

Community Board 1

April 16, 2013

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

Mr. Donato went on to the first public hearing item from the Board of Standards and Appeals (BSA), Mr. Jerry Caliendo, Co-Chair of the Zoning and Variance Committee, read item #94-13-BZ – Premises 11-11 40th Avenue a/k/a 37-78 12th Street, LIC. The variance seeks to permit the establishment of a Day Care Center on the first (1st) floor of an existing building. Mr. Jerry Maida spoke on behalf of the applicant. They are seeking support for their application for their Day Care project. The only renovations required are the internal. They are only seeking a change in the use of the building from an office to a day care. Currently, there are offices at the site. The project is to provide a day care center with the use of adjacent lots 61A, 619, and 621 to be used as an enclosed playground. The building space will involve approximately 7,500 sq. ft. on the first floor. The parking area is being used as such. The proposed daycare would provide childcare for the neighborhood. There are residential buildings, supermarket, and manufacturing in the area. They are requesting the support of the Community Board for their application for the special permit for the proposed daycare. Mr. Jerry Caliendo complimented them on the complete package of their submission. This is an application for a special permit. He asked what other use would remain on the building. Mr. Maida stated that there will be for office space for a design office. Mr. Caliendo clarified that they would be using the basement and the 1st floor which will determine the use in an M1 zone. Mr. Maida replied “Yes”. Mr. Caliendo asked who would be using the parking lot and the playground. Mr. Maida stated that they would be used by the daycare and the office will have no use of the parking lot. Mr. Donato read a letter the Board received from Bishop Mitchell Taylor in support of the proposal. Mr. Donato asked if there were any Board members who had a question for the applicant. Mr. George Stamatiades asked if the Board approves this application and the daycare leaves the premises does this leave for problems in the future, can the permit be restricted for daycare use only. Mr. Maida stated that the permit will be certified for daycare use and is specific to the person operating it. If the daycare leaves then the next person has to apply for a new permit for use. Mr. Caliendo stated that the building is currently in an M1 zone, anything that is permitted in an M1 zone can be in there today or if they move out. Mr. Daniel Aliberti asked if they were a for-profit or non-profit organization. Do they own the building or are they renting the space. Mr. Maida stated that the business is a non-profit and the applicant is the owner of the building. Ms. Antonella asked if they are planning to apply for the National Association for the Education for Young Children (NAEYC) certification. Mr. Maida stated that they have been working with the Department of Mental Health and Hygiene because it falls under their jurisdiction and it is part of their process. Ms. Norma Nieves-Blas asked if they are also working with the Department of Education and State Education Department in staffing the daycare with approved and certified people. Mr. Maida stated yes, they are going to comply with all the agencies in staffing the daycare. Mr. Aliberti asked why they choose this location for a daycare. Mr. Maida stated that in their search, this site would provide daycare for those working in the area. Ms. Nieves-Blas asked if there would be a sliding scale for the daycare fees. Mr. Maida stated that they have not gotten to that detail of the proposal. Mr. Donato asked if there was anyone in the audience who wanted to speak for or against this application. There was no one. There was no further discussion. Item closed.

The next item from the Department of City Planning (DCP) # C110178 ZMQ – An application to amend the Zoning Map by establishing within an existing R5 District a C1-4 District bounded by a line 100 ft. southwesterly of Broadway, 23rd Street, 33rd Avenue and a line 100 ft. northwesterly of 23rd Street, Astoria. Mr. Richard Lobell, Attorney, came up on behalf of the applicant. He stated that after the permits were approved and the building began the job was audited and it turns out in the Broadway rezoning the top half was up-zoned from a R5 to R6A. This caused the property to be unable to use the infill zoning even though the property was up-zoned, the infill zoning regulations for the southern part of the block were no longer any use. They were able to change the ground floor use to medical offices but, left a side yard which is adjacent to a ground floor pharmacy on the corner of Broadway and 23rd Street. This side yard has now become an illegal side yard. The applicant has made every effort to comply. He applied for a variance in 2006 and now for a rezoning to fix the problem. Mr. Caliendo stated that he remembers the situation and it’s a brand new building with an unfortunate zoning issue happened. The Board voted in favor of the BSA application in ’06. The zoning change corrects an issue of existing houses that were built to serve the needs of the community. Mr. Lobell added that in 2010 City Planning rezoned the northern part of the block to a C2 to accommodate a C1 overlay, which didn’t touch the property. Mr. John Zedonis asked if it changed the FAR. Mr. Lobell stated that the only thing that it does is legitimizes the side yard and nothing else. Mr. Donato asked if there was anyone in the audience who wanted to speak for or against this application. There was no one. Item closed.

Mr. Gus Prentzas, Co-Chair of the Consumer Affairs Committee, read the next item from the Department of Consumer Affairs (DCA) #. #1459574 – Premises 24-12 Steinway Street (Noisette). An application to establish an Unenclosed Sidewalk Café with 11 tables and 27 seats. Mr. Robert Callaghan, expediter, stated that Noisette is a small French pastry shop located on the south side of Steinway Street and Astoria Blvd. They are applying for an outdoor café with 11 tables and 27 seats. There is no liquor license or music. They are looking to increase revenue by providing some seating outside during the summertime. The shop closes by 11pm and they have about 30 seats inside. The sidewalk measures 20’ and they will be using 9’1” leaving 10’ 11” for pedestrians. Mr. Prentzas asked how long have they been in operation and their hours. Mr. Callaghan stated that he did not know the exact length of time but they have been there for a long time and the hours of operation are 8am to 11pm, 7 days a week. Mr. Prentzas asked if they have apartments above the premises. Mr. Callaghan stated that there are apartments above and on the either side of the shop. Mr. Donato asked if there were any Board members who had a question for the applicant. Ms. Frances McDonald asked if the proprietor owns the building. Mr. Callaghan replied “No”. Mr. Donato asked if there was anyone in the audience who wanted to speak for or against the application. Seeing no one. Item closed.

The next item #1460864 – Premises 28-58 32 Street (Café to Go). An application to establish an Unenclosed Sidewalk Café with 2 tables and 8 seats. Mr. Balletatas, owner, stated that he is looking increase his revenue with the addition of an outdoor café of 2 tables and 8 seats. They are open from 7am to 11pm and there is no liquor. They are a small coffee shop and have been open since 2012. Mr. Prentzas asked if there were apartments above the premises. Mr. Balletatas stated that there are residential above and next door. In the past a resident next door complained about the noise but they have resolved those issues. The neighbor smokes and it would come from the apartment into the café. The building owner stated that they are going to replace the windows that would solve the cigarette smoke. Mr. Prentzas read an email received from the tenant next door to the café. There have been complaints for noise, smoke and obstruction of the sidewalk which were all made on the same day. Mr. Balletatas stated that he did speak to the landlord and the windows are old and they are going to be replaced. He also has a sign in his window asking patrons to keep the voice down when leaving. Mr. Donato asked if there were any Board members who had questions for the applicant. Ms. McDonald stated she was looking at the application and that there are no seats inside of the café and then there is a counter to outside. Mr. Balletatas stated that there are 4 seats inside of the cafe and they want to build a window with a few seats outside. Mr. Donato asked if there was anyone in the audience who wanted to speak for or against this application. Mr. Costa Rizzo, resident, stated that he supports the application and he and his friends go after school and have coffee and crepes.

The next item is an application for a Cabaret License at 62-05 30 Ave. (Perfection/**Pure NY**), Woodside. Mr. Kerry Kitsaris came up on behalf of the application. He stated that it is a renewal but, is being put in as a new application because the renewal was not done in a timely manner. They have been in operation for 12 years and due to a fire department violation they were unable to renew in a timely manner and now it is a new application. Mr. Prentzas asked if the establishment is one or two separate entities. Mr. Kitsaris stated that they are two separate establishments. The DCA goes by the Health Department license since its one facility that serves both locations they licensed it as Pure/Perfection NY. The establishment has two cabaret licenses and both licenses are in the name of Pure/Perfection NY. The application is for Pure. Mr. Prentzas asked what type of establishment is it and what is the C of O. Mr. Kitsaris stated that it's a non adult night club with a C of O for 601 persons for both locations based on a 60/40 basis. Mr. Prentzas asked for the hours of operation are. Mr. Kitsaris stated they operate from 8pm to 4am, 7 days a week. Mr. Prentzas asked if they have any violations. Mr. Kitsaris stated that there was one more violation from the Fire Department; valve had to be replaced for sprinkler system. Ms. McDonald clarified that Pure is a non adult establishment and Perfection is the Adult establishment. So the rule is that you cannot walk through from one establishment to the other establishment through an adjoining door. Mr. Kitsaris replied "Yes". Mr. Robert Piazza asked if food is served. Mr. Kitsaris replied "Yes". Mr. Khuzami stated that in the past there were a lot of problems that included shootings and gang activity. You are saying that there are no violations; is that for both sides or just for Pure. Mr. Kitsaris stated that there are no violations for Pure. PO Negron, 114 Pct. came up and stated that they had a meeting last week regarding Pure and there were minimal complaints. Mr. Donato stated that he first visited the premises when the Board first approved their application and had asked how people get from one side to the other. He was told they have to go outside and go in the other side. Mr. Donato added that he was there two weeks ago and noticed that they had lots of security guard on the premises and everything seemed quite. Mr. Donato asked if there was anyone in the audience who wanted to speak for or against the application. There was no one. Item closed.

VOTING SESSION:

Mr. Caliendo reiterated public hearing item from the BSA #94-13-BZ – Premises 11-11 40th Avenue a/k/a 37-78 12th Street, LIC. The variance seeks to permit the establishment of a Day Care Center on the first (1st) floor of an existing building within the subject property. The committee met and recommends approval of the application with the stipulation that the basement level be used only as business offices, seconded by Mr. Ryan. There was no further discussion. Mr. Donato called for a vote. Motion called and carried with 1 Against.

Mr. Caliendo reiterated the public hearing item from the DCP # C110178 ZMQ – An application to amend the Zoning Map by establishing within an existing R5 District a C1-4 District bounded by a line 100 ft. southwesterly of Broadway, 23rd Street, 33rd Avenue and a line 100 ft. northwesterly of 23rd Street, Astoria. The committee met and recommends approval of the application, seconded by Mr. Pallos. There was no further discussion. Mr. Donato called for a vote. Motion called and carried with 2 Against and 1 Abstention.

Mr. Prentzas reiterated the public hearing item from DAC #1459574 – Premises 24-12 Steinway Street (Noisette). An application to establish an Unenclosed Sidewalk Café with 11 tables and 27 seats. The committee met and recommends approval of the application, seconded by Mr. Babor. There was no further discussion. Mr. Donato called for a vote. Motion called and carried with 1 Against.

The next item #1460864 – Premises 28-58 32nd Street (Café to Go). An application to establish an Unenclosed Sidewalk Café with 2 tables and 8 seats. The committee met and recommends approval of the application, seconded by Ms. Alaforgianis. There was no further discussion. Motion called and carried with 4 Against.

The next item an application for a Cabaret License at 62-05 30th Ave. (Perfection/**Pure NY**), Woodside. The committee met and recommends disapproval of the application, seconded by Mr. Babor. There was no further discussion. Mr. Donato called for a vote. Motion called and carried with 5 Against. Application denied.

GENERAL DISCUSSION:

Ms. Kostaritas, D30 Math Group, said she came to update the Board on the status of the DOE proposals for PS122Q. They were successful and informed the day before yesterday by Chancellor Walcott that they withdrew their proposal for PS122Q. He apologized to the community for how this was done. As she had said last month, these are issues that will continuously come before this Board. As you know there are different parent groups with different issues with the DOE within D30. They hope when the DOE comes into the district that they will work with them by giving parents a voice. She thanked the Board for all their support.

Mr. Costa Constantinas, resident, stated he wanted to speak against the application for a liquor license for RACKS (19-26 Steinway St.). He is definitely in support of small businesses, but not bikini bars that are near schools, parks and residential homes. He mentioned that last fall there was a rally against this establishment. This establishment is not supported by the community.

Ms. Carolyn Scarano, resident, stated she is also opposed to the RACKS establishment. She is supportive of small businesses and encourages small business. Unfortunately, she does feel that this type of establishment is conducive to the type of community we have. She asked that the Board votes no against the application when it comes up.

Ms. Jainarine, resident, came up with a problem that she is having with noise. She is not getting any assistance from the police. Mr. Donato informed her that she should speak with Ms. Lucille Hartmann at the end of the meeting.

Mr. Paul Davis, White Roof Project, stated that they are a non-profit group that paints the rooftops with white solar reflective paint. They will be beginning in Astoria and are looking for a non-profit or affordable housing building in Astoria to be painted. The project is funded by US Power Generation in Astoria. Mr. Davis said he would remain after the meeting to speak individuals interested. Ms. Evie Hantzopoulos asked if that included schools. Mr. Davis said that would be a possibility. Mr. Antonio Melonie asked if the paint would void the warranty on the roof. Mr. Davis stated that they recommend prior to having the roof painted that they check with their issuer. Mr. Aliberti asked if this is for one roof or more. Mr. Davis stated that the project is being funded and at this time they are looking for one roof. Ms. Antonella DiSaverio asked for his email address. Mr. Davis stated his email address as pdavis@whiteroofproject.org.

Mr. Talib Hudson, East River Development Alliance, stated that they have a new youth employment program that provides a variety of services for residents of Astoria Houses. He brought informational flyers of the program. At the moment they are in the middle of the planning stage and will have a huge kickoff next month.

Mr. Kerry Kitsaris the Attorney for 8G Inc d/b/a RACKS at 19-26 Steinway Street and they submitted to the Board over 180 signatures and have amassed over 225 signature in support of their client's application to operate as a night club and as an adult entertainment establishment at this location.

BUSINESS SESSION:

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

Mr. Donato reported that the Board has two new Board members, Ms. Taryn Sacramon and Ms. Danielle Tharrington. He welcomed them to the Board.

Ms. Lucille Hartmann, District Manager, reported that the Board office has received notification that the waiting list for HUD assisted rental at Marine Terrace will soon be opened. Applications for two bedroom apartments, beginning May 29th and ending May 31st. Applications can only be picked up in person at the management office between the hours of 10am to 3pm. If you have a disability or need assistance filing out the form you can call 718-726-9614. The office is located at 20-24 21st Street. Ms. Hartmann explained that this is a waiting list and applicants are only chosen by lottery. No application will be distributed prior to May 29th and completed application must be postmarked no later than June 21, 2013. There will be an ad out soon for the applications.

Mr. Gus Prentzas, Co- Chair of Consumer Affairs Committee, reported that the committee met on April 9, 2013 with the 114th Pct., also present was Samantha Darche, Chief of Staff for Assembly Member Aravella Simotas and the applicants of La boom, Inc, Javar Corp d/b/a System, 8G Inc. d/b/a Racks, NYDH North America Corp. d/b/a New York Dog House, and Karenenterprises of NY LTD d/b/a Pure New York regarding the liquor license applications. Mr. Prentzas reported the Committee unanimously recommended approval of the renewal of the liquor application for La Boom subject to the sign off of the license agreement with stipulations, seconded by Mary Demakos. Mr. Piazza asked about parking. Mr. Donato stated that seems like a police issue. Mr. Khuzami suggested valet parking. Mr. Donato called for a vote. Motion called and carried with the signature of applicant and suggestions.

Next Mr. Prentzas went on to Javar Corp. d/b/a Systems 32-10 37 Ave. and motioned the committee's recommendation to disapprove the application, seconded by Pallos. Mr. Donato called for a vote. Motion called and carried.

Next Mr. Prentzas reported that the committee met and recommends approval of the liquor application for 8G Inc. d/b/a Racks , 19-26 Steinway St. The committee felt that in a M1 zone it is as-of-right. Ms. McDonald stated that the lawyer for the applicant refused to sign an agreement stated that the establishment would not be topless. Mr. Kitsaris stated he did not want to sign away his clients' rights to run an adult entertainment establishment and they would still have to come before the Board for any future changes. Ms Darche read a letter from Assembly Member Simotas in opposition to the application. Ms. McDonald read a statement to the Board in favor of the application. Mr. Prentzas reiterated that committee's recommendation for approval of the application, seconded by Ms. Alaforgianis. Mr. Donato called for a vote. Motion called and denied with 15 in Favor and 17 Against. (Motion passed for denial.)

Next the committee met and recommends the approval of the liquor application for NYDH North America Corp. d/b/a New York Dog House 37-06 30 Ave. with the stipulation they will cease the serving in the outdoor area after 9pm, disallowed, music noise, fumes or odors and such matters regarding the rear garden area, seconded by Ms. Nieves-Blas. Mr. Donato called for a vote. Motion called and carried with 2 Against.

Ms. McDonald spoke on behalf of Joan Asselin, Chair of Environmental Protection Committee, reported that the committee met last week with member of the New York Power Authority who gave a wonderful slide presentation on the ongoing deconstruction of the Poletti Plant. 3 to 4 oil tanks have already been removed. The plant itself is now in the process of being deconstructed. Everything is going according to the removal timeline. The committee asked what will be done with the land and could it be used to grow plants. She was informed that there are wildflowers growing in the corner of the now vacant land. The only thing that is still up for discussion is the way the equipment and the material will be removed. They are looking into barging; if possible, otherwise they will have to truck it out, if so they will let the Board know.

Mr. Richard Khuzami, Chair of Parks & Recreation/Cultural Affairs/OTB Committee, reported that the Queens Council for the Arts completely moved into their new facility. He and Ms. McDonald attended for the last month the Citizens Police Academy and has found it be very informative, interesting and funny. They enjoyed it and would recommend it to others. Mr. Donato stated that on behalf of the Board our condolences for the loss of your mother.

Ms. Mary O'Hara, Chair of Housing Committee, reported that there were flyers in the folders for Consumer Guide to Insurance for Natural Disaster and a checklist from the NY State Department of Financial Services.

Mr. Antonio Meloni, Chair of Public Safety Committee, reported that there have been several muggings near 54th Street and Northern Blvd., it seems there is a pattern and there will be heightened police presence in the area. Please let people know to be careful. He also reported free trees will be given out on Saturday, April 27th from 10-12pm in Astoria Park by the New York Restoration Project. There will be 5 different types available and you can register online at nyrp.org.

Mr. Robert Piazza, Chair of Transportation Committee, reported that there is a new pilot program to reduce the speed of cars in certain areas. This pilot program has designated areas reducing the speed to 20 mph. He feels that it will be a good plan to save lives. There will be painted markers to let the drivers know of the decreased speed

Mr. Jose Batista, Chair of Youth Committee, reported that the Department of Youth and Community Development has two programs, the summer Youth Employment Program applications will be going out soon and the Young Adult Internship Program for youths between the ages of 16 and 22, training and a stipend provided.

NEW/OLD BUSINESS:

Ms. Frances McDonald, spoke on behalf of Rosemarie Poveromo stated that the UCCA will be having a non-partisan Mayoral Candidates Forum on Thursday, May 16, 2013 from 6-0pm at Lexington School & Center for the Deaf, 74-20 25th Avenue.

There was no further business before the Board; Mr. Pallos motioned to adjourn, seconded by Ms. Nieves-Blas. Motion called and carried unanimously.