



Community Board 7

Borough of Queens

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

133-32 41st ROAD • 3rd FLOOR • FLUSHING, NY 11355

(718) 359-2800

Fax: (718) 463-3891

email: qn07@cb.nyc.gov

Melinda Katz
Borough President

Leroy Comrie
Deputy Borough President

Eugene T. Kelty Jr.
Chairperson

Marilyn Bitterman
District Manager

COMMUNITY BOARD #7 PUBLIC HEARING & REGULAR MEETING
MONDAY, JUNE 9, 2014
UNION PLAZA CARE CENTER
33-23 UNION STREET
FLUSHING, NEW YORK

PRESENT

Chuck Apelian

John Byas

Tyler Cassell

James Cervino

Chin-Hsiang Chiang

Timothy Chuang

Nicholas Corrado

Joseph Femenia

Arlene Fleishman

Rose Forkan

Fred Fu

Pablo Hernandez

Jeff Huang

Eugene Kelty

Phil Konigsberg

Peter Kwiath

Frank Macchio

Rev. R. McEachern

Barbara McHugh

Selma Moses

Kim Ohanian

Millicent O'Meally

Terence Park

Vana Partridge

Kris Ram

Jean Ren

Andrew Rocco

Marc Schiffman

Warren Schreiber

Kevin Shields

Matthew Silverstein

Lynda Spielman

Joshua Sussman

Joseph Sweeney

Carlos Talisaysay

John Tsavalos

Peter Tu

Arnold Wagner

Clarissa Wong

Linna Yu

Jie Zhu

ABSENT

Kim Cody

Donald Kirchhofer

Esther Lee

Devon O'Connor

Peter Sutich

GUESTS

Michael Stinson for Congressman Israel

Don Capalbi for Congresswoman Meng

Rich Stein for Senator Avella

Courtney Cariello for Assemblywoman Rozic

Amber Yoon for Assemblyman Braunstein

Barbara Baruch for Assemblyman Kim

GUESTS (continued)

Vito Tautonico for Councilman Vallone

Allen Hsu for Councilman Koo

Elaine Fan, Comptroller's Office

Adam Chen, Public Advocates Office

Susan Tanenbaum, Queens Borough President's Office

Jeong-Ah Choi, Queens Borough President's Office

Alexandra Rosa, Friends of Flushing Creek

Joe Whitney, OEM

Meeting was called to order by First Vice-Chair Chuck Apelian with the Pledge of Allegiance followed by a moment of silence for the men and women in the military and emergency units who serve so honorably. He reminded everyone of the Sunshine Fund and asked for the usual donation of \$10. The roll call attendance was then taken with (41) members present (2) excused and (3) absent.

He introduced our former City Comptroller, **John Liu**, who wanted to thank his favorite Board #7 where he started as a member, to North Flushing Civic Association as President, his election to the City Council, and then as NYC Comptroller, and the amazing opportunity to run as Mayor of New York City. It's a City he will always give back to and repay the debt of gratitude for the opportunity to pursue the American dream. He is teaching Municipal Finance at Baruch College now and plans to start a class at Columbia. He commended **Gene Kelty, Chuck Apelian and Marilyn Bitterman** and the **Board** for their continuous, active role in Community Board #7.

First Vice-chair Apelian read the announcements and indicated they would be available to anyone after the meeting or the next day at the Board office.

The **April 28, 2014** minutes were approved unanimously with no corrections and seconded by Marc Schiffman. The **May 12, 2014** minutes, on the other hand, needed several corrections on page 5 and 6 which were made to the original document.

Approval was unanimous provided the changes were made.

AGENDA 5 - First Vice Chair Apelian then welcomed speaker **Alex Rosa from Friends of Flushing Creek**, a non-profit organization to promote the creek clean-up, reclaim it and revitalize it as a waterfront park with many activities, including a kayak launch. The State Quality Standard and Federal Clean Act failed to protect it from salt water run offs. In addition the highways are bombarded by combined sewerage outlets controlled by Tallman Islands. Presently only 60% is taken care of with the remaining 40% going directly into the creek. Of the 494 outfalls across the City, 15 discharge into Flushing Creek with a huge influx of raw sewerage. Although the DEP's first phase of the Waterbody Watershed Plan is to increase the flow, it is not expected to attain complete water quality standards and may require a variance at Tallman Islands. If the water quality is unrealistic, the City needs to have a long term control and infrastructure plan to lessen the impact because, more than any other body of water, the Flushing River is

the worst. There are two dredging projects advocated, one in the upper navigation channel and one in the lower creek area, from Skyview Park up to the U-Haul building. Adding to the problem is Con Edison who many years ago stored PCB equipment along the shoreline which leached pcb's into ground water and ultimately into the creek, and also must be remediated. However, ample funding is needed to go forward, and future dumping must be stopped after remediation.. The DEP has planned a meeting this Wednesday, June 11th 2014, at P.S. 20 on Barclay Avenue at 6 p.m. We need to work with elected officials for funding to dredge the navigational channels, complete the restoration of the estuary, and Con Edison's consent to remove the pcb's, and work to prevent dumping

Q. Board member, **James Cervino**, who is chair of CB #7's Environmental Committee is in agreement with Ms. Rosa, but asked if the containment tank that was just built at Flushing Meadow Park is enough to contain the Flushing Creek overflow?

A. No, that retention tank has only handled 56% of the outflow and is not enough.

Q. Board member **Cervino** commented you can dredge all you want, but it will not solve the problem of controlling the sewage, the contaminants, the constant bombardment of pathogens, and overload of nutrients. So what next step would you take? How do we convince the City we need another containment tank?

A. The DEC is behind us as far as a consent order for a green infrastructure plan which clearly shows that we are not going to benefit from it, so the community must rise up and show their anger.

Board member **Cervino** countered the DEC's consent is for storm water only, not sewage water.

A. There was a recent amendment to the consent order by New York State mandating some technology to see how much raw sewage is being released into the creek.

Q. Where are you proposing the solution?

A. We are not proposing a solution. We have highlighted the problem and need a community effort for engagement with DEP.

Councilman **Paul Vallone** who just came from his first invitation to speak at Jr. High School 94's graduation exercise dropped by to say goodbye to board member and friend, **Lynda Spielman**, who is moving to Upstate NY after 30 years service with Community Board 7. As a former Chairperson and Finance Chair she spoke about how far Community Board 7 has come, proud of the work done by such a diverse board, and how serving the community changed her life for the better. We all wished her and her husband the very best.

AGENDA 6 -Chairperson, **Gene Kelty**, introduced **Joe Whitney** from NYC Office of Emergency Management who spoke about being prepared for coastal storms and Hurricanes. He gave everyone a detailed brochure on the hurricane season, the five (5)

categories, the hazards and resources for help. The brochure gives a large detailed map showing the six colored zones in most danger of flooding from storm surges; how to be prepared with a go bag, monies, an emergency supply kit in case you must evacuate; people with disabilities or those who have special needs who depend on power for life sustaining equipment; special needs for medication; transportation; where to meet up with family or friends; how to prepare your home inside and outside, especially if you have to remain in place. Most important, if you must evacuate, know where you will go. The brochure and Emergency Plan Booklet, in 14 different languages, is excellent and should be in every home.

Chairperson Kelty brought up the importance of having taxicabs and car services handicap accessible, and more so now since recent disasters like Sandy.

Q. What about taking the CERT program.

A. I am aware of the program, but we were not involved in it.

Chairperson Kelty said it was done with the civic groups, but there was no follow-up with re-certification, and keeping everyone in the loop so it fell by the wayside.

AGENDA #6A – DOT presentation on the easements for the Roosevelt Avenue Bridge

First Vice Chair Chuck Apelian said the ULURP process was very straight forward, and felt a presentation by DOT would be sufficient, without a committee meeting, and committee report recommendation. He asked everyone to be prepared to give their recommendation this evening with a vote thereafter. He introduced Speaker, Joannene Kidder, from the NYC DOT Bridges who spoke on behalf of Deborah Howes and Tom Elstroth of AECOM, Mousa Nazif, Nazim Khan and Kenneth Woo of NYC DOT Bridges and Dalila Hall, Queens Borough DOT Commissioner and Borough Planner Richard Gippetti. The location in question is the area surrounding the railroad yards, Flushing Creek, Van Wyck Expressway, and the Roosevelt Avenue Bridge where the #7 IRT runs on. The bridge itself is about 1400 linear feet, of bi-axle construction with roadways for autos, pedestrian walkways, and the subway running above it. It's the number one worst bridge in New York constructed in 1927, with eighty years of deterioration. Major repairs are necessary with a new girder system in steel and concrete. Temporary easements, a total of ten, will be required to provide work zones for the contractors, their equipment, the material, and supplies necessary, as well as storage of same. The City owns the bridge, but not the property underneath. The need for staging is only temporary. The walkway sidewalks on each side will be enlarged to allow a bike lane and walkway. Presently there are four lanes of traffic, two lanes in each direction. Construction will be in three stages, a third of each side of the bridge at a time with access of one lane in each direction only.

Vice Chair Apelian reminded everyone the sidewalks are the right of way of the bridge, and owned by the bridge. They will not be taking additional property for permanent use. The easements will only be temporary construction easements, and still have to be negotiated by DOT. Our input tonight is just the authority to proceed by voicing our approval, or not with a vote.

Q. What will be the impact on the #7 train?

A. Nothing!

Q. How are we getting past the train yards?

A. The train yards are abandoned.

Q. Will there be any impact on College Point Blvd. traffic?

A. During construction, traffic will be one way in each direction only as approved by the DOT after a recent traffic study.

Chair Kelty asked that they maintain access for emergency vehicles in the event of a catastrophe during construction. Although the response was a quick Yes, he urged them of the importance to enlighten the contractors and workers at the site to keep a clear path at all times.

Q. What other companies will you have to get easements from?

A. We can supply you the names by e-mail tomorrow.

The motion on the floor by Board member, Phil Konigsberg, is to approve the acquisition of temporary easements surrounding the Roosevelt Avenue Bridge to facilitate the rehabilitation of the bridge and seconded by Rev. McEachern

The vote taken was (38) For (0) Against (1) Abstained/conflict (2) Left b/4 Vote

For the record, there were no public speakers.

Prior to discussing Agenda #7, **First Vice Chair Apelian** read **Chair Kelty's** response to Honorable Councilman Benjamin Kallos' letter of April 15, 2014 regarding **Intro 164**, copy to Borough President Melinda Katz, with the suggestion that each borough have a Borough Board meeting solely devoted to discussing this proposed legislation where Council persons can hear recommendations from the general public before they make their final decision. **Chair Kelty** gave credit to **District Manager Bitterman** for the final form of the letter.

AGENDA #7 - Basement Apartments Resolution - First Vice Chair Apelian then brought up Community Board #11's resolution opposing legalization of illegal basement apartments, etc. in violation of existing zoning laws. It was sent to Mayor de Blasio in response to his plan for more affordable housing units by making illegal apartments legal to reach his goal. Rather than our own resolution, a strong letter to the Mayor was drafted echoing Board #11's sentiments and read to all for their approval tonight. Discussion touched on including garages or other illegal space to be in violation of the law, the change in density balance in given areas, developers building in choice areas only, the allowance of renting illegal space to a family member, which can open the door to renting illegal space to and by anyone. **Enforcement of the zoning laws is the key.** Changing the laws will change the neighborhood and not for the better. Regulation goes out the window, illegal conversions, fire hazards, improper sanitation, and insufficient parking will result, and affordability, which is the Mayor's main reason, is no longer. Enforcement is difficult because there is insufficient manpower, and SRO's will flourish since access is difficult.

Q. How can they legalize these spaces?

A. You would have to change all the C of O's.

Board member Selma Moses made the motion to accept the letter as written with the addition of the words “garages” and illegal “spaces” after basement apartments and include a final paragraph that it would not solve the affordability issue.

The vote taken was (38) For (0) Against (3) Left before the vote

AGENDA #8 - Health Committee Resolution – After several health committee meetings, Chair **Peter Kwiath's** committee came up with a final resolution draft to be voted on this evening, copy which was given to every board member. He emphasized that a resolution is an idea, not a law. He gave committee member Tyler Cassell the floor, who described the meaning of the word resolution as ‘the approval of an action with a determination of policy by a business or government body, voted by its members, managers and board of directors, and is a non-binding, unenforceable statement, often not signed or endorsed. He also reminded board members that everything we vote on here at CB #7 is unenforceable, and just advisory. Chair Peter Kwiath read the resolution aloud and asked for questions:

Q. What has paragraph 6 (Careless smoking) have to do with second hand smoke?

A. The resolution on the floor also involves actual smoking and encourages owners of new multi-family housing to set aside some apartments as smoke free.

Q. How can you have a smoke free building if some of the apartments allow smoking which can seep into smoke free apartments.

A. We can't solve the problem of seepage, but we will reclassify the second paragraph as “smoke free” instead of non-smoking.

Q. You said the resolution is merely to encourage an idea, but can it become a law?

A. The resolution is not a law, but it can be a first step towards one or not.

Board member Femenia commented the resolution should be strong, whether the Council votes on it or not. There are too many ways around it in its present version.

A. The first resolution we made was more specific. This is version number three. It was obvious it wouldn't pass if we went for the whole thing.

Q. In the last paragraph, the last two words state “whenever possible”. Didn't you really mean “wherever”?

A. Yes, it was a typo error. It should read wherever!

Q. Why did you say to set aside a portion of a building as smoke free? Why not a specific amount or even 100% smoke free.

A. **Board member Cassell** said he suggested 50% in committee, but after discussion they decided it would be best not to give it a number, but leave it up to the Council.

Discussion followed: **Board member Cassell** reminded everyone the resolution was not to outlaw smoking, debating the health issues of smoking, the cost of health care or saying you can't smoke in your own home. Smokers have rights also. What we are resolving with this resolution is what's written in the last statement.

Board member Schreiber emphasized we cannot tell people what they can't do or use if there's no law. **First Vice Chair Apelian** added we do have the right to breathe clean air, but until the laws of this land make smoking illegal, those who wish to smoke also have the right. The problem is the economy of the country is tied into the tobacco industry, with the government being their biggest benefactor in the form of taxes. Regulating the industry is problematic, and if the government tries to put them out of business, the income they lose will affect our economy as well. Until the law changes, you should have the right to smoke, and if you can't in public areas, you should have the right to smoke in your own home, otherwise where can you smoke? Board member **Rev. McEachern** spoke about new housing construction developments where they can set aside a portion of units for non-smokers. He feels it's a stepping stone for people who don't want to inhale second hand smoke, and has nothing to do with the government. They already do it in office buildings, public parks and hotels, and it works. In **Chair Kelty's** opinion the idea is unfair to those who smoke, and does not include all the other dangerous products that can be inhaled in daily living. Board member **Phil Konigsberg's** comment is the resolution is to encourage developers to consider building future housing to allow a portion for smoke-free living.

The motion on the floor is to approve the committee resolution with wording modifications, i.e. non-smoking to smoke free and whenever to wherever, to encouraging future creation of smoke-free housing units and establish a smoke-free environment in future developments wherever possible, seconded by Linna Yu

The vote taken was (18) For (17) Against (0) Abstained (6) Left b/4 vote

Committee Chair **Peter Kwaith** then brought up the increasing use of heroin, with the borough of Staten Island having the highest use. Brooklyn and Queens are up and coming. The potency of today's heroin is now 65% pure. In 1980 it was 20% pure. An overdose of this heroin kills within 10 minutes. Attorney General Schneiderman and NYPD Commissioner Bratton announced the NYPD has jointly formed the Community Overdose Prevention Program (COPP Program) to provide the force with \$1,170,000.00 funding to equip 19,500 officers (half the force) with an extremely effective heroin antidote. The program uses funds seized from drug dealers and other criminals to reimburse the Police Dept. The antidote is prefilled in syringes to be carried by the Police, the Fire Dept. and other Emergency vehicles. When used the patient will respond violently by bringing up the overdose immediately causing acute withdrawal, but can save a life.

PUBLIC PARTICIPATION

Speaker Irene Bernstein voiced a complaint about the illegal fireworks every year from the home at 168-10 12th Avenue. She's written to Mayor Bloomberg and Dan Halloran

and received no response and recently called Paul Vallone's office who suggested she call the 109 Pct. **Chair Kelty** took the address to follow up on.

Speaker Eddie Abrams' complaint was regarding the Sanitation Sweeper trucks not using water. His concern was young children with breathing problems inhaling the dust, and dirt flying up in the air and asked for our help.

Chairperson Kelty wished everyone and happy, healthy summer. The meeting ended at 10:30 p.m.

Respectfully submitted,

Mary Zuliani