

Community Board 1
February 19, 2013

Mr. Vinicio Donato, Chairperson of Community Board 1, commenced at 7:00 p.m.

Mr. Donato went on to the first public hearing item from the Department of City Planning (DCP), Mr. John Carusone, Chair of the Zoning and Variance Committee, read item #C110398 ZMQ – An application to amend the Zoning Map, Section # 9c, by establishing within an existing R5 District a C1-2 District bounded by a line 150 ft. northeasterly of 28th Avenue, on 42nd & 43rd Streets and along 28th Avenue between 42nd & 43rd Streets. Mr. Richard Lobell, Attorney from Sheldon Lobell PC, and Roberto Losheck, owner, came up on behalf of the application. Mr. Losheck is the owner of a family owned restaurant called Piccolo Venezia N/E/C 42nd Street/28th Avenue) and has been in operation for about 40 years. He pointed out to the Board what section the rezoning would be covering on the diagram of the restaurant and surroundings. The current zoning is a R5 which does not allow new commercial uses. There are a number of commercial uses on the north side of 28th Avenue which have been there, as of right, for years and are grandfathered in. They are seeking to make a commercial overlay of C1-2 and stretch it 150' on 42nd Street and 43rd Street. It allows them to look at what he calls the three C's. It takes a series of properties which are not in 100% conformance and makes them 100% conforming. With this the C1-2 overlay, all of the businesses that are fronting on 28th Avenue that are non-conforming, will now be conforming uses and the property owners will be able to make alterations to the commercial uses. They do not perceive any new construction in the area. The restaurant is not seeking any new construction but to legalize what is there and allow for an area behind the restaurant that is already paved that has been there for over 40 years to be used to park cars for the restaurant. The restaurant is currently doing that right now, but it is a DOB violation. By legalizing the use it will also allow them to take cars off the street which will be a benefit to the neighborhood. The restaurant can operate without the rezoning but it is non-conforming illegal use. The zoning change will also make 5 businesses on 28th Avenue conforming. The last C is the character of the area, there is already a commercial overlay on 41st Street of a C2-2 and C1-2. This rezoning will not do anything but improve the character of the district with in the R5 district because it will be governed by the R5 restrictions. Mr. Carusone asked if the rezoning covers 4 lots that they own. Mr. Lobell replied "Yes". Mr. Carusone asked how many lots are involved in the rezoning. Mr. Lobell stated that are about 9 lots on the same side of the restaurant. The total rezoning area is 150' of which 14,000 sq. ft. is owned by the restaurant. Mr. Carusone asked if they reached out to the owners of the other properties involved in the rezoning. Are they in agreement with the changes, specifically the commercial properties facing 28th street. Mr. Lobell stated that Roberto reached out to a few owners, a few on 28th Avenue are thrilled. The residential owners have not given an answer. The existing structure that has been paved is being used for commercial parking since they have owned the restaurant. Mr. Carusone asked how parking many spaces does the paved area accommodate. Mr. Lobell stated that they can fit about 14 to 15 parking spaces. Mr. Carusone stated that the application states 22 parking spots. Mr. Lobell stated that they are only required to do the maximum of 200 sq. ft. per space and it allows them to get some cars off the street. Mr. Donato asked if there was anyone on the Board who had a question for the applicant. Mr. Kevin Mullarkey asked if they would be renting parking spaces when the restaurant is not open. Mr. Lobell replied "No". Ms. Frances McDonald asked if the zoning change will legalize what they have been doing for over 20 years. Mr. Lobell replied "Yes". Ms. McDonald asked if the parking was done close to residential area. Mr. Lobell stated that the line abuts the residential neighbors and there is a fence. Ms. Elizabeth Erion asked if the rezoning will eliminate the double parking on 28th Avenue. Mr. Lobell stated that it will help alleviate some of it. Ms. Erion stated that they will have to find a solution to the double parking. Mr. Losheck stated that they are looking into finding another spot that is close by and even tried St. Josephs Church's school parking lot. Mr. George Stamatiades asked what other uses are permitted in a C1-2 overlay. Mr. Lobell stated that the C1-2 overlay which allows straight use group 6 is the least noxious use group you can have. You can only have retail stores, restaurants, beauty salons of that nature which are already there. The zoning change does not change commercial establishments on 28th Avenue. There is actually one business on that side which is a printing shop, a use group 9, which would be more appropriate to put a C2 there which allows more intense commercial use. Mr. Daniel Aliberti asked how tall a building can be built with a C1-2 overlay. Mr. Lobell stated that the underlining R5 residential district does not change and governs the bulk regulations and retains the same requirements. Mr. Donato asked if there was anyone in the audience who wanted to speak for against the application. A resident stated that the proposal sounded positive but needs to be thought out. The area is very congested and traffic flow is very slow. He was concerned with if there is construction how will that add to the congestion in the area. Mr. Lobell stated that there will not be any construction. It is only a zoning change. If the rezoning is not approved they will not be able to park cars in the back. Now there will be 14 to 18 cars looking for street parking. Mr. Robert Piazza stated that 14 to 15 parking spot does not seem like it would help alleviate the congestion in the area. Mr. Lobell stated that the issue is that the restaurant continues to receive violations for parking in the rear. If they are not approved, the 15-18 parking spot go to zero. Ms. Mary O'Hara stated that he mentioned that this will alleviate the congestion then this seems to be a good proposal. Mr. Carusone clarified that the commercial overlay will allow the restaurant to have a minimum of 15 parking spaces, but can hold more. Mr. Lobell stated that the architect said that the space can hold 22 cars in the rear yard. There was no further discussion. Item closed

Mr. Donato then introduced guest speaker State Senator Jose Peralta, he thanked the Board for having him and wanted to give an update on what's happening in Albany. He stated that they have been working on many issues, one of which is gun control. Governor Cuomo has pushed through a gun control package which is historic across the Country. There are some issues that have to be fixed, of course, because there were some exemptions that were not made in this proposal. He then stated that 5 of his bills that he has been pushing for the last 6 years have made it to this gun control package. They are going to make sure that judges or anyone who is involved in a domestic violence case has a right to repeal or take away those individuals gun and gun permits. This is a huge plus and now there will be background checks on certain purchases of ammunitions and guns. You now have to renew your gun permit every 3-5 years which is universal across the state. In New York City and 2 other counties this was already in effect, but outside theses it was not. He stated that he was unhappy that microstamping was not part of the bill. Microstamping will give law enforcement the ability to match bullets to the guns that they were fired from. Microstamping is the etching/coding on the bullets from the gun that it is fired from. This etching/coding is 80% successful in solving where the bullet came from. Right now law enforcement has 0% chance of matching where a bullet comes from without the etching/coding. There has been lobbying from the NRA and they have been successful in blocking that piece of legislation. They are happy with the gun tax that they have and will move forward with the few things they need to tweak. He then went on to say that they are pushing

minimum wage which is going to be issues since the President mentioned increasing minimum wage to \$9.00 an hour, which is close to what they are proposing in Albany, as well as, pay equity for women. If you are a woman and you are doing the same job as a man, you get equal pay. Pay equity has never been on the board and it is about time that a Governor takes this up and makes this a priority as well as healthcare reproductive right for women. There is a package that is going to go outside the budget in which Senator Andrea Stewart-Cousins has been pushing for a while. They have been negotiation on how they can pass historic measures on reproductive rights. These are some of the hot items that are moving up in Albany. He thanked the Board for all they do for the community.

Mr. Joseph Risi, Chair of the Consumer Affairs Committee, read the next item from the Department of Consumer Affairs (DCA). The next item #1433268 – Premises 34-02 Broadway (Donato's). An application to renew the license to operate an Unenclosed Sidewalk Café with 10 tables & 20 seats. Mr. Robert Callaghan, expediter, and Mr. Pablo Calle, owner, came up on behalf of the application. Mr. Callaghan stated that they were before the Board about 5 to 6 months ago and this was originally a transfer application from the old establishment. At that time they were approved for an unenclosed sidewalk café for 10 tables and 20 seats. The expiration date of that original license has come and they are here to renew. There will be no changes to the café of any kind, no outdoor music, and no enclosures. Mr. Risi asked if they received any violations since the last renewal. Mr. Callaghan replied "No". Mr. Donato asked if there was anyone on the Board who had any questions for the applicant. There was no one. Mr. Donato asked if there was anyone in the audience who wanted to speak for or against the applicant. Seeing no one. Item closed.

The next item #1360424 – Premises 19-06 Ditmars Blvd. (Agnanti). An application to renew the license to operate an Unenclosed Sidewalk Café with 19 tables and 38 seats. Mr. Kerry Katsaris, lawyer, came up on behalf of the applicant. Mr. Risi asked them to clarify the application as to the number of tables and seats they are requesting. The agenda states 19 tables and 38 seats and the application states 14 tables and 28 seats. Ms. Hartmann stated that the Board received a corrected application from DCA requesting 14 tables and 28 seats. Mr. Risi asked how long they have had the unenclosed sidewalk café. Mr. Katsaris replied "2 years". Mr. Risi asked if they received any violations. Mr. Katsaris replied "No". Mr. Donato asked if there was anyone on the Board who had any questions for the applicant. There was no one. Mr. Donato asked if there was anyone in the audience who wanted to speak for or against the applicant. Seeing no one. Item closed.

The next item #1220794 – Premises 33-02 34th Avenue (LOCALE). An application to renew the license to operate an Unenclosed Sidewalk Café with 12 tables and 24 seats. Mr. Quinones, owner, came up on behalf of the application. Mr. Risi asked how long they have had the business. Mr. Quinones replied "7 years". Mr. Risi asked if they received any violations. Mr. Quinones replied "No". Mr. Donato asked if there was anyone on the Board who had any questions for the applicant. There was no one. Mr. Donato asked if there was anyone in the audience who wanted to speak for or against the applicant. Seeing no one. Item closed.

Mr. Donato introduced Guest Speaker Congress Member Joseph Crowley. Congressman Crowley stated that he just got in from Washington and thanked the Board for having him. He is representing the 14th Congressional District and it takes in more than CB1. His office is available to help with any federal issues that the Board may be having or any local issues that they can be of assistance. The office is located at 82nd Street and 37th Avenue in Jackson Heights. He then reviewed the neighborhoods in the district that he covers and spoke of growing up in Queens. He is going on the 14th year serving in the House, on the Way and Means Committee and was recently elected to the Vice-Chairmanship to the Democratic Caucus. This is the 5th highest position in the House leadership on the Democratic side of the aisle so it will allow with assisting the public. He currently represents approximately 719,000 people. Mr. Thomas Ryan asked what does he think is going to happen for the next 4 years. Congressman Crowley stated that his sense was that after the election they would get back to working in a bi-partisan way to address some of the major issues. There are some serious issues before them and they continue to create more cliffs for the people. He thinks we need less cliffs and more assurance which will be better for the markets, job creation and overall the economy. Mr. Mullarkey asked if they can come up with a plain text version to make it easier to understand the healthcare coverage. Congressman Crowley stated that the healthcare plan that has come to be known as Obamacare which is a 2,000 page bill. He went on to say that there are items in the bill that people will like such as students can be covered up to the age of 26, no discrimination against a pre-existing condition, and other items. In 2014, when the changes are in place, people will be able to purchase their own health insurance with the assistance of credits from the Federal government if they fall below a certain poverty level. This is an effort to get control of the cost of healthcare and has had an effect on controlling the cost in the short term. More has to be done in order to make a more efficient system. Mr. Khuzami asked if there was a way to stop making congressional seat hereditary and how is the healthcare exchange going to work with the anti-trust provisions. Congressman Crowley stated that he cannot speak on behalf of other states, but some states have non-partisan redistricting commissions. They works differently in each state, there is nothing in the constitution that provides for directing the states on conducting elections. In New York State the process is technically controlled by the legislature, except for this year the legislature could not come together. A Federal Magistrate/Judge came in and she took into consideration the voting rights act and the communities of interest and began stamping the 28 districts that will be in New York State. As far as insurance, you will only be able to purchase health insurance in your own state that you live. Mr. Alexiou stated that the process to get a mortgage has changed greatly over the past few years making it harder to get a mortgage. Congressman Crowley stated that the issues that mortgage companies created by giving loans to unqualified people prior to 2008. Banks have changed their process of obtaining a mortgage at the same time the Federal government is pressuring them to make loan and the bank examiners are coming in and saying that is not a secure enough loan. This is making it harder for people to obtain any kind loan. Mr. Prabir Mitra asked about the new requirements to provide health insurance for employees and what happens if the employee refuses to take the insurance. Congressman Crowley stated that if the employee refusing the insurance from the employer, then they will be able to enter into the exchange to purchase their own insurance. If they do not purchase health insurance then they will have to pay a penalty not the employer. Congressman Crowley thanked the Board once again for inviting him.

VOTING SESSION

Mr. Carusone reiterated public hearing item from the DCP #C110398 ZMQ – An application to amend the Zoning Map, Section # 9c, by establishing within an existing R5 District a C1-2 District bounded by a line 150 ft. northeasterly of 28th Avenue, on 42nd & 43rd Streets and along 28th Avenue between 42nd & 43rd Streets. Mr. Caurson stated that the

committee met and recommends approval of the application, seconded by Mr. George Alexiou. There was no further discussion. Mr. Donato called for a vote. Motion called and carried with 31 in Favor, 3 Against, and 0 Abstentions.

Mr. Risi reiterated public hearing item from DCA #1433268 – Premises 34-02 Broadway (Donato's). An application to renew the license to operate an Unenclosed Sidewalk Café with 10 tables & 20 seats. Mr. Risi stated that the committee met and recommends approval of the application, seconded by Mr. Ed Babor. There was no further discussion. Mr. Donato called for a vote. Motion called and carried with 1 Abstention for Cause.

The next item #1360424 – Premises 19-06 Ditmars Blvd. (Agnanti). An application to renew the license to operate an Unenclosed Sidewalk Café with 19 tables and 38 seats. Mr. Risi stated that the committee met and recommends approval of the application, seconded by Ms. Jean Marie D'Alleva. There was no further discussion. Mr. Donato called for a vote. Motion called carried with 1 Abstentions for Cause.

The next item #1220794 – Premises 33-02 34th Avenue (LOCALE). An application to renew the license to operate an Unenclosed Sidewalk Café with 12 tables and 24 seats. Mr. Risi stated that the committee met and recommends approval of the application, seconded by Ms. Jean Marie D'Alleva. There was no further discussion. Mr. Donato called for a vote. Motion called and carried

GENERAL DISCUSSION:

Mr. Antonio Meloni speaking as a resident stated that he has received several complaints that the muni meters have been malfunctioning or broken. He asked if there is someone that the Board could reach out to in order to address these issues. The second complaint is the information he and many people received from the Water Board regarding an insurance policy, is this real or a scam, can we have someone come in and clarify the information in the letter. As the Chair of the Board's Public Safety Committee he suggested the Board, along with the 114th Pct and Safe Horizon to work on addressing the issue of domestic violence. Mr. Meloni then noted that he is a candidate for City Council and noted that when the redistricting for the City Council was being considered the Queensview Housing was redistricted out of the 22CD. It has since been put back in 22CD. Mr. Thomas Ryan asked who is responsible for electric powered bicycles driving around without helmets, lights, and on the sidewalks. Mr. Meloni stated that there is some talk about legislation being drafted. The biggest problem is that they are so quiet and do not hear them coming. They do get tickets if they drive against traffic and are on the sidewalk but, they are not regulated.

Mr. Tex Crushiak, resident, stated that the Medicare Advantage rates were slashed and many seniors that use will soon stop using them. New York State lost 2 congressional seats in the Census in 2000 and 2010 because so many people are moving out New York State. He stated that on Shore Blvd they did the green bicycle path and he attended a meeting with Richard Khuzami and several civic groups. There were complaints from the community regarding the painted sidewalk and a fence that was installed.

Ms. Lisa James stated that she is representing a group of people regarding their concerns about the Strand Smokehouse on Broadway between Crescent and 29th. She is the President of their Co-op of 110 units. The restaurant has a garden behind it which abuts 3 different buildings not 10' from their windows. They met with the owner and were told that the garden was going to be a Zen garden for his employees. The garden is actual a beer and whiskey hall which provides BBQ. The garden will become a serious problem by the summer. It is already a problem for the Strand because they do not have a kitchen and are in the middle of a residential area. The kitchen for the Strand is in Bakeway, everything is delivered (kegs and food). They are very concerned about this and wanted to let the Board know what was going on. Mr. Donato stated that they spoke to Lucille and that the Board could not do much unless they start cooking the Board could send the Fire Department to look into it. Ms. James stated that it's a land use issue and should not have been allowed because the garden is within a residential area with live music. She does not know where else they should go. Mr. Donato stated that they should go to their City Council Vallone. Mr. Donato added that they will have the person in charge of zoning look into it. Ms. James thanked him and will be back. They are not anti-business we don't want the restaurant to be closed down but feel that the garden is inappropriate for that space. Mr. Carusone asked for the address of the premise. Ms. James stated that they do not have the exact address but it is located on Broadway. Ms. Hartmann stated that she has the address.

Mr. John Robinson stated that he also lives at the Co-op mentioned by Ms. James. He asked how CB1 allowed this to happen since the restaurant comes before them. Mr. Donato stated that they did not. Mr. Robinson asked who would allow this, where a license is granted for a beer garden in a residential area and will affect everyone in the surrounding neighbors. Mr. Donato stated that they probably went to the Buildings Department and obtained all the proper permits and was approved. The Board will have the Chair look into the establishment. Mr. Robinson added that they have been dealing with many sleepless nights, food being brought back and forth, rodent, and beer kegs being delivered. They are not against the restaurant but, the garden area has been a problem. Ms. Donato stated that the District Manager is going to give the Department of Environmental Protection to see if they are in conformity.

BUSINESS SESSION:

Ms. Lucille Hartmann, District Manager, reported that material has been emailed to everyone regarding the pilot program that is being offered in the district, CB1Q and CB18 in Brooklyn. The residents with disabilities living within both Boards are only eligible to participate in a pilot program being administered by the Department for the Aging (DFTA) and the Mayor's Office for People with Disabilities (MOPD). Persons with a disability can enroll in the "Taxi Smart Card" program. This program enables the rider to utilize a taxi cab or livery service for transport as an alternative to Access-A-Ride. Participants will contribute \$12.50 and the City will contribute \$87.50 for a total of \$100.00. The card can be refilled four (4) additional times. Additional information can be obtained by calling DFTA at 212-442-3026 or go to www.nyc.gov/aging. She then went onto the recruitment flyer issued by NYS Department of Transportation (DOT) regarding non-traditional training opportunities for learning skills in Carpentry, Electrical, Iron Work and Green construction to name a few for women. The goal is to train and employ women to work on the renovation of the Kosciuszko Bridge. Representatives of the Non Traditional Employment for Women organization will explain the program and issue a test to assess the ability of those interested in participating. She asked that this information be passed on. The seminar will be held on Tuesday February 26th from 6:30pm to 8:30pm at Christ the

King Regional Hs, 68-02 Metropolitan Avenue, Middle Village. Those who are interested in attending must call 212-627-6252.

Mr. Robert Piazza, Chair of Transportation Committee, added to what Mr. Meloni stated earlier about the Muni Meters and the time seems to be inaccurate and may cause people to get tickets because the time on the machine is correct. Mr. Donato stated that the Board will try to get someone from DOT to attend the Committee's meeting.

Ms. Mary O'Hara, Chair of Housing Committee, reported that in January New York State passed legislation retroactive to June 2012 extending the existing tax abatements for condos and co-ops. Different schedules apply to owner occupied unit and for units that are not their primary residence of the owner. Taxes on 1-3 family homes maxed at 6% of market value with annual increases at 6% per year. Assessed value on condo and co-op market is generally 45% of its market value and annual increase as high as 20% per year. There will be no FEMA money going to those who are in condos or co-ops that experienced damage from Sandy. FEMA views condos and co-ops as a business but, SBA does not deem them as a business

Mr. Richard Khuzami, Chair of Parks & Recreation/Cultural Affairs/OTB Committee, reported that they did the walk-thru of the greenway in Astoria Park. They had issues with the structure of the bike lane that was put in and it's interaction with pedestrians. Parks Borough Commissioner Dorothy Lewandowski and acting DOT Commissioner Dahlia Hall and several representatives from Green Shores and Astoria Park Alliance were along for the walk-thru. Another issue that came up was that there was a large amount of signage. They were told that this was because of regulations. As a result, of the on-site meeting both commissioners will be putting their heads together and look into the voiced concerns. We are awaiting an answer. He also took the opportunity to mention speed bumps on part of Shore Blvd and hopefully that will be addressed. The Department of Parks and Recreation will be hold a meeting Co Sponsored by: Council Member Peter F. Vallone, Jr. & Community Board 1, Queens at which they will present the Schematic Design for the new Performing Arts Space to be located at the Astoria Park Diving Pool Meeting will be held at: The Astoria World Manor, 25-22 Astoria Boulevard, Astoria, Queens on February 20, 2013 at 6:30 – 8:30 P.M.

Mr. Jose Batista, Chair of Youth Committee, reported that the Summer Youth Employment Program will be sending out the applications in April. Last summer, 30,000 youths were able to get jobs. That number has been going down each year with the budget cuts and lack of funds. In Queens they were able to serve about 4,000 people. The money that is earned is spent in our community. Another issue that has been coming up is youth with disabilities have not been identifying themselves and the numbers has been decreasing over the years. He feels that we need to do outreach to notify them that they can apply for these summer positions as well. He then stated that the GED program will be changing and making a little harder to obtain. As of now the program is the same and information can be obtained in public libraries.

NEW/OLD BUSINESS:

Ms. Joan Asselin stated that she called and spoke with Florence at the Board's office regarding a missing street light for 6 to 12 months and the area is very isolated. One evening they came and drilled a hole and today they installed a new light pole. She wanted to thank the office for getting the light poles back.

Mr. George Stamatiades stated that Central Astoria is going to host Fundraiser on Wednesday, May 22, 2013 and there will be a "Football Wedding" with a surprise bride and groom. So prepare yourself to go back to the 1940's and 50's. It should be a fun time, put your dancing shoes on and come on down. It is \$50 to attend.

Ms. Frances McDonald thanked Ms. Hartmann for letting her know about the BSA hearing on February 26th and she will be attending. She asked if the Board heard how the Borough President voted on the property on 31st. Ms. Hartmann stated that she spoke to Irving Poy at the Borough President Office and was informed that the Borough President will be signing it shortly. At this time we don't have a Borough President recommendation.

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