have enabled them to provide ample parking space and shopping comfort.

I need only point out what has happened in Nassau County in the last decade, not only for their local residents, but for Queens residents. We, in Queens, can do what other communities have done to solve this problem.

The creation of residence and retail districts are contemplated in the proposed plan to provide adequate space and parking facilities for local shopping centers in all parts of the Boroughs. This should strike a responsive cord amongst any of us who has ever taken his wife on a Saturday shopping tour anywhere in Queens County. The proposed plan with its permissive type of regulations is better equipped with the existing prohibitive type of regulations to achieve those ends. In that connection, it is interesting to note that all other major cities in the United States have shifted to the permissive type of regulation,

or are in the process of doing so. Certainly, the old type of regulation has not worked. Let us learn from the favorable experience of our sister city. There are some things, of course, that are not perfect about this plan and once it is put into the works and once it is in operation, we shall quickly see the things that need to be remedied. We may not be altogether satisfied with what has been done in the area of airports, and in Queens the question of airports is a crucial one. We believe that the height of buildings to thirty feet is not a fair proposal in the light of what has happened in the last fifteen years with respect to accidents in air travel.

We feel that the national government and the state government ought to cooperate in building large park areas adjacent to runways so that for some considerable distance from the runways, there shall be no construction of any kind of building, and that further on, that the height of buildings be so scaled as to cut down any real chance of serious accidents. We find that to be an important problem in our community and we recommend it for the serious consideration of this Commission.

In conclusion, the Liberal Party submits the proposed zoning resolution offers us the hope that our outmoded haphazard and confusing zoning regulations will be discarded and replaced by this orderly, comprehensive, and necessary piece of social engineering, so that we can look forward with confidence to the future development of our great Borough and of our City.

In that connection, we extend again to the Commission our congratulations on the really outstanding and effective job that this Commission has done in the drafting of this resolution, and we

Brown

hope that it is speedily adopted and sent to the Board of Estimate for its approval.

EDWARD KAPLAN: Mr. Chairman, members of the Planning Commission, my name is Edward Kaplan and I represent the United Civic Council of Queens and the Harding Heights Civic Association, of which I am the Zoning Chairman. I would like to go on record in support of the new zoning proposal. Anything I could say would be redundant, so therefore, I would like to make my specific proposals, and out of consideration for the many people here this morning, remove myself.

There is a 280 foot strip between 148th Street and Foch Boulevard in Queens that has been zoned for C1-2. We request that since it is a residential area at present, that it be maintained as a residential area.

CHAIRMAN FELT: Mr. Kaplan, at the conclusion of your remarks, will you have a statement that will include all of these points?

MR. KAPLAN: I don't have it with me but I will have it for you at the end of the day.

CHAIRMAN FELT: Then there are diagrams to the left of you that you may fill out when you conclude your remarks, showing what the district is presently proposed for and what you suggest.

MR. KAPLAN: I thank you, sir.

The next proposal that we would like is for the Board to take cognizance of the fact that there are hedges on corners in Queens which create a traffic hazard, and if it is within the jurisdiction of the Board to make certain proposals that these hedges be maintained at a height of no more than four feet so that it would have a tendency to reduce greatly the traffic accidents at intersections. True to my word, that's all. Thank you.

CHAIRMAN FELT: Thank you. Is Mr. Fleeson of Breezy Point present? I am really calling the Breezy Point people out of order because there are so many here and I don't want to have this group probably waiting all day if we call them in order.

Under the circumstances, would you be able to have your representatives limited in number and limited in time?

MR. FLEESON: We have four speakers, sir. I know I will be very brief and I'm sure the rest will get right to the point.

CHAIRMAN FELT: We want to be fair with everyone else here and at the same time, we want to be indulgent with your group.

FRANCIS D. FLEESON: Thank you sir. My name is Francis D. Fleeson and I represent The Rockaway Point Association. Gentlemen, we are in a very unique position because we are on a piece of land which is privately owned. All of the tenants lease this piece of particular land on the Rockaway Point Peninsula.

CHAIRMAN FELT: Mr. Fleeson, what is the present zoning of the land under the existing ordinance?

MR. FLEESON: Under the existing ordinance, I believe it is "D".

CHAIRMAN FELT: That would be FAR 5. In other words, that would permit apartment houses having a floor area five times the land area to be built in your district.

MR. FLEESON: Yes, sir.

CHAIRMAN FELT: And what is the proposal under the proposed zoning ordinance?

MR. FLEESON: I believe under the ordinance, it is R4, to permit large buildings to be erected.

CHAIRMAN FELT: Let me explain that to you for a moment. R4 would permit the total floor area of any building to be seven-tenths of the area of the lot. Under the existing zoning, it could be five times the area of the lot. In other words, what we presently propose is cutting down the density six-sevenths.

MR. FLEESON: What we are here for, Mr. Chairman, is to ask your kind permission to put this under the R1 or R2 designation.

As I said, it is a unique position that we are in at the present time. No doubt, you have all read in the newspapers about the beautiful city within a city that is being erected on the point of Rockaway Point Peninsula. We, the residents, have a tremendous investment in homes in Rockaway Point which under existing leases will be wiped out completely without one cent of recompense to the present owners. However, I won't go into that point because the other speakers will. Should the erection of large buildings be allowed on this Peninsula -- there is no question in our mind, with the close proximity of Floyd Bennett Field, we cannot fail but to have an air tragedy similar to what you have had in Elizabeth, New Jersey. It is inconceivable to imagine how these jet planes flying over today have not had accidents before this, with our small cottages.

What will it be if we allow this builder to erect large buildings on these premises as he will now be able to do? There is a great need, at the present time, for lower income and

and the middle income class to bathe in our waters. Millions of dollars have been spent in trying to clear up the waters in Jamaica Bay. I may be wrong, but from the information that was given to me, by 1965, Mr. Moses thinks that the waters in Jamaica Bay will be cleared up and it will be a haven for all people to bathe in. What will happen if we should allow the zoning ordinance to go into effect, and allow a city to go up where over 220,000 persons will reside in a little less than one square acre?

CHAIRMAN FELT: Mr. Fleeson, I just want you to understand that under the proposed zoning ordinance, the zoning designation that we propose, the R4 that you mentioned, no large development such as you contemplate could be developed under that designation.

MR. FLEESON: Mr. Felt, in a copy of the New York Times and the New York Telegram, the owner of a development who has bought this, Urban Development Corporation, Mr. Marchesi said that preliminary discussions of the project had been held with various city officials, including James Felt, Chairman of the City Planning Commission, and John T. Clancy, Queens Borough President. From the accounts in the newspapers, it sounds as though they had had it practically approved. We know this is not true, but we are doing everything in our power to prevent such a thing.

CHAIRMAN FELT: Mr. Fleeson you are doing what you should do as a resident of the area, and it is understandable. However, I want you to know that the zoning that has been proposed, R4, would permit very little more coverage than the coverage that we have in the R1 and R2. The R1 and R2 permit floor area equal to

50 per cent of the lot area.

In other words, the total floor area of the building, if it is one-story, two stories, three stories or ten stories, adding them all together, could not exceed 50% of the area of the lot. In other words, if you have a lot of 5,000 square feet, the floor area of the building on that lot could not be more than 2,500 square feet. That is the R1 and the R2, which have a floor area ratio of 50 per cent.

Now, under the R4, what would be permitted, instead of 50% would be 70% - just very little bit more than the one and two-family house, but what the zoning is at present would permit a floor area ratio of 5, not 50% - it would permit in effect, 7 times our proposed bulk.

Your present zoning now, Mr. Fleeson, would enable a builder to build with a density seven times the density that we propose; and the proposal that was covered by the item that you read never could be developed on the basis of this R4. I just want you to know that to clear the record.

MR. FLEESON: Thank you. What we would like to do is keep our shores the way they are. The City of New York had gone to great expense to develop Riis Park. That's about the only place close to us where we could have proper bathing, and should a development larger than what we have at the present go up, where will the unfortunates from the City who have to take the subway go to? It will just be impossible.

Should there be a project developed in this area, even

a small project with three or four story houses - there will undoubtedly be many, many of them - not one word, gentlemen, in all the publicity attendant to this dream city within a dream city, not one word has been mentioned, the word "hospital". Who is going to take care of their sick? As it is now, the nearest hospital is the Rockaway Beach Hospital, which is already overcrowded. Should a development go up here, should any part of this Point change from what it is now, the City of New York is going to be burdened with millions and millions of dollars, which they will never recover.

As a conclusion, gentlemen, I beg of you to think of the hundreds and hundreds of our families living down there all year-around, 40% of whom, gentlemen, are city employees. Should they be put off this Point because of any kind of a project going in, you know their salaries are not adequate; the Police Department does not get adequate salaries; the Fire Department and three-quarters of your City Departments do not get adequate salaries. Where are they to go? Thank you, sir.

CHAIRMAN FELT: Mr. Fleeson, would you favor me by introducing the other three members of your group?

MR. FLEESON: I certainly will, sir.

CHAIRMAN FELT: And call on them in the order that you wish them to speak.

MR. FLEESON: The first speaker will be Mr. Edward Hellriegel.

EDWARD HELLRIEGEL: My name is Edward Hellriegel, and I am representing the residents of Rockaway Point. As a representative of the homeowners and residents of the Rockaway Point Peninsula, I wish to protest the proposed zoning classification of our area. As shown in The City Record, we have been given an R4 classification.

The area, as it now exists, is strictly -- this is based on the existing buildings, not on code -- is strictly an R1 and R2 classification....

CHAIRMAN FELT: I want to repeat once more, and this is just for the record, that while that is the condition of the area insofar as structures are concerned, anyone, at the present time, could develop the area at a very much higher rate.

You are familiar with that, I assume.

MR. HELLRIEGEL: Yes, I am, but I have this, and I would like to go through with it.

The area, as it now exists is strictly an R1 and R2 classification, according to your own description. We have 3,200 single-family detached homes in that area. In case you are not fully informed, we have our own sewage disposal systems, our own roads, our own police and fire protection, our own lighting and sanitation facilities. The city enjoys a good revenue from this property and gives us nothing in return but an inadequate water supply, and schools that are miles away.

An R4 classification is not only in direct contrast with the general purposes of the residence districts, but the specific purposes, as well. I quote from Article II, Chapter I, Item (h)

... "to promote stability of residential development, to promote the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect the City's tax revenues."

Besides this, this R4 classification will wipe out this entire community at a cost of 20 to 25 million dollars to the residents and make thousands of us homeless, as Mr. Fleeson suggested. As you know, there are plans afoot, as he mentioned, to build this tremendous housing project. Well, as you say, they can't. However, what I wanted to bring out is the point that there are approximately 7,000 residents in the Rockaway Peninsula.

If any large densification should come about either through this housing project or other housing projects, I think that the entire population of that Peninsula is in jeopardy in case of atomic attack.

If you have ever gone over the Marine Park Bridge in the summer on a Sunday, it takes hours to get over with the normal traffic and the people that come to the beaches. How in Heaven's name would they get the population increase over that bridge? At first thought, a good source of revenue for the City, however, this could be a two-edge sword and might cost the City millions of dollars annually.

I would like to introduce Mr. Bertron who will take this up in greater detail.

Hellriegel

EDWARD F. BERTRON: Gentlemen, my name is Edward Francis Bertron. I speak in behalf of the homeowners of the fine areas of Roxbury, Rockaway Point and Breezy Point. We are wholeheartedly in favor of an R4 designation of our area, based on the following reasons:

At present, the City spends not a cent towards the maintenance and care of our beaches and derives in taxes from same approximately half a million dollars, with no work on their part. The untold expense to the City in constructing and maintaining the vital services needed for such a proposed expansion would never be compensated for by the taxes received from same. Such services would entail the following: 21 new schools have been proposed to be built in this area. At present, we are all fully aware of the fact that we are short of adequate teachers, adequate buildings to put the children in. We are mismanaging in many ways, throughout the City, the integration of children in various parts of the City. They have empty schools in one area, full schools in other areas -- on two or three a day schedules, like Brooklyn College and schools in Forest Hills that were mentioned. We have to find teachers who are presently fighting for a raise to \$12,000 plus their pension contributions. We can't pay the teachers enough now. We are trying to find more and they are not available. We have a situation that confronts everyone.

The average junior high school which they have in Rockaway at present requires \$400,000 a year as a minimum to staff and maintain, not counting the custodial and maintenance and heat. This is merely the teaching staff, four to five

administrative clerks, one Principal, two Assistant Principals, 45 to 50 teachers who are currently in the schools of the Rockaway area. They propose to build 21 new schools. Gentlemen, this would entail an expenditure of \$100,000,000 or more, coming from the City fathers, who are having a difficult time at best to get money from their forefathers up in Albany. They are having a difficult time right now to pay for their present budget for the New York City Board of Education. Where in Heaven's name are they going to find money to pay for the future needs of our City? They are waiting now for a handout from Governor Rockefeller of \$93,000,000 for commitments infringed upon them.

Added to all of this, particularly, we have, with our large increase of population, we have what they call "police protection", which requires personnel, trained personnel. It requires officers, a higher echelon of men in the Department. It requires one or two new police precinct buildings to be erected in the area.

The Rockaways, as we all know, have been and always will be, we sincerely hope, one and two-story buildings -- as a beach resort. I think we all read the papers -- Governor Rockefeller is trying to float a loan for \$75,000,000 throughout the State. For what reason? To try to expand the park facilities, to give the people of the State of New York, of which we are a large segment, a place to breathe, a little elbow room.

The Police Department would entail at the minimum one precinct, perhaps two, which would entail a staff of one captain, four lieutenants, 12 sergeants, possibly 100 patrolmen, plus a

building to be housed in. The building would have to have adequate equipment, such as communications, automobiles, and maintenance and heat, and a custodial staff. This would entail approximately \$3,000,000 initial cost per precinct to the City of New York. We are having a difficult time now throughout the City to maintain the Police and Fire Departments. Speaking of City services, we now have the Fire Department, which would have a difficult obstacle placed in their way in handling fires which may break out in buildings of this type. The Fire Department would entail at least one or two new fire stations, more than likely a double house connection where an engine company is combined with a hook-and-ladder, or that type, which would entail battalion chiefs, their cars and their drivers, captains and lieutenants working around the clock, 40 to 50 firemen in each firehouse. This would come to, for one new firehouse, \$3,500,000 per year. For all the firehouses we need, it would be a total, perhaps, of seven to ten million dollars more.

When I speak of these features, I do not mention the pension contributions they must pay for the City employees, which is a large budgetary item.

The Sanitation Department would require at least one or two more sections added to the area. It would require a superintendent, three or four foremen, four to six assistant foremen, and thirty or forty sanitation men, plus a building for them to be housed and garaged in, plus equipment to be used, which would be predominantly trucks, snow plows, the foremen's automobiles, superintendent's car, plus other sundry items, custodial care - would

come to about \$500,000 a year for one, just one sanitation section.

As my predecessor has mentioned, the atomic threat is constantly with us and the civil defense is a large budgetary item in the Government and the State. We presently have one bridge, which was built for the cars for about \$25,000,000, about 20 years ago. We are all quite aware of how building has gone up between labor and materials. We would need at least one or two new bridges to be built in the area for evacuation as, at present, there is a federal law which states you must have more than one point of egress in or out of an area in case of evacuation because of atomic warfare. This is one of Governor Rockefeller's present pets, if you read the papers. This would entail 75 to 200 million dollars to build one or two bridges, not counting the approaches and exits to and from these bridges. There's a bridge going across from Bay Ridge to Staten Island, and you see in the papers every day what it entails in the way of building road approaches and exits to and from the areas served.

We have here, totally itemized, not counting the pension contributions, approximately one to two billion dollars expenditures on the part of the City which, at best, is finding it quite difficult to meet their budget from year to year, without infringing upon the taxpayers of the City further. We presently can't meet our budgetary expenses. These new apartments which would be put up, according to the plan or prospectus of the gentlemen involved, would give you a relatively high income of two and a half million dollars a year, if you spend two billion dollars to do it and maintain most

of these items for them. You are presently receiving a half a million dollars for doing nothing. Gentlemen, you are businessmen. I leave it up to you to use good judgement, business acumen and knowledge which you all have in large portions, I'm sure. We will desire, in the future, a private hearing relative to continuing these discussions at your earliest convenience. I thank you for your interest and attention.

CHAIRMAN FELT: Thank you. We will be glad to arrange an appointment if you call us after these hearings.

FRANK J CONCANNON: Mr. Chairman, gentlemen, my name is Frank Concannon, I represent the Breezy Point Association. The speaker from the Association down in our area who just finished talking covered most of the pungent facts of this particular case, but I would like to ask the chairman one question, if I may. I have the feeling that you indicated that it would be impossible for this developer to go ahead with the plans he has under the present zoning requirements.

CHAIRMAN FELT: Under the R4, the proposed zoning requirements.

MR. CONCANNON: Well, then that leaves me at a loss. If that is impossible under the present zoning....

CHAIRMAN FELT: You could do it, sir, under the present zoning ordinance, the ordinance that we are trying to amend. Under the present zoning ordinance it could be done; under the proposed zoning ordinance it could not be done.

MR. CONCANNON: Well, in that case, I cannot understand the procedure being followed by the developer, because if you people have submitted a certain type of zoning, and this would far exceed your requirements, it seems to me that from the publicity that has been given out all over the country, it has been indicated that this can be done.

CHAIRMAN FELT: It cannot be done under the resolution that we are speaking on today. The Resolution to which you are addressing yourself would designate this as an R4 Area, the R4 Area would have a coverage of .7 floor area ratio. The proposal that you have seen in the newspaper could by no means be effectuated under that R4 designation.

MR. CONCANNON: As you know, Mr. Chairman, we are most interested in maintaining the status quo down on the beach.

In other words, we have homes down there in summer and winter. We have invested a great deal of money in them, and we only own the homes; we don't own the land; and when our lease expires we are subject to suffering a tremendous loss. When I say "tremendous loss," I mean tremendous. In publicity, it has been said that this particular area is made up of shacks. That's not so.

CHAIRMAN FELT: We know the area. Our Commissioners know the area and have visited it.

MR. CONCANNON: As you fully realize, Mr. Chairman, there are homes there worth 15,20, and some 40 and 50 thousand dollars. My feelings are that a lot of publicity has been given to this particular area that is strictly erroneous, and I

would like to be on record for saying that. There is no use of my going further into details about transportation, but, if that area was built up -- I cannot visualize the subway train going from Rockaway Park through Neponsit to Fort Tilden. I cannot visualize the bridges that are needed. I cannot visualize roads and bus services. I think the whole area would be strangled. I think it would be the most disastrous thing that could happen. As far as city planning is concerned, I'm for it 100%. I must compliment you, gentlemen, for your foresight and thought. However, I think there are certain things in our heritage that we have to keep, and I think this area is one of them. Thank you very much.

CHAIRMAN FELT: Mr. Concannon, do you want to add anything else? I hope, if you do, you will be brief.

MR. CONCANNON: I would like to say that not knowing heretofore what the zoning may have been, but we would say this: that there is no reason in the world if an R4 zone is put into this area, why it cannot be amended in the future, by the City Charter, before the Board of Estimate, to make it into something much higher. Perhaps this syndicate or anybody in the future may have it in their mind.

CHAIRMAN FELT: All I want to say is this: the zoning laws can always be amended. If they couldn't we wouldn't be meeting today on this proposed amendment. The proposed amendment reduces the floor ratio of 5 to a floor area ratio of .7. This is not to preclude anyone coming to us at a future time and asking for a change again, but if that ever does happen there will be hearings

just as we are having this hearing today. But all we can talk about now, and direct our attention to, is what we are planning in this amendment. In other words, under this amendment, we say that the bulk buildings in that area should be reduced to one-seventh of what the permitted bulk is today. Granted, the existing bulk may be less but under the permitted bulk anyone could go into that area today.

I am sorry to take this additional time, but you have many people here and I want to explain it. Anyone can go into the area under the present zoning ordinance and could build structures which would be seven times as great in the aggregate as the structures that we propose as the limit in this proposed zoning ordinance.

MR. CONCANNON: You say seven times as great. Would that be the area? How about the height?

CHAIRMAN FELT: That is the aggregate floor area. In other words, the space, the number of square feet on which people could live in the building.

MR. CONCANNON: Yes, I understand. I am not an engineer, but I say that if you could put garden apartments two stories high, three-room dwellings, kitchen included, is that as high as you can go at present? Or perhaps you can go much higher - 15, 16 or 17 stories?

Concannon / Felt

CHAIRMAN FELT: No; then you would have an amendment to the resolution. There are amendments all the time. The reason we are having this modern resolution proposed is because the old resolution had almost 3,000 amendments. We think that that is too much, so we are starting with a new proposed zoning resolution, but I want you to know that as time goes on there will be suggestions for changes in this modern zoning resolution in the form of amendments.

VICE CHAIRMAN BLOUSTEIN: This is not frozen in.

CHAIRMAN FELT: Whenever there are any proposals it is required under the Charter that there be public hearings with the people available who are able to speak if they are affected.

MR. CONCANNON: Well, there is one point to clarify it in my mind. I am speaking again in reference to this prospectus this company has brought forth. They are working on a prospectus showing homes from 16 to 20 stories high. I am assuming they have some premise to work from. Now, under the rezoning, which we certainly approve, having a smaller area...

CHAIRMAN FELT: That is what we propose. We are cutting it down six-sevenths.

MR. CONCANNON: Thank you, gentlemen.

Felt/ Bloustein/Concannon

MR. FLEESON: In the name of the Association, I just want to thank you very kindly, gentlemen, for allowing us the time and we do appreciate it. The main thought that we would like to leave with the members of the Commission is that we are interested in one thing, and that is to keep only one-family houses down in that beach area.

CHAIRMAN FELT: Your statement is recorded and we will have it before us.

MR. FLEESON: We are against all apartment dwellings in any manner, shape or form.

CHAIRMAN FELT: Mr. Hellriegel, did you want to say anything?

MR. HELLRIEGEL: Maybe I didn't make it clear to you, but I thought I was asking for the possibility of R1 or R2.

CHAIRMAN FELT: What we propose is R4, and you would prefer R1 or R2. Thank you.

Mr. Louis Moser?

LOUIS C. MOSER: Mr. Chairman, Honorable Gentlemen of the City Planning Commission, my name is Louis C. Moser. I represent the North Queens Home Owners Civic Association of Jackson Heights, an area that is adjoining or adjacent to LaGuardia Field. First, I would like to congratulate the new member of the Commission, Mr. Sweeney from Queens, and you will get a true idea of how our civic workers are active on behalf of Queens.

It seems that every one wants to get into the act. That is an old statement by Jimmy Durante. A few moments ago a Liberal Party representative made a remark, "We don't want our area to be like Jackson Heights." Unfortunately, he doesn't live in Jackson Heights, because if he did he would know that our civic group has made Jackson Heights one of the finest areas to such an extent that we had beautiful write-ups in some of the French newspapers and magazines and some of the English newspapers and magazines, which are now in our files.

I was called up by the Chamber of Commerce of the Borough of Queens to discuss this matter of zoning. I did not attend the meetings, but I think the City of New York must go into a redevelopment program of our entire City for two reasons: one, to give employment to the residents of the City of New York because we cannot let a decayed condition continue.

When you tear down a building, people are employed. There is not only employment, but the purchasing of material which affects the entire nation. We have a serious situation in the City of New York, which our Chambers of Commerce refuse to recognize and that is, that we have such spot zoning

throughout the City of New York, that it has become a nightmare as far as spot zoning is concerned, and has not in any manner, shape or form increased the values of the adjoining properties through their various types of businesses. I wrote a letter to you.

VICE-CHAIRMAN BLOUSTEIN: Are you speaking of the variances at this point, by the Board of Standards and Appeals?

MR.MOSER: Yes, but not only by the Board of Standards and Appeals, because some of them were in prior years. Our Borough is not being used for its best use. Look at Long Island City with its crazy-quilt pattern; you have the Sunnyside area with a crazy-quilt pattern, and Astoria and certain sections of Jackson Heights and throughout our entire Borough. These lands are not being used for their best use. Regardless of how one feels, sooner or later a redevelopment program would benefit the entire community and the people that live in it.

You know we often hear howling by residents when they have to put a sewer in the street. They are going through terrible things because a sewer is installed. Once the sewer is constructed and the street is resurfaced, you have a happy area. I say it is building for the future.

Now, I sent a letter on March 14th to the Chairman in which I spoke about some items that we discussed at the first hearing on the zoning map. As I said in my letter, we don't know what you have done as far as Jackson Heights is concerned. I'm referring you to Pages 138 and 139. Of course, I have the City Record of December 21st. Perhaps in the last one, too, you have that too. I don't have to open the map but I will refer you to some spot zoning that we requested upgrading in.

One is the Bulova plant -- we as residents of the community like the Bulova plant providing it is continued under the Bulova ownership. Of course, we cannot dictate who the future owner will be. You have placed this in an M1-1 District, and after reading what M1-1 stands for, we know we can't put a race track in there. We can't put an airport in there, but we can put in manufacturing.

CHAIRMAN FELT: Mr. Moser, what do you think it should be?

MR. MOSER: I say that some way or other we should restrict it to a degree that in the event the Bulova plant goes out of there, it would make a fine public building, such as a much-needed high school or a community building or a hospital. The entire area is rezoned for residential use for one and two-family homes.

CHAIRMAN FELT: You say the Bulova plant is there now?

MR. MOSER: Yes, it is non-conforming.

CHAIRMAN FELT: Mr. Moser, do you have any objection to the structure the way it is and the way it is being operated now?

MR. MOSER: At the present time, no. We are concerned about the future.

CHAIRMAN FELT: We have this problem -- if that were zoned as a Residential District, which would permit schools, it would mean that at the end of a 25-year period, a manufacturing building in a residential district would have to be discontinued in operation. I don't think that would be what you would like to see done, is it?

MR. MOSER: No. I am very much concerned because the spot zoning, if it was left with the variance as it is today, we know there is a certain life period and they would have to get out and change -- it would be a non-conforming use. But here it is being given a conforming condition, an M1-1, and that is what we are strictly against. We suggest that it be kept in the future as an R1 or R2 District because it is right near the airport and the planes are 150 feet to the east of it every time they fly by. So we suggest that it be a residential area. When the variance is over, I can't tell you what the people will want in 25 years from now, but I say we should protect them for the future.

Then you have another area on Northern Boulevard from 74th Street to 77th Street and from 90th Street to 93rd Street, a C8-1. Now I read what C8 means, and I believe it is Page 37, I will take the last line, "New residential development is excluded from these districts."

In other words, you are agreeing with the Board of Standards and Appeals that Northern Boulevard, which is a boulevard which can be upgraded to its highest and best use, you're throwing up your hands and saying, "Well, forget it." Let Jackson Heights suffer as far as Northern Boulevard is concerned from Junction Boulevard all the way down to 68th Street, with gasoline stations --today it is known as "gasoline alley". But we are seeking to do better for the future. This, too, should be put in a non-conforming use area because the fault lies with the Board

of Standards and Appeals, with the City Planning Commission and with our Administration in refusing to recognize that that boulevard, and it is a boulevard, a very wide street, can be developed and maintain certain gas stations. Throughout the entire talk of rezoning, no plan has been offered to regulate gas stations as to their location and as to their use.

No gas station should be less than 1500 feet from the nearest one. The fact that you have 60 commercial groups selling gasoline doesn't mean that you have to have sixty gasoline stations next to each other.

Now, we have today a new type of business - blending -- and certainly you can put up just as many pumps on one station and 1500 feet away, another station for use. The time will come when we have a "blending" idea.

It is very important to add to this resolution a strategic plan for the use of gasoline stations. Sure, we need them, but we need them at certain locations. When one gas station is five or six blocks from the other, that's not a great distance for anybody to rush to. You can have them set out on both sides of the streets, if necessary, and break it up by 750 feet and still continue to 1500, so that you have a gas station every two and a half blocks. But this grouping of gasoline stations is not only depreciating the area --you've got virtually a bomb in the area because everyone has high-test gas in there, and I can assure you that if ever there is a fire, you will have a chain reaction along Northern Boulevard that would be very, very serious and maybe a great loss of life.

But the Board of Standards and Appeals doesn't look at that. Once they place a request for a variance for a gas station, they adjourn it for the purpose of inspection and decision.

And I am going to give you an instance -- this is something that's got to be ironed out once and for all. We want you as the father of this plan and you as a group of Commissioners, once and for all, take this matter of gasoline stations in hand and tie it up. We don't want, as civic leaders, any matter pertaining to zoning to be in the hands of the Board of Standards and Appeals.

This is your baby. You're setting up a picture, and certainly you don't want someone else to start dabbing on paint in different spots and spoiling the picture you have created.

CHAIRMAN FELT: I don't want to debate with you, Mr. Moser. I am going to say that under the proposed zoning ordinance that we are discussing today, no gasoline stations in the future may be developed in residential districts. I think that goes pretty far in the direction of your request.

MR. MOSER: What insurance have we -- we had restrictions before.

VICE-CHAIRMAN BLOUSTEIN: No, you never had it before.

CHAIRMAN FELT: Mr. Moser, in the existing resolution, there is no preclusion, no prohibition, against a person going to the Board of Standards and Appeals and obtaining a variance in the case of a gasoline station to be developed in a residential district. There is no prohibition; they could

do that; and that is what you have been talking about. But, if you read our resolution, you will find that under our proposal, there is such a prohibition, and it is positive that one cannot go to the Board of Standards and Appeals and obtain a variance which would enable that person to develop a gasoline station in a residential district.

MR. MOSER: Then we feel assured, now, that in adopting this resolution which, by the way, we favor as a whole, we have nothing to worry about once this is adopted -- of gasoline stations getting into residential areas.

CHAIRMAN FELT: That is correct. We have discussed and explained that to many of the civic groups and individuals. There have been a number of people in all of the Boroughs who have been terribly disturbed about the fact that gasoline stations were going into residential districts and, from the beginning, we have in this resolution that that is prohibited, and that a variance cannot be requested for such a purpose.

MR. MOSER: Well, the only thing is -- let's be fair about it -- there is a need for gasoline stations in strategic areas. There are certain areas in which they may be needed. I say that you should make a plan for the future, if you want to, a strategic plan as to use and location and not leave it to somebody to come later on and say that it is unconstitutional and unfair.

I would once again ask that Northern Boulevard from 68th Street to Junction Boulevard be upgraded to a, if necessary, C-1 - - I want to keep it retail. We want that upgraded for the future.

We are also affected in Jackson Heights by the lack of garage space. It has become a very serious one. In your resolution, according to newspaper items, you have reduced the required space for automobile storage in basements of apartment houses. I am hoping that a plan someday could be made where they could create a conversion in many of our apartment houses, use up all the available space in their basements for garages. This is becoming a very important factor. In our point of view, reducing it, and I believe you reduced it to 45% of the occupants; it should be upgraded.

CHAIRMAN FELT: I think it might be well, when you finish your remarks, to speak to Mr. Smith, because some of your facts are wrong. What we have done is, in effect, to have doubled the requirements for parking facilities in apartment houses.

MR. MOSER: Originally, you had in your resolution -- I believe it was 60%, and after much pressure -- I am going by a newspaper statement --

CHAIRMAN FELT: No, there is no change in that, Mr. Moser. The newspapers usually are very precise and correct but I think that instead of depending upon what you read in the press, which is often an interpretation, wouldn't it be better for you to get in touch with our office. We still have some time in which recommendations and constructive criticism will be considered.

MR.MOSER: Is the original amount being retained?

CHAIRMAN FELT: That's correct.

MR. MOSER: All right. Now, I want to talk about something that is very, very important to us and that is, airport. You have approved a plan giving the right to owners of airports and to every air transport company to use our air rights over our homes. I am specifically referring to Runway 422, southwest, rather, from Runway 422. You have a plan there -- you state in your plan, and we discussed this before, that a plane will take off on a conical glider height of 3 degrees. I don't want to take too much time but this is a very important item. I refer you to an article that appeared in Business Commercial Aviation in February, 1960. There are three such articles there.

CHAIRMAN FELT: Mr. Moser, in connection with that subject which is an extremely important one and which is very technical, don't you think it might be better -- I know you are a public-spirited citizen -- to bring those papers to us, sit down, meet with us, don't you think that would be far more effective? This is something that to cover carefully would take very much time.

MR. MOSER: I would like to do that but, unfortunately, we are forced to make our people aware of the fact that it has been too quiet about this airport use, and everybody is with us as far as LaGuardia Field is concerned. It does not belong there and should be taken out of there. The aviation groups themselves admit that as far as LaGuardia is concerned, it has outlived its usefulness; it doesn't belong there; and it is a hazard.

We are very serious because you are forming approach zones in which you are condemning our properties, and there have been people talking about rezoning these areas for commercial and industrial uses.

CHAIRMAN FELT: This has been brought up at a number of our hearings.

MR. MOSER: I would be glad to get together with you but I would like the civic leaders that are here today to remember that if it is important to worry about R1 and R2, it is just as important to worry about approach zones to both of our airports, Idlewild and LaGuardia, because they are today using the entire Borough of Queens as an approach zone and a circling area.

CHAIRMAN FELT: Mr. Moser, Mr. Smith will see you right now and arrange a time for you to meet with us. Thank you. Is Mr. Pottish present?

MORRIS POTTISH: My name is Morris Pottish. I don't represent anybody but myself. I think perhaps it would be a good thing if more individual citizens expressed their appreciation of the work that the City Planning Commission has been doing. I must confess that it was only recently in the course of a professional engagement which I had, that the importance of the work of the City Planning Commission was brought to my attention. Since that time, I have had an opportunity to study the work of the Commission in relation to the area in which I live, which is Old Forest Hills. I have also had an opportunity to meet with various members of the staff of the City Planning Commission and to observe the work of the Commission and the hearings it is holding, including this one.

Now, unfortunately, as is apparent from the remarks this morning of some of the earlier speakers, there is a good deal of misunderstanding about what the City Planning Commission has been trying to do. Some of the remarks have been based upon a misunderstanding of the facts. From what I have observed, it appears to me that there is no one man who is qualified to pass judgement on each and every facet of the City-wide Zoning Resolution which is now being proposed by the Commission. Therefore, a tremendous amount must be taken on faith. This does not mean that we should not come in to make those constructive suggestions which are proper. I know from my study that the Commission not only has put in a considerable period of time in working on this Resolution, but for at least one year to date the Commission has held innumerable meetings, and has received numerous communications and has held itself open to every type of constructive suggestion. Any citizen who sits through any of these meetings before the City Planning Commission will realize from personal experience not only how courteous the members of the Commission are but how receptive they are to any and all constructive suggestions.

Now, judging from my own limited experience and knowledge, being limited mainly to research in Old Forest Hills in Queens, I have come to the conclusion that the Commission has adequately and thoroughly assessed the area which is involved, the needs of the area involved, and the proposed future planning for that area. It is on the basis of these facts and from my own personal knowledge of the particular area in which I live, and

my own experience with the general approach of this Commission to the wide planning problem which it has, that I have taken the time to come here today for the purpose of expressing my confidence and faith in the members of the Commission, and I do hope that this proposed zoning resolution will be adopted for the reasons I have mentioned. Thank you very much.

CHAIRMAN FELT: Thank you, sir, is Paul Miller present?

PAUL MILLER: Mr. Chairman and members of the City Planning Commission, my name is Paul Miller. Our group represents the Bayswater Civic Association, living in the Bayswater section of Far Rockaway. After the preceding speaker, all we can say is, "We love you too - in the main." We wholeheartedly endorse the concept of the proposed Zoning Resolution insofar as it limits the overcrowding, the over building and the misuse of land that has taken place through these many years. Sometimes I get a little impatient with your critics who either seek perfection, or are selfish or misguided. I know this battle has been going on for many years and Mr. Chairman and members of the Commission, I would like you to look at the record and to show you what the record indicates so far as city planning is concerned.

I have a copy of the New York Times, dated December 6, 1940, which gives a detailed report of the Planning Board's proposal to control the use of land, in order to rebuild the City of the future. It is interesting to note that the then Chairman

was Rexford Tugwell and his associate was our good friend, Mr. Lawrence Orton. I don't know what happened to that plan, Mr. Chairman, but I am sure that we have the same carping critics that killed that plan and killed every other plan since then. I will go on to the report of the Amendments of the Zoning Resolution issued by your Commission back in 1944. I don't know what happened to the five years you had in that report with regard to maximum density and all the rest, but I am sure by judging from our own experience in Bayswater, that nothing much came of it.

I go on to the Harrison Allen and Ballard Report, dated October 5, 1950, in which most of the work covered by the Voorhees Walker Smith & Smith survey made last year was previously taken care of. That was a beautiful report. What became of it? The same carping critics killed that, as have killed every other plan. On to your Commission's proposed zoning proposal dated July 10, 1951: What happened to that, Mr. Chairman? Also killed. And so it goes on to the Voorhees Walker Smith & Smith report of last year, and your present zoning resolution. All I can say now is that we have been talking long enough. It is time for action, and I commend this body and the Chairman, in particular, for the wonderful fight you are putting up. For once, I think we stand a chance of getting a zoning resolution that will really take care of the needs of the City of New York.

I might note that your present zoning resolution, or the last one I was able to get, which was dated April 29, 1954,

which I got a copy of on July 22, 1955, was so full of amendments that I spent quite a few nights, as a good Zoning Chairman, trying to understand what it was all about. Frankly, Mr. Chairman, I gave up. I just couldn't keep up with them, and I hope that your new resolution is going to eliminate the outgrown and outmoded Resolution of 1916, with its 2,500-odd amendments. Of course, I don't have to state how all this has been thrown out under the present resolution, when anybody applies for a variance.

Previous speakers have gone into that very thoroughly and we agree wholeheartedly with their premise that that should not be a function of the Board of Standards and Appeals.

To come down to specifics, and I wonder if several of my colleagues would come up with the map (indicating from map). This is a copy of a map which was submitted to the City Planning Commission in 1946. The good citizens of Bayswater felt that the then Zoning Resolution did not protect them properly. At that time, we had a "D" and an "E" Zone, permitting apartment houses, and most of our residents were under the misapprehension that because we lived in an area of mostly one and some two-family houses, that apartment houses couldn't be built. They confused that with some of the deed restrictions that were prevalent through a great deal of our area, particularly Healey Avenue, which had the Bailey restrictions, and which was built according to the Bailey restrictions, with homes on a minimum of 100-foot by 200-foot plots, single-family homes.

We have other areas such as Westbourne Boulevard, that was similarly developed with high class residential areas. We didn't get very far with this 1946 proposal because just like your carping critics, we had them in Bayswater, as well. I don't think they were minor leaguers either. For nine years they stymied us, and it was not until 1955 that this commission saw fit to give us a portion of the area that we thought should be rezoned to "E-1". Unfortunately, at that time they stopped at Healey Avenue on the Bay front. It was our contention that Healey Avenue should have been extended at least to Bessemund Avenue, and if our original rezoning proposal had been accepted, it would have gone down to the other side of Dwight Avenue.

Actually, the development of our area since that time, has been one that comes within the scope of the "E-1" Zone as far as Ocean Crest Boulevard, with the exception of one, two-family so-called garden apartments on Bessemund Avenue and Beach 29th Street, and another one which was built on the Healey Avenue Bay front.

Coming down to the present time, Mr. Chairman, we have had the full cooperation of your Board with respect to most of the present "E-1" Zones. You did leave out a part of the Gipson Street area, which we regret, but we were willing to accept that with the "R-3" that had previously been proposed for the entire section covering the "E-1", as well as the "E", south of Healey Avenue as far as Beach Channel Drive or Ocean Crest Boulevard. We were very much surprised when the Commission's proposal came through that instead of upzoning, that a portion of that area

south of Healey Avenue and west of a line running through Beach 30th Street, had been down-zoned to R6. This, we felt was a serious error, and one that we are certain the Commission didn't have the proper facts on when they acceded to the request, probably of the builder, that he would suffer hardship if he couldn't build up to R6.

VICE CHAIRMAN BLOUSTEIN: How much vacant land is there in existence in that area now?

MR. MILLER: Most of the upland has been built on in that area south of Healey Avenue with two-family homes. Some of it has been built on water, that had been filled in, without any hardship to those owners. The land down here is very valuable for one and two-family homes, and I am told that the sums that are now paid for building plots in Bayswater are fantastic, and there is no reason why that area cannot be developed in a similar manner or, at worst, in the R3 that was originally projected by the Voorhees Walker Smith & Smith plan.

CHAIRMAN FELT: Mr. Miller, in effect, what you feel we should consider is an upgrading to the level that was originally suggested by Voorhees Walker Smith & Smith; that is, from the R6 back to R3.

MR. MILLER: That is correct, Mr. Chairman. I am afraid now, however, that I have impinged on the next speaker, who was supposed to take that up in detail; so if you do not mind, I will introduce Mr. Netter, a past president of the Bayswater Civic Association, and my Co-Zoning Chairman.

GEORGE E. NETTER: Mr. Commissioner, members of the Planning Commission, my name is George Netter, and I am interested really in two things here, Civic Association, and also I've asked to be heard on a matter for a client in Springfield Gardens, so with your permission, after we are finished with Bayswater, I will ask to go into that.

We are very pleased that the Commission has put most of the present "E-1" Zone into a proposed R2, which we feel is in keeping with the character of that area and will promote the continued development along the lines which it has been developing very favorably since the "E-1" was adopted.

However, as Mr. Miller mentioned, not all of the present "E-1" has been included into the proposed R2 Zone, I am referring now particularly to Gipson Street, which is a part of the "E-1", but which was made into or proposed to be R5. We think that also should be at least an R3 Zone bordering on the R2. But, principally, we are concerned with the proposed R6 Zone south of Healey Avenue, which is largely land under water at the present time. A part of it has been reserved by this Commission, as I understand, for the further development of what is known as Bayswater Park. The upland part of it and some filled-in land has been developed principally with two-family dwellings, and we think that also should be maybe an R3 Zone, being a buffer to R2. It was an R3 Zone in the original Voorhees Walker Smith & Smith Report. We do not want that adjacent area developed with large apartment buildings which will add to the congestion and which will block out the air coming in over the Bay. It will be more appropriate to zone it R3.

We have submitted to the Mayor, with our original letter, a formal protest signed by property owners within the proposed R6 District. They do not want it in their area and emphasized, however, that in our opinion, the harmful effects of the proposed R6 Zone would not be limited to these property owners, but will extend to all Bayswater.

And so, we ask you, gentlemen, please to consider and act upon the suggestion that that be made into an R3.

Now, the only point that has been urged, as far as I know, why it should be R6, is in a letter which Commissioner Orton sent to one of our committee members, in which he said something about it being in the cost of filling in the land and on that basis the suggestion was made for an R6, but that this is subject to further consideration.

Now, we have another gentleman here, if your Commission will hear him. He is an architect and he can talk more about that filling in of the land. But we understand that it is feasible and practical and economical to develop it as an R3 District, even with filled-in land. However, I do not know if you gentlemen would prefer to finish with Bayswater before I go into the other matter?

CHAIRMAN FELT: Do you mean in the Springfield Gardens; how long will you take?

MR. NETTER: Only about two or three minutes. In that situation I represent a client, Consolidated 228th Street Corporation, which owns the greater part of the property in the two blocks bounded by 145th Road, 228th Street, 146th Avenue and 226th Street, in Springfield Gardens. That is Page 177 of the Resolution,

Map M1-1. At the present time, this property is zoned as Unrestricted except the frontage on 226th Street to a depth of 100 feet which is zoned as retail and light industry. 226th Street at this point is a mapped street but not cut through. The new zoning resolution proposes to include this property in an R3 residential district, but its present development is industrial, and we think it should be kept that way. Our client owns a large factory building on 228th Street and 145th Road on a plot of 585 by 200. The factory is actually built about 515 by 200. Of the people employed in this factory building, it is estimated that some 200 live nearby and find employment in this building. Portions of the two blocks are also used for storage of contractors' equipment.

VICE CHAIRMAN BLOUSTEIN: How is it zoned at the present time?

MR. NETTER: It is zoned mostly Unrestricted and some part is zoned for retail and light industry. I say part of it is used for storage of contractors' equipment and is a concrete plant. The entire area consists of a low swamp of marshland, which is directly on the instrument landing path on which planes approach Idlewild Airport, at very low altitudes. The annoyance caused by the noise of approaching planes makes it undesirable for residential purposes. At times, in bad weather these planes are not much over roof height.

On the block on the other side of 228th Street, between 146th and 147th Avenues, there is a ramshackle coffee shop, or

cheap lunchroom, an iron and welding works, one dwelling, and a shack used as a barber shop. A considerable part of the block bounded by 145th Avenue, 228th Street, 145th Road and 227th Street is taken up with water tanks belonging to the Jamaica Water Company.

Therefore, we urge that the area including those two blocks and the surrounding area, be continued to be made available and zoned so as to permit continued industrial use.

Now, coming back to the Bayswater situation....

CHAIRMAN FELT: Will you submit a sketch of what you are referring to or identify it on a piece of paper that will be given you after you are through so that we can have an idea of just what you mean?

MR. NETTER: Yes, I will. Now, may I ask that Mr. Nathan be allowed to speak further on the Bayswater situation?

CHAIRMAN FELT: Is Mr. Nathan your last speaker on Bayswater? Because I think we understand Bayswater very clearly, but proceed.

MR. NATHAN: Mr. Chairman and members of the Planning Commission, my name is Gabriel Nathan, architect and member of the Zoning Committee of the Bayswater Civic Association. To substantiate my Committee's thoughts regarding the cost of the fill, I have approximated what that particular area would cost to bulkhead and fill, based on the grades from the topographical map

which was recently issued. The average depth of fill would be about 15 feet and fill costs about 50¢ a cubic yard, which includes the City premium of 5 or 10¢. Fifteen feet means that it would take 15/27th of a cubic yard to cover a square foot of land area. Therefore, 15/27ths of the cost of 50¢ would be 28¢ per square foot, the cost of the fill. Now, using a very generous figure for the cost of bulkheading of \$200 per linear foot, and these figures are based, including the cost of the fill, on my own experience in filling my own land and bulkheading it, \$200 is a very generous figure. For the area involved it would be, without the cost of about 40¢ per square foot for bulkheading, making a total cost of 68¢, in round figures, 70¢ per square foot, which does not seem an excessive cost for filling land and preparing it for building construction.

CHAIRMAN FELT: Would you be able to send us a statement setting forth those figures, please?

MR. NATHAN: Yes, I will, Mr. Chairman.

CHAIRMAN FELT: Thank you. Is Mr. Cole present?

EDWARD L. COLE: Mr. Chairman and members of the Planning Commission, my name is Edward L. Cole. I am the former president of the Bayswater Civic Association, now only a Director, but of course, continuously interested in its zoning problems.

Felt/Nathan/Cole

The previous speakers have covered the subject well. I believe one thought has been omitted unintentionally, and that is this: that an inspection of the map of the entire Rockaway Peninsula shows that nowhere on the northern shore of the Rockaway Peninsula is there in a projected residential zone, a high-density projective as the R6 in this particular spot. We point that out as an anomaly, that only adjacent to this highly private residential area is there, projected by this Commission, an R6 density on the waterfront at this particular point, and omitted everywhere else on the northern shore of the Rockaway Peninsula.

Now, I would add this too: that the upland owner recently sold about 400 feet stretching along Bessemund Avenue and 400 feet on the center line between Healey and Bessemund Avenue -- sold that to a builder who is now putting up one and two-family houses, under a contract by which this upland owner, who is the beneficiary of this R6 proposal, has hydraulically filled the land bought for the one and two-family houses. The hydraulic fill has been transported in huge pipes from Jamaica Bay over the upland owner's property to this new builder who is now putting up these one and two-family houses. It would seem reasonable, therefore, that if by that mode of transportation - over about 1,000 feet from the Bay - this builder can economically build these one and two-family houses, it would therefore seem reasonable that the development of the upland owner's land which is partly under water can likewise be developed economically under a zoning of less density than R6.

We thank you for your attention to the Bayswater Civic Association and their problems.

CHAIRMAN FELT: Thank you, sir. Is Jack Stillman present?

JACK STILLMAN: Mr. Chairman and gentlemen of the Planning Commission: my name is Jack Stillman. I am President of the Hollis-St. Albans Civic Association and Vice President of the St. Albans Community Council. Our organization is a member of the Central Queens Allied Civic Council which is affiliated with the Federation of Civic Councils of Queens. I am here to speak in favor of the proposed zoning resolution. I am not one of the civic workers that was invited to the famous meeting of the Chamber. The only time we are invited to a meeting of the Chamber, or people in those groups, are when we are in favor of the thing that they are in favor of. When we are not in favor of their proposition, we are not invited, so we can't see the value of being at a meeting like that. We feel this way about the Chamber and any other groups like that. Since 1916, the gas companies, and all these other people who do not live in a community, but come into a community to destroy it and to make money, have had an opportunity to, by themselves, use judgments in trying to make the City of New York a decent place to live in.

Our experiences in the variance cases where in our community we have 18 gas stations, in one mile, in a residential area, where we have a gas station erected now a block away from a proposed new school; where we have junk yards; where we have warehouses in residential areas; and all put in there by people who invest their money, but are not living in the community. We are trying very hard to keep our community a decent place to live in; we are going through a great experiment in the City of New York.

Stillman

We are going through an experiment to try to avoid what the City hasn't been able to do in the past. The City has created slum areas because of the selfish interests that want to use every inch of space. In our area we are a changing neighborhood. We are an interracial neighborhood and we are trying to keep the factories - these little factories in stores - and the junk yards and the gasoline stations from creeping in because of the fact that it seems to have been in the past - the idea of these money-mad people that when a neighborhood becomes interracial, it must be ripped down; it must be destroyed and it must be a future slum area.

We are so happy that we have in the City of New York one place where you can go and sit down with people that call you and are anxious to discuss the conditions of the City of New York. I would like more of these people who sit home, who never belong to organizations, who never attend meetings, who don't belong to the P.T.A.'s, who criticize every City office -- I would like them to come down and see how a dedicated group like this group can come out with something to help the City of New York; and we say to the Chamber of Commerce and to the other people, that we are interested in the City of New York. We are not interested in your investments; we are not interested in your ideas of trying to govern yourself; we found you can't do it and you need some regulation now to take care of the things you wouldn't do yourself.

Thank you, gentlemen.

CHAIRMAN FELT: Thank you, sir. Is Mr. MacArthur present?

Stillman

HAROLD MAC ARTHUR: Mr. Chairman and members of the Planning Commission, my name is Harold MacArthur, President of the Woodside Improvement Association, which is a civic association representing the homeowners of Woodside. Our Organization is naturally spearheading this drive to keep a residential community throughout Woodside.

I would like to acknowledge the cooperation of the following organizations of Woodside in our efforts to keep this area strictly for homes, instead of zoning it for manufacturing. The following churches: Corpus Christi Roman Catholic Church, St. Sebastian's Catholic Church, the Community Baptist Church of Woodside, and also the Harry M. Sullivan Association, the Woodside Post of the American Legion, the P.T.A. of P.S. 11 and 152, the Kiwanis Businessman's Association, the Woodside Merchants Association, St. Sebastians Catholic War Veterans Auxiliary and Catholic War Veterans, the Rosary Societies of St. Sebastian's and Corpus Christi and also the holy name societies of those churches, the Anoroc Democratic Club and the Pohatan Democratic Club, the Christ Lutheran Church, St. Paul's Church, Councilman Smith, the Hudson Council K. of C., the Ancient Order of Hibernians, the Woodside Savings Bank and many others too numerous to mention.

I would like to go into the concept of the whole planning situation first. I am a retired member of the New York Fire Department and as such I have extensive academic and practical knowledge of building construction, public safety and fire hazards. I state this as evidence of my being qualified to speak for the Woodside Improvement Association, its members and its affiliated

organizations, on certain specified areas of resolution dealing with these problems. I shall take each problem in its specific order. I shall separate the resolution into two parts, dealing first with the construction and layout problem and second, with the mapping problem.

In the short time that we have had to peruse the Commissions' guide to the proposed new Zoning Resolution, I have not had the opportunity or time to go thoroughly into all aspects of the field that I stated that I would attempt to cover, but I have studied that area of Woodside which the Commission has mapped as M1-1. You state in that classification that this will be a light manufacturing district with its uses to include such industries as the manufacturing of textiles and apparel, pharmaceutical, and such. On what do you base the classification of these industries as light?

Do you consider them non-hazardous?

Do you consider the manufacture of rayon, nylon, dacron or plastic materials as non-explosive and non-inflammable? These materials I know stand high on the fire hazard list, and have a low flash point, and do emit noxious, toxic fumes when they become ignited.

CHAIRMAN FELT: Mr. MacArthur, what is your suggestion? What would you suggest that that district be?

MR. MAC ARTHUR: We want to keep it in a residential zone, as most of it is now. In the manufacture of apparel, using these materials, sewing machines, cutting machines, etc., must be used, creating much disturbing noise to the residents in the area.

MacArthur / Felt

Who will guarantee us that the noise level will not rise in these establishments above a low non-disturbing level, or that they will not be in operation 24 hours a day, seven days a week?

Pharmaceuticals are classified as fire hazards and give off fumes and noxious odors when in the process of manufacture.

The area roughly takes in from 54th Street to 61st Street, and from 31st Avenue to 39th Avenue. These are the rough boundaries of this M1-1 District which the Commission proposes to set up.

CHAIRMAN FELT: Will you be able to leave your statement with us when you conclude your remarks so that we don't have to mark each of these streets down as you give them to us?

MR. MAC ARTHUR: Yes, surely.

Pharmaceuticals are classified as a fire hazard that give off fumes and noxious odors in the process of manufacture. Who will exercise control over the processes, and what guarantees do we have that violations of the Code will be prosecuted?

These are some of the questions posed by members of my Association, which must be resolved to our satisfaction before we can consider the question: "Shall we approve the adoption of the new zoning regulations into law?"

Now, as to the second part, mapping, we are definitely opposed to zoning 50% of Woodside, a basically restricted home community, into a M1 District. We want and will insist that the proposed M1 District be rezoned to a residence district to conform with our general layout, with no manufacturing, light or heavy,

within that district; that no more gasoline stations be permitted to be established, no used-car lots be permitted to operate within Woodside.

Now, I also would like to question the way that the zoning maps are being layed out now -- they are putting a line through the center of the street. In other words, there may be houses on one side of the street and on the other side there could be a manufacturing zone.

CHAIRMAN FELT: Mr. MacArthur, when you complete your statement, Mr. Smith will meet with you and go over some of these points with you and, if convenient, arrange an appointment for you to meet with us at our office to discuss these matters further.

Oh, excuse me, I have been told that a date has been made with your group for next Thursday, but you go right ahead, please.

MR. MAC ARTHUR: That is a partial group. All the churches are coming down then along with myself.

CHAIRMAN FELT: Very well.

MR. MAC ARTHUR: Now, as you will note on the map, surrounded on all sides by residence districts, either R4 or R5, some of them are R6, and we feel that we should continue to be zoned "residential." In other words, a factory district in there is just something that shouldn't be there. There are some factories that are lower down there around 54th Street,

and possibly a few streets in there could be left that way, since they are predominantly factories, but most of the area is residential and always has been.

CHAIRMAN FELT: Mr. MacArthur, do you know what the present zoning is; do you recall offhand?

MR. MAC ARTHUR: It is mixed.

CHAIRMAN FELT: Is any of it unrestricted now?

MR. MAC ARTHUR: Some of it lower down, in the streets around 54th, 55th and 56th, have been unrestricted. I believe that concludes my portion of it. We will have that meeting on Thursday afternoon and also our own Organization will set up another meeting along with the other organizations in the area. Thank you, Mr. Commissioner.

CHAIRMAN FELT: Thank you very much. Have you one additional speaker?

MR. MAC ARTHUR: Yes; Mr. Kricawa, our Corresponding and Recording Secretary would like to speak.

CHAIRMAN FELT: Very well. Will you step forward, sir? We would like you to confine your remarks to the pertinent aspects. We will be here until late tonight but we want to give everybody a chance to speak.

JOSEPH F. KRICAWA: Mr. Chairman and Members of the Commission: My name is Joseph F. Kricawa and I am Press Secretary of the Woodside Improvement Association, which is one of the oldest civic associations in the County of Queens, having been organized in 1897. It represents the home and residential property owners in that community, but before I go on, Mr. Chairman, I hope you will bear with me -- I've got two hats. I am a member of the press, but I will take off that and I am going to put on my civic hat. I am here because of my knowledge of Woodside and the County of Queens, having been a resident since 1912.

I am trying to establish sort of a form of expert witness on this thing by stating that I have had technical training in engineering and building construction, besides experience in the journalistic field, and I have covered the entire district of Queens and Woodside since 1920.

If you will bear with me, I will just give you a short history of Woodside for the edification of the people who don't live there or haven't lived there as long as I have.

Woodside was a village at the time the City of New York took it over. It was part of the town of Newtown and it encompassed the areas, part of which you've mapped as M1-1 and part as R2. In other words, we considered Woodside to be from Woodside Avenue at a point that is now Northern Boulevard, all the way over to Queens Boulevard at 50th Street, what is Queens Boulevard today, and back up to about 65th or 69th Street in a line adjacent to Mr. Moser's Civic Association area. At that time there was no elevator; there was no Roosevelt Avenue, there

was no Broadway. It was field and farm, and all the houses were of that type. I, today, live in the same house that I moved into in Woodside in 1912. It is a row of one and two-family houses. It was the first development put in there by a corporation which layed out all the streets of that property from farmland, and which later became the Queensboro Corporation up in Jackson Heights. That is the topography of Woodside as it was then.

Since that time, we know progress must go forward, and apartment houses have risen in the area and schools have gone up, and we still have the old P.S. 11 which in recent years has been torn down and re-erected into a new school, which cost maybe four or five million dollars - I don't know the exact figure.

With respect to the physical layout of Woodside, the streets are not much wider than 20 or 25 feet; it will not take increased traffic the way the zoning is set up. The power and public utilities are guaged only for a home community. They still use over-head power lines which have not yet gone underground. So, if you change this category; change 50% of Woodside to an industrial district or a manufacturing M1 district, regardless of what you do, you are going to create chaos again. I have enough vision to know, and I want to compliment the Commission for trying to bring order out of chaos, that has gone on since 1916 -- there must be some control.

The Board of Standards and Appeals have, time and time again, given us a raw deal. They have refused to notify us when they had applications for zoning variances. They have stuck

apartment houses and factories in fine residential areas, and loading platforms and warehouses. It is a disgrace. What they have done, also, they have come up and put on Broadway, which did not exist, and what was put through for a fine broad highway, to be landscaped and everything else for homes, through the Board of Standards and Appeals, despite the fact that Christ Lutheran Church just built, and completed building a school to the extent of \$800,000.-- the ground-breaking of which was done by Borough President Clancy -- they put a tool company there. Previously, they put gas stations there. A couple of years ago, we fought a zoning variance on Broadway for a gasoline station. There was at that time, sixteen gas stations, and this new gas station was right at the entrance of the 63rd Street Independent Subway, which was supposed to be opened up under the old Board of Transportation to be used when the transit was complete. So, they granted the variance, they closed the thing and put another gasoline station within a block of a school. Now, you know we have to "suffer little children to come unto us", and then to create a zoning ordinance like this, you are really, I would say, slapping God in the face.

I would like to ask a few questions here. The streets are not wide enough now and if M1 is considered a proper zone, we can't see that. What we want, if a buffer zone is to be placed in any part of the Borough under an M1 rating, there should be at least half of the space between the buffer zone and housing set aside for parks, playgrounds and off-street parking. That would be a buffer zone; that would be the true thing and keep that much separated, and on the square, around.

We want to know what guarantees we are going to have that these things won't be changed? What guarantees do we have when a man has a fifty-year old house still in good condition, and is putting money into it, if it should become a non-conforming use. What redress does he have if it is declared a slum?

I noted, in the short time I had to look at it, that if any property is assessed at \$2,000, the man would not be reimbursed; and I state that that portion of the thing is a violation of the 13th Amendment of the Constitution, in confiscating property without proper recompense.

CHAIRMAN FELT: I think, sir, you will find at your meeting next week that many of these things will be explained to your satisfaction. We cannot go into a procedure of answering questions, or we would be involving ourselves in a great deal of time. Why don't you hold those questions, even though they are all set in your memorandum that you are going to leave with us, why don't you ask those questions at the meeting?

MR. KRICAWA: Do you agree?

CHAIRMAN FELT: I do not think it is up to me at this point to tell you what I agree with as yet -- that is the purpose of these hearings -- to hear everyone, and to then determine what we think is the equitable thing to do.

MR. KRICAWA: We agree with Mr. Moser about the airport condition, which he mentioned. We agree wholeheartedly with it.

Incidentally, the Woodside Kiwanis Club was to be represented by Mr. John Hughes, who is Vice-President of the Woodside Savings Bank. Since he is not here, will you permit me to take a little more of your time?

CHAIRMAN FELT: I think you told us earlier that you would speak until 1 o'clock and it is five after now; I will call you this afternoon.

MR. KRICAWA: I want to talk about the financial angle.

CHAIRMAN FELT: Why don't you appear again at 2:30?

MR. KRICAWA: Thank you very much, I will.

GUSTAVE BERNE: Mr. Chairman, Members of the Planning Commission, my name is Gustave Berne, and I am appearing for myself. I apologize for taking up your time rather than writing.

I own the property approximately 350 feet by 1000 feet on the west side of Beach 9th Street between Ocean and Seagirt Boulevard; that property is adjacent to the property on which Wavecrest Gardens, a 1652-family project is built. I also own that. Our problem is that the property was originally purchased to be used in connection with Wavecrest Gardens, with the expectation that certain recreational facilities, which would bother no one, could be erected on that property. We had hoped that if it was economically feasible, we could use that property for a swimming pool, for a cabana club, basically and primarily for the use of Wavecrest residents, although it might be necessary, to make it financially feasible, to invite some outsiders.

Now, first, I want to compliment you on the clarity of the ordinance; it is remarkable how easy it is to get at what you are saying. We have been struggling for many years with a multiplicity of other laws; but strangely enough, in the area that you have designated here as R6, it isn't possible even by appeal to the Planning Commission or the Board of Standards and Appeals, to get the sort of variance that we would need for the erection of a swimming pool; and this is certainly one instance in which liberalization is not down grading. It would really upgrade the whole area.

And, so, I just present to you my own personal problem. I think, as far as I can read the law, that in order to make this possible, even by special permission, it will be necessary to put this in a C3 zone because I find that in a zone less than C3 there is no provision even for the application for use as a swimming pool or other recreational facilities in connection with a residential development. Thank you, Mr. Chairman.

CHAIRMAN FELT: Will you be able to send a memorandum to us within the next week?

MR. BERNE: I apologize for appearing. The reason I haven't sent a memorandum was because I just got back from Arizona and I wanted to get my statement in.

CHAIRMAN FELT: Your statement is in the record now, but we would like a memorandum, and as soon as possible. Thank you very much. Is Mrs. Fisher present?

MRS. MILDRED FISHER: Chairman Felt, and Commissioners: I am the Executive Secretary of the Women's City Club of New York, and a resident of Queens. The Women's City Club finds much to approve and little to criticize in the proposed zoning map of Queens. The open low bulk character of the Borough will be continued; all of the important residential areas will be retained, yet industry receives its share of land in suitable locations, which is, of course, essential if New York City is to continue and to prosper. We approve particularly the low density Zoning R1, R2, and R3 for Douglaston, Bayside and Whitestone, where areas are now for the most part, one and two-family houses.

Similarly, we approve the designation of R2, R3, and R4 for much of Flushing, thus maintaining the open character of the area.

Although part of Forest Hills is zoned R7 to conform with the present trend of that district, which is largely built up with apartments, we are glad to see that just to the east of this district, a large section extending from 66th Road to 71st Avenue, and from Grand Central Parkway west for three blocks, is zoned R1.

There are only two areas where we are not satisfied with the proposed zoning. A trip along the waterfront of Rockaway Beach from Crossbay Parkway to the City Line is mapped for R6 with R4 and R5 back of it, thus encouraging tall buildings which would cut off the interior areas from view and also ocean breezes. We contend that the opposite arrangement would be preferable and that the R6, if mapped at all in the Rockaways should be in back of R4 or R5 zoning along the waterfront, which would provide waterfront benefits for more people. New Yorkers get all too little of the satisfaction

of nature supplies, and which man so frequently dilutes or de-

Once more we put in a plea for residential zoning north of Queens Bridge houses, so that the project will not be completely isolated in a sea of manufacturing. As in our statement of last year, we urge that a strip, three or four blocks wide, be zoned residential, extending from Queens Bridge Houses to Ravenswood Houses and Queensview Cooperative Houses, plus giving the tenants some peace and some contact with the outside world, and an opportunity for integration with the neighboring communities. We suggest that an Urban Renewal Plan be made for this area, so as to encourage the desirable resolution. The waterfront may well be developed into a park or plaza, as the industrial plants there now seem to be very old and unattractive. This isolation of the housing project is having a bad effect on its 13,000 inhabitants -- too many to be ignored. It is also undermining the reputation of public housing in general. An opportunity to reverse the trend is being provided by the Authorities' leadership and effort.

On the whole, however, the Women's City Club enthusiastically endorses the proposed zoning map of Queens as a substantial improvement over existing zoning. Recommended changes could be quickly made or introduced in the year of grace before the zoning goes into effect.

Thank you, Mr. Chairman.

CHAIRMAN FELT: Thank you, Mrs. Fisher. Is Mrs. Edgar present?

Fisher

MRS. MARY JANE EDGAR: Mr. Chairman, members of the Planning Commission, my name is Mary Jane Edgar, I am here representing myself as a homeowner in Flushing, and several of my neighbors.

I would like to say that we are heartily in favor of the comprehensive zoning resolution. We think this will give us a more efficient, a more beautiful, and more prosperous city. We would like you to know that we will do everything that we can to help you. I have, myself, stuffed circulars into my neighbors' mail boxes and we have collected petitions to our Borough President asking him to support the Resolution, and, in particular, to support the zoning that you have given us in our neighborhood. We are on your map, I think it is Number 10, and we are in the area between Kissena Boulevard and Kissena-Corridor Park. We find that R3 is a very satisfactory designation for us; and we ask that the Commission please see that we keep it. That is in the Geranium Avenue, 45th Avenue and Elder Avenue area. There has been some conflict; we are threatened with apartment houses in this area and we would like to know that the R3 designation will be retained in that section. Thank you very much.

CHAIRMAN FELT: Thank you. Is Mr. Zelman present?

Edgar

BENJAMIN M. ZELMAN: Mr. Chairman and Members of the Commission, my name is Benjamin M. Zelman and I happen to be Director of the Queensview Cooperative Homes, and I am speaking in their behalf. In order to conserve time, Ravenswood Homes, a middle-income City housing project in the same vicinity, have asked me to speak in their behalf, as well. Queensview Cooperative Homes, as you well know, is situated in the vicinity of 21st Street and 34th Avenue and comprises about 3,000 people.

Ravenswood Homes, a middle-income City project has about 10,000 residents. Not too far away is Queensbridge Homes. The lady who spoke a moment ago referred to those. Several thousand people live there. Up further north we have Astoria Homes, another middle-income project, and Midland Terrace, a private income project.

From a recital of these facts, I assume that one would conclude that our area is residential. On the contrary, the area, at present, is far from it. The reasons are not too hard to find. This area in Astoria for many years has been marginal land, situated on swamp land, and a large part of it has been filled in to make homes for residents in the community. As a result of the fine work that was done by the City over these years, thousands and thousands of people have built homes in that area and, as I have said before, as one looks at the map, one is deceived by the actual situation.

I think that if we were to pinpoint any area in the City to point out the need for quick City zoning, this area

could very well be selected and designated. If one were to put a finger on this area in the periphery of 21st Street and 34th Avenue presently, one would find the following facts: a residential area which came into existence only a short time ago, surrounding the residential area is a retail area, a commercial area, a manufacturing area, and a large area from the manufacturing area right down to the East River is Unrestricted.

This means, at the present time, anything can be done there. In fact, I might say that we have "anything" there now. We have, in addition to these very fine residences, junk yards, coal piles, slag piles, a very unsightly area.

Those who say that maybe the area should be maintained partly as a commercial area, can best be answered by our pointing out the fact that there are several old buildings there, boarded up, which were used for commercial purposes. Even they won't take that area. The city is losing valuable tax dollars by allowing all these vacant areas to remain in their present situation.

We feel that the present proposal of the Planning Commission which will make this area residential, and it must be, because it can only serve such a purpose, is humane and is good. We also feel that as one walks through this particular area, one can easily ascertain that it is impossible for residents in the community who live there to walk in the area. For example, if I have to pinpoint it, at 21st Street and 34th Avenue where you have Ravenswood alongside of two Queensviews, and one wants

to walk down to Rainey Park, which should be for residents, one has to walk along 34th Avenue, you pass a few truckmobiles, which came into existence within the last few years only because the present zoning proposal hasn't been passed as yet, and then you pass several manufacturing plants, and then you finally come to Rainey Park where residents should normally go. Obviously, people are not going to walk there under these conditions.

Some builders have taken advantage of the present moment and are continuing to build some commercial developments in that particular locality, and unless the zoning proposal is adopted soon, we will find a patchwork quilt pattern continued, the very thing which this Commission is designed to obviate.

I want to repeat very strongly that at the present moment our area has every conceivable zoning district, and the residents have bands of steel around them, which I characterize as manufacturing areas and unrestricted areas.

I should also like to point out, as a suggestion, that the area running from Ravenswood, 36th Avenue down to Queensbridge Homes, which has been mentioned a few moments ago -- it is suggested that it become a manufacturing area. I realize that this Commission has to give and take a little bit in working out a plan, but for the reasons suggested by the previous lady, it seems to us that the area between Ravenswood and Queensbridge should be residential. Otherwise, you are going to allow Queensbridge to be an oasis in a desert, so to speak, surrounded completely by a manufacturing area and an unrestricted area.

We also call your attention to the fact that in this manufacturing area which you propose below 36th Avenue, there are, at present, some houses of worship and one or two public schools. Those certainly should not be in a manufacturing area, and we respectfully submit that they should be included in a residential area.

We also wish to point out that along the riverfront, down the East River, there are, at present, several storage houses, coal and marble storage houses. Peculiarly enough, they don't use the East River. One would imagine that they would use the East River, with barges to carry away the material. In fact, they use trucks and they carry the slate, coal and marble through the area and into our residential area, increasing the already highly congested area on 21st Street which leads to the Bridge. I think the members of the Board can take notice of the fact that 21st Street is about the most thoroughly congested street in the City of New York.

We think that the zoning resolution is humane. We believe it is broad in scope and we believe it is forward-looking. Those who presently oppose it, will, in time, we believe, recognize their error, especially when they will realize better returns on their investments. We believe that this proposal substitutes planning for planlessness, initiative for the status quo, sensible controls for overcrowding, a proper balance in building for haphazard building, orderliness for confusion, architectural

design for non-symmetry, and also changing needs of a district for static development. In short, we believe the proposal overhauls an outmoded 1916 Resolution, which not only has outlived its usefulness but from a monetary point of view, is costly and no longer can serve the good and welfare of the metropolitan area and its citizens.

I say again that those who honestly and conscientiously are objecting to certain forms of this resolution -- their fears, I believe, are unfounded; and in due time I believe that they will realize that if this resolution is approved not only by the City Planning Commission but by the Board of Estimate, I believe that those honest and conscientious opponents of the resolution, in time, will realize that the resolution is not only good for the City of New York and the great majority of the citizens, but also for them.

We wholeheartedly commend the work of the Commission, and I think the people of the City of New York are deeply grateful, indeed, for the fine work that this Commission has been doing for the last few years, to work out a resolution which will fit the needs of the people of the City of New York.

Thank you very much.

CHAIRMAN FELT. Thank you. Is Mrs. Curtis present?

Zelman

MRS. RALPH CURTIS: Chairman Felt, members of the Planning Commission, I am Mrs. Ralph Curtis. I am Chairman of the Neighborhood Improvement Committee of the Astoria-Long Island City Community Council. I am also a member of the Executive Board of that Council, which is a federation of organizations, community groups, churches, fraternal organizations, parents associations, and the like. We wish to thank you for having the idea that Astoria as a large part of Long Island City, may once again become a residential area. As it is now, it is very difficult for those who live there, having it partly homes and partly factories. Other than that, there are many open lots; we have heavy traffic conditions which create many dangers to our children going to school.

The parents' associations are now working in cooperation with the Police Department. They are working very hard to have what they call "approved routes to school", and the policemen would be at certain crossings. You know what children are -- they will cut across lots, and then try to dart across traffic. Having open lots and areas that are dark at night, that is, the manufacturing areas, creates an atmosphere for delinquency. There are places where the children can hide; they feel that they can get away from things; and when people live in an area where they are adjoined by unlovely places, they reflect what they see and what they live in.

Having factories and residential areas all mixed together as we have, results in something else which is a very serious matter. There is a decreased and decreasing attendance at all of our church activities, at the community social affairs, adult education sessions, and scouting. I know this of my own experience;

I am deeply involved and associated with one of our churches. The evening meetings are not well attended, and we are given as a reason for that, that the women are afraid to walk home at night.

The same thing is true -- I have worked with Girl Scouts in that neighborhood, and their parents refuse to let their girls join a senior troop which is a very exciting and challenging group, because they would have to walk outside of their immediate neighborhood; they would be passing empty lots; they would be passing areas where gangs gather. I think this is a very serious aspect of our social living.

The new zoning proposal is, as I say, an exciting concept to us. I wish to endorse what the previous speaker, Mr. Zelman, and, also, the lady who spoke previously for the Women's Club, recommended, in including Queens Bridge Houses -- attaching them to the area which goes up to Ravenswood. I think that we can redevelop a really beautiful community there, with parks, a parkway along the East River starting at Queensboro Bridge and going up past Astoria Houses and Astoria Park. This would provide a great deal of much needed recreational area, and not just the concrete-type of recreational area -- it is a little hard on the children's knees. We could also have well planned, beautiful homes along the river, and extending into the community, which would once again make Astoria the beautiful place which it was. Thank you.

CHAIRMAN FELT: Thank you, Mrs. Curtis. Is Mr. Silverberg present?

Curtis / Felt

JOHN SILVERBERG: Mr. Chairman and members of the Planning Commission, my name is John Silverberg, and I am a member of the Board of Directors of North Queensview Homes, Inc., and Vice-President of that Corporation. I have been delegated to speak for the Corporation today in favor of the proposed resolution.

I wish to endorse the previous few speakers and, at the outset, to make two specific recommendations to the proposed resolution.

I would agree with the prior speakers that Queens Bridge Houses ought to be connected with the residential R5 area of Ravenswood Houses to the north. Specifically, I am in favor of this proposal because I believe that, due to the fact that Queens Bridge Houses is a low-income project with a large Negro population, it ought not to be permitted to become, even in a sense of zoning, a ghetto, isolated from other residential areas. I believe that the Commission would do well to consider taking this matter up with the New York City Housing Authority, Chairman Reid, to get their point of view on the matter, well as the Committee on Intergroup Relations.

The second proposal is, that if a compromise were necessary - that only a small strip along the waterfront could be created - that the R5 zone be extended south to 38th Street rather than 36th Avenue to provide a buffer zone for the Ravenswood Housing Project which is a middle-income project with many thousands of families and should not have even light manufacturing immediately on their doorstep.

If I may describe this area - I think it is as Mr. Zelman stated - it is definitely an area which has many residences, City

Silverberg

housing projects, cooperatives, as well as some new construction of two family houses that have gone up there lately. It is a wonderful neighborhood; it has wonderful possibilities; it is conveniently located to Manhattan; it is the answer, for many of us who have moved in recently, to a slum situation, to inadequate housing for middle-income families. It is a wonderful area in terms of the convenience to The Bronx, Manhattan, and outlying districts of Queens and Brooklyn, as well. It should not be permitted to become rundown with the factories that now exist; this trend should be halted, and halted at once.

This zoning resolution, proposed 44 years after the first zoning resolution, is a wonderful thing. We fully endorse it. As the previous speaker stated, it is too bad that children in the area have to run the hazard of walking past factories, truck depots, which exist in our Project - looking west towards the East River. You have many of these unsightly establishments there which are a danger to the children of the area. Any morning, if you go through the area at school time, you will see infants from kindergarten age up to Grade 8 going to P.S. 83, dodging between trucks that are double-parked or jack-knifing into a depot, and so on. There certainly have been a number of accidents on 21st Street and 34th Avenue, because traffic there, being an expressway for trucks, travels at a great rate of speed.

As Mr. Zelman stated, a study has been made of the waterfront use of the property in this area. There is no real waterfront use. It is not waterfront use, as such, I believe Colonial Sand makes some use of the River and a brick company makes some use of the River, but all the other establishments along the riverfront

and even Colonial Sand and the brick company do most of their transportation by truck. This means that the trucks are running through an area which is largely residential. The non-use of vacant land in the area is wasteful to the City. It creates a hazard in many respects; and if you walk along 21st Street in this area, you will see signs on store-front after store-front, "Store to let, premises vacant." The reason for this is obvious. It is always true in the case of mixed use, that the fullest use of the property is not realized, in any respect.

I want to say in closing that I believe we owe it to the future generation to see that this resolution is passed. I don't see how we can stand before the future generation now or then and say that we were here 25 years ago and we had the opportunity to plan for a better New York City, but we let it go-- we didn't see it through.

Thank you, gentlemen.

CHAIRMAN FELT: Madame Secretary, will you please call the roll on continuing the hearing at 2:30 P.M.?

SECRETARY MALTER: On continuing this hearing at 2:30 P.M. Chairman, Vice Chairman, Commissioners Livingston, Orton, Sweeney, Provenzano.

(Recess at 1:30 P.M.)

* * * * *

2:30 P.M.
Tuesday, March 23, 1960

CHAIRMAN FELT: The meeting will now come to order, please. Will the Secretary call the roll?

SECRETARY MALTER: Roll call after recess: Chairman Felt, Vice Chairman Bloustein, Commissioners Livingston, Orton, Sweeney, Provenzano, Acting Commissioner Constable.*
Quorum present.

This is a continued public hearing in the matter of a Proposed Comprehensive Amendment of the Zoning Resolution of the City of New York; and specifically, in relation to the proposed zoning maps for the Borough of Queens.

MR. SAVACOOOL: Chairman Felt, Members of the City Planning Commission, my name is William L. Savacool. I represent the Chamber of Commerce of the Borough of Queens. The Chamber of Commerce of the Borough of Queens appeared on March 15, 1960 at the public hearing on the text of the proposed zoning resolution, and appears again in opposition to the proposed zoning maps: Manufacturing One District, Queensboro Bridge Plaza, Long Island City.

In Long Island City the proposed zoning lays out as an M-1 District, defined as the most restricted against noise, odor, dust, etc.. This area is bounded on zoning map 9b, by the East River, 36th Avenue, 35th Avenue, Steinway Street, 34th Avenue, Northern Boulevard, Jackson Avenue, 43rd Avenue and along the East

*(Edward Hoffman, sitting for Acting Commissioner Stuart Constable)

River to 36th Avenue at the beginning, but excluding only the Queens Bridge Houses and Park. The area within the bounds mentioned contains by count on zoning map 9b, 120 city blocks. The floor area ration stated in the proposed zoning for an M-1 District is 80% of the lot area, generally limiting those buildings to one story.

The M-1 zone, before bounded, includes Bridge Plaza South and the adjoining long blocks to 43rd Avenue. In this area, on 25th Street, the modern nine-story Crescent Building, is used for offices; close by at 24-16 Bridge Plaza South is the five-story brick Chamber of Commerce Building.

The Eagle Electric Company occupies, with a three story concrete building, the remainder of the block on Queens Plaza South to 24th Street, and the same firm occupies the block frontage on Bridge Plaza South to 23rd Street with a four story concrete building. On 22nd Street the Gordon Bakery has a four story brick building.

The Chamber of Commerce of the Borough of Queens protests this M1 blanket zoning as it does not conform with substantial modern buildings which are entitled to just consideration and recognition as valuable factors in our Borough.

(Manufacturing One Continued:)

Also in the blanket M1 district, before mentioned, and bounded, is Bridge Plaza North, a boundary street of the Queensboro Bridge Plaza. Inspection of the buildings along Bridge Plaza North from 21st Street to Northern Boulevard shows as follows: 21st Street

to 22nd Street, the three story brick Greybar Electric Company building and the three story brick Westinghouse Products building adjoining Greybar at the rear; 22nd Street to 23rd Street - the two story brick "Broadway Maintenance" building; 23rd Street to 24th Street, the three story brick Wolff Manufacturing Company building; 24th Street to 25th Street, one story brick stores and two story brick office building; 25th Street to 27th Street, two brick stores and offices; 27th Street to 28th Street, the six story Brewster Building occupied by ten business concerns; 28th Street to 29th Street, the nine story Pan-American World Airways building containing offices and a branch of the National City Bank; 29th Street to 41st Avenue, the three story Chemical Bank New York Trust Company; extending through the block adjoining the Chemical is the Long Island City Savings Bank; in the widened plaza at 41st Avenue is the Bankers Trust Company and the twelve story office building of the Chase Manhattan Bank. All these buildings are put in the Manufacturing One district, before bounded, and described from Proposed Zoning Map 9b and by count covering one hundred twenty city blocks. Let us look at Proposed Zoning Map 9a covering a portion of Manhattan just across the East River; note that city blocks are commonly divided into three different zoning areas. What a contrast to the blanket zoning M1 for 120 blocks proposed for Queens Borough!

Within the M1 district, as previously bounded, is also the Chatham Phoenix Building, a twelve story office building at 29-27 41st Avenue, where is located a branch of the Manufacturers Trust Company; also included in this district is the factory of Barricini

Candy, Cushman Bakeries, Loft Candy factory and ten other large factories, all not complying with the requirements of this blanket Manufacturing 1 district.

The Chamber of Commerce of the Borough of Queens protests this absurd zoning of Bridge Plaza North and asks reconsideration of the zoning of the entire M1 area block by block.

Proposed Residential One District
Bayside- Douglaston:

Map 11A - The City Planning Commission can get very radical in its proposals. Case in Point: the proposed zoning of Northern Boulevard and adjacent blocks between the Belt Parkway, Bayside and Alameda Avenue, Douglaston, in Residential Zone 1, the most restricted of residential zones limited to single-family houses. In this stretch of Northern Boulevard, a main traffic artery, there are now no residential buildings; but there are many business establishments which include two automobile showrooms, three roadside restaurants, four gasoline stations, four other roadside business places, a golf driving range and an amusement park for children.

Let us consider this R1 proposed zoning in this former salt marsh land where all buildings require foundations on piles. Nature has made this area unsuitable for residential use, particularly by one-family houses, in the highest zoning classification.

Zoning here acts as a weapon for destruction of these existing business enterprises.

Closely related to this and similar situations, is the statement by the City Planning Commission regarding the limitation of powers of the Board of Standards and Appeals, as follows:

"But the present powers of the Board of Standards and Appeals to permit any type of use in any district has been eliminated." See the pamphlet "Rezoning New York City," page 52.

The policy of the Chamber of Commerce of the Borough of Queens is that zoning should not be so rigid that no relief or justice can be had. The Chamber is opposed to the curtailment of the present powers of the Board of Standards and Appeals.

Residential District Equivalent To E1:

In the proposed Zoning general residence districts begin with R3 in which row houses and apartment houses are permitted.

An intermediate zone between R2 and the general residence district to preserve the existing character of the present "E-1" zone, is wanted in Queens.

VICE CHAIRMAN BLOUSTEIN: Mr. Savacool, the Commission is giving serious consideration to that very matter, providing an area in which you now have "E-1", where you have your one and two-family semi-attached houses, to prohibit multiple dwellings in such districts; and that is what you are talking about.

An example of the E1 is found in Jamaica in the area bounded on the north by 85th Avenue, on the east by 150th Street, on the south by 87th Avenue and on the west by 148th Street. In this area there are no row houses or apartment houses. There are also other adjoining blocks which qualify, as the nearest row houses are on Hoover Avenue two blocks south of Grand Central Parkway.

Savacool

In The Proposed Zoning
Industrial Areas Are Zoned For Residential Use:

The conviction of the Chamber of Commerce is that the proposed zoning should protect-not destroy-the zoning rights of our business and industrial family.

Let us examine the proposed zoning - does it protect or does it attack the well-being of existing factories? Look on Sheet 9a of the proposed zoning maps, covering the waterfront of Long Island City-Astoria from 36th Avenue to Astoria Park and extending inland to irregular zone boundaries of the present industrial area. Here, particularly along the waterfrontage of the East River, industry was established even before the adoption of the first zoning resolution in 1916. These industrial plants have provided employment for many local residents; the plants have paid City taxes. Now the City Planning Commission proposes to zone this industrial area for residential use. The factories will be non-conforming and must move away in twenty-five years.

The Chamber has had photographs taken of these plants, showing their large, substantial character, many being of nationally well known publicity owned corporations. The plants to be forced out are assets to our Borough.

The attack on industry is not confined to the Long Island City area, but extends into Woodside, Maspeth, Ridgewood, Richmond Hill and other communities.

The Chamber of Commerce of the Borough of Queens has tabulated statistics showing the assessed value of each plant, the real estate taxes paid by each to the City, the number of employees.

and the annual payroll of each company. The totals are very substantial, and are available to interested parties.

A fundamental reason for having a City Planning Commission is to promote the welfare of the City, its prosperity and progress. In contrast with duty, the Planning Commission in the proposed zoning, is bent on destroying existing industry, apparently on some theory that large-scale housing should occupy the present industrial areas.

The Chamber of Commerce of the Borough of Queens regards this destructive zoning of industrial areas as plain folly.

CHAIRMAN FELT: I just want to say, Mr. Savacool, that I believe there is a very distinct misinterpretation of the Planning Commission's views. We have no idea of, nor any interest in, developing large-scale housing projects on the sites of industry. While I do not intend to start a debate between us, let me say that one of our primary interests in connection with our proposed zoning resolution is to strengthen the economy of the City, by way of improving its industrial base. However, I will be glad to discuss that with you at any time.

MR. SAVACOOOL: We find this rather difficult to reconcile with statements of the City Planning Commission that they examined this area of Long Island City, block by block, and reached the conclusion that it should be zoned residential. That doesn't square up with what is on the maps.

CHAIRMAN FELT: Thank you very much, Mr. Savacool. Is Mr. Lome present?

MAX M. LOME: Mr. Chairman, Gentlemen of the Planning Commission of the City of New York, let me once again repeat, as I did on March 14th before this Commission, my name is Max M. Lome, and I am the Chairman of the Planning and Zoning Committee of the Federation of Civic Councils of the Borough of Queens. I am likewise its Co-Chairman. The Federation of Civic Councils of the Borough of Queens is made up of the six major councils within the Borough of Queens.

These six councils - which are the Central Queens Allied Civic Council, the Civic Council of Southern Queens, the Eastern Queens Civic Council, the North Shore Council of Homeowners, the Queens County Civic Council and the United Civic Council - are made up of various organizations within that Borough, who have a total number of 180 civic associations affiliated with the Council and through them, with the Federation. We represent, as a result of these 180 civic associations, between 150 and 200 thousand homeowners within the Borough of Queens, and their representations within our Civic Association appears upon the rolls of memberships of these various civic associations.

We were outraged when we read the other day, in a release to the Long Island Star Journal, that the Queensboro Chamber of Commerce had made the allegation that they had united with civics to oppose the zoning resolution that is currently before this body. This was the result of a meeting which they held, a dinner meeting, which they held at their building during this past Monday. A representative of ours, Mr. George Regan, who is well known to the Council and to the City Administrators as the President of the

United Civic Council of the Borough of Queens, was present at that meeting as an observer, having been invited. The others of the Federation who had been invited were called on the telephone, and when they expressed the fact that they were in support of this Resolution, that is currently before you, the invitation was withdrawn.

Mr. Regan reported to me that there were three representatives or alleged representatives of civic groups present at that particular meeting. There was a representative from an Astoria group, Mr. Cedzich, representing the Richmond Hills Civic Association, and Mr. Knorr, who represents a group that is composed of business groups, political organizations, veterans' associations, parent-teachers associations, and some civic groups under the heading of the Council of Organizations for Greater Ridgewood; I may be wrong on that, but I believe that is the name.

We, the people of the Borough of Queens, as represented in this Federation comprising, as I said, some 200,000 homeowners within the County of Queens, are unalterably in favor and will support the present zoning resolution that is presently before this Commission for action, and we trust that with all speed, it will be adopted by this Commission and forwarded to the Board of Estimate for their approval, because without this resolution, we shall be in the position that we were some thirty years ago when I got up at a meeting in the Borough of Queens, at that time, to oppose the changes that were then before them, and said that our interests are directly contrary and adverse to the interests of the Chambers of Commerce within our Borough; and in all these years, I have been proven correct in that assertion. They represent

industry who have come into our areas, who have desecrated our areas and have depreciated the value of our homes and brought in vile smells, toxic poisoning of the air with their industries and all sorts of matters that have deteriorated and proved so costly to the homeowners of our Borough.

It was through civic associations that we were finally able to get the establishment of an anti-pollution department to at least attempt to control these uses that come off as a by-product of industry, uncontrolled as it was at that time.

I believe that we have within our hands a comprehensive and orderly plan to at least try to mold what is left of what is to be molded into a city for each one of us could well be proud of. There are many things within this zoning resolution that need correction and modification and we have presented these to the City Planning Commission for their consideration.

As far as the mappings are concerned, we have submitted a long list to the City Planning Commission and have requested that they give it their consideration, and if they find that we are justified in our requests, to make the proper changes.

I was very happy when I heard the Vice-Chairman of the Planning Commission, Mr. Bloustein, state that you are currently considering a change in R3 so that it might more readily apply to the "E-1" designation as it appears in the present Zoning Resolution. That has been the great stumbling block with respect to homeowners who - reading the R3 designation which states that it is for use as general residential area of all types of buildings - they have been told by many interests that in the R3 areas, all

sorts of housing, including large apartment houses can be brought in. Nobody took the time and the patience to explain to them that the floor area ratio and the open face ratios were such, and the height restrictions were such, that nothing more than a two-story structure could be erected in these R3 areas. Nobody took the trouble to explain that even with respect to garden-type apartments, this floor area ratio and the open space ratio is such that it would be impractical, even in an R3 area, to build garden apartments. However, I do believe, in order to bring peace of mind to many people, that it would be to the interest of the people to upgrade that in definition to be as particularly defined in the present "E-1" as a use for one and two-family homes only.

CHAIRMAN FELT: We have been considering that for some time, Mr. Lome, and the Vice Chairman was precise and correct in the statement that he made. It is your feeling insofar as your group is concerned; and I might say, that we have never discussed this with you before - it is your feeling that multiple dwellings, that is, apartment houses, were prohibited in R3 districts by definition - that it would relieve some of the anxiety of many of the people who have homes in districts presently designated as R3.

MR. LOME: That is right, Mr. Chairman. It would give them that peace of mind which they would like to see spelled out in just so many words so that there is no area open for any other interpretation or misinterpretation.

Now, a great portion of the Borough of Queens under the present and existing Zoning Resolution was zoned "E-1". In the new mapping that has been submitted with this proposed zoning resolution that is currently before you, a great deal of that area has been mapped as R5 districts. That, too, has created a great deal of, well, I might say fear on the part of the people who, living in these areas, are the owners of and occupy one and two-family homes within those areas.

To a great extent, I might point out that the people who were represented at the hearings by Mr. Cedzich and by many of the groups within the Richmond Hill and Woodhaven areas, and I was present at some of these meetings with them this past week, and we in Central Queens of which I am the President, also represent areas within Richmond hill - the Jamaica-Richmond Hill Association, to be exact, is one of them. There, too, although the areas have been always designated as "E-1", or, I might say that a great portion of it has been changed in 1957 to an "E-1" - the fear within them is great that with the present mapping as an R5 district, there is and will be the tendency of large-scale five and six-floor apartment dwellings coming into that area. So, if the area is such, and I believe it to be such, that with good justification it can be changed to an R3 area, that will further relieve the anxiety of a great number of our homeowners and taxpayers in the Borough of Queens.

Now, some statements were made by the last speaker, especially with respect to retaining the powers in the Board of Standards and Appeals. Of course, what I can't understand is that

if there has been a joinder of civics with the Chamber of Commerce, and after listening to Mr. Cedzich denouncing the Board of Standards and Appeals and requesting that they be immediately thrown out of office, or at least their powers so restricted that they would become an impotent factor in our City government, yet the Chamber of Commerce is here, after having adopted a line of procedure to say that they want the status quo to still be in effect with respect to the Board of Standards and Appeals. There are many civic associations that were here this morning....

CHAIRMAN FELT: That appears to be an anomaly.

MR. LOME: Yes; something that is difficult to reconcile. If there is such a union, how can one portion of the union say we don't want it and the other portion say we must have it. There is no longer a unanimity of opinion even though they may try and strive for a unanimity of action.

There have been many civic associations that were here this morning that were compelled to leave because they could not remain any longer; from among them were the Cambria Heights Civic Association, the Springfield Gardens Taxpayers and Citizens' Association, who have asked me to mention their names and to signify to you that they too stand shoulder to shoulder with me in support of the proposed zoning resolution. There is another organization that is represented by a lady who is sitting here; she is not asking to be heard, but she came here with something that I must bring to the attention of the City Planning Commission. This lady is a member of the Central Civic Association of Hollis, which is also a member

organization of the Central Queens. They have had no end of trouble in that area. Along Dunkirk Street, stretching from Liberty Avenue to Murdock Avenue, there has for many years been the incursion of factories, warehouses and all types of junk yards and commercial enterprises of that type, that are no credit to a neighborhood; and right next to it begins what is presently mapped as an R2 district, a highly restricted district relegated only to one-family homes on plots of approximately 40 by 100, some 3,750 square feet.

VICE CHAIRMAN BLOUSTEIN: Will you please identify that location again?

MR. LOME: Dunkirk Street, from Liberty Avenue to Murdock Avenue; if you will follow the Long Island Railroad, it is exactly to the north of the railroad in that area.

CHAIRMAN FELT: Please proceed, Mr. Lome.

MR. LOME: Here is a petition that they had submitted to the Department of Housing and Buildings and to the Borough President of Queens County. It is a pathetic petition, because all these people want, is the right to live in their homes and to use their homes without being disturbed by noise and other factors. Let me read it to you.

"We, the undersigned, called upon the Department of Housing and Buildings to limit warehouse owners in and around the manufacturing area on Dunkirk Street from Liberty Avenue to Murdock Avenue from committing the following nuisances to and in the

residential area: (1) Causing noise day and night. (2) Causing vibrations that break our foundations and streets. (3) Letting smoke and dust into the air. (4) Letting noxious odors into the air. (5) Letting toxic fumes in the air. (6) Permitting overnight parking by their trucks on our streets. (7) Breaking our curbs, streets, foundations and trees with their heavy trucking."

It goes on to various ten other obligations which they feel should be an obligation of planning to properly protect them in their ownership of a parcel of land and their homes thereon. Now these petitions are signed by over 1,000 residents in this area. I am going to leave it with you, Mr. Chairman, to show you what these things lead to and how they become the festering sores of a Borough and a city and threaten the creation of slums, here is a letter that has been sent out by a brokerage corporation to each of the homeowners in that section, and I will read that letter to you and I will leave it with you for your information.

It is addressed to Mr. G. Hanson of 188-44 Ilion Avenue, Jamaica, New York, which is in the area I just mentioned:

"Dear Sir: Recent real estate reports show that the character and complexion of your immediate neighborhood is rapidly changing. The trend among the informed people of your community is towards the North Shore and Eastern Long Island, in more suitable surroundings. Call AC-7-5400 for strictly confidential service in selling your present property and obtaining more suitable accommodations for you and your family. For your convenience we have enclosed two forms. This is the

best time of the year for real estate transactions; immediate action will be taken upon receipt of your application. Sincerely, Mr. Chanley, General Sales Manager, Pioneer Brokerage Corporation."

This is what happens to areas when we have no zoning plan; when there are encroachments of non conforming uses, when we break the living standards of men and create a shambles and a crazy-quilt of zoning, as we have under the old zoning resolution.

Mr. Chairman, as the representative of a large group of people, citizens of the City of New York, we demand that you, as our representative and your City Planning Commission, in all haste, adopt this proposed resolution and submit it to the Board of Estimate for enactment into law. Otherwise, there will be no place for the people, the homeowners of the Borough of Queens, who by the way, I might add, whose homes are assessed at over three billion dollars, 250,000 parcels of one and two-family homes in the Borough of Queens, at an assessed valuation of over three billion dollars, who submit to the City of New York a great amount of money to meet the general expenses of our City and its operation. Thank you very much.

CHAIRMAN FELT: Thank you, Mr. Lome.

Is Mr. Thomas Sullivan present?

THOMAS J. SULLIVAN: Mr. Chairman, Members of the City Planning Commission, my name is Thomas Sullivan and I represent the Old Country Civic Association of the northwest section of Flushing. I fear that my remarks will seem very trite and unimportant after what you heard.

I have lived in my present home in Flushing for the past thirty-five years and I speak for my neighbors in the Association and I think for the great majority of homeowners who seek and need the protection that your proposed plan will give them. Without it, they will most certainly have to look elsewhere for suitable living conditions. Right now our Association is fighting two variances applied for in our community, a "G-1 zone", one for the 190-family apartment house and the other for a drug store; and as you well know, the weekly calendar of the Board of Standards is filled with such applications which, if granted, will lead to almost complete chaos as far as city planning is concerned.

I would like to say just a final word: My own family settled in New York City about 114 years ago, and they have been homeowners and real estate taxpayers since 1886, and I find it regrettable that my children and their progeny, although their livelihoods are earned in New York, have found it necessary to make their homes outside of the City. They have seen the struggle that we have had, to maintain the community where we live, and it seems to be a losing struggle until the plan appeared on the horizon. They feel that it wouldn't be safe to settle anywhere where such undesirable encroachments, such as gas stations, commercial uses, big apartments and so on, are a continued

threat, and I am sure that the homeowners of Queens hope and pray that your plan will be accepted.

CHAIRMAN FELT: Thank you, sir. Judge Murphy?

HON. CHARLES F. MURPHY: Mr. Chairman, and Members of the City Planning Committee, I represent owners of property that is now located in an "D" area. The contemplated zone is R3.

CHAIRMAN FELT: May we have your name, Please?

MR. MURPHY: My name is Charles F. Murphy, I reside at 200 West 57th Street. The area to which I refer is located on the Zoning Maps 10b and 10c.

I respectfully call your attention to Map 10b. If you are looking at 10b, in the middle of the page on the right-hand side under the word "proposed," you will notice Elder Avenue. The property in which I am interested in is south of Elder Avenue -- I should say southeast of Elder Avenue. I call that to your attention because as you look to the left you will notice that the Long Island Railroad is close by, Roosevelt Avenue is close by, and that is the end of the IRT line. Kissena Boulevard, on which my property abuts, Main Street, Flushing, and other main arteries in Queens County are located there. Now, the completed zone - R3 - is, as I read your zoning resolution, for property that is in outlying sections of the Borough. This particular section of Queens is not at this time -- 25 years ago it may have been -- but is not at this time an outlying section of the Borough; so that to zone it as R3 would work

undue hardship on the people who own the property in that particular area, especially in view of the fact that all around that particular property you have apartment houses, you have

CHAIRMAN FELT: What designation do you think it should appropriately receive?

JUDGE MURPHY: I think it should either be C1, with respect to a particular part of the property to which I shall refer, or with respect to other owners of property right nearby, in R7 -- I say R7 because in looking through your maps, I notice that R7 is the greatest density allowed in Queens whereas R7 is the lowest density allowed in Manhattan. This particular area, as I indicated, consists of apartment houses, six to twelve and fifteen-story apartment houses all around the area. You do have one-family houses in the outlying areas.

To be particular, if you will note on Map 10b, this Elder Avenue as I have indicated, and turn to Page 10d, about a quarter of the page down, you will notice that Elder Avenue comes alongside of Kissena Boulevard and on the easterly side of Kissena Boulevard you have a number of stores.

I represent people who own property just across the way from those stores, on the westerly side of Kissena Boulevard, and I say that C1 because that is an area which would be appropriate for stores, too, or, as I indicated before, R7.

Now, on Colden Avenue and 45th Street, Geranium Avenue and Elder Avenue, I represent owners who have all the

property facing Colden Avenue. That property is below grade, so you can't possibly build one-family houses or even garden-type apartment houses that are contemplated in an R3 zone.

So I say, as far as that is concerned, it meets with the type of area you have now -- apartment houses -- to permit the owners in that area to build the type of houses that I have indicated, and that is 6, 7 and 8-story apartment houses.

Now, this matter has been before the Commission back in May of 1959. It was May 6, 1959, to be exact. The calendar number is 62, CP-14790. There was, at that time, a contemplated change from Zone "D" and we opposed it at that time and nothing has been done with respect to that particular area.

I submitted a memorandum at that time. I appeared before your body at that time and, therefore, I am not going to take up the time of the Commission now. I would like to submit another memorandum within a week or so, and just call to your attention the fact that we have more than 98% of the property owners in that area opposing any change and, as I have indicated, it is right in the heart of Flushing, it is not in an outlying section of Queens, and therefore there is no need for zoning it as has been contemplated and has been indicated here.

Thank you very much.

CHAIRMAN FELT: Thank you, Judge Murphy, you will send us a memorandum on that.

MR. MURPHY: Yes, I will.

CHAIRMAN FELT: Will the memorandum also include the composition of that 98%?

MR. MURPHY: Yes, I referred to it in my previous memorandum.

CHAIRMAN FELT: I realize that, Mr. Murphy.

MR. MURPHY: As a matter of fact, I submitted the signatures of the property owners.

CHAIRMAN FELT: Are they the identical signatures?

MR. MURPHY: Yes, they are.

CHAIRMAN FELT: Thank you. Is Mr. Gill present?

ROBERT J. GILL: Mr. Chairman, Members of the City Planning Commission, my name is Robert J. Gill and I am an attorney with offices at 39-15 Main Street, Flushing, New York. I have four very brief memoranda and I am going to submit them -- relating to four separate parcels, and I will only take less than two minutes of your time in my talk.

The first thing I want to say is that I represent two clients, Franklyn Folding Box Company and Foster Brothers, who own property on the east side of Prince Street in Flushing. I have had the pleasure of taking the matter up with the technical staff and they tell me it is up for study. I hope to discuss that with them further.

Further, Mr. Chairman, I have been recently retained to represent the interest of L. Edward Dupuy, who owns property bounded on the east by Parsons Boulevard in Flushing, in the Flushing-Whitestone area, and there we are looking for an R5. In that area, we are looking for an R5 and I submit a brief

memorandum on that, sir. I further represent some of the people out in Alley Pond and I have also a brief memorandum. On the Alley Pond question, I would like to make one or two points.

We have this in as an R1. If you will recall, in the initial consultants' report, it came out as an M1, and I am aware of certain circumstances surrounding that. In the interim, and since the discussion of Alley Pond was taken up by the City Planning Commission, we have had the services --

VICE-CHAIRMAN BLOUSTEIN: That is the area along Northern Boulevard; is that right?

MR. GILL: That is right, that area is also before the Board of Estimate. My point is, gentlemen, that I earnestly beg you to consider this from planning principles and distinct from any possibility of a park going there. I think that that is a matter which the Board of Estimate will take up in due course.

Recently, gentlemen, we have had the services of a professional engineer who is familiar with the area and who has told us that piling to at least 65 feet would have to take place in this R1 area. We know, also, about this area from our own personal experience in constructing a gas station there, in addition to the professional engineer, the Pile Foundation Company, one of the largest in that business, has given up an estimate of something like \$7,000 per home for piling for a foundation for a one-family home in the area. So we say that this amounts to a taking of the property without compensation. I think it is unfair and, if you consider this question apart

from any action the Board of Estimate might take, I think and earnestly pray you will go back to an M1. Thank you very much.

CHAIRMAN FELT: Thank you, Mr. Gill.

Is Mr. Frank Weinstein present?

FRANK WEINSTEIN: Mr. Chairman, Members of the City Planning Commission, my name is Frank Weinstein and I represent the Greater New York Terminal, Inc., owner of a plot in Astoria comprising about 800,000 square feet. This property is bounded by the East River, having a frontage of 620 feet, by Steinway Creek having frontage of 2,324 feet, and by Steinway Street having a frontage of 725 feet. This is in the unrestricted zone at the present time, as well as the other immediately surrounding properties. The proposed zoning map designates this parcel as M1. The property immediately to the north and the property immediately to the south has been designated as M3.

We ask that this property should be designated the same as the immediately adjoining property, and that is M3 and not M1, for the following reasons:

At the present time there has been constructed on this site a fuel oil storage plant, the largest plant of its kind in the Metropolitan District of New York, having the capacity for storing over 50 million gallons of fuel oil.

I have a map here and I would like, with your permission, to call it to your attention. The plot of ground owned by the Greater New York Terminal is this parcel here (indicating); this entire parcel. You will notice that there

Weinstein

is Steinway Creek on this side, over 2,300 feet; the East River on this side, 620 feet; Steinway Street, 725 feet, and a short distance along 38th Street.

VICE-CHAIRMAN BLOUSTEIN: Do you have frontage on the water?

MR. WEINSTEIN: Yes, we front 620 feet on the East River and 2,300 feet also on the water on Steinway Creek -- that is our frontage.

MR. BLOUSTEIN: Is your storage on the water?

MR. WEINSTEIN: No, the storage is on the upland. We have 800,000 feet upland and considerable property under water to which we have title -- in fee. This Creek runs from 200 to 250 feet wide, that is immediately north of our property and the Edison plant fronts immediately on this Creek.

MR. BLOUSTEIN: And that is in the M3 zone?

MR. WEINSTEIN: Yes; and we are in M1.

The Edison plant has mounds of coal there. They have storage tanks for fuel oil, as we have, which they use for making electricity. They also have ocean-going tankers coming and making delivery of fuel oil to the premises. Immediately south of us we have the New York City sewage disposal plant, which I think is the largest in the City of New York and that is only 80 feet away, running parallel on Steinway Street to our property, a distance of 725 feet. The sewage disposal plant takes in at least five blocks or more of property along the boulevard there, and that boulevard, if running in a straight line, would run

through our property now, there is really, no sense, as I see it, where property is M3 on one side and M3 on the other side and we are right in the middle and they designate us as M1.

One of the main reasons that we object to the designation of M1 is because while the plant is now fully constructed, the owners of this plot had the same vision and foresight which this Planning Commission has in looking forward to the future when the population will be increased; when there will be more homes, more hospitals, more industrial buildings in need of fuel oil. Therefore, when they erected this plant they made plans for the future, so there will be further expansion, so instead of having 50 million they may have twice that capacity.

VICE CHAIRMAN BLOUSTEIN: Does your client sell to distributors or do they sell directly?

MR. WEINSTEIN: No; it will be like a warehouse. The public generally will have the right to come in and warehouse their fuel oil and take it from there. Fuel oil will be delivered not only by trucks, but by barges, because it will be more economical to deliver by barges to the different places to save the wages of the union truck drivers who, today, under new contract, some of them earn over \$200 per week.

CHAIRMAN FELT: Mr. Weinstein, I have just spoken to Mr. Smith of our staff and when you conclude your remarks, he would like to meet with you in order to arrange an appointment to discuss this matter further.

MR. WEINSTEIN: I will be glad to. Now, let me point this out. It will also be a great advantage to the City and its inhabitants not to have our property designated as M 1. You all may recall that in 1947 when we had the great blizzard, fuel oil storage plants went dry. There are only, at the present time, three terminals for the storage of fuel oil in the City of New York, where deliveries can be made by ocean-going steamers. There are about 24 small storage plants selling fuel oil, which fuel oil they acquire only by barges, through creeks or through other channels which are not very deep, like the Gowanus Canal and Newtown Creek.

When our client acquired this property it was really swamps. I have photographs with me now and I would be glad to show them to your representative. Instead of having swamps today, the property has been dredged to 35 feet deep so that ocean-going tankers are in a position to come right into our property and unload their fuel oil.

Now, every two years or so, there are dangers of barge strikes. Where there is a danger of barge strikes, there is also a great danger that there may not be sufficient fuel oils on hand to make deliveries to our hospitals and to the homes in the City of New York.

Every two years you read in the papers of the great danger of a famine in fuel oil. Well, with this terminal constructed, which is almost twice the size of all three ocean-going terminals in the City of New York, there is no further danger of homeowners being without heat, without having fuel oil. The City of New York can rest at peace, knowing that with this terminal,

and with the possibility of expansion, that they need no longer fear storms, strikes, or other conditions by which fuel oil may be limited.

Now, to show you the improvements-- when our client acquired the property in 1959-1960, the assessment was only \$390,000. The present assessment is now over \$3,400,000.

Now, by changing this zone from M 1 to M 3, you gentlemen will be performing your duty, as I know you have been, and protect the City, as well as the owner. It is certainly inequitable and unjust to put our property, which is between two M 3 zones and designate it as M 1. I would be glad to meet with Mr. Smith or any other representative, at your leisure, and give him any further information you may desire.

In the meantime, I have prepared a memorandum, seven copies, which I would like you gentlemen to consider.

CHAIRMAN FELT: Thank you very much. Mr. Evarts, please.

JEREMIAH M. EVARTS: Mr. Chairman and members of the Planning Commission, my partner, John McGrath, is up in Albany arguing a case in the Court of Appeals; otherwise, he would be here and I am substituting for him, or trying to.

My name is Jeremiah Evarts and I am a lawyer at 26 Broadway. Mr. Chairman, I became closely associated with the City Planning Commission more than 20 years ago when I was an Assistant Corporation Counsel. While I was acting in that capacity, I represented

and handled the litigation involving a question as to whether Commissioner Moses and Commissioner Huey could serve on this Commission and, under Judge Thatcher, I had a hand in framing what is now Subsection 10 of Section 3 of the Zoning Resolution under which the Sylvania plant was erected.

Now, because of that service in the City, I wish to be as helpful as I possibly can be to this Commission in the framing of this legislation because that is what it is, and this Commission and the Board of Estimate are acting in a legislative capacity in adopting this amendment to the zoning resolution. Now, as I see it, there couldn't be anything more important to the economic life of this city than the terms of this resolution and, in my judgment, and I am sure that you will all agree with me, that the more avoidance there is of mistakes in adopting this legislation and writing this legislation, the better off everybody is going to be.

As I see it, each area of the City -- its classification and its use regulations -- poses a legislative problem. In solving that problem I think that lawyers, such as myself and John McGrath, who have had considerable experience in the legislative function can be of help and I am sure Mr. McGrath told you that last week when he was here Monday.

CHAIRMAN FELT: Yes, we have had many sessions with him, as you know.

MR. EVARTS: That is right. Now, we wish to be as helpful as possible in making suggestions about what we

think would be improvements in this zoning resolution so far as it affects our clients and people similarly situated to our clients. We hope that we can make it a better and more appropriate resolution or we think we can improve the present draft. Now, that is the spirit in which I approach the subject and that is the spirit in which he approaches it.

Now, I would like to discuss the proposed zoning in Queens and its effects on certain properties owned by Mr. David Minkin. He is a builder who has constructed many projects in Queens during the past thirty-five years. During the past ten years he has assembled several large properties in the Borough. Mr. McGrath wrote a letter to the Commission under the date of March 14, 1960, respecting those several properties. Many of them are large enough for superblock developments. They are all well situated. Increasing taxes and heavy assessments have been levied against them and paid by this builder.

Now, it seems to us unjust to a builder-developer who has invested in large assemblies of land in areas suitable for middle income housing developments, to upgrade the area to such an extent as to seriously impair any possible economic development for middle-income housing. I want to illustrate my point by discussing this, if you would allow me to, or I can do it all in a memorandum.

CHAIRMAN FELT: If you would follow my suggestion, Mr. Evarts, I would appreciate it if you could do that in a memorandum. I always like to hear you, as you know, but we have...

MR. EVARTS: This, then, is what I will do. I will submit a memorandum by Wednesday of next week and attached to that memorandum will be an analysis such as this, giving the present zoning, the proposed zoning, and an R7 zoning.

VICE CHAIRMAN BLOUSTEIN: What would you propose?

MR. EVARTS: That's right.

CHAIRMAN FELT: Very well, I would appreciate that, not only for my time but for the time of others who are waiting to be heard.

MR. EVARTS: Then we will be in a position to sit down with Mr. Jack Smith and the staff and go over it in detail.

Now, there is another matter which I wish to call to the attention of the Commission, and some of you are not familiar with the history of this. On the west side of Kissena Boulevard between 71st Avenue and 72nd Road, there is a parcel which is not owned by Mr. Minkin. The history of that property is as follows:

In the year 1950 an agreement was entered into between the City of New York and the Red Lark Realty Corporation, which is owned by Alfred Kaskell. The purpose of that agreement was to have a map change so as to produce a superblock bounded on the north by 71st Avenue, on the east by Kissena Boulevard, on the south by 72nd Road and on the west by 150th Street. Now, this area was to be used for the construction of eight 6-story buildings

and, with the exception of a rectangular piece on the southwest corner on 71st Avenue and Kissena Boulevard, the superblock area was zoned residential.

As the result of that agreement, the City adopted the map change and eliminated the lines of 71st Road and 72nd Avenue between 150th Street and Kissena Boulevard. Now, that took place in 1950, and after succeeding in eliminating the interior streets and creating the superblock for residence purposes, an application was made in 1952 to this Commission to change the zone of the easterly portion of the Residence area along Kissena Road from Residence to Retail despite the agreement with the City. This Commission denied that application in 1952 upon the ground that there was already adequate provision for retail businesses in that neighborhood, and undoubtedly that is the case today.

Then, in 1954 an application was made to change the lines in Kissena Boulevard to eliminate two islands of safety and to close the street known as Kissena Road and it was the applicant's obvious purpose to consolidate the closed street in the island of safety with his own property. Such a consolidation would enlarge the area fronting on Kissena Boulevard and he, undoubtedly, would have followed that by a further application to change that from Residence to Retail. Now, this matter again came before the Commission in 1954 and the Commission unanimously denied the application and at the meeting of the Board of Estimate, the decision of the Commission was sustained.

Now, in 1956 he made a further attempt to change the Residence zoning of the property along Kissena Boulevard. He filed an application for a change pursuant to Section 21F for the approval of a public parking facility. This application was also denied by the Commission. So, here we have a situation where a formal agreement was entered into by the City. Streets were closed by the City for the benefit of the superblock upon the City's clear understanding that the superblock was to be devoted to residential use with the exception of the southwest corner of Kissena Boulevard and 71st Avenue. Three attempts were made to avoid this binding agreement and change the use. Three times those attempts were denied by this Commission.

Now, if Your Honor please, on Map 14c, for some unknown reason, this entire history has been disregarded and the new zoning resolution proposes that this area north of 72nd Road along Kissena Boulevard, together with the adjoining island of safety, be zoned C1-2. Evidently, it seems to me, that this history was not known to the persons who mapped this proposed change and there can be no excuse, as I see it, for disregarding the history, the agreement with the City and the reasons advanced by this Commission for denying the change from Residence to Retail.

Now, what are the facts about the necessity for Retail?

Mr. Minkin's shopping center is directly across the Kissena Boulevard from this property. He started to develop that center early in 1950; the northern part is now fenced off and is vacant for the reason that there is no further need for stores in

that neighborhood. Also, you look down Kissena Boulevard and there is a frontage about 1000 feet between Aguilar Avenue, Kissena Boulevard and 75th Road, which is zoned Retail and is also vacant except for one bank building.

There are several other properties in that neighborhood that are zoned retail and are also vacant. Certainly, there is no better proof that there is no need for creating additional retail areas in this neighborhood and the property in question should continue to be zoned "Residence" in accordance with the agreement with the City.

Here is another peculiar thing. If you will look at that map 14c, you will see that the island of safety is also zoned retail, but of course, that is obviously -- it must have been a mistake -- it certainly is incomprehensible because this property belongs to the City of New York and can only be used as an island of safety in the City's street system, as approved by the Board of Estimate, and the zoning of this island of safety for retail use should, of course, be eliminated.

This island should not be zoned at all any more than a much larger island of safety as presently exists on 71st Avenue, east of Kissena Boulevard and another island of safety now existing in Kissena Boulevard and 72nd Road and Aguilar Avenue.

CHAIRMAN FELT: We will be glad to review this matter, Mr. Evarts.

MR. EVARTS: May I discuss two more matters, very briefly, concerning Mr. Minkin.

CHAIRMAN FELT: You say you have a brief on that?

MR. EVARTS: Yes, I will submit that, but I would like to make this suggestion, and I think it is a good one. I worked this out with Mr. Minkin and I don't claim all the credit for it - I think he deserves more credit than I do, and also an architect, who was a very smart young fellow.

I wish to suggest that an additional classification be created in the residence classification of the proposed resolution. I suggest that this classification should be designated as 7A. It should be applicable to 6-story buildings only, and it should be confined to prime locations near subways and traffic arteries.

Now, my suggestion is, that if you drew a line around those locations and had A7 and A7A classification within that line you could then have either high-rise, or very high - story apartments built under classification 7 or 6-story buildings built under classification 7A, and it seems to me that that makes an awful lot of sense, particularly in Queens and probably in Brooklyn and probably in The Bronx. Now, I will file this memorandum. Mr. Blair would like to follow me for a minute about the Kissena Boulevard matter. I would like at this point to discuss another matter which I believe may affect lots of other people, too, but it does affect David Simon, Kiddie City and the Golf Driving Range.

CHAIRMAN FELT: We will hear you later on this afternoon on that, not at this time. I do not have the name of the other gentleman that you refer to next on my list so he will have to wait for a later time, as well. For the record, the Secretary asks who you are representing; as I understand it, you were speaking for David Minkin?

MR. EVARTS: On the first one I represented David Minkin;

on the second - Dave Simon.

CHAIRMAN FELT: Thank you. Mr. Salminen, please?

CARL SALMINEN: Mr. Chairman and Members of the City Planning Commission, my name is Carl Salminen. I am the Chairman of the Civic Planning Committee of the Flushing Chamber of Commerce. This will only take a few minutes and I would just like to read this statement.

At the hearing last week on the text of the proposed zoning resolution, the Flushing Chamber of Commerce went on record as firmly supporting the City Planning Commission in stating its belief that New York City must have a new zoning resolution to meet present and future needs of the City. While we recognize that additional work and study are required and that revisions in the text and map changes are needed to perfect the resolution, I should like to restate for the record that the Flushing Chamber of Commerce endorses the proposed zoning resolution in principle.

The Flushing Chamber of Commerce wishes, at this time, to thank the Planning Commission for the revisions to the maps that were made at the suggestion of the Chamber, since the consultants' report was issued a year ago. We also wish to express our appreciation for the interest that has been shown by the Commission in accepting for study, the old Flushing Airport site, consisting of 300 acres along Flushing Bay, for development into a much needed industrial park. This leads into a review of some map changes in this area, which we believe to be reasonable and constructive and in accordance with principles of good zoning, benefiting the local community as well as the affected property owners.

We have ten suggested map changes which we would like

to submit to the Commission for their consideration.

I will not read them all. I just want to read this one item to you and, if you will look at Map 10a in the airport area, I would like to extend M1 from 26th Avenue to 25th Road between 126th Street and 129th Street. Do you have the location, gentlemen?

CHAIRMAN FELT: Yes, we do.

MR. SALMINEN: I personally inspected this site and took 12 photographs which are submitted with this report, showing the surrounding neighborhood. This property, at present, is in an unrestricted area and should be zoned M1 due to the industrial character of the adjoining property....

CHAIRMAN FELT: You are recommending M1 for that section; is that correct?

MR. SALMINEN: Yes, Mr. Chairman.

CHAIRMAN FELT: What is the present zoning?

MR. SALMINEN: You are proposing now an R4. And also due to the geological sub-structure condition of the land, this particular swamp area would require piling to a depth possibly greater than 150 feet. A few blocks away, as evidenced from the photographs, which I will submit, the Flamingo Club is driving piles and have not reached "refusal" even at a depth of 160 feet. This proves that it would be extremely uneconomical to build homes with such abnormal foundation conditions. This area should definitely be incorporated within the M1 area considered for the industrial park, as previously mentioned.

As time will not permit me to go into a detailed analysis of this property, I would like to consult further with the members of the Planning Commission and submit a detailed report of this area at a subsequent date, showing geological conditions, etc.

Another piece of property that I would like to point out is the one that Mr. Gill mentioned before. The Flushing Chamber of Commerce would like to see the area along Northern Boulevard at Alley Pond Park changed to M1 and C8 as originally was proposed by the consultants' report.

CHAIRMAN FELT: In other words, you endorse the recommendations of Mr. Gill; is that right?

MR. SALMINEN: Yes, Mr. Chairman. That is all. Mr. Chairman, thank you very much.

CHAIRMAN FELT: Thank you, Mr. Salminen. Is Mr. Jaffe present?

Before proceeding, however, I would like to ask all of you speakers, in consideration of those who have been here all day, to try to be as brief as possible. Of course, we want you to make your point and make it as precisely as you can, but, if you can in any way shorten your statement and have your point taken at the same time, we would appreciate it.

HERMAN JAFFE: Mr. Chairman, Members of the Planning Commission, and my fellow members of Queens:

My name is Herman Jaffe. I speak for myself only and, as you said it before, a public-minded citizen. It occurred to me that this morning Mr. Leo Brown announced his political

affiliations and I am going to do the same. I happen to be a registered Democrat and am also Chairman of the Queens Division of the City Fusion Party, for whatever it's worth.

Mr. Chairman, I might say that you just hit me at the right spot. I have been sitting here since 10:30 this morning and I had a lot of things to say. Every time somebody spoke, it annoyed me if they talked too much, so I cut off a paragraph of what I wanted to say. Now I am down to only one page so I will just use this one page to speak on. I am glad I stayed so late because the gentlemen ahead of me just spoke on what I was going to talk about. I went to the office of the Commission the other day.

CHAIRMAN FELT: I know about that.

MR. JAFFE: While I was at the office of the Commission, they gave me a very courteous welcome and gave me what I call V.I.P. treatment, and gave me all the information I need . . .

CHAIRMAN FELT: We do that for everybody.

MR. JAFFE: I realize that.

Now, I come to the point on one page that I have prepared, and I am going to read it as slowly and as briefly as I can: I suggest that Queens County bid for an industrial park, which, I believe, should be an international style and fashion center. I believe that the manufacturers and union leaders of New York see that high rents and the traffic bottleneck are driving industry from New York City. This is what I propose and I propose that it be done in the College Point area where that airport is and on a piece of land of which the City owns, some 230 acres. This is what I believe.

I now make the proposal that the City Planning Commission invite management and labor officials of the City garment and textile industry to move the entire industry from the crowded mid-Manhattan area to Queens. This move would not only eliminate Manhattan's chief traffic problem but would also bring the industry to a central transportation point only six or seven hours away from London, Paris, San Francisco, South America or any other foreign markets.

Labor and management state that high rentals for mid-town factory space, not labor shortage, is the principal threat facing the garment industry, in addition to the choking traffic problem.

An ideal location, as I just said, is the College Point area known as M1, where the City now owns some 230 acres on a clear plot of land that is now being used by private planes. The area is in the M1 zone, area which the Commission classified as light manufacturing with high performance and as low in nuisance value, as possible, to private homes.

With Idlewild and LaGuardia Airports and modern roads to be completed for the planned 1964 World's Fair, this offers an ideal location. The World's Fair should receive full support but it is a temporary project. The international fashion and style center will be a permanent project and will induce many families to move to Queens where the daily transit and traffic problem is less than it is in the City. A well-planned industrial park might well be designed on a basis that would make this a business utopia.

Cheaper rents there and greater manufacturing efficiency would result because of the pleasant working and selling conditions. The industrial park could include a helicopter port, a motel and hotel, separate manufacturing buildings and several sales auditoriums, a branch of the Metropolitan Museum of Art Fashion Exhibit, a special Post Office and Railway Express branch and other modern conveniences which would eliminate unnecessary trucking and shipping overheads.

The present mid-town buildings that they are in now could be renovated for office space. This would clear the mid-town area of trucking problems and would take away none of the added business population that may come.

I think, Mr. Chairman and gentlemen, in addition to the other thoughts that I have to express and which I could do at some other time, it is the "meat" of what I have in mind. I believe it could be done; it may take four or five years to complete it, but it could be started and could be done. I just want to finish with a quote from Victor Hugo, who says, "there is nothing so good as an idea whose time has come." I think the time has come for the garment center to move to Queens -- to keep them here and get more taxes and everything that goes with it.

Thank you very much, and I will distribute some of the material that I have here.

CHAIRMAN FELT: Thank you. Is Mr. Joseph Burkard present?

JOSEPH H. BURKARD: Mr. Chairman, Members of the City Planning Commission, my name is Joseph H. Burkard, Jr.. I'm a builder and a real estate owner. I am also Chairman of the Board of the Queens Home Builders Association and am a member of the Advisory Commission on Economic Development of the County of Queens, City of New York.

I am diametrically opposed to the new proposed zoning. From an economic standpoint, this view should be taken by every property owner in the City of New York.

For the last ten years, the City's population growth has been practically nil. There has been only a shift in population, most of it being in Queens. Every property owner must realize that property values can only decrease. Consider this proposition:

If you were a property owner of a 50 to 60 year old home in the Elmhurst area situated on a 50 X 100 plot, being now in a C zone -- this property is now worth \$7 per foot or \$35,000 to a builder who wishes to erect an apartment house. Consider what this property would be worth under the new proposed zoning of R5 - possibly \$15,000. Every taxpayer should consider this. It is going to hit him where it hurts most, in his pocketbook.

Many areas that were originally inspected two or three years ago are now in a vast transition stage. Parts of Rockaway, Elmhurst, Jackson Heights, Kew Gardens, Forest Hills and Rego Park have seen many changes that are not in accord with this new proposed zoning. There should be areas in Queens up to R10, where high-rise buildings must and should be built.

CHAIRMAN FELT: Do you mean the same R10 that we have in the center of Manhattan?

MR. BURKARD: Right. There should be apartment house areas only within a mile of subway areas. This will decrease traffic in New York City where congestion is prevalent. Everyone talks about taxes - how high they are, how assessed values are steadily going up, year by year. Our taxes as property owners will greatly increase if this zoning resolution is allowed to pass.

I hope that the people, as a whole, will not be led on by civic zealots who aspire to political power at the taxpayer's expense. These opinions are my own and should not be construed as those of any political organization.

I thank you.

CHAIRMAN FELT: I might say this, so that we see both sides of the coin: the Citizen's Budget Commission, which is very zealous insofar as the taxpayers' dollars are concerned, wholeheartedly endorse the proposed zoning resolution. Mr. Burkard, are there any others from your group who wish to speak at this time?

You represented the Queens Home Builders, did you not?

MR. BURKARD: I am one of the members here. Others wish to speak also.

CHAIRMAN FELT: Very well; we will hear from them in due course. Is Mr. Lazerus present?

GILBERT LAZERUS: Mr. Chairman, Mr. Vice Chairman, Members of the Commission: my name is Gilbert Lazerus and I represent Mr. Morris Maran, who, with associates of his, owns a 60,000 square foot tract located on Kissena Boulevard and 70th Road about

a block away from the property of which Mr. Evarts spoke.

The property is an "L" shaped area which has a frontage on Kissena Boulevard of about 150 feet and a frontage on 70th Road of about 103 feet. It is zoned now for Residence Use "D" Area and Class "1" height. It is located in the heart of Flushing and in the center of a very highly developed area, now devoted to multiple dwellings and retail uses. As a matter of fact, the property immediately adjacent to it, on one side, on the corner of 70th Road and Kissena Boulevard, consists of a gasoline station. On the other two sides, it is surrounded by garden-type apartment houses. Immediately across the street is a large City development containing multiple dwellings that have some 1,100 apartments.

As appears from that, the City of New York itself...

MR. BLOUSTEIN: That is not a city-owned development, is it?

MR. LAZERUS: It is a City Housing Authority development - indicating when that was built the feeling on the part of the Housing Authority - that this particular area was one which lent itself to large multiple dwellings.

The proposed change from "D" to R4 would result in decreasing the floor area, as you will know, approximately....

CHAIRMAN FELT: Mr. Lazerus, what do you believe, or what does your client believe would be an appropriate zoning designation?

MR. LAZERUS: It is our feeling that the major portion of it should be zoned R6. I say that because that is the

greatest density which you have indicated in Queens. The frontage on Kissena Boulevard might properly be C1. I would like to point out that the property was purchased very recently for an apartment house site at a price which represented that, and the taxes which are being paid are based on comparable figures. We feel that because of the fact that we abut a gasoline station; that we are across from another gas station; that we are across the street from a large multiple dwelling area; that we are surrounded on the other two sides by substantial multiple dwelling areas, that it would be discrimination to reduce us to the kind of coverage that we could have with a R2 area.

CHAIRMAN FELT: You mean an R4?

MR. LAZERUS: Yes, a R4, I'm sorry.

CHAIRMAN FELT: Do you have a brief with you?

MR. LAZERUS: I have a memorandum which I would like to hand up, together with a small map of the surrounding area and also photographs of the property in question as well as the properties across the street, including the gasoline stations and the City Housing Authority development.

CHAIRMAN FELT: Thank you, Mr. Lazerus. Mr. Kraushaar, please?

MEYER KRAUSHAAR: Mr. Chairman, Members of the Planning Committee, my name is Meyer Kraushaar and I am President of the Cohen-Kraushaar Realty Corp. May it please the Commission, if you will turn to page 10d of the proposed map: we are the owners of most of the block west of Utopia Parkway, fronting on Horace Harding Expressway, bounded by those streets, 59th Avenue and 175th Street. It is a very small block, but half that block is already invaded by a gas station.

We feel that residential use on that block would be unsuitable and we suggest that it be made commercial, in line with the blocks to the north.

CHAIRMAN FELT: What is the existing zoning, Mr. Kraushaar?

MR. KRAUSHAAR: It is "D".

We feel that half a block there, the rest of the block which we practically own, cannot be used for residential purposes, in view of the invading gas station. It is a small block and this zoning resolution would be confiscatory and we ask a change.

Also, we feel that the residential area there, R3, is too restrictive, as to that part west of Utopia Parkway, south thereof, that should be R5 in view of the fact that on this large block between Utopia Parkway and Hempstead Turnpike and Fresh Meadow Road, there is going to be the Queens Northeast High School. There is need for a middle-income housing development there of a larger nature than that of a one-family house. People will need to live in the neighborhood who will want to send their children to the High School.

Similarly, the property on the south side of Horace Harding Boulevard, between the development of the New York Life and Utopia Parkway, is in far too restrictive a zone. We feel it should be at least an R5.

CHAIRMAN FELT: Is that also R3?

MR. KRAUSHAAR: No, that is R2 and R4.

CHAIRMAN FELT: R2 and R4, and you suggest R5; is that correct? Are you going to submit a memorandum to us?

MR. KRAUSHAAR: I will.

Now, I come to a more complicated problem and one in which I have had considerable discussions, years ago, with the Board of Standards and the Board of Appeals. If you will look at 11a, which is on the next page, we control and own the blocks fronting on Little Neck Parkway, 39th Road and 40th Road, facing the Long Island Railroad Company. We have had litigation with the City with respect to this particular area.

CHAIRMAN FELT: What do we propose there?

MR. KRAUSHAAR: You have a residence R3.

CHAIRMAN FELT: What is your suggestion?

MR. KRAUSHAAR: Well, we have taken the present zoning resolution, which limited the property to "F1", to the Court of Appeals and they held it as unconstitutional and confiscatory.

CHAIRMAN FELT: Was that on the basis of a variance?

MR. KRAUSHAAR: No, we took it to court because of the fact that the zoning was entirely unsuitable and confiscated our property.

Now, you must understand the history of this property. This was part of the Rickard Finley development, which was plotted over 50 years ago. These two blocks in the development were restricted to business by restrictive covenants and to two-story buildings made of brick and stone.

When we bought part of this property years ago, we bought it as a business use. Thereafter, in 1947, it was up-graded or down-graded, whatever you may call it, to "F1", which practically made it impossible for us to build in this area. We had problems of topography; the difference in grade between 39th Road, facing the station, and 40th Road, on which this property abuts, is over 30 feet. The property goes up on a high hill and, besides, there are no sewers in the neighborhood, and you couldn't build cesspools because of the clay condition of the subsoil; with a result that we owned this property for more than twenty-six years, the major portion of it, and we couldn't utilize it until the City built sewers with a pumping station; and so, we were paying taxes on it for many years.

We hadn't noticed the fact that they had changed the zone and when we did, we applied for a change to the Planning Commission which was denied, and then we went to court and we won. The frontage of that property can only be utilized as a commercial area.

Kraushaar

I have a survey here which shows that we now own 19,000 square feet of this property, a copy of which I will submit to the Commission with my memorandum. It is unsuitable for one-family dwellings. It can only be utilized as a multiple-family building and it is necessary because of its proximity to the station. Young couples in the neighborhood need three and four-room apartments, which are not available. It is the only kind of thing that is suitable for this property for the middle-income housing development that will ultimately come there. This present resolution is equally confiscatory with the one that we attacked, and for that reason I admit it should be changed. I ask the privilege of submitting a memorandum on both of these parcels.

CHAIRMAN FELT: Thank you, Mr. Kraushaar. Is Mr. Paulson present?

MR. PAULSON: Would it be all right if Mr. Helfat speaks in my place now. He has to leave, and I would come later, if that is agreeable with you, sir?

CHAIRMAN FELT: Yes, that would be fine.

BERNARD A. HELFAT: Mr. Chairman and Members of the Commission; my name is Bernard Helfat, and my address is 240-16 Hanford Street, Douglaston. I am President of the Douglaston Civic Association. I thank you for your indulgence in this regard and I hope Mr. Paulson will be heard in my place, but we, as a group, I'm afraid, come under the classification of those civic zealots that a previous speaker referred to, who are wholeheartedly in favor of this proposed zoning resolution. We are not here to criticize but rather to applaud it.

I think that the speakers who have been here on behalf of the Chambers of Commerce take a rather one sided view of the zoning. Whether it is because they have commercial or real estate interests, or for other reasons that I don't understand, they seem to have a philosophy that every parcel of land in the City of New York be available to the widest possible use so that they can be sold to the widest group of possible buyers. I might be slightly harsh on them, but as a civic group, that is our experience.

We feel that there are certain places in the City of New York that should be available for residential one-family houses and we believe that Douglaston is one of these areas. Nevertheless, although we have a restrictive zoning today, we are not protected. Many of our people come in and move into "G1" zones and spend substantial sums of money for private houses and then spend the next 10 or 20 years, maybe longer, in fighting off encroachments on the zoning which they had every reason to rely upon when they purchased the property.

In the last three weeks we have been in before the Board of Standards and Appeals on gasoline variances three times. There are a number of other applications for variances for apartment houses and so on, which come up in this residential area and,

for that reason, we believe that the proposed curtailment of powers or abolition of the Board of Standards and Appeals is essential not only because of the wide powers that they have to take care of spot zoning, but also because of the notice requirements which are so difficult for organizations like civic associations and private home-owners, to follow. There is absolutely no way in which the average private homeowner can find out what is happening to the zoning.

If he lives within 100 feet or 300 feet, he has to get a notice, but a variance may affect him just as vitally and he is half of a block away and he knows nothing about it. As far as the Civic Association goes, unless we have somebody who scans all of the City publications regularly, we have no way of knowing what is going on; and it's too much to ask -- we miss one out of three, and we have a very diligent committee that works on this. They are slow in sending the stuff out and they are not systematic in the way they are listed.

This whole proposition is thoroughly unsuitable to the protection of homeowners in Queens County and we say to you that we thoroughly support the zoning which has been set forth for Douglaston and for similar areas in Queens and, of course, we have not studied the commercial areas but as far as we are concerned, we do not criticize at all.

We are one hundred per cent in support of the resolution and we ask that it be adopted as soon as possible.

Helfat

Now, one final point occurs, and that is the question of this much disputed area along Northern Boulevard, on which there is a proposed map for the extension of Alley Pond Park. This is a matter, of course, which is beyond the jurisdiction of this Commission, except as far as the zoning goes. This is now zoned residential. There are many people coming before this Commission and arguing that it should be zoned in the future as an M1 or a C1 zone. They have seemed to settle on the weakness of the land as a ground for changing the zoning. Now, I am not an architect, but it puzzles me somewhat how, if it requires piling 60 feet or 100 feet to carry private homes, why is it any more suitable for having a commercial building? It would seem to me to require the same kind of piling.

Furthermore, I think they overlooked the main point and that is, if this is to be continued as a residential area throughout, surrounding it on four sides and that is what it is now, this should remain a residential area in the middle, either residential or a park. Otherwise, the whole four sides would crumble, zoning-wise, on all sides. The contiguous areas would just go to pieces.

The land was purchased by all of these people as residential land. While we understand that there is a profit to be made if it is rezoned, we cannot feel very sorry for these people. We feel the proposed zoning, which continues the present zoning, should be adhered to.

Thank you very much.

Hel fat

CHAIRMAN FELT: Thank you Mr. Helfat. Is Mr. Zeller present?

MRS. C. L. RICHARDSON: Mr. Chairman, Mr. Zeller has been called away from New York.

My name is Richardson. I am the Secretary of the Douglaston Manor Association. I would like to speak in Mr. Zeller's place.

We wish to speak in favor of the proposed resolution because we think it is an excellent solution for the plight of homeowners in Queens.

Ours is a small community of some 500 houses on the outskirts of Queens. We are 99% owner-occupied, and while we do not pretend to be experts in the field of industrial or Title I development, we are greatly interested in any measure which will make for a more orderly development of our area and the Borough as a whole. Naturally, our primary interest in the resolution is in the provisions which are included for the protection of home neighborhoods such as ours and against the doctrine of maximum land use, which seems to be presently rampant in Queens development. In our field we do know, from long experience, the type and degree of protection needed if a home-owning neighborhood such as ours, is to survive, and we are delighted that the proposed resolution seems to offer exactly this type of protection. Now, it is all very well for the Queens Chamber of Commerce to come here and talk about our zoning and the resolution's throttling of industry and commercial development in Queens. We feel the Chamber might do better to think about

the exodus to the suburbs of the skilled workers these industries are going to require because all of these people want homes and they are not going to take out a 20-year mortgage in an area which is already choked out. If they go, the industries are going to follow.

We have been informed by opponents of the resolution that the present code offers, with a few patches here and there, adequate safeguards for residential areas and there is no need for a change. Now, this is utter nonsense. The present code is filled with loopholes. The construction and development field today seems to be dominated by speculators who are taking advantage of these loopholes to buy, build and get out with a fat profit, leaving the local neighborhoods to make whatever adjustments are necessary.

Just as long as indiscriminate variances and spot zoning are permitted, no neighborhood in New York City, regardless of its zoning status, is going to be safe from disorderly development unless the property owners are prepared to appear constantly before this Commission and the Board of Standards and Appeals in defense of their area.

As Mr. Helfat has told you, our Association has had to appear before this body eight times and before the Board of Standards and Appeals at least 25 times in the last ten years to protect our status.

CHAIRMAN FELT: Pardon me, Mrs. Richardson. There are some people leaving, and many of you gentlemen would like to be heard; am I correct? If anyone is obliged to leave, I hope

you will please send in a memorandum to us, or fill in the sheet which you will find up in front. I am sorry that so many of you will have to wait. Will you proceed, please?

MRS. RICHARDSON: We have had to maintain a "stand-by legal committee." We have also found it necessary to subscribe to the very expensive "City Record" and the "Bulletin" and check every issue in order to be informed of pending applications, which would be granted for lack of opposition.

It is our contention that a Zoning Code which, instead of offering automatic safeguards, puts the burden of enforcement upon the adjoining property owners, is grossly unfair, inadequate and must be changed.

We are further informed that this proposed resolution is dangerous because it seeks to limit the power of the Board of Standards and Appeals and that, since variances are only temporary and decisions are subject to Court review, therefore no change is needed.

We have had a great deal of experience with variances in our neighborhood. A 15-year variance may be temporary in theory but its effect upon a neighborhood is just as permanent as a spot zoning change. In our area, we have a filling station which has been on a variance for the past 35 years and no one is naive enough to believe this is going to revert to residential use.

Our Association is of the opinion that the authors of this proposed resolution have done an outstanding job in preparing a balanced and detailed plan for the City's future orderly development and we urge that the resolution be adopted without further delay.

CHAIRMAN FELT: Thank you, Mrs. Richardson.

Is Mr. Nisita present?

GIOVANNI NISITA: Chairman Felt, Members of the Commission: my name is Giovanni Nisita, President of the Rocky Hill Civic Association and the Eastern Queens Civic Council, and I am a member of the executive Committee of the Federation of Civic Councils.

I would like to emphasize the fact that, last evening a press release was given to the Long Island Press, in which the Chamber of Commerce gave out their statement and, for some reason or other, the statement given by our present Chairman, Mr. George Regan, was ignored completely.

Another thing I would like to bring forth to you gentlemen, is this: that the question of the Chairman of our Zoning Committee, Mr. Lome, was duly acted upon in the regular parliamentary procedure and he was selected as the Chairman of that Committee to look into and represent the Federation on this particular subject.

Now, in the procedure which we have, Mr. Felt, we selected Mr. Lome to represent us through the whole resolution thoroughly and thoughtfully and have given it all the consideration we possibly could. The idea of saying that we have only decided in the last three days or two weeks to come forward and endorse the resolution -- those are not the facts as we know them.

We have looked into this resolution and we find it is the best and only thing that the homeowners in the Borough of Queens have had since the last revision.

Nisita.

The fact that they have questioned the shifting of the power of the Board of Standards and Appeals to the Planning Commission and given you the power that they claim you have -- would be something that we could never appeal, even to the Court.

Now, we have had the same experience, Mr. Felt, with the Board of Standards and Appeals. We have yet to have a reversal of any of the questions we have brought forth in Court; so we know what we have gone through. We also know the results that have been given to us through the Board of Standards and Appeals. We are willing - with our relationship which we have had in the past with the Planning Commission - we are willing to go along with this resolution because we know the caliber and integrity of this Commission.

Furthermore, we feel that anything you have, regardless of what the opposition may present, is a step in the right direction. We have had nothing but chaotic planning all the way through ever since I have been in civics, and that is over 10 years. We have had the gas stations, apartment houses, and so forth, which have given the homeowners nothing but heartaches and headaches, besides.

So, I am here to endorse not only the Proposed Zoning Resolution but I do want to go on record to say the Federation of Civic Councils, which is composed of the six major councils of the Borough of Queens, not only have selected Mr. Lome, but we also endorse every proposal that he has made and every fact that he has brought forward. There are some revisions that we have taken up with you and I am quite sure there is no document, regardless of what it might be, charter or constitution, that hasn't

some revision or amendments to be made. Nothing that is man-made can be perfect. So, with that in mind, I am sure that the resolution before you and which has been proposed to the people of the City of New York, can be corrected if there are any faults, and that anything we have in the future cannot be as absolutely chaotic as it has been in the past.

However, we would like to suggest some changes I would like to take up with you at some time.

CHAIRMAN FELT: Mr. Nisita, if you will just refer to the fact for the record....

MR. NISITA: There is one on map 15a which I will take up with you because I think there should be a revision.

CHAIRMAN FELT: We will be glad to review that with you if we can avoid going into the details.

MR. NISITA: I want to make it as brief as possible. Mr. Cooperman will follow me; he is a member of my Board in Rocky Hill and he will speak very briefly on that.

CHAIRMAN FELT: His name does not follow your name on the list, Mr. Nisita.

MR. NISITA: Oh, I am sorry. I want to reiterate that the Federation of Civic Councils, who are all members of the six major councils of Queens, endorse and support the proposed resolution.

Thank you very much.

Felt / Nisita

CHAIRMAN FELT: The next name I have is Louis B. Kanigher. Is Mr. Kanigher present?

LOUIS B. KANIGHER: Mr. Chairman, and Members of this Commission, I left this morning, with the Secretary, a sketch. I mailed a letter to you with the sketch, but the reason I am here is because I want to elucidate in this prepared statement on the subject that I want to discuss.

My name is Louis B. Kanigher, and my address is 70-32 110th Street, Forest Hills, Borough of Queens, and the map number is 14.

I am the owner and occupant of a residential property at the address mentioned which is located at the southwest corner of 70th Road and 110th Street. The property consists of a one-family, 11-room, detached house and one garage on a plot 100 by 100. In the original zoning map proposed by Voorhees Walker Smith & Smith, my property was included in the Proposed R7-1 zone. This has later been changed to R1, which is now proposed. It was changed from R7-1 to the proposed R1, and I want to protest the damaging effect the new zoning change will have on my property. As matters now stand, the block I am referring to consists of 120,000 square feet. The same is divided as follows: 1/6th of the block, or 20,000 square feet, is proposed in R1; 5/6th of the block or square feet is proposed as R7-1; and 31,000 square feet is in C1-2 and, incidentally, the 31,000 square feet is an open-air parking

space that is owned and operated by the Cord-Meyer Development Company. This happens to be the Cord-Meyer section - where I reside. In the 5/6th of the block, it is planned to permit the erection of both commercial and high-rise apartment buildings while our property and the adjoining one, which is owned by a religious organization, will be restricted to low area coverage of one-family dwellings, only - that's the R1.

I am requesting that you kindly reconsider this spot zoning as the immediately adjoining property, consisting of the 69,000 square feet which is proposed for R7-1 will attract builders, causing it to be developed with high-rise apartment buildings, following the trend in this area.

CHAIRMAN FELT: We will be glad to review that, Mr. Kanigher.

MR. KANIGHER: The additional apartments and commerce will bring increased pedestrian and vehicular traffic and drastically change the character of my immediate neighborhood, it will cause my home to have a greatly reduced market value. This will not allow me to cover my original investment, not even considering the improvements I have made, nor will it permit me to enjoy my property for the purpose

Felt / Kanigher

for which it was originally constructed.

I respectfully request that you reinstate my property in the R7-1 zone so that if the adjoining properties are developed, my corner will not be left standing, not available to developers because of its zoning status.

May I suggest as an alternative and I want to be fair about this, that you incorporate the 69,000 square feet as now proposed for R7-1 into that of R1, which will leave our block intact. It would attract potential home buyers and will receive the whole hearted support of my neighbors and the hundreds of one-family homeowners in this area.

If you gentlemen have any questions to ask me or would like to know anything further, I would be glad to answer you.

CHAIRMAN FELT: I have told Mr. Friedman of our staff to meet with you as soon as you are through with your remarks and discuss the matter with you.

MR. KANIGHER: I thank you, and I would appreciate it very much, gentlemen, if you do one of these two things: either put me in a R7-1 zone or change that to R1, which would be satisfactory to everybody on that block.

CHAIRMAN FELT: Thank you. Is Mr. Caston present?

FRED CASTON: My name is Fred Caston and I am the President of Queens Home Builders Association, which is a division of the Long Island Home Builders Association and we have 600 members in Queens, Brooklyn and in the Long Island area. We are associated with one of the largest groups of the National Association of Home Builders.

First of all, I would like to say that I certainly have gained quite a bit of insight here today and realize what you gentlemen have as a problem in rezoning the City of New York. We have not the scope to see the problem as you see it, but we do feel very strongly that the City does need many amendments in the Zoning Resolution. We feel that these amendments are called for by the many different changes in the neighborhoods of Queens.

We certainly would not like, as some people who were here today, to see Queens as a Borough with no gasoline stations, no apartment houses and no industry because it happens to be something which would have to abut someone's property. It takes the wisdom of a Solomon, and we certainly know, from our past experiences with the Planning Commission, that you gentlemen have been very fair with some difficult problems.

However, we feel that while zoning should do the things I have outlined and you have tried to do them, that this resolution could have been changed and should be changed in some ways to help us to effect a more modern development of the areas of Queens, where we do have a certain amount of blight

and slum areas developing. We know that since the maps were prepared, and we have been told this by members of your group, that there has been quite a change in the neighborhood in Queens and, whereas, we feel that there is a need to cut down density because certainly, there are tremendous problems it will cause. We think there should be new consideration given to the many areas in Queens which will not be able to be developed and which will remain as blighted areas until the City has to either destroy the property or condemn it for public housing. This will not help the tax rolls of the City and we think that you gentlemen will agree with us that it is not going to create a good situation in the assessment rolls.

Now, as far as a person with a house in these areas is concerned -- they would be able to, at this time, and we have many houses which would take a block front or 20,000 feet, and we have many people who would be able to sell them at this time, and the houses would be convenient to transportation; and under the present zoning multi-family developments could be built in these areas. Now, this would be the type of thing with some modification of density that would be right for the development of these areas.

We feel that the text should be written, and in many cases, map changes made so that this could be accomplished.

I have with me a copy of the old Zoning Resolution. It takes 40 pages in the Building Code and it has been quite concise and it has been quite easy for us to work with up until now. We want a new zoning resolution. We feel that we need one,

but we feel that this resolution has been gone into with undue speed and there should be some thought given, not so much to coming out with something that is a "fait d'accompli" as much as later on would be a working thing and which will keep many cases out of the courts.

We were requested to present some maps of Queens County and our suggestions for changes, and I have brought the maps with me and I have prepared a brief which we will submit with the maps.

CHAIRMAN FELT: Thank you very much. Is Mr. Dvorkin present?

MEYER DVORKIN: Chairman Felt, and gentlemen of this Commission; my name is Meyer Dvorkin and my address is 150 Broadway. I am here on behalf of a single-property owner. His property is located at 27-50 First Street, Astoria.

If you gentlemen will turn to map 9a, you will notice a bulge at the left, in Astoria, just where the Queens end of the old 92nd Street Ferry was located. The block is No. 490.

VICE-CHAIRMAN BLOUSTEIN: Will you give us the street number?

MR. DVORKIN: The number is 2750 First Street, right near 27th Avenue, just on the outer perimeter of that bulge.

VICE-CHAIRMAN BLOUSTEIN: Right at the northerly end of the housing development?

MR. DVORKIN: Yes, I represent the owner of this building, who purchased it in 1939 and it is used for industrial

purposes and manufacturing purposes at this time. When we purchased this building back in 1939, the area was unrestricted and it was unrestricted at the time the owner spent over \$120,000 in connection with improvements that were made.

At the present time, the building is occupied by the world's largest manufacturer of hampers, Gleitman's, Inc. They have some 400 or 500 employees whose annual payroll is about \$2,000,000.

Now, under the proposed resolution ours would become a non-conforming use because of the proposed change in zoning from the present manufacturing zone to an R6 zone, so that apartment houses could be located there. We feel that the new resolution is unfair to us, it is inequitable and its result is confiscatory.

While it appears that we might have 25 years extension of life, we have been informed by our tenants that when their lease expires in five years, if this present resolution is adopted, they intend to move and it will be impossible for us to secure a long-term tenant during the balance of 15 or 20 years. We feel very positively that the resolution will deprive us of the use of the property which was lawful at the time we moved in. Even worse than our inability to lease will be our inability to sell because nobody is going to purchase industrial property when he knows that a deadline is set for its life, when he knows, say, in 1985 the premises can no longer be used for industrial purposes and that it must be torn down, and what we get in condemnation at that time is pure guesswork.

Furthermore, the adoption of this resolution would result in ourselves and owners of the other similar properties refusing to spend money for expansion or for other development purposes.

There is the danger that business will move away because we will know that within 25 years the buildings, which are the older buildings, must be discontinued and, naturally, no new business will move in and here, as in the case of our building alone, there will be a loss in payroll which -- half of which will be expended in Queens County. I say half because I understand that approximately one-half of the employees in our building are residents of the County of Queens, so that out of the \$2,000,000 payroll, approximately \$1,000,000 which might otherwise be spent here at home will be spent elsewhere. Then, of course, there will be a loss in taxes to the City.

While I don't want to shed any crocodile tears for the City of New York, the fact remains that at the present time we are paying some \$13,000 in taxes on our own property, and along this perimeter, the outer edge of this bulge, are other industrial properties which are similarly paying substantial sums.

We, therefore, ask your respectful consideration that the resolution be amended to the extent that it will permit these buildings which have existed at least prior to 1916, when the first Zoning Resolution was adopted, and even those which are presently properly used for industrial purposes, be permitted to continue their use.

Gentlemen, may I have a week's time to submit a memorandum?

CHAIRMAN FELT: Certainly, Mr. Dvorkin.

MR. DVORKIN: Yes, does the Commissioner arrange for personal conferences?

CHAIRMAN FELT: Oh, yes, just phone Mr. Jack Smith.

MR. DVORKIN: Any time during this coming week?

CHAIRMAN FELT: Yes, any time during the coming week. We are having another hearing on Friday and if you phone him any time during the following week, he will be pleased to arrange an appointment for a conference.

MR. DVORKIN: Thank you very much.

CHAIRMAN FELT: The next speaker is Carl Abramson.

CARL A. ABRAMSON: Mr. Chairman and gentlemen of this Commission; my name is Carl Abramson. I am a real estate broker associated with Trylon Realty in Forest Hills. I have a short, prepared statement and I would like to read it.

I am here as a homeowner in Queens and as a real estate broker, in opposing the bulk and density provisions under the proposed rezoning.

Primarily, as a homeowner, in view of the curtailment of building under the resolution, the tax burden will fall upon all our Queens homeowners.

The proposed rezoning, in particular, is discriminatory against the building industry affecting Briarwood, Rego Park, Elmhurst and Jackson Heights and those immediate environments.

Under the present bulk and density provisions, it will be impossible to build an apartment house in these areas. I contend that our apartment house builders have upgraded the area. Our great City has made tremendous progress, under the so-called bad zoning. When you look around this room and listen to some of our speakers, you would think that our great City is falling apart. Nothing is further from the truth. We owe a debt of gratitude to our builders and to all our real estate fraternity for the part they have played in the growth of Queens.

A previous speaker has brought up a zoning of R5. I wish to call his attention and to all other homeowners, that they have nothing to fear. For instance, in Elmhurst, which is presently in a "C" zone, a builder can erect approximately fifty apartments on a plot 100 by 100. Under R5 he can only build about twelve apartments. In view of the fact that the cost of land in this area ranges from \$7 to \$10 a square foot, it would be impossible to build any future apartment houses.

I wish to inform our civic associations that we who are allied with the building industry are not fighting your civic groups. We want to get together with your organizations and work out constructive changes in the proposed zoning rather than to accept and blanket the present proposed zoning.

CHAIRMAN FELT: Thank you, Mr. Abramson, for your information, I don't want to take the time of everyone to read a letter that I was requested to read. I will read it into the record later on. It's a letter from Fred C. Trump, who does a great deal of building, endorsing the proposed resolution. You mentioned R5 -- in just one sentence here he says, "Beach Haven consists of a group of six-story buildings with a coverage of 20%, indicating a floor area ratio of 1.2, which is indential with the floor area ratio under the R5 designation of this area." I won't go into this and I don't intend to debate, but here you see one of the builders who....

MR. ABRAMSON: Excuse me, Mr. Felt, but Mr. Trump purchased that land many years ago and didn't pay \$7 to \$10 a square foot and I can appreciate his feelings on that.

CHAIRMAN FELT: This letter comes today from him, in which he urges the adoption of the modern zoning resolution.

Is Mr. Levine present?

MICHAEL LEVINE: Mr. Chairman, and Members of the Commission, I speak in behalf of my clients, who own property which is shown on map 18d. My name is Michael Levine and I am an attorney with offices at 50 Court Street, Brooklyn. I respectfully ask this Commission to please place our property, which is in the area bounded by 130th Street to 134th Street, South Conduit Avenue

in either a M1-3 or an M2-2 zone.

CHAIRMAN FELT: What is it designated under the proposed resolution?

MR. LEVINE: Under the proposed resolution, it is placed in M1-1 zone.

CHAIRMAN FELT: What do you suggest?

MR. LEVINE: I am suggesting an M1-1 or M2-2 and the reason being that....

CHAIRMAN FELT: In other words, another gradation of the same manufacturing zone?

MR. LEVINE: That's right. We believe that we are entitled to greater bulk usage of the property. We are adjacent to the New York International Airport which, although it is also placed in an M1-1 area, nevertheless, it does not have to abide by the rules and regulations of our zoning enactment, and we have not had any opposition to their acts. They have erected beautiful industrial and commercial buildings, but fortunately for them, they paid no taxes - we have. The land is costly and we made various improvements there, and we feel that we should be given the opportunity of attracting industry to that particular place.

We are immediately adjacent to the buildings of the Department of Sanitation, the sewage disposal plant, the Department of Public Works, the Bureau of Encumbrances, and it is

anticipated that, in the very near future, a new addition to the department of Sewage Disposal will be added on 150th Avenue and 132nd Street.

The fact of the matter is that we don't want to ask for something which we think we are not reasonably entitled to receive. To expect the property to be classified in new zoning for one-story buildings is really placing it to a very destructive and uneconomic use.

Under the circumstances, I respectfully ask your Honor to permit me to file a memorandum and meet with Mr. Jack Smith so I can take this matter up and also discuss several other things on behalf of our clients. Thank you very much.

CHAIRMAN FELT: Thank you. Is Mr. Stark present?

MARCOLM STARK: Mr. Chairman, and Members of this Commission, my name is Marcolm Stark. I represent the owner of premises and the tenant, Coffee Instants. We have a block in Long Island City that covers approximately 150,000 square feet. This abuts on the East River.

VICE CHAIRMAN BLOUSTEIN: You sent in a memorandum with the facsimile of your factory did you not?

MR. STARK: Yes with the facsimile of the factory and with a drawing and a survey.

Felt/Bloustein/Stark

VICE CHAIRMAN BLOUSTEIN: You see we read your memorandum.

MR. STARK: I appreciate that. At these hearings, there may have been some mention made of what will happen to an industrial concern which finds its property use is curtailed by the proposal, but there is little of this reported in the newspapers.

We do not question the premise that zoning changes are necessary to the public welfare. We do object specifically to the proposed rezoning of the particular block on which our plant is located. Under the present law this block, which is on Map 9a, bounded by 26th Avenue on the south, the East River on the north, a line between 2nd and 3rd Streets in Long Island City, is unrestricted and under the proposed zoning, it will be in an R6 zone.

Our plant, which processes and packs instant coffee and tea, is brand new and quite beautiful. The grounds, when landscaping is completed, will be lovely. Off the streets and out of sight, parking areas have already been set up and are in use. We received our certificate of completion from the Department of Marine and Aviation in August of 1959, last year.

According to the proposal, the life of our business in this building must be ended by 1999 - a 40 year span of life allotted to a multi-million dollar unit. This is hardly a sufficient time to come out whole on an investment of this stature.

Bloustein/Stark

Even assuming that this time is determined to be sufficient, any progress we might wish to make by way of additions to our present physical structure, adding buildings on our block, building wharfs for ships or barges, any such progress, is stifled by the stringent provisos of the proposal, giving us no more than 15 months to file plans, and a somewhat longer time thereafter to complete such building.

Our building is not a multiple-use structure. It was designed and built for its sole use as a coffee plant. It cannot be converted at any time to any type of apartment house or multiple dwelling.

In the operation of this plant, there is no noise or vibration; no heat, glare or humidity is thrown off. The building is completely fireproof, and there are no explosion, radiation or fire hazards.

I need not emphasize the fact that our continued existence gives to contiguous areas a tax advantage, as well as providing work for more people in the neighborhood. At the present time, 25% of our workers come from the almost immediate neighborhood.

We are employing between 150 and 200, and its' going up. If our block is rezoned as a residential area, we are irreparably damaged unless we are given more than 40 years of life and, during such period, allowed to build and progress as we deem necessary.

VICE CHAIRMAN BLOUSTEIN: You mean if you want to expand?

MR. STARK: That's right. Actually - this is slightly off the record - our building was built with what we call "curtain walls" so that we can bulldoze three sides of that building and expand it in the same architectural line.

It is therefore respectfully submitted that the block to which reference is made be excluded from the R6 codification in the proposal and be classified in the proposal as M1 or M2, whichever covers our operation.

It is further respectfully requested that the objections heretofore filed be incorporated in the record of these proceedings.

Mr. Chairman, thank you for the time accorded to us, and I should also like you all to come and visit us at what we think is the most beautiful coffee plant in the world.

VICE CHAIRMAN BLOUSTEIN: Do you manufacture the instant coffee there?

MR. STARK: Yes, sir.

VICE CHAIRMAN BLOUSTEIN: Do you package it there, also?

MR. STARK: Yes, sir.

VICE CHAIRMAN BLOUSTEIN: And you distribute it from that place?

MR. STARK: Well, it is distributed through various chains all over the country and the world.

Stark/Bloustein

CHAIRMAN FELT: We will consider the matter that you suggest to us. We will review the matter and the statement that you will leave with us.

MR. STARK: I am leaving a copy of what I just said, sir, in addition to what I filed heretofore.

May I, at some future date, possibly next week, discuss the matter with your staff?

CHAIRMAN FELT: You can telephone Vice Chairman Bloustein, any day next week and he will be glad to arrange an appointment with you.

VICE CHAIRMAN BLOUSTEIN: You may call me in the morning.

CHAIRMAN FELT: The next speaker will be Mr. Arthur Cohen.

ARTHUR COHEN: Mr. Chairman and Members of this City Planning Commission, about 12 years ago, we moved from 56 Commerce Street, Manhattan, to Maspeth, Queens. We needed larger quarters for parking and delivery. That made it more necessary. We did not want to move to New Jersey and found Maspeth to our liking geographically; it was the center of New York City for delivery and pickups.

At the time, we were told that the building we now own was to be sold at a New York City tax sale. This building had been empty for many years and in a deplorable condition. It had no

windows, holes in the roof, open floors, no gas, electricity, or water.

VICE CHAIRMAN BLOUSTEIN: Where is that building located?

MR. COHEN: The building is located at 5757 63rd Street, Maspeth.

VICE CHAIRMAN BLOUSTEIN: Are you right near the cemetery?

MR. COHEN: That's right. We were informed by the neighbors that it was a hazard for the children and that, from time to time, there were fires in the building, started by vagrants.

We purchased the building after finding out that it was in a manufacturing zone and in the center of a group of other factories. We made all the necessary improvements in the building and conformed with all the requirements of the Building and Health Departments. We had to borrow money to pay for all this, plus the cost of moving.

VICE CHAIRMAN BLOUSTEIN: What do you manufacture?

MR. COHEN: We manufacture displays - window displays.

VICE CHAIRMAN BLOUSTEIN: Is that cardboard displays?

MR. COHEN: Yes; for department stores and chain stores.

We enjoy the friendship of our neighbors and about 50% of our help comes from the immediate vicinity. Most of our supplies are purchased from local merchants.

We have been informed that there may be a change in the zoning which would prohibit manufacturing. If this is done, we would be compelled to go out of business because we have not yet finished paying for the cost of moving to our present home. We, therefore, protest the change in zoning and hope that you will decide in our favor.

Gentlemen, have you seen the houses in our vicinity?

VICE CHAIRMAN BLOUSTEIN: We know the area.

MR. COHEN: They are almost all attached houses and most of them have tar paper siding. Another thing I would like to state is that all the factories in our vicinity have off-street parking and we, ourselves -- all deliveries are made into the building. All the people who work for us park their cars there.

VICE CHAIRMAN BLOUSTEIN: Do you own the square block?

MR. COHEN: No, it runs through the whole block and we have the road that runs through on the side of the building. We have an elevation in the front where the cars come in from 64th Street and park on the elevation in front of our building. I hope sometime we can have another meeting and go over this in private. Thank you, gentlemen.

CHAIRMAN FELT: Thank you very much, sir. Is Mr. Schenck present?

Bloustein/Cohen/Felt

HARRY J. SCHENCK: Mr. Chairman, Members of the City Planning Commission: I am Harry Schenck, Comptroller of Cating Rope Works, Inc., located at 58-29 64th Street in Maspeth. Cating Rope Works manufactures all types of cordage, manila, sisal and all synthetics.

As you can well understand, the changing of the zoning code has upset us as well as other manucaturing concerns in our area.

Major James Cating, back in 1860 picked Maspeth to set up Cating Rope Works as a manufacturer of rope in preference to Manhattan, mainly because of the easy accessibility to the Brooklyn piers and also as a central place for shipping rope products over the entire United States. Our factory is located across the street from a cemetery.

The shipping industry uses a good percentage of our products and, as we know, the activity in New York Harbor has been on the decline for several years. Moving manufacturing concerns away from the New York area can only help it to decline further.

In checking our employment records, we find that 90% of our employees live in Maspeth or in the immediate vicinity. Some employees have worked for us for over 40 years; their children and grandchildren have also worked for us. We are the only rope manufacturer in Queens and if we are compelled to move, it would indeed cause a hardship on our employees, who are semi-skilled.

We certainly hope that this proposal will be reinvestigated and remain under the present existing standards.

Schenck

VICE CHAIRMAN BLOUSTEIN: How many people do you employ?

MR. SCHENCK: We have 100.

VICE CHAIRMAN BLOUSTEIN: Where do they live?

MR. SCHENCK: About 90% come right from Maspeth or Glendale or Middle Village.

I believe we are one of the oldest manufacturing concerns in Maspeth - we have been there for 94 years. I would like to present to you gentlemen a booklet on our 90th Anniversary, which will give you a history of our concern.

CHAIRMAN FELT: Thank you very much. Is Mr. Witschieben present?

DOUGLAS WITSCHIEBEN: Mr. Chairman, my name is Douglas Witschieben, and I represent the Property Owners Association of Middle Village. We have studied the Zoning Resolution as proposed and we have these comments to make on it. Our area covers and is found on Map 13c and 13d, and for the most part it has been zoned for R4 and R5.

Now, a great many of our homes are single family detached homes. There are, also, however, a great many attached brick houses of the type that is commonly called row houses. I think Commissioner Sweeney is familiar with the area. Most of these houses have been up for ten to twenty years and some of them are being built right now. Most of these houses sell for

prices anywhere from \$15,000 to \$35,000, depending on the type. For some reason, many of the speakers here seem to have seized on these row houses or attached houses as whipping boys, so to speak, and we feel that these houses, as well as the detached single-family and two-family houses, are deserving of better treatment than merely R4 or R5 classification.

Under the R4 or R5, we see the distinct possibility that these blocks may become the subject of apartment and other type developments.

Early this afternoon I was encouraged to hear Commissioner Bloustein mention that there is some thought of presenting multiple dwellings in the R3 classification. We are in hopes that a similar provision might be made for the R4 and R5 homes which predominate in our area. If you know the area, I think you will realize that at the present time it is expanding with the addition of a great many homes of this type, and we strongly feel that these homes are deserving of this type of protection.

Therefore, I would suggest that either, one, that the R4 and R5 classifications that have been allotted to us be changed to R3, or, two, the R4 and R5 classifications, as set up by the proposed resolution, contain a prohibition against multiple dwellings or, three, that a new type of classification be set up which would protect the attached houses, which as I say, are quite prevalent.

CHAIRMAN FELT: In other words, you are directing your remarks to a request for upgrading your area?

MR. WITSCHIEBEN: Yes, we are.

VICE CHAIRMAN BLOUSTEIN: Would you fit into an R3 area?

MR. WITSCHIEBEN: Some of the houses would, Mr. Bloustein, and some would not; but I think that, basically, if we had that type of protection for future development, it would be a good thing.

In the Middle Village area, generally, there has been some spot zoning in the past where we have had some extremely unfortunate results in having industry, factories, right next door or across the street from rather well-kept residential neighborhoods. I think that is an unfortunate thing which we would like to avoid in the future. I don't want to take much of your time, but I would like to make this observation.

About three years ago, I was before your Commission on another matter in which I pointed out the fact that some portion of our area -- the zoning had been changed with no more notice to the people than the notice in the City Record. We, at that time, suggested that it might be appropriate to give better personal notice to the people involved and recommend legislation for that purpose.

Now I am happy to see that you people are considering that, and I would strongly urge that this type of legislation go through in conjunction with or as a supplement to the zoning resolution. Of course, it would be by amendment to the Charter, but I do think that would be essential. Therefore, I would appreciate

very much, on behalf of the property owners of Middle Village, if these changes could be considered.

CHAIRMAN FELT: Thank you very much, Is Mr. Dufour present?

WITHAM J. DUFOUR: Mr. Chairman, and Members of the Planning Commission, I was here last week. My name is Witham J. Dufour and I am Chairman of the Zoning Committee of the Old Country Club Civic Association and also Chairman of the Zoning Committee of the North Shore Council of Civic Associations.

The North Shore Council is composed of 20 homeowners' associations, each one of which has more than 200 homeowner, real estate tax-paying, members; so I am talking for many people when I say that we enthusiastically endorse the proposed comprehensive amendment to the Zoning Resolution.

Our specific map suggestions are in your hands, in writing. With the present hodge-podge of zoning and so-called temporary variances granted almost weekly, there is no future for our City. Schools and public services such as transportation, sewers and hospitals become obsolete and new facilities have to be planned almost overnight to take care of the density of population which suddenly springs up. We must stabilize the zoning. Today, it can be changed by the whim of special interest. Opposition - who are they? Special interests in almost every case.

A perfect example of this is the so-called meeting held in Queens by the Queens Chamber of Commerce and supposedly by the civic associations. This paper, the Long Island Star Journal,

must be ready and willing to print any kind of a press release. I haven't found it to be the case for myself personally, as I have tried to get press releases through on private matters and can't get any space at all in the paper, but here is a typical example of pressure.

CHAIRMAN FELT: I must say that we have found the paper to be quite reliable.

MR. DUFOUR: Something happened in this case, Mr. Felt. It says, "Chamber and civics unite in zoning fight." In the last paragraph of this article is mentioned the fact that Mr. George Regan, President of the Queens Federation of Civic Councils who represents 250 civic groups, civic councils, not civic associations, strongly endorses your resolution. That should have been the headline in this article, without any question.

The same thing happened in the World Telegram a couple of weeks ago -- "City architects reject new zoning proposal." Who are the city architects? It is a splinter group. That is the sort of thing that is being done to fight your new resolution. It is my belief, that anyone who has any sense and any awareness of what you people have done, will realize that these are special interests that are fighting you. You haven't tried to push this thing across at the last minute, like they say. This thing has been going on for several years and everybody has had ample time to be heard. We have had a chance and I know everyone else has had a chance also, because it has been in the papers for the last

year and a half, to my knowledge - since I became interested in the subject.

Then, they come along and say that the City Planning Commission will have all kinds of power. What kind of situation do you have right now, with the Board of Standards and Appeals and Section 2, Article 7E, which is the power to grant a temporary variance in any neighborhood for anything. What is that if it isn't unlimited power? Apparently it is so strong in the present law that it can't be fought very successfully. It is almost unbelievable what power is now in the hands of people to grant spot zoning and ruin any neighborhood if they feel like it, for someone's pecuniary advantage. Here is a perfect example of what I am talking about - in my own neighborhood, there suddenly appears a sign for the "North Flushing Country Club - swimming and recreation, non-profit, cooperative, see so-and-so..." I have investigated the law and, apparently, a club, as long as it professes to be non-profit can be put in any neighborhood in this City by anybody. I have checked that with the Building Department of Queens, Mr. Kelleher, himself, and he tells me that under the present law, a non-profit group of people may apply for a building permit for a club, swimming pool, restaurant and bar, in any neighborhood in the City regardless of whether they live in that neighborhood or not.

That is the kind of thing we have today. We must get rid of it and I certainly hope to get your new zoning resolution passed by the City fathers as soon as possible. Thank you very much.

CHAIRMAN FELT: Thank you, sir. The next speaker on my list is David L. Kline.

DAVID L. KLINE: Mr. Chairman, and members of the Board, my name is David L. Kline, and I am Treasurer of Endo Laboratories, in Richmond Hill, 101st Street. I appear here as a private citizen and as a business man.

I think our situation is a special situation that deserves a second look on the part of the Commission. We are on Map 14b.

We are engaged in the pharmaceutical manufacturing business, in what is called "ethical pharmaceutical". By that I don't mean others are unethical but as distinguished from "proprietary".

In other words, our products are sold on doctors' prescriptions and we go to the doctor for our promotion signs. It is the kind of business that Senator Kefauver has been investigating. He hasn't investigated us. I don't think we make enough money for that. Anyway, that's the business - the medicinal pharmaceutical business.

VICE CHAIRMAN BLOUSTEIN: When he gets around to you, he will give you the business!

MR. KLINE: Well, as I said, I don't think we make enough money. He is after the big ones.

We have a group of buildings there - three buildings - and next to us is another factory - the Frank Medico Pipe Company. We are the only factories in this area.

Kline/Bloustein

Now I have no specific authority to speak for the Frank Company, our neighbors, but I do know that they sent in a letter.

COM BLOUSTEIN: Where is your factory located?

MR. KLINE: We are located at 101st Street between 85th Road and Park Lane South. I would just like to give you a verbal picture of our situation. We are on the west side of the street and right behind us is the Long Island Railroad. We have a siding, a railroad siding.

In front of us is a little park. The Frank Company and our Company have deeded that park to the City twenty years ago, free of charge, to be maintained as a park. I daresay, with all modesty, that we have maintained our buildings and our property in a very nice way. I think we have improved the neighborhood.

We have a piece of land between two of our buildings in which we have a flower garden and a lawn. All in all, we have a park-like atmosphere with trees, as if we were in the country.

Now, if we take the two factories together, the Frank Company and ourselves, the only residences are to the south of us. To the north, Park Lane South, is the park.

Forest Park, and to the west of us is the Long Island Railroad. To the East is this little park that I spoke about, and to the south of us, there are these two-family attached residences. I think Commissioner Sweeney has been in our building some years ago.

VICE CHAIRMAN BLOUSTEIN: That is down at 84th Street?

MR. KLINE: No, 85th Road. The housing is below 85th Road. Now gentlemen, this is not a situation where we came into a residential area. It is just the other way around. This was unrestricted and, as a matter of fact, when the first Frank Company building was built, over fifty years ago, this was vacant land.

VICE CHAIRMAN BLOUSTEIN: What do they manufacture?

MR. KLINE: They manufacture pipes. They are called Medico Pipes.

They own the Kaywoodie Pipe Company - they bought that. They came there before we did, a good many years before we did.

VICE CHAIRMAN BLOUSTEIN: How many people do you employ?

MR. KLINE: We employ 250 and they employ 300; between us, we employ 550 people.

VICE CHAIRMAN BLOUSTEIN: Do your people come from the vicinity?

MR. KLINE: From the immediate neighborhood,

sir. Many of them live right in the next block. We have some from across that little parkway, right across; others are a short bus ride from us. We employ unskilled help, too - a lot of housewives, who could not go any distance from their homes because it wouldn't pay them or they wouldn't have the time, but with us - walking distance or a short bus ride or their husbands dropping them off - they are able to put in a day's work and it is very helpful.

I say to you gentlemen, to rezone this to R5, which I believe is the intention, would not only be an injustice to us as business people, but it would cause considerable hardship to five or six hundred families in that immediate neighborhood.

CHAIRMAN FELT: Mr. Kline, we will review this matter and will be in communication with you in connection with it.

VICE CHAIRMAN BLOUSTEIN: We have been discussing it; you know that.

MR. KLINE: I don't know, but I did write a letter.

CHAIRMAN FELT: The Vice-Chairman means that he and I have been discussing it while you were talking. I suggest that you call Vice Chairman Bloustein sometime next week. He will arrange to discuss the matter with you. But in the meantime, will you submit a statement?

Felt/Bloustein/Kline

MR. KLINE: Yes, sir; I will.

CHAIRMAN FELT: Thank you, Mr. Kline. Is Mrs. Adele Gerity present?

MRS. ADELE GERITY: My name is Adele Gerity. I am President of the Astoria Property Owners Association. I have written down here, "Good morning." It was 9:30 when I got here. Now I will have to say, "Good Evening, Sir."

I am not here to talk about industry, ratio, density, or air space. I am concerned, at this time, only with what R5 and R6 means to us.

Our area in Astoria is a choice spot along the East River -- Map 9a.

In all our correspondence, we get the impression that we were to be consulted and we were to work with Voorhees Walker Smith & Smith, and yourselves. However, this is not so.

Our Committee's knowledge of the area and its needs have not been considered. Our question is what the R5 and R6 zoning means to us. We have sent you three letters and as yet have received no reply.

CHAIRMAN FELT: I am sorry, Mrs. Gerity. What do you think the zone should be?

MRS. GERITY: I would like to finish what I have, if I may? The question isn't the zoning - it's only what the zoning means to us and, as yet, we never did get a satisfactory answer. So, we ask the question: Of what benefit will the new zoning

of R5 and R6 mean to us as property owners and home owners?

Number two - since we are an established community, with no large vacant tracts of land, how do you city planners expect and and pretend to fulfill the proposed meaning of R5 and R6?

You've given a time limit for certain industries to vacate. It is so written in the final plan. On what page is it written that dwellings not conforming to the concept of R3, R4, R5 and R6, which have been erected prior to the plan are not going to be relocated or vacated? We want wording relative to the security we hope to maintain. This wording must be incorporated into the revised code.

VICE CHAIRMAN BLOUSTEIN: There is nothing here that requires you to vacate your houses.

MRS. GERITY: It is not so written in any of the zoning code, and that is how it appears to us.

VICE CHAIRMAN BLOUSTEIN: Don't be concerned about it - if you live in a one-family house and if it is an R5 district, you may remain there.

MRS. GERITY: It isn't necessary to have it so written?

CHAIRMAN FELT: Mr. Smith, will you step forward when Mrs. Gerity is through with her statement and explain the details of this to her.

VICE CHAIRMAN BLOUSTEIN: What kind of house do you live in?

MRS. GERITY: A one-family, but I am speaking for all the people in this Association who live in four-family, two-family houses, as well. You know the area.

CHAIRMAN FELT: We know it very well. I don't think there is anything in the designation of the area as we have mapped it, that would be inimical to you.

Of course, I must say there are some people who appeared here this afternoon who feel a residential zone is an improper zone.

MRS. GERITY: That is industry along the edge.

CHAIRMAN FELT: That is the industrial group, but what we have done is to map that R6, and R5 - the district to the south of it - that is along the river.

MRS. GERITY: That is our area - there is no vacant land and we are established there.

CHAIRMAN FELT: Nothing that we have done up to date would violate or in any way be inimical to your occupancy or your continued occupancy, but rather than go into details now, which will take some time, I am going to have Mr. Smith talk to you about that.

MRS. GERITY: If I can bring that word, that we have security, we would have no objections whatsoever.

CHAIRMAN FELT: Based on our present mapping, you definitely have all the security you need.

MRS. GERITY: One more thing - the next step is the Board of Estimate. May we expect that every organization receive a final copy of the Code before it goes to the Board of Estimate - at least thirty days before the hearing?

CHAIRMAN FELT: I think it would be better for you to communicate with us. That is the best thing to do. If you communicate with us; that is, send us a letter and say "As soon as you have your reports available for the Board of Estimate, we would like you to send us a copy", we will do that. You will then be on record as having requested it. You can now speak to Mr. Smith, and assure the people that there is nothing to worry about.

MRS. GERITY: We would like to add that we have no objection to tall buildings if there is room for them.

CHAIRMAN FELT: Thank you, Mrs. Gerity. Is Mr. Del Rosso present?

ANTHONY N. DEL ROSSO: Mr. Chairman and distinguished Members of the Commission, my name is Anthony Del Rosso, 15 Park Row, New York, and I represent an owner of property on Map 13a, situated on the south side of 53rd Street between 46th Street and 43rd Street, in an area directly above the proposed zoning of M2-1. The subject area is located in the upper right-hand side of Map 13a, between Calvary Cemetery and New Calvary Cemetery on the east and west, and on the north would be the Long Island Expressway.

The subject area in question, to which I will direct my

remarks, will be that area between 43rd Street and 46th Street, on the north by the Long Island Expressway, and on the south by 53rd Street. The area is one in which there are now located approximately 35 old frame houses, which are 70 or more years in age.

The Building Department of the City of New York has never issued a building permit for residential use, I would daresay, in the past 40 years in this particular subject area. An inspection of the area would show that the character of the neighborhood is one that in order to accomplish what the legislative intent of this proposed zoning is, as set forth for manufacturing districts, directly taken from Section 41.00, on Page 73 of the Proposed Zoning:

- 1) To establish the general goal of providing sufficient space to meet the needs of the City's future economy;
- 2) to promote most desirable use of land and its development
- 3) to protect the character of the districts suitable for particular uses.

Gentlemen, I know from what I have heard today -- there has been some general remarks here by civic associations and many others, each having their own interests. Your job is a hard one, no doubt, but in order to properly consider each area, specific facts must be taken under advisement. I know that there are certain people in this area, the subject area I speak of, who do have an interest. Perhaps they live there, but they love their homes. There is no doubt about that, but everyone in the City of New York has a similar interest.

We have heard today from commercial interests and those who represented residential owners. However, the entire zoning resolution has to do with interests of citizens of the City of New York, but the intent is one which is projected for the future. This is what the job of the Commission is. We must look at areas not as they are today but what the trend is. The plan here, I believe, based on what the legislative intent is, is one to be projected over a period of years. With that thought in mind, I will elaborate on the subject area and present specific facts to this Board.

First, shall we look at the general character now existing in the subject area? Before I proceed, I wish to state that we are in favor of having the subject area zoned M2-1. At present, the way it is now proposed, the subject area in effect is spot zoning. In accordance with all good principles of zoning and I venture to say that most zoning experts would be in accord with my following statement:

Look at the subject area and you will see that the natural boundaries here, to create a buffer zone to separate the M2 from the residential uses, would be the Long Island Expressway on the north, the cemeteries on the east and west, and we have on the south, the M2 uses. Therefore, gentlemen, in all my presentation here, I urge this Commission to take into consideration and under advisement, the following facts that I present.

The subject area and the character are such that the buildings are, as I stated, 75 or more years of age. Now, it is hard for the Commission here to bear out such a statement unless

we present specific facts.

I now wish to present to the Commission, so that they can follow me, a group of seven photos which I will elaborate on to determine the general character of the neighborhood. I have numbered the photos 1 to 7, and, gentlemen, I speak only of the subject area.

Photo #1 indicates the type of structures now existing. It shows that this area is certainly in need of some form of development. The type of buildings are such that they speak for themselves. You will note the general conditions of the yards, the streets and the structures of the buildings. I have indicated on the photos an explanation as to where this is -- this is on 53rd Street, 53rd Avenue between 43rd and 44th Streets...

COMMISSIONER ORTON: I think we can simplify this. Were you saying that the area that is designated as R4 lying between the M2 and the Expressway, should be changed to M2; is that what you mean?

MR. DEL ROSSO: That is correct.

COMMISSIONER ORTON: I think we are reasonably familiar with the area.

MR. DEL ROSSO: However, may I say this-- originally, the proposed zoning of this area, if I am not mistaken, was designated as M2 and now, on the amendments, are shown to be residential R4.

Now, on photo #2, which is a parcel of property belonging to the owner I represent, one of the parcels, you will note that the vacant lots in the area are being used for dumping grounds and you

can see the general condition of the property there. This property has been zoned residential. It has been dormant for years and taxes have been paid on it. The legend on the photo shows that the vacant lot is located on the south side of 53rd Avenue, 90 feet east of 43rd Street. The owners here have spent money to clean this lot on several occasions. This plot is 66 X 100; and to the south of this parcel the zoning will be M2 under the proposed zoning; this will remain R4.

On photo #3, we again look at 53rd Avenue and 43rd Street, and you will note the vacant properties in the area and the type of structure. Again, I refer this Commission to the remarks on the photo.

Photo #4 is looking west on 53rd Avenue toward the Kosciusko Bridge and shows a percentage of vacant land and the condition of the streets. This is an old neighborhood, gentlemen, the streets even indicate that, and ripe for development.

On photo #5, I call your attention to this because, on the southwest corner of 43rd Street and 53rd Avenue, where these houses are, under the proposed zoning, it will be M2. These buildings are similar to those situated in the subject area between 53rd Avenue, bounded by 43rd and 46th Streets.

Also, gentlemen, photo #6 shows, on 46th Street, which is to the east, an operation of trucking occupied by Perkins Trucking Company. I mention that because this subject area, if permitted to remain residential, will be subject to a great deal of traffic which must come from the north and the west in order to enter the area to the south designated M2. In future planning, to subject residents in this area to such traffic, I feel would not be a good principle

of proper zoning.

Also, looking to the northeast, on photo #7, you will see the condition existing on 54th Road between 43rd and 44th Streets.

I wish to leave those photos with the Commission for reference.

Now, gentlemen, that I have spoken about what houses there are - 35, I have made a survey of the subject area and I have here a map showing this area, indicating thereon the present vacant property in the area. A survey shows that the total square footage of subject area is 231,000 square feet and the total minimum vacant square footage within the subject area is 90,000 square feet; of which my client owns 14,000 square feet. The total vacant area represents 38% of the total square footage. I would like to submit this to the Board for reference.

Now, gentlemen, I further wish to indicate one important fact which the Commission should be apprised of with respect to the subject area. As we know, we are all aware of the increase in the assessed valuations of real estate in the City of New York. This has been in the papers and I believe each and every member of the Commission is well aware of it. I made a survey from the tax rolls, comparing 1958 and 1959 assessed valuations with that of the 1960 and 1961 assessed valuations. I wish to call this Commission's attention to the fact that the tax assessors of the City of New York have taken into consideration that the improvements are deteriorating. As proof of that, a comparison of the assessed

valuation of 1958-59 compared with the 1959-60 show that they decreased the value of the buildings and added to the assessed valuation of the land. This shows that the land is worth more than the improvements. On some of these parcels, the houses have been evaluated at \$900, \$400, \$200; in one case, most of it is on the land. This is some indication of what the trend is in the area. The trend is that the tax assessors who inspect the property every year have indicated by their findings, that the area is one which is changing because of its surrounding areas which are going industrial.

Gentlemen, a survey of the area will show that the south of 53rd Street, there are a number of M2 uses, trucking terminals, manufacturing operations, and an area which, in all proper zoning, is one in which I would say that the performance is, in some cases M3, M2. However, if the Board were to adopt the present zoning, may I say that it would create a hardship by its present boundary line of M2 in that, under Section 42-225, Page 75 of the Proposed Zoning, there have been certain limitations placed on the use of M2-1 in that, if it is within so many feet, as the Section shows, it then reverts to an M1 use as to storage and performance. To permit the present boundary here would create - where the M2-1 would now become an M1 use within 300 feet, and in some cases 100 feet.

As far as Brooklyn Scrap Metals, Inc., I represent them and they have a parcel of property 140 feet X 100 feet on 43rd Street between 55th Avenue and 54th Drive. They have erected a new building

and spent over \$100,000 for the use of scrap metal. As far as the zoning, I would say that it should be M3. However, gentlemen, I know you have had a long day, and may I urge here, in order to give the Board some indication as to how some of these people feel about their area, I have here a map, showing in green, the owners. These owners consented that this property should be zoned M2-1. In order to verify that, I have a petition showing their signatures. We will get more signatures and we will present it.

I know that at one informal hearing, held in the Lost Battalion Hall in Queens, there was a certain group from the area, some housewives, who came up and said that they had their homes there and thought it should be residential.

I say this in closing, gentlemen, I urge that we apply good principles of zoning here, based on some of the reasons I gave, that they can still continue to occupy the area, but the changeover is gradual and will be gradual. It will not change overnight and the proper zoning of the subject area should be M2-1.

Therefore, I respectfully request that this Commission reconsider and take under advisement some of the facts that I have made known here, and for the purpose of saving time, I will now step down, and if the Chairman wishes, I will submit other facts to verify our position.

I thank you.

CHAIRMAN FELT: Thank you very much, Mr. Del Rosso. Is Mr. Cullen present?

Del Rosso/Felt

JOSEPH CULLEN: Mr. Chairman, and members of the Planning Commission, my name is Joseph J. Cullen. My office is at 270 Madison Avenue, New York. I am appearing on two requested zoning changes.

The first is bounded by the block on the north by Roosevelt Avenue and on the east by 97th Street, and on the south by 40th Road, and on the west by Junction Boulevard. Now, I have prepared, which I think will be helpful to you gentlemen, a map which I have termed Exhibit A, giving this block in its entirety, showing each lot in the block and its dimensions, its present use, the proposed zoning use for the entire block. It also shows the existing use for the entire block and it shows my requested use for said block.

I prepared a copy for each one of the Commissioners so, if they have the map before them, I am sure they will clearly see the reasons for the requested change which I am making. Incidentally, on the proposed map, the map is on page number 39, I have also circled it and have photo copies of this if you want it before you.

Now, gentlemen, in the Proposed Comprehensive Amendment of the Zoning Resolution of the City of New York, the proposed zoning for the block bounded by Roosevelt Avenue on the north, 97th Street on the east, 40th Road on the south and Junction Boulevard on the west, as per zoning map Section 9d thereof, is as follows:

It is proposed, that said block, which is designated on the tax map of the Borough of Queens as block 1605, be zoned for what appears to be a depth of 150 feet south on a line drawn

parallel to the southerly side of Roosevelt Avenue, as a C1-2 commercial use, and that the southerly balance of said block to the northerly side of 40th Road be zoned as R6 or general residential use. Exhibit A, attached hereto, is a map showing the lot numbers in Block 1605, as designated on the tax map of the Borough of Queens, together with their dimensions and present use. Said Exhibit also shows that the proposed district boundary line would start at a point on the westerly side of 97th Street, approximately 30 feet north of 40th Road and run in a westerly direction, parallel with Roosevelt Avenue at a depth of 150 feet therefrom and end on the easterly side of Junction Boulevard at a point approximately 80 feet north of 40th Road.

VICE CHAIRMAN BLOUSTEIN: What is your complaint, Mr. Cullen?

MR. CULLEN: My point is this, if you will examine the map closely, Commissioner Bloustein, you will see that what it would do is ruin the entire character of this block. It cuts across the property line of Mr. Cullen here, who owns 20,000 square feet of this block, and who is the only one who can logically develop this block, and it is strictly commercial in character.

VICE CHAIRMAN BLOUSTEIN: What do you suggest?

MR. CULLEN: I am suggesting that it remain as it originally was.

VICE CHAIRMAN BLOUSTEIN: Where the Commission has proposed an R6 you would prefer something suitable for commercial

use.

MR. CULLEN: I suggest that it should be zoned as a C1-2, commercial use, because --

COMMISSIONER BLOUSTEIN: That is what portion of it?

MR. CULLEN: The entire block, Commissioner.

Now, I have one other - this is on the same section - 9d. I am also going to talk again on Junction Boulevard. This time, I am talking on behalf of myself as a property owner. This is on the entire easterly side of Junction Boulevard from 37th Avenue north to 35th Avenue. The proposed zoning for that particular side of the street is as follows: for 150 feet north of 37th Avenue, you have a C1-2 use.

VICE CHAIRMAN BLOUSTEIN: And the rest of it is R6?

MR. CULLEN: That is right.

VICE CHAIRMAN BLOUSTEIN: What would you suggest?

MR. CULLEN: Across the street, for the entire westerly frontage, you have a C1-2 use. The present use for the entire both sides of the block is C1-2, or retail, which is practically the same.

CHAIRMAN FELT: Would you suggest that for the entire block?

Cullen/Bloustein/Felt

MR. CULLEN: I suggest, Commissioner, that it is the only reasonable and good sense planning to have both sides of the street the same, particularly since this is a commercial area and not a residential area.

CHAIRMAN FELT: We will be glad to give that consideration. Do you have your full statement on this.

MR. CULLEN: Yes, I have a full statement here, the lot numbers, the proposed zoning, and everything else. Thank you very much, gentlemen.

CHAIRMAN FELT: Our next speaker will be Mrs. Kathleen Nylin.

KATHLEEN NYLIN: Mr. Chairman, Members of the Planning Commission, Mr. Del Rosso spoke at the Lost Battalion Hall hearings, and thank goodness, I had the opportunity to speak after him then. I had it now, too, but only by a very few minutes. So, may I first read what I have prepared and then see what I can do, just thinking.

Mr. Chairman and Commissioners, I am Kathleen Nylin, owner of Lot 19, Block 2513, or address 5202 44th Street, Maspeth, Queens. I represent my neighbors in the area bounded on the west by the Koscuisko Bridge, on the east and north by the Queens Midtown Expressway and on the south by 54th Avenue.

Cullen/Felt/Nylin

We have come to say "Thank you." We appreciate the opportunity you gave us to present our problem at your informal hearings last May. You answered our questions and gave us additional time at an individual conference.

Your proposed zoning resolution has preserved the residential character of our neighborhood, which was the request of our petition.

We approve your new zoning resolution and wish you success in its acceptance.

I would like to file that with you because I had prepared it, but I will do the best under the circumstances, to give you the first answers that come to my mind to what Mr. Del Rosso has said. That was all I had intended to say until I heard Mr. Del Rosso speak.

He asked that my neighborhood be zoned M2. Those who signed the petition, which is already on file with your Commission, still ask that this area be maintained for residential use only. We are confident that the majority of homeowners of this area feel the way they did when we went around and got their signatures.

Mr. Del Rosso spoke of the age of our homes. Does age mean they should be done away with or replaced? How old is this building? I cribbed that-somebody said that last week. I thought that was terrific! 150 years? Well ours aren't that old but we have done the best we could to maintain them, too.

May I ask for a private hearing, as I am sure you will give Mr. Del Rosso, and everyone else?

CHAIRMAN FELT: You will certainly have a hearing.

MRS. NYLIN: Mr. Del Rosso is not one of my neighbors. At Lost Battalion Hall, he represented his cousin. There, I had a chance to see what his cousin owns in this little area I am speaking of. He owns almost two lots on one side of one of my neighbors who is here, and he owns one lot on the other side. How big a factory can he build there? I don't know, but I think Mr. Del Rosso, the attorney, has added up small parcels because there are no parcels in my area. He gave you big-sounding square footage but they must be 25 by 100 added to 25 X 100.

CHAIRMAN FELT: I think that what he has done is to present a map to us and that map indicates each of the parcels which would aggregate the total area that he gave us.

MRS. NYLIN: If you grant this M2, those little parcels in this small area will not add up to anything large enough to build a factory on in your regular requirements for M2 or M1, as I have read them. The areas involved are too small, I believe. Therefore, for the many reasons that we presented when we saw some of the members of your staff, we feel that we have a hardship. I don't know nor recognize the name of the first person, Mr. Del Rosso, the attorney, said he represented, but I gather he has represented at least three people at your hearings - his cousin, out at Lost Battalion Hall, that was the name he used there; some lady he spoke

of here, and also a manufacturing company. In my understanding of his presentation at Lost Battalion Hall and the pictures he presented there he showed the area to the south of my home, which from 54th Avenue down, is manufacturing and has been manufacturing for years.

CHAIRMAN FELT: The members of the Planning Commission and our staff are particularly familiar with that general area.

MRS. NYLIN: Yes, and it is on that basis we put our hopes. Even though we are a small area, you have given us as much time as those representing 200,000 people, and so on. We don't represent that many; we are a small area and we ask to stay as we are.

CHAIRMAN FELT: Mr. Monson, will you please arrange an appointment with Mrs. Nylin. Mr. Segall will be our next speaker.

BERNARD SEGALL: Mr. Chairman, Members of the Commission; I'll try to be very brief in consideration of the people that might follow me and because I sat here a good many hours myself, I really forgot some of the things I wanted to say.

My name is Bernard Segall, and I am an attorney with offices at 9004 161st Street, Jamaica, New York. Although I requested to speak about four matters about which I filed memorandums, nine copies of each, with your Secretary, I will only speak briefly, as briefly as I know how, about two.

I would like to refer the members of the Planning Commission to your Section Map 18b, and particularly that area lying between Cross Bay Boulevard and 79th Street, and running from Shore Parkway to South Conduit Boulevard - an area that comprises, I would say, about 200 acres.

CHAIRMAN FELT: Is that area designated as R2?

MR. SEGALL: That area is designated as R3.

CHAIRMAN FELT: Very well, I see it.

Mr. Segall: I represent, in this presentation, the General Builders Corporation. This neighborhood is generally known as the Lindenwood Housing Project. Now, in 1954, with the cooperation of your Board, an alteration map was prepared, No. 3733, and approved by the Board of Estimate. Under the agreement with the City of New York, the sponsors of this project were required to make various improvements, and I would say, without exaggeration, that the sponsors, in getting this property ready to be built upon, spent over a million dollars; that is for pumping stations, streets, sewers, water facilities and so forth, and grading.

Furthermore, we have already erected along the service road of Shore Parkway, 12 FHA projects which are 90% completed, the garden-type two-story type, and have placed mortgages that are insured by the Federal Housing Administration, on those buildings that are erected at upwards of \$17,000,000.

It goes along from Cross Bay Boulevard, along the Shore Parkway.

In the master block, if you will note on that map - there are three master blocks, we have placed and are presently building six-story elevator apartment dwellings and have closed FHA mortgage loans which total \$11,311,000.

Now, this is what I am asking this Board to consider: when this project was conceived and planned, there was a pattern for it. The sponsors wish to continue that pattern. We think it is well conceived and a well thought out plan. There has been no tax abatement. Their occupancy is for the middle group, cooperative housing, and as far as the master blocks are concerned, we respectfully request, so that we can continue with our pattern in putting six-story apartment dwellings on them, that you revise your map and change it from an R3 to an R6 district.

Now, in connection with this particular area, by reason of a prior application, there was a zone change permitting us to create a retail district in the block between 84th Street and 82nd Street, and along 153rd Avenue, which adjoins one of the master blocks. We have already started this. There has been a zoning change and we have already started a shopping center and leased stores which will include a supermarket for this immediate vicinity. We have to house 3,000 families when it is fully completed and occupied. So, we respectfully ask that you change this area back into a C1-2 district so we will have a conforming use. If you will please be good enough to note, and this is all in my memorandum-- the blocks running from 79th Street, that is almost the Brooklyn line there, to 84th Street, from 155th Avenue to South Conduit Avenue, there are about 22 square blocks in there -- we propose,

in our planning, to erect detached 2-family homes in those blocks. We request, in order that we may do so - I am attaching plot plans to my memorandum - that you change that area from a R3 to an R4 district.

We pointed out to you in our memorandum, and I think our engineers have taken the matter up with Mr. Smith, as to the distance between windows and setback, that you have made some, we think, apparent errors, inadvertently, and that matter has been taken up with your Mr. Smith as to the required distance between legally established windows between houses, which you require thirty feet and it will be impossible to build a detached 3-family house with those dimensions.

That is all I have to say, gentlemen, as to the Lindenwood Project, as I would like to indulge your time in one other area which is to be found on Map 9d, and it is property that was also considered by your Planning Commission.

It involves the property between 52nd and 54th Streets, 100 feet north of Skillman Avenue and comprises an area of 211,000 square feet. It is just out of the park. In order to get an alteration map approved, which eliminated a street, 40th Avenue, it was necessary for the owners to enter into an agreement with the City of New York to make certain improvements concerning the park and widening of 39th Drive, which adjoins the park from a fifty to a seventy-foot street.

In connection with the agreement with the City of New York and the Park Department, it was necessary for the owners to put up

surety company bonds amounting to \$100,000 to guarantee installation of these improvements. This property has cost the owners in excess of one million dollars - vacant land, one million dollars - and that is without the improvements we have to make!

VICE CHAIRMAN BLOUSTEIN: We proposed that for R4; is that correct?

MR. SEGALL: You have that in an R4 district and I am asking that it be put in a R8, and I want to tell you why.

We have planned and we have had site approval from the FHA, we have filed plans for 10, 11, and 12 story apartment dwellings. We have received a commitment on one of the sections in this block from the Federal Housing Administration for three and a half million dollars. In the 1959 tax assessment, I am not talking about '60 or '61, but in '59-'60 the taxes on this property were increased from 150,000 to 750,000. That was quite a jump! We have prepared our plans. I have attached a plot plan to my memorandum. Plans have been filed with the Building Department for all three sections; it will house about 800 families. The section 3, for which the FHA has issued a commitment; the plan will be finally approved by the Building Department any day now. This again, is one overall picture, as you will see from the plot plan.

Now, in order for us to go ahead, we ask for what we think the land is best suited for, and I think you will agree as far as the density is concerned --the building coverage doesn't exceed 33% of the whole land. We are asking you to change this from a R-4 to a R-8.

CHAIRMAN FELT: Thank you, Mr. Segall.

MR. SEGALL: Thank you for listening to my remarks.

CHAIRMAN FELT: In connection to the two-family houses which you referred to previously, which requirements, you say, are for 30 feet between windows, that would not apply to your buildings; that would only apply to buildings that are at least three stories high.

MR. SEGALL: Yes, but in my memorandum you say that when there is a garage in the basement, that is considered a three story building. I have pointed out those sections in my memorandum and we are asking you not to . . .

CHAIRMAN FELT: The wording has been subject to misinterpretation but the wording will ultimately, when presented to the Board of Estimate, be so clear that there can be no misinterpretation about the type of building you have in mind.

In other words, it will be defined as a two-story structure.

MR. SEGALL: The only reason I discussed it -- because I don't know too much about it -- this is the information I got.

CHAIRMAN FELT: I have one other question I would like to ask you, Mr. Segall. Are you familiar with the one-year grace period provision under the proposed zoning resolution?

MR. SEGALL: If I may say so, some people have advised me that there is no use in my coming here to address you as to a particular piece of property.

CHAIRMAN FELT: That is the purpose of this hearing.

MR. SEGALL: Well, I have been so advised by public officials but my thinking is simply this.

Chairman Felt, I don't want to come back here at some future date on these particular properties where I am asking you to change the district to conform to a pattern that I know is going to take place and have you say to me "Why didn't you come in here at this hearing?" I want to go on record as asking you, if you think our pattern is well conceived, to permit us to follow our pattern. I do not want

to be criticized later on for not coming here today and asking you to do so.

CHAIRMAN FELT: We understand that. We will give full consideration to the various points that you have raised, Mr. Segall.

Is Mrs. Lauricella present?

MRS. MARGARET LAURICELLA: Yes, I am.

Mr. Chairman, Members of the Planning Commission, I am Margaret Lauricella, the President of the Greater Bayside Citizens' Association, Bayside, New York.

Our Association wishes to go on record as endorsing the Proposed Zoning Resolution for the City of New York, and in particular, for the Bayside area of Queens.

We appreciate the upgrading of the proposed zoning for the Alley Pond Park area, which we refer to as Kiddie City, to residential in conformity with the surrounding zone, and we do hope that it will stay as a R-2. We go on record as opposing boarders to be permitted in R1 and R2 zoning. Now, we have heard with respect to that zoning, R1 and 2, that there will be permission granted to have boarders ranging up to 5 --

CHAIRMAN FELT: I think I would like Mr. Smith to

Segall/Felt/Lauricella

talk to you about that. What we have in the present proposal is very much more limited than the wide open situation that exists under the present zoning ordinance, madam. Consideration is now being given to still further limiting that number, but what we have here, even five in number, is a greater limitation than there is under the present zoning. We are endeavoring to see whether we might limit that still further.

MRS. LAURICELLA: Well, the reason we are bringing that up, Mr. Felt, is that we thought that, eventually, if the boarders were permitted to come into the private-home areas, we would have the same situation in Bayside that prevails in Flushing and Sanford Avenue sections. It would down-grade the neighborhood and the community.

CHAIRMAN FELT: We want to assure you that we are endeavoring to upgrade. We have problems of definition, but in any event, what will be done will involve an upgrading to the extent we are able to do so.

MRS. LAURICELLA: There is also the matter of the use of garages, used as small workshops in residential areas.

CHAIRMAN FELT: That is a matter we discussed this afternoon. We are checking into that and there will be clarification on that point, and so that you may be aware of what we ultimately will come to a decision on, if you call Mr. Smith in about two to three weeks from now, we could give you more precise information on those two points, that is: the "boarder" definition and the use of a garage for other purposes.

MRS. LAURICELLA: In about three weeks I will get in touch with Mr. Smith.

CHAIRMAN FELT: Yes, two to three weeks.

MRS. LAURICELLA: All right, thank you.

I want to go on to say that we have seen the seeds of future slums being planted here in Queens, especially in our beautiful residential sections, by unscrupulous builders whose sole interest is their selfish profits.

We also wish to make the following request: that persons requesting variances to the existing zones, shall be liable for the notification by registered mail to all property owners within 1,000 feet of the property for which variance has been requested, such notification to be mailed within sufficient time to give the property owners in the area a chance to voice their approval or disapproval of the variance requested. This 1,000 feet

area is exclusive of streets or roads.

CHAIRMAN FELT: Mrs. Lauricella, I do not like to interrupt you but that is also a matter that would not be within our province.

The determination as to the distance encompassed in notification in a variance procedure is within the province of the Board of Standards and Appeals. There is nothing that we can do within our resolution which would prescribe what they can do along those lines.

MRS. LAURICELLA: The reason why we brought this out was because the Board of Standards and Appeals -- we feel they have been very loose in giving out variances to many people, and we thought if we could have this request made about variances; when builders come in and buildings are put up, we cannot say anything about it. The zoning has been changed and they are supposed to notify the people but no one knows anything about it.

CHAIRMAN FELT: Well, I don't want to give you the impression that we can be helpful or in fact do anything insofar --

MRS. LAURICELLA: Would you suggest that I write to the Board of Standards and Appeals about that?

CHAIRMAN FELT: Yes, madam

Felt/Lauricella.

MRS. LAURICELLA: That's fine.

We also wish to call to your attention the feverish activities of the "fly-by-night" realty operators, who are taking advantage of the period before the new zoning goes into effect by speculative building, absolutely contrary to the intent of the new zoning. We ask that the proposed new zoning be put in effect as quickly as possible.

Thank you.

CHAIRMAN FELT: Thank you. Is Herbert Wood present?

(No response.)

Is Dominic P. Marino present?

(No response.)

Is Theresa Mushlein present?

(No response.)

Is Isadore Chessin present?

(No response.)

Is Mr. Joseph J. Mangan present?

MR. MANGAN: Yes, sir.

Mr. Chairman, Members of the City Planning Commission, my name is Joseph J. Mangan. I arrived here this morning at 10 o'clock with a clean shave and somewhat of a speech prepared and in the meantime, I have a beard growing, I guess all of us do, and I left here to go back

Lauricella/Felt/Mangan

to the office and I left the speech there, so this has to be semi-impromptu,

CHAIRMAN FELT: I hope though, when you go back to your office you will take the time to mail that in to us, please.

MR. MANGAN: If you are that interested, I surely would.

CHAIRMAN FELT: We would like to have it. That does not mean that we don't want to hear you now. We want to hear everything you have to say but we would also like to have your prepared speech.

MR. MANGAN: All right. I will be brief. Actually, I speak as a homeowner in Queens and as an architect. I don't know whether during the time I wasn't here if anyone spoke on the esthetic factors that this new resolution is bound to assist or not. However, I do think it is a point that should be brought up, and that someone should go on record as stating it.

Before I speak on that, I want to speak of just being a homeowner in Queens, and I have suffered from a particular plight that the woman who spoke previous to me had mentioned, the situation of having a fine neighborhood destroyed basically because the property had a fine home and a large tract of land, and a large tract of land

is always the one to suffer. If you had a tract where there are many houses crowded together and not in good condition, the land value is so high that most builders refrain from touching them. In this particular case, the homes, and I judge this with some competence, were in excellent physical condition and in good esthetic quality, and they have been smashed, crushed to the ground and an apartment has risen to the right of me and now an apartment will rise to the back of me.

Had this particular law gone into effect just a year ago, this wouldn't happen because it's changed from a "D", and in this case, to an R-3 which would be far more reasonable. This shows me that you gentlemen have been concerned with an aspect in zoning and planning that is very important, and I think I would like to go on record, at least in Queens County, although I might take some exceptions in Manhattan, in favor.

In the main, I think you have done a splendid job on this particular amendment and I am sure that the rest of the nation will follow New York as they followed New York in 1916 when they first brought out a real, sound zoning resolution. However, I did find out today, something that I didn't know, that there are well over 2,500 amendments to the old law and it does get to be foolish for someone to suggest, as someone did in the
Mangan

paper last night, that they retain the old law and keep amending it. I think it is very foolish.

Another aspect of this particular enactment is the curtailment of population. I think this is the first time I ever saw it put through so forcefully. The whole United States is witnessing now a great explosion in population; everyone talks about it - professors, who lecture on it, architects talk about it, planners talk about it and yet it takes a group of you people to really do something about it. A potential of 55 million is possible, a population of 55 million, though 11 million is far in excess for New York City - at least, it shows there is a direction, and a good direction, being taken.

Another aspect of this is, for the first time, I think architects when they come to design a building, will now have a chance to present to their clients many forms that have a greater chance, esthetically, to survive rather than just to build a hunk of rubble in some cases, not in all cases, as this law is set up, and I think it is a very reasonable setup, in the majority of the cases. And so, as I said, I wish to go on record at least in Queens County, in which I reside; because maybe ten years from now you may hear of me attacking this law but it won't be in regard to anything but Manhattan, and this is not in the province of today's discussion, anyway.

I think you gentlemen have done a superlative job and I wish to commend you and take no more of your time.
Thank you.

CHAIRMAN FELT: Thank you, and we will have your statement, sir?

MR. MANGAN: Yes, I will prepare it and mail it to you. Thank you very much.

CHAIRMAN FELT: Is Mrs. Zakin present?

MRS. ZAKIN: Yes, sir.

CHAIRMAN FELT: As I recall, Mrs. Zakin, you were one of the last persons at the hearing on the text, too.

MRS. ZAKIN: That's right.

CHAIRMAN FELT: Well, this list is not alphabetical, either.

MRS. ZAKIN: Chairman Felt, Members of the Planning Commission, my name is Ada Zakin; I am the President of the Far Rockaway Taxpayer and Civic Association. We are in general agreement with your reasons for this resolution, and your plans to make New York City a better place in which to work, live and play.

Naturally, we have directed special attention to the zoning proposals affecting our area, and wish to submit the following suggestions for your earnest consideration:

1) Proposed Zone R- meets with our complete satisfaction. This area is now occupied by one-family homes and our membership is happy to note that this community will be maintained.

2) Proposed Zone R-3 now contains one and two-family dwellings, and vast areas of vacant land. Although apartment house construction is permitted in this zone, we believe your Open Space Ratio Plan will preserve the open, suburban "feel" of this part of our community while making additional housing available to those who enjoy apartment living.

We respectfully urge you to re-examine the area bounded by Beach 9th Street on the west, Seagirt Boulevard on the north, the City Line on the east and the Ocean on the south. This section should be an R-5 zone to properly utilize the small area involved.

3) We feel that an error has been made in designating as Zone R-4 the area bounded by Empire Avenue on the south; Rose and Beach 12th Street on the West; the Nassau County Line on the East and Brunswick Avenue on the North. This section should be an R-2 Zone.

We ask you to re-examine and so revise that portion of the map.

4) Proposed Zone R-5 is now occupied principally by one and two-family homes, old fashioned summer boarding houses and a sprinkling of six-story apartment houses and two-story garden-type apartment buildings.

There are also tracts of vacant land in this R-5 Zone, and we have noted a recent trend toward apartment house construction on these sites.

In the interest of preserving the open, suburban atmosphere of our community, we respectfully suggest that this zone be upgraded to R-3. Housing constructed in accordance with your Floor Area Ratio and Open Space Ratio Plans will be more in conformity with the existing nature of this area in an R-3 zone than in an R-5 zone, especially since the adjoining zone is R-3.

Also, a higher population density, with its accompanying increased automobile traffic will tend to make the narrow, curved streets of this area dangerous to pedestrians and drivers alike.

5) The Zoning Resolution limits commercial enterprises to their existing bounds. For this we shall be eternally thankful. However, we do note an influx of Day Camps in our R-2 and R-3 zones, and, as we

view these as commercial enterprises, regardless of their so-called "educational" facilities, we respectfully suggest that special provisions be made to exclude such Day Camps from the residential zones.

Nursing Homes are also commercial enterprises. Too many are now being built in our residential zones, causing parking problems and hazards as well as having a detrimental effect on the neighborhood. In your new Zoning Plan, day camps and nursing homes should be regulated to either R-4 or R-5 Zones, preferably R-5.

6) In regard to home occupations: we respectfully suggest that the provision limiting the use of signs in only the R-1 and R-2 be revised to include all residential zones.

7) In regard to Parking Regulations: we respectfully suggest that the regulation requiring 100% off-street parking be enlarged to include the R-5 zone. Remember, we are only talking about this area in Far Rockaway. Our streets are narrow and congested. In many instances -- two-side parking constitutes a fire hazard. During the summer months, visitors to the beaches literally occupy every possible foot of curb space. Every automobile we are able to keep off the streets will be appreciated.

Zakin

8) In regard to apartment hotels: we respectfully suggest that this definition be re-written to specifically eliminate seasonal boarding houses. The present wording seems to us to be too vague for enforcement. I have a paragraph here in regard to the issuance of Special Permits and Variances: although your restrictions are stringent, we emphatically suggest that you include some provision whereby property owners in the area surrounding the site for which the Variance or Special Permit is requested, for a distance of four city blocks in each direction from the site in question, be notified by mail of the specific request before the Board, and be permitted to express their views concerning each specific request before a Special Permit or Variance be issued.

Our sincerest compliments to you, to the Members of the City Planning Commission, and to your staff, for this extensive rezoning plan, which, we feel, is long overdue. We trust there will be no further delays to its acceptance.

Our membership will greatly appreciate your serious consideration of our suggestions, and will welcome any comments you may have. Thank you.

CHAIRMAN FELT: Thank you. I am going to call the next group of names so that you will know in

what order you stand.

(Chairman reads list of names)

MARTIN SELIGSON: I'm Vice President of Northern Properties, Inc. About nine or so hours ago you heard from four representatives of a rather substantial group that showed up in regard to Breezy Point, and I come before you today on behalf of my organization to make our views known to you. Approximately two weeks ago on March 14th, Northern Properties together with a group of associated investors announced plans to develop a new community on Breezy Point. The broad details of this city within a city were reported by all of our newspapers and by television stations and by radio stations, and it would certainly be an imposition on the Commission to repeat the details now and I don't intend to do so. I'm here rather to express our fundamental attitudes toward the development of this new community and to seek your counsel and assistance in the challenging years that lie ahead. From the point of view of the developers, the property at Breezy Point with its magnificent beaches and its proximity to the downtown centers of our city represent an opportunity for urban development unparalleled in recent history. That it should have become available at this time when the shortage of middle income housing is approaching critical proportions is certainly a most fortunate happenstance.

It is our hope to develop at Breezy Point a community that will meet in all respects the needs of the middle-income family, from its religious, educational-recreational needs, to its housing and commercial needs. A community that will reflect the very best in modern planning, architecture and concept. To accomplish this it is our intention to call together as consultants, the nation's foremost city planners, architects, engineers, educators and others to help us lay a firm foundation for the nation's newest community --possibly this spring or summer. From this conference will stem a Breezy Point advisory board to work closely with the city and to supervise and govern the orderly development of the peninsula until its ultimate completion some fifteen to seventeen years from now. In this manner we'll try to achieve our goal. But as much as this is a challenge to the developers, it's even a greater challenge to the City of New York, for here within our city we are to build a major American community where presently none exists. A truly remarkable challenge for us all! It is our feeling that the development of Breezy Point into the kind of community which will best serve the needs of the city can most properly be accomplished as a sort of joint venture between the developers and the municipality. You are now in the progress of considering a new zoning plan for the five boroughs. Since we

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will not take title to the property for approximately a year, it would be presumptuous of us to offer either our comments or suggestions on the proposed changes. We do want to say, however, that in determining our broad objectives, we took into consideration insofar as was possible, both the existing laws and the intent of those proposed for the future. It is our hope that in determining the eventual zoning at Breezy Point, this Commission will take into consideration our stated objectives for its development. From various points of view of course, it is essential that the sponsors be able to plan the new community within the proper framework of zoning as well as other factors that go into coverage, building height and land use. The proper framework is necessary not only to protect the City but also to secure a fair economic return for the sponsors. For the next eight to twelve months our efforts will be directed toward the creation of a master plan for Breezy Point. This phase alone will require the services of scores of private technicians, and I've already mentioned our plans for a planning conference and a Breezy Point advisory board to guide us through the planning and development stages. It goes without saying of course that we will submit for your approval every detail of our program. We would want to do this even if it were not a matter of law. At the same time, however, we would welcome your active participation in the planning

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and development of this new community. We would consider it not only a distinct honor but also of great benefit to the City Planning Commission, to assign one of its members or staff to the Breezy Point advisory board, either as a participating member or in an advisory capacity. Similar invitations will be extended to all appropriate municipal agencies. We feel that only in this way can we develop Breezy Point to its fullest and most beneficial potential, and we hope that you will give this request your consideration.

CHAIRMAN FELT: Thank you.

CHAIRMAN FELT: Mr. Hyman Muss.

MR. HYMAN MUSS: Mr. Chairman, Members of the Board, my name is Hyman Muss, 3335 81st Street, Jackson Heights, and I represent my brother Charles and myself in connection with four parcels with respect to which I am submitting memoranda and, briefly, I wish however to refer to one of them, and that is contained on the 14a, and refers to the area bounded by Horace Harding Expressway, Colonial Avenue, 108th Street and 62nd Drive. It has an R4 on the upper righthand side.

We expect in the very near future to submit for the consideration of this Board an application which has long been pending with respect to a 21-C and
Seligson / Muss

we hope we will be able to convince the Board to act favorably upon that application. But in the event such application is denied, we do not want to be prejudiced from developing this in accordance with the present zoning which we submit is the proper zoning which should be retained if there are apartments to be developed.

We are presently "D" and we lie in an area that is completely surrounded by six family, and high-rise apartments all the way from our section to Queens Boulevard with the exception of what lies to the west, where there are two story apartments, but that is only something that was developed ten years ago. We respectfully submit that we will prejudice no one if high-rise apartments are permitted here because that is the pattern that presently exists there, and certainly is to the better interest of the City that it be developed to its maximum advantage with the maximum taxation and the maximum availability of housing to people who need it.

I do not wish to go into any further detail and I trust that the brief remarks that I am making now will be considered in terms of the hour rather than the importance of opinion. And the other two items -- there is one other item I wished also previously to refer to, and that is we have something contained in 10a, and it was referred to during the day. It lies on 130th Street between 25th Avenue and 23rd Avenue. It borders right

at the line that starts the M1-1. We own the property that is on the west side of 130th Street. That is vacant.

The line skirts right around our property, and we respectfully submit that that line should run through the center of that block. We own that block front. We never developed it; we developed everything to the west. The reason why we developed it is because we could get financing out of this good ground, but for that half of the street we could not get financing- it is very bad ground; and we submit that the line should run through the center of our property and our property should be M1 because otherwise we are condemned to bareness. If our side of the street is supposed to be residential and the otherside of the street is M1 we never could get people to buy houses, could get no financing and besides we have all those sixty foot piles that we cannot use for developing there, and we will submit a survey to this Board so that if you are so inclined to act you can determine that accurately according to the lines.

The other two items that we submit are properties which according to proposed zoning our present use will be considered a non-conforming use and we respectfully submit that the maps should be mapped in accordance with the existing use rather than with what does not exist at the present time. Thank you, gentlemen.

Muss

CHAIRMAN FELT: Mr. Blaha?

JOHN F. BLAHA: Chairman, Acting Chairman, Members of the Commission, my name is Blaha, John F., with offices at 87-02 Queens Boulevard in Elmhurst. Now I'm here on behalf of several clients: Mr. Charles W. Kolburger, who is the owner of premises known as Section 14, Block 2610, Lots 412 and 440, Section 14, Block 2599, Lot 91, Section 14, Block 2622, Lots 131 and 128.

These properties are in Maspeth in the industrial area, at Grand Avenue and 57th Street, and are in the midst of what I think should be a heavy industry area. If ever a property had the natural buffer areas to protect it from adjoining residential areas, this area certainly is it. You have railroads, the creek and heavy industry surrounding our client's property for several blocks.

Now, an appointment has been made by some of the other owners, at which I will be present, with Mr. Smith to discuss this further, so I won't go into that any more at this time.

Now, I always represent John W. Faraone, the owner of premises 8647 and 8649 Queens Boulevard, near Broadway, Elmhurst, section 11, block 1842, lots 68 and 69. This property fronts right on Queens Boulevard which of course is a heavily traveled highway, probably one of the most heavily traveled in Queens County.

It's presently zoned for business use and is proposed to be put in an R5 district. These blocks at this

point are very large blocks with the subway running under part of them, the creek in the middle, and are useable for large apartment projects.

The values in this area have gone up to as much as \$7, \$8, \$9, a square foot. How any practical use could be made in an R5 district is hard to understand, and why this particular portion of Queens Boulevard should have been selected to be residential, I also don't understand. It seems to be a stretch from a point east of Broadway to 57th Avenue that's been put in a residential zone. This particular property - what is developed - has very old buildings that go back to the Civil War, I guess, or almost, and most of the land has been assembled by apartment house builders and I think were it not for the present tight mortgage market, you would see several under construction in that particular block. I'm asking that this property be put in a business district, in at least a C6-4 district. This property I think would be useable for a general business purpose, including offices.

Now, in the same area, in an adjoining block, I also represent Paul Cerrito, who has contracted to purchase a plot at the corner of 55th Avenue and Justice Avenue, known as Section 11, Block 1843, Lot 17. This is also in an R5 district, and for the reasons which I stated for the other parcel, it does not belong in an R-5 district. This property must be improved by large apartment houses to make the cost practical. I'm asking that this property be put in a high residential area, high in number that is, which would permit at least six-story apartment houses. I know that in Queens County we don't seem to get them up very high, but whatever the

highest one is, that's what we would like -- as high as any other one along Queens Boulevard or in any of the apartment house areas.

I also represent Versal Holding Corp., the owner of a building at 85-45 and 85-47 Grand Avenue, Elmhurst, known as Section 13, Block 2475, Lot 54. This property has offices or stores on the street level and apartments on the second floor and it is now proposed to be put in a C1-2 district. The only question about this; as far as the use is concerned it is all right, except that for any expansion the bulk requirements might make this a non-conforming building. I would like to have this put in a C1-6 area so that it would not be bound as far as the area by the residential district within which it is mapped.

Now, the other parcel is a taxpayer on the west side at the northwest corner of Kissena Boulevard and 71st Avenue, in which I own a major interest. Originally, I owned a block and a half at this location with my partner, Mr. Edward J. O'Brien. We bought the vacant land and improved this particular half-block with a taxpayer, which covers 90% of the area of the lot. The use is not objectionable; the only thing is that we will not comply with the bulk requirements in the future, as it is proposed to be put in a C1-2 district within an R4 district. We have no chance to expand to the rear because there is a City-owned school and playground immediately to the west of us.

This property is assessed at \$200,000 for the current year, and at \$210,000 for the next fiscal year. We would at least like to have it put in a district where our coverage would be permitted and we would not have any non-conforming use or have any

difficulty in the event of any change in the building itself or alteration.

Now, in connection with this Kissena Boulevard property, Mr. Minkin is the owner of the property immediately across Kissena Boulevard, and his attorney has already made some remarks about the extension of the business area to 72nd Avenue. At the present time the business area extends about 220 feet south of 71st Avenue. This property was the property that Mr. O'Brien and I originally owned and we contracted to sell it to Mr. Kaskell. When he acquired the property - actually he made application even before he closed title, which I objected to - he made application to close up the intervening streets to make a super block for an apartment project. At that time as Mr. Minkin's attorney has mentioned, he agreed that he would not use that for business purposes. He made application in the future, which was defeated, and he's made different applications which have been recited, all of which have been defeated by your Commission, or by the Board of Standards and Appeals. Now, this area certainly needs no more competition from stores. We have our own troubles trying to keep the tenants happy. I've had to reduce rents substantially to keep the tenants in there. Mr. Minkin has not been able to even improve the remainder of his business plot. There is a big island which is improved by a small bank building only, so that there is plenty of business area available for that particular area.

There is one other point - just recently, the owner of a plot on the west side of Kissena Boulevard, approximately a

hundred feet north of 70th Road, made application to change the area partly for business use. He said he had plans to build a supermarket. We had a full hearing on it before the Board of Standards and Appeals, and on the day the decision was to be announced, they withdrew the application. Mr. Lazerus, on behalf of the owner, Mr. Maran, has requested that that be made "business" as far as the frontage on Kissena Boulevard. Again, we have the same objection that we don't need any more business. As far as increasing the permitted area that can be built on for residential purposes, we have no objection, but it should remain in a residential zone. By the way, he only bought it about a year ago; it was bought at a price that conformed to the residential area. As a matter-of-fact, it was offered to one of my clients only about a month and a half ago at \$2.50 a square foot, so that they didn't buy it at any price based on the business use. It has never been permitted to be for business use except I think there were about nine inches, or something like that, within a business zone; so they made application as partly in a business zone, and partly in a residential zone.

I'll have a meeting with Mr. Smith and we can discuss that.

VICE CHAIRMAN BLOUSTEIN: Thank you, sir.

Is Mr. Bach present?

PETER P. BACH: Chairman, Members of the Planning Commission, I am Peter P. Bach, President of Bellaire Gardens Taxpayers Association. We approve of the overall pattern

of the proposed zoning, except for the inconsistency of some areas. On examining the new zoning book which was sent to us sometime ago, we find that several blocks in our area are in zone R2, while the rest of the area, which was put up by the builder at the same time, and has the exact same type of detached houses, is in zone R3. These are almost all one-family detached houses. There are a few two family semi-detached houses in R2.

The map we refer to is No. 15, and the area in Section B-2. We would request that the entire area be placed in an R2 zone in order to safeguard the nature of our community.

VICE CHAIRMAN BLOUSTEEN: Where is it located?

MR. BACH: Between Hillside and Jamaica Avenues, 210th Street, 211th Street.

VICE CHAIRMAN BLOUSTEIN: All right, I have it. You want that in R3?

MR. BACH: We want to put that in R2. You've got a certain section of it in R2 now. We would like to have the rest of our community from 209th Street to Hollis Court Boulevard and Hillside and Jamaica Avenues put in the R2 section. This has always been an exclusive one-family detached homes, residential area, and we want to keep it that way, so we recommend that it be upped from R3 to R2. We would like to have this meet with your approval so that it will conform with the rest of the R2 zone in our community.

VICE CHAIRMAN BLOUSTEIN: All right, we'll consider that Mr. Bach. Is Lucile Kittross present?

LUCILE KITTROSS: I'm Lucile Kittross. I'm representing the Jackson Heights Community Federation, an organization composed of 27 civic, school, church, social, service and political organizations.

It's much too late for me to tell you how nice Jackson Heights was 20 or 30 years ago and to tell you what is happening today because of bad zoning. I just want to say that the Federation approved of and supports the new resolution, and our only regret is that it wasn't adopted 15 years ago - then Jackson Heights would have been saved.

Now, I'd just like to jump very quickly to what the Federation calls "plane blight." We have a strong objection to the proposed airport regulations - they don't go far enough. Our objection is not directed solely at the Planning Commission, but it is in part. Our objection is this: the proposed airport regulations represent only a piece meal approach to the total zoning problem involved in living together with an airport as we do at Jackson Heights. LaGuardia Airport is on the northern boundary of Jackson Heights. Airplane noise is a source of blight as much or more than manufacturing. With bigger planes and more of them, the dimension of the problem has increased. The zoning proposal imposes special restrictions on property near the airport and under the glide path.

Kittross

In our opinion, there should be in return, suitable restrictions imposed on airport operations because of the burden it imposes on surrounding residents.

Actually, the performance standards on noise and glare which apply to manufacturing establishments do not apply to airport operations. We're told that this is beyond the jurisdiction of this Commission, but that doesn't help us. Those who live in Jackson Heights are concerned with the total airport zoning problem, regardless of the fact that no agency, apparently, has total jurisdiction. Obviously, we can't develop airport performance standards, but the City Planning Commission has a partial responsibility.

We believe that the idea of performance standards for noise from operating planes and the glare from landing lights is sound in principle, and that it is the responsibility of the City Planning Commission together with other affected agencies to develop some such standards.

We urge the City Planning Commission, on the grounds of logic and fairness, to do all that it can to secure a concerted approach on the airport zoning problem by all of the public agencies that are involved. Thank you.

Kittross

VICE CHAIRMAN BLOUSTEIN: Thank you very much. Is Mr. Frantz present?

ALFRED A. FRANTZ: I won't promise to keep this short because I've noticed that most of the short speeches have been pretty long. My name is Alfred A. Frantz. I'm a resident of Queens. I'm a businessman, but I'm here as a private citizen.

Mr. Chairman, ladies and gentlemen, first I'd like to say, I'm delighted to see that the vacant lots on the eastside of 108th Street, that's on map 14, and to the north of Queens Boulevard have been zoned as R-1. I was afraid that the fine residential district would be spoiled very shortly by apartment houses, because I've noticed that that land is being held, and it's in pretty big lumps, and if it were sold for apartment dwelling, that neighborhood would be ruined. I live near to it. I don't live in it, so I'm only speaking as a citizen who would hate to see a good neighborhood ruined.

There are a lot of residents out in Queens who are victims of a real-estate interest and the builders who short-changed their nation, their state and their tenants a few years ago by building new apartment houses virtually at government expense. I'm sure you all recall the "608" scandal. I wish all the people that were here this afternoon could be here and we could discuss this. Those men got millions of dollars by overinflating the cost of their buildings. And

you will recall that they paid only a capital gains tax on the loot. Then many of them sat back to watch those properties decay, smugly figuring that they could always turn those apartment houses back to Uncle Suckers, your Government and mine, if they could not get a high enough return.

I wonder whether it is those people who are so vociferous today about the grave danger and the undo haste of the proposed new zoning. Why are they so strangely silent about how the present code benefits the slum landlord and the land speculator and the quick-buck boys? Although perhaps I should call them the quick million buck boys.

I'm not going to speak very long on a wonderful landlord out there, New York Life. You all know about Fresh Meadows. They've done a wonderful job. New York Life proved that you can have regard for human lives and human values and still get a return for your policy holders. That's been my complete statement. I'd like to go on a little longer on that, but it has been my complete statement. I've been following the zoning problem pretty closely, and I've noticed that some of the most famous architects in the nation and in the world have come out in favor of the proposed code. I was greatly heartened last December to read that Charles Spindler, **President** of the Architects Council, announced

his support of it, and the support of the architects Council. Mr. Spindler's statement was made when the New York Chapter of the American Institute of Architects, which is the greatest in the country, made public its endorsement of new zoning. Its analysis and recommendations were, and I quote: "reviewed and endorsed by the Architects Council of New York City." I do not know whether there has been any arm twisting to persuade the Architects Council to back down on its endorsement, in fact to repudiate it, but I do know that the Council is an amorphous body with seven heads. I don't know where it hibernates, but apparently four of the heads woke up from a long winter's sleep, crossed "no", while the other three were nodding "yes". And so the four cross heads, afflicted, I would imagine, with myopic vision -- prevailed. The report of the New York Chapter of the American Institute of Architects is prepared by three of its most outstanding members, G. Harmon Gurney, Chairman of the Civic Design Committee, Simon Breines, Chairman of a special Sub-committee on Zoning, and W. Milton Glass, a member of both committees. All three men are far from dreamers. They have been in charge of projects that ran into millions of dollars. Nobody can come here and accuse them of not knowing our City. They came to the conclusion that the new zoning proposal was excellent, but that it does not go far enough. They reached

that conclusion after months and months of study. They have not changed their stand in favor of new zoning. In fact, I think everyone of them has been down here testifying for it.

They did not merely turn to some little section of the new code and start screaming, "that'll hurt me, so let's throw the whole thing out." Ladies and Gentlemen, I think it's awfully important that you understand and remember that some of the most brilliant architects in America have endorsed new zoning for the City, and have called statements opposing it "a lot of twaddle." In this instance, I am quoting Mr. L. Bancel LaFarge, President of New York Chapter of the American Institute of Architects in a front page article of the New York Herald Tribune of December 11th. What has happened to the other leadership in our City that it has not spoken up on this issue that affects the lives of everyone of us? What has happened to the politicians we elected to public office? I know what the late Fiorello LaGuardia would be saying if he were Mayor today. What has happened to Robert Moses, who used to stand for so many splendid things? Today he has apparently decided to stand aside and leave the field to the greedy men who have virtually wrecked our Slum-Clearance Program. Have our afternoon papers decided to leave the great causes to the Herald Tribune which so magnificently defended the right of our children to have art and beauty in their schools?

Have they too long followed the piper who defeated the school bond issue, and read to often the mendacious statements of the greedy men who don't care what happens to the City so long as they get theirs? The charge that one hundred million dollars were wasted on New York City school construction was a magnificent demonstration of the use of the big lie. Adolph would have loved it.

I don't believe for a minute that the afternoon papers have forgotten that they have espoused great causes and can espouse then in the future. In fact, I am greatly heartened to see the World Telegram and Sun devote a series to our fellow citizens, the Puerto Ricans, and to term the building code of San Juan outmoded because it was written long, long ago, in 1939. I am confident that some day, and I hope before it is too late, the various writers of the World Telegram will get together, because the code that we're discussing, the one that the World Telegram is promoting, was written in 1916. I wonder how outmoded that is, in terms of the San Juan code?

The New York Post last week, ran an editorial on new zoning, and somehow it has always found a way of sandwiching in the splendid columns of Mrs. Franklin D. Roosevelt, a woman with the courage and conviction to speak out on the need for new zoning, and against the horrible slum conditions that multiply all around us. As a resident of Queens and of the City, I would like tonight, it has got awfully late, and I'm sorry that I'm

keeping you, but I think this is terribly important-- I would like to ask you to give some consideration this evening to our second-class citizens. I am referring to our fellow Americans, the Negroes and Puerto Ricans, who are coming into our Boroughs to seek a better way of life, to try to realize the dream that brought all our ancestors over here. I'm proud that the Catholic Church and the Episcopalian Church, and I am sure there are many others who have told their members that they must not only receive, but welcome these fellow members, these fellow Americans.

It is very easy to sit up here in the North and be smug and complacent about the South and to say, "It's about time they gave the Negro his freedom." Let's give it to him right here in our City. Let's start by giving him freedom from slums. It was my privilege to instruct and command Negro soldiers in World War II, and I well remember when there was a riot in Harlem during those war years over the terrible conditions there.

That day two Colored soldiers came to me and said, "Lieutenant, we want you to know that that was a riot among our own people. It was not a riot of Colored against White."

I wish I had gone out of my way a little more often to show my concern about our fellow Americans with complexions of other colors. Those men were anxious that I understand.

Frantz

Have I been anxious to do so? I know that they and the other colored men in the companies with which I served went on to the battlefields of Italy and France and Germany. Many of them gave their lives so that their families and their children could have a better life --not down South, but right here where you and I live, in Queens and Manhattan and Brooklyn. There were no colored crosses in the great military cemetery I visited a few years ago in Italy, only white.

And I am proud and humble too that our colored Citizens are no longer willing to settle for the only equality we have so far given them, that of service in the battlefield and the grave. A lawyer here last week criticized the people at these hearings for talking of "democracy" and the "common good." Well, I'm just a little more old-fashioned, for it seems to me when we fight for new zoning, we're trying to answer a very old question, "Am I my brother's keeper?" In the middle ages people fled the great plague because they did not know what caused it, or how to ward it off. Today we recognize, subconsciously perhaps, that the slums are a new plague. We do not flee them in panic and terror, but we flee them just the same, to the suburbs and to Westchester and to New Jersey.

Must we not stick with our City and try to understand the slums and try to work for their elimination, just as we worked for the elimination of the great plagues that once

threw terror into the hearts of men? That's why I think we've all got to fight for good zoning. Thank you.

VICE CHAIRMAN BLOUSTEIN: Is Mr. Solow present?

SHELDON H. SOLOW: Mr. Chairman, Members of the Commission, my name is Sheldon H. Solow, 1031 Hartman Lane, Far Rockaway.

I purchased a piece of land in 1954 in Far Rockaway which is bounded by Healy Avenue, Hartman Lane, the bulkhead on the west, and Bessemund Avenue on the south.

At the time, most of the property was marshland, and in 1955 the Civic Association made a request to have the property rezoned. It was then in an "E" zone. The Planning Commission at the time, found that they would rezone a portion of Bayswater, but left my area in an "E" zone.

I then began to improve the property with land fill, streets, utilities, bulkheading, and I have now put in a swimming pool, a yacht basin, and I'm continuing to improve it. The property was originally, I think, in an R4, and then I requested an R7. I met with the Commission, and I requested R7 and was told it might be put in R6, possibly, and it was then put in R6. I would like to request that it remain in R6, because had it not been in an "E" zone or the equivalent R6 or R7, I would have never begun developing it, because it would have been uneconomical. Portions of this land have to be filled in 25 feet; so I request that the property remain in an R6 zone.

VICE CHAIRMAN BLOUSTEIN: Is Mr. Geist present?

RICHARD L. GEIST: Gentlemen, my name is Richard L. Geist. I'm Vice President of Rockaway's Playland. I live in the Bayswater area of Far Rockaway, and I've come here this afternoon to speak for and in behalf of Mr. Solow in that, in this project, he has done wonders with this area.

If you understand this marshland, in and around Jamaica Bay, at low tide there is an awful smell and also there are many bugs, mosquitoes and the like, and I strongly advocate that that piece of land be zoned R6. Thank you.

VICE CHAIRMAN BLOUSTEIN: Thank you, Mr. Geist. Mr. Evarts?

JEREMIAH M. EVARTS: Mr. Chairman, may I say again, my name is Jeremiah Evarts, 26 Broadway, New York City. Mr. Blaha referred to the application that was made here this afternoon by Mr. Lazerus, on behalf of Mr. Maran, to zone some property along Kissena Boulevard, Retail, which was the subject of an application for a variance in February, and I think that on behalf of Mr. Minkin with your permission, I should file the record on the application for the variance with the Commission. I'll do that.

Now, what I want to talk about at the present

Bloustein/Geist/Evarts

moment is the zoning on map 11a; of the property between Northern Boulevard and the railroad, between Alley Pond Creek and Douglaston Parkway.

VICE CHAIRMAN BLOUSTEIN: What is the name of your client, Mr. Evarts?

MR. EVARTS: Dave Simon. He is the owner and operator of Kiddie City, and the lessee and operator of the golf driving range.

VICE CHAIRMAN BLOUSTEIN: That's along Northern Boulevard?

MR. EVARTS: Yes, between Northern Boulevard and the railroad.

Now, under the Voorhees-Walker proposal, this property was to be zoned M-1-1 and C-8-1. Under this proposed amendment that has been changed to R-1, and this raises, in the opinion of John McGrath and me, a very important question, with which the Vice Chairman is fully familiar, I think.

Under R-1, the only use allowable is single-family houses. If that use were required for this area, it would mean that the owner was completely deprived of his property and the regulation would constitute a taking. As I understand it-in that swamp, and I've got a picture here which I will file with the Commission, showing the condition.- if there was single-family house, it would have to have 90-foot footings in order to be constructed. Also, in that

swampy area it would be a very inadvisable place to live.

The only house that was constructed there, you remember blow up two or three years ago, because the gas pipe parted and the house filled with gas and blew up. And I think some people in the house were killed. Therefore, I believe and so does John McGrath, that the regulations proposed in this comprehensive amendment to Mr. Simon's property are confiscatory.

Now, I would like to refresh your recollection for just a minute. You remember the Arverne case? Judge Lehman stated, and the prevailing opinion in that case -- that was the Pennsylvania Coal Company case. Mr. Justice Holmes pointed out that: "The general rule, at least, is that while property may be regulated to a certain extent, if regulation goes too far, it will be recognized as a taking." And then Judge Lehman said, "The warning of Mr. Justice Holmes should perhaps be directed rather to legislatures than to Courts," and we are directing that to your attention, and I think it is only fair; this property perhaps will be taken eventually as a park. Until it is taken as a park, it should be zoned for a conforming use and an M1 or C8-1 is a conforming use for this kind of a childrens amusement center.

VICE CHAIRMAN BLOUSTEIN: What is it presently zoned as?

MR. EVARTS: Local Retail along Northern Boulevard, and Zone "G" in the interior.

Now, you remember that this last winter, there was another instance of a confiscatory situation in the proposed zoning on the westside of Douglaston Parkway. And I went before the Board of Estimate and explained to the Board of Estimate that it was absolutely impossible under the proposed zoning to develop that property, and the Borough President of Queens refused to move.

So, I think and I respectfully suggest, request rather, that this zoning be changed to M-1 or C-8-1 in order, Mr. Vice Chairman, that this property will conform to a conforming use, which is only fair. If the City ever wishes to take the property for park purposes they can take it whatever the zoning is.

VICE CHAIRMAN. BLOUSTEIN: All right, thank you, Mr. Evarts.

VICE CHAIRMAN. BLOUSTEIN: Is Mr. Darwin Sussberg present?

DARWIN SUSSBERG: My name is Darwin Sussberg, and I am President of Gleitsman's Inc. which is a manufacturing company, and I am also President of Pearl-Wick Corp., which is known to the average person. The gentleman who spoke here several hours ago, about that coffee company, that he erected a brand new building last year - this property is about a block away from our present plant.

Now, in our situation there, which is on page 136, we are in this bulkhead on the East River. We have a series

of three buildings there --one of which we constructed and we own. We built it in 1952, for warehouse and shipping, and we have hooked it up to our other building which serves as our manufacturing building. This we lease on a long-term lease. We've been there since 1939. Prior to that we were in Glendale, also in Queens.

Our lease on our manufacturing building expires in 1965. I request a review of the rezoning of this property for this reason: in 1965, if this provision goes through, our company will not renew our lease on our manufacturing building. What we will do is continue the ownership of our property which would then have 32 years to go and we would move our manufacturing plant to the midwest, because we do business in every state in the Union. We are opening a plant in California the beginning of next year.

So we will put our main manufacturing operation in the middle-west and thereby ship our goods into our present warehouse which we would use here. This will cause the loss of at least five hundred to five hundred and fifty people being employed. I think that in our type of employment, the reason we have always stayed in Queens is because of the accessibility to low-skilled or semi-skilled people.

VICE CHAIRMAN: Where do most of your people come from?

MR. SUSSBERG: I would say that at least 50% of our workers live in Queens, in these housing projects just across the street from our plant; I would say a good percentage live in upper Manhattan, but at least 50% of all our supervisory men who came with us from Glendale 20 years ago are still with us, so at least 300 jobs are in Queens, as such.

I do not have to tell you, gentlemen, that a company such as ours with a \$2 million payroll, receives in the mail every day, offers from states from one end of the country to the other, elaborating any kind of plans where, -I'm sure you're familiar with the State of Pennsylvania, where they will finance it and you lease it for 21 years, and the 22nd year you just take title to your property. Ninety-eight percent of the communities in the states in this country are very desirous of bringing industry, such as ours, which causes no displeasure or bad odors or in any way damages the community such as some of these chemical or oil refineries. So that we would have absolutely no problem in terms of relocating to great advantage away from the City of New York.

VICE CHAIRMAN. BLOUSTEIN: What you would want then is for us to consider changing this from an R-6 to a proper M District to permit you to continue to manufacture there.

MR. SUSSBERG: Yes; that is right, but we would not

go on. In other words, I realize - sitting here 25 years from today - with the older building, what's going to make the difference? Our decision will not wait 25 years, because I want to do this in my youth - to make the move into a plant. I will definitely do it in 1965, and strictly use our property here as a warehouse.

VICE CHAIRMAN: Do you own any other property there for purposes of expansion?

MR. SUSSBERG: We have two plants under expansion right now. I would really say - I'm not correctly stating our figures on payroll. We have a two million dollar payroll where we are, but I would say in the Borough of Queens the supplying plants to our plant, people that we have contracts for years....

VICE CHAIRMAN: You mean sub-contractors?

MR. SUSSBERG: Sub-contractors would definitely run from 3 quarters of a million to a million. We buy our plastics from Queens companies. We buy all of our plating. There is a lot of auxiliary business that is tied directly to our business. If we move out of town, we would undertake a lot of this manufacturing ourselves, but the fact that it's so accessible in New York, we just don't want to. All of our corrugated cartons, which are over \$600,000 worth in purchases a year, are manufactured in Queens.

I think if you had visited the area - now, one other point why I will say to you why there is absolutely no chance of us moving to another location in Queens for this reason:

I don't know whether you're familiar with the free lighterage setup on the East River. For the other gentlemen here, if they do not know it, we have the services of seven railroads coming into our plant. We use most probably more freight cars, we've been told by the railroads, than any other user on the East River. We ship on an average of 14 to 15 freight cars a day. If you gentlemen are familiar with the Long Island Railroad, you will know one thing - it is one railroad, as far as freight goes, to stay away from - because they will never have 15 freight cars worth of goods for us to have a day. We could never depend on the Long Island Railroad, per se.

However, we have all of these other railroads that bring barges, where they load them free of charge. Each boat represents three cars. One of our main reasons for moving out of Glendale (we were in the terminal there) was the Long Island Railroad - you just could not depend on them having enough freight cars.

VICE CHAIRMAN BLOUSTEIN: Mr. Sussberg, suppose you leave the matter with us. We're familiar with it and if you have a brief and want to submit it....

MR. SUSSBERG: I have submitted it. I have gone into all of the legal terms. I've submitted those. I just didn't want to say them because you've heard it from everybody else. I just want to say that it was a large payroll, I think, and many people are interested in it, and I think it's one consideration.

VICE CHAIRMAN BLOUSTEIN: We'll give it every consideration. Thank you. Is Mr. Teplitsky present?

IRVING E. TEPLITSKY: My name is Irving E. Teplitsky. I'm an attorney, and I represent myself, my father and my mother. We own approximately 22 acres of land in the area that Mr. Evarts spoke to you about just before, on page 11a.

As Mr. Evarts said....

VICE CHAIRMAN BLOUSTEIN: Where is your acreage? Where is your ownership?

MR. TEPLITSKY: Our ownership is the property which is now being leased by Mr. Evarts' client as a golf driving range and also adjoining property.

VICE CHAIRMAN BLOUSTEIN: You are speaking on the same piece?

MR. TEPLITSKY: Yes, that's right.

Sussberg/Bloustein/Teplitsky

VICE CHAIRMAN BLOUSTEIN: Thank you. Will you proceed?

MR. TEPLITSKY: And I am also speaking in the same light that Mr. Evarts is, that this should be rezoned to an M1 and a C8-1 zoning.

The zoning that exists today in this area was put in during the war, as you gentlemen probably know, when many of the owners were not around to object to a change making this area a residential area and "Local Retail." As Mr. Evarts said, it's absolutely impossible to build a house that would sell in any market today, or in any market that could be contemplated in the future -- the foundation alone would run, from estimates that we have gotten, approximately \$15,000 for a single-family house, so you see how impossible it is.

Now, I'd like to tell you something: there was a physician who went on a safari down in Africa - they had no zoning problems there - and he came across a tribe which said that they had a potion that could cure everything, and this physician asked, "Don't people get sick here?" And they said "Yes." He said, "Do you give them this potion?" and they said, "Yes." And he said, "Do they die?" and they said, "Yes." He said, "Well, doesn't this prove that this potion won't cure everything?" And they said, "Oh, no! that's not right. It just proves that the potion wasn't mixed correctly." Now we don't expect you gentlemen to give us a formula for a potion that is going to please everybody.

That's impossible and you gentlemen know it's impossible. In this area, we have had civic associations and groups who selfishly wish to keep this particular area from becoming an industrial site, which it is so well equipped to become.

Now, under your new zoning regulations in Queens, you have less industrial area, zoned industrial, than you had before. This area could be added. It's approximately 93 acres. When every state in the Union is looking for industry to come in, with the realization that this is the only possible way of eliminating the ever increasing tax burden, which is being placed on the shoulders of the individual house owner, (and being one I know), the only way to eliminate this steady increase, which the house owner cannot possibly live under, is to segregate and set aside industrial sites so that they can bear the burden of taxation and give these communities the facilities that are necessary.

You gentlemen are probably familiar with the Flatlands area where there was a 95 acre site, which is now being , or going to be used for an industrial park.

I read the estimates on what this would do - three thousand five hundred jobs, five million dollars in taxes. Here we have a place, 93 acres, ideally situated, surrounded by communities, residential communities;

but these communities have a natural border. They are up on high ground above; there is a natural boundary of the water area in front of it; you have the Long Island Railroad bounding it on one end; you have the Parkway bounding it on the other end, and the Alley Pond Park on the third side.

The people in this area certainly should not complain that this is going to ruin their residential location. It could do nothing but help the Borough of Queens.

If you leave this area as an R1, what you're doing is actually condemning it to the existence that it has been and will go through. You're going to condemn it to a hodge podge area where no planning can take place. How can you plan when you know that you cannot build a one-family house in the area? Now this is a very curious situation, because what you have here is the people in the community saying, "Look, we've got a blighted area, but let's keep it R1 and so make sure it's going to stay that way." They want it residential, where no residential area can exist. They say they need park property because there's no other park property around, but yet they say there's plenty of land for industrial sites. They complain about the assessments on their houses, and the taxes on their houses, but they oppose everything that would bring in new money. This security of reasoning is only used to insure that there will be no solution whatsoever, and that the area will remain as it is.

Whenever it was, in the 1940's, that it was changed to this zoning, this zoning actually caused the situation which exists today. If the zoning were made what it should be, then it would be economically unfeasible for the existence of the uses that are being used today. These people could not afford to pay the taxes. They would have to go in to a building which would produce the revenues needed.

Now, in this area, on our piece of property, we have about 900,000 square feet, with an assessed valuation of \$190,000. It was \$131,000, about 20¢ a square foot. If this property was zoned properly, it would have a value of about \$3.50 a square foot, for assessed value purposes, and therefore, it would bring in about 35 times more taxes to the City of New York.

Now, this whole situation reminds me of what Groucho Marx said. He said in a letter to a club, "I'm resigning from this club. The reason I'm resigning is I won't join any club that will take people like me as members." Now, this is the situation that you have here today. Keep it residential, so that they will never be able to do anything with it, and so we won't be bothered with anything.

The Douglaston Civic Association, I have never known yet, not to oppose anything in the area, whether it be a gas station, a restaurant, driving range which they all use, incidentally, but they opposed us violently in the Board of Standards and Appeals.

So, all I want to tell you gentlemen is, please don't use security of reasoning, and give us the zoning that will make the property usable, that's all, just usable.

VICE CHAIRMAN BLOUSTEIN: Thank you. Is Mr. Kendall present?

RALPH M. KENDALL: Mr. Chairman, Commissioners, my name is Ralph Kendall. I'm a consulting engineer. I live in Flushing. I have some comments which I hope may possibly be a little bit different from what we have been hearing relative to a hope for better residential zoning. Since it is proposed that zoning be modified to permit a smaller number of people, I can't see why, for we are rather crowded.

Under the new zoning we are more crowded so far as side yards are concerned, than we were before. We had, for instance, at least in an "F" zone, side yards of 20 feet required for an apartment house. I believe if I remember, that nothing is required to be more than five or eight feet under the proposed zoning. And we're taking quite a lot on faith. I've been told that certain zones - I live in an "F" zone - and we are "F" zone along the street frontage, which means that these lots are fairly deep, some quite deep. We have had some quite excellent apartment houses and garden apartments built in spite of the "F" zone but because they could go farther back on the lot, and that kind of zoning is possible, and I would suggest that the Commission consider that there are advantages to putting high-grade

zoning along street frontages and letting the area back be perhaps a lower grade zoning. It has worked out very well where "F" zones are 100 feet deep, and the area back of it "C" zone. The "C" zone people were only negligent in many instances because they didn't get zoning improved, because many of these people in the "C" zones in the past have had very excellent houses, and they let themselves get into difficulties by not asking for better zoning, so that some of them are bothered by apartment houses they didn't think would come in. But the side yard falls down to nothing.

COMMISSIONER ORTON: Excuse me, I have a correction, a building must have a side yard half as wide as the height of the building above the ground. A sixty-foot apartment building would have a 30 foot side yard.

MR. KENDALL: I believe it is limited to 20 feet, that is, the formula works out to so many inches per foot of height.

COMMISSIONER ORTON: Not in the proposed resolution.

MR. KENDALL: Not in the proposed, in the proposed there is nothing at all.

COMMISSIONER ORTON: I'm speaking of the proposed resolution: In the proposed resolution, in R3, R4 and R5 districts, the side yard would have to be half of the height of the building above the ground level, so that a sixty foot high building would have to have a

30 foot side yard.

VICE CHAIRMAN BLOUSTEIN: May I suggest, Mr. Kendall, in the light of this statement, that we make an appointment with you and if we are in error, certainly we want to correct that: and if in the light of what you said, the side yards under the proposal, as you indicated, there are no provisions for any, or they would be less in width than what presently exists, then we would know about it. Now, you indicated that no provision is made. Commissioner Orton has just spoken to our staff members and found that you are not quite correct. Now, perhaps there is some misunderstanding. We would be very happy to correct that. Now, is there any likelihood that we can meet with you?

MR. KENDALL: I'm glad if I made an error because I, like most other people, have been completely unable to completely digest this thing. I have tried to find certain things and I thought I was talking on safe ground.

COMMISSIONER ORTON: Certainly the intent of this proposal has been to increase the standards of light, air, and space, and so on, so whether it be side yards or whether it be space required in front of windows, I think you will find that that is achieved. I do agree with the Vice Chairman that the best way to pursue it would be if we could do it at a time when we could limit it to that alone.

Bloustein/Kendall/Orton

MR. KENDALL: I'm willing to admit that I was wrong, I don't know. I didn't think I was, but I could have been.

VICE CHAIRMAN BLOUSTEIN: Well, if you're interested in it, let's get together on it.

MR. KENDALL: The side yards for strip houses-- I believe means that you can have 185 feet -- isn't it, a one-row house with no side yards except a little bit at the end, and so in an "F" zone which is being converted to an R5 or some of the other R's, we could have, I believe, two or three families, depending on the depth of the lot, every 18 feet, and to put on "F" zone into anything like that, or to consider anything like that comparable with "F" or any of the other good zones, is ridiculous. I suppose I'm going to get into trouble with somebody because I'm not favoring row houses. There are a great many of them, some of them look very well; but from my view point I've seen some very poor ones, and I'm always afraid that they will be just as poor in the future.

We have under the proposed zoning, no area comparable with previous zoning for one and two-family houses. I've heard today that there is some chance that the Commission is going to work on that.

VICE CHAIRMAN BLOUSTEIN: Yes we're considering the proposal already made by several organizations, and groups that

we have R3 areas, that the R3 area be sufficiently defined to prohibit multiple dwellings, thus making it comparable to our existing "E-1" area.

MR. KENDALL: All right, I perhaps should say no more on that subject. Another thing that I've heard no further discussion on is that, allied of course with the present zoning regulation, we have so-called fire limits. The fire limits determine whether you can put up a wooden house....

VICE CHAIRMAN BLOUSTEIN: The fire limits are based, not so much on zoning, as under the building code.

MR. KENDALL: Yes, but they are tied into the zoning, that is, the two are tied. I have asked members or other people in your office whether there is any provision or any plan, or any thought about what has happened, and I learned nothing. Maybe somebody has some thoughts; I haven't learned them. The present regulation is to the effect that, as I remember, that the "D", "E", "F" and so on, "G", if they are in residence areas they may have wooden houses, and in effect that means that one and two-family houses may be of wood.

VICE CHAIRMAN BLOUSTEIN: But you can't have businesses in them.

MR. KENDALL: All right, you can't have businesses, but that is neither here nor there. But the wooden construction I would favor - I have always lived in a wood house-

I hope always to continue; and there should be some thought at this time as to what can be done.

It may be that the Building Code is going to control, as it has done in the past, but something ought to be planned. I haven't heard anybody worrying about what's going to happen if you can't build a wooden house. I know that some of the lumber interests are concerned. I've talked to them, but I haven't heard them say anything publicly.

VICE CHAIRMAN BLOUSTEIN: Well, when it comes to construction, the zoning resolution does not attempt to control construction or manner of construction. That is an operating matter for the Building Department.

MR. KENDALL: True, but they have to think up a rather complicated formula. Before they had an easy way of doing it. Now they can say R1 and R2 can be wooden, but they can't say R3, 4, 5, or any others can be wooden because it's so complicated with row houses and so on that there is no easy dividing line; and the people that like wood houses are always afraid that this is one way to wash out all the wooden houses, so it is a problem, I think, for consideration at this time. It would be too bad to let it go forever. I don't know whether I should take your time....

VICE CHAIRMAN BLOUSTEIN: May I suggest this: if it's a question of specifics in engineering, I would agree with you at this late hour that these are matters that might best be

taken up with our staff, rather than with the Commission sitting in session at this time, if that is agreeable with you. If you want to speak go right ahead and speak but these are matters that will of necessity have to be discussed more thoroughly with our staff people, and I would suggest ...

MR. KENDALL: Some of them are not simple.

VICE-CHAIRMAN BLOUSTEIN: Well if they are not simple, at this late hour, it's kind of difficult to take it up with us.

MR. KENDALL: There is one point at least that I think I might bother you with. I would like for you to consider whether some of the interests that have been trying to, and I am in favor of anything I can learn about the proposed zoning which will lead to better residence conditions. I'm talking only on residence conditions. I am in sympathy with some of the former speakers who objected to gas stations in zones, but there have been interests, commercial interests, perfectly legitimate people perhaps, who wanted to do things in the past, and have tried to get through at public hearings, and have been turned down flatly. Those interests, some of them I would suggest to you, have inadvertently and otherwise used this or haven't used it, maybe just by chance, gotten in under the provisions of the present zoning resolution and the mapping so that they are presumably accomplishing in this process what they couldn't accomplish at public hearings and what the public is opposed to. I'm thinking of something that

appeared in the latest revision of the proposed zoning, which as I remember, gave a chance for utilities, railroads and others to take very large areas without going to any special pains to ask for permission or anything of that kind.

I'm thinking of certain concessions that are made for electric and gas stations and such, where the thing is, as I have analyzed it, to go farther than those industries have been able to get before the Board of Standards and Appeals, or before the Commission.

VICE CHAIRMAN BLOUSTEIN: We certainly are not aware of that, Mr. Kendall, and if that should take place, we certainly aren't going to permit the advent of the new zoning resolution to permit an expansion of uses without notice to people.

MR. KENDALL: May I respectfully suggest to you that possibly I am right in thinking that there are some concessions built into this proposal which go beyond the concessions which the City was willing to make before? And some of those concessions have been gotten before.

Incidentally, I was a victim of some of them so I know something about how they went. They were gotten by most unethical practices that were squeeze plays that were put on to get even as far as they went, and if I'm not mistaken they can go a lot further with some of the provisions of the proposed zoning.

VICE CHAIRMAN BLOUSTEIN: It may well be that in the preparation of the mapping, that the commission has proposed for certain areas, manufacturing and commercial uses.

While we have made extensions of such uses for purposes of expansion, if in the opinion of our staff and ourselves, we felt that the facts warranted it. Now, you may not be in agreement with this, but we in our judgment and in our discussion felt that perhaps the conformity of the buildings in a certain area warranted the expansion of a manufacturing district from what it was under the old mapping. That may have occurred, and if we are wrong, the people who might feel offended by it have every right to call our attention to it, as did one lady here who stood up to defend what we had done here as against a gentleman who wanted us to put it in a manufacturing district. That is the purpose of these public hearings.

MR.KENDALL: I think that there are many things that I would like to defend you for or to praise you for, but I have been afraid. I joined with the Codes Committee of Engineers, in turning down and in recommending against the proposed zoning. There was a great hullabaloo about it. Maybe it is worthwhile saying that the pressure from one of the high City officials is the cause for having gummed up the decisions that the engineers made and throwing them back onto their haunches if you will, so that they went before the individual Chapters to try to get straightened out, but because of weather and time and everything else, they haven't been able to formulate any opinions that are worth bringing back yet. They are still working on the subject.

VICE CHAIRMAN BLOUSTEIN: The Chairman left this evening to speak before the Municipal Engineers. I'm speaking

tomorrow evening before the Professional Engineers, New York Chapter, so that I hope we can get the organized engineers in a frame of mind where they probably will support, if not in whole, if not specifically every item, certainly in principle, a new zoning resolution. We have a letter from the Queens Society. I'm sorry I don't have it with me. I gave it to Mr. Smith. If I had it with me, I would read it to you, in which they favored the proposed zoning in principle and made some suggestions.

MR. KENDALL: They are the only outfit so far that has said anything, and what they said was contrary to the opinions that have been brought in by the directors, I believe.

VICE CHAIRMAN BLOUSTEIN: They made that quite plain in their letter.

MR. KENDALL: There have been problems. Thank you very much.

VICE CHAIRMAN BLOUSTEIN: Thank you very much. Mr. Kendall, for the trouble you've taken to come before us. If there are any questions in which we could be helpful, don't hesitate to call us. Thank you, sir. Is Mr. Louis Russo present?

LOUIS M. RUSSO: Ladies and Gentlemen, my name is Louis M. Russo. I represent the Little Neck Bay Civic Association. I've been here since 2 o'clock and I don't know whether to feel sorry for myself or for you people. I think that you deserve a place in the Hall of Fame if this thing ever gets finished. I don't mean the hearing, I mean the whole plan. I refer you to page 11a. I represent the little community north of the Long Island Railroad, bounded by the Nassau County line, and

on the other side by Douglaston.

We have a unique problem that we haven't heard today, probably because we are the only ones that have it, and that is, the C-3 zone, that is the waterfront recreation zone. The reason that we have it, I imagine, is that there is a boat yard there. Boat repair work is one out in the open by a couple of boat yard men. We talked this over in our Association, and we tried to figure it out, whether this is going to be a good thing or a bad thing, and it is a "pig-in-a poke." We don't know that much about it, or what would happen to it, but these are the things that we see wrong with it.

VICE CHAIRMAN BLOUSTEIN: Well, let me say this, Mr. Russo, that this is not frozen into the mapping or into the resolution. If in time you, as an officer of the Civic Association, find it to be undesirable, or objectionable, you always have opportunity, as you do today, to come to the Commission and seek an adjustment in the mapping.

MR. RUSSO: So what's it to prove? It's in.

VICE CHAIRMAN BLOUSTEIN: Yes, but it's not frozen in; it's subject to change, on application to the Commission for a change.

MR. RUSSO: Well, my aim today is to try to convince you that it shouldn't be in.

VICE CHAIRMAN BLOUSTEIN: That's why we have this public hearing.

MR. RUSSO: That's right. My first point is that there was a similar area on the original map, the one that was prepared by Voorhees Walker Smith and Smith, in Douglaston, facing Little Neck Bay on the west side of Douglaston. On the proposed map in the City record, that is no longer there. That leads me to think that it's undesirable to have it because they got rid of it. Somehow it's gone away.

The second point is, that if you follow the North Shore westward, you don't come to a C3 area until you get to College Point; and I've been up around College Point, and if that's an idea of what a C3 area might become, it's a pretty miserable thing, because there you have boat shops, and repair shops in buildings. Now where we have it, it's all outdoors, sort of reminiscent of Cape Cod

VICE CHAIRMAN BLOUSTEIN: What would you suggest in place of this C3?

MR. RUSSO: A residential zone, no doubt about it.

VICE CHAIRMAN BLOUSTEIN: In other words, you'd suggest a residential zone and then the shipyards, if they had to stand, you would have to go to the Board of Standards and Appeals.

MR. RUSSO: Well, the shipyards couldn't do anything. They could stay where they are, or abandon them.

VICE CHAIRMAN BLOUSTEIN: Is there much boating amongst your community?

MR. RUSSO: No, no, we don't boat at all. We're residential people. We can't afford boating. Under the zoning regulations, they are allowed to have non-commercial clubs with unlimited use, bowling clubs, of course.

They are also allowed to have restaurants, provided they get permission. These restaurants are limited to one entertainer, which makes me think of a nightclub.

And the last point that I see wrong with it or that we see wrong with it is that this boat yard will be used very much by Nassau residents. We know this for a fact because they use the boat yard that's there now.

We also know that they use our railroad stations. They come in and park at our railroad station, and to make matters really abusive, they have a sewerage disposal plant right at the other side of the boundary line. To get to that plant, you have to come through our streets. They don't have any access to their sewerage disposal plant, so this will largely benefit Nassau County.

That ends our objections with the C3 zone. I hope you realize we would rather not have it.

The other point is the R3.

VICE CHAIRMAN BLOUSTEIN: You mean south of the railroad?

MR. RUSSO: No, north of the railroad. As the community is now, it fits in the Ra pattern, and it's an "E1" zone, and I understood that these things were based on present

situations. In other words if they went in there and they saw an R2 pattern, they would classify it R2, but it was classified R3. We would like to see it up-graded to R2. I thank you very much.

VICE CHAIRMAN BLOUSTEIN: Thank you very much for your suggestions.

Is Mrs. Gerken present?

MRS. W. GERKEN: Mr. Chairman, Members of the Board, as long as I stayed this long, I have to say my piece.

I am Mrs. Gerken of the Juniper Park Civic Association, and map 13 is the area in which we are located.

Now, we appreciate the fact that you gentlemen have recognized that we have a very lovely little community, and I think by putting us in R4, that is good enough, with one exception. It has been brought up here several times, and Mr. Chairman, just a minute ago, you said that you were going to consider an R3 so I'm hoping you will consider R4, about multiple dwellings or apartment houses.

Now, at the present time, it just isn't conceivable that anyone would buy up enough property to build apartment houses, but the fact that at present we have one non-conforming establishment in this area, and I will not go into that because I have written to Mr. Felt. I've spoken to Mr. Friedman, but I want to point out that that element is there and it is down-grading the neighborhood, so that if that is to continue, it's not

inconceivable that the people who are being affected by this nuisance will some day get tired and they'll sell, and these are attached houses, row on row. All it would need would be for one block to sell out and then to put towering apartments, and it would destroy the whole concept of the whole neighborhood, not only the neighborhood, but the entire community.

It is built now, as I said, in a very, very, nice manner. We were lucky that these apartments did not come before. We were always under the impression that they couldn't, but just recently we have been told that that has been changed and nobody knows just when or where or how it was changed. We would like to go on record now to ask if you will consider putting a clause in restricting multiple dwellings or apartments, or R4 zoning.

Now, is there anyway that we can follow through with this?

VICE CHAIRMAN BLOUSTEIN: You can follow through by calling Mr. Friedman again, give us sufficient time to consider this after these hearings are over, to find out what we have done with it.

MR. GERKEN: Well, I'm going to be in touch with Mr. Friedman and, as I say, I promised him

I wouldn't go into our problem here now, but we are going further with the non-conforming, and we don't think that there should be anything allowed that is tending to downgrade our community. When an establishment gets too big for the block in which it is zoned, I think common sense would say that it should move out and find quarters somewhere else.

VICE CHAIRMAN BLOUSTEIN: We'll try to help you in every respect.

MRS. GERKEN: Thank you.

VICE CHAIRMAN BLOUSTEIN: Is Edward J. Ledogar present?

EDWARD J. LEDOGAR: Mr. Vice Chairman Bloustein and Honorable Commissioners, my name is Edward J. Ledogar, Jr. I'm an Attorney-at-law, practicing in Jamaica. I heard you, Mr. Bloustein, speak on one occasion regarding this proposed zoning and I am here on behalf of a number of clients.

In line with your recommendation that where

individual parcels are affected, our best bet would be to come before the Board and to discuss individual grievances.

Now, we certainly have no quarrel with the entire zoning resolution. As a matter of fact, I personally feel that it is an excellent move, and a very wonderful thing that the Board has worked so hard to foster this thing.

However, in my office, we represent private property owners, builders and investors, owners of several parcels of vacant land in Queens County, and there is a couple in Staten Island; and in going over the entire group, which consists of between 75 and 100 parcels, we find but 6 parcels that I would like to bring to your attention, as being problematical. Not that others have been rendered or might be rendered less useful under the proposed zoning, but at least our group, including myself and clients, are willing to concede that this proper plan requires that we fall within a line of the property.

VICE CHAIRMAN BLOUSTEIN: May I make this suggestion: that when we are finished here, without going into the specifics, you make an appointment with Mr. Friedman, who is sitting there. He will take up each one of these 6 parcels with you and if adjustments can be made without offending the concept that we have, we certainly

will consider them all on the merits.

MR. LEDOGAR: Yes, sir, I certainly would like to go into individual points in regard to them. I have written letters in each six instances to the Commission. I understand that answers were received in my office, two of them today. I would like to, even at this late hour, take a few additional minutes to go into one or two points regarding specific cases.

One case is a mere technical change, a case where a map line runs through the property. I believe we can certainly handle that in a meeting of the type you suggest.

VICE CHAIRMAN BLOUSTEIN: What do you want to do, bend the line around the property line, -- around the ownership line?

MR. LEDOGAR: Well, actually it's an unusual circumstance, where the line cuts through the property rather than following a street line.

VICE CHAIRMAN BLOUSTEIN: You mean the zoning line?

MR. LEDOGAR: The zoning line, the border line.

Ledogar

VICE CHAIRMAN: All right, why don't you take that up with Mr. Friedman?

MR. LEDOGAR: In two or three of these cases, we have properties that are on busy streets. In one case, property on Jamaica Avenue, and another case, property on Springfield Boulevard, another case on Lefferts Boulevard, and on Clintonville Street.

These properties are in retail store locations. For some reason the proponents of the comprehensive resolution find a reason to make these residential.

In one case, the property adjoins a dog and cat hospital. as far as the entire Jamaica Avenue - from Brooklyn out to Nassau County it has been a retail business zone.

It would be a gross confiscation of property in that case to make this a residential parcel of land, next to a dog and cat hospital.

In another case, the property adjoining ours has been built on, a part of our property has actually been improved with an office building, which is now tenant-occupied by the Prudential Insurance Company. This has occurred since the original enactment was being considered. The up-zoning of this to residential property would effectuate a very serious confiscation of value. Gentlemen, that's all the time I would take up on that point

VICE CHAIRMAN BLOUSTEIN: Well, why don't you now go and see whether Mr. Friedman won't make an appointment with you?

MR. LEDOGAR: Yes, sir, if I may make one further point; I've been sitting here many, many hours today listening to these various things. I had no intention of saying anything regarding this point. I am a resident of Queens, a resident of Douglas Manor. I am a member of the Douglas Manor Association. I do not speak for that Association, and I was here a little while ago and heard the two gentlemen, a Mr. Evarts and a Mr. Teplitsky, and I understand Mrs. Richardson spoke in behalf of the Douglas Manor Association. I would like to correct some misinformation that I believe was given by Mr. Evarts and Mr. Teplitsky. One or both of these gentlemen seem to create the impression that the entire 40 or 93 acres that they speak of is swampland, this is not so. There is a good deal of this property that is solid ground.

This property, and the major part of it lying north of Northern Boulevard, is in a "G-1" zone at present.

Now, it is true that the frontage to a depth of 100 feet along Northern Boulevard, and along Douglaston Parkway, is zoned for business. Now, certainly, if this Board considered the request as to the changing from R1 back to its present usage, it should only consider the request of these owners as to the 100-foot depth. What they are coming

in here and asking for in the making of this entire area a manufacturing zone, is that since they might have some grievance as to the 100-foot frontage, you take this entire 93-acre area and change it from a "G-1" zone to an "M-1" zone, which would be a terrific blight on the area -- now they say that there are natural boundaries. There are some natural boundaries -- if you gentlemen are familiar with the area. Almost all of Douglaston looks down upon this Kiddie City Area, and it's practically a bowl of observation. Wouldn't it be a ridiculous thing to look down into a manufacturing area there bordering a park, surrounded by residential communities with a zoning of R1. Thank you very much gentlemen.

VICE CHAIRMAN BLOUSTEIN: Thank you, sir.

(reads remaining names on list)

Are there any other persons here who wish to speak on the proposed amendment to the zoning resolution who haven't spoken or, if they have, wish to speak again?

MARTIN J. KNORR: Members of the Planning Commission: my name is Martin J. Knorr. I'm president of the Associated Organizations of Ridgewood, Glendale, Maspeth and Middle Village, Queens.

I have already congratulated Senator Sweeney on his appointment as a member of the Planning Commission, and I'd like also to congratulate the Planning Commission on having

him as a member of it, because I'm sure that he will lend a very sound and constructive approach to the problems in Queens. We are very glad to have him there. We consider him a friend, in Queens.

Now, during the course of the long afternoon and morning, I've heard many people say that they represented hundreds of organizations and represented the thinking of the poor homeowner. I don't believe that to be quite an accurate statement, certainly I think it's a gross exaggeration, and I won't have the temerity to say that I represent 22 organizations unless those organizations had individually met and considered the zoning proposal. In addition to that, my Organization, the Associated Organizations, composed of five delegates from each one of those 22 organizations had further met and considered the proposed zoning resolution; so I'm here in that kind of representative capacity.

Now, in that capacity - covering that area - may I say that it's made up of one, two, three-family homes, in the main, attached, detached and semi-attached. In addition to that, there are three, four, five and six-family homes in the area. There are a few apartment houses. There is also a belt or an island, whatever you want to call it. Parallelling the railroad, which has been Unrestricted and has developed that way over the years. There is certainly some heavy industry in there.

Now, maybe the impression has been given that homeowners are opposed to industry, that they are opposed to realty interests, and certain other interests that are referred to. Frankly I don't know exactly what they mean. I don't believe that the homeowner that I represent, at least in Queens, thinks that there is sinister influences, and we certainly don't think that the Planning Commission has indulged in any sinister activities in giving us the zoning that is proposed for our area. But I think that there is an opportunity that has been presented to the Planning Commission that would have provided a means of actually protecting the homeowners areas. And when I speak of homeowners areas, I'm not limiting that to one and two families, certain plots and certain sizes. I can go in as far as six-family houses provided those constructions are owner-occupied.

It's only when you have owner-occupied areas that you have the true viewpoint of the homeowner. Now, in the Glendale, Ridgewood, Maspeth, Middle Village area, practically all the construction is owner-occupied. They live there. When you get into the six-family, I would say that probably 70% to 80% of it is owner-occupied.

Now, none of these types of constructions present any problems to the other people living in a different type of construction. We can live in it. We are happy with it as long as it is owner-occupied. And we can live, incidentally,

with what manufacturing areas, whether heavy or what it is, which already exist in the area and have been designed as such, and have grown naturally to be that.

There is no opposition to the unrestricted areas as they now exist, although, the Planning Commission has zoned these small manufacturing areas into an M1 zone. I think the homeowners in our area are smart enough to realize that with an M1 they can anticipate that a lot of employing facilities, that employ perhaps 1500 or 2000 people coming from the immediate area. If they are driven out of the area, nothing substantial will replace them, certainly not residential construction, because it's along the railroad and nobody is going to live there anymore.

We are a little worried, however, about the overall picture of the proposed zoning which you give us. We notice that, like in Ridgewood and Glendale, in the main you zoned this for R5 and R6. You also zoned wide areas throughout Queens County and wide areas throughout the City in R5, R6, and even lower down the scale than that. Now, the thinking of the true homeowner, his concern, is that when you do that, when you get beyond R3 you are throwing our City open pretty much to apartment house development.

I said before that we have no argument with apartment house development, providing it doesn't change the character of the particular area.

VICE CHAIRMAN BLOUSTEIN: The one difficulty in trying to map it is that the staff, in mapping it, took into consideration the character of the neighborhood as it exists and if, in any attempt, to do what you suggest, and that is to reduce an R5 or an R4 to something more restrictive than that, it might put a great many buildings into non-conforming use, because they may be multiple dwellings now, and the R4 and the R5 as defined in the proposed zoning has such low floor area ratio, that the fear and the apprehension that you have may never occur, and your fears may be unfounded. But I may say this, that if in these areas, you find that there are truly one-family detached houses that ought not to be in R4 and R5, why don't you call that to our attention, and give us a memorandum or come up to see us? In the light of your relationship with Commissioner Sweeney, why don't you call his attention to these things and he will call our attention to them? Then we will know exactly the areas you have in mind and we will study them again.

MR. KNORR: Well, I hope to have an opportunity to discuss it with Commissioner Sweeney. However, may I say that I can't quite agree that the protection against apartment house development in wide areas, not only in our area, but in wide areas all over the City, is not covered by R5 and R6.

The statement is probably true that under whatever formulas may exist, it may be uneconomical to build apartment houses, but if that is the case in an R5 and R6, isn't it

possible for the Planning Commission to so stipulate?

If we are actually being protected in R5 and R6 against apartment house development, why not in an overall manner, tie that in?

COMMISSIONER ORTON: There is a matter of space involved under the circumstances; you can build apartments there but it takes a good deal of space, so it's less likely and if it does happen, then there will be a great deal of space provided.

MR. KNORR: Let me tie another thought in with this question of apartment houses? We have seen a massive development of a city with publicly supported, tax-supported housing, full tax, half tax, subsidized housing - I think about 2½ billion dollars have been spent by the Federal, State and City governments in this kind of housing. It is supposed, of course, to eliminate slums but I think the experts even admit that there are more today than there were when they started out on this grandiose program.

Now, this is the thought that I have in mind, and it's in the minds, actually, if they are informed and given the facts of homeowners everywhere - owner occupied residences everywhere, that with this trend, it's little use what protection any zoning proposal gives them insofar as stipulating

one and two-family and so forth, if the City becomes a farce of tax-exempt housing.

Some official recently said that there is something like 58 million dollars of tax revenue lost as a result of it already.

VICE CHAIRMAN BLOUSTEIN: At this late hour, may I ask you not to impose that question on us, because that is not before us.

MR. KNORR: I understand, but you would have a certain amount of persuasion, insofar as any legislation in conjunction with your zoning proposal, with the powers that be - the City Council, and the Board of Estimate.

If we need legislation in order to accomplish this result we certainly hope that we have the support and help of the Planning Commission. But this is really a deathly fear, because it doesn't make any difference to a homeowner, that he is protected technically by a zoning proposal, if in five or ten years the taxes levied on him to support all this project construction, makes it impossible for him to maintain a one or two-family house, and he has to get out, and more of the publicly-constructed

houses will move in.

On the overall, we in the Associated Organizations, because of some of those reasons, decided to oppose the whole proposal that is being presented, or at least to delay it until some of the homeowners had a chance to present their views a little more than they have been able to do. Thank you, thank you very much.

VICE CHAIRMAN BLOUSTEIN: Is there anyone else who desires to be heard? (no reply) If not, will the Secretary please call the roll on recessing this hearing?

SECRETARY MALTER: This is a motion to recess the public hearing until Friday, March 25, 1960, at 10 A.M., when the hearing on the Proposed Comprehensive Amendment of the Zoning Resolution will be continued, and will be devoted to the Proposed Zoning Maps for the Borough of Richmond:

Chairman, Vice Chairman, Commissioners Livingston, Orton, Sweeney, Provenzano.

This public hearing now stands in recess until tomorrow morning at 10 o'clock. It is now 8:45 P.M., Wednesday, March 23, 1960.

* * * * *

G. Buxbaum,
Reporting Stenographer