

COMMUNITY BOARD #7 PUBLIC HEARING & REGULAR MEETING
MONDAY, OCTOBER 19, 2015
UNION PLAZA CARE CENTER
33-23 UNION STREET
FLUSHING, NEW YORK

PRESENT

Chuck Apelian
John Byas
Tyler Cassell
James Cervino
Kim Cody
Nicholas Corrado
Joseph Femenia
Arlene Fleishman
Fred Fu
Vincent Gianelli
Pablo Hernandez

Jeff Huang
Gene Kelty
Esther Lee
Frank Macchio
Rev. R. McEachern
Barbara McHugh
Selma Moses
Kim Ohanian
Millicent O'Meally
Vana Partridge
Kris Ram
Belal Salim

Marc Schiffman
Kevin Shields
Matthew Silverstein
Joshua Sussman
Joseph Sweeney
Carlos Talisaysay
John Tsavalos
Peter Tu
Arnold Wagner
Harpreet Wahan
Clarissa Wong
Linna Yu

ABSENT

Chin-Hsiang Chiang
Timothy Chuang
Rose Forkan
Kevin Kang

Phil Konigsberg
Peter Kwiath
Devon O'Connor
Terence Park

Andrew Rocco
Warren Schreiber
Peter Sutich
Alison Tan
Jie Zhu

COMMUNITY BOARD #7 STAFF

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

GUESTS

Eric Kim, Congresswoman Meng's office
Keryn Lemp, Senator Avella's office

GUESTS (continued)

Amber Yan, Assemblyman Braunstein's office
 Erin Rogers, Assemblywoman Rozic's office
 Tim Thomas, Assemblyman Simanowitz's office
 Vito Tautonico, Councilman Vallone's office
 Chae No, Councilman Koo's office

Tesach Osina, NYC Comptroller's office
 Adam Chen, Public Advocate James' office
 Susie Tannenbaum, QnsBorough Pres. office
 Jeong-Ah Choi, QnsBorough Pres. office

First Vice-Chair Chuck Apelian, on behalf of our Chair Kelty who is at Borough Board, called the meeting to order at 7:05 p.m. with the Pledge of Allegiance followed by a moment of silence in remembrance of our military forces in harm's way abroad, especially those who gave their lives protecting us, and also our emergency responders who keep us safe here at home. Two weeks ago was the anniversary of the 9/11 tragedy. Let us also remember those who perished on that day. Keep them in your hearts and prayers.

He described our board as the largest in Queens geographically and in population. He acknowledged the officers of Community Board #7's Executive Board and staff, and reminded everyone to contact Fourth Vice-Chair, Barbara McHugh, to confirm your reservation to our annual Christmas Holiday Party to be held at Tony Roma's on December 14th, if you plan on attending. Payment is \$45 per person and should be made in advance, either in cash or check made out to cash

First Vice-Chair Apelian noted the Daily News article today on the unveiling of an A.K.A. street dedication to Patrolman Philip Cardillo on 28th Avenue in College Point in front of the new Police Academy. Patrolman Cardillo was viciously beaten and murdered in April 1972 responding to a false report of an officer needing assistance at one of the Nation of Islam Harlem mosques, which became a political football overshadowing his death in the line of duty. We are extremely proud Community Board #7 took the lead with Councilman Vallone approximately 6 months ago to right this wrong. Present were the Police Academy Cadets, retired police from the past, a full police motorcycle brigade, Police Commissioner Bratton, Queens Borough President Katz, Public Advocate James, Councilman Vallone, PBA President Lynch and the Cardillo family, with his oldest son Todd giving a moving eulogy. District Mgr. Marilyn Bitterman, Board Member Kim Ohanian, Transportation Chair Joe Femenia and I were present also, with about 2000 other people. Even though it took years to receive recognition, it was the right location in front of the newly opened Police Academy on 28th Avenue and where his family still live. Patrolman Cardillo worked out of the 28th Precinct in Manhattan.

ITEM #3 - First Vice-Chair Apelian read the announcements of the evening, which will be available to anyone interested at the end of the meeting, as well as at our office tomorrow. Love your Block grants in the amount of \$1000 and Neighborhood grants for \$3000 are available again with applications due by January 25, 2016. This coming year Councilman Vallone's Participatory Budget, which he initiated last year and proved to be extremely successful, is for the sum of \$1 Million. The community is again invited to be involved and vote on the allocation of these discretionary funds on budget items they feel are the most important in District 19.

ITEM #2 - The roll call attendance was taken with (35) Present (7) Absent (6) Excused

ITEM #7 - 151-45 6TH Road, Whitestone (Waterpointe Site) City Planning #N-120401CMQ - First Vice Chair Apelian announced the item was tabled. However **Committee Chair Joseph Sweeney** was asked to explain, after which we would continue to **Item #4. Chair Sweeney** described the 20 acres as 12 acres

on land and 8 acres on water which was purchased by Bay Rock for \$25 million in 2008 and planned to build 52 homes. They discovered the site was contaminated and went into the DEP Brownfield Program and found there was 32,000 yards of fill with contaminants and agreed to remove it. Unfortunately the new fill brought from a Brooklyn site was even more seriously contaminated. They were fined \$150,000 and would require to clean it again, so they filed for bankruptcy. The new company, Edgestone, who purchased the site for \$11.5 million was told it would cost them \$500,000 to clean it, but found out it now would cost them \$2,500,000. Originally the special permit was for 52 1-family homes with a private park, but now they want to build 107 2-family homes. They finally agreed to the 52 homes, after CB 7, elected officials and the community balked. At this juncture, CB 7 asked for a letter stating they would pursue and agree to a deed restriction, but thus far have not been forthcoming. After finding they were putting the property up for sale in 2016, a new owner could very well build 107 homes without a deed restriction on file. If that happens, we will have no alternative but to downzone the property.

Before going to item #4, **Vice Chair Apelian** took a moment to speak about the 5 mile traffic backlog on the Long Island Expressway entrance to the Cross Island Parkway southbound. A response letter from the DOT to Assemblyman Braunstein seems to just gloss over the problem instead of finding a solution to it. Several board members complained it happens at many other sites during rush hour.

ITEM #4 - QUEENS BOTANICAL GARDEN – Organics - Elsa Higby works for the New York City compost project through the Botanical Garden. The compost project, which has been funded by DSNY the past 20 years, largely was set up for backyard compost education and outreach. The past 3 years the administration started collecting data, diverting organics from the way stream. Money has been allocated by DSNY to hire organic recovery coordinators and started a curbside organic collection service in several communities in Queens including Ozone Park and Howard Beach, parts of Ridgewood as well as a few in other NYC boroughs. The eventual aim is to collect from every residential unit in NYC by 2030. Queens Botanical has developed an aerated static pile of composting, which doesn't require turning daily and is presently in use at the Garden. As far as compost drop offs, Queens Botanical is looking for a highly pedestrian trafficked, year-round drop off area in Flushing and are open to suggestions. Currently we have compost drop offs run by the NYC Compost project in Briarwood on Main Street & Manton, Fresh Pond Road between Putnam and Madison Street, and Kew Gardens & 81st Avenue. We hope in the future, to have a drop off in every Council District.

Q. Will the curbside organics program become involuntary?

A. The curbside organics program is currently voluntary, but in the future it hopes to become involuntary. The compost drops, however, are entirely voluntary.

Q. Do I have to use the brown bin for the curbside organics program, and how do you contain the odor?

A. Yes, the brown bin has to be used for curbside and there are several ways to prepare it, i.e., keeping the food scraps in the freezer until ready for the brown bin to avoid fruit flies and odors, or lining the brown bin with shredded newspaper which helps absorb moisture and odors. Like regular garbage pails, the bins will be emptied and returned to the curb. Plastic bags should not be used since they are not organic. Compost drop-offs will accept scraps in paper bags, even plastic bags provided the contents are emptied into their bins. Not accepted are meat/fish scraps, dairy, fats, grease, charcoal ashes or pressure treated sawdust. Finished compost will be used by urban farms, community gardens and for City street trees, in an effort to rebuild NYC's soils.

Chair Kelty, who arrived late from a Borough Board meeting, announced he was given a clean bill of health from his physicians, and thanked everyone for their constant thoughts and prayers on his behalf. In three months he will be given another evaluation. He also thanked everyone who kept him abreast of what was happening, how everything was running smoothly and especially their constant support until my return.

Item #5 – Flushing Creek Dredging – Committee Chair James Cervino announced there will be an informative meeting on October 27, 2015 with regard to dredging in Flushing Creek and College Point. The Army Corp of Engineers and environmental groups will be present to ask and answer the questions people from the area are concerned about, i.e., what kind of dredging machines will be used, how it will happen, the depth they will go to get it done, will the plume travel and how far, as well as the mom and pop marina and boatyards and businesses who have been asking for relief and willing to pay for it. The meeting will be held at Poppenhusen Institute. Following this meeting, they will speak about the evidence of illegal dumping, severe erosion, collapse of coastlines, and the unusual creation of new land, in College Point, Whitestone and Flushing. It's a matter of concern for everyone living along the area.

Item #6 – Two Fulton Square, Calendar #245-14-BZ – Committee Chair Rev. McEachern's gave his Committee report of 9/16/15 regarding only the revised application for a special permit pursuant to ZR Section 73-66 to permit construction of the development to exceed the height limits established under ZR Section 6-20 on behalf of Two Fulton Square LLC, owners of the property known as 37-12 Prince Street, 133-02 37th Avenue, 133-16 to 133-34 37th Avenue, 133-15 to 133-49 39th Avenue and 37-01 to 37-25 College Point Blvd. The proposed development will contain residential, hotel, retail, office and community facilities as well as parking. The As-of-Right development is subject to the C4-2 regulations with height limits imposed by ZR Section 61-20. The site is located within the flight obstruction area of LaGuardia airport and a special permit is required. The FAA found the proposed development would have no adverse effect on the safe navigation of airspace by aircraft or the operation of air navigation facilities and would not be a hazard. The Port Authority of NY & NJ agrees with the FAA's findings and would not constitute a hazard to the occupants of the development, the other buildings, safety of air passengers and would not disrupt the established airways. The proposal is to construct four towers. **Tower A**, along 39th Avenue would rise to 186 ft. 3 inches above mean curb elevation (226 ft. above sea level). **Tower B**, along Prince Street would rise to 175 feet above mean curb (226 ft. above sea level). **Tower C**, along 37th Avenue would rise to 174 ft. above mean curb (214 ft. above sea level). **Tower A**, along College Point Blvd. would rise to 186 ft. 3 " above mean curb elevation (226 ft. above sea level). The Committee voted unanimously to grant the special permit.

Committee Chair McEachern gave the floor to Atty. **Ross Moskavitz**, Stroock & Stroock, who reiterated that all aspects of the revised project are now "As of Right", and only a special permit is necessary to exceed the current height limitation to 226 ft. above sea level. He reminded us of the four other locations in the area where the same height variances were approved by CB #7 in the past. He gave the microphone over to the architect, **Matthew Hoeszli**, who displayed the overall site plan as Prince Street to the East, 37th Avenue to the North, College Point Blvd. to the West and 39th Avenue to the South. The vehicular entrances will be along College Point Blvd., on 39th Avenue and on 37th Avenue. The floor was given to **Sin Senh**, of Roux Associates who have entered into the NYC Brownfield Volunteer Cleanup program last summer for remedial investigation which includes collecting soil sampling, groundwater and soil vapor to determine the quality. They support the excavation down to the required eight feet

deep at contaminated sites and trucking same for removal to a proper facility, and replacement with clean fill. Groundwater and soil vapor will be tested and, from a mitigation standpoint, the groundwater will be alleviated by special paper barrier construction in the walls and sub-basement, and the soil vapor with a protective ventilation remedy throughout the building. They haven't finished testing the entire site as yet, but as analysis reports are completed, the contaminated areas will be cleaned up. The environmental impact updates will be dealt with by the BSA. Architect **Hoezli**, then moved the conversation to parking in the As of Right buildings totaling 1245 spaces required for all program uses, i.e. residential, hotel, retail, office and community facility. At this point, **Chair Kelty** reminded everyone the only thing we are to be concerned with tonight is voting for the special permits for new height approvals. Questions from board members must pertain only to this. However, he is allowing for some background information about the site to bring new members up to par.

Q. What is the maximum height allowed?

A. Above sea level, 175' to 186'. Below sea level, 226'.

Q. Are other buildings in the area in line with the maximum?

A. Yes!

Chair Kelty remarked several years ago on previous applications, the applicant was automatically approved directly by the FAA and BSA. Now they must have height approval from the Community Board as well.

First Vice Chair Apelian clarified that two of the four buildings will be the maximum 186' above sea level and the remaining two a little less at 174'. He asked the question whether the drawing plans were submitted to the Building Dept. based only upon the zoning height allowances allowed in the area, and the response was Yes! Further for clarification, he asked if after final height approval, the plan must then be amended to the original application submitted in October 2014, and again the answer was Yes!

Q. How were the maximum heights determined with the other buildings in the area.

A. I believe they are in line. Maximum heights are determined by the flight paths that must be used by airports in the area for the safety of the plane's occupants and the safety of those who live under the flight paths. The further away you are from the airport, the higher the building can be. The buildings in the area that already have similar approval are all in the same sector to the North of the airport.

Q. In reference to the soil vapor inclusion, is the venting system going to be under the parking area or under the residential area?

A. A vapor barrier will be installed across the slab of the entire foundation venting it to ground surface, and the planned subterranean parking venting system will be combined with the soil vapor venting, making it even more powerful.

Q. When will the venting system be installed?

A. The excavation is primary to construction and the contaminated soil will be mitigated before the installation of the vapor barrier

With no further questions, the Committee Chair, **Rev. McEachern**, ended his 9/16/2015 report stating both the FAA and Port Authority determined the entire development would have no operational impact to LaGuardia Airport's air navigation provided they adhere to the heights stipulated, respectively. The committee voted unanimously to approve

The motion now on the floor is to approve the Special Permit (pursuant to ZR Section 73-66) for the new height allowances on each of the individual four buildings known as Two Fulton Square, seconded by Marc Schiffman.

The vote taken was (31) For (4) Against (0) Abstained

Item #8 – Vote on Capital & Expense Budget Submissions for 2017 - Committee Chair Kim Ohanian

asked all board members to review the 2017 submissions list in their possession this evening, and asked if they have any questions, changes or additions to the list. They were reminded the list is only a draft.

Q. Reviewing Expense Budget #7, are there any locations in our area?

A. Unless someone from our district specifically applies to open a day care center, all we can put down in the budget is our support, if someone wants to open one.

Q. Can we add a new bus shelter?

A. That would come under the Dept. of Transportation under item 12.

Q. What about the muni meter program under “CS”?

A. It’s been in the budget for years.

Q. What can be done to have 141st and 142nd Street resurfaced?

A. Only the avenues are being resurfaced.

Chair Kelty explained the board regularly sends a list of areas to the DOT for resurfacing. The DOT reviews and advises us of the results. If a location is found to be a major problem, they’ll add it to a reconstruction project of the area, which will take much longer to address. **District Mgr. Bitterman** added his request was already forwarded to the DOT. She will call him as soon as she receives their reply.

Q. What about the diagonal path to the Meditation Garden being constructed in Kissena Park. The path used by students is overshadowed by growth around it making it unsafe to walk through and invisible from the regular path?

A. We will speak to Parks Department and advise you.

Q. Isn’t New York Hospital responsible for the construction of the garden?

A. New York Hospital has nothing to do with the Garden’s plans or funding. **Chair Kelty** added there was talk about asking the Hospital to help care for the garden once finished.

Q. Do we have dollar figures on the Capital Budget?

A. No, we just give them the projects in our area that need funding. The agency responsible for the work to be done will submit the amount needed, and City Council is responsible to make sure there is sufficient monies in the budget to cover.

The motion on the floor is to approve the submission of our Capital and Expense Budget for 2017, seconded by Linna Yu

The vote taken was (30) For (0) Against (5) Abstained due to conflict

P U B L I C P A R T I C I P A T I O N

Speaker Stan Fox, resident of Whitestone, is asking who is going to take over Waldbaum’s Supermarket on 154th Street, which is closing? Also, does the board have any influence to stop, say a Target Store?

Chair Kelty responded if an “As of Right” building is projected, we will have no say. If the new owner, however, requests special permits for variance changes, it will have to come before us and voted on at our Public Hearing. Elected officials and civic associations and residents will be invited to attend. Chair Kelty said there have been many rumors, but nothing official has been confirmed, and we will not entertain speculation at this time.

Chair Kelty reminded everyone if you are on a committee, it's important that you attend the meetings, especially if there is only a small number of members on the committee. If you cannot attend because of a doctors' appointment or equally important event, it's your responsibility to contact the chair and the board office. Being on a committee is a responsibility that shouldn't be taken lightly, as your input is essential to bring before the Public Hearing. He asked also to be on time for our public hearings, to listen carefully to avoid asking the same question that was already answered. Your phones should be turned off at the beginning of every Public Hearing, and never leave the hearing to talk to someone outside in the hallway. All members are to stay to the very end of the meeting.

He wished everyone a Happy Halloween and a good evening! The meeting ended at 11:00 p.m.

Respectfully submitted,

Mary Zuliani