

COMMUNITY BOARD #7 PUBLIC HEARING & REGULAR MEETING  
MONDAY, APRIL 13, 2015  
UNION PLAZA CARE CENTER  
33-23 UNION STREET  
FLUSHING, NEW YORK

PRESENT-

Charles Apelian  
John Byas  
Tyler Cassell  
Kim Cody  
Nicholas Corrado  
Joseph Femenia  
Arlene Fleishman  
Rose Forkan  
Fred Fu  
Vincent Gianelli  
Pablo Hernandez  
Kevin Kang

Phil Konigsberg  
Peter Kwiath  
Esther Lee  
Frank Macchio  
Rev. R. McEachern  
Barbara McHugh  
Selma Moses  
Kim Ohanian  
Terence Park  
Vana Partridge  
Kris Ram  
Andrew Rocco

Belal Salim  
Warren Schreiber  
Kevin Shields  
Matthew Silverstein  
Joshua Sussman  
Joseph Sweeney  
Carlos Talisaysay  
Alison Tax  
John Tsavalos  
Peter Tu  
Arnold Wagner  
Clarissa Wong

ABSENT-

James Cervino  
Chin-Hsiang Chiang  
Timothy Chuang

Jeff Huang  
Eugene Kelty  
Devon O'Connor  
Millicent O'Meally

Marc Schiffman  
Peter Sutich  
Linna Yu  
Jie Zhu

COMMUNITY BOARD #7 STAFF

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

GUESTS

Don Capalbi, Congresswoman Meng's Office  
James Ward, Senator Avella's Office  
Young Kim, Assemblyman Kim's Office  
Alexander Chen, Assemblyman Kim's Office  
Amber Yoon, Assemblyman Braunstein's Office  
Erin Rogers, Assemblywoman Rozic's Office  
Vito Tautonico, Councilman Vallone's Office  
Chae No, Councilman Koo's Office  
Adam Chen, Public Advocate James' Office  
Jeong-Ah Choi, Queens Borough President's Office  
Susan Tanenbaum, Queens Borough President's Office

In Chair Kelty's absence, the meeting was called to order at 7:10 P.M. by **First Vice-Chair Chuck Apelian** with the Pledge of Allegiance followed by a moment of silence in remembrance of our Armed forces protecting us at home and abroad, as well as our emergency services, fire, police and EMS. Keep them in your hearts and prayers. Roll call attendance was then taken with **(36)** board members present **(9)** absent and **(2)** excused. The new board members, **Vincent Gianelli, Belal Salim, Alison Tan** and returning board member, **Kevin Kang** were asked to introduce themselves. First Vice-Chair Apelian then read the announcements of the evening, which you can view at the end of the meeting or at our office tomorrow.

**First Vice-Chair Apelian** announced the loss of his friend, **Jack Friedman**, a friend to many, who passed away suddenly of a heart attack last Thursday. He was a strong advocate for Queens, for Business and Commerce. Although he underwent dialysis every day for a year, he always was cheerful and positive, but finally succumbed to heart failure. He will be missed by all!

**Vice-Chair Apelian** gave the floor to speaker **Vito Tautonico**, of Councilman Paul Vallone's office, who will be doing participatory budgeting at one end of the room during the meeting's proceedings for those members who live in District 19.

**PUBLIC HEARING**

**ITEM #5 – 22-12 129<sup>TH</sup> STREET – BSA #402-86-BZ** – Committee Chair, **Barbara McHugh**, described the application to waive the rules of procedure to extend the term of the variance beyond May 12, 2007 when it expired for non-conforming use of a one-story factory and warehouse, Use Group 17, which was then located within an R4 residential zone, and to amend the resolution to eliminate the terms of the variance, and to permit construction of the building with its primary business entrance, show window or sign within 75 feet of the adjoining residential district without the required two open side yards and rear yard, and to a change in

zoning from an R4 residential district to a M1-1 manufacturing district where the use is permitted. She then gave the floor to applicant's attorney, **Carl A. Sulfaro**, who said the building was constructed in the late 80's, lot line to lot line, according to the BSA approved plans. Subsequently the zoning was changed to permit the building and its occupancy as a matter of right. In so doing, the zoning requirements also changed. Since the Certificate of Occupancy has not yet been issued, the Building Department's determination was to consider the application as if the building were new and requires side yards on both sides and a rear yard. The building, which was already built lot line to lot line, was not accepted by the Building Department. Thus the need for BSA variances.

With no questions from the floor, **Committee Chair McHugh** gave her committee report of April 1, 2015 approving the variances for waiver of side yards and rear yard, and the waivers of primary entrance and show window or sign within 75 feet of residential district. The board was not pleased with the owner's disregard and non-compliance of the original application conditions. They have not been good neighbors the past 30 years. The C of O was never filed, and the property looks run down and never maintained properly. Therefore, the board voted for a ten year term only; the owner must apply for a C of O now with the following conditions listed on the certificate; all the loading and unloading, parking of autos and trucks take place within the building; the signs be flat and non-illuminated and comply with the M1-1 manufacturing district; the hours of operation be limited to 8 a.m. to 6 p.m. Monday through Friday; the façade and signage be cleaned up, and more professional signage be erected instead of banners tacked up; the graffiti be removed; painted addresses and messages be removed from the doors and garage doors; and all extra signs positioned on the sidewalk be removed.

**First Vice Chair Apelian** said the motion on the floor is to approve the application for a 10 year term with conditions, seconded by Peter Kwiath.

Discussion followed;

Q. How does the applicant feel about complying with the conditions attached to our motion?

A. As far as I can see, there should not be a problem about compliance.

**First Vice Chair Apelian** mentioned the irony of it. "Of all places, you would think as a sign company it would be more presentable. Just clean it up, make it look more professional."

Q. Did they ask to extend the hours, and/or Saturdays?

A. No. All we did was cut and paste from the original.

Q. What will be the consequences if they do not comply?

A. It becomes an enforcement issue and I don't have an answer to that.

**District Manager Bitterman** said we would contact BSA who granted the variance, and they would contact the Building Dept. who could pull the variance for failure to maintain.

**The vote was taken with (35) Approve (1) Against (0) Abstain**

**ITEM #6 - 120-22 28<sup>TH</sup> AVENUE – College Point Corporate Park – C 150173PPQ - Committee Chair Apelian** gave a quick background of item #6 as a land swap in College Point five years ago between the Economic Development Co. and Cofire, an asphalt company. EDC swapped part of their southern portions of lot 1 and 60 in Block 4317 (30,000 square feet) to Cofire and took Cofire's northern portion of lot 60 (20,000 square feet). S & L, who owns Lots 41 and 37 in Block 4317 is looking to merge the northern portions of both lots 1 and 60, presently owned by the City and EDC. He then introduced **Ted Varvatsis**, Executive Vice Pres. of **S & L Aerospace Metals, LLC**. The company started as a bicycle manufacturer in Brooklyn in 1948, moved to Maspeth, Queens in 1962 until 2007, and then finally to College Point in a 42,000 square foot building where they now manufacture components, and assemblies for all military helicopters, and fixed winged planes as well as all commercial jetliners. Their customers include Sikorsky, Lockheed, Goodrich, U.S. Govt., etc. They are looking for approval to expand on the 24,000 square feet currently owned by EDC and the City combined. **EDC** speaker, **Alexandra Kaplan** explained S & L would be buying both the City owned property, Lot #1, and the EDC property, Lot #60. Lot #60 became EDC's in the swap with Cofire. The difference in the disposition of these two lots is that the Community Board will vote on City owned Lot #1, whereas the Borough Board, i.e., the councilmembers, community board and Borough President, must vote on disposing both properties under the 384-B4 conveyance business terms.

Q. So you want the City owned lot, how do you acquire it?

A. S & L is buying both properties. As an agency of the City, EDC can act on behalf of the City and sell the City owned property to S & L as well.

Q. Is this going to be one building or two connecting buildings?

A. There is a building already on Lot #60 that they occupy, and the new building will be on Lot #1. Eventually they will all be interconnected into a reverse L shape.

Q. What about the small square southern parcel (part of lot #60)?

A. That already belongs to Cofire and has nothing to do with the above. Together with the portion they swapped in 2015 Cofire will have a square parcel of 39,375 square feet

**Alexandra Kaplan** further recapped the ULURP was certified in February 2015. The City and EDC are very pleased with this project which they estimate will finalize in the Fall in 2015, the closing of business terms by winter 2015 and completion of the project in 2016. S & L has a wonderful hi tech facility, 20 new hires anticipated and 90% of their current workforce live in surrounding communities. The benefits are the growth of the New York manufacturing industry right here in College Point, quality jobs, increase competitiveness in Queens and partnership with CUNY and LaGuardia Community College.

Q. What is the sale price?

A. It will be market value, and we are in the process of working on an appraisal.

Q. You have no Contract Price?

A. ....Over \$3 million.....possibly.....

Q. Is this your only location?

A. Yes!

Q. Union jobs?

A. No. They were a union shop but had to de-certify last June.

Q. Why?

A. They didn't want the union.

Q. What jobs will be available?

A. Engineering, machine operators for holders, turning, and milling machines, etc.

Q. The diagram shows it as a one-story structure, but it looks like three-stories. What will the height be?

A. Corporate Park allows up to 30 ft.

Q. What about your proposed building?

A. About 25 feet high.

Q. What about available parking spaces for the new people?

A. We have presently 50 spaces and will require an additional 30 plus spaces.

**Committee Chair Apelian** added that whatever zoning mandates on the expansion will be required.

Q. Is the new site environmentally clean?

A. There is remediation going on.

Q. Why does EDC own one and the City own the other.

A. The City originally owned three portions, one in the north and two in the south. Cofire owned two, one in the north and a small one in the south. The City indirectly disposed of their southern two portions to EDC, who then made a swap giving Cofire these southern portions in return for Cofire's northern portion. In doing so, EDC now owns half (Lot 60) of the northern portion and the City still owns the other half (Lot 1). Cofire now owns the entire three southern portions.

Q. What was the RFP Plan process?

**Susan Goldfinger** of EDC's Realty Transactions Services Group gave the response.

A. The swap happened in 2009/2010, but we didn't issue an RFP until a couple of years later in conjunction with a few other industrial sites around the City. It was advertised as well as posted on our web site. An informational session was held to talk about the site with invitations to developers and industrial businesses encouraging them to come. We received multiple responses, reviewed them and selected the best response and then entered into a contract.

**Committee Chair Apelian** added that we were supportive of this expansion, even though we have no decision making authority on it. From the beginning S&L was involved in the land swap discussions in 2009/10; members of CB #7 including myself were at their facility several times and were impressed with their clean operation and their good relations with the neighborhood.

Q. Is S&L compelled to buy this property and develop it or buy it and sell it?

A. Yes, they will be compelled under the deed to give a construction start and completion date.

Committee Chair Apelian reminded us to remember the word "deed" later on.

Q. How many employees do they have now?

A. Eighty-Six.

**Committee Chair Apelian** asked for a quick synopsis of EDC's operation in conjunction with the City of New York. There were several descriptive versions given by EDC members present, i.e., a non-profit contracted by SBS; performs several tasks for the City, one of which is development and administration of the CPCP; a public corporation; under contract with the City and reports to Deputy Mayor; it's not a non-profit since it makes transactions for the City; EDC President appointed by the Mayor; being under city contract, their members are re-evaluated yearly by the Mayor, elected officials, and by their President. In the final analysis, as Committee Chair Apelian said at the beginning, EDC is indirectly under Mayoral control.

Q. What do we know about the land swapping?

A. We are not swapping land. We are selling land.

Q. What do we know about the land we are selling?

A. We will get into that later.

Q. What is the public interest between EDC and the City in this transaction?

A. There is no conflict.

Speaker **Jim Singletary**, President of 28<sup>th</sup> Avenue Block Association spoke highly of S&L as being a very good neighbor and an asset to the neighborhood. They took care of snow removal problems in the area, gave transportation for seniors in need, etc. It's a state of the art building with solar panels added to conserve energy. The building and area is constantly maintained and spotless. We are very happy with them and hope they are given the opportunity to expand.

**Committee Chair Apelian** gave his March 19, 2015 committee report listing the committee members and civic associations who were present and described the parcels in question. In order to sell the northern parcels to S & L (Lot 1 owned by the City and Lot 60 owned by Cofire) it was necessary to indirectly dispose of the City's two southern parcels to EDC who in turn would sell them to Cofire. Cofire in the swap would sell their northern parcel to EDC. This swap occurred in 2010. This brings us to today with EDC and the City willing to sell both northern portions to S & L leaving Cofire with the southern parcels. The land transfer was made in 2010 with five stipulations to be recorded on the Deed, requiring both NYCEDC and Borough Board approval as follows: 1) Cofire is to replace the asphalt business with a brand new facility with the Gencor Green Machine Asphalt Mix System and Gencor Emissions Filtration System 2) Construct and operate the new asphalt plant in compliance with NYSDEC and NYCDEP regulations and monitoring requirement 3) Remediate Block 4317 Lot 60 to industrial standards 4) There are no reportable conditions on the portions of the site that will remain city owned. If any remediation shall be required in the future, we will work with NYCEDC, in accordance with the Contract of Sale, so that the city owned property will be remediated to industrial standards 5) Maintain our operations at the site and abide by 10 year use, transfer and ownership restrictions that will be recorded with the Deed.

**Committee Chair Apelian** described the old asphalt plant as continually spewing asphalt, particles and dust daily, penetrating the entire area with contamination. Unfortunately, the stipulations listed, which were all part of the deed restrictions, were not recorded with the Deed. Cofire, without our asking, did agree to the stipulations by letter on July 12, 2010. However at a secondary meeting with elected official representatives and all the agencies involved, they were advised Cofire's letter was non-binding. Although we would welcome the new facility and remediation of the land, if the stipulations are not recorded on the Deed and their letter is non-binding, why go forward with the sale. Eventually, the Borough Board did approve the sale. However, five years have passed and none of the stipulations asked for have been honored. At our recent committee meeting Committee Chair Apelian made the motion to table the vote since they could not come up with a recommendation. They explained this decision to S&L and they understood. It's for the benefit of the community and S&L that it gets done the right way and not to accept a broken deal. We cannot approve a sale of contaminated land that was supposed to be cleaned up five years ago by Cofire. They broke their promise! If they couldn't remediate it in five years, how can we expect them to act responsibly in the next five months, when the ULURP clock process ends. It's obvious EDC dropped the ball and didn't do their job. It was up to them to have the restrictions recorded with the Deed. Our role is an advisory one, and pointing out the problems is our job. If nothing else, we got their attention and opened up conversations with the elected officials of the City and State, City Planning and the Borough President. They'll have to figure it out, and at the end of the day, if the site is cleaned up, there will be a new asphalt plant. We received a letter today from Cofire that they purchased the new equipment and it will take a year to install.

**Committee Chair Apelian made the motion to deny the application seconded by Kim Ohanian.**

Discussion followed:-

- Q. If the land is being sold to S & L, won't they be responsible to clean it up?
- A. No, Cofire is responsible for the cleanup. S & L's responsibility will be to chase Cofire to get it done, if they buy the property, and they can do just that if they want to.
- Q. What about enforcement all this time?
- A. DEC, the State agency for enforcement, had a court ordered mandate stating Cofire will be responsible. The time frame started in 2009 for remediation, but has not been completed.
- Q. Why hasn't Cofire been shut down?
- A. Cofire is currently cleaning up the oil spill, a portion of the contamination, but there are more areas that must be reviewed for contamination.

Several **community board members** at this juncture voiced their opinion that EDC should be held responsible also.

- Q. Legally who can go after Cofire?
- A. **Chair Apelian** responded we have no answer yet, but we will ask Corporation Counsel if the next step can be taken regarding Cofire's letter of agreement, and EDC's not recording the restrictions on the Deed.

**With no further discussion, the motion was restated to read “CB #7 supports S & L’s application for expansion in College Point Corporate Park. However, the motion is to deny the application because of EDC’s lack of due diligence to follow through, and the stipulations agreed to by Cofire were not carried out, seconded again by Kim Ohanian.**

**The vote taken was (33) To deny (3) To approve (0) abstained**

### **REGULAR MEETING**

**Item #7 – 46-05 Parsons Boulevard – BSA 200-14-BZ** - Application to construct a community facility (Mosque) in an R2 Zoning District seeking waivers of Floor area ratio (ZR 24-111), Sky exposure plane (ZR 24-521), Side yards (ZR 24-30 and Parking (ZR 25-30). The Public Hearing was held on January 6, 2015, but was tabled because the applicant wanted to go back and try to modify their plans. The Committee Chair, **Tyler Cassell**, gave a quick overview of this small irregular shaped property of 4200 sq.ft. having no right angles and no room for parking, and will require four waivers to build a Mosque, which is for double the FAR, and not in character of the neighborhood. We questioned the variance to remove the need for parking spaces because the applicant said most of the 420 congregants can walk to the mosque. A list of their congregants in walking distance turned out to be 595. As of today, the expectation is closer to 1000 congregants, and they can’t all be walking. Parking in the area is already at a premium since there are several churches, workers and visitors at Flushing Hospital, medical offices and three bus stops as well as vehicular traffic to contend with. The waiver for floor area ratio cannot meet their needs. Using the architect’s statement of 2000 SF of space per floor, 5.5 SF of praying space per person, the religious separation of men and women by walls, floors and dual stairs, as well as separate bathrooms, closets, etc. and the normal building accessories, it would leave them with very little useable space. Reducing the side yards in an attempt to gain space was futile. We even suggested a larger site nearby perfect for all their needs with ample room for expansion, as well as a parking lot. However, since the applicant could not answer our questions frankly and continually changed their needs, and aware of the resistance to their plan, they finally asked us to table the discussion and would return with a revised plan. Two months later they came back with their original plan with not one change.

**Committee Chair Cassell** read his report and the vote taken was to disapprove.

Q. What are the property size and the building size? The property size is 4200 SF and the building 4992 SF.

Q. What was changed?

A. Nothing?

Q. What was their position not to change?

A. (The applicants attorney, **Mrs. Simon**, answered the question) “An extensive analysis was done of the existing plan and they found that nothing could be done to accommodate what the needs of the community were”.

Board Member **Kevin Shields** said The Chronicle newspaper misstated it was tabled by us and insinuated the Board was prejudiced. He called them on it.

**Vice Chair Apelian** added the papers were probably quoting members of the public, not us, because we actually didn't even have a discussion on it, let alone a vote. We were site investigating at that point.

Board member **Pablo Hernandez** said the applicant kept information from us and never gave us straight answers. Board member **Vincent Gianelli**, who is a realtor, said it's a tough triangular lot to build even a one family. The BSA denied variances for the lot twice, once for a realty office, and again for a dental office, both one-story. How can they expect approval for the two-story mosque to house up to the admitted 1000 congregants having 5.5 SF per person. In a letter to Attorney Emily Simons, **Committee Chair Cassell** recommended an alternate site on Sanford Avenue and Parsons Blvd. (145-27 Sanford Ave.) which would meet all their needs. The 13,300 SF Mormon Church with a parking lot for 25 vehicles will be up for sale, and at Ms. Simons' request, the attorney for the Mormon Church was contacted since they are interested. Whether it's followed through or not, our recommendation is on record.

The motion was made to disapprove, but **Vice Chair Apelian** said we need a friendly recommendation because we could not confirm their actual programmatic needs. We need to remember that they stated their congregation varied in size from 400 to 1000, which questions the integrity of their needs. Also this building is a large brick block devoid of any windows and architectural character with no indication of what are their true intentions or true number of congregants. Added to this was their decision to go back and change the application.... only to come back with no changes at all because of their programmatic needs as the reason given.

**The friendly motion is to disapprove the application because of the applicant's inability to give a clear and factual statement of their programmatic needs, seconded by Kim Cody.**

**The vote taken was (35) Disapproved (0) Approved (0) Abstained**

#### **PUBLIC PARTICIPATION**

**Speaker Beverly McDermott** spoke about the need to stop motorists speeding around the perimeter of Kissena Park to Oak Avenue and to Rose Avenue, which has no traffic control devices, speed traps or cameras. She asked for our support to protect children and adults who use the park daily. District Manager Bitterman said the DOT criteria has changed, but she will be meeting with the DOT tomorrow and find out the new ruling.

Speaker **Don Capalbi** for Congresswoman Meng said they moved from Union Street to their new location at 159-02 Northern Boulevard, but kept the same phone number, 718/445-7860. Also, speaking on behalf of Queensborough Hill Civic Association, said they are against the DOT's Select Bus Service plan to install bus-only lanes on Main Street since it would eliminate

parking and hurt all the businesses along Main Street. They strongly feel the burden of transit should not be shifted to the small businesses. Although better bus service is needed, destroying a community is not the way to get it. He asked for Community Board #7's support. First Vice-Chair Apelian added that in conversation with Polly Trottenberg about Main Street, she said she liked the one-way scenario we had approved several years, and asked what happened to it. He explained her predecessor removed it. Her response was "let's dust it off and look at it." District Manager Bitterman sent it.

Speaker **Irene Bernstein** from Whitestone brought up the difficulty using the Muni-Meters this past winter because of the pileup of snow and ice around the meters. If the City can't or won't make them accessible, we shouldn't have to pay the price. The City cancelled alternative side parking many times over because of snow, but never once did they forgive the use of the meters.

Board Member **Phil Konigsberg** urged everyone in District 19 to vote on the participatory budget projects of their choice. Also, this Sunday, over in Lippmann Plaza between Roosevelt Avenue and 39<sup>th</sup> Avenue, there will be an outreach for membership to Queens Quiet Sky between 9 a.m. to 1 p.m.

Speaker **Cody Herrmann**, a senior at Parsons The New School of Design & Environmental Studies Department, and doing her senior thesis about communicating the water quality issues in Flushing Bay and Flushing Creek to the general public, is holding a workshop and open forum on April 25 at the YMCA and have your voice heard. Her results and solutions will be presented at the May 9<sup>th</sup> cleanup of Flushing Bay.

Speaker **Maureen Regan**, from Green Earth Urban Gardens, came before the community board a year ago with a soil remediation project at Kissena Corridor Park, which the Board turned down. She asked for another opportunity to give a presentation before the Board on alternate sites for her education based project, Vice Chair Apelian asked her to send us a power point to be reviewed by our Parks Committee.

Board Member **Frank Macchio** asked for clarification on when a City tree is our responsibility, and when it is the City's responsibility. The final response is it's best to call Parks Department to determine whether the tree is theirs or yours.

Board Member **Warren Schreiber** advised NY Aviation Roundtable held a meeting on Tuesday, April 7, 2015 and finally set up a coordinating committee to establish the by-laws giving equal representation for each airport. Barbara Brown, of Eastern Queens Alliance, will represent JFK and Janet McEneny, of Queens Quiet Skies, will represent LaGuardia, both as Co-Chairs. Also, Kendall Lampkin and Warren Schreiber, both as Vice-Chairs, representing JFK and LaGuardia respectively with Rich Hellenbrach as Secretary. First meeting will be held this Sunday at Hempstead Town Hall to establish the by-laws.

The meeting ended at 10:00 p.m.

Respectfully submitted  
Mary Zuliani

