

COMMUNITY BOARD #7 PUBLIC HEARING & REGULAR MEETING
MONDAY, FEBRUARY 10, 2014
UNION PLAZA CARE CENTER
33-23 UNION STREET
FLUSHING, N.Y. 11354

PRESENT

Chuck Apelian	Kevin Kang	Andrew Rocco
John Byas	Eugene Kelty	Kevin Shields
Tyler Cassell	Frank Keppel	Marc Schiffman
James Cervino	Esther Lee	Warren Schreiber
Dilip Chauhan	Frank Macchio	Joshua Sussman
Chin-Hsiang Chiang	Rev. R. McEachern	Peter Sutich
Timothy Chuang	Barbara McHugh	Joseph Sweeney
Nicholas Corrado	Selma Moses	John Tsavalos
Arlene Fleishman	Kim Ohanian	Peter Tu
Rose Forkan	Millicent O'Meally	Arnold Wagner
Fred Fu	Vana Partridge	Linna Yu
Pablo Hernandez	Kris Ram	

ABSENT

Kim Cody	Donald Kirchhofer	Terence Park
Joseph Femenia	Phil Konigsberg	Jean Ren
Jeff Huang	Peter Kwiath	Lynda Spielman
	Nicholas Miglino	Carlos Talisaysay

COMMUNITY BOARD #7 STAFF

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

GUESTS

Melinda Katz, Queens Borough President
Councilman Paul Vallone
Don Capalbi, Congresswoman Meng's Office
Michael Stinson, Congressman Israel's Office
Kieran Mahoney, Senator Avella's Office
Mitchell Metcalf, Assemblyman Ron Kim's office
Courtney Cariello, Assemblywoman Rozic's office
Gene McSweeney, Assemblyman Braunstein's Office
Allen Hsu, Councilman Koo's office
Vito Tautonico, Councilman Vallone's office
Susie Tanenbaum, Queens Borough President's office
Jeong-Ah Choi, Queens Borough President's office

The meeting was called to order at 7:10 pm. by First Vice Chair Chuck Apelian. Everyone was asked to rise for the Pledge of Allegiance and to remain standing for one minute in honor of our Military around the world and in memory of those who have perished in the line of duty. He thanked everyone for their well wishes on his recent back surgeries, and especially for their election support during his absence.

The roll call attendance was taken by First Vice-Chair Chuck Apelian with (35) member's present, (4) absent and (7) excused.

After attendance he welcomed **Paul Vallone**, who was our board member for many years, and is now our newly elected Councilman for District 19. He acknowledged the hard work done by the Board and congratulated the newly elected Third and Fourth Vice-Chairs to the Executive Board, and, as our Councilman, will support us and his community always. His office is at 42-40 Bell Blvd., Suite 507 and telephone number is still 718-619-8611. His Director of Communications & Constituent Services is Vito Tautonico and his e-mail address is pvallone@council.nyc.gov.

First Vice-Chair Apelian gave the floor to **Courtney Cariello from Assemblywoman Nily Rozic's office**. Ms. Rozic will host the Tax Assessment Workshop & Registration Drive, given by the Taxation & Finance Dept., at her District Office, 159-16 Union Turnpike on Sunday, February 23, 2014 at 11 am to 2 pm. They will show you how they assess homes and revalue your property. **Third Vice-Chair Schreiber** added in appealing your assessment, it may be lowered or remain the same but never increased. RSVP at 718/820-0241 or by e-mail at rozicn@assembly.state.ny.us.

First Vice-Chair Apelian introduced our new **Queens Borough President Melinda Katz**, whose background includes being Director of Community Boards under past Queens Borough President Claire Shulman, a Council Member and Chair of Land Use Committee, who said she has the utmost respect for Community Boards. She looks forward to working with us, whether on Flushing Commons, RKO Keiths, Willets Point Redevelopment, FAA, etc. to help make some headway on these issues. She applauded Mayor DeBlasio bringing the State of the City of New York to the Borough of Queens at LaGuardia College. She is re-instituting the Education War Room, a once-a-month meeting with the

Department of Education, School Construction Authority and Community Boards, to discuss alleviating the current overcrowding problem with a view to the future as well as today. She plans on putting out a statement of all her staff members for the community. However, the position of Engineer and Director of Communications has yet to be filled. She ended by thanking everyone at the Community Board for their continued service.

Chairperson Gene Kelty followed with the public service announcements and indicated they would be available to anyone at the board office the next day. He also announced the resignations of **Arthur Barragan**, a board member since 1975, who is caring for his wife. A good friend who taught us and guided us through Zoning. He will be sorely missed, although we will keep him on speed dial. He will be honored for his contribution to our community on April 28th, weather permitting. Also a fairly new member, Myunsuk Lee, has stepped down due to his many obligations which leave him unable to give us his time. **Chair Kelty** made special mention of the Lunar Parade, **Peter Tu**, his staff **Linna Yu** and **Fred Fu** as well as the **109th Precinct** for a wonderful job done.

The motion to approve the January 13, 2014 minutes (incorrectly dated as January 14, 2013) made by Millicent O’Meally and seconded by Marc Shiffman was unanimously approved.

Chair Kelty took a moment to thank both **Kim Ohanian** and **Joe Femenia** for the wonderful job they performed as Executive Third & Fourth Vice-Chairs of the Board. We now welcome their replacements **Warren Schreiber** and **Barbara McHugh**.

AGENDA #5 - 42-01 MAIN STREET, FLUSHING – CALENDAR # 322=13-BZ - Application filed pursuant to ZR Section 11-411 seeking to re-instate and extend the term of the variance that permits accessory parking on the R6 portion of the zoning lot for the Use Group 6 Commercial building located within the R6/C1-2 portion of the lot. Application also requests a waiver of the Board’s Rules of Practice and Procedure to permit the filing of the application after the permitted filing period. **Committee Chair Rev. McEachern** held the committee meeting on January 16, 2014, but unfortunately the owner, who is 93 yrs. old could not be present. The two-story commercial building in a R6 zone with a C1-2 commercial overlay in a residential neighborhood has some of the resident parking being used for commercial use. The first floor has one eating/drinking establishment, one retail store and one office space. The second floor is occupied mostly by East Buffet with some retail/office. The accessory parking was amended and extended on several occasions, most recently in May ‘88 extending it by 5 years to end in 1990. The last Certificate of Occupancy issued in May of 1990 was without an expiration date. East Buffet who has leased the premises since 2006 was unaware the variance had expired. Because the premises was slightly enlarged at the rear, the need for sixteen more parking spaces will be accommodated within the C1-2 portion and reciprocal parking in adjacent lot 77. When East Buffet entered into a 15 year lease, they were unaware of the prior violations but have promised that all violations would be removed once the variance is approved. Of the (81) DOB and (21) ECB violations and (31) 311 complaints, East Buffet has spent thousands of dollars thus far to clear them. There now remains only (34) violations, many relating to parking. They are hoping for approval of a ten year term.

Q. When are they looking for the ten years to start?

A. The ten years to start now.

Q. Are there any ramifications for not filing in the appropriate time frame?

A. There will be an extra \$5000 filing fee for late filing.

Q. Since 2006, when the restaurant opened, what violations were incurred?

A. The current tenant took over an existing restaurant. The majority of violations now had to do with occupancy contrary to the Certificate of Occupancy and failure to have a public assembly permit because the original C of O for restaurant use was smaller. The new tenant went to the DOB to clear these problems.

Q. Were there any environmental violations?

A. No, just ECB violations.

Chair Kelty added adjudication goes before the ECB board.

Q. Is the parking only for the restaurant?

A. Accessory Parking is for the entire building, and is not considered a public parking lot.

Q. Is there another restaurant in the building?

A. Yes, there is a small restaurant on the ground level.

Q. Can you give us a sampling of the complaints?

A. Complaints, as opposed to violations, are usually the 311 type. There were 31 complaints and **all** were taken care of. I don't have a list with me, but can find out for you.

Q. When did they know of the prior violations?

A. There were some violations open before they took over and were probably repetitive ones on the books, but none of the violations at that time specifically said parking was not permitted in the rear or that occupancy was contrary to the original C of O and the need of a new public assembly permit, as well as re-instatement of the parking variance. This was revealed when they went to the DOB.

Chair Kelty made it clear a C of O does not expire. If there is an approved modification or variance, it needs only to be updated. The public assembly permit fee is assessed on seating of over 75. How many do they have on the 2nd floor?

A. 220 seats.

Q. Is a second floor restaurant permitted?

A. Yes!

Vice-Chair Apelian asked if **Atty Nora Martins** from Sheldon Lobel, P.C. has pictures of the site to be displayed on boards to get a better idea. She did bring them and was happy to show the Board. **Vice-Chair Apelian** commented applicants should bring visual aids to our committee meetings also.

Board Member Joe Sweeney said thus far the tenant has spent over \$300,000 to clear violations so they can continue doing business.

Q. How many E violations are there?

A. Three remaining totaling \$3600. The fourth for \$4000 was already paid.

With no Public Participation forthcoming, **Committee Chair Rev. McEachern's** report spoke of their concerns on the number of violations on the premises, but the applicant's show of good will in clearing violations thus far and the promise to clear up the remaining violations within the next two years once the variance is approved, the committee's recommendation is as follows:-

- (1) To re-instate and extend the previously granted variance to permit the continued use of the

Residential portion of the zoning lot for accessory commercial parking for a term of five (5) years, instead of ten (10) years.

- (3) To waive the Board's Rule of Practice and Procedures since the application was not filed within thirty days of the variance term expiration date.

The motion on the floor is to approve the application with the recommendations listed above, seconded by Marc Schiffman.

- Q. Is the additional parking in compliance and to code as to location and spaces required?
A. Yes, the additional parking is within the commercial zone and in compliance.

Discussion followed with **Committee Board Member Tyler Cassell**, who wasn't too concerned over the amount of violations. The 31 complaints were all cleared. Of the 18 DOB violations still to be cleared, only a few have cash penalties and none are for parking. They voted to approve because it wasn't their job to punish. That is for the DOB to follow up. The applicant thus far has shown his commitment to clearing all the violations, but because of the circumstances the traditional 10 year period was lowered to 5 years, when it will be viewed again. **Vice-Chair Apelian** understood the spirit of the committee decision, but believes the BSA would accept a 10 year period. He felt the only way our recommendation for five years would pass is if the applicant sends us their letter of acceptance.

The motion now on the floor is a friendly motion to approve the application with the two recommendations listed above and the applicant explicitly agreeing to the five (5) year term by submission of a letter of confirmation to the Community Board, seconded by Marc Schiffman.

The vote taken was unanimous (35) Approved (0) Denied (0) Abstained

AGENDA #6 - 160-11 Willets Point Boulevard – Calendar #245-03-BZ - Application to extend the term of an existing special permit for a drive-thru facility for the existing McDonald's Restaurant for an additional five (5) years. **Committee Chair Joseph Sweeney** said McDonald's has been at the location the past 40 years. In May of 2003 CB #7 approved the initial special five-year drive-thru permit and again in 2009. No complaints have ever been received by Community Board #7 or the 109th Precinct. The Committee Chair Sweeney gave the floor to **Jeffrey Chester**, attorney for the owner, **Bill Miller**. He pointed out restaurants in a C1 zoning district must have a special permit for an accessory drive-thru, while restaurants in higher zones like C4,5,6,7 or 8 need not apply which he couldn't understand. The owner runs a very good, clean operation. They'd like to continue.

- Q. Who's the landowner and the term of the lease?
A. Muss Development, and 20 years more to the lease.
Q. What about cars queuing from Francis Lewis Blvd turning onto Willets Point Blvd into McDonald's preventing me from getting into my driveway?

A. It's my understanding that this is a rare occurrence, and may happen temporarily during certain peak times of the day.

Committee Chair Sweeney said the committee discussed just this and they came up with the following recommendations:

- 1) Additional parking signs and parking in the rear for an additional 40 cars.
- 2) Install electronic technology for order-taking prior to the customer approaching the menu Board which could speed up the drive-thru.
- 3) Increase a quick response program during heavy peak volume with added personnel in the front.
- 4) Increase the parking car program where food orders can be delivered to the cars.
- 5) One-way signage at the exit onto Willets Point Blvd after a board member spoke to those living in the area for their input.

Committee Chair Sweeney pointed out the owner is open to all suggestions and is agreeable to all our recommendations. No complaints were ever registered. In fact, a petition in their favor signed by 300 individuals from the neighborhood is available. Patrick Miller, who runs the day to day operation with his dad, said increasing the daily flow of people with technology is definitely to their advantage.

Q. What is being done to address crossing the driveway at the curb line to get to the front entrance.

A. There is a speed bump and a railing that was put up, and thus far no accidents have occurred. Although signs, lights, speed bumps can be helpful, **Chair Kelty** reminded everyone signs on the property are not enforceable, so it's up to the driver and/or pedestrian to be watchful. He did feel uncomfortable with food delivered to cars in the parking lot as a safety issue because of incoming traffic and money transactions. The owner assured him money collections would not be from the parking lot.

The motion was made to approve to extend the five year drive-thru permit with the recommendations made by the committee, and seconded by Marc Schiffman.

The vote taken was (34) FOR (0) AGAINST (0) ABSTAINED (1) LEFT BEFORE VOTE

R E G U L A R M E E T I N G

AGENDA #7 - 36-18 MAIN STREET, FLUSHING - CALENDAR #280-13-BZ – Follow-up to a Public Hearing we had in November with Committee Chair Frank Macchio. We approved, at that time two of the four items, i.e. the Physical Culture Establishment and the height waiver. After a lengthy discussion on the remaining two issues; i.e. parking and traffic backing up, Attorney Richard Lobel took the floor and said they came up with the following: 1) change in the direction of the parking with traffic coming in off Prince Street straight to the garage. Traffic would leave the garage from the other side and exit at the hotel drop-off. 2) A second suggestion was an interior traffic turnaround to circulate traffic to relieve current back up of cars. 3) The third was the owner's request for a DOT traffic study for a traffic light at the intersection of 36th Avenue and Prince Street with the owner's acceptance of the DOT's decision.

Questions followed:

- Q. Are you also seeking to reduce required parking?
- A. Yes, in seeking the variance by changing Medical Use to Professional offices, it lessens the need for parking spaces. We are seeking to reduce parking by 71 to 72 spaces with the variance.
- Q. What If the DOT's study approves the traffic light?
- A. This is not part of the variance which is determined by the 5 components.
If it creates a mess, it will be their problem....not ours.
- Q. As Prince Street is a 2-way Street, what happens to Northern Blvd. traffic making a left to the Hotel and then crossing traffic going opposite way, if traffic is stopped at the 36th Street red signal light?
- A. Its purpose is to create a box and the red light will hopefully give the opportunity for cars to enter in and out of the hotel.
- Q. Is the entrance only on Prince Street, and not Main Street?
- A. Yes, the vehicle entrance is on Prince, Main Street is the office building. Also we've pushed back the entrance on Prince Street for this purpose.

Committee Chair Macchio completed his report giving the motion made by Chuck Apelian and seconded by Pablo Hernandez to approve the application with the following stipulations:

1. A request by the owner for a DOT traffic light and study for the intersection of 36th Avenue and Prince Street. Owner to accept associated responsibility.
2. To perform an in depth study and re-evaluation of the egress at the ramp and entrance, and U-turn at interior island.
3. Additionally, a note is to be added to our response to BSA....that due to the many requests for a decrease in parking requirements, a zoning study should be performed to consider instituting parking requirements similar to the requirements by C4-4.

The vote to approve the application was unanimous.

The motion on the floor is to approve the application with the recommendations listed above, seconded by Marc Schiffman.

Discussion followed:

Board member Peter Tu asked to have the floor. He is concerned about the outside developers who are not concerned with the actual needs of the community itself and create unnecessary overcrowding and traffic complications for us to live through. He asks for a guarantee that future developers live and work in the community they build in.

Q. What will the name of the hotel be?

A. It's going to be The Hotel Indigo under the InterContinental Hotel Group.

The vote taken was (28) Approved (2) Denied (0) Abstained (5) Left before vote taken

AGENDA #8 - Citywide Statement of Needs - FY 2015/2016 – Approval of Letter to City Planning.

In the absence of Lynda Spielman, **District Manager Marilyn Bitterman** referred to the copy of the

letter sent to all board members by **Chairperson Gene Kelty**. The Citywide Statement of Needs cites the agencies or facilities that they will either expand, close or relocate. Sometimes they list a specific site and community board number. Other times just the borough, with location to be determined. If only the borough site is listed as Queens, we check what could affect our board area by reaching out to certain agencies and commissioners for their cognizant responses. Upon receipt, mailings were sent to all the local papers and civic associations with this information, as well as a booklet presently at our office for anyone to read. With the vote taken tonight, all the requirements will have been met and tomorrow the letter to Carl Weisbrod, Commissioner of City Planning, will be sent with the signatures and approval of the board.

There being no questions, Chair Kelty proceeded to take the board's vote.

The vote taken was..... (28) Approved (0) Denied (0) Abstained (7) left before the vote

PUBLIC PARTICIPATION

The first two speakers, **Ramaswamy Mohen** and **Redhike Mohen**, were called to speak but they had left earlier.

Speaker **Don Capalbi** for the Queensborough Hill Neighborhood Association brought up the residential out-of-context zoning construction in their community which is slowly destroying communities in Queens with the construction of McMansions. On the positive side the new City Council, new Borough President and new Mayor may give us a real opportunity to hopefully have this problem addressed. District Manager Marilyn Bitterman has agreed to take address information of problem areas reported and pass it along to the City Council and Building Department.

Speaker **Pablo Hernandez** for the YMCA announced an opening for maintenance mechanic with knowledge of plumbing, electricity, cabinetry and HBAC. Salary is \$17.00 to \$20.00 per hour, a 40 hour work week, great benefits and retirement allowed at age 55. If you know of anyone who might be interested, his e-mail address is pfernandez@ymcany.org. Location is at 224 West 47 Street, NYC.

There being no further business on the agenda, the meeting adjourned at 9:45 p.m.

Respectfully submitted

Mary Zuliani

