

**Community Board 1**  
**June 17, 2014**

Mr. Vinicio Donato, Chairperson of Community Board 1, commenced meeting at 7:00 pm by introducing public hearing item from Board of Standard and Appeals (BSA) #29-10-BZ – Premises 23-32/36 31<sup>st</sup> Street. Application seeks to secure an extension of the terms of the special permit previously granted, for an outdoor dining area partially located within a C1-2 and R5 zoning district. Mr. Richard Lobel of Sheldon and Lobel, P.C., came up on behalf of the application. The application came up before the Board in 2010 for a special permit to extend the commercial use of 25 feet into the residential district. At that time, CBI had several conditions including no smoking in the outdoor area and hours of operation. The applicant has complied with all the conditions and is back before the Board. In 2010 the application had a term that ended in 2014, since that time the applicant was in the process of adding noise-attenuating wall panels with BSA approval and they have restricted their hours as per the request of the Board. They would like to extend the special permit and to allow the outdoor seating of the restaurant and should the Board vote in favor of this seek to ask the BSA to eliminate the term so that the applicant does not have to come back every three years. He stated that this is legitimate for the following reasons that Jim (the owner) has been a member of the community for a number of years. He operates it in a clean and efficient manner. He has proved that he is a good neighbor. There is significant amount of distant from the rear wall of the restaurant or the outdoor area and the residences on 29<sup>th</sup> Street. This has contributed to the operation of the restaurant which is quite and considerate of the community. The second reason is that this is a special permit application not a variance. Special permits unlike variances do not require a waiver, this is just a satisfaction of petitions. The petitions basically states that if the premises has been operating and is not impairing the area then it really deserve the grant. Ms. Erion asked if he could explain the distance from the adjacent residences, what goes on out there, and the depth of the seating area. Mr. Sheldon stated that the property itself extends back beyond a 100' from 31<sup>st</sup> Street and goes into residential portions which is the reason for the special permit, however because of the extraordinary depth of this property there is actually 65' clear between the rear wall of the adjacent residences on 29<sup>th</sup> Street and the rear wall of the enclosed space (open space with walling) for sound attenuation of the restaurant area. There is 65' between those two properties which is comparable to a street. He believes that there are 18 tables and 74 seats and has been operating within the conditions of the BSA. The only thing they are seeking, in addition to the extension of term, is the moderation of the sound attenuation material. They were originally asked to do metal sheeting, they spoke to the manufacturer and found a much more powerful non-metal material which is a lot easier to work with, more attractive and has the same sound attenuating properties. Ms. Erion asked when is this going to be installed, will it be after the approval of this application. Mr. Sheldon stated that the material has already been installed. Ms. Erion asked what the hours were for the outdoor café in the rear. Mr. Sheldon stated that the outdoor café hours will be 11am to 10pm weekdays and 11am to 11pm on weekends. Ms. Erion asked if there will be music outdoors and will they serve liquor outdoors. Mr. Sheldon stated that there will be no music and they serve liquor outdoors. Ms. Erion asked if there was anyone on the Board who had any questions for the applicant. Ms. Mary O'Hara asked what the name of the premise was. Mr. Sheldon stated it was Mojave. Ms. Frances McDonald asked when this was approved by the BSA. Mr. Sheldon stated that the application was filed in 2010 and was approved in 2011. Ms. McDonald asked how the Board voted on the last application. Mr. Sheldon stated that the Board voted 29 in favor and 4 against with the stipulation that there is no smoking in the outdoor area, closing hours no later than 10pm on Sunday thru Thursday and 11pm on Friday and Saturday, no outside music, and plantings on the outdoor perimeter no higher than 6'. Ms. McDonald asked if they are going to ask the BSA to waive these rules so you don't have to come back for renewals. Mr. Sheldon stated that there are two things, there is an amendment upon BSA approval that will allow them to waive the term of three years on the application which requires them to keep coming back every three years. While the special permit has conditions which the applicant will need to comply with this will enable them not to have them to keep coming back to the Board and the BSA. The waiver of the rules is something different, if you go for your application within 30 days before the expiration, in this case is February 2014, BSA requests that they waive the request for the special waiver rule. Ms. Antonella DiSaverio asked if the establishment is sold does the waiver continue on the establishment. Mr. Sheldon stated that it was a great question, the applicant at this time operate under conditions for this existing restaurant, the restaurant is approved in accordance with the site plan and specific layout; where the seats may be and the hours of operation. If another restaurant came in they would have to abide by all the conditions in place and if they want any changes they would have to come back before the Board. Ms. DiSaverio asked if we could add a condition that the application ends if the establishment is sold. Ms. Erion stated that is something that can be discussed with the committee. Mr. Sheldon stated that the BSA has conditions in their regulations on the change of ownership they will need to seek approval and come back to the Board. Only Mojave will benefit from the condition, if the Board and BSA choose they can put that condition in for BSA approval. Mr. Donato asked if there was anyone in the audience who wanted to speak for or against the application. There was no one. No further discussion. Item closed.

Mr. Edward Babor, read the public hearing item from the Department of Consumer Affairs (DCA) #6866-2014-ASWC – Premises 31-19 Newtown Avenue (Katch Brewery Grill). An application to establish an Unenclosed Sidewalk Café with 13 tables and 26 seats. Mr. Pappas spoke on behalf of the application. They are requesting 13 tables and 26 seats, no violations, and no music outside. (Audio Malfunction)

The next item #7368-2014-ASWC – Premises 36-02 Ditmars Blvd. (60 Beans). An application to establish an Unenclosed Sidewalk Café with 12 tables and 24 seats. (Audio Malfunction)

The next item #1427125-DCA – Premises 36-18 30<sup>th</sup> Avenue (Sugar Freak). An application to renew the license to operate an Unenclosed Sidewalk Café with 6 tables and 12 seats. Ms. Kathy Whitley a partner of the establishment spoke on the behalf of the application, no changes to the application, no violations. Mr. Babor asked if there was any music on the premises. Ms. Whitley replied “No”. Mr. Donato asked if there was anyone in the audience who wanted to speak for or against the applicant. There was no one. No further discussion. Item closed.

Mr. Donato welcomed Mr. John Carusone back after being away for a year. Mr. Carusone stated that he was glad to be back and thanked all the people who were concerned and called him. It really gave him inspiration and help through a difficult time. He feels much better and hopes to be here for another 30 years.

#### **VOTING:**

Ms. Elizabeth Erion reiterated public hearing item from BSA #29-10-BA – Premises 22-32/36 31<sup>st</sup> Street. Application seeks to secure an extension of the terms of the special permit, previously granted, for an outdoor dining area partially located within a C1-2 and R5 zoning district. Ms. Erion stated he committee met and recommended on the 3 waivers that the applicant is seeking. We are supportive of the waiver to permit them to occupy the R-5 area we are supportive of that. The second, regarding the request which would waive the term of this BSA to eliminate the need to go back to BSA every 3 year, this can be increased to every 5 years but we do not want to eliminate it. The third, is the waiver for the 30 day limit to renew the application, the Board supports this in this particular case. In the future the applications will have to be done on a timely basis. These are the recommendations of the committee with the motion to accept, seconded by Mr. Babor. Mr. Donato asked if there were any questions. Mr. Aliberti asked where the R-5. Ms. Erion stated that the R-5 is located 100’ from 31<sup>st</sup> Street, the restaurant front is on 31<sup>st</sup> Street, and the depth of the commercial overlay is only 100’. R-5 is from that point back. Mr. Aliberti asked if that is in between buildings. Ms. Erion stated that it is not in between buildings, it is mid block. The parcel is irregularly shaped and the back is very narrow and goes from the back of their parcel all the way back to 29<sup>th</sup> Street. It’s an unusual situation and an unusual piece of property. Mr. Aliberti stated that his concern is that sliver of property that goes between buildings to 29<sup>th</sup> Street. Ms. Erion stated that there is a site plan that has been submitted with the application and it shows that parcel is vacant and a piece of their property has to remain vacant in according to the site plan and the BSA for the special permit. Mr. Aliberti asked if there is access from 29<sup>th</sup> Street. Mr. Sheldon stated that there is only an emergency exit and it is not used for parking. Mr. Khuzami asked if they could clarify whether the special permit would go to someone else if they purchased the property. Ms. Erion stated that if someone else purchased or rented the property and used it as a restaurant shown on the plans they would be able to do it. If they deviated from the site plans, they would have to resubmit a request for use for special permit. It can continue for a new owner as approved with the same conditions of the special permit, but it will have to go back to BSA and Board for any changes. Ms. Erion stated that the committee reconsiders approval of the application with stipulations, seconded by Mr. Ryan. No further discussion. Mr. Donato called for a vote. Motion called and carried with 1 against.

Mr. Babor reiterated public hearing item from DCA) #6866-2014-ASWC – Premises 31-19 Newtown Avenue (Katch Brewery Grill). An application to establish an Unenclosed Sidewalk Café with 13 tables and 26 seats. The Committee met and recommended approval of the application, seconded by Ms. Alaforgiannis. Mr. Donato asked if there were any questions. No further discussion. Mr. Donato called for a vote. Motion called and carried with 1 against.

The next item #7368-2014-ASWC – Premises 36-02 Ditmars Blvd. (60 Beans). An application to establish an Unenclosed Sidewalk Café with 12 tables and 24 seats. The Committee met and recommended approval of the application with amendment to 6 tables and 12 seats, seconded by Ms. Perno. Mr. Donato added that the owner will sign an agreement to the reduction of tables. Mr. Donato asked if there were any questions. No further discussion. Mr. Donato called for a vote. Motion called and carried unanimously.

The next item #1427125-DCA – Premises 36-18 30<sup>th</sup> Avenue (Sugar Freak). An application to renew the license to operate an Unenclosed Sidewalk Café with 6 tables and 12 seats. The Committee met and recommended approval of the application, seconded by Ms. Demakos. Mr. Donato asked if there were any questions. No further discussion. Mr. Donato called for a vote. Motion called and carried with 1 against.

#### **GENERAL DISCUSSION:**

Mr. Donato asked if the Board remembered Cornell University coming before us regarding the Tech

Campus to be built on Roosevelt Island. He reported they spoke at the Borough President's Board meeting yesterday. If you remember, the Board stated that they did not want the construction material to come through our neighborhood. They stated that they had barges to dump their construction materials and we did not see anything on our side. If they didn't use barges the trucks would have killed the neighborhood streets. The streets are not built for heavy load trucks. It was a good thing that occurred yesterday.

Ms. Jennifer Manly, Queens Library, stated she is with her colleague Rich Tilden; they are pleased to let the Board know about an upcoming improvement and modernization at the Steinway Community Library. The project is in design and is slated to go through the approval process with the Public Design Commission. There are installing an elevator to provide additional access. They will be restoring the exterior masonry and replace the roof. It is a Department of Design and Construction project and library compliance. It is slated to start in the summer of 2015. Mr. Donato asked if they wanted a letter on behalf of the Board. Ms. Manley replied "Yes". Mr. Donato asked what they would like the letter to say. Ms. Manley stated that the letter to say that the Board has seen the project and that the Board is in support of it. Mr. Donato asked if there was any Board member who had a question on this project. Ms. Joan Asselin asked if people will have access to the library during construction. Ms. Manley stated that there will be access during some of the construction and like other libraries that have gone through construction they provide interim services with either a mobile library or storefront trailer. They are not quite there yet. Mr. Donato asked what she would like the letter to say since the Board has to vote on it. Ms. Manley stated she would like a letter of support from Board to say that the Board is aware of the upcoming renovations at the Steinway Community Library and is in support of the project. Mr. Mullarkey asked if the renovation will make the library 100% handicapped accessible. Ms. Manley stated yes, the elevator will provide access to rest of the building and there is an existing ramp in the building. Mr. Donato called for a vote, seconded by Mr. Mullarkey. Motion called and carried with 1 against.

Ms. Erin Moore introduced herself as the new Executive Director of the Astoria Performing Arts Center replacing Taryn Sacremon who has moved onto the Director of the Queens Theater in the Park. She thanked Ms. Hartmann for distributing the upcoming Senior Stars performance information which will be at their performance space at the Good Shepherd Methodist, 34-44 Crescent Street. They look forward to seeing everyone one there and at future events. Ms. Taryn Sacremon wished her lots of luck.

Ms. Marie Samowitz, Parent Association of William Bryant High School, stated she is with Ms. Bowers, Ms. Fernandez, Ms. French, and Ms. Casavowitz and they would like to introduce their high school to the community and would love the community to be involved with the children at the school. The HS has close to 3,000 children and 50% of the children live in the community. They would love to have the CB1 member's participate and visit the school and interact with the children.

Mr. Anthony Pappas, resident, stated that he was a community board member almost 40 years ago. He provided the Board with a handout of his personal concerns. He stated that there are several problems with the value system and asked that the Board write a letter to Senator Gianaris and Senator Simotas requesting a meeting with him to discuss the concerns that he has.

Ms. Eleni Daniels spoke on behalf of the People for the Pavilion (PFP). She recently became involved with this group that is hoping to raise awareness and preserve the Pavilion constructed for the 1965/66 World Fair in Flushing. Ms. Daniels noted on August 1<sup>st</sup> they are partnering with the Mets who will give a portion of every ticket sold that evening to PFP. Anyone interested in obtaining information on the organization can go to [www.nyspavilion.org](http://www.nyspavilion.org). Mr. Mathew Sutter, NY Mets, stated that on August 1<sup>st</sup> the Mets will be playing against the San Francisco Giants. The Mets in cooperation with People for the Pavilion for a special ticket offer online which is going to help bring money back to continue their work. They are trying to bring as much awareness to the event and the structure as possible. There will be a recognition T-shirt as well. They will have the opportunity to make an announcement. He is happy to support it by reaching out to all the community boards. If you come out to a Mets game this year bring out your group or your organizations. There are flyers for further information.

Ms. Alice Riley, Director of HANAC Senior Center, stated that she is very happy to announce that they have become the innovative Senior Center which means they will have an increase budget for arts and education and will be able to expanding their lunch program. They will be able to provide 5 extra classes a day. The center is open to anyone over the age of 60 and all are welcomed regardless of income or background. If you know someone who could benefit from an exercise class or a lovely lunch come down to the center and see what we have to offer.

Ms. France McDonald, came up to speak as a public member, stated that she has won awards as a community activist. She would like to put forward a motion that the Board could approve or not to write to our state representatives Senator Gianaris, Senator Simotas, Senator Peralta, and other elected

official in our area. There is an assembly bill and a senate bill in both the committees on cities that requires developers to post in escrow an amount of money equivalent to 10% of the overall total of their development to be available for claims of damages to surrounding homes. She will do everything she can to have this legislation recognized and passed. It is near the end of the session, but she will not go away on this. She has stood for certain homes that were damaged on 32<sup>nd</sup> Street and with all this development that went on in Dutch Kills there were sad, sad stories. People had to walk away from their lifetime investments and now we have the coves. She thinks that by sending this kind of letter it is hardly a drastic idea. Mr. George Stamatiades motioned to send a letter to every elected official in Albany Senate and Assembly as well as the leadership that we support the bill in question. Ms. McDonald added both the committees in the city the assembly and the senate. Mr. Donato asked if there were any questions. No further discussion. Mr. Donato called for a vote. Motion called and carried.

Mr. Norm Sutura, 23-33 32<sup>nd</sup> Street resident, stated he thanked the Board for their support. The struggle that they have been enduring with the property at 32<sup>nd</sup> Street has been years in the making. Only recently did they comply with the BSA ruling and they are in the final stages of occupancy. He thanked Ms. McDonald for bringing it up and making the Board aware of it. He urged that the letter be written expeditiously since the Assembly and the Senate will be finishing their session.

Mr. Tex Crushiak, resident, asked if the developer builds a school down there if it would be possible to get them to teach substitution like this. The old way would be 32 minus 12 equal to 20. This is going to be the way the children are going to be taught when to go back to school in September. First you take 12 and you add 3 and you get 15, then you take 15 add 5 you get 20, then you take 20 add 10 you get 30, then you take 30 add 2 that gives you 32. You then take all the numbers that you added  $3 + 5 + 10 + 2 = 20$ . This is how children are going to be taught next year. There will be a lot of changes in the schools for next and thought the Board should be aware of it. Mr. Donato suggested that he should go to the School Board and present this. He just wanted everyone to see how absurd this is.

#### **BUSINESS SESSION:**

Mr. Donato motioned to accept the minutes of May's Board meeting. Motion seconded by Ms. Demakos. Motion called and carried unanimously

Mr. Donato reported that he wished everyone a happy, healthy summer

Ms. Lucille Hartmann, District Manager, reported that on June 30, 2014 Central Astoria LDC will once again host the celebration of Independence Day in Astoria Park with music by the Queens Symphony Orchestra and Fireworks by Grucci. Performance will start at 7:30pm. In addition, there will be free Shakespeare in the Park performed throughout Queens and closest to home, in our District on August 3<sup>rd</sup> and 10<sup>th</sup> in Socrates Sculpture Park starting at 4:30pm with a special program for our youth. Ms. Hartmann stated it is a wonderful opportunity to expose our children to the classics. There are flyers in everyone's folders. The Senior Stars are back performing a revue called "Toast to Hollywood". Once again, one of our own will be in a starring role. Ms. McDonald will be performing on Saturday, June 21<sup>st</sup> at 3pm and 6pm at The Church of the Good Shepherd on Crescent Street and 30<sup>th</sup> Road. She wished everyone a safe and happy summer.

Ms. Elizabeth Erion, Chair of the Zoning and Variance Committee, reported that they had a meeting on May 6<sup>th</sup> at the Board office regarding the Astoria Cove Rezoning. Inside everyone's folders is a 9 page recommendation from the committee and she hoped everyone had time to go through the recommendations and the conditions that were talked about. She wanted to say before the discussion starts that the committee for months has worked tirelessly for the 5 to 6 meeting that was held at the Board office to go over this proposal and put down in writing recommendations they think will help improve the situation there and will make the area productive and is something to be very proud of in our community district. The committee attempted to take into consideration all of the speakers who came to the public hearing last week and tried to incorporate that as much as they could. The committee could not have been able to do this without all the people who participated with this we couldn't have worked as hard as we did. This will set precedence as this area is bound to be redeveloped and we are very strong and united behind these things. The committee recommended last night with 19 Board members 12 of them were zoning committee members and they represented the conditions that the committee placed on the proposal that is brought to the Board. There is a motion to accept this recommendation to deny this application of Astoria Cove Development unless the conditions outlined in this position paper are accepted. Ms. Erion stated that there are approximately 4 pages of recommendations. She read the committees comments and recommendations' on Affordable Units, Project Design and Sustainability, Parking/Traffic/Transportation, Jobs, Open Space/Recreation Needs, Community Facilities, School, Commercial/Retail, and Infrastructure Capacity/Energy Consumption. Some of the conditions that are here have already been met and the committee explained the reason why they are still on here is because the committee is reviewing applications that come to the Board and those applications have not been submitted in a revised form. But, at public hearing and at meeting they have stated that they have done a number of things with respect to the size of the play area, they relocated and a few other items which she could not recall at the moment. Recommendations are based on the applications that were reviewed. Mr.

Donato thanked the committee for the many meetings this is very difficult to come up with these recommendations. Everyone has them in front of them (see attached) and on point we will be taking a vote by calling out names. He recalled Battery Park City in NY which is similar to what is before the Board. Battery Park provided a bridge for the students of Stuyvesant High School to go from one side to the other side over 6 lane highway to where the school. At one point they did not want to do that. Everyone forced them including the politicians to come up with that money to put up that bridge. Could you imagine high school kid crossing a 6 or 8 lane highway. You can get things from developers. He would like to see the builder build a school out of his own pocket. The smart thing is to improve the neighborhood and it is very important to construct a school. This will almost be a self contained area, where you can go in and do your business and come back out. A school is an ideal place for them to work on. Motion seconded by Mr. Ryan. Ms. Erion stated that there are 9 applications that were reviewed: 1) C140322ZMQ - Zoning Map Amendment to change zoning from R6 and M1-1 to R7-3/C2-4 and R7A/C2-4; 2) C140323ZSQ – Large-Scale General Development Special Permits; 3) C140324ZSQ – Waterfront Special Permit which will facilitate the design of the building; 4) C1380284MMQ – City Map Amendments that will map street to waterfront, demap 8<sup>th</sup> street, and establish a pedestrian easement along what is now 8<sup>th</sup> Street; 5) N140325ZQA – Authorization to modify the waterfront visual corridors; 6) N140326ZQA – Authorization to modify the design requirements for the public access areas; 7) N140327ZQA – Authorization to permit the developer to phase the development and the waterfront area; 8) N140328ZCQ – Chairperson Certification that what the applicant has provided meets the requirements of the zoning resolution or what they agreed to what they would be doing; and 9) N140329ZRQ – Zoning Text Amendment that designated the area site for exclusionary housing for affordable housing. The motion is to deny these applications unless the applicant meets the conditions and recommendations. Vote yes if you agree these conditions should apply to the applications. Ms. McDonald clarified that they voting to deny the applications unless they meet all these conditions. Mr. Donato stated that when you vote yes you are voting in favor of the resolution which is denying the approval pending the recommendations. Mr. Donato called for a vote. Motion called and carried unanimously. Mr. Donato thanked the committee again for an outstanding job.

Mr. Daniel Aliberti, Chair of Capable Disabled, reported that last month he mentioned that an issue with the M60 bus and the M19 bus and feels that this may be a pattern. On May 2<sup>nd</sup> had a meeting with the MTA's Disabilities Committee to discuss this issue. If you get on the M60 bus you should be able to automatically transfer. However, the M60 bus does not take metrocards and he is not sure what they will do about that. The bus stop for M19 and M60, either bus comes in, the first bus that comes in. The first bus to come in he will take it to the train. There are 2 place that both of these buses stop at 77<sup>th</sup> Street/Astoria Blvd and 31<sup>st</sup> Street/Astoria Blvd. So you can change from one bus to the other or you can get off or on the bus. If he goes to the kiosk and gets a slip he can take the M60 but he cannot take the M19 if it comes first because the M19 does not take the slip. If the M60 comes in and he does not have the slip he cannot take it. This happens at 3 different stops. He has to wait until the bus come to know if he can use his metrocard or has to get a slip. There is an issue here as far as the disability access. People in wheelchairs cannot see the buses until they stop because they are lower. He motioned for the Board to write a letter to the MTA to address this situation. Ms. Hartmann stated that the outline is in everyone folders. Mr. Donato called for a vote. Motion called and carried.

Ms. Mary O'Hara, Chair of Housing Committee, reported that the annual Rent Guidelines Board to allow rent increases proposal on rent stabilized apartments is 1% for 1 year and 2.5% for 2 years.

Mr. Richard Khuzami, Chair of Parks & Recreation/Cultural Affairs/OTB Committee, reported that he hope everyone enjoys the parks and waterfronts this summer.

Ms. Ann Bruno stated that all the festivals are going well.

Mr. Jose Batista, Chair of Youth Committee, reported that the Summer Youth Program has assigned the selected students to their summer jobs.

**NEW/OLD BUSINESS:**

Mr. Donato thank Ms. Elizabeth Erion personally for all the work that she did and to welcome back Mr. John Carusone.

There was no further business before the Board Mr. Khuzami motioned to adjourn, seconded by Mr. Aliberti. Motion called and carried unanimously.

Attached is the Zoning Committee's  
Recommendations for the  
Astoria Cove Rezoning  
to be voted on this evening.

Pages 1 -5 is background information

Center of Page 5 is the start of the recommendation

**CB1Q Zoning Committee Recommendation for Vote June 17, 2014, Letter to City Planning**

June XX, 2014

Carl Weisbrod, Chair  
City Planning Commission  
22 Reade Street  
New York, NY 10007

**Re: 2030 Astoria Developers, LLC, applicant for Astoria Cove  
Generally bounded by Pot Cove, 9<sup>th</sup> Street, 27<sup>th</sup> Avenue and 4<sup>th</sup> Street  
Astoria, CD1, Queens**

- C140322 ZMQ      Zoning Map Amendment**  
**C140323 ZSQ      Large-Scale General Development Special Permits**  
**C140324 ZSQ      Waterfront Special Permit to facilitate building design**  
**C130284 MMQ      City Map Amendments**  
**N140325 ZAQ      Authorization for Modifications to Waterfront Public Access Areas and Visual Corridors**  
**N140326 ZAQ      Authorization to Modify Design Requirements for Waterfront Public Access Areas**  
**N140327 ZAQ      Authorization to Permit Phased Development of Waterfront Public Access Areas**  
**N140328 ZCQ      Chairperson Certification of Modifications to Waterfront Public Access Areas and Visual Corridors**  
**N140329 ZRQ      Zoning Text Amendment for Inclusionary Housing Designated Areas**

Dear Chair Weisbrod:

Subsequent to certification on April XX, 2014 of the referenced Land Use Review applications, the Land Use and Zoning Committee of Community Board 1Q (CB1Q) reviewed the ULURP applications that would facilitate the construction of the Astoria Cove Project in western Astoria along the Pot Cove waterfront. The applications include requests to rezone portions of four blocks; change the City Map; provide Special Permits, Authorizations and a Chairperson Certification that would permit design modifications to the proposed buildings and the Waterfront Public Access Area, and a text amendment to provide an Inclusionary Housing Area designation for a portion of the site.

On June 10, 2014 CB1Q held a public hearing on the referenced Land Use Review Applications. XX community board members were present, constituting a quorum. Fifty-four persons signed up to speak, XXX actually testified on jobs, potential displacement, affordability and transportation issues that would result from the construction of the Project.

At its regular monthly meeting on June 17, 2014, the Community Board on recommendation of the Zoning Committee voted to **recommended denial** of the Astoria Cove applications **unless the conditions and concerns that are discussed below are met.**

**PROJECT DESCRIPTION**

The irregularly-shaped 391,830 SF site is generally bounded by Pot Cove to the north, 9<sup>th</sup> Street to the east, 27<sup>th</sup> Avenue to the south and 4<sup>th</sup> Street to the west. The Project would consist of five (5) mixed-use

buildings, ranging in height from 6 to 32 stories constructed as a Large-Scale General Development plan. Three (3) towers (Buildings 1, 2 and 3) would be located on the waterfront blocks along Pot Cove between 4<sup>th</sup> and 9<sup>th</sup> streets (Tax Block 906 Lots 1 and 5 and Tax Block 907 Tax Lots 1 and 8); two (2) buildings (Buildings 4 and 5) would be located on upland blocks, contiguous to unimproved 8<sup>th</sup> Street (Tax Block 908 Lot 12 and Tax Block 909 Lot 35).

The applicant proposes to construct a 1,729,748 SF mixed-use development with approximately 1,689 dwelling units (1,615,082 residential SF) of which 295 units would be affordable; 54,099 SF local retail space including a supermarket; 900 attended indoor accessory parking spaces distributed throughout the site and to provide a site within the Large Scale General Development area for construction of a 60,567 SF K-5 elementary school with 456 seats. The publicly accessible waterfront park and esplanade will be a bi-level crescent that follows the natural curve of the Pot Cove. It will measure approximately 23,920 SF and contain overlooks, extensive plantings, passive and active recreational space and a playground. A pedestrian easement (the Mews) will be mapped to connect demapped 8<sup>th</sup> Street between 27<sup>th</sup> Avenue and the waterfront esplanade. The Project will be built in four (4) phases with completion expected in 2023.

**Phase 1** will include Buildings 4 and 5 located in the area proposed to be zoned from R6 to R7A/C2-4 and R6B, located south of 26<sup>th</sup> Avenue and contiguous to the southern portion of the Mews (formerly 8<sup>th</sup> Street). Building 4 is on the west side of the Mews and Building 5 is east of the Mews. Both buildings would have varying heights that range between six and eight stories with a maximum building height of 80 ft. Combined, the two buildings would contain 132,410 residential SF with 72 dwelling units and 3,020 SF ground floor commercial space. Seventy-two (72) accessory attended indoor parking spaces would be provided in Building 4 accessed from \_\_\_ Street. No parking would be provided in Building 5.

The portion of the Mews between Buildings 4 and 5 would be constructed concurrently in Phase 1. No affordable units are proposed for either building in Phase 1.

The proposed 60,567 SF, 456-seat K-5 elementary school would be located on a site along 26<sup>th</sup> Avenue at the corner of 9<sup>th</sup> Street, adjacent to Building 5. The site will be turned over to the City of New York by the developer but will not be constructed by the SCA until completion of Phase 4.

**Phase 2 Building 3**, located in the proposed R7-3/C2-4 district on the waterfront block bounded by the Mews, the waterfront esplanade, 9<sup>th</sup> Street and 26<sup>th</sup> Avenue. Building 4 would contain 328,655 residential SF and provide 275 market rate dwelling units and 69 affordable units and 10,970 SF of commercial space on the ground floor with 230 accessory attended indoor parking spaces accessed from \_\_\_ Street. The building would have three sections with different heights: 26 stories (262') at the intersection of the esplanade with the Mews, eight stories (102') at the corner of 9<sup>th</sup> Street and the esplanade and six stories (82') along 26<sup>th</sup> Avenue between the Mews and 9<sup>th</sup> Street. The building would contain ground floor retail.

The portion of the Waterfront Access Area, the esplanade and 26<sup>th</sup> Avenue between 9<sup>th</sup> Street, the Mews and 9<sup>th</sup> Street near the waterfront, would be constructed as part of Phase 2.

**Phase 3 Building 2**, located in the proposed R7-3/C2-4 district on the waterfront block bounded by the Mews, the waterfront esplanade, 4<sup>th</sup> Street and 26<sup>th</sup> Avenue. Building 2 would contain 542,973 residential SF and provide 454 market rate dwelling units and 114 affordable units and 15,493 SF of ground floor commercial space that includes a supermarket. There would be 242 accessory attended indoor parking spaces accessed from \_\_\_ Street and a loading bay accessed from \_\_\_ Street. The

building would have three sections with different heights: 32 stories (320') at the intersection of the esplanade with the Mews, ten stories (100') along 4<sup>th</sup> Street between the esplanade and 26<sup>th</sup> Avenue with 12 stories (120') and eight stories (80') along 26<sup>th</sup> Avenue between 4<sup>th</sup> Street and the Mews. The building would contain ground floor retail.

The portion of the Waterfront Access Area, the esplanade and 4<sup>th</sup> Street between 26<sup>th</sup> Avenue and the esplanade would be constructed as part of Phase 3.

**Phase 4 Building 1**, located in the proposed R7-3 district on the waterfront block west of 4<sup>th</sup> Street would contain 611,045 residential SF and provide 527 market rate dwelling units and 112 affordable units and 24,616 SF of ground floor commercial space with 356 accessory attended indoor parking spaces accessed from \_\_\_\_ Street. The building would contain ground floor retail. Building heights vary: ten stories (102') and 29 stories (292') along the waterfront, ten stories (102') along the west side of the site from the waterfront to 26<sup>th</sup> Avenue and 22 stories (232') and eight stories (82') along 4<sup>th</sup> Street between the water and 26<sup>th</sup> Avenue.

The remaining portions of the Waterfront Access Area and the esplanade as well as a proposed playground will be constructed as part of Phase 4. The School Construction Authority would construct the proposed 60,567 SF, K-5, 456-seat elementary school at the corner of 9<sup>th</sup> Street and 26<sup>th</sup> Avenue, after completion of Phase 4.

#### **DESCRIPTION OF THE PROPOSED ULURP ACTIONS**

##### **1. C140322 ZMQ Zoning Map Amendment to Zoning Map 9a**

- a. rezone a portion of the development site from M1-1 to R7-3/C2-4;
- b. rezone a portion of the development site from R6 to R7A /C2-4;
- c. rezone a portion of the development site from R6 to R6B;

The existing M1-1 zoning district north of 26<sup>th</sup> Avenue permits only manufacturing and commercial uses in buildings that have a maximum Floor Area Ratio (FAR) of 1.0. The proposed R7-3 with a C2-4 commercial overlay, together with the designation as an Inclusionary Housing Designated Area, will allow mixed residential and commercial buildings with a maximum FAR of 5.0 if affordable units are provided an 3.75 FAR if no affordable housing is provided. The building heights would be limited to 65' for the building base portions; the maximum base height for the tower portions is 185' and the maximum tower height is 225'. Parking is required for 50% of the residential units.

The proposed R7A/C2-4 district is located south of 26<sup>th</sup> Avenue between 4<sup>th</sup> and 9<sup>th</sup> Streets. The existing zoning is R6 that allows FAR for residential uses from .78 to 2.43 depending on the amount of open space provided. Additional FAR may be added if Quality Housing Program amenities are built into new buildings. Maximum building height is 80'. The new R7A zoning would allow an increase in FAR to 4.0 with a maximum building height of 80' with a street wall height ranging between 40' and 65'. Maximum lot coverage is 80% for a corner lot and 65% for an interior lot. Parking is required for 50% of the units.

An R6B zoning district is proposed for the part of the Project Area immediately south of the new R7A district permits 2.0 residential FAR. Maximum building height is 50' with street wall height ranging between 30' and 30'. Maximum lot coverage is 80% for a corner lot and 60% for an interior lot. Parking is required for 50% of the units.

A C2-4 commercial overlay district is proposed for the entire R7-3 and R7A districts to permit local ground floor commercial uses. The maximum FAR for commercial only developments is 2.0; An FAR of

5.0 is permitted for community facility uses in the R7-B district and 4.8 for community facility uses in the R7A district.

**2. C140323 ZSQ Large-Scale General Development Special Permits**

- a. ZR Section 74-743(a)(1) to allow for the distribution of floor area from the waterfront zoning lot to the upland zoning lot that comprise the Large-Scale General Development;
- b. ZR Section 74-743(a)(2) to authorize reduction in distance between Buildings 2 and 3, waiver of court requirements for Buildings 1, 2 and 3;
- c. ZR Section 74-743(a)(6) to waive minimum distance between Building 5's windows and western lot line;
- d. ZR Section 11-42 (c) to extend the vesting term to 10 years for the special permits;

The Large Scale General Development Special Permits would facilitate construction of the proposed site plan as designed by allowing flexibility in placement of floor area and uses between the two zoning lots

**3. C140324 ZSQ Waterfront Special Permit**

- a. ZR Section 62-836 requesting modifications to yard, height and setback, tower footprint size and maximum width of walls facing the shoreline that will increase the size and height of the buildings beyond what zoning permits as of right;

**4. C130284 MMQ City Map Amendments**

- a. to establish a new segment of 4<sup>th</sup> Street from 26<sup>th</sup> Avenue to the waterfront;
- b. to demap a portion of 8<sup>th</sup> Street from 27<sup>th</sup> Avenue to the waterfront;
- c. to establish a public access easement within the public access area between 4<sup>th</sup> and 9<sup>th</sup> Streets.

The Applicant proposes these City Map Amendments to facilitate the proposed Project's site plan and maximize access to the proposed waterfront esplanade.

**5. N140325 ZAQ Authorization**

- a. ZR Section 62-822(a) to modify the area and minimum dimensions of waterfront public access areas and visual corridor requirements specified in Section 62-50;

In order to facilitate construction of the Waterfront Public Access Area as designed, an Authorization must be provided to widen the width:depth ratio requirement to accommodate active uses along the esplanade and to allow a narrower ratio to reflect the shoreline's natural topography.

**6. N140326 ZAQ Authorization**

- a. ZR Section 62-822(b) to modify design requirements for the Waterfront Public Access Areas specified in Section 62-60;

The Applicant requests waivers to accommodate design and topographical issues such as continuation of supplemental public access areas and inclusion of plantings and both active and passive recreation features due to narrow depth and the natural geometry of the cove.

**7. N140327 ZAQ Authorization**

- a. ZR Section 62-822(c) to permit phased development of the Waterfront Public Access Areas

**8. N140328 ZCQ Chairperson Certification**

a. ZR Section 62-811 certification of waterfront public access areas and visual corridors as modified by above referenced Authorizations;

No permits may be issued until a site plan is certified as complying with Sections of the Zoning Resolution that pertain to the requirements for visual corridors and waterfront public access areas and a restrictive declaration is executed and filed.

The Project includes two visual corridors along 4<sup>th</sup> and 9<sup>th</sup> Streets. The corridors would be constructed to a 60' width (50' required).

#### **9. N140329 ZRQ Zoning Text Amendment**

a. ZR Section 23-952 and Appendix F to make the Inclusionary Housing Program applicable to a portion of the project area zoned R7-3;

The applicant proposes to modify Appendix F of the Zoning Resolution to extend the Inclusionary Housing Program to a portion of the Development Site between 26<sup>th</sup> Avenue and the waterfront to make it an Inclusionary Housing Designated Area. As a Designated Area, additional floor area is permitted in exchange for the development of affordable housing. Under the proposed R7-3/C2-4 zoning, the permitted 3.75 FAR may be increased to 5.0 FAR if the applicant provides 20% of the residential floor area households whose incomes do not exceed 80% of the income index set by HUD.

#### **CB1Q Comments and Recommendations**

##### **Affordable Units**

The Astoria Cove Project would be located in an area where affordable housing is critical to a good quality of life for the area's residents. Public hearing testimony from area residents reflected concerns of displacement because of accelerated redevelopment in Old Astoria. The quick succession of new and proposed development projects in this very contained area make potential displacement a very real issue. During the next ten years the community will deal with physical and socio-economic impacts from the Hallett's Point project approved last October (2,544 units), the Astoria Cove Project currently under review (1,689 units) and a third large-scale development adjacent to Astoria Cove anticipated for review by the Community Board next year.

Introducing 1689 dwelling units into the neighborhood with only 295 or 17% of the units designated affordable under the Inclusionary Housing Program is distressingly inadequate to mitigate the impacts. While the Applicant made it known at the public hearing that discussions are currently underway with the Department of City Planning to increase the number of affordable units in Astoria Cove, no number of units was provided. Additionally, because the Project design is in its massing stage, apartment distribution is not defined. It is also not yet determined whether the Project will be rental or condominium or a combination.

The most significant element missing from this planned development is the absence of a real public benefit to the community in the early phasing of the Project aside from landscaped open space. No affordable units are planned in Phase 1. Provision must be made within this Project for a economically diverse population that reflects Astoria's population.

***CB1Q, by a vote of XX approved, XX opposed and XX abstentions, denied approval of the ULURP applications unless the Applicant meets the following conditions.***

- 1) *The percentage of affordable units in this development shall be increased from 20% to 35% of the bonus floor area.*
- 2) *The affordable units shall accommodate low, moderate and middle-income individuals AND families.*
- 3) *The affordable units must be permanently affordable throughout the life of the Project.*
- 4) *Affordable units must be dispersed throughout all five buildings in the Project.*
- 5) *The Zoning Text Amendment (N140329 ZRQ) that designates Inclusionary Housing Program areas must be amended to include the entire Astoria Cove Site to allow affordable units be in all five proposed buildings.*
- 6) *Affordable units shall be provided in each construction phase, including Phase 1 where the number of affordable units shall equal to 15% of the residential floor area of those buildings.*
- 7) *Residents of the affordable units must have access to the same building amenities as residents of market rate units.*
- 8) *The owner/management of Astoria Cove shall work with local community groups and Community Board 1 to provide CD1Q residents selection priority in 50% of the designated affordable units;*
- 9) *All affordable units generated by this project should be located within the Astoria Cove project buildings and not constructed outside the defined General Large Scale Development area identified in these ULURP applications.*
- 10) *If buildings are designated for condominium status, affordable units should be reserved for sale to middle-income residents as affordable units.*

### **Project Design and Sustainability**

Comments on the design of the Project are limited since the proposed buildings are now only a series of conceptual massings.

### **Project Design**

- 1) *Design requirements specified in the Quality Housing Program should apply to all buildings in the Project regardless of applicable zoning district.*
- 2) *Both market-rate and affordable 2-bedroom apartments should be included in all buildings to accommodate family households;*
- 3) *The applicant shall meet at regular intervals with the CB1 Zoning Committee to present the project's building designs as they progress. The applicant shall also present the final designs to the Community Board for information purposes before filing with DOB for building permits;*
- 4) *CB1 shall review and comment on any changes to the General Large Scale Development Plan, including minor modifications;*
- 5) *No on-street parking should be permitted on the narrow vehicular roadway adjacent to the waterfront esplanade between 4<sup>th</sup> and 9<sup>th</sup> Streets in order to keep all waterfront vistas towards the Hellsgate and Triborough Bridges unobstructed for pedestrians.*

### **Sustainability**

- 1) *Mindful of the impact a project of this magnitude can have on the environment, the Astoria Cove development team should strive to exceed LEED gold standards by incorporating innovative sustainable techniques into the design of all buildings.*
- 2) *Design elements that increase energy efficiency and reduce the project's carbon footprint should be incorporated into the design of the buildings and open spaces throughout the development.*
- 3) *Measures should be taken to protect building mechanicals and fuel storage from storm*

*surges and flood risks.*

### **Parking/Traffic/Transportation**

Accessory parking is not categorized by use for commercial or residential uses and is insufficient to meet the anticipated demand the proposed residential and commercial uses. On-street parking is negligible due to the limited street circulation system on the peninsula. CB1Q is concerned that the attended parking approach is not a workable solution to what will be a significant adverse impact to the community in both practicality and cost to those who visit the area for its proposed amenities.

CB1Q is concerned that new streets, closed roadbeds, realigned streets and directional changes will adversely affect traffic circulation in the vicinity of the project given the peninsula's extremely limited street infrastructure and accessibility to mass transit. The Applicant's proposal for shuttle buses to the elevated subway and increased bus service will exacerbate traffic congestion on the area's street system.

More than 4,000 new apartments are approved or in the approval pipeline for the Halletts Cove peninsula during the next decade. Other remaining underdeveloped sites are expected to request approvals for similar high-density projects. To meet the needs of the anticipated population densities, alternative transportation such as ferry service must be put into operation in the early stages of the area's development.

### **Parking**

- 1) *The number of on-site parking spaces must be increased to adequately serve all uses in the project to at least 1.5 spaces per dwelling unit, similar to adjacent Shore Towers.*
- 2) *Accessory parking spaces shall be dedicated specifically for the residential, commercial and retail, components of the project.*
- 3) *One-third of accessory parking spaces should be allocated self-park for visitors/shoppers to the project area.*
- 4) *Accessory parking shall be provided for the community facility and school components of the Project when designed and constructed.*
- 5) *With the designation by NYCEDC of Pot Cove as a future Ferry Terminal, Special Permit applications should be filed for additional parking that will be required for this use.*

### **Traffic**

- 1) *The developer and DOT should evaluate traffic circulation and parking impacts during construction and after completion of each construction phase and mitigate any impacts;*
- 2) *Building materials and supplies should be barged into the site in order to minimize impacts from construction traffic on the local streets.*

### **Transportation**

- 1) *The applicant should work with Lincoln Equities, developers of the nearby Halletts Point project, and NYCEDC to establish ferry service between Pot Cove and Manhattan so that it would be operational by the time the developments are occupied.*
- 2) *An evacuation route must be established for the Halletts Cove peninsula with designated routes and signage identifying staging and destination areas.*

### **Jobs**

The proposed Astoria Cove development will generate many jobs during all phases of construction and after project completion when the commercial and residential components are operational. With an

estimated 10% unemployment rate among the area's civilian labor force, jobs for local residents and youth are of paramount importance.

- 1) Priority should be given to local area residents and youth for a portion of construction jobs, as well as positions in local businesses, maintenance and security jobs in the new residential buildings once they are on line. The developer should work with construction and building service trades to set aside apprenticeship positions for local residents that will ultimately lead to permanent employment.**

### **Open Space/Recreational Needs**

In the Halletts Cove community approximately 25% of the population is comprised of children and teenagers who need active recreational facilities. While the area's residents are served by Astoria Park and facilities under the Triborough Bridge, these are open areas that are already highly utilized, in need of maintenance and improvements and have limited hours of operation. Beyond the open areas currently proposed by the Applicant, the need for new recreational facilities for the existing and future youth in the Halletts Cove area is an absolute necessity in the early phases of the Project.

### **Play Area**

- 1. The play area proposed at the western end of the Waterfront Public Access Area should be relocated to a more central and accessible site within the Astoria Cove development.**
- 2. The proposed play area should be of sufficient size and scope to meet the recreational needs of a wide range of age groups and provide age-appropriate equipment.**
- 3. All open spaces shall have adequate lighting, security gates and be accessible to the public for a sufficient number of hours every day.**
- 4. Responsibility for construction and maintenance costs for all open spaces must be identified and memorialized.**
- 5. The Applicant and Department of Parks and Recreation should consult CB1 consult before determining the receiving sites for any improvements or monetary as part of the Project's mitigation of open space impacts.**

### **Waterfront Public Access Area**

- 1) Portions of the waterfront esplanade (i.e. 9<sup>th</sup> Street circle with access to the waterfront) should be implemented in the early construction phases to benefit new residents and the existing community.**

### **Community Facilities**

#### **Youth Center**

- 1) CB1Q supports the construction of a new recreational facility such as a YMCA or Boys and Girls Club for the area's older youth and adults and open to the public.**
- 2) With three fully-utilized Head Start programs in the Halletts Cove area, the program will require additional space for new residents from the Astoria Cove development. The applicant should set aside a portion of the Project's designated commercial space to be utilized by such programs.**

#### **Medical**

- 1) There is a critical deficiency of medical facilities in the project area. CB1Q encourages the Applicant to actively seek a hospital user such as Mt. Sinai or NY Hospital Queens to establish a satellite medical facility within the project's commercial square footage.**

## **School**

School utilization rates in the immediate vicinity of the Project will exceed capacity with construction of Astoria Cove. Beyond the impact area of this Project, schools are already operating above 100% utilization. To better serve the existing and future community in Halletts Cove and to relieve overcrowding in the western part of School District 30 the school must be constructed.

- 1) CB1Q adamantly insists that the construction of the school is a mandatory as part of this Project.**
- 2) The proposed school facility should be constructed early in the construction phasing to avoid temporary overutilization of the area's local schools.**
- 3) Prior to construction of the school, the site should be temporarily used for community recreational purposes.**
- 4) The new school facility should include designated for recreational purposes that would be open to all community residents.**
- 5) The school facility should be designed to incorporate programmatic space for early childhood programs like Head Start.**
- 6) The Restrictive Declaration for this Project should state that designated school site must not revert to the Applicant for residential or commercial development in the future.**

## **Commercial/Retail**

With 84,470 SF of commercial and retail space proposed, the Zoning Committee is concerned about the potential for traffic and noise impacts generated by sanitation trucks and vehicles servicing the commercial uses and make deliveries.

- 1) A FRESH Food Supermarket with designated accessory parking shall be part of the commercial component of the Project.**
- 2) Internal loading and service areas should be incorporated into the Project design to avoid on-street traffic disruptions and congestion.**
- 3) Internal loading and service areas should be sufficient to meet the needs of all commercial uses.**

## **Infrastructure Capacity/Energy Consumption**

Much attention has recently been focused on the potential danger of the City's aged infrastructure and the accidents that can result with the underground gas and electric lines and storm and sanitary pipes. Con Edison recently began a program to assess the safety of its lines, especially in high-density residential areas.

## **Infrastructure**

The increased population resulting from both the Astoria Cove and Halletts Point projects will stress the area's aged infrastructure and could create unsafe conditions. Power fluctuations are already a common occurrence in the adjacent Old Astoria area.

- 1) The applicant should initiate contact with Con Edison (gas and electricity) and NYCDEP (storm and sanitary sewers, outfalls) to assess the condition and capability of the area's infrastructure to handle the increased traffic and energy consumption needs.**
- 2) The project should incorporate systems that are energy efficient into the design of the heating, ventilating and cooling systems in the project design.**

