

Community Board 1
May 15, 2012

Mr. Vinicio Donato, Chairperson of Community Board 1, commenced at 7:00 p.m.

Mr. Donato opened the meeting with public hearing item from the Board of Standards and Appeals. Mr. John Carusone, Chair of the Zoning and Variance Committee, read item # 114-12-A – A request to reverse the Department of Buildings’ determination refusing to register the advertising sign on 24-59 32nd Street that was given a permit in 1941. Mr. Jerry Kazakis, Lawyer, came up on behalf of the applicant. Mr. Kazakis reviewed why the application is before the Board and that the sign has been in Astoria for 70 years. The building was purchased in good faith with 2 permits on the building that were never revoked. The owner stated that they purchased the building in 1998. The first permit was issued in 1940 and the other in 1981. Mr. Carusone asked if he knew why the Buildings Department denied your renewal. Mr. Kazakis stated that they never had an illegal permit. Mr. Carusone stated that the sign was erected in 1941 in the residential zone. In today’s zoning it is not permitted in residential area since the 1961 zoning resolution. He then read the regulation regarding non-conforming signs from the 1961 resolution. He was not sure why the Buildings Department did not revoke the permit and then granted another 10 years of non-compliance. The Buildings Department might have given the permit in error in 1981. At this point they will have to go through an appeal that will decide if the sign will be removed or remain. Tonight the Board has to decide whether the sign should be kept. Mr. Kazakis stated that there is an appellate division case against the City of NY a 2009 that states in regards to zoning resolution section 50-11 states permits the continuation of non-conforming use notwithstanding the inconsistency of that use with the current zoning resolution, with the use lawfully existing for the adoption of the current zoning resolution. There is also a section in the Administrative Code 27-111 that specifically related to what is called grandfathering, continuation of lawful existing use. He went on to read the code language to the Board. He stated that they waited until 2012 to say that they made a mistake back in 1981. Mr. Joseph Risi stated that he agreed with the argument that was raised. Mr. Jerry Caliendo asked if they received any denial. Mr. Kazakis stated no, they only have summonses. Mr. Carusone stated that they received a denial of renewal in letter form from the Department of Buildings Commissioner and had 30 days to resolve the issue. Mr. Kazakis stated that they went to the ECB and gave them the same argument. Mr. Carusone asked if the permit was ever revoked. Mr. Kazakis replied “No”. Mr. Bob Piazza asked if it is a sign on the wall. Mr. Kazakis stated that it is a painted sign on the wall. Mr. Donato asked if there was anyone on the Board who had any questions for the applicant. Seeing no one. Mr. Donato asked if there was anyone in the audience who wanted to speak for or against this application. Mr. Paul Halvatzis, 24-62 32nd Street, said that they purchased the property across the street from this applicant with the assumption that they could have a sign on the building. He stated that he has a photo of his property from 1940 from the City Archives that clearly states and shows that there was advertising completely around the area before World War II. He also brought a copy of the article that was mentioned earlier, which shows his building and the applicants buildings. He was also given s violations for the same issue, his attorney went down and had them dismissed and the violations were issued again a month later. He spoke to his Councilmember and he checked into it. There is a way to grandfather the sign in, if you could prove that signs have been there for an extended period of time. If you acquired affidavits from a couple of prominent people that they are aware that these signs exist prior to zoning existing and provide a few photos to the Buildings Department they would grandfather it in. He was in favor of granting the application. Mr. Nick Spanos, resident, stated he is in favor of the application. No further discussion. Item closed.

Mr. Joseph Risi, Chair of the Consumer Affairs Committee, read the next item from the Department of Consumer Affairs #1426466 – Premises 47-02 30th Ave. (MAX). An application to establish an Unenclosed Sidewalk Café with 17 tables & 34 seats. Mr. Hugh Chrysler, Engineer, and Mr. Renae Reyes, owner came on behalf of the application. Mr. Risi asked what type of business and what the hours of operation are. Mr. Hughes stated that they are a bar/restaurant and the hours are Monday to Thursday from 11am to 12pm, Friday from 11am to 2am, and Saturday from 9 am to 2am. Mr. Reyes added that they would like to do a beer garden at the premises. Mr. Risi asked if they were aware of the hours of a sidewalk café. Mr. Reyes replied “No”. Mr. Risi stated that the hours of operation for an outdoor café is Monday to Thursday from 8am to 12pm and Friday to Saturday from 8am to 1am. He then asked if they have a liquor license. Mr. Reyes stated that they have a full liquor license. Mr. Risi asked if they have waiter serves for the outdoor café and how long they have been open. Mr. Reyes stated “Yes” they have wait staff and have been open for 3 weeks. Mr. Risi asked if the prior owner had an outdoor café and if he knew how many tables and chair they had. Mr. Reyes stated that the previous owner did have an outdoor café with 14 tables and 28 seats. Mr. Risi asked if they would be willing to modify their application to reduce it to what it was before to 14 tables and 28 seats. Mr. Reyes replied “Yes”. Mr. Donato asked if there would be music and if they will be putting speakers on the outside and is there apartments above the premise. Mr. Reyes stated that there will be music on the inside, no speakers outside and there are 5 apartments above the premises. Mr. Donato asked if he owned the building. Mr. Reye replied “No”. Mr. Donato asked if there was anyone on the Board who had any questions for the applicant. Mr. Robert Piazza stated that the premise is surrounded by residential apartments. He asked that they be aware of the noise level with the outdoor café and suggested that they have less tables and seats. Mr. Richard Khuzami stated that establishments that serve beer tend to attract younger crowds and can get rowdy, will they have security. Mr. Reyes replied “No”. Ms. Mary O’Hara stated that the 30th Avenue premises is behind a bus shelter, which would leave limit space to walk. Mr. Risi stated that he would ask the applicant to reduce the tables behind the bus shelter. Mr. Reyes stated that their plans are in compliance. Ms O’Hara asked if there were complaints with the previous owners and what does “Max” mean. Ms. Lucille Hartmann, District Manager, stated that there was concern prior to the opening but no complaints after it was in operation. Mr. Donato asked if there was anyone in the audience who wanted to speak for or against this application. Mr. Paul Morgiello, landlord in the area, stated that he and his family own 9 houses around Café Max. Since they opened they have beautified the area. He is favor of the application. No further discussion. Item closed.

The next item #1423540 – Premises 36-10 30th Ave. (William Hallet). An application to establish an Unenclosed Sidewalk Café with 7 tables and 14 seats. Mr. Gary Asser, owner, came on behalf of the

application. Mr. Risi asked what type of business and the hours of operation. Mr. Asser stated that the premise is a Bistro/Bar Restaurant and the hours of operation are Monday to Thursday from 2pm to 12am and Friday and Saturday from 2pm to 4am. He added that they have a liquor license, have been open for 9 months, there will be soft music inside, and they are aware of the restrictions of smoking and hours of operation. Mr. Risi asked if the premise is sound proofed. Mr. Asser stated that the ceiling has been sound proofed. Mr. Donato asked if they had any complaints from neighbors or other cafes. Mr. Asser replied "No". Mr. Donato asked if there was anyone on the Board who had any questions for the applicant. Ms. McDonald asked how many seats are inside of the restaurant. Mr. Asser stated that there are 43 seats inside. Mr. Donato asked if there was anyone in the audience who wanted to speak for or against this application. Ms. Beth Nigel stated that there will be an increase in traffic, parking and noise. There was no one. No further discussion. Item closed.

The next item #1157157 – Premises 37-11 35th Ave. (Pizzeria Uno). An application to renew the license to operate an Unenclosed Sidewalk Café with 8 tables and 22 seats. Mr. Mike Kelly, representing the owner, stated that they are asking for 8 tables and 22 seats. There are no changes since the last application. Mr. Risi asked if they received any violations since the last application. Mr. Kelly replied "No". Mr. Donato asked if there were any Board members who had any questions for the applicant. Seeing no one. Mr. Donato asked if there was anyone in audience who wanted to speak for or against this application. There was no one. No further discussion. Item closed.

The next item #1166911 – Premises 22-85 31st St. (Lefkos Pirogos). An application to renew the license to operate an Unenclosed Sidewalk Café with 12 tables and 24 seats. Ms. Panaguta Georgapolous, owner, stated that there are no changes since the last application. Everything is the same. Mr. Risi asked if they received any violations since the last applications. Ms. Georgapolous replied "No". Mr. Donato asked if there were any Board members who had any questions for the applicant. Seeing no one. Mr. Donato asked if there was anyone in audience who wanted to speak for or against this application. There was no one. No further discussion. Item closed.

The next item #1356065 – Premises 35-01 36th St. (5 Napkin Burger). An application to renew the license to operate an Unenclosed Sidewalk Café with 26 tables and 70 seats. Mr. Mark Walsh, General Manager, stated that there are no changes since the last application or violations. Mr. Risi asked what the hours of operation are. Mr. Walsh stated the hours are 11:30am to 11pm Sunday to Thursday and from 11:30am to 12am on Friday and Saturday. Mr. Donato asked if there were any Board members who had any questions for the applicant. Ms. McDonald asked how many tables were inside the premise. Mr. Walsh replied "34 tables". Mr. Donato asked if there was anyone in the audience who wanted to speak for or against this application. There was no one. No further discussion. Item closed.

The next item #1318210 – Premises 33-10 Ditmars Blvd. (Watawa Japanese Rest.) An application to renew the license to operate an Unenclosed Sidewalk Café with 10 tables and 26 seats. Mr. Frank Alaveko, owner, came up on behalf of the application. Mr. Risi asked how long there have been open. Mr. Alaveko replied "2 years". Mr. Risi asked if they received any violations since their last application. Mr. Alaveko replied "No". Mr. Donato asked if they expanded. Mr. Alaveko stated yes, it was a year-long renovation. Mr. Risi stated that the Board received a letter in favor of the application. Mr. Donato asked if there were any Board members who had any questions for the applicant. Seeing no one. Mr. Donato asked if there was anyone in audience who wanted to speak for or against this application. There was no one. No further discussion. Item closed.

The next item #1280485 – Premises 36-21 Ditmars Blvd. (Martha's Bakery). An application to renew the license to operate an Unenclosed Sidewalk Café with 21 tables and 41 seats. Mr. George Stertsios, owner, came up on behalf of the application. Mr. Risi asked how long they have been open and hours of operation. Mr. Stertsios replied "4 years" and are open from 6:30am to 11:30pm on Sunday to Thursday and from 6:30am to 1am on Friday and Saturday. Mr. Risi asked if they received any violations since their last application. Mr. Stertsios replied "No". Mr. Donato asked if there were any Board members who had any questions for the applicant. Seeing no one. Mr. Donato asked if there was anyone in audience who wanted to speak for or against this application. There was no one. No further discussion. Item closed.

The next item #1277441 – Premises 32-21 Broadway (Romanos Famous Pizza). An application to renew the license to operate an Unenclosed Sidewalk Café with 13 tables and 26 seats. Ms. Nitari Tsambazis, owner, stated that she is renewing her application for an unenclosed sidewalk café with 13 tables and 26 seats. There are no violations since their last application. Mr. Risi asked how long they have been open and the hours of operation. Ms. Tsambazis stated that they had the unenclosed café for 4 years and their hours are Monday to Saturday from 11am to 12am and Sunday from 12pm to a12am. Mr. Donato asked if there were any Board members who had any questions for the applicant. Seeing no one. Mr. Donato asked if there was anyone in audience who wanted to speak for or against this application. There was no one. No further discussion. Item closed.

The next item #1348217 – Premises 31-05 34th Street (Bugatti Café). An application to renew the license to operate an Unenclosed Sidewalk Café 12 tables 24 seats. Mr. Mike (did not sign in), representative, came up on behalf of the application. Mr. Risi asked how long they have been open, if they received any violations since their last application, and the hours of operation. Mike stated that they have been open for 4 years and have not received any violations, their hours are Friday from 4pm to 11pm and Saturday to Sunday from 11am to 12pm. Mr. Donato asked if there were any Board members who had any questions for the applicant. Seeing no one. Mr. Donato asked if there was anyone in audience who wanted to speak for or against this application. There was no one. No further discussion. Item closed.

VOTING SESSION:

Mr. Carusone reiterated public hearing item from BSA # 114-12-A – A request to reverse the Department of Buildings' determination refusing to register the advertising sign on 24-59 32nd Street that has been permitted since 1941. Mr. Carusone stated that the committee met and recommends approval of the application, seconded

by Mr. Prentzas. Mr. Donato asked if there were any further questions. No further discussion. Mr. Donato called for a vote. Motion called and carried unanimously with 1 Abstention for Cause.

Mr. Risi, reiterated public hearing item from DCA #1426466 – Premises 47-02 30th Avenue. (MAX). An application to establish an Unenclosed Sidewalk Café with 17 tables & 34 seats. Mr. Risi stated that the committee met and recommends approval of the application, subject to the reduction in tables and seats to 14 tables and 28 seats with the removable to the 3tables/6 seats on the south portion of 47th Street. The owner agrees to sign a statement indicating the reduction of tables/seats, seconded by Mr. Pallos. Mr. Donato asked if there were any further questions. No further discussion. Mr. Donato called for a vote. Motion called and carried unanimously.

The next item #1423540 – Premises 36-10 30th Avenue. (William Hallet). An application to establish an Unenclosed Sidewalk Café with 7 tables and 14 seats. Mr. Risi stated that the committee met and recommends approval of the application, subject to the reduction in tables and seat to 6 tables and 12 seats. The owner agrees to sign a statement indicating the reduction of tables/seats, seconded by Mr. Babor. Mr. Risi read 3 letters which the Board received from Norwood and their concerns. Mr. Donato asked if there were any further questions. No further discussion. Mr. Donato called for a vote. Motioned called and carried with 1 against.

The next item #1157157 – Premises 37-11 35th Avenue. (Pizzeria Uno). An application to renew the license to operate an Unenclosed Sidewalk Café with 8 tables and 22 seats. Mr. Risi stated that the committee met and recommends approval of the application, seconded by Ms. Alaforgiannis. Mr. Donato asked if there were any further questions. No further discussion. Mr. Donato called for a vote. Motion called and carried unanimously.

The next item #1166911 – Premises 22-85 31st Street. (Lefkos Pirogos) An application to renew the license to operate an Unenclosed Sidewalk Café with 12 tables and 24 seats. Mr. Risi stated that the committee met and recommends approval of the application, seconded by Mr. Alexiou. Mr. Donato asked if there were any further questions. No further discussion. Mr. Donato called for a vote. Motion called and carried unanimously.

The next item #1356065 – Premises 35-01 36th Street. (5 Napkin Burger). An application to renew the license to operate an Unenclosed Sidewalk Café with 26 tables and 70 seats. Mr. Risi stated that the committee met and recommends approval of the application, seconded by Mr. Babor. Mr. Donato asked if there were any further questions. No further discussion. Mr. Donato called for a vote. Motion called and carried unanimously.

The next item #1318210 – Premises 33-10 Ditmars Blvd. (Watawa Japanese Rest.) An application to renew the license to operate an Unenclosed Sidewalk Café with 10 tables and 26 seats. Mr. Risi stated that the committee met and recommends approval of the application, seconded by Mr. Pallos. Mr. Donato asked if there were any further questions. No further discussion. Mr. Donato called for a vote. Motion called and carried unanimously.

The next item #1280485 – Premises 36-21 Ditmars Blvd. (Martha's Bakery). An application to renew the license to operate an Unenclosed Sidewalk Café with 21 tables and 41 seats. Mr. Risi stated that the committee met and recommends approval of the application, seconded by Ms. Demakos. Mr. Donato asked if there were any further questions. No further discussion. Mr. Donato called for a vote. Motion called and carried unanimously.

The next item #1277441 – Premises 32-21 Broadway (Romanos Famous Pizza). An application to renew the license to operate an Unenclosed Sidewalk Café with 13 tables and 26 seats. Mr. Risi stated that the committee met and recommends approval of the application, seconded by Mr. Pallos. Mr. Donato asked if there were any further questions. No further discussion. Mr. Donato called for a vote. Motion called and carried unanimously.

The next item #1348217 – Premises 31-05 34th Street (Bugatti Café). An application to renew the license to operate an Unenclosed Sidewalk Café 12 tables 24 seats. Mr. Risi stated that the committee met and recommends approval of the application, seconded by Mr. Prentzas. Mr. Donato asked if there were any further questions. No further discussion. Mr. Donato called for a vote. Motion called and carried unanimously.

GENERAL DISCUSSION:

There was no one.

BUSINESS SESSION:

Mr. Donato motioned to accept the minutes of April's Board meeting. Motion seconded by Mr. Pallos. Motion called and carried unanimously

Mr. Donato reported that he attended the Queens Borough Board Meeting regarding the Waterfront. Mr. Donato then went on to say that Ms. Mary Demakos will be celebrating her 64th wedding anniversary this year.

Ms. Lucille Hartmann, reported that in all Board folders there was an invitation to the Annual Queens Zoo community breakfast and celebration of its 20th Anniversary. The event will be held on Saturday, June 2nd at 8:30am to 11:30am, by invitation. She asked those who were interested in participating to call the phone number on the flyer by May 30th. On Saturday, May 19th from 10am to 12pm in Astoria Park at 19th Street, Astoria Park South the New York Anti Crime will distribute 200 trees for planting on private property. Trees tend to go fast, so it would easier by going on line to reserve your tree. Also, on Saturday, May 19th from 12pm to 3pm, GreenNYC will host a Stop N Swap on 26th Avenue, between 3rd and 4th Streets. This would be an opportunity to drop off or pick up reusable items and discard any electronic that will be disposed of responsibly.

Mr. Joseph Risi, Chair of Consumer Affairs Committee, reported that there were 26 liquor license applications this month. There are 7 new applications and several renewals. There is 1 establishment that came to the attention of the Community Board through the 114th Pct. They met with Deputy Inspector Steve Cirabisi and Lt. Nicholas Morales regarding the premises formerly known as Amnesia. It is now called NYXT35 they have a temporary permit, because the owner claims that he just purchased the premises that will expire on June 10,

2012. An application was filed on February 14, 2012 for an on premise full liquor license. The Consumer Affairs Committee after meeting with the 114th PCT notified the State Liquor Authority (SLA) that they are opposing the full license until the Board has an opportunity to review the application and determine the impact on the community. There have been 45 serious events that have occurred on the premise over the last 3 years. The SLA was contacted regarding the issue of the owner possibly availing their license to a promoter. The committee is recommending the disapproval of the on premises liquor license, seconded Mr. Pallos. Mr. Donato called for a vote. Motion called and carried.

Ms. Mary O'Hara, Chair of Housing Committee, reported that the Rent Control Board has put out the proposal for rent increases for apartments and lofts for 2012 by Division of Homes and Community Renewal (DHCR). For a 1 year lease an increase from 1.75% to 4% and for a 2 year lease of 3.75% to 6.75%. Rent Guidelines Board has scheduled several hearings and will hold a final vote on June 21st. New rates will become effective on October 1, 2012.

Mr. Richard Khuzami, Chair of Parks & Recreation/Cultural Affairs Committee, reported that the Go With The FLOW will be held on Randall's Island on June 2nd from 10am to 2pm, which is sponsored by the Parks Department. Also, Ms. Juliana Roberts-Dubovsky, a Pratt Institute Fellow, will be presenting the project she has been working on with the Board. On May 5th, Astoria Pool Park Festival took place. As one of the largest and oldest pools in New York City, NYC Parks celebrated Astoria Pool and Park during National Historic Preservation Month. All NYC landmarks are currently competing for grants; the voting for the top 20 NYC landmark will get grants. Ms. Hartmann has forwarded Board members the link so that they can cast their vote.

Mr. Robert Piazza, Chair of Transportation Committee, reported that the Department of Transportation, Community Board 1, and Central Astoria LDC will host a public workshop on June 5th from 6:30pm to 8:30pm at the Astoria World Manor to discuss and get input from the community regarding the enhancement of the location at the intersection of Newtown Avenue and 30th Avenue. Flyer will be sent out shortly.

Mr. Jose Batista, Chair of Youth Committee, reported that May 18, 2012 is the deadline for the Summer Youth Employment Program. He had a few applications for those who needed.

Mr. John Carusone, Chair of Zoning & Variance Committee, reported that the committee met and reviewed the area that was left out in the last zoning studies. The committee has come up with a proposal to do a zoning study in the areas that were left out on the last two studies. Mr. Carusone motioned to have a study done from 36th Avenue to Broadway, Northern Blvd to Vernon Blvd by City Planning, seconded by Mr. Caliendo. Mr. Carusone stated that at the meeting there was an in depth discussion on including or excluding M1 district. He gave several examples of why the study should include the M1 district. Mr. Donato called for a vote. Motion called and carried.

NEW/OLD BUSINESS:

Mr. Joseph Risi, reported that he is the new President of the Queens Bar Association.

Mr. George Stamatiades stated that on Tuesday, May 22nd at the Manhattan Community Center on Roosevelt Island they held a scoping meeting to receive public comments on the Draft Scope of the new Cornell Campus that is slated for construction on Roosevelt Island. Documents can be reviewed at <http://www.nyc.gov/html/oc/html/ceqr/12dme004m.shtml>.

Ms. Juanita Braithwaite, President of the PSA9 Housing Police Council, said that they will be holding their regular monthly meeting on Tuesday, May 22, 2012 at 7pm. at Ravenswood Community Center.

Ms. Rosemarie Poveromo, President of the United Community Civic Association (UCCA), reported that the UCCA will host their Annual Health Fair on Saturday, June 2, 2012 from 10am to 3pm at Immaculate Conception Church. All are welcome. Also, the UCCA will host their annual BBQ on Thursday, June 14, 2012 at 6:30pm at the Central Lounge (Patio). There will be a \$45 donation per person, rain or shine. All are welcome.

Mr. Rodolfo Sarchese, President of the Astoria Homeowners, Tenants & Business Civic Association, will be holding a meeting on Thursday, May 24, 2012 at 7:30pm at St. Francis of Assisi School of Business. Guest speakers will be Jose Peralta, NY State Senator, Aravella Simota, NY State Assemblywoman, and Stephen Cirabisi, Deputy Inspector, 114th Precinct. Please join us.

There was no further business before the Board; Mr. Khuzami motioned to adjourn, seconded by Mr. Prentzas. Motion called and carried unanimously.