



COMMUNITY BOARD # 4Q

Serving: Corona, Corona Heights, Elmhurst, and Newtown

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Helen Marshall
Borough President

Anthony R. Moreno
Chairperson

Barry Grodenchik
Deputy Borough President
Director of Community Boards

Richard Italiano
District Manager

NOTE: SOME PORTIONS OF THE MEETING DID NOT RECORD

COMMUNITY BOARD MEETING

DATE: TUESDAY, APRIL 12, 2011

TIME: 7:30 P.M.

PLACE: ELKS LODGE #878
82-20 QUEENS BOULEVARD
ELMHURST, NY 11373

I. Chairperson Anthony Moreno opened the meeting at 7:30 p.m.

II. The Pledge of Allegiance was recited by all.

III. District Manager Richard Italiano took the attendance. A quorum was present.

IV. Vote: Minutes of the March 8, 2011 Meeting

Mr. Nick Pennachio made a motion, seconded by Mrs. Miriam Levenson, to **accept** the minutes of the March 8, 2011 meeting.

By a voice vote, the Board voted 35 in favor, 0 opposed, with 0 abstentions. Unanimous. Motion passed.

V. REPORT OF THE CHAIRPERSON

Chairperson Anthony Moreno announced the 110 Precinct Community Council's meeting is being held at the VFW Post 150 on April 18. Mr. Moreno also announced the next two meetings of Community Board 4 (May and June) also will be held at the VFW in Corona.

Additionally, the 110 Precinct Community Council presents its Fifth Annual Fundraiser where Mr. Richard Italiano, District Manager, will be honored as 2010 Person of the Year. Flyers were available with more information.

At this point, new board member Lucy Cerezo-Scully was called upon by Chairperson Moreno to give a brief synopsis of her interests and what she could contribute to both the community and the Community Board.

Ms. Cerezo-Scully responded she is a life-long resident of Elmhurst, but had moved away for awhile. When she returned to Elmhurst, she started to teach. Seeing changes to the community, she is very interested in the community's welfare.

VI. REPORT OF THE DISTRICT MANAGER

District Manager Richard Italiano announced the meeting schedules of the May and June Community Board 4 meetings. Although both are scheduled to be held at the VFW Post 150 in Corona, the May meeting will be held on the second Tuesday (May 10) and the June meeting will be held on the first Tuesday (June 7) because of the swearing-in ceremony on June 14.

At this point, representatives from the NYC Board of Elections addressed the Board. Spokespersons reported on employment with the Board of Elections and also stated poll workers are paid \$200 for each election. Flyers and applications were on hand for those who were interested in applying.

VII. REPORT OF THE LEGISLATORS

Ms. Louise Emanuel, representing Assembly Member Jeffrion Aubry, reported the protection package that would strengthen rent stabilization laws and guidelines was passed by the Assembly. Now, the package goes to the Senate. A part of that package was vacancy decontrol, which was a major issue along with the cap on major capital improvements. The Mayor, based on old statistics, designated some schools in District 24 as underutilized. It is well known the District is extremely overcrowded. One of the schools designated was I. S. 227, this is a major issue. She provided more details about the schools situation.

Next, Ms. Celeste Balducci, representing Council Member Daniel Dromm, congratulated the new Board members. Ms. Balducci reported on the successful restaurant event in Elmhurst, which was held last week. The Board was thanked for its help and urged all to support those businesses in Elmhurst.

Next, she reported on the For Sale cars parked all over city streets in our area. Apparently, there is legislation to address this issue.

Before concluding, she reported Council Member Dromm will address the Board in the very near future.

Next, Ms. Aridia Espinal, representing Assembly Member Francisco Moya, reported she will be the liaison to the Board from the Assembly Member's office. Upcoming events were reported on.

Next, Ms. Yoselin Genao, representing Council Member Julissa Ferreras, reported tomorrow a Forum will be held regarding Shaken Baby Syndrome. This month is Child Prevention month and to bring awareness to the cause, she reported in December in our community, two babies died of Shaken Baby Syndrome. Experts in the field will be in attendance. All are invited to attend.

Next, she reported Council Member Ferreras held a forum regarding overcrowded schools in the district. Details were given. Now, the Council Member is meeting with the Chancellor because action is needed. We need a plan that is proactive to address this issue. Leverage in the community is needed to fight for what we need.

At this point, Chairperson Moreno requested members representing legislators to let the Board know in advance if there are events coming up that would be of interest to the Community Board. These are events that have not happened but will happen. In this way, notification can be included in our mailings and the entire community

would be aware of the event. In the past, some important events were held, which were not known to the Community Board. This would be greatly appreciated.

VIII. NYC PARKS AND RECREATION

No Smoking In Parks Eileen Connolly

Ms. Connolly reported the City Council approved a bill to ban smoking in city parks, along city beaches and pedestrian plazas. The Mayor, City Council, Dept. of Mental Health & Hygiene and the Dept. of Parks & Recreation all supported this legislation.

The new law which takes effect May 23 will reduce exposure to second hand smoke outdoors. Details were provided. Instead of active enforcement, the city will rely on public support. Those who break the law could face fines of \$50 per violation.

Smoking will be allowed on sidewalks outside parks, including sidewalks that form the perimeter of parks. Smoking is permitted in the parking lots of all Parks properties.

The new law will be enforced mostly by New Yorkers who will ask people to follow the law and stop smoking. This is how similar laws have worked in other places, including Chicago and Los Angeles.

Next, Ms. Connolly reported on a new anti-litter campaign, which promises to be successful. 25% of our parks have unacceptable litter. Details were provided. More information was presented on extending the recycling program.

IX. NOMINATION COMMITTEE

Selection of Committee

2nd Vice Chairperson Replacement

According to the Board's bylaws, the Chairperson is entitled to nominate two Board members to serve on the Nominating Committee for 2nd Vice Chair. Chairperson Moreno chose Ms. Laraine Donohue and Ms. Patricia Terranova.

Nominations were now taken from the floor. Ms. Laraine Donohue nominated Mr. Nick Pennachio, seconded by Mrs. Miriam Levenson.

Next, Mrs. Patricia Terranova nominated Mr. Joseph DiMartino, seconded by Mrs. Roseann Geiger.

Next, Mr. Alirio Orduna nominated Mr. Diego Freire, seconded by Mr. Gurdip Singh Narula.

Since there were no other nominees, Chairperson Moreno closed the nominations.

By a voice vote, the Board voted 35 in favor, 0 opposed, with 0 abstentions. Motion to **accept** the above-mentioned nominees passed.

Subsequently, Chairperson Moreno asked all members of the newly formed Nominations Committee to stay after the Board meeting to set-up a day to meet before the May 10 Board meeting.

At this point, Mr. Alex Kipp, from the NYC Conflicts of Interest Board (COIB) was asked to address the Board.

COIB pamphlets were distributed that explained the duties of NYC Conflicts of Interest Board which enforces, administers, and interprets the conflicts of interest law for those who provide services to the City of New York.

Normally, most restrictions cover full time City of New York workers but there are some other restrictions that apply to Community Board members.

Mentioning some of the units of the The Conflicts of Interest Board: Enforcement, and the Advice And Training Unit, which Mr. Kipp heads.

Conflicts of interest can be completely legitimate and usually are a result of someone involved in a legitimate matter which is brought up with their service to the Community Board. However, it must be managed in the right way. Most situations are common sense. However, if in doubt about any issue, call the NYC Conflicts of Interest Board for advice or to answer any questions. COIB is mandated to provide confidential, legal advice. A staff attorney will handle your case and give you confidential advice.

Mr. Kipp pointed out the COIB cannot either confirm or deny your call to anyone. Anonymous calls are also accepted.

If your situation is typical, it may be resolved there and then, but sometimes you may be required to provide information in writing. You may also request a written opinion for your files, even if one is not required.

Mr. Kipp reported on the law had changed in November pertaining to the responsibilities of Community Board members.

He noted Charter Reform, which was carried on the ballot in the November election. As a result of the Conflicts of Interest Law change, the fines increased. A maximum penalty could carry a fine of \$25,000. The other change was that training is mandatory for everyone in New York City government from the highest to the lowest city agency.

Conflicts of interest -- You can always participate in the discussion, even if you have a conflict of interest. And when you face a conflict of interest, practice the three D's.

1. Disclose your conflict and state why it is a conflict of interest.
2. Then, you are free to discuss the issue.
3. Do not vote on the issue.

Mr. Kipp provided examples of matters of conflict. A community board member who owned a business in the community district with a liquor license could not vote on his own liquor license application or on those of people he is associated with.

Secondly, Mr. Kipp spoke about not-for-profit matters. A Community Board member who was an employee of a not-for profit organization could not vote concerning a matter that might provide a direct financial benefit to a donor of such a significant part of the revenues of the not-for profit that those funds constituted the salary of the community board member.

Even when a Community Board member is barred from voting on a matter, the Board Member is permitted to participate in the Community Board's discussion of the matter, provided that the member disclosed his disqualifying interest.

Next, City employees serving on community Boards can discuss an issue but cannot vote. Input is always valuable but you must disclose your interest so others specifically know your stance. Note that full time community board employees are prohibited from having interests in any firms doing business with any City agency, not just the community board for which they work.

Mr. Kipp reported for voting 50% plus 1 is needed to pass a motion. There are three options to a vote: yes, no, and abstain. To pass an issue, more yes votes are needed than no votes and abstentions.

More training sessions are being planned for new Board members. Please call, write, or e-mail COIB for more assistance.

X. TRANSPORTATION

SAPO

- 1. Pioneer Academy**
- 2. Fundacion Ciudad De Milagro Ecuador**
- 3. Together We Can**

Committee Chair Joe DiMartino reported on the following applications for Street Permits:

1. Pioneer Academy Festival Day

Date: June 24, 2011 Start Time: 11:00 a.m. End Time: 3:30 p.m. Setup: 9:00 a.m. Breakdown: 3:30 p.m.
Location: 40-20 100th Street (Between Spruce Street & 48th Road).
Attendees: 600 students and 45 staff members.

The Committee Chair reported the Committee's recommendation was to **grant** the permit.

2. Fundacion Ciudad DeMilagro Ecuador International

Date: Saturday, September 17, 2011 Start Time: 12:00 p.m. End Time: 8:00 p.m. Setup: 11:00 a.m. Breakdown: 8:00 p.m.
Location: Corona Plaza Roosevelt Avenue between 104th Street and National Street
Attendees: 200

The Committee Chair reported last year this group held an event, and no problems were reported. The Committee recommended to **grant** the permit.

3. Together We Can – Juntos Podemos Festival

Date: Sunday, May 22, 2011 (Note: This date had been changed to June 19),
Start Time: 11:00 a.m. End Time: 5:00 p.m. Setup: 9:00 a.m. Breakdown 6:00 p.m.
Location: Corona Plaza Roosevelt Avenue between 104th Street and National Street
Attendees: 500

The Committee's recommendation was to **grant** the permit.

4. DOT Department of Transportation New Commuter Van Service

Applicant: QQ Van Service Inc.
32-27 Leavitt Street
Flushing, NY 11354

Proposed Number of Vans: 15

Proposed Days/Hours of Operation: Mon-Sun/15 Hours Daily

Since the applicant did not supply all information as requested, the Committee voted to **deny** the application. (This application will be again reviewed by the Transportation Committee at its meeting next month.)

Mr. Tom McKenzie made a motion, seconded by Ms. Lucy Schilero, to **accept** the Committee's report as presented.

By a voice vote, the Board voted 35 in favor, 0 opposed, with 0 abstentions. Motion passed.

At this point, Chair son Moreno reported there is an abundance of public transportation van services that clog our streets. If anyone would like to join or attend the Transportation Committee meeting, please do so.

XI. CONSUMER AFFAIRS COMMITTEE

Blue Bird Restaurant Lounge/Exotic's

79-21 Queens Blvd.

Elmhurst, NY 11373

Room Capacity: 330

Monday to Friday – 7:00 p.m. to 4:00 a.m.

Committee Chair George Onuorah reported he visited the site on April 7 and met with Mr. Stephen Singh who took him around the proposed facility with posted occupancy of 396 persons.

Location: Cornish Avenue and Barnwell Avenue, opposite Pan American Hotel.

First floor contains a sushi bar and kitchen. Open area that can serve as dance floor etc.

Second Floor – VIP room for conference, 2 large screen TVs for @ 40 people, DJ booth, and balcony.

Proposed hours of operation: Lunch time to 4 a.m. Seven days a week.

Discussion ensued about proposed hours of operation and hours of operation submitted on the application, which differed.

Security – 3 security teams are vying for the contract. He stated one company will be chosen. Security team will include retired NYPD captains. They have concluded arrangements for parking for patrons with nearby parking facility. The establishment had already applied for liquor license to be picked up Monday.

Instead of outright rejection of request brought to this Board, Mr. Onuorah suggested bringing the proprietors before the full Board to answer questions about their business. Afterward, a vote taken based on the committee report and general membership assessment.

Discussion ensued on what is there now. Mr. Tom McKenzie provided background history and added similar establishments are opening up in the near future, and parking issues, which will be on street parking. Mr. Tom McKenzie also pointed out the school in the area, a church on Cornish Avenue, and McDonald's Restaurant. He mentioned how the establishment will economically survive mentioning area businesses in close proximity to the proposed establishment.

Mr. McKenzie noted the noise level, citing patrons leaving at 4:00 a.m. Although compared to the other two establishments on each side this one, it is the furthest away from residential space. Perhaps, the noise level may be lessened.

Many years ago, the building had a problem with an illegal billboard on the roof.

More discussion ensued on parking.

Mrs. Judy D'Andrea commented she was under the impression those types of establishments were no longer permitted in residential neighborhoods and had to be located in industrial areas.

Mr. Nick Pennachio asked about the safety of the building. Mr. Tom McKenzie responded this building was constructed during World War II, not according to the standards of the time or the standards of today. Look at the billboard that was illegally put up generating so much noise. The Buildings Department had the owners put straps on it to secure it. This building is a questionable building for the number of people in it. There are two floors in this building, lower and upper floors.

Mr. James Lisa pointed out this is a similar situation of other establishment brought up before the Board, where the owners had moved the door to comply.

More discussion ensued on its usage comparable to strip clubs. Chairperson Moreno noted it is a night club opening at 7:00 p.m. and closing at 4:00 a.m, seven days a week.

After much discussion, Chairperson Moreno concluded no vote will be taken on this application until all facts are clarified. It will be held over until all information is received because the information presented is insufficient to make a qualified judgment.

As a result, the application was **tabled**.

XII. PUBLIC SAFETY COMMITTEE

VOTE: SLA Applications

Committee Chair Lucy Schilero reported the Committee met on April 11 regarding the following applications:

New Applicants

<u><i>ESTABLISHMENT NAME</i></u>	<u><i>ESTABLISHMENT ADDRESS</i></u>	<u><i>COMMITTEE RECOMMENDATION</i></u>
A & L Thai Rest. Corp. On Premises Liquor	77-08 Woodside Avenue Elmhurst, NY 11373	Approved
New Deshi Bazar Inc. Beer Only	77-16 Woodside Avenue Elmhurst, NY 11373	Approved

Renewal Applicants

<u><i>ESTABLISHMENT NAME</i></u>	<u><i>ESTABLISHMENT ADDRESS</i></u>	<u><i>COMMITTEE RECOMMENDATION</i></u>
Delicias Cucncanas Bar Rest. Deli Corp. Restaurant Wine	41-07 99 th Street Corona, NY 11368	Denied. Violations from 2008-2010 Several arrests, marijuana, assaults, Petty larceny and 311 noise complaints
Global Entertainment Group LLC dba Play On Premises Liquor	77-17 Queens Blvd. Elmhurst, NY 11373	Denied. No rep. attended Pub. Sfty. Comm. Mtg. Assaults from 11/20/10. 32 complaints, Robbery, grand and petty larceny Seven arrests assault and disorderly conduct.
Heroico Paysandu Inc. Restaurant Wine	89-08 Queens Blvd. Elmhurst, NY 11373	Denied. No rep. attended Public Sfty. Comm Burglary. Harassment 10/2010.

History of misdemeanors & traffic violations.
Seven arrests drug related burglaries.

LaFusta Restaurant Inc. 80-32 Baxter Avenue
On Premises Liquor Elmhurst, NY 11373

Approved.

Nuves Inc. 77-14 Queens Blvd.
Cabaret Liquor Elmhurst, NY 11373

Denied. 2005-2010 history of problems.
Grand larceny, possession of Stolen
Property. Petty larceny. Arrests from
11/20/10 to 2/09.

Reconsiderations

ESTABLISHMENT NAME ESTABLISHMENT ADDRESS COMMITTEE RECOMMENDATION

Sirena Encantada Corp. 87-37 Britton Avenue
Restaurant Wine Elmhurst, NY 11373

Denied. Owner took possession of
location in 2010. Sold to underage and
Sold unlicensed liquor.

Wrong Way Bar 87-33 Britton Avenue
On Premises Liquor Elmhurst, NY 11373

Denied. Owner took possession of location
January, 2008. Assaults, May, 2010.
Petty larceny arrests from June-Dec. 2009.
Past history from 2008 to the present time.

Mr. Tom McKenzie made a motion, seconded by Mr. Alirio Orduna, to **accept** the Committee's report as presented.

By a voice vote, the Board voted 35 in favor, 0 opposed, with 0 abstentions. Motion passed.

XIII. PRESENTATIONS

Jackson Heights – Elmhurst – Corona
Poverty Study
The Jackson Heights-Elmhurst Kehillah

Ms. A. Gerstein reported the Jackson Heights-Elmhurst Kehillah strengthens the interests of the Jewish community, promotes the inter-group relations and provides public benefits enrollment, assistance, social, medical, recreational, occupational, educational and cultural services for all residents of Jackson Heights, Elmhurst and Western Queens. The Kehillah operates from two locations 37-06 77th Street, Jackson Heights and the Lefrak Jewish Center, 98-15 Horace Harding Expy. Kehillah means Community.

At this point, Mr. Tom McKenzie requested Newtown be added to the Board's letterhead. There is Newtown High School, the Newtown Subway Station, and more.

Mr. Tom McKenzie made a motion, "In honor of the history of this area we have the courage to put Newtown on the Board's letterhead as part of this community to take pride in being the oldest, permanent settlement in Queens County and we don't forget it. When people read George Washington's journal, they will know about Newtown". Motion seconded by Ms. Audrey Galligen.

Before the vote was taken, Chairperson Moreno explained a yes vote means to add Newtown to the Board's letterhead. A no vote means not to add Newtown to the Community Board letterhead.

By a roll call vote, the Board voted 32 in favor, 2 opposed, with 0 abstentions. Motion passed.

Newtown will be added alphabetically on the Board's letterhead, said the District Manager.

XIII. COMMITTEE REPORTS

Parks

No Report. Committee Chair not in attendance.

At this point, Ms. Ann Pfoser Darby requested Mr. Tom McKenzie to write a report on the history of Newtown. Discussion ensued about the Newtown area. Mr. Tom McKenzie agreed to the request.

Then, the Chairperson resumed with the Committee reports:

ULURP & Zoning

Committee Chair Miriam Levenson reported the Committee did not meet last month. However, a meeting is scheduled for April 19.

Health

Committee Chair Priscilla Carrow reported the Committee did not meet.

Next, Chairperson Moreno reported new Board committees will be formed. Forms were handed out and the Chair instructed the Board members to write their name on the form and circle the committees they would prefer to serve on and return it to the Chair before leaving.

For the benefit of the new Board members, Board Treasurer Joseph DiMartino explained the Sunshine Fund. \$15 per person is collected for cards and the Annual Holiday Party.

XV. PUBLIC FORUM

Good & Welfare Of The District

Mr. John Krall reported he is advocating re-opening Parkway Hospital as The Gloria D'Amico Medical Center). With private funds totaling \$70 million to buy the building from its former owners, support is needed.

Traveling to Albany the end of this month to speak to the Governor's office and the DOH, the typical hospital process is two years. Albany must approve the plans for a hospital for the investors to buy the building. In the interim, however, the property owner is trying to sell the building. Time is of the essence. Basically, he is requesting Community Boards to reach out to the elected officials to enlist their support.

It will be a full service community hospital with a 20 bed Emergency Room that will offer 24 hour state of the art medical care to the surrounding community such as Forest Hills, Rego Park, Woodside, Jackson Heights, Corona, Elmhurst, Middle Village, Glendale, Maspeth, Woodhaven and Ridgewood.

At this point, Mr. Krall took questions. Ms. Ann Pfoser Darby asked if Mr. Krall would be able to do anything about the St. John's Queens Hospital property. Mr. Krall responded it was sold to a developer and gutted.

Mr. Krall also reported with the proper approvals, The Gloria D'Amico Medical Center could be opened in six months.

He urged all Board members to call the elected officials and support this vital community project.

Next, an attorney for the Blue Bird Restaurant addressed the Board. He was not aware the application was scheduled to be heard tonight. An application was submitted to Community Board 4 July, 2010.

Then, the Community Board schedules a hearing to enlist comments. Nothing was heard until the application was filed with the State Liquor Authority and preliminary comments were received from the SLA.

In November 2010, approval was sought from the SLA. At that time, the applicant was informed Community Board 4 did not approve their application. The applicant immediately contacted the Community Board to ask why the application was disapproved. The attorney stated the applicant was never notified of any hearing or meeting with the Community Board.

He requested an opportunity to be heard. He had addressed the Public Safety Committee of the Board where the Committee had agreed to withhold the vote because the applicant did not have a temporary C of O. It now has been received and a copy submitted to the District Manager Richard Italiano.

The District Manager responded the application heard was for a cabaret license. Mr. Italiano continued this has nothing to do with the establishment's liquor license. The Board discussed the cabaret license tonight, and it had been held over until the May CB meeting because of a lack of information.

Mr. Lou Walker asked the hours of the operation. Since the owner was in attendance, he responded it will open for lunch at 12:00 Noon until 4:00 a.m., seven days a week. The District Manager questioned why the application submitted to the Dept. of Consumer Affairs stated it would be open from 7:00 p.m. to 4:00 a.m. District Manager Italiano said there are two different pieces of information before the Board.

Subsequently, the owner said he would like to be open for lunch hours.

Discussion ensued.

The attorney said this establishment is a restaurant with possible dancing for patrons. It is not a strip club. The C of O specifically states it is not an adult establishment.

At this point, Chairperson Moreno closed the discussion and said no vote will be taken tonight. Furthermore, the attorney should attend the May 10 CB meeting to present the application to the Board where an opinion will be rendered.

Next, Mr. Tom McKenzie reported on monies he is donating to the community.

There being no further business, Mr. Alirio Orduna made a motion, seconded by Mr. Nick Pennachio, to adjourn. Meeting adjourned at 9:00 p.m.