



Chairperson, Martha Taylor

The City of New York
Borough of Queens

Community Board 8

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District Manager, Marie Adam-Ovide

PUBLIC HEARING:

ULURP Application No. M851031D ZSQ
193-02 Horace Harding Expressway
Fresh Meadows, New York

DATE:

Monday, June 5, 2017

PLACE:

Hillside Manor
188-11 Hillside Avenue
Hollis, New York

ATTENDANCE:

Steven Konigsberg, Zoning Committee Chair
Maria DeInnocentiis, Area 6 Chair
Edward Chung, Board Member
Susan Cleary, Board Member
Kevin Forrestal, Board Member
Bhitihara-Martha Fulton, Board Member
James Gallagher Jr., Board Member
Marc A. Haken, Board Member

Others in attendance:

Adam Rothkrug, Esq., Applicant – Rothkrug, Rothkrug and Spector, LLP
Ira Lichtiger – The Bluestone Organization
Stephen Everett – NYC Department of City Planning
Ari Gershman – NYC Council Member Barry Grodenchik
Marie Adam Ovide, CB 8 District Manager
Alma Karassavidis, CB8 Staff Member

Purpose of Public Hearing

This application seeks to modify an existing Special Permit and Restrictive Declaration to eliminate the existing management office from the ground floor and create a new two-bedroom apartment, 1,180 sf., at the rear of the building.

Zoning Chairperson Steven Konigsberg called this Public Hearing to order at 7:30 p.m. and everyone from the Community Board introduced themselves.

Public Participation

No one signed up for public participation for this application.

Zoning Chairperson Steven Konigsberg introduced the applicant, Adam Rothkrug, Esq.

Presentation by applicant, Adam Rothkrug, Esq. – Rothkrug, Rothkrug and Spector, LLC

This is an application that is pending at the City Planning Commission to modify restrictions applicable to the Boulevard Apartment building located at 193-02 Horace Harding Expressway. (*East of the Fresh Meadows movie theater between the Post Office and the Library.*) Part of the Post Office is within our building. This building came about pursuant to a rezoning and a Housing Quality Special Permit that was granted by the City Planning Commission and the Board of Estimate when it existed in 1986. This rezoning was to a C4-2 district taken out of a residential district that was part of the Fresh Meadows planned community. Going back my records indicate that in the 1940s this was a gasoline station. At the time this was approved under the Housing Quality Special Permit, restrictions were added. A lot of them were in connection with the review by the local Community Board to govern what could go on within this building in the future, especially since it had a commercial overlay. Looking at the records, I see that there is a sentiment not to have too much commercial activity at this location.

The plans show a basement, cellar and 4-story building with 38 dwelling units and one super's apartment. On the first floor, the westerly portion was approved for use as a Post Office and the Bluestone Organization [building owners] was given the right to put their management office within a portion of the ground floor. In 2014, they outgrew this location and moved to Jamaica and were left with a vacant management office. They reviewed the possibilities and did not want to do anything that the community would not be happy with. The most agreeable choice seemed to be to create one additional apartment unit on the first floor. The plans that we are proposing now are showing a reconfiguration of the first floor. [*Mr. Rothkrug pointed out on a blueprint the location of the office that will be converted into an apartment unit.*] The proposed plans show that we will relocate and redo the recreation area, which will be for the tenants' usage and create a first floor apartment in the back of the building overlooking the outdoor area. It will be a two-bedroom, 1,180 sf apartment. The building has accessory parking which exceeds what the current parking requirement is by several spaces.

We are not seeking any change to the Post Office use. There are no plans for the Post Office to move. The change from the rental office to an apartment has taken about 2 years. If the Post Office eventually decide to move, we may be back trying to figure out what we can do with the rest of that space. Otherwise that is the sum and substance of the application. The restrictions on this usage are included within a restrictive declaration that was recorded with the City Register against this property. It was modified originally, because the original plans did not have the Post Office nor the management office. We will actually be doing our third modification to that agreement. It will show exactly this plan, showing that we have the right to create the apartment.

The zoning law allows for a change. This was built under the Housing Quality Program which does not exist anymore. In 1986 that became the Quality Housing Program. The law does include a provision that allows you to go back and modify plans provided that we don't create any non-compliances or increase the degree of any existing non-compliances; no increase in height of the building; no extension in the location of the exterior walls of the building; no increase in the portion of the zoning lot covered by the building; no increase in the floor area on the zoning lot; no reduction in the amount of indoor and outdoor recreation space; no reduction in the amount of bulk storage within a dwelling unit or shared bulk storage. The change will not affect the provision and maintenance of off-site neighborhood improvements. We meet all those findings. We are not adding

any floor area. We are still compliant with providing a common storage area for tenants which was part of the original Housing Quality Program. This will be a rent stabilized unit once it enters the rent roll at a current market rent. Mr. Ira Lichtiger of the Bluestone Organization is here if you have any other questions that I did not answer.

Zoning Chairperson Konigsberg thanked Mr. Rothkrug for the background and history and a very comprehensive presentation. He then opened the floor for questions from the Board Members.

Questions by the Board Members:

Marc A. Haken:

Will the entrance to the apartment be from the outside or the inside of the building?

Answer: [Adam Rothkrug] – From the lobby of the building.

So it will be secure as opposed to a door facing out onto the service road?

Answer: [Adam Rothkrug] – Absolutely, although it backs onto the outdoor recreation space, there is no separate entrance or exit from the apartment.

Kevin Forrestal:

Can you describe the change in the recreation section of it?

Answer: [Adam Rothkrug] – The recreation area hasn't been maintained that well over the years. This is an opportunity to redo it. It will be brand new. We are still debating and will probably be reaching out to the tenants to figure out if it should be left as a common area for children's events or parties. We may include some fitness equipment there if that is what the tenants want. We would like to get it redone and then figure out what the people want and what is best for the building.

Same number of square feet?

Answer: [Adam Rothkrug] – Same number of square feet.

Edward Chung –

Is there handicap accessibility?

Answer: [Ira Lichtiger] – The apartment is at grade level and has direct access on the first floor.

Answer: [Adam Rothkrug] – It was built right before the handicap regulation went into effect.

Is it grandfathered?

Answer: [Ira Lichtiger] – Yes, it is. It probably doesn't comply with all the regulations as far as the size of the bathroom. There are no steps to go into the building.

Susan Cleary –

Is it an elevator building?

Answer: [Ira Lichtiger] – Yes.

Bhitihara-Martha Fulton –

What was the motive for rearranging the space and moving the apartment?

Answer: [Adam Rothkrug] – The motive was for the apartment to be looking out into the backyard rather than fronting on Horace Harding Expressway.

Marc A. Haken:

You made reference to an outdoor recreation room?

Answer: [Adam Rothkrug] – It is the backyard area.

It's a concrete courtyard. Is there play equipment, basketball court or chess courts? Is it landscaped in any way?

Answer: *[Ira Lichtiger]* – Yes, it is landscaped. There is a raised bed with plants.

You speak of the recreation area but it really is not a recreation area?

Answer: *[Adam Rothkrug]* – It is a backyard.

It makes it sound nicer when you say recreation area. I hope that Bluestone does make a recreation area including activities for young children and seniors.

Zoning Chairperson Konigsberg asked Stephen Everett of NYC Planning for edification purposes, what should we be looking for; should we be suspicious of anything? What is the standard of review for such an application?

Answer: *[Stephen Everett, City Planning]* – The building was built pursuant to rezoning and a special permit which no longer exists. The provision in the zoning resolution that does exist for Housing Quality Special Permits allows those buildings that were built or applications that were begun while that provision existed, to modify the conditions to relieve situations like this. In that regard it was referred out for public review so technically the Board does not have to vote. It is really nice that you held a Public Hearing and will issue a recommendation. It is very straightforward. They basically cannot make many changes at all. This removal of commercial space and addition of residential space is as simple as it gets.

Susan Cleary –

Do they have seating facilities in this recreation/backyard?

Answer: *[Adam Rothkrug]* – The original housing quality approval provided that you had to have certain recreation areas. It didn't provide that you had to have seating or shuffle boards. It provided what we can refer to as passive recreation areas. I didn't mean to be misleading, that is a legal phrase from the original approval.

Kevin Forrestal:

In the new area you are going to solicit information and desires from the tenants?

Answer: *[Adam Rothkrug]* – The new indoor area. The outdoor area may be improved by adding some more in the space.

Zoning Chairperson Konigsberg advised that there was a City Environmental Quality Review done and they came out with a negative declaration which is a good thing.

James Gallagher Jr. –

I have no problem with the application. I remember the building when it was a gas station. I grew up in Fresh Meadows. I remember the first Public Hearing I ever attended was when that was converted. Originally it was supposed to be a six-story building. One of the concerns that people have had over the years is coming in and out of the garage. Is there some way to have a signal to let people know that cars are coming in and out? That would be very helpful. Also there are rumors about the Post Office. I spoke to the manager of the Post Office and she said that the Post Office told the residents not to renew the postal boxes.

Answer: *[Adam Rothkrug]* – Very late in the process, City Planning suggested that we perhaps modify the regulations with regards to the Post Office. That was not based on us thinking that the Post Office was going to leave. To be honest, we were concerned that if we were going to modify that we would come up with a list of potential replacement uses that the community would be happy with or restrictions against uses that they will not be happy with. We were already at this for a long time and it would probably have delayed us another six months or more so we decided that we would just move forward with this approval. If the Post Office does leave we would come back and revisit the question of what might be appropriate at that location.

The Post Office sorting facility is part of Federal Realty correct?

Answer: *[Adam Rothkrug] – We just have that portion underneath the apartment building.*

Ari Gershman – Council Member Barry Grodenchik –

The issue of the Post Office had been raised previously. We were told by Congress Member Grace Meng’s office that she made an inquiry and was assured that the Post Office was staying there.

Answer: *[Ira Lichtiger] – I don’t remember exactly when, but they recently renewed their lease.*

Marc A. Haken made a motion to accept ULURP Application No. M851031D ZSO, Special Permit Application for 193-02 Horace Harding Expressway, Fresh Meadows, NY seconded by Susan Cleary.

Zoning Chairperson Konigsberg asked if there was any discussion for this motion. Seeing none, he asked for a roll call vote.

Vote:

8 in favor

0 opposed

Board Members who voted in favor: Edward Chung, Susan Cleary, Maria DeInnocentiis, Kevin Forrestal, Bhitihara-Martha Fulton, James Gallagher Jr., Marc A. Haken and Steven Konigsberg.

Board Members who voted against: None

The motion was passed unanimously

Zoning Chairperson Konigsberg noted that this matter will be on the Agenda for the full Board Meeting on Wednesday, June 14, 2017 at 7:30 p.m. at Hillcrest Jewish Center.

Adjournment

This Public Hearing adjourned at 7:50 p.m.

Respectfully submitted

Alma Karassavidis, CB8 Staff

June 6, 2017