

COMMUNITY BOARD #7 – PUBLIC HEARING AND REGULAR MEETING  
MONDAY – APRIL 8 2013  
UNION PLAZA CARE CENTER  
33-23 UNION STREET – FLUSHING, N.Y. 11354

PRESENT:

John Byas	Eugene Kely	Vana Partridge
Dilip Chauhan	Valerie Kennedy	Kris Ram
Tyler Cassell	Frank Keppel	Andrew Rocco
Chin-Hsiang Chiang	Donald Kirchhofer	Kevin Shields
Timothy Chuang	Phil Konigsberg	Marc Schiffman
Kim Cody	Esther Lee	Warren Schreiber
Nicholas Corrado	Frank Macchio	Lynda Spielman
Joseph Femenia	Barbara McHugh	Joseph Sweeney
Arlene Fleishman	Nicholas Miglino	Carlos Talisaysay
Fred Fu	Selma Moses	John Tsavalos
Pablo Hernandez	Kim Ohanian	Peter Tu
Jeff Huang	Millicent O'Meally	Paul Vallone
Kevin Kang	Terence Park	Arnold Wagner

ABSENT:

Charles Apelian	Rose Forkan	Jean Ren
Arthur Barragan	Myungsuk Lee	Joshua Sussman
James Cervino	Rev. Richard McEachern	Peter Sutich
		Linna Yu

COMMUNITY BOARD #7 STAFF:

Marilyn Bitterman – District Manager  
Mary Zuliani, Community Service Aide  
Marilyn McAndrews, Community Assistant

GUESTS:

Don Capalbi, Congresswoman Grace Meng's Office  
Dawa Jung, Senator Tony Avella's Office  
Munir Avery, Assemblyman Michael Simanowitz's Office  
Colin No, Assemblyman Ed Braunstein' Office  
Eugene Shvartsman, Assemblyman Phillip Goldfeder's Office  
Susan Tannenbaum – Office of the Borough President  
Jeong-Ah Choi, Office of the Borough President

Both Chairman Eugene Kely and First Vice-Chair Charles Apelian will be arriving late. In their place, Second Vice-Chair Frank Macchio opened the meeting at 7:05 p.m., read the guidelines and procedures for the meeting, and introduced the dais and staff members present. He then asked everyone to rise for the pledge of allegiance, and for a moment of silence in honor of our military both here and abroad, especially those who have given their lives for our country and for us.

Roll Call attendance was taken with **39** present, **5** board members excused and **5** board members absent.

Chairman Kelty introduced the newly elected Assemblywoman, Nily Rozic, to the 25<sup>th</sup> District which includes parts of south Flushing, Queensboro Hills, Auburndale, Fresh Meadows, Bayside Hills and Douglaston. Having previously been on Community Board #8, she acknowledged her respect for those who give of their time monthly at the community level. If you ever have any questions or concerns, feel free to call her or her community liaison, Megan Keane. She touched upon several items she has been working on during her first 100 days in office. First and foremost was an education package dealing with the school district to allow teachers, parents and administrators to communicate more effectively. Second was the Fresh Meadows Q46 bus issue. She sent a letter to the MTA asking them to work on an effective time schedule for riders, hopefully sooner rather than later. She recently set up an upcoming Fire Safety Awareness Day to reach homeowners, landlords and tenants to educate them on the fire hazards in the home and workplace, and the need for smoke and carbon monoxide detectors.

Board member Nick Miglino brought up the need to have all fire boxes with instructions in several languages, not only English. Assemblywoman Rozic said it was brought up in discussion on Awareness Day, especially since cell phones may have replaced the need for fire boxes, but if not, instructions in several languages is the way to go.

Q. What committees are you in?

A. I'm on 5 committees including Children and Families, Corporations, Correction, Environmental Conservation and Labor Safety Issues.

Q. What can be done about the Q44 Tandem Bus issue?

Chairman Kelty described the double bus as needing only one driver, even though the study did not show an overage of passengers to warrant the need for doubling. What it did prove was the need for more space for each bus stop which takes away essential community parking on the route. Our Transit Chairman, Millicent O'Meally has been receiving numerous complaints about this, thus the reason for her question.

A. I will review the status of this issue with the MTA to see what can be done to satisfy everyone's problem.

Chairman Kelty read the public service announcements and indicated that they would be available to anyone after the meeting or the next day at the board office.

#### **ITEM # 6 – Queens Quiet Skies – Janet McEneaney and Robert Whitehair**

**Janet McEneaney**, a member of Community Board #11 and President of the recently organized "Queens Quiet Skies" with Robert Whitehair, spoke about the airplane noise problem that started about a year ago when the FAA had flight takeoff redesigns over the northeast that no one ever informed us about. At a recent March 14, 2013 meeting with the FAA they committed to work with us under a roundtable agreement, which almost every community in the United States has, except us. On May 2, 2013 a Community Educational meeting will be held at Bayside High School (7 to 9 pm) with speakers from the FAA, the Port Authority and an entire law class from CUNY present, including their professor, to help us understand our rights under environmental statutes.

**Robert Whitehair** described the concentration of a new narrow flight path which makes it possible for NexGen, a GPS satellite, to have more flight departures, safety, and efficient fuel use. However, on the downside using such a narrow path compounds the noise level to high levels and will get worse. During our first meeting on March 14<sup>th</sup>, we asked them if they would be willing to step back on the new flight procedure and look at it again and would they work with us under a roundtable. They said yes to both. It won't be easy, but roundtable meetings are a step in the right direction since we need the FAA to speak to us in plain English and not in acronyms or jargons we don't understand.

A suggestion was made by a board member that today's aircraft can be made quieter with hush kits, which some 15 years ago was implemented on planes until the purchase of whisper jets by airlines.

Q. Isn't there a task force group at the airport level?

A. Yes there is, but it's been very quiet the past few months.

**Chairman Kelty** reminded us that it started in February, during the winter months when our windows are tightly closed so the noise is negligible. Now with the good weather, windows are opened and the noise can be deafening.

**Mr. Whitehair** added that in good weather there is little wind, which makes Runway 13 the preferred take-off runway. This runway is the cause of today's problem.

Q. Wasn't Flushing Airport in College Point supposed to be a no-fly area zone?

A. Have no knowledge about it; however, we will bring it up at our next meeting scheduled on May 2nd at Bayside High School.

**Chairman Kelty** added Senator Avella and Assemblyman Braunstein have rescheduled their airplane noise meeting to April 11<sup>th</sup> in Bayside.

**Mrs. McEneaney** pointed out that while the FAA runs the air, Port Authority runs the airport. Senator Avella and Senator Roth both introduced legislation for a Part 150 Contour Study of the state legislature's jurisdiction over the Port Authority's running of the airport with reference to noise and insulation.

Q. What about airplanes coming in so low in the landing process?

- A. If they are caught flying low, a letter of reprimand goes into their file, but the truth is here in New York they are not being monitored closely. There are only 4 noise monitors at LaGuardia. Yet in San Francisco there are 33 and other airports around the country have 15 to 20.
- Q. What about exploring the role of the airlines?
- A. In the roundtables across the country, the airlines are participant voting members. They must give their reasons why they do certain things. That's the benefit of having a roundtable.
- Q. Can you give us the worse low flying airline?
- A. By default, Delta, because they have the most flights emanating out of New York.
- Q. Can we get these reports?
- A. There is a number for frequent noise complaints which we will get for you.

Chairman Kelty then introduced **Assemblyman, Ron Kim** of District 22 to the board members. He thanked Chairman Gene Kelty, District Manager Marilyn Bitterman, Executive members and board members of Community Board #7 for the phenomenal job they've been doing for their community, one of the largest in the City and the most active. As the eyes and ears of the community it makes his job easier. They've again passed an early budget last week, 3 years in a row. He and other assembly members downstate are not completely happy with the budget and feel they've been shortchanged with some of the programs. For the past 3 years they've had to work on closing a deficit of \$30 billion and Governor Cuomo has specifically focused on expenditures. Monies for after school programs, senior centers, social centers were cut, leaving them with local problems. It's an ongoing fight to find monies and make compromises and restore funding. Locally they get about 80 walk-ins a day. To date approximately 3000 have come their our office since January, mostly for tax filings.

#### **ITEM #5 – The Poppenhusen Institute**

**Susan Brustmann**, Director of Poppenhusen Institute in College Point, gave a short background of the 145 year old historical building, and the home of the first free kindergarten in these United States, which almost was torn down 25 years ago. Today it serves the community as a cultural center and museum. Because of funding cuts affecting non-profits, it has not been easy. However, with the help of their volunteers and a committed community, they have been able to keep it going. They have free tutoring with volunteers from the local high schools donating their time to teach children after school and other programs. The benefactor of the institute, Conrad Poppenhusen, was a pioneer, a social reformer and philanthropist. In the 1840's, long before anyone else, he provided health care, death benefits and day care for his employees and the first free kindergarten. They've been fortunate recently to receive capital improvement funds; an elevator will go in shortly and the exterior masonry and windows will be restored. The vote for the participatory budget took place on 18 projects with a total of 1170 votes, of which Poppenhusen received 614 or 52.4% of the votes. Even with capital funding, they still need money to operate monthly so they are trying innovative ideas to raise money such as advertising the facility to corporations and film companies, rentals of their ballroom or gardens for families and special events, a monthly summer Beer Garden ending in an Octoberfest, a Children's Day and other events open to the family and public. Non profits are what make the community, but they need more volunteers, members and brainstormers.

**ITEM #7 – 42-31 Union Street, Flushing – Calendar #347-12-BZ** - Application for variance (ZR-72-21) to permit transient hotel (UG5) in residential (R7-1/C1-2) district contrary to ZR22-10, and special permit (ZR73-66) to allow projection into flight obstruction area of LaGuardia Airport contrary to ZR61-20.

**Committee Chair Joseph Sweeney** spoke on the proposed two part mix-used 9 story medical facility and the attached 18 story rear Western Hotel building with 161 units. He emphasized what you see tonight is an approved AS OF RIGHT building on Union Street with construction of the foundation already begun. What has to be determined tonight is should it be a long term hotel (meaning more than a 30 days stay) or a transient hotel (less than a 30 day stay) similar to our hotels in the City, i.e, the Waldorf, the Pierre, etc. He then introduced Attorney **Vincent Petraro**, who spoke on the special permit of the 18 story hotel for the height of 243 ft. into the flight obstruction area of LaGuardia Airport which has now been approved by The Port Authority and the FAA. The principals of the 9 story medical center have already made contact with Mt. Sinai and Queens Hospitals on related issues, and will open 6 days a week, Monday through Friday 8 to 6 and Saturday 9 to 1. There have been complaints and violations issued but they have been working through them and construction is ongoing. Parking in this As of Right building requires 193 spaces and their proposal was for 200 spaces. However, after the committee meeting with Community Board #7 they agreed to 300 parking spaces with also public parking for the area. They will have a special shuttle from and to the airport, the building will be environmentally green with Gold certification and there will be no curb side unloading and deliveries will be down a rampway. There will be no catering, no restaurant (only continental breakfast served), no liquor license or open roof areas. It was also agreed there will be a meeting room the Community Board and Civic Associations can use with free parking. Lead architect, **Shiva David**, added the building will be energy efficient with quadruple glass windows with 6 millimeters

air space in between to block noise. **Hiram Rothberg** injected that two surveys were made at different times of the day on traffic and parking accumulation at other area hotels and medical centers. It was determined during peak hours, there will be 112 parking spaces available and at any other given time 200 spaces.

**Mitchell Ross, Of Counsel** was asked by **Committee Chair Sweeney**, to explain why not a long term hotel, the impact on Union Street and the people who live on Union Street. His response was the glacial soil is somewhat inferior and the lot irregular shaped so more money had to be spent for the underpinning and bracing and special design; also the people in the area would not be able to afford living in a long term hotel Those who could would need their own car adding to area congestion . Short term visitors would use public transportation.

The sole owner, **Richard Xia**, was introduced and said he lives and works in Flushing and is very proud of his work. He always uses the very best construction material, taking everything into consideration as well as the needs of the area and the people who live here. Unfortunately, to build a proper deep foundation not only requires the best material, but exposes everyone to extreme construction piling noises. He understands the concerns of everyone, but there is no other way to put in a good foundation. He is trying to be responsible and work with the community in building a high class hotel, something that is needed in this area and feels confident the end product will be worth it for the community. Even though the building is As of Right, conforming correctly in every aspect, they came before the community to see what they prefer as a hotel.

Q. What type of active complaints by the Dept.of Buildings?

A. An Inspector visited the site and found no Supervisor on the job; however, it was during everyone’s lunch break. Nonetheless, the complaint was still written up, but later resolved. Engineers come constantly to check. Some complaints are without merit but those that are legitimate safety complaints are resolved.

Q. Are Western and Starwood hotels smoke free?

A. Don’t know, but we’ll find out.

Q. How many feet does it project into the flight obstruction area?

A. It does not project into the flight obstruction area. However, after 220 feet, buildings in close proximity to the airport require approval by the FAA and Port Authority.

Committee Chair Sweeney added that it was approved by both the FAA and Port Authority for 243 feet. He also gave the comparison of planes leaving the airport at 1700 feet and land at 1000 feet.

Q. To clarify, the 243 feet will not necessitate any type of change in the project?

A. Correct.

Q. Can you elaborate on the “conference room”?

A. There will be a space in the medical center that can be used by the community board and civics to give back to the community.

Q. Do we understand that the reason to permit a transient hotel is mainly to recoup the cost?

A. No, the difference in financial return is minor; your advisory role is to decide what is best for your community.

Q. Was there an environmental impact study done on the building?

A. The variance itself did not require an impact study, since the building is As of Right and already has conformed to code. We did do an environmental assessment statement and addressed such things as air quality, traffic, noise, hazardous materials, etc.

Q. Is the building in R7-1 or C1-2 zone

A. The building is mainly in R7-1 with a small sliver in C1-2

Q. Where is the parking facility?

A. Underground!

## PUBLIC PARTICIPATION

**Dawa Jung**, Deputy Legislative Counsel to Senator Tony Avella, read his 4/3/13 state in opposition to variance application #347-12-BZ submitted by Fleet Financial to permit a transient hotel in a residential district in Flushing as well as to allow a projection in the flight obstruction area of LaGuardia Airport. Residents have complained about unsafe working conditions, excessive noise and the undermining of neighboring foundations, commencing work as early as 2 a.m., continuing until 10 p.m. in the evening, and the constant dust and dirt in the area. The owner was issued numerous DOB violations and, at one point, a partial stop work order. The developer continues to move forward and has changed the original building plan for a medical center, residential dwelling and a three level underground parking garage to now include a transient hotel. Also the height of the building may now pose interference with plane traffic from the airport. Senator Avella strongly opposes this prime example of overdevelopment and asks Community Board #7 to oppose this variance. A discussion between Committee Chair Sweeney and Ms. Jung followed regarding Senator Avella’s position in this application which is outside his district.

The following people spoke against **42-31 Union Street**.

**Gabriella Olano**, who resides next door to 42-31 Union Street, complained of the cracks in her apartment, the constant dust and her electric bill for the air conditioner since she cannot open her windows. **Eddie Abrams** also complained of foundation cracks

which may make the neighboring homes unsafe and possibly the loss of their homes. **Evergreen Chou** urged everyone to vote against the variance because it's not what the community needs. Affordable housing is what is needed, not another hotel which no one in the community can afford. Also, today a medical center is a profit driven system. If one really cares about our health, concentration should be on prevention. Lastly, it's clear the FAA has given up on Flushing. **Paul Graziano** went a step further and looked at old archive maps, some dating back 200 years, and found there is an underground stream running under this lot which is why the soil is inferior. Furthermore the 5 criteria necessary for a variance is questionable in his mind because he considers it a sub-graded hardship. They have an As of Right property and can build a smaller building, but because it wouldn't be profitable, they want more. **Miguelina Roman-Acosta** from Holly Civic is against the construction and its effects to the neighborhood and **Sunny Hahn**, a long time Flushing resident, stated even though the building is striking, it's not for downtown Flushing, and should be built in another area like College Point. **Jori M. Rhee** works with the elderly who live in the area who are slowly losing their homes to developers like Mr. Xia. There are already 10 or 13 hotels already in the area. The elderly certainly cannot afford to live in one. **James Trikas** voiced his opinion that an As of Right building should not need a variance and we should say no to the project. The developer saying the surrounding damages to other people's property is of no consequence is unconscionable. **Erika Brasso** added her voice stating everyone residing around this building is angry. The developer already has 36 violations and 3 or 4 lawsuits, plus parking in the area is now impossible. **Angela Xu** said construction has been going on for 1 ½ years. It's difficult to live in one's home under these conditions, so you spend as much time as possible in a public space. Large trucks come and go until 11 p.m. Young and old are getting sick with dust inhalation and plants are dying.

**Committee Chair Sweeney at this point addressed Richard Xia and emphatically said the hours Monday through Friday must be 7:30 a.m. to 4:30 p.m. and Saturdays 9 a.m. to 4:30 p.m. with no exceptions! Call our office if they don't adhere to these hours!**

**Monique Minnus** is opposed to a transient hotel and especially to the insensitive cement truck drivers that park in front of the church and is concerned about the children who attend the school and playground in the area. **Juna Hee Kang** said her husband works nights and sleeps in the daytime. It's impossible to sleep with the construction going on which is like a never ending earthquake.

The only person who does not oppose the variance is **Dr. Lotus King Weiss**, who originally is from China. She spoke on the owner's behalf, the passionate dreams he brought with him to the US and fulfilling them. She supports him in his endeavor to build for the people of Flushing.

Owner **Richard Xia** showed a verbal willingness to do what he can. His project engineer said the apartment building next door is over 100 years old. He already made an agreement with the apartment owner to set up \$100,000 in an account to take care of any damages. The church, on the other hand, was already slated to be torn down, but Mr. Xia offered to pay for the excavation of the building.

**Committee Chair Sweeney** gave his April 8, 2013 committee meeting report.

**The motion now on the floor is to approve the application for a variance to permit the transient hotel and allow projection into the flight obstruction area of LaGuardia airport with the following recommendations:**

1. 300 parking spaces with attendant parking.
2. The parking will be paid parking and open to the public at daily rates.
3. A shuttle to Main Street and to LaGuardia Airport will be provided by the hotel.
4. There will be no curb side drop off sanctioned by the Medical Center or the Hotel.
5. The Medical Center will operate during reasonable business hours.
6. There will be no catering, no restaurant, and no liquor license connected to the hotel.
7. The Medical Center and hotel will arrange for interior drop offs, pickups and deliveries
8. A community room will be provided for community board and local civic organizations use with free parking upon request.
9. Gold Leed + Green Roof.
10. The hotel will have 161 units.

The vote taken to approve was (30) YES (8) NO (1) Left before vote

## REGULAR MEETING

### **ITEM # 8 Education Committee Update -**

Committee Chairperson, Arlene Fleishman, gave her February 25, 2013 committee report regarding the absence of educational leadership, parent participation, community input, diversity in curriculum and above all checks and balances. There is a total disconnect on all levels in the NYC Public School system today. Based on the official Federal Government report which is done every two years, New York City students have made less academic progress since 2003 compared to their peers in 10 large city categories. We were one from the bottom. Assemblyman Weprin and Senator Montgomery introduced a bill to end Mayoral

control. The bill supports the creation of a Board of Education with each Borough President appointing one member and the City Council and the Mayor each appointing four, making a total of 13 members. The February meeting concluded with the committee board members unanimously passing the motion to support the Weprin/Montgomery bill.

Discussion followed and the question arose if the Federal Government actually wrote the report or was it written by someone else and/or confirmed by the Federal Government. Since the Chair could not give a positive answer, board member Valerie Kennedy made the motion to table the Education report to the next public meeting in June.

### **PUBLIC PARTICIPATION**

**Ben Haber** referred to the “minor” amendment to the previously approved Willets Point project. By allowing a parking area in Willets Point for the Mets, you are really permitting Wilpon to construct a huge shopping mall on the current Mets parking area. This will deliver a death knell to the small businesses, create a vehicular nightmare, and at the same time agree with Bloomberg that Wilpon has the right to use the Met’s parking lot he leased from the city for whatever purpose he wants without permission or approval from anyone. This “minor” amendment in fact nearly doubles the size of the project from 62 to 108.9 acres and prioritizes the construction of a previously undisclosed 1.4 million square foot mall on public parkland that is presently a CitiField parking lot. Please give serious consideration to reject this amendment. **Michael Della Vecchia**, of the Whitestone Marina, spoke about an old rotten barge in decay on the long pier owned by longshoreman since 2006. It’s a terrible eyesore and he is willing to clean it up himself. Can we help!

**Kevin Shields** spoke up for the elderly and handicapped having tickets placed on their cars before they can get to it.

**Chairperson Kelty said they should report the meter number to 311 so it’s on record!**

**Paul Graziano** was asked by Alfredo Centola to read his memo to the Board this evening. The developers, Sterling and Related, added a new component to the Willets Point Development. They want to build a 1.4 million square foot mall in mapped Parkland, part of Flushing Meadows Corona Park. Because it happens to be used now as a parking lot does not mean it is available for them to develop. The developers reason that the Mets lease and the City code will allow them to build the proposed mall without going through parkland alienation in Albany. The legality of that is debatable and may be decided in court. Building the City’s largest mall on Queens Parkland was never part of the Willets Point Development, but it will happen if the application is approved. This would almost double the size of the development and would impact traffic and existing commerce in Jackson Heights, Corona and beyond. **Len Maniacci’s** comment on Phase 1 of Willets Point Development was “parkland is not the place to build a shopping mall” and “a shopping mall will never change back to parkland.” As custodians of our parklands for future generations, we cannot in good conscience give it away to developers. **Sunny Hahn** also strongly believes it must remain as parkland. **Judy Francis**, President of the Sierra Club and a member of Community Board #6 in Brooklyn, said it’s a land grab. Queens has the least amount of parkland land mass. Every acre of parkland is for 10,000 children. Brooklyn parkland, on the other hand, is least per Capita. **Leonard Scarolo**, of Willets Point United, pointed out that when original Willets Point Development was approved in 2008, Community Board #7 was guaranteed they would participate in developer selection. In truth, Board #7 was never consulted, and neither was the Advisory Committee. Instead Mayor Bloomberg designated Sterling Equities (owned by the Mets owners) and Related Companies as developers of Phase One. By adding their minor amendment of Willets West mall, the development of the original 62 acres now becomes 108.9 acres...nearly double. While Sterling and Related plan to build the mall as soon as possible, they are delaying the housing portion, the supposed linchpin of the development, until 2025. Obviously they’ve negotiated a contract with many loopholes in their favor. Remember your vote on this ‘minor’ amendment is your ONLY opportunity to reject the Mayors unilateral expansion because the City Council is NOT required to review it. Without a vote in the Council, the members will have no leverage to demand any changes or conditions to this project. **Joseph Ardizzone** of Willets Point commented that giving away parkland is robbing our children and future. An example of giving in is the Bus Terminal in Flushing Commons, which eventually was sold to private enterprises.

The meeting was adjourned at 11:45 p.m.

Respectfully submitted,

Mary Zuliani  
Recording Secretary  
Community Service Aide

