

REGULAR BOARD MEETING
AND
PUBLIC HEARING MINUTES
JUNE 5, 2015

BOARD MEMBERS PRESENT:

M. Ali, A. Antonino, J. Ariola, A. Bellantoni, N. Beneduce, B. Braton, J. Calcagnile, J. Caruso, J. Cavanagh, Ciulla-Frisone, A. Cosentino, F. Dardani, I. Dimoh, G. Duldulao, P. Ellison, J. Fazio, M. Finnerty, A. Gellineau, L. Gerardi, D. Gilmartin, P. Granickas, R. Hitlall, E. Holland, H. Kamph, C. Malizia, R. Martinez, D. Mitchell, S. Pace, J. Patron, D. Quintana, B. Ramsundar, M. Salim, N. Santiago, I. VanPutten, M. Vecchio, L. Walker

BOARD MEMBERS NOT PRESENT:

L. Amorim, P. Baumann, R. Ferrara, P. Lynch, J. Quijano, G. Russo, D. Sookram Singh

COMMUNITY BOARD 10 STAFF PRESENT: K. Petersen, D.M.; M. Turso

OTHERS PRESENT:

Hon. J. Addabbo; Hon. P. Goldfeder; Hon. E. Ulrich; L. Savinkin, Rep., Hon. H. Jeffries; I. Alam, Rep., Hon. D. Weprin; V. Mahadeo, Rep., Hon. J. Sanders; N. Alvarado, Rep. Hon. M. Miller; J. Greenfield, Rep., Hon. P. Goldfeder; P. Osina, Rep., Hon. S. Stringer; J. Rose, Rep., Hon. R. Wills; L. Patterson, Rep., Hon. R. Wills; A. Brown, Rep., Hon. E. Ulrich; D. Brown, QBPO; M. Herlitz, QDCP; C. Filomena, Governor's Office of Storm Recovery; E. Lindsey, Mayor's Office of Recovery & Resiliency; D.I. J. Schiff, C.O. 106 Pct.; Det. K. Zorn, 106 Pct.; A. Austria, Resorts World Casino; M. Nacmias, Rep., Blink Fitness

The Chairperson began the meeting at 7:45 P.M. and asked that everyone stand for the Pledge of Allegiance. Before opening the evening's public hearing, she acknowledged the presence of Deputy Inspector Schiff, who she invited to speak, as he had to leave for another engagement. The Deputy Inspector spoke briefly about the continuing problems of ID theft, various crimes, including robberies and drug arrests in the area and encouraged everyone to attend the Community Council meeting on Wednesday at 8 pm at the 106 Precinct. The chairperson then acknowledged State Senator Joseph Addabbo and invited him to speak. The Senator stated that there were 7 sessions days left in Albany to attend to State business that must be done, much of which will expire at the end of this year, including mayoral control of city schools, and rent control. He commented that he had an opportunity to speak with DOT Commissioner Polly Trottenberg and had stated to her his views reflecting issues of concern in regard to DOT's plan for Select Bus Service. He thanked the Community Board for the work they do and wished everyone a Happy Father's Day.

(E. Holland arrived at 7:55 pm)

(L. Gerardi arrived at 7:55 pm)

She then opened the public hearing for the evening. Pursuant to Section 73-36 of the New York City Zoning Resolution, an application has been filed with the Board of Standards & Appeals; BSA Cal. No. 52-15BZ for a Physical Culture Establishment (PCE) to be operated as Blink Fitness within a cellar and one-story commercial building currently under construction in a C2-3/R6B zoning district at 102-16 Liberty Avenue, Ozone Park, NY. Mr. Michael Nacmias, attorney for Rothkrug Rothkrug & Spector LLP gave the presentation. He stated that the site is a corner lot with 9,646 sq. ft. in area. At the present time plans have been approved and a partial permit issued for construction of a cellar and one story commercial building consisting of a cellar of 8,008 sq. ft. and first floor with 9,642 sq. ft. of floor area. It is proposed to maintain a portion of the building as a Blink PCE through an entrance located on Liberty Avenue. The cellar will include the locker rooms, fitness areas and mechanical space. An internal elevator, along with stairs will provide access to the first floor, which will include additional fitness areas as well as the reception area, retail area, office and storage areas. The premises will comply with Local Law 58/87 as approved by the Department of Buildings and will include approved interior fire alarm and sprinkler systems as well as noise attenuation measures to comply with the Department of Environmental Protection regulations. The PCE will be operated as Blink Fitness and it is anticipated that it will eventually have 7000 to 8000 regular members with patron visits estimated at 700 to 900 per day. Peak weekday hour will be between 6 pm and 7 pm with approximately 150 patrons in the facility. The peak weekend hours will be noon to 1 pm on Saturdays with approximately 75 patrons in the club. The proposed hours of operation are Monday to Saturday, 5:30 am – 11 pm

and Sunday, 7:00 am to 9:00 pm. Mr. Nacmias stated that total staff is estimated at 30, including management, sales personnel and front desk personnel, some of which will be hired from the local community. It is anticipated that the majority of members will be residents of the neighborhood and employees of the nearby commercial uses that will walk to the facility. Pursuant to the rezoning in 2012, no parking is required in connection with the proposed use, which falls within the waiver provisions of Section 36-231. There is on-street parking available on both sides of Liberty Avenue as well as on 103rd Street. The Chairperson Braton asked if there were any questions or comment from the public. There were no questions or comments from the public. The Chairperson closed the public portion of the hearing.

(J. Cavanagh arrived at 8:00 pm)

She then turned the subject of the PCE over to the Chairperson of the Land Use Committee. He explained that a committee meeting had been held and Mr. Nacmias was present then to give a presentation. He stated that there were a few issues that needed to be discussed. The biggest issue was that of parking. The Land Use Committee Chairperson stated that with the commercial zoning that this site is in, the applicant has to demonstrate that he's showing 400 sq. ft. divided into the maximum square footage of the building, bringing his parking requirement number at 24 cars. However in the current zoning resolution there is a waiver requirement. In his zoning district if he falls under 25 that amount of parking space does not need to be provided, it is waived. That is how they were able to create the one story building completely covering the lot 100%. On the other hand, there is an issue with that and Mr. Nacmias was asked to look into this with Blink Fitness. As tenants, they are asked to look in the vicinity to try to provide some sort of off-street parking. Residents living up and down those blocks from Liberty Avenue south and north live in houses that are small so the Blink patrons will be taking up residential parking, adding to the already difficult parking situation in that area. The response from the community would not be favorable. The one good aspect is that Blink Fitness is not a 24/7 operation. The Land Use Chairperson believes that Blink is looking into some sort of resolution. This PCE is for 10 years. Mr. Nacmias stated that he communicated this concern to Blink Fitness and they are looking into it. He stated that another issue that was brought to the attention of Mr. Nacmias was the fact that on his Schedule A, the cellar is shown as storage only and the physical cultural establishment only on the first floor. The Land Use Chairperson explained that to the Board, this is a major issue because it results in almost doubling the facility with the square footage in the cellar. The Board would like to see that corrected by the applicant prior to the BSA approving it. That will be one of the Board's recommendations. He asked if there were any further questions or concerns from Board members. Discussion ensued regarding the parking issue.

(G. Duldulao arrived at 8:05 pm)

The Board Chairperson asked if there were any more questions. There were none. The Land Use Committee recommendation was to approve with the Board's conditions that the Schedule A issue be corrected and that the facility seek off-street parking prior to the approval from the BSA. Absent that correction, the approval recommended by the Board will be only for the PCE to be on the first floor. The Chairperson asked if there was any discussion on the motion. A member questioned why the Board would approve this application without a plan. He understands the one condition where they would be doubling the amount of space, however he asked if the applicant could come back to the Board after these conditions are satisfied. Mr. Nacmias was asked what his time frame was. Mr. Nacmias stated that they would like to get the approval over the summer from the BSA. Discussion ensued. The motion is to approve the PCE on the first floor at this time. Prior to the final approval by the BSA, in our recommendation, the Schedule A needs to be amended and corrected to show occupancy in use in the cellar for a PCE. Discussion ensued. The Chairperson reiterated the recommendation stated that approval would be for only the first floor unless the cellar use is reflected in what will eventually be the Certificate of Occupancy. Mr. Nacmias stated that he would make sure that this would be corrected. All were in favor of the recommendation, with 0 opposing, 0 abstaining. Motion carried.

Chairperson Braton acknowledged the presence of Assembly Member Phil Goldfeder and invited him to speak. The Assemblyman commented on the recent theft of copper from the A-Train line and the massive commuter problems it caused. He spoke of the dangers emergencies of this nature can cause. He adamantly stated that there needs to be more invested in our transportation infrastructure. The Assemblyman said that he has asked the Office of Emergency Management to work with the MTA to find contingency plans that work. He wished everyone a happy and healthy summer.

The chairperson then opened the meeting to the first guest speaker for the evening, Ms. Claudia Filomena of the Governor's Office of Storm Recovery who gave an update on the NY Rising Community Reconstruction Program.

She explained that her office is responsible for administering the State's HUD Sandy recovery money. The New York Rising Community Reconstruction Program, which was announced by Governor Cuomo in April of 2013, is a more than \$650 million planning and implementation process established to provide rebuilding and resiliency assistance to communities severely damaged by Tropical Storm Lee, Hurricane Irene and Super Storm Sandy. The office handles programs upstate, on Long Island and in New York City. She explained the Storm Recovery Program, stating how the Community Reconstruction Program operates which includes 102 communities across NYS. Beginning in 2013, there were community-based planning committees made up of local neighborhood residents. She stated that the State came to those communities and advised that each of the communities have an allocated amount of funding. The entirety of Howard Beach was provided \$18.5 million of the federal money for projects they would like to see to make the community more resilient to other storms, including intense rains. She indicated the Howard Beach Committee is co-chaired by CB10's Land Use Chairperson and several other members of the Board served on the New York Rising Committee along with several other local members of the community. That Committee came up with a plan that outlines the community's needs and recommended a number of projects. The plan was submitted to the Governor's office last year. The Governor's office is now working to get these projects from paper into actual physical construction projects. During various meetings, one of the things realized by the committee was that after Sandy the many who were affected did not know where to go to get information. The committee devised the concept of a larger facility, rather than have a recovery center, that would be available for all emergencies including, black outs, nor'easters, etc. where everyone would know where to go to get information and relief. It would also serve as a satellite network as the neighborhoods were so spread out enabling information to be easily obtained. The Governor's Office is now in the final stages of evaluation and site assessments and is asking local communities to find facilities that can be used, for services. There may be more information within a month or so. She also commented on the DEC/ Parks proposal to protect the Howard Beach basins and upper and lower Spring Creek where they are going into the design and construction process. She stated that they are working with DEC and the Army Corps of Engineers to work on the same contract and bring it up to an Army Corps level type of study so that it will be in concert with the work at the lower Spring Creek. She stated that the ACE will actually do the study and it will tie into protections that are going on at the lower Spring Creek. She spoke about how homeowners and business owners can be proactive to protect their properties.

(S. Pace arrived at 8:20 pm)

Ms. Filomena advised that the RFP's would be going out within the next two weeks. The goal is to have local groups that have knowledge of the communities administer these programs. People who live within the community and have businesses within those communities would be needed. She also stated that the West Hamilton Beach Fire House would be retrofitted to protect the building from future storms. Ms. Filomena asked if there were any questions. There were none. She stated that the plan is on their website for anyone interested in reviewing it. The Chairperson thanked Ms. Filomena for her presentation.

The Chairperson introduced the second guest speaker, Ms. Erika Lindsey of the Mayor's Office of Recovery and Resiliency who gave an update on flood maps and information on flood insurance. Ms. Lindsey handed out a 2-sided map depicting the 2007 and 2015 maps, comparing the differences over the course of 8 years. She asked if everyone understood the various color-coded zones and what each code meant. She stated that the finalized maps are not available as yet. She advised that owners in areas where there is moderate risk (X Zone) of flooding are not required to get flood insurance, however it is encouraged to protect property. If property is placed in Zones VE, AE, AO or A in the updated flood insurance Rate Map, owners will likely be required to purchase flood insurance. The maps are going through the update process and are expected to be finalized at the end of 2016 or early 2017. She explained the three Key Actions for property owners that included: understanding your risk and flood insurance purchase requirements, buying flood insurance and resources for help with flood risk information and address lookup: FloodhelpNY.org; flood insurance agent lookup: floodsmart.gov; FEMA Map questions: 1-877-FEMA MAP; FEMA flood Insurance agent referral: 1-888-435-6637 and FEMA National Flood Insurance Advocate's Office: (202) 212-2186. She offered some quick pointers if owners wanted FEMA Sandy claims reviewed. She suggested calling 866-337-4262 or emailing at FEMA-sandyclaimsreview@fema.dhs.gov or faxing at 202-646-7970. She asked if there were any questions. Discussion ensued. Ms. Lindsey asked if anyone had any questions with regard to the maps. She stated that they would continue to communicate and update the community. She stated that she would be happy to come back again for another meeting in the fall. The Chairperson thanked Ms. Lindsey for her presentation.

The Chairperson continued with the regular order of business and asked if there were any additions or corrections to the May minutes. There were none.

CORRESPONDENCE – The Chairperson Braton reviewed some incoming correspondence for the month of May 2015, which included:

- Letter from Commissioner Carrion, of the Administration for Children’s Services.
- Board’s reply to Commissioner Carrion’s letter.

At this point, the Chairperson paused and acknowledged Council Member Eric Ulrich and invited him to speak. The Councilman spoke about the flash flooding event that occurred recently in Lindenwood and other parts of Howard Beach where they experienced flooding in basements and first floors, particularly in the areas 149th Avenue, 151 - 153 Avenues in the 80’s and the 70’s. That wasn’t the only place however that seemed to be the location where the flooding was more severe. He stated that he had an opportunity to speak with the DEP Commissioner Emily Lloyd again, about what DEP is planning to do since that severe weather event last April and the answer that DEP had was that there is a capital plan. As this would take a long time, the councilman commented that there had to be something that could be done in the short term, i.e. the next 6 months. There was talk of the possibility of installing bioswales in Lindenwood. He stated that there are some in South East Queens and they appear to work. He continued stating that the infrastructure in Howard Beach is very old, but that doesn’t mean that something can’t be done to mitigate the flooding that seems to be on an annual basis. This is a serious issue that is only going to get worse in his view. A realistic timeline needs to be determined for a plan to fix this problem. He announced that the city budget is going to be passed this month at the end of June. Various issues will be addressed, i.e. restoring library cuts, more after school programs, etc. He stated that one of the more important issues is cuts to the Department of the Aging. The community has a large senior population that cuts to the department that will not only negatively impact Catholic Charities but seniors that rely on meal programs, transportation programs that are also funded through the Department of the Aging. The deBlasio Administration announced two and a half weeks ago that they were going to drastically cut a lot of the funding that provides those services to the community. If Council does not restore the cuts, it will hurt a lot of people. Council Member Ulrich also stated that Council wants to put more money into funding for more police officers. More cops are needed, with the recent spike in crime. He stated that statistics will say that the population is safer today than in years past, however, when certain categories as rapes, robberies murder, etc., raise the need for more cops in every precinct is apparent. The councilman asked if there were any questions. Discussion ensued. The councilman stated that Council must pass the city budget by July 1st or the State can come in and take over the city through the Financial Control Board. Therefore, it is important to pass the budget. The Chairperson thanked the Councilman then resumed reporting the correspondence:

- Letter from NYC Transportation advising that a speed hump requested for 91st Street between 161 and 162 Avenues has met the criteria for the installation and requested the Board to review. Matter will be scheduled for Public Hearing in Sept.
- Notice of a demolition, 95-11 158th Avenue.
- Request for a Letter of No Objection for JFK Car Service, which is applying for a base license at 132-02 Liberty Avenue. The Board is awaiting further information before this letter can be provided. Also, their off-street parking is not in Community Board 10. Their off street parking is located in Community Board 12. We will support the decision that Board 12 makes with regard to the location of their off-street parking.
- Caribe Car Service is asking for a change in address. A letter of No Objection is being requested. They are moving from 105-08 Liberty to 96-04 Liberty Avenue. We are awaiting further information before the letter can be provided.
- Notice from the Department of City Planning on the Citywide Zoning Text Amendment.
- Letter from the Queens Borough President concerning the formation of the Queens Cultural Initiative. She asked that the Board identify a Board Member to be the liaison to the Initiative. The Board’s liaison will be M. Ali.

- The Mayor's Office of Contract Services has a Public Hearing coming up on the Agency Annual Concession Plan.
- Letter received from Community Board 5 regarding its position on the Select Bus Service.

TREASURER'S REPORT – The Treasurer read the report of expenditures for the month of May 2015.

BOROUGH PRESIDENT'S LIAISON REPORT – Mr. Brown reported that Monday, June 8th at 6 pm there will be a swearing in of the new and re-appointed Board Members at the Hall of Science. All are welcome to attend. Citations will be given out to those who have served various years on the Board. He advised of the new Newsletter, the May-June edition is available. It advises of the goings-on at Borough Hall and events throughout the Borough. He advised that Sunday, there would be a World's Fair Event. He announced that Municipal ID's are being provided at Borough Hall from June 2 – 16 from 9 am to 5 pm on the second floor. He had with him applications for those interested. He spoke about the Select Bus Service Workshop. He stated that the Borough President met with the DOT and they laid out the plan for the Borough President. She felt that the voices of the people who lived in the neighborhood were not being heard and their needs were not being met as well as they should on certain issues that affected those neighborhoods. In order for there to be more information to those affected, he stated that civic associations would be an avenue through which this could be accomplished. It was suggested that the MTA and DOT go out to the civic associations and present the proposed plan. Some civics are having those agencies present. He commented on those in attendance holding up signs referring to the limited secure placement facility and stated that the Borough President hears their voices against this facility. He stated that it is not the facility that is the problem, it's the placement. The Borough President has encouraged ACS to find another place. She feels this facility belongs in an industrial area, not a residential location. She feels a school should be at that location, not a prison. He thanked Council Member Wills for all of his work on this issue.

DEPARTMENT OF CITY PLANNING REPORT – Ms. Melissa Herlitz, representing the DCP was in attendance. There was no report.

DISTRICT MANAGER'S REPORT – The DM reported that the Board office was notified by DEP that there is a new round of funding for green roofs, rain gardens, permeable pavements and other types of infrastructure. Exciting new updates to the Green Infrastructure Grant Program include, No due dates – applications can be submitted any time throughout the year; quarterly grant workshops – the first one will be on July 8th at 3 pm; Pre-submittal meetings with DEP Staff to review concept plans and application materials. For more information, visit www.nyc.gov/greeninfrastructure. Also, the District Manager reported that the MTA Metrocard Mobile will be in front of the Foch Post office at 126-15 Foch Blvd. on Tuesday, June 30th from 1 to 3 pm. She wished everyone a good summer.

The Chairperson acknowledged the presence of Mr. Pesach Osina, representing NYC Comptroller Scott Stringer, Mr. Jonathan Greenfeld, representing Assembly Member Phil Goldfeder, Ms. Sasha Austrie, representing Resorts World Casino, Detective Ken Zorn of the 106 Precinct Community Affairs, Ms. Israt Alam, Representing Assembly Member David Weprin, Mr. Larry Savinkin, representing Congressman Hakeem Jeffries, Mr. Vishnu Mahadeo, representing Senator James Sanders, Ms. Nanette Alvarado, representing Assembly Member Mike Miller, Mr. Jahai Rose and Ms. Leslie Patterson, representing Council Member Ruben Wills and Ms. Arlene Brown, representing Council Member Eric Ulrich.

CHAIRPERSON'S REPORT – The Chairperson advised that if anyone did not get a copy of the Select Bus Service Presentation that was made at DOT's workshop meeting let her know and she will email. An attempt by DOT was made to answer some of the questions that she raised on behalf of the Board at the SBS meeting. There will be discussion with regard to those answers at the next CAC meeting. The Chairperson said she would report back to the Board the discussions held at that meeting. She asked that an email that was sent to All Board members regarding the CAC meeting be ignored as it was sent in error. A public meeting after the CAC meeting will be held. The Chairperson advised that Ms. Melissa Herlitz of City Planning presented updates to the Resilient Neighborhoods Committee. This project is moving its way through the process. She referred to last month's reference to some of the information that was in the Furman Center report that related to the Board She commented that she read through the report. The chairperson explained that not all research groups have valid information;

however when you have a reputable group such as Furman, who is connected to NYU, which is a reputable think tank, the research that they do is very valid, so you can take their research and draw your own conclusions. She referred to a section of the report dealing with the state of crime and police. Although there are many concerns with this issue, there are also some good things with regard to policing on the crime side. Anyone interested in reading the section can advise her and she will email it. She wished everyone a happy summer.

BUDGET – The Committee Chairperson reported that the Internal Budget for FY 2016 was contained in the Board folders. She stated that the committee has met and reviewed the Internal Budget. The recommendation of the Committee is that the Board approve the FY 2016 Internal Budget as presented. There was no discussion. All were in favor, with 0 opposed, 0 abstained. Motion carried. The Internal Budget was approved.

TRANSPORTATION – The Committee Chairperson advised that the Transportation Committee will be meeting with the DOT regarding the School Safety Improvement Project, which is in the vicinity of Our Lady Catholic Academy at 125-18 Rockaway Boulevard. This meeting will be held sometime in July. The Chairperson clarified that the site was formerly St. Anthony's School and that the site is part of the Safe Routes to School Program. DOT has requested a letter of No Objection from us. Since there has been no presentation on this, a letter of No Objection cannot be provided. They do not want to wait until our September meeting to do any further work on it and therefore a meeting of the Transportation Committee will be scheduled before the September meeting. The Board Chairperson asked for a motion that the Transportation Committee be authorized at that meeting to make the decision as to whether or not the Board sends a letter of No Objection or a letter of Objection in order not to impede the progress by waiting until after our Sept. meeting. Mr. R. Martinez, seconded by Mr. J. Fazio, made the motion. There was no discussion. All were in favor with 0 opposing, 0 abstaining. Motion carried. The Committee Chairperson wished everyone a good summer.

PARKS – The Committee Chairperson reported on continuing problems regarding activities at Gemini Field and requested the Board communicate to Commissioner Lewandowski asking that PEP officers be assigned to Gemini Field on a regular basis to monitor the goings-on.

LAND USE – The Committee Chairperson advised that a presentation was given by Tom Smith of NY City Planning at the last Land Use Committee meeting regarding the text amendment that is working its way through the system at this time regarding affordable housing. Some of the points and changes are welcomed; however as Queens is an outer borough, the biggest issue is parking; the waiving of or decreasing of parking requirements for any developer putting up these types of structures will be a concern. These concerns were voiced to Tom Smith and he will be working with the committee to take these concerns downtown and from what they are getting from other community boards in Queens and also from our Borough President, there is a strong consensus that this has to be looked at and acted on in the proper fashion before this text amendment is approved. Other than that, he stated that there were no other actions. He commented that they are waiting for Blink Fitness to get back to him. He wished everyone a happy summer.

JFK INTERNATIONAL – The Committee Chairperson advised the report was contained in the Board folders.

AQUEDUCT – D. Gilmartin – No report

The Board Chairperson acknowledged Sasha Austrie, representing Resorts World Casino and asked if she had any comments. Ms. Austrie stated that the incident that occurred on May 26th was outside in the parking lot and not in the casino. The casino worked with the NYPD and the shooter was apprehended. She also advised that the recent blood drive that was held was very successful with 21 pints of blood that was collected. She thanked everyone who participated.

GATEWAY – The Committee Chairperson reported on a fish kill that occurred at Jamaica Bay. Normally at this time of year the bass are plentiful. Not this year. He stated that he believes some of this was caused by the antifreeze used to de-ice planes. He stated that he contacted DEC to check the water quality. He wished everyone a happy summer.

CONSUMER AFFAIRS – The Committee Chairperson advised the report was contained in the Board folders.

PUBLIC SAFETY – The Committee Chairperson advised the crime stats report was contained in the Board folders.

LIBRARIES – The Committee Chairperson advised that the South Ozone Park Library will be closed on Monday to install an outside book return.

OLD BUSINESS – Ms. Nellie Santiago thanked the Board for electing her to be Treasurer.

NEW BUSINESS – None

PUBLIC FORUM – Community resident expressed her thanks for the support and efforts of everyone with regard to the proposed ACS prison on 127th Street.

Larry Savinkin, representing Congressman Hakeem Jeffries, commented that the Congressman would be holding “Congress on your Corner” wherein he will be greeting members of the community. He urged everyone to come out and speak with the Congressman.

She wished everyone a safe and happy summer.

The Chairperson adjourned the meeting at 9:40 P.M.

Respectfully submitted by

MaryAnn Turso
Draft, subject to approval