



Community Board 7

Borough of Queens

Auburndale, Bay Terrace, Beechhurst, Clearview, College Point, Downtown Flushing, East Flushing, Flushing, Malba, Murray Hill, Queensborough Hill, Whitestone, Linden Hill, and Willets Point

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Donovan Richards, Jr.
Queens Borough President

Eugene T. Kelty Jr.
Chairperson
Marilyn McAndrews
District Manager

COMMUNITY BOARD #7 PUBLIC HEARING & REGULAR MEETING

MONDAY, NOVEMBER 8, 2021

AUDIO AND VIDEO TELECONFERENCE

PRESENT

Charles Apelian
James Cervino
Kaily Cheng
Michael Cheng
Kim Cody
Nicholas Corrado
Arlene Fleishman
Richard Forman
Fred Fu
Doreen Gatanas
Vincent Gianelli
Pablo Hernandez
Cody Herrmann
Jeff Huang
Lawrence Hughes

Eugene Kelty
Phil Konigsberg
Wensong, Li
Wendy Louie
Frank Macchio
Betsy Mak
Rev. R. McEachern
Barbara McHugh
Selma Moses
Sergio Nicolich
Millicent O'Meally
Terence Park
Yacov Pshtissky
Frank Quatela
Kris Ram

Paul Rifino
Warren Schreiber
Kevin Shields
Matthew Silverstein
Joshua Sussman
Joseph Sweeney
John Tsavalos
Harpreet Wahan
Clarissa Wong
Maggie Wong
Dian Yu
Linna Yu
Lei Zhao
Jie Zhu

ABSENT

Esther Lee
Peter Tu

*Michelle Miao

John Park

COMMUNITY BOARD #7 STAFF

Marilyn McAndrews, District Manager
Mary O'Neill, Community Associate
Anne Krzyzanowski, Community Aide

GUESTS

Susan Lui-Congresswoman Meng's office
Mabel Tso-Congresswoman Ocasio-Cortez's office
John Liu-State Senator
Soojin Choi-Lee - State Senator Liu's office
Xin Ying Wu-Rozic's Office

David Fischer-Braunstein's office
Joonyong Ahn, Councilman Koo's office
Elizabeth Bian-Queens District Attorney Katz's office
Max Weprin-Queens Borough President's office
Vanessa Ordonz, Queens Borough President's office

*Excused

Chair Kelty opened the Public Hearing meeting at 7 pm, he thanked all members in attendance, and asked we Pledge of Allegiance to our Flag and in honor of all who fought for our freedom and our country, and to never forget those who gave their lives for us.

The attendance was taken with (44) Present (3) Absent (1) Excused*

ELECTED OFFICIALS

Max Weprin, liaison for QB Pres. **Donovan Richards**, announced his Northeast Queens Town Hall will be held at QBCC's Student Union Building on November 9, 2021 at 7 pm. Must show proof of vaccination or a negative COVID test to attend.

Mabel Tso, liaison to Congresswoman **Ocasio-Cortez**, said her next Town Hall meeting is scheduled for November 18m 2021 at 5:30 pm. Submit your questions to aoc.townhall@mail.house.gov.

This evening we had the pleasure of having State Senator **John Liu** here in person. Since COVID is still with us, he's making sure State policies piggyback off Federal policies, especially funding for small businesses to keep them alive, if income is lost. Another priority of his was our public schools and the environment. He was able to finally provide NYS with the missing \$4 billion that included funding for the education of the children, as well as the Flushing Creek and Bay cleanup needed to reclaim the waterfront along the Creek, the Bay, College Pt., and Whitestone for the environment and the people to use. The Senator's office has remained open since June of 2020 after being remote the first three months only. Let him know if you have questions or issues. He added jokingly "If you have something good, call him. If it's not good, call Gene".

Comment by Chair Kelty (GK) - The speeding camera issue is still a major annoyance.

Comment by First Vice-Chair **Apelian**. We should discuss this in Transportation Committee.

Q. Terence Park (TP) In the transition of the mayoralty, I am concerned about what will happen with the Gifted and Talented programs. Can you tell us your forecast as the Chair of the Education Committee?

A. State Sen. John Liu (JL) You must address your thoughts to City Hall. Accelerated learning has been in our NYC public schools for decades since some children learn at a faster rate. I feel it should be a choice of a child's family. However, it's been part of the public school system a long time, and DeBlasio wanted some public engagement about it, but did away with it before Columbus Day. Mayor Adams voiced his support for G & T programs, and I feel he will support it.

Q. Phil Konigsberg (PK) – What about the Sleep Act, that will hopefully stop these souped-up cars up and down Bell Blvd?

A. Sen. John Liu (JL) – The act will prevent owners of cars being able to install modifications to louden engine noise. It will prevent shops from installing the modifications also, since it comes with hefty penalties. Legislation, it probably will be enforced at the shops and not the vehicle level.

Q. Joe Sweeney (JS) - Given the crime situation in NYS and NYC, please address the cashless bail program.

A. Sen. John Liu – No plans to do this yet. Probably in January. The concern is increased crime in NYC, and remains to be seen. It will be a hot topic in January and the gubernatorial election.

Q. Warren Schreiber (WS)- What's the situation with Lock & Clock legislation for Daylight Saving Time?

A. Sen. John Liu – New York won't get off DST alone, so it'll require multi-state or federal action. If this is an important issue with many of you, I can see what can be done in State law, but we can't unilaterally change things.

Comment by **Arlene Fleishman (AF)** – Diversity of education is the most important topic today. Legislators need to talk seriously about it.

A. Sen. John Liu – Most all districts in Northeastern Queens have been discussing this. You should attend the CEC meetings. I would gladly participate in any Community Board discussions if you let me know.

Q. Cody Herrmann (CH) – Can you repeat the name of the climate related legislation?

A. Climate Leadership & Community Protection Act, for zero emissions by 2050. Also, the Climate Community Investment Act to possibly introduce a carbon tax in New York. It's the right thing to do.

Comment by Pablo Hernandez (PH) – Vehicles are being abandoned everywhere lately and taking up parking spots. I know it's a city issue, but I want to bring it up to your attention.

A. I'll call you tomorrow. Vehicles covered in tickets are not hard for city agencies to remove.

Q. Serge Nicolich – Can the heavy bass music by the LGA highway be addressed? Aren't there sections in the VTL addressing decibel levels?

A. The party noise is coming from Flushing Meadow Park, the Marina and even the Bronx. First, I'm hoping as the weather gets colder, these parties will die down. I've made inquiries to figure out how to stop this noise, not just by enforcement, but by legislation. The problem is it doesn't come under vehicles or traffic law. Parking isn't under the VTL. They are parked on private or public property.

Comment by Richard Forman (RF) – As a member of the QBCC staff, the prep for the SHSAT is still strong with two classes going on. Parents are concerned about the abandonment of the G & T programs and no one is impressed by the Brilliant NYC program.

A. Sen. John Liu - The Brilliant NYC is a nothing program and hopes Adams reinstates the G & T.

Comment by Yacov Pshtitsky (YP) – Climate mandates for condos and co-ops is a problem. It makes it impossible for people to live in NYC.

A. Sen. John Liu – Taking the mandates out will be a budgetary matter.

Chair Kelty gave the announcements of the month. You can call the office tomorrow to review any of tonight's announcements you may have missed. He introduced Sid Berraha from DSNY who spoke briefly about Curbside Composting being restored for those interested. However, if your district doesn't reach the required minimum, it will not take place at all.

133-25 37th AVENUE – BSA #2021-51-BZ – Committee Chair Lei Zhao - The proposed 16 story mixed-use residential/hotel building across the street from the rear of the new Tangram development is in a C4-2 zone with 204,000 square feet and 4.8 FAR with 290 parking spaces with two loading berths. The proposed building is as-of-right with the BSA special permit height waiver of 234 feet pertaining to ZR 73-66 requirement, with approval letters from the FAA and the PANYN. The footage includes the mechanical equipment and bulkheads on the roof. Frank St. Jacques, land use counsel for Akerman LLP said the site is on 37th Avenue and 36th Road between College Point Blvd. & Prince Street and is close to Main Street LIRR and #7 Train. It will have 150 apartments, 202 hotel rooms, 11,268 sq. ft. retail, a 518 sq. ft. medical office, and the building will be equipped with safety lighting.

Q. Nicholas Corrado (NC) – Even if this is as-of-right, we've been down this road before. It's an opportunity to say no, to limit the amount of construction of oversized buildings.

A. Chair Kelty – The request came in as an as-of-right project. If it wasn't in a flight path, they would not need us. If you vote no, you are disagreeing with the FAA's determination of flight path obstruction.

A. Nick Corrado – My point is we can vote no in the interest of limiting construction in this already congested area and relay we don't want a bigger building, but a smaller building, Comment by Chuck Apelian – This is a special permit process, not a variance. They're not seeking to amend the law. The cap on the building was the height, and the applicant has to demonstrate that you can go higher if the applicant can demonstrate the FAA and PANYNJ agree it won't interfere with airport operations. It forces review of the proposals. If there was no height problem, it would go right through DOB.

Comment by Nick Corrado – I understand what you said, but isn't it true it's an opportunity to vote no at the Board level?

A. Chuck Apelian – Remember that we are advisory. The BSA will move on this if the paperwork is in order. I'm not even sure why this came before us, but it's better to have a discussion than not. Let's Just say we vote to disapprove. The BSA will ask what was the CB thinking..."they don't like tall buildings?" They'll just pass it through! There's not much latitude to navigate here. Comment by Nick Corrado – It shouldn't be why you vote yes or no?

A. FSJ – Vice Chair Apelian - absolutely correct. This is about oversight and making sure the FAA is into this to ensure buildings constructed around airports fall under their jurisdiction. This is a highly localized NYC issue, and DOB will not allow permits to be pulled until the BSA Special Permit is issued to make sure appropriate oversight happens.

Q. Chuck Apelian – If everything here is presented, does the BSA have grounds to reject this proposal?

A. FSJ – BSA has some degree of discretion, but it is limited, but I don't want to take away from the BSA's authority here. If we didn't have an FAA Determination, we'd be in a much different situation. BSA makes sure we're doing everything properly to get the special permit.

Comment from Chuck Apelian – This doesn't preclude anyone from voting no.

Q. James Cervino – Why do they want to go higher? More density?

A. Chuck Apelian – It's not more density.

Q. James Cervino – So they're increasing the density?

A. Chuck Apelian – They're not going above the zoning resolution.

Q. Will the population increase with the building?

A. Frank Quatela (FQ) – The density allowed is based on the number of units, which is as-of-right.

A. FSJ – The crux of the special permit is safety at that height. If for whatever reason, we didn't have height, we would still maximize the lot for bulk and density, but with a different building layout.

Q. Millicent O'Meally – What effect, if any, do buildings above a certain height have on flight schedules.

A. Warren Schreiber – It has nothing to do with scheduled flights. LGA is a slot-controlled airport, so there's only a certain number of arrivals and departures. The buildings don't impact this.

Q. Cody Herrmann – So the FAR is 4.8, but under the current zoning it's 3.6? Thus, they are increasing the density?

A. FSJ – The maximum FAR that has community facility use is 4.8 FAR in a C4-2.

PUBLIC COMMENT

Doris - As a resident of College Point for 60 years, we have planes flying over constantly. To put a building up that exceeds the maximum height could cause a terrible accident. Let's have lower buildings and be less crowded.

Committee Recommendation – Committee members inquired whether there would be temporary construction cranes exceeding the 234-foot height limit. They also asked about entry and egress points to the parking facility, soundproofing, and economic impact. They were satisfied with the answers provided. Committee voted unanimously to approve the application for the special permit.

- Kim Cody seconded the motion.

Discussion on the motions.

1. Nick Corrado said this is an opportunity to vote No. It's a chance to say no to building bigger.
2. Arlene Fleishman agrees with Nick. I think we spend a great deal of time on something the Community doesn't have much say on.
3. Chair Kelty – I understand what you're saying, but we don't always want to do things we're required to.
4. Cody Herrmann – This is an opportunity to say no to these huge buildings coming into our community without resources besides retail. Even if it's a performative no, I think there is a place for this.
5. Pablo Hernandez -I hear what Nick says, but we cannot stop development. It's impossible. Development will continue, that's how a city grows.
6. Kevin Shields – It's a chance to say no to over development in Flushing.
7. Lei Zhao – Saying no to this is well within your rights, but to penalize this applicant or others because it's too much doesn't make much sense. If you want to, organize something bigger to address the issue holistically.

Chair Kelty - It's a bad image to do this and change the rules midstream. We should change the law.

Taking an issue with BSA when it's an as-of-right, it's like you selling your house and your neighbor says you can't unless you have his approval.

The motion on the floor this evening is to approve the BSA special permit for a height waiver which was secured from both the FAA and PANYNJ for this development.

The vote taken was (31) Approved (12) Disapproved

154th STREET PUMP STATION AT POWELLS COVE BLVD between 154th Street & 154th Place located by the Tropicana distribution center– Committee Chair James Cervino

Most of the City's sewage system is gravity assisted, but there are 96 pumping stations assisting with pumping from low points. The system moves drinking water, storm runoffs, sewage, etc. A better and technologically more sophisticated pumping station will be built. The upgrade is needed.

The presentation was given by Matthew Osit, NYC DEP. The station is just outside the existing flood zone. We expect the water level to rise, so we're designing it to withstand future tidal elevations. Mechanical gear will not be visible. Wastewater will flow into a wet well, then pumped into a gravity fed storm drain to Tallman Island. The schedule for Design is 05/2022, Procurement 05/2023, and Construction 10/2025. Tropicana plant is willing to let us use their property for construction staging to minimize traffic and other impacts to the neighborhood.

DISCUSSION, Q&A

Q. Kim Cody (KC) There is some new construction in our community that has some green component like solar panels. Has it been considered for this system?

A. (MOs) – We're maximizing use of recycled materials. We're using high efficiency equipment, LED lighting, and lower internal temperature. In terms of solar, Local Law 94 requires solar panels on buildings above a certain size. This building falls below the required size for panels. We are in the 30-50% energy use reduction range.

Q. Cody Herrmann – Looking at the resiliency side, will the pump be able to function with large rainfall totals?

A. (MOs) – We've sized the facility to handle dry weather flow and storms. There are limits though; we can't pump endlessly, since there are facilities that we hook into that have limitations. We've put monitoring in place and have sizing for a reasonable 5-year storm. During the larger storms we'd do combined sewer, treating as much as possible and dumping in the East River, if needed. We're using submersible pumps that can handle floodwater.

Q. Cody Herrmann – So the rainfall data you're using is from last year?

A. (MOs) – Mid 2020 to end 2020.

Q. Yakov Pshtissky – These pumps are electrically driven? And you have a backup generator?

A. Yes. We have a diesel driven pump and mobile generator from the crew quarters at Tallman Island.

Q. Yakov Pshtissky - Do you have a system that kicks in quickly?

A. (MOs)- We've been asked to be fully independent.

Q. Yakov Pshtissky – But if you're using diesel, won't it contradict the local green initiatives?

A. (MOs) - I think it's better to have some small emissions, rather than discharge sewage.

Q. Kevin Shields – Tenth Avenue was literally underwater in recent flooding. Is anything being done to mitigate the next rainfall?

A. James Cervino – That's why they're doing this project. A. (MOs) I'm not aware of any interim measures.

Q. Chuck Apelian – The generators are offsite and need to be brought in?

A. (MOs) – We do this regularly. We have a self-contained diesel hydraulic pump for short term power outage.

Q. Chuck Apelian – That would only handle the dry flow, which would diminish the capacity?

A. (MOs) – The impact of dry weather discharge is more substantial than a combined sewer outflow.

There's a regulator point where if there's overflow, it would tip into the East River.

Comment by Chair Kelty – One of the complaints about backup generators is the noise. Yakov Pshtissky added it has to be tested monthly for fumes. You don't have to test gas generators.

Q. Chuck Apelian – The pump is underwater and submerged, what's the resilient part of this?

A. (MOs) It's for the electrical equipment, which is under the floodplain. If we had a flood now, the

electrical equipment would flood and go down. If you want a generator onsite, we can see if we have space.

Q. Millicent O'Meally - Are we having the station upgraded or arguing about whether we should have a generator?

A. Chuck Apelian – There's a concern about whether there's a generator onsite.

Q. Millicent O'Meally - And this wasn't addressed in this committee?

COMMITTEE RECOMMENDATION

Chair Kelty put forward a motion to table consideration on this proposal. The Vote on this motion was

(43) For (0) Against

PUBLIC PARTICIPATION

Kim Cody announced on 11/11/21 American Legion Veterans Post 131 VFW will conduct a ceremony at Veterans Field at 11 am to pay tribute to all members lost and those still serving, by P.S.79.

Meeting adjourned at 9:45 pm

Respectfully

Mary Zuliani