

## Community Board 1, Meeting Minutes

March 21<sup>st</sup>, 2017

### **Board Member Attendees – List Attached**

#### **OPENING: 6:30pm**

- Chairman Joseph Risi welcomed attendees, and asked for people to recite the Pledge of Allegiance. The Pledge was recited.
- Chairman Risi acknowledged Mr. Joseph Nocerino from the Borough President's Office, Mr. Nicholas Roloson from Councilman Costa Constantinides Office, Damaris Moné from Senator Peralta's Office, and officers from the 114<sup>th</sup> Precinct.
- The Chairman called for a representative for the application with the Board of Standards and Appeals to take the floor.

#### **BOARD OF STANDARDS AND APPEALS**

##### **1.) BSA Cal. No. 2017-21 BZ Applicant: Astoria Sports Complex Block 645, Lot 10 Enlargement of an existing building located at 34-38 38<sup>th</sup> Street without providing required rear yard; and update the existing Physical Culture Establishment Special Permit.**

- Mr. Mitchell Ross, attorney for Astoria Ice, Inc. (the owner of the property) was in attendance to discuss the application, along with the project architect, a consultant who worked on the BSA hardship study (Mr. Jack Freeman), and the owner of the establishment, Mr. Steve Polisenio.
- According to Mr. Ross, the property was originally built as an ice house, and requires an enlargement as the building is not economically viable. Presently, the building consists of a shorter 2 story section at 27 feet, and a "tower" that rises two stories above that (bringing the total building height to four stories). The establishment sits in an M1-5 zone, where the owners can enlarge the building As of Right. However, in order to make changes necessary to make the establishment economically viable, the owner requires a variance for a rear yard equivalent.
- The owner is hoping to expand the building to allow for the creation of a regulation sized soccer field and regulation sized hockey rink, which the owner sees as incredible desirable amenities.
- The attorney reviewed the five criteria necessary to approve a variance of this kind.
  - 1) The property must be unique, a criteria met if the building is functionally obsolete (which because the building was originally constructed as an ice house, and thus is not easily used for other purposes, is met in this case according to the attorney);
  - 2) The unique conditions must pose a hardship or practical difficulty in zoning compliance, a condition met because without the variance the economically viable solution can't be pursued (though in every other way the proposal is compliant with regulations);
  - 3) The proposal will not alter the character of the area, which is characterized by Kaufman Astoria Studios, commercial/manufacturing facilities, and residential properties. This facility will offer beneficial services and the use is almost completely covered As of Right according to the representative;
  - 4) The hardship isn't self-created, which in this case as the building was constructed in 1926 and is functionally obsolete, it isn't.
  - 5) The representative claimed they are only asking for what is minimally necessary, which constitutes the fifth condition. Financial studies show even with additional floor area, the property is barely economically viable.
- Mr. Ross turned the floor over to the architect, who reviewed the plans and a physical model the representatives brought with them. Paper copies of the plans and photographs of the site were distributed to the Board. These plans include excavating the basement to accommodate storage, keeping the swimming pool on the ground floor, redoing the first floor with renovated retail space and installation of a car elevator to

accommodate a Zamboni for an ice rink, and a gymnasium (an amenity already on site); the second floor will include a new regulation sized hockey rink with restrooms, amenities, offices, a snack bar, and an elevator lobby, as well as a seating mezzanine. The third floor will have a regulation sized soccer field with the same amenities and other features as the floor below. The proposal seeks to build a two story "L" shaped enclosure to bring the two-story portion of the building up to the height of the four story tower. The height of the building will be 83 feet on the 38<sup>th</sup> street side, and 70 feet on the 37<sup>th</sup> street side.

- Chairman Risi asked for questions and comments from the Chairs of the Land Use and Zoning Committee.
  - Committee Co-Chair Mr. Gerald Caliendo asked for clarification regarding the sections of the law that applicant is seeking relief from. Mr. Ross answered that they are seeking a variance for a rear yard equivalent, as well as an updated physical culture establishment special permit (which allows for the operation of a gymnasium).
  - Mr. Caliendo requested clarification about why the establishment is seeking to increase square footage (by more than 54,000<sup>2</sup> feet) while decreasing parking. Mr. Ross replied that while the Certificate of Occupancy for a parking garage onsite allows for 33 spaces, by per car square footage regulations, only 23 cars can fit in the space, and this fact may account for the discrepancy in why the plans seem to indicate a reduction in parking. The zoning district the property is located in does not have a parking requirement. The representative did state that there wouldn't be a reduction in parking, and that the establishment has never encountered issues with parking availability.
  - Committee Co-Chair Ms. Elizabeth Erion asked for clarification regarding the height (in feet) of the current building, as well as exactly how many feet would be added, since the floor heights at the building are not standard. The architect stated that the tower portion is currently 70 feet not including projections such as stairwells/bulkheads, which brings the height to 83 feet. The two story portion is currently 27 feet, and will be increased to the height of the stairwells, at 83 feet (though the architect later stated the total height would be 84 feet). The representatives did not explicitly state how many feet would be added.
  - The attorney clarified (at the request of Co-Chair Ms. Erion) that the fourth floor in the tower has a mixture of uses, included a banquet hall. There is also a play area for children's parties. Below that exists a soccer field (which is not regulation size as noted earlier in the meeting).
  - Parking is on the ground floor.
  - Mr. Poliseno (owner) clarified for Ms. Erion that currently the establishment has ~30 employees, and that once renovations are complete they predict there will be double or triple that. Mr. Poliseno also provided information regarding the times the establishment is open (6am to 11:30pm, though it may increase after the renovations are complete), and that he purchased the property 40 years ago, initially running it as an ice house before converting it to the sports complex. The facility serves a local charter school, contains a swimming pool, and has a small soccer field that is used by some local leagues. However, because the field is not regulation sized, the establishment loses these players (and thus revenue), as games are played at other, regulation sized facilities. The owner would also like to open an ice rink, a facility lacking in the community (the variance is needed because the rink must be 200 feet long according to Mr. Poliseno).
  - Ms. Erion thanked Mr. Poliseno for answering some upcoming questions, and then expressed concerns the Land Use and Zoning Committee has regarding the application; specifically, the Committee is concerned with doubling the size of the facility without sufficient parking. Additionally, the committee is concerned with the number of additional people who will come to the neighborhood once the new facilities are open (issues of occupancy), and how customers will get to the location.
  - Mr. Ross stated they could address issues of occupancy, but first wanted to clarify the issue of parking, stating that no parking would be removed. Mr. Ross also stated they are asking for 6,000 square feet less than zoning allows As of Right. The attorney then stated they could look into adding more parking, but parking hasn't been an issue, and when additional parking has been needed, the facility has partnered with the nearby theater (which has a parking facility) to accommodate additional cars.
  - Ms. Erion again asked about occupancy, as Mr. Ross didn't clearly address the issue. Mr. Ross responded, noting occupancy is expected to only be 20% of theoretical occupancy for the square footage.
- Mr. Risi opened the meeting to Board Member questions, resulting in the following clarifications:
  - The rink and the soccer fields will be able to be used at the same time.

- The building is functionally obsolete because despite the fact that it has been converted, the space is not conducive to any practical usage. The attorney also highlighted an approval of the same project 10 years earlier, which was eventually withdrawn from the BSA due to conflict and legal action within ownership's family.
- The soccer and ice rinks will have 318 seats in the mezzanines for onlookers.
- Discussion between the Board, Mr. Ross, and Mr. Poliseno turned to discussion of whether the facility would attract a significant number of new clients, or be reliant on the current customer base (especially those soccer players who presently leave the facility for others with regulation sized fields to play games), as well as whether the total occupancy for the facility would be met. While there would be an increase in the number of people using the facility, the renovations would be an improved to a valuable amenity, and the number of additional customers would not be such to put a burden on the neighborhood or parking.
- The current occupancy is 440. The allowable occupancy under the proposal will be 3800, but it is very unlikely the facility would or could ever accommodate this many people, as these figures are based on square footage rather than usage. Mr. Ross later clarified that the facility may see approximately 900 individuals (or around double the number of customers the facility currently sees daily) after the renovations are complete.
- The proposed renovation (specifically, the increased floor area specified, in the configuration proposed) is necessary for a minimum return. A financial feasibility study (which was provided to the Board) was conducted to support this claim. The issue of the operator's breakeven point is not a contributing factor in determining whether a hardship exists under the zoning, according to Mr. Ross.
- There will be an expansion of existing customer base, and the intent behind the renovations is financial feasibility. It is not financially feasible to remove the building and start from scratch, nor is it feasible to expand the building As of Right. The only financially practical solution based on studies, according to Mr. Ross, is obtain a variance for a rear yard enlargement.
- At the request of Committee Co-Chair Elizabeth Erion, the representatives/owner discussed the rooftop restaurant planned for the site, which will be able to accommodate 522 people. There is an existing catering hall (which according to Mr. Poliseno, is losing money for events given many parties request a separate space for events such as cocktail hour, and the facility currently only has one event space), and the new facility will complement the services provided by the banquet facility. The proposed restaurant will not have shelter for poor weather (and thus will only be operated during good weather conditions), and will have the same hours as the facility.
- Retail space will not be expanded.
- Concerns were raised by the Board regarding whether the purpose of the project is to enhance the site for resale. Mr. Poliseno stated that this was not the case. Additionally, the variance restricts buildings usage such that even if the site sold, it couldn't be used for other purposes unless the entire building were to be demolished according to Mr. Ross.
- Mr. Ross assured the Board that if they would be so generous as to support the application, they were welcome to include as a condition of approval that at no time would the business use a third party promoter.
- The facility does not use a membership model, but rather, a pay per activity model.
- Mr. Poliseno promised the Board that the facility will not use third party promoters.
- The hockey rink and soccer field will be 200ft by 75ft; there will be over 20 feet of head room.
- The facility can accommodate parties of up to 200 people.
- Guests can park on the street, though the facility has also worked with the theater across the street to rent out their parking facility for use by customers of the Astoria Sports Complex when necessary. The owner claimed there is "plenty of parking", and parking has never been an issue for the facility.
- The facility will remain open during renovations, and the school using the gym will continue to have access to the facility (for a moderate fee). The attorney supplemented this information by stating the proposed variance is the best way to renovate the facility with minimal impact.
- Chairman Risi called for questions/comments (for or against the application) from the public:
  - Ms. "Z" expressed support for the proposed renovations, and is excited to take her children ice skating.

- Mr. Neil Herdan expressed concerns for parking availability and safety (as this facility is located in a noisy, industrial area), as well as asked whether rates would be changed for each activity (as Mr. Herdan believed the cost was already too high, and was concerned with the fee per activity cost structure).
  - The attorney responded stating the owner believes that it is an advantage to “pay as you go”. Mr. Ross also stated that while they don’t believe parking would be an issue and no parking requirement exists for the district, but they could discuss adding more.
- Constituent (inaudible) expressed support for the application, and asked the Board to give the facility a chance (though the constituent did state she appreciated the Board taking the time to ask questions on the matter).
- Ronnie K. Minor (community advocate from Astoria Houses) asked whether employees would be hired from the local community.
  - Mr. Polisenio stated approximately 95% of employees are from the community, and the establishment prefers to hire local.
- Constituent (inaudible) stated that the rates for Astoria Sports Complex are the lowest [gym rates] in the area, and that she is excited for an establishment to open up with a rooftop bar in the neighborhood, as this is usually only an amenity available in Manhattan.
- Ms. Singleton (inaudible) stated she has reserved the facility for a baby shower.
- Paulette (Mr. Steve Polisenio’s daughter) spoke to the Board, stating use of promoters would be contrary to her father’s business model, and that if her father was interested in selling the property, he would have done so already rather than putting money into the facility. Paulette also stated that her father wouldn’t do anything to hurt the community. Finally, Paulette stated parking has never been a problem for the facility (though if there is a problem with parking, it is an Astoria wide issue, and is only getting worse); and most customers take public transportation. Other customers bring their bikes, which can be left on a bike rack outside of the facility. Many times, the onsite parking is not used.
- Mr. Risi called for final comments from the public. Hearing none, the Chairman called for a breakout session to allow the Land Use and Zoning Committee to discuss the application with the BSA.

----- Breakout Session 7:47pm -----

----- Meeting Resumed 8:07pm -----

- Chairman Risi called the meeting back to order, and asked that prior to discussing the decision by the Land Use and Zoning Committee on the matter of the application with BSA, the Board hear remarks from 696 Build Queensbridge.

**Remarks by Mr. K. Bain – 696 Build Queensbridge**

- Mr. K. Bain (Founder) addressed the Board, stating the organization is part of the crisis management system in New York. Mr. Bain was in attendance at the February meeting. Mr. Bain stated the group was thankful to be at the meeting at the Chairman’s request, and called to the podium young adults from the organization’s political education program who were in attendance. Saying he was aware that the matters discussed at the meeting are things that affect the community (including those served by the organization), 696 Build Queensbridge is excited to be a part of the ongoing conversation.
- Chairman Risi thanked Mr. Bain, stated it is his pleasure to have the ability to appoint public members to the Board, and invited members of 696 Build Queensbridge to get involved with the Community Board, asking Mr. Bain to speak with his group and pass along names of interested parties.
- The Chairman called for a decision from the Land Use and Zoning Committee on the matter of Astoria Sports Complex’s variance application.

## **DECISION ON BOARD OF STANDARDS AND APPEALS APPLICATION – Land Use and Zoning Committee**

- The Land Use and Zoning Committee believes this facility to be an amenity to the community (though the committee had concerns), and voted unanimously to approve the variance for enlargement with [following] six stipulations (**MOTION (1) made by Chair Elizabeth Erion**):
  1. A traffic study and a parking assessment study be completed.
  2. To provide additional parking, an agreement should be made with adjacent parking lots in the surrounding area to obtain some of the overflow for the additions being added to the facility (e.g. weddings, restaurant).
  3. Continue and expand the heavily subsidized programs the facility provides for local schools.
  4. No outside promoter is to operate within the facilities for sports or entertainment.
  5. The variance should be limited to a term. The Committee is suggesting a term of 10 years to the BSA.
  6. The Board would require the facility to schedule public use time for the rinks outside of that allowed for the leagues the owner intends to lure in to the facility. This stipulation also applies to the soccer field.
- Chairman Risi requested discussion on the matter.
  - Discussion of fees associated with “public hour(s)” for the field and rink occurred. Conclusion was that a reasonable fee could be charged by the facility. The fee should not be such that it would price people out, because this would result in the rink/field time no longer being truly accessible/ public.
- Chairman Risi reiterated that a motion for approval of the application subject to stipulations had been made and required a vote.
- **MOTION (1) SECONDED by George Alexiou.**
- Roll call taken by Jean Marie D’Alleva
- While roll call votes were being tallied, Committee Co-Chair Elizabeth Erion reminded the Board there was another action that had to be voted on; the special permit to run a physical culture establishment (this permit allows a facility to operate a gymnasium).
- Ms. Erion asked the attorney for the establishment if the permit has a term.
- Mr. Ross stated there is a term, which has been expired for years. Generally this term is 5 or 10 years. The permit has been expired for years, though the attorney could not offer any exact date or time frame.
- Ms. Erion requested clarification that the term for this application is 10 years, which Mr. Ross confirmed.
- **MOTION (2) made by Elizabeth Erion to approve the special permit to run a physical culture establishment, for a term of 10 years.**
- **MOTION (2) SECONDED by Rodolfo Sarchese.**
- **MOTION (2) PASSED by a majority vote.**
- Ms. Erion invited the representative to attend the Land Use and Zoning Committee to further discuss the matter.
- **MOTION (1) (approval of variance application with stipulations outlined above) PASSED, 32 In Favor, 2 Opposed, 0 Abstained.**
- Chairman Risi requested to proceed to the business segment of the meeting.

### **BUSINESS**

#### **A. Approval of Minutes:**

- Chairman Risi requested a motion to approve the February Minutes.
- **MOTION TO APPROVE made by Rose Anne Alafogiannis.**
- **MOTION SECONDED by Antonella Di Saverio.**
- **MOTION APPROVED.**
- Chairman Risi called for the District Manager’s report.

**District Manager’s Report – Florence Koulouris:** The District Manager discussed the health of John Carusone, Kevin Mullarkey, and Mr. Nieves-Blas, and then reviewed ongoing work with the Department of Design and Construction on several area projects, and the Department of Sanitation for snow removal during recent storms.

Ms. Koulouris also announced that the Citi Bike and Link NYC programs would soon be rolling out in the community (though she didn't have specific details on what services the kiosks would have, though an upcoming presentation would clarify those details). Ms. Koulouris ended by summarizing the recent meetings and events she had attended.

## **B. Committee Reports:**

- **Access and Disabilities:** No Report.
- **Airport:** Committee Chair RoseMarie Poveromo discussed concerns regarding the negative impact on quality of life issues related to LaGuardia Airport, and the redevelopment of the facility. Issues include toxic emissions from the jetliners, noise, and ground traffic. Ms. Poveromo reviewed the traffic management command provided to her by the Port Authority of New York and New Jersey. Additionally, Delta airlines has gotten rid of all MD88s, and they have been removed from the airport.
- **Capital/Expense & Budget/Planning:** No Report.
- **Community & Economic Development:** No Report.
- **Consumer Affairs:** No Report.
- **Education/Library:** No Report.
- **Environment Protection:** Committee Chair Antonella Di Saverio discussed the letter to the Commissioner of the Public Service Commission, Audrey Zibelman, the committee drafted at the behest of Councilman Costa Constantinides. This letter, a draft of which was included in Board Member folders, asks the Public Service Commission to urge local power plants to phase out use of Number 6 and Number 4 oils ahead of schedule (phase out scheduled for 2020, and 2030 respectively), and switch to use of Number 2 oil or natural gas. This would help mitigate the respiratory issues prevalent in the district.
  - **MOTION by Committee Chair Antonella Di Saverio and Robert Piazza to send the letter.**
  - **MOTION SECONDED by Evie Hantzopoulos.**
  - **MOTION PASSED.**
  - Ms. Frances Luhmann-McDonald requested a carbon copy be sent to Governor Andrew Cuomo.
- **Health/Senior Services:** No Report.
- **Housing:** Committee Chair RoseMarie Poveromo discussed the homeless crisis in New York City, and the Mayor's plans to create 90 shelters evenly distributed across the city's neighborhoods. The Chair expressed support for the Home Stability Support program as an alternative, to keep people from becoming homeless in the first place, and thus preventing citizens of NYC from being forced in to less than habitable cluster sites, shelters, or hotels. The Chair concluded by stating that the Mayor should reconsider allowing continued development of luxury towers at the expense of local poor and middle class residents who are displaced by this development.
- **Land Use & Zoning:** No Report.
- **Legal, Legislative & Parliamentary:** No Report.
- **Office Staff:** No Report.
- **Parks/Recreation & Cultural Services:** Committee Chair Mr. Richard Khuzami announced that the Astoria Park Alliance (APA) had receive the Borough Award. The APA has been successful in revitalizing the bocce court in Astoria Park, and getting new a new play surface for the playground. Mr. Khuzami also discussed the upcoming Parks/Recreation and Cultural Services committee meeting where plans for phase 1 of the Anchor Park Program's Astoria Park renovations would be discussed.
- **Public Relations:** No Report.
- **Public Safety:** No Report.
- **Street Festivals/Special Events:** No Report.
- **Transportation:** Committee Chair Robert Piazza announced a meeting on March 22<sup>nd</sup> to discuss the Link NYC program; several kiosks are coming to the neighborhood. On April 4<sup>th</sup>, DOT would be discussing the locations of the incoming CITI Bike docking stations at the Board Office.
- **Youth Services:** Committee Chair Jose Batista announced that the deadline for the summer work program had been extended to March 31<sup>st</sup>. The application is online. Non-profits seeking summer employees should sign up with Natalie Martinez at HANAC.

## **PUBLIC DISCUSSION**

- Barbara (constituent) expressed concern that people making minimum wage can't afford the apartments being deemed affordable, and asked if there is anything the Community Board can do.
- Megan (constituent) discussed concerns about the manner in which Area Median Income (AMI) is calculated (i.e. including wealthier counties outside of the city such as Westchester County) inflates the price point for affordable units, and also discussed the rationale behind local shelters, which is to keep children who have become homeless in their local school district.
  - Housing Committee Chair RoseMarie Poveromo responded to the two constituent speakers by discussing a bill proposed by Senator Michael Gianaris, and being cosponsored by Brian Barnwell in the Assembly, seeking to calculate AMI by zip-code rather than region.
- Mr. Neil Herdan reminded attendees that the start of the 2017 Participatory Budget voting period was March 25<sup>th</sup>. Mr. Herdan also discussed ideas he had to enhance the Board webpage.
- Ms. Elaine Tan from New York City Comptroller Scott Stringer's office spoke on the Comptroller's behalf in opposition to the Trump administration's proposed cuts to the National Endowment for the Arts (NEA), citing a March 9<sup>th</sup> report from the Comptroller's office regarding the adverse effects this funding cut would have on the city and many local arts organizations.
  - Chairman Risi requested Ms. Tan ask Mr. Stringer why Queens County receives the lowest per capita allocation of funds for the arts. Ms. Tan stated she would take the question back to the Comptroller.
  - Further discussion took place between the Board and the representative on the matter.
- Anne Foster from Bike NY provided information on the upcoming Five Borough Bike Tour (inaudible).
- Sumana Harihareswara praised the Board's Twitter feed, stating it is a helpful source of information.

## **BUSINESS**

### **C. New/Old Business**

- District Manager Florence Koulouris reminded Board Members that a sticker had been provided in their folders to alert them of what a gas leak smells like, and encouraged them to report leaks if they noticed them.
- No other requests to discuss new or old business were heard.

### **D. Adjournment**

- The Chairman called for a motion to adjourn.
- **MOTION made by the Board.**
- **MOTION SECONDED.**
- **MOTION APPROVED.**

**MEETING ADJOURNED: 8:45pm**