



Community Board 7

Borough of Queens

Bay Terrace, College Point, Beechhurst, Flushing,
Malba, Queensborough Hill, Whitestone and Willets Point

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District Manager

COMMUNITY BOARD #7 PUBLIC HEARING & REGULAR MEETING
MONDAY, SEPTEMBER 23, 2013
UNION PLAZA CARE CENTER
33-23 UNION STREET
FLUSHING, NEW YORK

PRESENT-

Chuck Apelian
John Byas
Dilip Chauhan
Tyler Cassell
Chin-Hsiang Chiang
Timothy Chuang
Kim Cody
Nicholas Corrado
Joseph Femenia
Arlene Fleishman
Rose Forkan
Fred Fu
Pablo Hernandez
Jeff Huang

Eugene Kelty
Valerie Kennedy
Frank Keppel
Donald Kirchofer
Phil Konigsberg
Peter Kwiath
Esther Lee
Rev. Richard McEachern
Barbara McHugh
Selma Moses
Kim Ohanian
Millicent O'Meally
Terence Park
Vana Partridge

Kris Ram
Andrew Rocco
Kevin Shields
Marc Schiffman
Warren Schreiber
Lynda Spielman
Joshua Sussman
Joseph Sweeney
John Tsavalos
Peter Tu
Paul Vallone
Arnold Wagner
Linna Yu

ABSENT-

Arthur Barragan
James Cervino
Kevin Kang

Myungsuk Lee
Frank Macchio
Nicholas Miglino

Jean Ren
Peter Sutich
Peter Tu

COMMUNITY BOARD #7 STAFF:

Marilyn Bitterman, District Manager
Marilyn McAndrews, Community Assistant
Mary Zuliani, Community Assistant

GUESTS-

Don Catalbi, Congresswoman Grace Meng's Office
Michael Stinson, Congressman Steve Israel's Office

Dawa Jung, Senator Tony Avella's Office
Courtney Cariello & David Ng, Assemblywoman Nily Rozic's Office
Avery Munir, Assemblyman Michael Simanowitz's Office
Colin No, Assemblyman Edward Braunstein's Office
Young Kim, Assemblyman Ron Kim's Office
Peter Koo, Councilman
Victor Mimoni, Councilman Dan Halloran's Office
Susan Tannenbaum, Queens Borough President's Office
Jeong-ah-Choi, Queens Borough President's Office

First Vice-Chairperson Chuck Apelian called the meeting to order at 7:10 p.m., read the guidelines and procedures for the meeting, introduced the dais and staff members present, and announced Item 9 on the agenda was tabled to October. He then asked everyone to rise for the pledge of allegiance and to remain standing for one minute in honor and memory of our military and those who perished twelve years ago – September 11th.

Roll Call attendance was taken with **41** members present, **3** members excused and **6** members absent. During roll call the Chair was informed that Board Member Carlos Talisaysay just underwent quadruple bi-pass surgery at North Shore Hospital. We all pray for his recovery. First Vice Chair Apelian read several public announcements and indicated they would be available to anyone the next day at the board office. A motion to approve the minutes of May 2013 and June 2013 was made by Marc Schiffman and seconded by Linna Yu. The approval by the Board was unanimous.

Councilman Peter Koo, who stopped by our meeting, was asked to speak a few words. He graciously thanked Community Board 7 for their help over the past four years and gave a brief update of 1) a new restaurant provision, up before the Council for a vote, giving owners an ombudsman to register their complaints of discrimination 2) Inspectors will have to go through special 'code of conduct' training and cultural courses for understanding today's immigrants 3) Data to be gathered from business owners, the community board and the community regarding current health and business regulations and violations, and the need for all to work together.

Item 5–LaGuardia Youth/Adult Internship Program–Dr. Susanne Jones/Career Counselor

Dr. Jones described the 14 week internship for 16 to 24 year olds who are not in school and not working or in a training program. It starts with 3 weeks of orientation prior to the internship and 11 weeks of paid internship with 20 work hours as well as 5 workshop hours per week. After completing the internship you will be able to prepare for college admission, enter an occupational training program, earn a GED diploma or connect with other opportunities. If you are interested in participating, you will be screened for eligibility and must sign a consent and then randomly selected by lottery. If not selected, you will receive a list of other programs and services in your community.

Chairperson Eugene Kelty introduced our next speaker, **Joanne Ariola**, Director of Intergovernmental Affairs and Community Outreach for Flushing Hospital. Each year the hospital must

draw up a community needs assessment plan for the Dept. of Health. This year it includes a survey the Dept. of Health wants circulated to all community boards and civic associations so the Hospital and Health Dept. can determine the three most important factors for a healthy community from the list of services to choose from in the packet distributed this evening. While everyone was completing the survey, she spoke of the ribbon cutting opening of the new Ambulatory Care Center on September 26, 2013, the new MRI and CAT scans for Radiology, the expansion of the Emergency and Dental Depts., and the new Hospice and Geriatric Center, all to better compete with the other hospitals. Her number is 718/670-4562 for any questions you may have.

Chair Kelty announced to the board and especially to **Selma Moses**, a proponent for a new library for years, the opening of the new Queens Mitchell Linden Library on September 30, 2013, starting at 3 p.m. from the old library at 29-42 Union Street with a 3 minute walk ending at the new library at 31-32 Union Street. Mrs. Moses is extremely happy over the new library, except the lack of a parking lot. The Chair reminded her of the bus service on Union. Chair Kelty took a moment to congratulate Paul Vallone and Melinda Katz on their primary wins and wish them well in the November general election.

Item 6 – Disposition of 4 City-owned Properties – City Planning Ulurp #C140017PPQ

The four lots in DCAS jurisdiction are undevelopable, vacant lots that are between 250 and 2,705 square feet. All four properties were acquired by the City through the NYC In Rem tax foreclosure process many years ago .

Committee Chairperson **Frank Keppel's** gave his committee meeting report of August 27, 2013. The motion presented at this meeting was to approve and the vote was unanimous in favor. Committee Chair Keppel introduced **Kyle Daniels** from DCAS who described the properties as small and undevelopable with no facilitated projects associated with them. In order to dispose of them at any time in the future, the City requires approval to sell. Although each property is zoned differently, they do have some value and will be offered to adjacent residential or commercial owners.

Q. Are each of these properties zoned the same as the adjacent properties?

A. Yes!

Q. Can the City donate the property to individual owners?

A. No!

Chairperson Kelty asked for verification that none of these parcels have any type of landlock situation. Mr. Daniels said he would verify it.

Q. Will you consider subdividing portions of a parcel with more than one owner or cooperative?

A. It's not really our intention. However, if 15 to 22 owners are interested in the 3 ft. parcel which abuts 22 properties, for instance, we would take a consensus of agreement and discuss it with our legal department.

Q. Doesn't City owned properties traditionally go through an auction process?

A. We usually are mandated to go through auction. However, with small, undevelopable lots like these, we now have the authority to go through Ulurp. We feel it's more appropriate to give adjacent owners the opportunity to take advantage of buying these undevelopable properties at much lower prices than the norm.

Chairman Kelty expressed an interest in learning how much these properties actually go for when they do sell!

Q. What about adverse possession when land is taken over and used for years without ownership?

A. Once the claim is made, our legal department will review it and resolve it.

Q. How did the City wind up with this type of property?

A. Surveyor's error.

There were no further questions!

The motion on the floor by Selma Moses to approve the DCAS Land Use Review application #140018))Q without objection from Community Board 7 was seconded by Marc Schiffman.

The vote taken was (39) Approved (1) Denied (1) Abstained/no conflict

Item 7 – 135-15 40th Road, Flushing – City Planning Ulurp #C140017PPQ - Application submitted by DCAS pursuant to Section 197-C of NYC Charter, for the disposition of one City-owned property (Block 5036, Lot 50) pursuant to zoning. Once approved DCAS intends to dispose of the property to NYC Land Development Corp (NYCEDC) who will sell to Success 88, LLC.

Committee Chair **Joseph Sweeney** described the existing office building as being built in 1950 and occupied by Sanitation Dept. until 2005, at which time they were forced to relocate due to serious structural damaged sustained during the building of the adjacent building. The City sued the developer and won \$3 million. The City does not need the building and is to be demolished and the property designated as surplus property. Requests for bid proposals were sent out. Of the six received, Success 88, LLC was awarded the bid and will build “As Of Right” a 6 story, 12,000 square feet building on 25’ x 100’, with a waiver for no parking on site. Attorney **Steve Sinacori** for Success 88 added construction costs will be \$3.5 to \$4 million. The ground floor will be for commercial use, with offices and a 4000 square ft. community facility in the upper floors. Public parking and private garages in the area are underutilized so parking will not be a problem. The vote tonight is for approval to dispose of the property.

Q. What leeds level will the proposed building have?

A. It's presumptuous to give a leeds level now when we haven't even closed on the property. However, be assured they will be going for leeds certification. The architect, who is here tonight, may be able to give you an idea.

Architect **Tony Daniels** gave the plus factors and potential strategies for this property, i.e., site selection and density adding to a higher leeds credit; water management using storm water detention for a possible green roof, landscaping, and toilet flushing; south-facing exposure, using integrated solar rays, will give as much as 30 kilowatts (a substantial portion of what's needed); insulation of windows and ceilings; fresh air and heat pump system; daylight stairs and public areas, sub-metering of each tenant space, least amount of duct systems for less future repairs and cleaning; moisture vapors; the selection of newest green building material, etc., all with the purpose of building a durable green structure, with the least amount of maintenance, to last well into the future. Construction waste will be diverted to land fill. Potentially we can have a net zero energy building.

Q. Will the community classes be free?

A. The community facility is just a classification for any school or other rental by the community.

Q. Did you feel that Queens architects were incapable of doing this job?

A. Not at all. We were looking for a leed certified architect who had significant experience in designing a leed certified green building to meet the specifications of the developer.

With no signed-in speakers, Committee Chair Sweeney read his committee meeting report of September 12, 2013 with the unanimous approval vote of 8 to 0 to dispose.

The motion now on the floor is to approve Ulurp #C140017PPQ to dispose of City-Owned property to a proposed developer.

The vote taken was (40) approved (0) denied (1) left before vote taken

Item 8 – 22-30 154th Street – Nonna’s of Whitestone – City Planning N130014ECQ

Application pursuant to Sec. 366-a(c) of the New York City Charter, of the grant of a new application for a revocable consent to construct and operate an enclosed sidewalk café with (11) tables and (22) seats at above address on the northwest corner of 23rd Avenue (fronting on 23rd Avenue) in the Borough of Queens.

Committee Chair **Joseph Femenia** explained the September 19, 2013 was tabled because the applicant was not present due to communication mixup. The meeting was then arranged for earlier this evening so it could be discussed at tonight’s Public Hearing and go before Consumer Affairs on October 16th. The applicant, **John Stacom**, Architect on the project said approval was granted by Consumer’s Affairs but there was a conflict of some information in the documents presented to City Planning and the Community Board, and consent still hasn’t been received from the DOT.

Q. Is there a fee for the use of the City sidewalk.

A. As long as the restaurant is in business, they will pay the regulated fee established by the City.

Chairman **Kelty** added the owner must maintain the City’s 12 ft. compliance rule. His application, however, leaves only 9’10” distance.

Mr. Stacom responded that the application, specifications and drawings submitted to Consumer Affairs very clearly indicated the remaining distance as 9’10”. Both Consumer Affairs and City Planning approved it. That left the DOT’s permission to utilize the city sidewalk. Tonight, at the earlier meeting, is the first they heard there was a problem.

Discussions that followed included whether DCA, City Planning, City Council or DOT has the final say on this application; retailers approval; residential noise and parking issue; dense pedestrian area; constant changes in the application; may 12 ft. compliance rule be changed by a variance. These questions initiated the following objections: 1) The sidewalk is too narrow to sustain the 12 ft. compliance rule 2) Concern about noise since the restaurant abuts a residential community 3) Lack of sufficient parking since the area parking lot is gated, locked and not open to the public. 4) The application itself keeps being changed by owners.

Committee Chairperson **Joseph Femenia**, after he and his committee tabled the first meeting held on September 19th, gave the report of the second meeting held earlier this evening with Kim Cody, Donald Kirchhofer, Kim Ohanian, Gene Kelty representing the Boosters, Selma Moses, Warren Schreiber as well as himself. The committee voted to deny the application and asked the applicant to address the following 1) to inform themselves regarding revocable consent 2) to comply with the distance rule or get a variance 3) to address the parking and noise problem 4) list hours of operation.

The motion on the floor is to deny the application of City Planning Ulurp #N130014ECQ for a revocable consent to construct and operate an enclosed sidewalk café with 11 tables and 22 seats, and seconded by Millicent O’Meally.

Board member, **Lynda Spielman**, supported the vote of disapproval because of the non-compliance of the distance rule. Chair **Kelty** agrees but places the blame on Consumer Affairs and City Planning for their sloppy work, and also the insufficient parking available for this area. Board member **Nicholas Corrado** is disappointed in the vote and feels it’s unfair to the small business owners who are already struggling. Also felt parking wouldn’t be an issue. Board member **Joe Sweeney** felt if approved as submitted, it would set a precedent. Board member **Kim Ohanian** agreed the paperwork did not meet Consumer Affairs requirements. Committee Chair **Femenia** added, however, there is a time constraint on this application. **Chuck Apelian’s** understanding is a Ulurp has a 60 day time span. Unfortunately the plans say one thing and the application contradicts it. In this instance he will vote to deny.

The vote taken was (35) denied (1) approved (0) abstained (5) left before vote taken

Item 8 – Input on Preliminary Budget FY 2015 – Committee Chair Lynda Spielman, as the first step in the budget preparation process, asked those present tonight for added input. **Irene Prestigiacomio** from Willets Point United asked again to include the resurfacing of Willets Point streets on their list of capital budget priorities. The streets are in severely deteriorated condition creating safety hazards because of the City’s neglect for decades. It has discouraged public access to businesses and commerce, not to mention creating safety hazards and emergency responder delays. Her yearly tax alone is \$53,000 for 22,000 feet for which she receives nothing in return; no streets, no lights, no services. The DOT said the cost to repair would be \$15 million, but a reputable contractor has offered to do it all for much less. Willets Point United implores Community Board 7 to prioritize budget for this needed work in their district.

First Vice Chair **Chuck Apelian** supports putting it into the budget as a priority, as well as board member **Phil Konigsberg**. However, Chairperson **Kelty** added even if placed as a first priority, it may be moved down on the list.....as was done before.

Committee Chair Spielman reminded everyone the budget committee will be meeting on October 2, 2013 for budget recommendations.

Item 9 – Bowne House Visitor’s Center was tabled for October 28, 2013 meeting.

Item 9a – Vote on Airport Noise Resolution –Community Board 11’s Airport Noise Resolutions letter was sent to all our board members. Chairperson **Kelty**, after reading it, said it made sense and would like to use their letter with amended changes to fit Community Board 7.

The motion is to use Board 11's letter on Airport Noise Resolution with amended changes to reflect our Community Board 7, seconded by Marc Schiffman.

The vote taken was (32) for (0) against (0) abstained (9) left before vote

PUBLIC PARTICIPATION

Board Member **Valerie Kennedy** sadly announced her resignation from Community Board 7 as she is moving to Manhattan. We will miss her and wish her well.

Courtney Cariello from Assemblywoman Nily Rozic's office announced a town hall meeting on October 2, 2013 at the Armenian Church of the Holy Martyrs on homeowner issues with representatives from city and state agencies to answer questions. You can call their office at 718/820-0241.

Tyler Cassell received some phone calls this summer from persons from Community Board 11, Auburndale Improvement Association and the Broadway Flushing Homeowners Association regarding possible parking restrictions removed on Northern Boulevard in the morning going westbound and in the afternoon going eastbound. The DOT has lifted restrictions from Main St. to 162nd Street; you can now park at all times. From 162nd Street to Utopia Pkwy there are no meters and the parking restrictions have been lifted. At Utopia going eastbound in Community Board 11, the parking restrictions are still in place. However, on the north side parking is allowed still allowed from 4 to 7 pm. On the south side DOT signs now allow parking for 1 hour from 9 am to 10 pm, which won't help businesses. Also, buses who normally used the curb lane to travel will now have to move into the traffic.

District Manager Marilyn Bitterman was recently at another DOT meeting and was informed that Councilman Koo had asked only for a 4 to 5 pm window regulation. The Commissioner said they did a survey for a year and a half, and found there was no difference with or without the 4 to 7 pm regulation. Nothing, however, was said about the meters. Any changes should be brought to our attention immediately so we can look into it without delay.

Susan Carroll from Community Board 11 thanked our board for also urging the Governor to pass the Part 150 Noise Study bill which has been on his desk for close to 3 months already. She suggested we all make our voices heard together with Queens Quiet Skies, who can be reached at queensquietskies@aol.com. If not stopped, the FAA will keep implementing new routes without our knowledge and input. There is only one week left of the public comment period (9/30/13), afterwhich the FAA intends to end environmental impact studies.

Board Member **Phil Konigsberg** publically thanked Rev. McEachern for his initiative to have the new Affordable Housing project smoke free! Also, the Alzheimer Association of Queens on September 29, 2013 will have a walkathon at Flushing Meadows Corona Park starting at 9 a.m.

Meeting adjourned at 10:45 p.m.

Respectfully submitted,
Mary Zuliani