



Sharon Lee
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Lisa Deller
Chairperson

Debra Markell Kleinert
District Manager

November 24, 2020

Land Use Committee Meeting Minutes

This meeting was teleconferenced using WebEx

Board Members Present

Lisa Deller
Christine Hunter
Thalia (Karesia) Batan
Nicholas Berkowitz
Tannia Chavez
Stephen Cooper
Sally Frank
Morry Galonoy
Dr. Rosamond Gianutsos
Kenneth Greenberg
Benjamin Guttmann
Patrick O'Brien
Elliot Park
Lauren Springer
Julie Jaehee Won
Frank Wu

Board Members Absent

Sally Frank
Patrick O'Brien

Elected Officials/Representatives

Honorable Jimmy Van Bramer, NY City Council Member
Jack Bernatovicz, Representing Council Member Van Bramer

NYC Department of City Planning

Teal Delys
Hallah Saleh

Guests

Scott Brothman
Neil Weisbrod
Sarah Ellmore
Michael Wadman
Douglas Hanau
Herbert Mandel
Jay Goldstein
Sandra Henderson

Ms. Deller welcomed everyone to the meeting and announced the meeting was being teleconferenced.

22-18 JACKSON AVENUE BSA – 2020-38-BZ

- This application is for a proposed operation of a Physical Culture Establishment located in a portion of the first floor of the Premises.

Jay Goldstein, Representative for F45 Training introduced his client Scott Brothman and they provided the following update:

- The applicant is applying for a special permit from the BSA.
- Attended the Land Use Committee meeting last month.
- The establishment is referred to as F45 Training
- South side of Jackson Avenue between Crane Street and Arch Street
- 1st floor space with 2200 square feet
- 10-15 classes per week
- 20-30 patrons per class once they get back to normal.
- It is a High Intensity Program, no universal weight machines
- Not an open gym and focused on classes
- Hours of operation are Monday through Friday 5:30am to 9:00 pm
- Saturday 8:00 am 2:00 pm and Sunday 9:00 am.
- They were open for a few weeks in January and then had to shut down in March due to COVID. They were recently permitted to reopen for a capacity of 9 people last week and are trying to salvage the business.
- Applicant discussed the prices and packages.
- The offer discounts to police and first responders.
- Members come from LIC/Astoria
- Want to explore ways to get involved in the community.
- They opened on January 26 and closed on March 15, 2020.

Questions were entertained.

Ms. Deller discussed the following:

- We like to see small businesses in the community help people of more modest means.
- Asked if they have done outreach to the community.

- Do they participate in local events?
- Do they provide scholarship for lower rates.

A board member asked if in addition to supporting FDNY and other city agencies would they be open to providing discounts to dancers and those who work in the fitness industry.

The applicant stated he is not aware of how many dance studios, but it might be something he would be willing to explore. He asked if there were case studies that he could explore.

A board member asked about upgrades concerning air circulation:

The applicant stated they have done the following:

- 3 separate HVAC units that provide air circulation
- 2 HCH's per hour, exchanging the air 2 times per hour
- Purchased a 4 stage HEPA air scrubber which covers 2,000 square feet and the best you can get.
- Mechanical Engineer came to certify this, and they had to show them the letter which stated the specs of their air exchange.
- Spent \$90,000 to sound proofing measures.

Ms. Deller discussed the following suggestions that were stipulated in the Orangetheory proposal:

- Community Classes targeted to nearby Technology High School.
- Family Classes, specifically around the Court Square area as there are many families in the area who are seeking more physical fitness for their families.
- Participation in community Street events and local not for profits.
- Outreach to other fitness studios and dance schools and partnerships.
- Reduced pricing.

This summer, the applicant said that they hosted outdoor workouts at Murray Playground athletic field. They kept it under 20 people and did not require a permit.

Mr. Goldstein stated they will go before the BSA Tuesday, December 1, 2020 between 10:00 am and 2:00 pm.

A board member inquired as to how they were able to open without CB 2 Approval. Ms. Deller stated this is a structural problem and that we are advisory.

Questions were entertained.

Lisa Deller made a motion and it was seconded by Stephen Cooper to approve the application with the following stipulations:

- Community Classes targeted to nearby Technology High School.
- Family Classes, specifically around the Court Square area as there are many families in the area who are seeking more physical fitness for their families.
- Participation in community street events and local non-profits events.
- Outreach to other fitness studios and dance schools and partnerships.

- Extend discounts to include LIC residents who work in the dance and creative industries.

The vote was all in favor of the motion with 9 in favor of the motion; 0 opposed and 0 abstentions.

Nick Berkowitz discussed the fact that there is a structural issue and to pass as a committee as a board as a resolution. Ms. Deller stated that we need to do a letter to the BSA.

45-26 51st STREET BSA – 2016-1185-A

- This application is for a proposed extension of time to enable the Applicant to construct a three-story with cellar, 34,320 square foot, use Group 16 self-storage facility on Tax lots 53 and 54 on Block 2283, Borough of Queens.

A board member made a motion to ask the applicant to come back to next month's meeting since the material was sent today and there was not enough time to review the material.

Ms. Deller announced this is an old application and has already been approved. They want an extension of time for the existing application.

Ms. Deller declined the vote on this motion.

Neil Weisbard provided the following update:

- The application filed on behalf of Treasure Island of Asbury Park Self Storage LLC seeks an amendment to the BSA's resolution, dated November 1, 2016 to extend the time to obtain all DOB and related agency applications filed in connection with the authorized use and or bulk will be signed off by DOB and all other relevant agencies by November 1, 2020 to November 1, 2024.
- The extension of time will enable the Applicant to construct a three-story cellar, 34,230 square foot, Use Group 16 self-storage facility.
- The original application sought a special permit to allow the construction of the proposed building within the unimproved portion of 51st Street and a waiver of the applicable street wall and sky exposure plane regulations affected by the presence of the unimproved portion of 51st Street.
- The site consists of Lot 53 and a portion of Lot 54 located on the west side of 51st Street.
- Due to ongoing legal dispute between the owners/sellers of the site and the applicant the site has yet to be transferred to the applicant. The site has not been developed pursuant to the BSA approved plans. Resolution of the dispute is imminent and immediately subsequent to the resolution; the applicant will commence construction and complete the proposed building in accordance with the BSA approved plans.
- The applicant request an amendment to the BSA's grant and permit the applicant an additional four years from November 1, 2020 to obtain all DOB and related agency applications filed in connection with the authorized use and/or bulk and to obtain all DOB and related agency sign-offs of such applications.

Ms. Deller asked Mr. Weisbard whether the item had been calendared for a BSA hearing. He stated that the applicant had not yet received comments back from the BSA and that the F45 had not been

calendard. Ms. Deller stated that we will not be voting on the application this evening since it has not been calendared.

- **ULURP CEQR: N 210095 – ZONING FOR COASTAL FLOOD RESILIENCY**

The Department of City Planning (DCP) is proposing a zoning text amendment, Zoning for Coastal Flood Resiliency (ZCFR), to update the Special Regulations Applying in Flood Hazard Areas (Article VI, Chapter 4). The current zoning rules were adopted on an emergency basis to remove zoning barriers that were hindering the reconstruction and retrofitting of buildings affected by Hurricane Sandy and to help ensure that new construction there would be more resilient. ZCFR would improve upon and make permanent the relevant provisions of the current temporary zoning rules and provide homeowners, business owners, and practitioners who live and work in the city's floodplain the option to design or otherwise retrofit buildings to: (a) reduce damage from future coastal flood events, (b) be resilient in the long-term by accounting for climate change, and (c) potentially save on long-term flood insurance costs. In addition, it would allow resiliency improvements to be more easily incorporated on waterfront sites at the water's edge and in public spaces, as well as provide zoning regulations to help facilitate the city's long-term recovery from the COVID-19 pandemic and other future disasters.

Teal Delys provided a presentation on the Zoning for Coastal Flood Resiliency, which is a citywide text amendment. She discussed the four goals:

- Allow buildings to be built to precautionary standards that take into account increasing flood risk
- Support resilient buildings that are accessible and fit in with their surroundings
- Enable existing buildings to become more resilient through partial retrofits
- Prepare today for recovery in the future

Additional materials can be viewed on the DCP website.

Ms. Delys introduced her colleague Hallah Saleh.

Ms. Deller announced this will come before the December 3, 2020 CB 2 Board Meeting and that we will be voting and announced that she will circulate the presentation to the members.

Ms. Delys entertained questions and said, this will help property owners to make it easier to deal with the impact of resiliency in waterfront areas.

Stephen Cooper made a motion and it was seconded by Christine Hunter to approve the application and requested Appendix G discussed in the presentation to be provided prior to the CB 2 Board Meeting.

All were in favor with 9 in favor; 0 opposed and 0 abstentions.

50-25 BARNETT AVE REZONING – ULURP C 200243 ZMQ – N200244 ZRQ

- Phipps Houses is proposing a zoning map amendment and zoning text amendment to facilitate a new mixed-use development containing affordable housing and community facility space at the property located at 50-25 Barnett Avenue in Sunnyside. A zoning map amendment is proposed

to rezone the project site, from M1-1 to R6A. A zoning text amendment is also proposed to establish a Mandatory Inclusionary Housing area at the project site.

Sarah Ellmore introduced her colleagues Michael Wadman, Douglas Hanau, Herb Mandel and she provided a powerpoint presentation and the following update:

- Discussed the concerns raised by the community on November 18, 2020.
- Announced that the developer had agreed to change the affordability levels so as to enable there to be more deeply affordable units.
- They are committed to a deeper affordability option.
- Below is a comparison of the revised AMI proposal:

40% of AMI	% of Units	No. of Units
40% - formerly homeless	15%	25 units
50%	15%	25
60%	15%	25
70%	15%	25
90%	40%	66
Total	100%	166*

- The developer said that they would be happy to continue to discuss the affordability levels.
- The Phipps representative also recapped the monies that have been reinvested since 2016. There have been over \$3 million dollars in capital improvements to the Phipps Sunnyside Gardens Apartments.
- Some of the improvements were:
 - Roof replacement and masonry work
 - Garden upgrade and tree pruning
 - Fire Escape painting and repair
 - New signage
 - Elevator cab renovations
 - Lobby Hallway painting
 - Slate work
 - New furniture for social hall
 - Additional bicycle racks
 - Asphalt replacement

They are also planning to make additional capital improvements in 2021.

Since the walk through with Councilman Van Bramer, residents of Phipps and CB2 members, Phipps houses has developed an Improvement Plan:

- Increase communication with Tenant's Association.

- Building Maintenance
 - Hire a new porter
 - Focus on trash management and recycling
 - Prioritize routine cleaning of common areas
- Expanding extermination
 - Identify root problems for persistent infestations
 - Inspect and treat compactor rooms, elevator rooms and storage areas.

- This is a working draft and they look forward to receiving input from Tenants Association.
- Discussed the Sunnyside Garden Apartments Tenant Satisfaction Survey.
- Committed to having a good relationship with tenants current and future and want to work with the tenants association and address their concerns.

Ms. Ellmore entertained questions.

Ms. Deller discussed a walk through that occurred with the Council Member Van Bramer and invited Dr. Gianutsos to provide an update.

50-25 Barnett Avenue Rezoning – ULURP C 200243 ZMQ – N200244 ZRQ

Ms. Deller provided the following summary of 2016 vs present rezoning proposal and feedback to date from residents.

- The building has fewer stories than in 2016, is more deeply affordable, will have a contract with Union 32 BJ for maintenance staff and porters and has community facility space.
- The Board office and CB2 members have received many complaints about property management from residents in Phipps Houses.
- After a walk-through of the property with the Councilmember, Roz Gianutsos from CB2 and residents of Phipps, which noted maintenance deficiencies, Phipps leadership drafted a Property Management Improvement Plan, see attached.

Dr. Gianutsos described what she heard and the experience of viewing the ground and speaking with tenants.

Stephen Cooper made a motion to approve the Phipps application.

Nick Berkowitz requested an amendment to the motion to vote “no” unless Phipps hire an outside consultant to address the myriad tenant relations, expand the homeless percentage of the AMI’s, include monthly meetings with the tenants association, professional annual survey as well as an independent assessment of the physical structure of the building as well as management practices.

Stephen Cooper declined the amendment and stated they are holding up an application based on complaints and that the new project should be judged on what they are proposing.

Stephen Cooper made a motion to approve the Phipps application and it was seconded by Christine Hunter with the following stipulation, that Phipps would abide by the terms of the Improvement Plan with following additional items:

- 3rd party company do the Satisfactory Survey
- Monthly Tenants Meeting.

- Annual Apartment Inspections.

The vote was 8 in favor of the motion with 1 opposed and 0 abstentions.

Christine Hunter provided an update on 62-04 Roosevelt Avenue. Ms. Deller stated this will be certified early next year.

Update by City Planning

Teal Delys provided the following update:

- Queens Public Library has agreed to the 5 Points Tower offer of an extension to 2025.
- DCP will move forward with CPC vote for minor modification with regard to the special permit in regard to 5 Pointz on December 14, 2020 review session and will receive vote on December 16, 2020.
- 62-04 Roosevelt Avenue
- 48-18 Van Dam Street

A motion was made to adjourn the meeting.

Respectfully submitted by:

MA Gurrado

11242020LUCMM