



Community Board 7

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

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Chairperson

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District Manager

COMMUNITY BOARD #7 PUBLIC HEARING & REGULAR MEETING

MONDAY, OCTOBER 17, 2016

UNION PLAZA CARE CENTER

33-23 UNION STREET

FLUSHING, NEW YORK

PRESENT

Charles Apelian
Kevin Shields
Peter Sutich
Joshua Sussman
Nicholas Corrado
Kim Ohanian
Barbara McHugh
Vana Partridge
Eugene Kelty
Belal Salim
Millicent O'Meally

Warren Schreiber
Michael Cheng
Chin-Hsiang Chiang
Kim Cody
Selma Moses
Fred Fu
Arnold Wagner
Lawrence Hughes
Linna Yu
John Tsavalos
Peter Kwiath

Alison Tan
Frank Macchio
Rev. R. McEachern
Joseph Sweeney
Arlene Fleishman
Pablo Hernandez
Phil Konigsberg
Clarissa Wong
Tyler Cassell
Jie Zhu
Marc Schiffman

ABSENT

John Byas
Peter Tu
Esther Lee
Carlos Talisaysay
Jeff Huang

Vincent Gianelli
Devon O'Connor
Matt Silverstein
James Cervino
Kris Ram

Kevin Kang
Harpreet Wahan
Terence Park
Rose Forkan

COMMUNITY BOARD #7 STAFF

Marilyn McAndrews, District Manager
Mary O'Neill, Community Assistant
Sherine Perez, Community Service Aid

GUESTS

Young Kim - Assemblyman Ron Kim's office
Tim Thomas - Assemblyman Simanowitz's office
Erin Rogers - Assemblywoman Nily Rozic's office
Jason D. Antoiouruos - Assemblyman Braunstein's office
Joyce Ha Fan Choi - Councilman Peter Koo's office
Adam Chen - NYC Public Advocate Julissa James's office
Elaine Fan - NYC Comptroller's office
Jeong-ah Choi - Queens Borough President's office

The Chair, Eugene Kelty, opened the meeting at 7:10 p.m. with the Pledge of Allegiance followed by a silent prayer for our armed forces in harm's way.

Roll call attendance was then taken by the Chair with - (33) Present (8) absent (6) excused

Chair Kelty then read the announcements of the month. A thank you card was received from Carlos Talisaysay who is improving and John Byas who is also recovering slowly.

ITEM #4 – Assemblyman Ron Kim -Chair Kelty gave the floor to **Ron Kim**, who stopped by and congratulated our new District Manager, Marilyn (Mac) McAndrews, and then gave a brief talk on the importance of maintaining our area park playgrounds for our children free from loiterers, gamblers, and other undesirables, etc. by allowing caregivers and parents to report inappropriate behavior in the neighborhood to our Police Department and Parks Department.

Q. Can you look into Maple Park also which has outdoor gambling daily?

A. Certainly! The app being sent out is named **Parent Patrol** and will give the tools necessary to give the playgrounds back to our children.

ITEM #5 - NY VELODROME KISSENA - Although we must have a committee meeting first with Parks Dept. on this item followed by a future Public Hearing, **Vice Chair Apelian** graciously gave the floor this evening to Jim Lyman, the representative from NY Velodrome Association, to say hello. This past year alone, the NY Velodrome Association has had 970 actual race registrations alone at other locations. The track at Kissena Park, which has been used in the past by young and old, is being repaired and will be used again to hold public races. We look forward to hearing more about this!

ITEM #6 – 153-37 CROSS ISLAND PARKWAY – Committee Chair Rose Forkan -Application to approve an extension to the previously granted original permit in August 1995 in a C1-2/R3-2 zone allowing the operation of a physical culture health club establishment for a 10 year term to August 2005, with this being the third renewal to 2026. In the absence of **Committee Chair Rose Forkan, Board Member Kim Cody**, who was also at the **Sept. 28, 2016** committee meeting, read her report confirming the facility located in the Whitestone shopping center continues to provides classes, instruction, physical improvement, body building, weight reduction and aerobics. The site is served by public transportation and has substantial on-site parking. The new application adds an amendment to change the hours of operation as follows: One hour earlier on Saturday & Sunday from 7 am to 10 pm, and one hour less on Monday to Friday 5:30 to 10:00 pm. **Chair Kelty** brought up the fact the applicant has done nothing for the residents living in the area who've lost parking spaces because of the establishment. Other questions asked by members were 1) What about the need for a new C/O because the expiration of the variance makes the old C/O invalid, and 2) What about the elevator violation which still hasn't been taken care of since before they came to us. **Vice Chair Apelian** asked if the owner is available to respond. **Board Member Cody** said he's not present, and further stated only his attorney was present at the committee meeting. **Chair Kelty** also asked how is the parking allowance broken down, by each store or by the entire shopping center as a whole. **Board Member Cody** said the retailer signs a lease which shows the total amount of parking spaces in the entire complex. Board member, **Selma Moses**, added there is a parking lot in the back and parking at the Library, and rumor has it the Library allows parking by health club members since they are very good neighbors.

There being no public participation present, and based on the committee's finding, Committee Chair Cody made the motion to approve the extension of the variance for an additional ten year term, including the changes in the hours and the resolution to remove the elevator inspection violation upon obtaining the new C/O, seconded by Kim Ohanian.

Discussion followed! Board member **Tyler Cassell**, a gym member for the past 10 years, praised the efficiency, cleanliness and staff of the establishment, never found it crowded, except on Thanksgiving when parking was difficult. Overall experience is enjoyable. Elevator, however, is especially important for seniors, and should be taken care of. **Chair Kelty** voiced his annoyance that the owner again is absent this evening and finds it inconsiderate and problematic. He reiterated his difficulty finding a parking space there, feels it hasn't been addressed, and will vote NO!

Vice Chair Apelian would like to make a friendly motion this evening stating we will not approve this request until the elevator inspection violation is removed prior to allowing the variance to go through.

The vote taken was (32) For (1) Against (0) Abstained/conflict

ITEM 3A – Conflict of Interest – Claire Weissman - The easiest way to avoid any and all conflicts of interest as a community board member and/or city employee is to remember the following **3 D's! DISCLOSE, DISCUSS, & DON'T VOTE**. DISCLOSE anything that comes up before the board if you have a personal involvement in it, as it is considered a conflict of interest. You can DISCUSS the issue with the board members, but you CANNOT VOTE on it. If you are a city employee and a board member, anything that comes before the board involving the city agency you are employed with, again you must DISCLOSE, can DISCUSS but you CANNOT VOTE on it. This applies also to any not-for-profit we are affiliated with or employed by while a community board member. And lastly, you CANNOT VOTE on anything that provides you or family member or financial associate with a direct economic impact by your vote. An example would be the gym in Item #6. If you owned any portion of it, you CANNOT VOTE, but

if you are just a member, you can! Another example, you CANNOT VOTE for your liquor license, but you can vote on someone else's license. However, if a family member has a direct economic link to any of the above, basically you must DISCLOSE, and CANNOT VOTE. However, it will depend on the amount of funding that underwrites the family member's salary. So it's wise to check with Ms. Weissman's agency to clarify. Our **Budget Committee Chair Ohanian**, who is also employed by DEP, stated she will be chairing the vote on the budget tonight. She acknowledges she cannot vote to increase the DEP budget tonight even though her position at DEP has nothing to do with budget planning. Ms. Weissman agreed but added, you shouldn't be the Chair of a Committee if you have to routinely use the 3D's.

Q. What if one of the items is to increase the Community Board's expense budget?

A. While you're still beholden to Chapter 68 Conflict of Interest Law, you have to be able to vote on your budget, so there is some leeway.

Q. Chair Kelty asked why our Executive Board election is an open vote which allows board members to know how everyone voted. Shouldn't that be considered a conflict of interest or does that come under the Law Dept.?

A. Unfortunately, it doesn't come under conflicts of interest.

Q. Is there a rule of necessity? For instance, if everyone on a committee has a direct conflict and cannot vote, what would happen?

A. First Vice Chair Apelian replied it would go before the full board without a recommendation from the committee.

A. You would then require a quorum of 50% plus 1 vote from the community board.

Chair Kelty said the Law Dept. states we have 4 types of voting; i.e., **Yes – No – Abstain/Conflict – Abstain with no conflict** (a No vote).

Q. If a committee has 7 members, 4 are conflicted and 3 are not, is there a quorum?

A. As long as there is a quorum to begin with, there's always a quorum. It doesn't become disqualified because now there are those who can't vote? It just reduces the pool who can vote.

Vice Chair Apelian asked why be allowed to disclose and discuss, but then must abstain from the vote?

A. We still need to disclose and discuss, which may prove useful to those who can vote, but anyone who benefits directly cannot vote.

Chair Kelty brought up rezoning of the entire area he lived in as an opposite example, where they were allowed to vote because it wasn't considered a conflict of interest. **Ms. Weissman** explained rezoning doesn't necessarily lead to a good, direct economic impact because property values can plummet as well as rise. The rules are not written as well as they can be, but the main goal is to keep the integrity of the voting process as high as possible. Several important reminders; if you become an elected City Official, you must step down as a board member. If anyone offers you a gift because of your Board connection, you do not accept it. Lastly, as a Board member, you can never represent a private client or a company client before the Board. If you resign from the Board, you must wait a year before you can represent a client before the Board.

ITEM #7 - 146-45 22nd AVENUE - Committee Chair Frank Macchio – The Chair gave the floor to **Eric Palatnik**, attorney for the applicant, **Vito Serino**, who presented the application to permit the development of a two-story family dwelling with cellar on a 25 ft. by 100 ft. vacant corner lot with the following waivers: a 7 foot front yard along 22nd Avenue, which is less than the required 10 feet (ZR Sec. 23-45(a)); the proposed floor area of 1800 sq.ft. contrary to the 1500 sq.ft. maximum floor area permitted (ZR Sec. 23-141(b)); the two dwelling units totaling 1800 sq.ft., where at least one dwelling unit must contain 925 sq. ft. (ZR Sec. 23-23(b)). The narrow width of the corner zoning 25 ft. would only permit a 15 ft. wide home and with a floor area of 1500 sq.ft. One-family unit. Although the R3A zoning is intended to provide bulk regulations better suited to pre-existing narrow lots, it does not provide relief for corner lot development. Thus the applicant feels it does not allow for comfortable occupancy. The proposal does include an accessory 2-car garage in the rear, which does not require a variance. In reviewing the application, the Committee found it does not comply with the NYC Zoning resolution for a R3A district, but can be successfully developed "as-of-right" as a one family. Further, it would distort the alignment to the existing homes and limit daylighting at the intersection. Also, the additional FAR would be in excess of 20%. The committee voted to reject and deny.

The motion on the floor by Chair Kelty is to disallow, seconded by Ms. O'Meally.

Point of Order by First Vice Chair Apelian asking why it was disallowed, as it should be included in the Motion!

Discussion followed with following comments by some board members. If the neighbor doesn't have a problem, why not approve the variances. Also, today there isn't a great market for one family homes. Is he building it for his daughter or for speculation, as he's done in the past? The variances would change the character of the neighborhood. He can still build an as-of-right one family which will align up with existing homes in the area without any problems!

Committee Chair Macchio amended the above motion, originally made by Chair Kelty this evening and seconded by Linna Yu, to DISALLOW the current zoning variances for a two family having more than the allowed minimum variance, increasing the floor area by 300 sq.ft. a smaller front yard, and it would definitely change the character of the neighborhood.

The vote taken was (26) Disallow (6) Allow (1) Abstain for Conflict

ITEM #8 - VOTE ON CAPITAL & EXPENSE BUDGET SUBMISSIONS FY 2018 – **Committee Chair Kim Ohanian** opened the discussion by asking up front if anyone had any issues, questions, concerns, objections, changes on items 1 through 25 on the Expense Budget. Chair Kelty clarified that at our last meeting Board Member Harpreet Wahan asked about the Meditation Garden in the budget, which you’ll find listed. Also, at the request of Board member Arnold Wagner, he checked on the current Willets Point item in the budget and their current lawsuit. Nothing can go forward until it’s resolved and we can only keep asking the elected officials to move the issue forward. Community Chair Ohanian and Chair Kelty reiterated that everything on the lists are either under “construct” or eventually when completed, remains under “maintain” so we never lose the monies to keep it going.

The motion on the floor is to approve the 25 Expense Budget items and 1 CS item presented for year 2018, seconded by Selma Moses.

The vote taken was (27) Approve (3) Abstained/Conflict (3) Left the room

Committee Chair Ohanian moved to vote on the Capital Budget. Chair Kelty mentioned the 3 items that were brought up at the last meeting were **item 18**, reconstruction of College Point Blvd. between 14th Avenue to 23rd Avenue, instead of 22nd Avenue; **item 21**, funding for Poppenhusen Institute; and the question of the resurfacing of 56th Street.

The motion on the floor is to approve the 31 Capital Budget items presented for year 2018

The vote taken was (27) Approve (3) Abstained/Conflict (3) Left the room

PUBLIC PARTICIPATION

Board member Phil Konigsberg announced the Bayside Historical Society is having their fund raising Five K Run to be held on Sunday, October 30, 2016. There will be prize money for the finishers. All are welcome to participate.

Speaker **Jim Driscoll**, Vice President of the Queens Historical Society spoke about the society’s urgent need for money for new wiring, flooring, and childrens’ programs. He was informed wiring and flooring can be included as Capital budget requests, but childrens’ programs do not come under Expense or Capital items. Unfortunately, Chair Kelty said it should have been submitted to us at our December meeting, to be included in the budget. He suggested, however, he contact his Councilman, Peter Koo, who will be having participatory budget meetings as sometimes monies still will be available to be used for capital projects, and maybe even for the children’s programs. Call his office immediately, and then remember next year to contact us with your capital budget requests early on.

The meeting closed at 10:30 pm!

Respectfully submitted,

Mary Zuliani