



# 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, DECEMBER 13, 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  
Cody Herrmann  
Jeff Huang  
Lawrence Hughes  
Eugene Kelty

Phil Konigsberg  
Esther Lee  
Dr. Wensong, Li  
Wendy Louie  
Frank Macchio  
Betsy Mak  
Barbara McHugh  
Selma Moses  
Sergio Nicolich  
John Park  
Terence Park  
Yacov Pshtissky  
Frank Quatela  
Kris Ram  
Warren Schreiber

Kevin Shields  
Matthew Silverstein  
Joshua Sussman  
Joseph Sweeney  
John Tsavalos  
Peter Tu  
Harpreet Wahan  
Clarissa Wong  
Maggie Wong  
Dian Yu  
Linna Yu  
Lei Zhao  
Jie Zhu

### ABSENT

\*Pablo Hernandez  
Millicent O'Meally

\*Rev. R. McEachern  
\*Paul Rifino

\*Michelle Miao

### 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 - AM Rozic's Office

David Fischer - AM 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 Gene Kelty** opened the Public Hearing at 7 pm 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 ( 43 ) Present ( 1 ) Absent ( 4 ) Excused\***

Announcements from Max Weprin, liaison for QB Presidents Donovan Richards Office.

Announcements from Angelica Ramon, liaison to Congresswoman Ocasio-Cortez.

**41-02 Main Street – BSA #307-00-BZ- Board Chairman Gene Kelty (GK) gave the Committee Report In absence of Committee Chair Rev. McEachern:**

The Committee felt the use of the third to fifth floors as offices was consistent with the area. No complaints ever were filed with the current extension term. Removal of the term would not adversely affect the community. If the removal doesn't go through, they can then request a 20-year extension. **After much discussion the Committee voted 4-2 to approve the variance but remove the 20-year term.**

**CA:** If BSA turns down a permanent variance, then they have to come back in 20 years. I would not support removal of the term but support the extension. It could be broken up for medical use, or small offices.

**GK:** If the bank moved out, the use would leave with it.

**CA:** No, it would remain an office.

**AI:** Correct! But the owner has a long-term interest in the building as a tenant.

**Jimmy Tsai, owner of Amerasia Bank:** Amerasia is one of 3 banks headquartered in CB7 and only one of two in the downtown area. We've been here for 33 years and grown up with the community. We plan to stay. Our people come from this area. We prefer to spend our resources serving the community, not dealing with BSA.

**Q. Frank Quatela (FQ):** Will the community facility, non-profit art gallery remain?

**A. AI:** Those conditions will be in place.

**Q. FQ:** And the art gallery use won't change?

**A. AI:** Correct.

**Lei Zhao:** I would amend two different motions, one to extend the 20-year term and one to extend without a term limit.

**Josh Sussman (JS):** This doesn't make sense; the motions are in conflict. They are legally unsound.

**CA:** The first is to extend the variance. The second is to eliminate it.

**AI:** We had this exact conversation at the committee and the Chair realized we should put the motion to eliminate the term first.

**Barbara McHugh (BMc):** Why not just have one motion to remove the term

**Chair Kelty made the motion to approve the committee recommendation to extend the variance without term.**

**(9) For (30) Against**

**Subsequently the motion was made to extend variance with 20-year term**

**(39) For (1) Against**

**CLEARVIEW PUMP STATION - Chair Kelty** - This is a ULURP for a City Map amendment to reconstruct the Clearview Pump Station on an off-ramp of the Clearview Expressway.

**Vice Chair Apelian** - We didn't receive proper notification when the application was filed. We found out about this on 10/14/21, even though DCP posted it in September. In the past few months, DCP has changed to online distribution of notices of proposals. An electronic notice was sent to the personal email of our CB7 District Manager and not to our office. We object to not having received the proper notice in time, and based upon our 10/14/21 date of notice, today is the last day of our 60-day comment period to respond to this proposal notice.

**Presentation by Michael DeLoach, Deputy Commissioner of Public Affairs (MD) and Alicia West (AW)** - The Clearview Pump Station was originally constructed in 1954, upgraded in 2004, but had flood damage shortly after. Since then, it has operated in an interim capacity. Reconstruction will bring it back to full capacity with all equipment above flood stage. Demapping of the traffic triangle is required to accomplish this. It will serve a thousand-acre drainage area for 10,000 gallons of waste and stormwater. The traffic triangle located at the base of the Throgs Neck Bridge was constructed in a flood plain and prone to flooding. Demapping will allow the project to go forward. CB 7 reviewed the proposal in Feb. of 2016 and approved it in March with the following timeline.

2017-2019 - Completed design review, CEQR process  
 2020 - Zoning override for front and rear yard granted  
 2021 - DCP certified the city mapping amendment  
 2022 - Construction to start in June  
 2024 - Construction completed

All the electrical equipment in the new structure will be above floodplain. The rooftop solar will be in accordance with Local Law 94. Lightweight fiber cement panels for high efficiency will be used. Then landscaping around the structure will be added. The components above ground will be the electrical room, generator room and the crane to move pumps at the height determined by the 4 ft. floodplain, with all the necessary equipment. Vehicular sightlines will improve after existing electrical equipment is removed.

#### **DISCUSSION:**

**James Cervino (JC):** The current 100-year Floodplain has been breached by nor'easters and heavy rain events. Keep in mind we're seeing increasing rain events, saturation, and flooding in the area, so I understand the increase in structure height. Looking at the proposed generator, it's appropriately sized for pumping out flood water.

**AW:** Pumps are below grade. The generator is in the event of a power outage and can run for 48 hrs.

**Q. Warren Schreiber (WS):** I seem to remember the rendering showed the pump station being moved further west than the existing one, but also further back south. Now it seems like it's to the north property line. Can you explain this?

**A. AW:** Building footprint hasn't changed in the presentation we've shown you.

**WS:** I'd like a sign put up naming the street as Roe Place, since none of the longtime residents knew of this street.

**Q. Yacov Pshtitsky (TP):** What's the fuel source of the backup generator? And where's the tank located?

**A. AW:** Diesel generator, and tank are located within the building. **A. Bill Powers(BP)** The fuel tank is below the generator unit. It's designed with secondary containment and sized for 660 gallons.

**Q. YP:** Can water penetrate it?

**A. BP:** Yes

**Comment by Yacov:** Seems like a contradiction to place solar on the roof, then have a diesel generator, which is a problem for Local Law 97.

**A. AW:** I hear you on that, but diesel is best for longevity and solar panels are insufficient to power pumps in case of outages.

**Q. Frank Quatela (FQ):** Which flood map did you use, the 2007 or advisory map?

**A. AW:** We can get back to you on that.

**FQ:** There might be a difference in flood elevation resulting in moving the equipment higher something to check on.

**Q. Sergio Nicolich (SN):** Coming off the ramp, there's a stop sign with limited visibility. Are you planning to add a light?

**A. MD:** It will be a stop sign, and there will actually be better sight lines in this proposal.

**Matt Silverstein (MS):** I agree. We should add a sign for Roe Place. The design of the building is hideous. Can you make it less of an eyesore?

**A. MD:** The design is already approved, but we'll see we'll see what we can do.

**Q. Phil Konigsberg (PK):** How will the fuel tank be filled? What access will they have?

**A. MD:** There's a driveway entrance to the property.

**Q. WS:** Is there any outside building lighting that could project out to the roadway and reflect into the driver's eyes?

**A. AW:** The downlighting on the crane and the integrated lighting on the pumps shouldn't distract drivers at all.

**GK:** We asked the State to widen the off ramp from the Clearview, which they did and we have two lanes. I'm somewhat surprised it's down to one lane. DOT stated the danger of trucks turning and hitting cars. However, there is additional space to the left that could be used to widen the two lanes into two turning lanes.

**A. MD:** They did do some feasibility engineering review and it's too tight to have two lanes. We're not going to impact any further discussion about what you'd like to do with these lanes.

**GK:** Let's get DOT to pay attention to this. There's an identical condition with trucks turning eastbound to the LIE service road from southbound on College Point Blvd.

**CA:** This isn't State owned land, it's City owned. I asked Al Silvestri from DOT to let us know why we couldn't do this.

**Josh Sussman (JS):** I suggest someone to physically observe the big trucks getting onto the Throgs Neck Bridge. When you build this taller building, you're blocking vision for people coming off the Clearview to either go right or left.

**PUBLIC COMMENT - None**

#### **Committee Recommendation**

**JC:** I find the significance of this pumping station to be a necessity and understand why it's needed. Environmentally speaking, this is a good plan and should be approved, and hope we get the extra lane. Also, it appears there was no Committee Report.

The committee recommendation was to approve with the following conditions:

1. Reducing the height of the building.
2. DOT related expansion of the off-ramp.

**The Committee unanimously approved (8) yes.**

**Lei Zhao** made a motion to approve this ULURP with the existing proposed height.

**Joe Sweeney** requested an on-site commitment from DOT to assess the road in question possibly with the Councilperson.

**LZ withdrew his motion.**

**CA made a motion to approve this ULURP with the following conditions:**

1. Reduce the height of the building.
2. Two lanes on the exit ramp.

**GK seconded CA's motion.**

#### **DISCUSSION , Q & A**

**Cody Herrmann(CH):** So, the DEP can't tell us now whether they can make changes to the building's height?

**GK:** They can override us in the City Council.

**CH:** Do we know when?

**MD:** Not sure when this will go; possibly in January.

**YP:** For the intended purpose and design, if they can't reduce the height, why make this motion?

**WS:** On the DEP ULURP motion, the question is whether it is appropriate to put an action on the DOT, which is not a party to this?

**A. CA:** What's in the ULURP is open to discussion.

**CH:** I'm wondering now why other board members oppose the height? Is it near homes?

**MD:** Agreed, what's the issue with the building height.

**A. CA:** With ULURP we decided to look at this from a land use perspective. Several board members talked to me about a 30 ft. structure on this parcel, and it has a diesel generator, which people were already concerned about regarding the 154<sup>th</sup> Street Pump Station. Also, Board members wanted to widen the two lanes again. In order to stop the debates, the comment was made we'd like to see the building shorter as well as two lanes off the highway. So that's what the recommendation became. Ultimately, the ULURP will be considered by the City Council and Councilwoman. Further research is warranted, and the Council can consider this. DEP was saying back in 2016 no one had any issues with it. But when it came back, everyone was making comments, i.e., the constant backup of traffic on the Clearview Expressway, and that this is too tall a building on a small plot.

**CH:** Is there a direct relationship between having these two lanes and a 30 ft. building?

**GK:** Once a City agency comes before us with a ULURP or BSA application, it gives us the right to assess the impact on the community. Back in 2016, we felt differently, but the intersection is still congested. So, while we have DEP (though I hate holding them hostage) they opened this box up, and I'm going to hold all the agencies accountable. We're going to ask DOT for two lanes and reduce the height. DOT always puts in what they want, but not what we want. Let DEP and DOT talk to the Councilwoman and see if they can do better. I think we should vote in favor of this and move it to the next level.

**The motion by Chuck Apelian is to approve this ULURP with the conditions to reduce the height of the building, and the two lanes on the exit ramp, seconded by Gene Kelty.**

**The vote taken to approve the recommendation carried (40) to (1)**

## PUBLIC PARTICIPATION

**Veronica - Kenneth Chu** started a petition against a shelter at **133-04 37<sup>th</sup> Avenue** with 2800 signatures. Nine hundred people signed our grassroots outreach petition. Many businesses survived COVID barely and don't want a shelter and many thousands of residents feel the same. We're worried about the few people with behavioral problems causing public safety issues and a threat to them-selves. You can't force people to take their meds. We appreciate all CB7 does and hope you'll be on our side and fight against this.

**Chair Kelty** - We just heard about this. Homeless Services doesn't need our approval. AAFE is doing this, so I'm a bit surprised. I understand the outgoing Councilperson is saying this will be a transitional family shelter. We did bring it up with Councilwoman-Elect Sandra Ung.

**Kenneth Chu:** I'm a resident of CB7 the past 4 years. We petitioned 20,000 signatures and I'd like to read the petition about 39-03 College Point Blvd. "We demand work cease immediately, have a public meeting to reveal plans, agree to never use the site as shelter or transitional housing, legally binding, and start an advisory committee to monitor this site, whose members are appointed by the council- member. A copy of this will be sent to you and other organizations." What do the law abiding, hard-working of Flushing need to do to get their government's attention?

**Matt Silverstein** - Proposed school on Water' Edge Drive. We were told that before the vote at City Council, an environmental and traffic study would be shown to the community. These reports were never shown to the community even though the vote happened last week. I'm hoping we can get the finalized reports.

**Chair Kelty** - Call the Board office ASAP tomorrow and we'll talk to the Councilwoman Elect.

**MS:** The vote was to buy the property, not build the school.

**Ying Chan** - I work in downtown Flushing and want to express my feeling against a shelter on 39<sup>th</sup> Ave. Since the Corona pandemic many Asians have been attacked, kicked, and hurt very badly by homeless people. Now you want to put a shelter where we live, of all places, to add more violence against us.

**Bruce Zolot** - There's an issue at 26<sup>th</sup> Avenue and Ulmer with dumping of trash and vehicles. DOT said have CB7 get alternate side parking overnight. The area is known for dumping vehicles or long-term parking.

**Chair Kelty** - Call our Board office tomorrow. Alternate side parking isn't always the issue. The DOT is our biggest problem. They took a huge plot of land there.

**Tom Grech** – CEO - Queens Chamber of Commerce and vehemently oppose the operation of the homeless shelter at this location. No one can deny the need for the homeless to have shelter, but this location doesn't make sense. Flushing is seeing a renaissance and we want it to continue. We encourage the owner to find a different use for this property, and I speak for hundreds of businesses employing thousands of people.

**Andy** - I'm a local business owner and understand CB7 has limited power to approve transitional housing, in this case for domestic violence, which can expose women and children victims to further spousal abuse. When AAFE built this land for the community, it was for senior housing. I think we need to re-evaluate a better use for the community.

**Wensong Li** – From a health provider side, we are concerned about children, elderly and the homeless. I think the shelter should support the homeless, but not be in the center of Flushing. If in the future, the policy changes and a drug center opens up in the shelter, what happens? Where will they get these drugs? From the drug center? How will they pay for it? I really support the homeless, but it should be set outside of Flushing with transportation. They can come to the community for training, and we will welcome them.

**George Xu** – Flushing has come a long way growing too how we are today. The news of the shelter will put a dent to the growth of the area. We want transparency and don't know if we're getting it. You said you received news of a shelter, but without even an address. How do we get transparency? The community, CB7, Council should know about what's being built and what the process is. Are there any DHS meetings coming up with AAFE?

**GK**- We are having this before the full Board so everyone can hear about it. At the College Point Site, the elected officials got a town hall organized with DHS. That's why you need to talk to your elected officials, City Council, State Assembly and Senate and demand DHS have a Town Hall Meeting.

**Jie Zhu** - Is this legal without CB approval or vote?

**Chair Kelty** - Yes, there's no approval required.

**Jie Zhu** - So they can build without notice.

**Betsy Mak** – City will buy land from AAFE for \$16 M, then lease it back to AAFE. AAFE states the FAR is as-of-right but C4-2 zoning limits to 32,000 sq.ft., which if you divide by 90 units would be 361 sq.ft. per unit, so I'm not sure how they can do this without ULURP. The budget works out to \$163,000 per family per year.

**Andy** - Does CB have the ability to review any land use? Doesn't this change in the Use violate the Law?

**GK** - This is an as of right project.

**Chu Fen** - We brought the 20,00 signatures from the community. We never had a public hearing on it. I attended public hearings to build luxury hotels and apartments. A lot of community members came out against this, and it passed. With this, we never even received a notice, giving it a term of "transitional housing" just hurries it up, passes it and you can repurpose it. Once construction starts, it'll be changed to other uses. We demand a public hearing and construction plans. We should look at the signed contract. Having you on our side will benefit the community. We demand a public hearing and transparency. This is ugly and on the fault of DeBlasio.

The meeting adjourned at 10:10 pm.

Respectfully submitted by Mary Zuliani