

**Community Board 1, Queens – Board Meeting Minutes**

**September 21, 2021**

Meeting opens with Chairperson, Marie Torniali at 6:00 p.m.

**PUBLIC HEARING NOTICE: CAPITAL & EXPENSE FY2023**

Chair, Marie Torniali welcomed the Public to speak. This portion allows suggestions or requests for Capital Projects or Expense items necessary for the district.

Naheed A. (Resident) – Requesting DOT to upgrade street signs, the signs are difficult to read not modernized, not reflective at night in the Ditmars area.

Steve Trilivas (Resident) - 2 elevations over the past several months the amount of graffiti and disarray that the park has come under has been quite drastic to the point that they are starting to spray paint the pavers on the street I am not sure if there is any money in the budget to repaint over the graffiti areas particularly in a color or a coating that would be resistant to future graffiti bombings. The park itself is littered with trash it is falling into complete disarray which is causing it to be a hotspot for people that want to smoke pot and getting into fights. It has exacerbated over the past year, located at 32<sup>nd</sup> Street and 24<sup>th</sup> Road.

Richard Khuzami – Utilize Solar Power for all the lights in particular DOT also in Parks, district wide. Also need charging stations for electric vehicles in strategic places.

Gerry Caliendo – District wide but most specifically in Woodside and 61<sup>st</sup> Street basements/cellars had about 18 inches rainwater and sewer water. It is a result of catch basins not cleaned and the sewers as well. It should be an expense item to be cleaned by DEP.

Maria Bolanos, Mayor’s Office, Community Assistance Unit – Is anyone in the Woodside area who was affected of by Hurricane Ida in need of mattresses or school supplies?

Chair, Marie Torniali – Responded does not know off hand but if so, would forward to Maria Bolanos at CAU.

Maria Bolanos – Responded yes forward to me.

Dominic Stiller – District wide there has been a real awareness of buses being short staffed and kids are back in school and district wide the curb extensions bulb-outs for kids crossing the street will benefit the neighborhood long term by letting kids walk from a mile to a mile and a quarter away from school. My suggestion is curb extensions on many of the routes to schools, schools to transit and secondary routes as well, over time.

Chairperson, Marie Torniali opens the Public Hearing Items at 6:30 p.m.

**PUBLIC HEARING ITEMS:**

**The NYC Department of City Planning (DCP)**

**N210434 ZRY                      Permanent Open Restaurants Program Citywide Text Amendment  
(Presentation Attached)**

Joint application by NYC Department of Transportation and Department of City Planning to amend the Zoning Resolution to establish and allow NYC Department of Transportation to administer a Permanent Open Restaurants Program (POR). This text amendment will remove from the Zoning Resolution any zoning geographic restrictions on sidewalk cafes. Implementation of the POR will also require new DOT criteria and rules for siting cafes, administrative procedures and additional legislative actions (not part of this application).

Presentation made by Sarit Platkin, Department of City Planning, Queens Office and Liaison to Community Board 1 and Western Queens Team Leader. She announced she was joined by Judy Chang, DOT, Director of Special Projects to the First Deputy Commissioner of DOT, Ben Huff, City Planning Transportation Division and Tale Delis, Planner and Urban Designer at the Queens Office of City Planning.

**Q &A with the Board Members/Comments by Residents**

Gerry Caliendo – This entire program revolves around sidewalk cafes and they are really curbside cafes as well, nomenclature should be clarified. Are they under the same rules, sidewalk and curbside? How do all these rules and new regulations, we are only getting a piece of the pie here because of the long drawn out program as you mentioned numerous times that this is the first step to get rid of the Zoning Resolution Rules relative to sidewalk cafes because curbside cafes are not even in the books. How do these curbside and sidewalk cafes in the future, going to influence the implementation of the new curb cut? If I am a property owner and I wanted to have a curb cut on my property but yet a sidewalk café or a curb side café already has permission by DOT to put it in, what do I do?

Ben Huff – We are rolling out a Permanent Open Restaurants Program and Judy’s presentation was focused on the vision of that which is a sidewalk café program and roadway program both run by the DOT. Right now, we are asking the Board to consider a text amendment proposal that would remove sidewalk café regulations from zoning. Basically, any restaurant will be able to apply in the Permanent Program based on sidewalk conditions and the clear path requirement that DOT is putting together rather than needing to have the appropriate zoning as well. We have seen a lot of success in a lot of sidewalk cafes that would not have been allowed in the previous program and they stand to lose even the ability to apply to a sidewalk café in this Permanent Program if we do not move forward with this text amendment. That is why we are working on this text amendment first; we are coming to the Community Boards about this we are presenting a division of it. There will be more work done on updating the sidewalk café rules and then creating the authority for DOT to take over the roadway café. Previously DCWP Department of Consumer Workforce Protection formerly known as Department of Consumer Affairs ran the Sidewalk Café Program they are a licensing agency they are not as large as DOT is and do not have other staff members who are also working on the sidewalk asset management on sidewalks by infrastructure parking meters and all that.

Briefly on the curb cuts, in the old Sidewalk Café Program there was a minimum distance where the sidewalk cafes had to be away from a curb cut about 5-10’ feet that will pass forward. We are reviewing those types of things in the Permanent Program there will be a required offset from a curb cut both for sidewalk and roadway cafes.

Judy Chang – If an entity requesting both not sure if it is a DOB issue or if a property owner can request a curb cut in front of a property that is not theirs (frontage).

Gerry Caliendo – Let’s say the whole street like Steinway Street wants to have sidewalk cafes on the curb but the zoning law says you have to have parking so obviously you cannot have a sidewalk café and a curb cut in the same location there is a provision of the law zoning resolution that says the curb cut should be weighted therefore you do not provide the parking. So, what comes first is my question the sidewalk café or the curb cut with the parking?

Judy – I want to clarify that we did distinguish between sidewalk cafés on the sidewalk and we do refer to the ones on the curb as the roadway seating cafes, you are speaking of the roadways.

Gerry Caliendo – It does not matter where it is if you are blocking the ability to put a curb cut, then in essence that person has license from DOT to put a sidewalk or curb side café then how can the DOB enforce the parking regulations that are necessary to have a curb cut to get on to the property so it is a quandary there I think that should be looked into by City Planning and DOT.

Gerry Caliendo – If you also want a restaurant but yet you also want the parking for the development of the property, what happens with the curb cut?

Ben Huff– who is applying for the curb cut in this scenario? Do they have a relationship? Is this sidewalk café also in this building or in adjacent property?

Gerry Caliendo – Same owner, but has a tenant, happens to be a restaurant and happens to have a sidewalk or curbside café now if they have a license with DOT how can you provide a curb cut to put a development to enlarge this building? You have to think of it from a developer’s point of view that is the problem with some of the agencies they do not look at it from that point of view.

Ben Huff – Property owners will be able to put in a lease with their commercial tenants whether they can have a sidewalk café or not if they do not want their retail properties in their building to have a sidewalk café. I doubt if that is happening while they are trying to make this renovation.

Gerry Caliendo – The legal issue is, can a property owner regulate the sidewalk?

Ben Huff - They can regulate the lease that they have with their tenant they cannot regulate the sidewalk because it is city property.

Ben Huff– I will have the lawyers look into that.

Elizabeth Erion – Bring back the discussion to the zoning text amendment because that is what we are going to be voting on tonight. As mentioned, we will go through the report and discussion the Land Use Committee has had. There are two issues, the Open Restaurant Text Amendment and the proposed guidelines on how we are going to be living with this new program inextricably tied we cannot regulate them. The item that we are voting on tonight is a text change which Sarit mentioned is going to delete a whole chapter in the zoning resolution that regulates sidewalk cafés and the locations where they are permitted. In addition to some clearance requirements throughout the zoning resolution there are mentions of sidewalk cafés so, those items are going to be removed and what this does are two things, it grandfather existing enclosed cafes and it gives jurisdiction over the cafes and administration of these to DOT which includes reviewing and approval. Sarit mentioned the fact it is the beginning, first step in getting a Permanent Open Restaurants Program but with respect to the Committees discussions on this, they were really limited to after the presentation. First were statements that were made approving the zoning text change on all sidewalk cafes now is somewhat premature when we have no guidelines in place to help govern, we do not know what is happening. Eliminating the café zoning text will remove locational restrictions that we do not know whether or not there will be conflicts in the future with existing uses or whether other business operations are going to be impeded. Reconsider proposing to grandfather in unenclosed sidewalk cafes that were built during the Temporary Restaurants Program in residential areas simply because of the impacts that these can have on residential areas. The suggestion was also that perhaps there is a way of reducing or limiting the number of tables and chairs that can be allowed within residential areas for these nonconforming uses. They will be nonconforming when they change the zoning. Most of the discussion and questions that we had, there are a lot of zoning issues with respect with building

in the City with cafes and with the unfinished guidelines being what they are now. We do not have them to review, there are a number of issues because of that. First, that they are being written without community input. These very technical issues will be happening when these guidelines come out guidelines for the street structures should cover standards also for design construction for DOB review and access to power and heating and inspections these all have to be in the guidelines we would like to know what they are. Someone also suggested that there should be aesthetic standards and the streetscape considerations made because public and will be there continuously. We were told there will be ULURP review for new sidewalk and roadway cafes. Someone suggested a seasonal program instead of a full year-round program we do not know what is happening with that. There was a concern raised about the fact that the program is not temporary that some businesses can lose their investment in the structures they built in the roadway of course we all have continuing issues with noises music and compliance and getting enforcement on these things. This is a very critical issue with any program especially if it will be proposed year-round. We hope that the guidelines will protect the right of way for pedestrians. We are now dealing with excess of tables and chairs, menu boards, decorative furnishings, fixed planters and actual waiting lines that are all leaving about 1 square on a sidewalk for people to pass. Again, it is enforcement I know they are in the rules, but no one is doing anything about it. If the sidewalk cafes that were established during the Temporary Program are grandfathered, there is a fear that there will be quality of life issues that increase for the residents who are in residential districts and for those who are living above restaurants. Perhaps there should be more stringent rules for those that are grandfathered and are in residential areas. Because our meeting at the time was not an in-person meeting which was required, the Committee could not vote on a recommendation which is why I gave you a report. The Full Board knows what we have discussed, and what is happening. One more reminder we are not voting on the points on the program itself although this is the one opportunity, we probably will get to have all of our elected officials DOT and City Planning understand where we are coming from and the issues we would be dealing with.

Chair, Marie Torniali – Sarit I want you to clarify the existing cafes and curbside cafes are in essence either going to be removed when the new program goes into effect or must be retrofitted to the new guidelines.

Judy Chang – We are, to the extent possible if those operators choose to continue participating in the Permanent Program to keep things as seamless as possible many will have to modify their structures because they have built up walls, columns, roofs and fake windows. We are proposing to minimize those elements so there will have to be some modifications probably. What we have seen a lot were compliant generally in line with what we are hoping to implementing in the Permanent Program at the onset so they have their 18 inch barriers filled with soil and sand and then they modified it from there in the winter months so hopefully it is just a matter of undoing some of the work that they put into last winter. We are under strict orders to try to keep this operationally not disruptive as possible.

Chair, Marie Torniali – These structures are supposed to be temporary or removable, are they not?

Judy Chang – Responded, yes.

Chair, Marie Torniali – Actually some are new buildings.

Judy Chang - The DOT agrees that many of these structures are too big for their own good they block sight lines block pedestrians from trying to cross the street too close to the crosswalk we completely agree we really are making a big effort to really make sure that it is not a condition in the future we are working on that now.

Kathleen Warnock – There are some questions in the report that have not been addressed and they can help make an informed decision and have not been able to find reports on the safety through the period of time when they have been out there and also what proposed safety rules for keeping the people in the café safe. As you know we had a serious fatal accident here in Astoria in April and we have with the traffic more and more back to the way it was before the pandemic this actually is a quality of life issue I think we are in danger perhaps having more fatalities unless there is a specific plan whether it is in the text be deleted specifically put together to have protection for the people who are eating on the sidewalks.

Judy Chang - Yes, we do have some high level statistics on the number of collisions with the curbside structures I am not sure but for the roadways we are interested in hearing how they are doing, how they are faring, are people hitting them, if anyone was hurt. We do know about the Astoria incident; we are heartbroken over that. I want to point out that was a case of reckless driving, the person was driving very dangerously as you know the victim was not a diner, it was a delivery worker who was caught up in that. If it helps, we can pass along what we do have to give you a sense of what we have seen and what we collected. The vast majority of collisions, not more than a dozen or so that have resulted in property damage and no one has been seriously hurt or killed.

Judy Chang – Nor does complying at all, the reason we have the 18-inch constructed barriers 36 inches high filled.

Daniel Aliberti – What is wrong with the zoning as it is? Why are we removing this section why is it that the new program can't mesh with what is in existence?

Ben Huff – Zoning regulations hold sort of geographic areas on where sidewalk cafes are around and where they are not. It is quite difficult to modify this and it has changed a lot over time. There is default mechanism where if there is a special district written and is not explicitly include sidewalk café then it explicitly excludes them. There is also City Planning, they got a lot of requests from building owners, developers, architects for commercial overlays to legalize sidewalk cafes on properties that may have restaurants but did not have zoning that allowed for sidewalk cafes. It has not been the best tool for determining who gets sidewalk cafes and who does not. I want to say that zoning is a requirement but there is also setting criteria clear path rules that are baked into DCWP admin rules and the application process. That is staying we are actually working on improving that, updating and making it more modern. For example, Citi Bike did not exist in the DCWP Sidewalk Café Program where off sets were required from that so that is something that is going in the update of the sidewalk café regulations. We think really zoning

and this idea of neighborhoods that can or cannot have it is really not the best tool for regulating sidewalk cafes. It is really the local conditions the street and sidewalk conditions and it does not force someone to have a sidewalk café it just allows them to apply and go through the process. We think zoning stands in the way of 2500 restaurants that are currently participating in the Temporary Open Restaurant Program that if this text amendment were not to pass all of these restaurants would lose the ability to apply into the Permanent Open Restaurant Program. Some people feel that they should go away I would think that if the businesses were to speak out or other community's people that use those, they may wonder why they are losing it simply because rezoning is being unsuspending. We are really trying to be flexible to allow as many restaurants can just apply to the Permanent Program and let its focus on rules that really make sense so that is their thinking behind it, that is why they are proposing this text amendment. I would also to say I do not really know if certainly if they have allowed 100% capacity indoors. We do have requirement of vaccines for people inside whereas they not required to be vaccinated if they eat outside. Having open restaurants is an important tool for many of these restaurants and giving away of the zoning this may not be the last pandemic that we see so outdoor dining has been an important tool for helping support our restaurant industry and stabilizing neighborhoods and retail vacancy. That is why we are proposing this text amendment it is certainly a good question but that is our thinking behind it and why we are proposing it.

Daniel Aliberti – Under the current zoning as it is if it is not removed is it possible for someone to make application for a zoning amendment of their particular property even though the zoning says you cannot have a café here but I want to have one can I do some paperwork and apply to have one anyway, a variance?

Ben Huff – There are a number of areas that are specifically prohibited because of the zoning so we would have to amend part of it to legalize sidewalk cafés in certain areas like special districts commercial midblock or restaurants along streets that have elevated rail lines. If you were in a pure residential area and you wanted to have a sidewalk café there is about 1000 participating in the Emergency Open Restaurants Program, we estimated there are about 2500 preCOVID it is hard to know how many of those restaurant survived COVID there was a universe 2500 restaurants in areas that have residential zoning they would each have to go through ULURP to legalize it so that is a 9 month process to change the zoning and an administrative burden on City Planning, City Council and the other agencies involved in that process.

Christina Lastres – Is there an option for City Planning and DOT to come to the table with a holistic approach with DOT and their specific vision and plans and regulations for how the sidewalk and street dining is actually come to light and stay permanently. Post COVID, is there an option for us to revisit the text amendment eventually or is this a permanent text?

Ben Huff – We are not proposing a sunset provision in the text amendment I do not believe that is how the zoning resolution works. We are requesting that we remove sidewalk café regulations from the zoning resolution permanently. I understand it would be great if we had everything all at once working through the sidewalk café regulations update, we are working with a lot of other agencies it has been a very time-consuming process. We are coming back to the public on the updating of that it is required by City Administrative Procedure Act (CAPA) rulemaking. DOT and City Planning will be back as we roll out those future regulations and sort of the design a 30 foot roadway program this is the first one seems like it is substandard but it actually allows longer time and more face to face meetings where public can collect input. This is the first proposal that they are working on for the Permanent Open Restaurants Program.

Richard Khuzami – I think it is very important that small business and given its competitors the same playing field particularly I do not like it when bureaucracy favors one over the other. I always had a problem with grandfathering things into certain businesses and not allowing it in a new business down the block. Given that, I would hope that you would consider from what I understand you are not legalizing the cafes in residential districts you are allowing the existing ones to continue it but they are not legalizing it I do not find it fair at all. I also think that it is important too, with the grandfathered cafes if the owner sells the business or someone wants to take over that site, that café should travel along with them it should not be removed because of a change of licensee or ownership.

Ben Huff – I want to clarify, the text amendment is not changing zoning where it would allow restaurants anywhere in the City, we want to be clear on that. There happens to be a number of restaurants that exist in residential districts because they predated the zoning of that area that is what they mean when they say grandfathered restaurants those grandfathered restaurants would not be allowed to apply for a sidewalk café even if it is on a live block even if the neighborhood loved them if all the conditions in the world were right. What this text amendment is doing it is just removing the zoning as the barrier for who can apply for sidewalk cafés. We do think of it as an equitable proposal because it will allow all restaurants to apply, then from there they would start to meet with certain criteria and clear path requirements.

Richard Khuzami - I thought the non-grandfathered cafés in residential districts what will happen with them you spoke about the grandfathered ones before 1961 when rezoning started, I am talking about the new ones that started now during COVID.

Chair, Marie Torniali – I thought the grandfathered ones was for the enclosed cafes.

Ben Huff – There is that as well, all restaurants that are in a residential district are likely grandfathered they have criteria for zoning. Restaurants are not allowed as a use in residential districts normally if they are it is through commercial retail space that existed prior when the zoning was done. The enclosed cafes questioned by the Chair, there was an Enclosed Café Program that existed in the old Sidewalk Café Program since we are rolling out this sort of Expanded Open Restaurants Program that is more accessible for restaurants that allows for sidewalk seating and some degree of roadway seating we do not really see the Enclosed Café Program necessary in the future we do not really want this permanent encroachment.

Richard Khuzami – What I was discussing if I wanted to open up a café from the existing. If I wanted to open a competition to a restaurant next door if this is past the time say everything is grandfathered in from this, I would not be able to have a café while the guy next door can.

Ben Huff – If the zoning of this building is residential and does not have a commercial space you will not be able to open a retail space in that restaurant. You would be able to take over an existing restaurant space or buy out a restaurant that was grandfathered in and now all of those restaurants would at least be able to apply to the sidewalk cafe in the future but I think business owners are not allowed open restaurants anywhere in the City they have to have the appropriate zoning to do so.

Thomas Ryan – My concern is there is a little bit amount of street space everyone wants a piece of it, but you cannot have it all or once. Besides all the street cafes that are very numerous, there is Citi Bike stations, autos parked, truck deliveries, hydrants, mailboxes, bus stops and emergency vehicles have to get through. Besides looking at the particular spots you have to look at the streets, the blocks, the intersection. We can only have so much of one thing on each given block it is causing overuse of limited space. There has to be a happy medium, there are some locations where there are restaurants on top of restaurants, and you have buses and trucks they have nowhere to go but stay in the streets. If you do not look at the overall picture you are going to cause more problems that is my concern if you have removal of the variance. That should be taken into consideration with some of these places that look like permanent buildings with full walls and windows. I hope you all will address some of these issues.

Judy Chang – We are hiring staff to help with this program as it transitions into something permanent that includes a handful of planners who will do something called quarter review to make sure the street is not overtaken the idea is that once a block is saturated with a percentage of proposed cafés someone will step in say how we can make sure we can still load that buses can turn how to make sure we can accommodate all those other uses that have always existed

Ben Huff – Expand, that is also why moving the Sidewalk Café Program from DCWP to DOT also makes a lot of sense it is an agency that specializes on the things you are talking about and has staff and manpower rather than someone who is focusing on the licensing of them and some overview of them it is really with an agency that is also running these other initiatives that you are talking about.

Antonella Di Saverio – I think everyone wants our establishments to succeed, having underutilized cafes on the street when we already have Citi Bikes and once, we start getting back if you were to go back to the establishment you may have some space that is unutilized, grandfather it they do not have parking or do not have the space they use to have.

Dominic Stiller – To clarify that the zoning text clearing does not permit enclosed sidewalk cafes I did not see it in the material. I know you do not encourage or allow any new enclosed sidewalk cafes I am curious about the grandfathered in of the existing ones but some of the corners at 36<sup>th</sup> Avenue and 31<sup>st</sup> Street the sidewalk cafes are enclosed they really stress out the pedestrian life on the corner can you confirm that you are not perpetuating the ability for restaurants to build enclosed sidewalk cafes?

Ben Huff – These enclosed structures, were they put up during COVID or did they exist pre-March 2020?

Dominic Stiller – They are pre-existing for sure.

Ben Huff – Going back to the presentation might have the map that shows where the enclosed cafes are in this district. By removing the sidewalk café regulations from the zoning text, moving it to DOT we are collapsing the definitions of the types of cafes that existed. There were small cafes, regular unenclosed cafes and enclosed cafes. In the future there will only be unenclosed cafes and there will be sidewalk cafes certain criteria rules and clear path requirements to determine how large a café can be. There will be no small or closed cafes in the Permanent Program these enclosed cafes that existed in March 2020 they have a license from the City. They may have had these structures for a very long time, so we are honoring them we are grandfathering those in the future.

Dominic Stiller – Are they still paying a significant fee.

Ben Huff – All the fees are suspended during the Emergency Program.

Dominic Stiller – Where is the benefit of suspending the enclosed sidewalk café fees.

Ben Huff – The sidewalk café rules were suspended during the Emergency Program they did not have bans on dining in those structures it would have been difficult to charge them fees and not allow them to use it. The future program will have fees we will have fees part of the revocable consent in the Permanent Program I do not see restaurants paying for the space and not really using it that much. Also there will be a lot of restaurants limited to the front to do their building it may not make sense for them to apply and have the outdoor seating if they are not going to use it a lot this Emergency Program is self-certified it is free there is no public review there will be less restaurants participating in the Permanent Program than what is there is right now. We see this as the high-water month for outdoor dining there is still a general aversion from some people eating indoors some cannot eat indoors right now. We are trying to improve what existed pre-COVID we imagine it will not be extensive as it is right now since there will be fees and a process that the restaurants will have to go through.

Chair, Marie Torniali – Can you please clarify when the Temporary Program expires.

Ben Huff – The Temporary Program in the timeline in the presentation expect in the end of 2022, early 2023 that is when the Permanent Program will launch sidewalk cafes will have to come to the Board again for review that is the process right now.

Evie Hantzopoulos – Ben said the sidewalk cafes will have to come for review, will the roadway cafes have to go as well?

Ben Huff – Sidewalk cafes are required to come to the Community Board through the City Charter, in the way they are developing the Roadway Café Program they will work a lot on upfront rules and process but right now we are not expecting that to go through Community Board review but that can be subject to change.

Evie Hantzopoulos – But the sidewalk cafes would?

Ben Huff – Yes, they have to, they are required by zoning.

Evie Hantzopoulos – When the Open Restaurants Program is permanent, they would still do that?

Ben Huff – They have to, sidewalk cafes exist in the City Charter. The rules for the roadway cafes, this is a new program, the way we envision it is that there will be a lot of rules in process and designing guidelines up front rules that is what is still being worked on and that the roadway cafes will not have to come to Community Board review sidewalk cafes will another check that Community Boards will have through the liquor license process the Community Board can ask how they expect to use their roadway structure.

Chair, Marie Torniali – Want to clarify that this zoning resolution applies solely to sidewalk cafes.

Ben Huff – Responded, correct. We will be coming back to speak to the public about the creation program design guidelines how the program will look this zoning text amendment zoning does not extend to the roadways, so it does not legalize anything in the roadway.

Amin Mehedi – Have you spoken with the restaurant owners and how they can cooperate with the Community. All areas have different situations. How are you working with the restaurants? Have you had meetings with them? How are you informing them? Have you included them yet or not?

Ben Huff – We have been working with the Hospitality Alliance, we have had some Town Hall meetings where we presented how we are working through the visioning of the Permanent Open Restaurants Program and the guidelines. We also worked with the Office of Small Business Services and Office of Nightlife who launched “Being a Good Neighbor” Campaign during the Temporary Program on how to improve on the complaints they have heard from the Communities during the Emergency Program. We are working with them and DOT has a lot of information on their website a lot of guidance they can consult and can ask further questions, they can look into that and the Department of Health put out guidance on how restaurants can reduce vermin and rat problems they may have check lists on best practices to improve that we are working with the restaurant industry. I would say what we generally heard back from our Town Hall meetings was that restaurants would like to have a Permanent Open Restaurants Program and clear guidance/rules on what they can do. That is something we are working towards and will put together when we roll this out.

Judy Chang – We have also received a request for a meeting with the small group of restaurants from a neighborhood in Brooklyn who reached out to us. We are open to meeting with those smaller groups as well. If it is something you are interested in, we can put you in touch with the Borough Commissioners Offices someone from the front office including herself would love to attend to hear the thoughts in person.

Frank Fredericks – Has there been any analysis on the micro economic impacts, my hypothesis would be that on average with sidewalks open more businesses happening more revenue is just an attempt to capture that? I also wonder if there may be a huge increase in revenue for those restaurants so when we have that conversation down the road it would be great to see what that looks like if there is a 10 to 1 exchange there is a huge economic case to be made for it. If it is damage that is something else just focus on the sidewalk I would love to hear if that analysis has been done and what those numbers look like.

Ben Huff – It is very difficult to distinguish business that happens at a sidewalk or roadway café for the same restaurant the way we have looked at data we have not been able to look at that. What I can tell you is that restaurants were heavily impacted by the COVID-19 crisis. There was a ban on indoor dining, there was capacity restrictions overall restaurant spending is still way down. A lot of restaurants have gone out of business and employment is still below pre pandemic levels, spending is still below pre pandemic levels. Maybe not at one local coffee shop that maybe thrived because there are more people working from home in Astoria and they are getting more of a lunch crowd than they had before but sort of looking holistically across the City restaurants are still heavily impacted by the COVID-19 crisis. There is also staffing shortages that has been difficult there are restaurants that cannot handle as much business. When we spoke with brokers they want them to take down outdoor dining, outdoor dining it is not as good as indoor seating, indoor seating is guaranteed, outdoor dining, it can be too cold, too hot downpouring and also that restaurants are just seeing a shift of what they had in indoor dining before to outdoor dining so it is really hard for some of them to make the case they are not filling the seats indoors that they are making more money than they were before. Again, there are some exceptions to this rule in the future program restaurants will be limited to the front of their building. I know some entrepreneur restaurants have maybe gone beyond that with the explicit permission of their neighbors that was something we allowed during the Emergency Program, but we are not expecting to allow in the Permanent Program. It helps restaurants and we see this as something important for the economic development and economic recovery of New York City, there are a lot of factors I learned about on that have really made it difficult that indoor dining is not all bonus it is really just kind of help them save right now but again it is very important for the economic recovery of New York City the hoping this is a tool that will be helpful to them.

Irak Dahir Cehonski – This is going to City Planning and then voted by City Council, is that correct.

Ben Huff – Responded that is correct.

Irak Dahir Cehonski – Announced that he is unable to vote on this item due to the fact that his boss sits on the Council's Land Use Committee therefore it is a conflict of interest. However, I point out on an issue I have heard regarding on trash and rat issues that come with outdoor dining or street restaurants. I want you to explore the idea of expediting as fast as possible the waste in commercial zones just to address and avoid that issue to be implemented. If there is any way to do it faster, it would be amazing,

Chair, Marie Torniali – Seeing no more questions for this item will close it and vote on it during the Business Section. Thank you Sarit and Ben.

#### **C210200 ZMQ            31 Street & Hoyt Avenue North Rezoning (*Presentation Attached*)**

Applications filed by MDM Development Group LLC (primary applicant) to rezone the east side of 31<sup>st</sup> Street between Hoyt Avenue North and 24<sup>th</sup> Avenue (Neptune Diner site) to C4-5X and C4-4 from existing C4-3 and R5B zoning districts and to establish the project area as a Mandatory Inclusionary Housing (MIH) area.

Thomas Ryan – My wife works for Akerman, I will abstain from voting.

Gerald Caliendo – I am making a disclosure statement; I am an Architect and am working with this project.

Presentation made by Frank St. Jacques, Associate, Akerman LLP, joined by several members of the project team including ownership, the project architects, the environmental consultant and HANAC .

#### **Q &A with the Board Members/Comments by Residents**

Elizabeth Erion – The action before the Community Board tonight is to rezone approximately 20 lots from the east side of 31<sup>st</sup> Street between Astoria Boulevard north and 200 feet more of 24<sup>th</sup> Avenue to C4-5X and C4-4 in order to construct the proposed developments that we saw explained by Mr. St. Jacques. The Committee had two (2) meetings, March 24<sup>th</sup> and September 1<sup>st</sup>. The comments follow: The rezoning area encompasses 3 very separate and independent development sites that do not have construction commitments or a schedule; a fourth site was identified as a future development site also but there is no proposal to develop it, this was not part of the presentation today. Comments were more related to the buildings themselves and the size of the buildings. They are out of context with the adjacent low density and mid-density neighborhood character even though Site 2 was lowered by two stories it is still very uncharacteristic of Astoria's development patterns that we have. There were comments about the shadows that are cast by these buildings across the school, across the playground and certainly the homes immediately adjacent to the east which will not get south and west sunlight. Some of us think there was really a planning rationale for increasing density and maximum height here we have a history along the 31<sup>st</sup> Street corridor as most of you can see going back and forth on the train that there is a lot of new development under the zoning that went into effect in 2010. The program for the community space was vague except for a youth center, a senior center and a daycare center. The applicant responded to a comment about a small number of bedrooms that exclude families and children. The projected rents for MIH are still relatively high and do not accommodate families that are already rent-burdened. Some would like to see a higher percentage not the minimum percentage that is required but a higher percentage of the residential floor area be dedicated to affordable MIH apartments. The question was, what are you going to do about subway accessibility also now that we have the new zoning text or will soon that deals with adjacent developments next to transit lines. There were also comments about trying to seek additional finance that would subsidize some more units in the developments. The delivery areas which is the same as provided, the question about the fact the senior center is so close to the HANAC building which is diagonally across when other areas of the Community district do not have any other senior center. There were comments about the fact because it was so transit oriented perhaps some of the parking area that is not required by zoning should be reprogrammed for apartments, residential space thereby increasing the number of units that can be constructed within the building. Since the September 1<sup>st</sup> meeting, the office has received a number of emails in opposition to this, first it was 5 or 6 emails from residents that all sided that the development is out scale and is non contextual and it has severe impacts on the adjacent owners. There were letters sent from the management developments area churches and some other individual letters who cited reasons for supporting it, more housing opportunities, the services that are going to be provided within the community facility space, senior and youth centers, temporary and permanent jobs that will be constructed . In addition to the letters that have come into the office we have also received petitions both opposing and in support. I took a look at them, I am not finished, what I was able to do was get a number of people who signed these petitions who would be affected immediately who are in an area very close to the project. First those, the signatures that came in opposition were 225 signatures and out of those 225 signatures 72% were from the immediate area and that area I defined as the Amtrak via duct 33<sup>rd</sup> on the east Grand Central Parkway/Hoyt Avenue on the south and 28<sup>th</sup> Street on the west because this is the primary impact area. Most of the people in that area who signed the petitions were opposed to it. We also received a significant number of petitions/signatures in support last count was approximately 450 that I know of some of them were duplicates but I did go through each and every page of them so far I have from that particular group only 8 of signatures were signatures of people who lived in the area that I had outlined. I do not have additional information. I also must point out that we must be making quite a bash with everyone about these developments because we have had people respond in support of this project coming from Brooklyn, Manhattan, Chicago, Kansas City, Oregon and Long Island towns not to mention all areas of Queens no one from the Bronx or Staten Island. At this point I have given you a synopsis of what the Committee discussed, we did not take a vote because we did not meet in person last month so we will have to get a motion from the floor when we go into the Business Section.

Thomas Ryan – Going from C4-3 to R5B, C4-5X to C4.4 basically as-of-right zoning variation increase the FAR the height the yards the set back more MIH the density etc. so you can build this as-of-right anyway my biggest concern is the traffic. How are you going to handle the traffic during the building process?

Frank St. Jacques – We have members of Philip Habib and Associates who conducted a full traffic study which was required for the environmental quality review and made the determination there would be no significant adverse impacts as it relates to traffic and also covered construction it is a very detailed document. I am happy to defer to our folks from Philip Habib on tonight's meeting with respect to specific technical questions but I will note that essentially we perform a thorough traffic analysis as required for evaluating potential significant traffic adverse impacts on the surrounding area due to development at these sites as well as an additional fourth projected site and a determination was made that there would be no significant adverse impact.

Brian Richard – We did our existing conditions before COVID we analyzed the traffic development with existing conditions, pre COVID so it is pretty much the worse possible condition you can get.

Frank St. Jacques – The environmental analysis also compared no development essentially the status quo to the proposed development. There is a much larger increment than an environmental analysis that would have been between what the property owners are able to develop as-of-right versus the proposed zoning. We opted for a more conservative analysis. Again, with pre COVID conditions and essentially evaluating the status quo the as-of-right development versus the proposed development.

Andy Aujla – Since this zoning change request is for three nonconnected properties, if this zoning change does go through, it means any of the other buildings that are not part of this project now can than build as-of-right to the same level, is that correct?

Frank St. Jacques – That is correct. One thing the environmental analysis did is evaluate other potential development sites (soft sites) it looks at the rezoning area, what else is within the rezoning area. The applicant owned three sites and also evaluated a fourth site which would be all lots that are independently owned for a more conservative analysis every view the potential development of that hypothetical site. For that site to answer your question anything within the proposed zoning area could be developed as-of-right it is more likely than not most properties would not be developed based on the criteria for CERQA.

Kathleen Warnock – I am very much against this rezoning. I think we are aware to see change we do need senior centers youth centers LGBT centers and affordable housing but we do not need them as sweeteners for high rise luxury apartment rentals. Basically, I think we must, especially now, with the new city council coming in with many more members who are elected through grassroot support to stay away from this model of development this particular development has been on the table since 2019.

Dino Panagoulis – One of the concerns that I have with regards to a lot of these and not particularly this development but just in general is that one of the things we are seeing with these massive amounts of buildings that are coming in is it is putting a huge strain on our city infrastructure specifically the sewers. We saw this with Hurricane Ida we have dozens upon dozens of basements flooded it is stalling these buildings and getting these high-rise apartments and getting all of these utilities turned on it is only going to strain an already strained system.

Frank St. Jacques – As part of the environmental analysis infrastructure was analyzed for these sites it was found there would not be significant adverse impacts as a result of these developments. Further note, there are extensive Department of Buildings code requirements as it relates to efficiency and storm water retention which see to address the very problem you raise. Those will be incorporated into the developments. I will continue to note the as-of-right development is permissible today within the current C4-3 zoning, we have provided drawings showing what the owners could build today without the rezoning. We urge the Community Board to look at this in terms of the added benefits that come from the proposed rezoning including income restricted housing and the Community facility use. This rezoning is ultimately based on land use rationale that goes beyond these proposed developments and it really contemplates on the existing zoning versus the proposed zoning and that the proposed zoning allows for better programming, better building design and ultimately our position would provide more community benefit.

Dino Panagoulis – I keep hearing that, but the issue is that the boots on the ground and me specifically as a building owner I do not see that. All I see is that I consistently get water into my building and years ago I never did.

Daniel Aliberti – Who owns these three properties and what will happen with these two major businesses that are there, Staples and the Neptune Diner?

Frank St. Jacques – This application has three applicants representing the three owners of the three development sites. Site one is owned by 31 Neptune LLC, the second is owned by 2441 Astoria Associates and the third MDM Development Group LLC, the representatives of ownership are on the call, they are corporate entities. The current commercial use at the development site 1 that is the Neptune Diner, the Diner has recently opened another location in Bayside and owners of the site have had ongoing conversation with the ownership of the Neptune Diner. The property owners are open to the Neptune Diner to be included in the proposed development obviously it is several years out from construction it would represent a disruption in their business, but that conversation is ongoing. With respect to Staples the commercial use there is contemplated that building is more local oriented and we do not really see a place for a bigger box store like Staples in that building so that business will be replaced by smaller more local retail uses.

Evie Hantzopoulos – Are the developers pursuing a 421A with decades of tax breaks, are they applying for that?

Frank St. Jacques – The 421A tax abatement is sunseting next year the intention is that they will assuming that the rezoning is approved it is a big assumption at this point if they are able to apply for the current 421A tax abatement program they will do so if the program changes before they are able to apply for the current program they would have to evaluate the new program which we do not know whether or not 421A will be extended and if it is what form it will be in the owners will have to make that business decision about the new would entail.

Evie Hantzopoulos – My issue is the MIH housing because you are averaging 60% AMI housing those you will have to (inaudible) subsidizing one another in addition to the 75% of these widely expensive market rate apartments studios for thousands of dollars, 3 bedrooms that will go for \$6 or \$7,000 and yet the developers are going to apply and I am sure they will receive a 421A which is making them an additional profit because they will not be going to be paying taxes, not paying into the very infrastructure that we need to fix the sewers and fix all of that. The developers are not offering anymore than the bare minimum of affordable housing that is required by law. They have had 11 years to build as-of-right and they have not because they know they can make so much more money through this rezoning. The Community needs to get more, they need more truly affordable housing and 25% does not cut it.

Richard Khuzami – When zoning was done in 2010 it was contextual zoning and one of the main components behind this was to build up around the streets and near transportation hubs, this is a transportation hub regardless of what happens whether is as-of-right or in this particular case it is going to be developed and it will be developed out of context with those buildings on 32<sup>nd</sup> Street. We are not going to stop it at least if there is only couple of stories difference in height between as-of-right and what these guys are proposing in response for getting some MIH. Also, in general in terms of market rate apartments I firmly believe supply in demand controls rents better than anything else.

Amin Mehedi – How are you going to handle traffic on Astoria Boulevard? It has gotten worse we have been talking about it we met with DOT and there has been no results there has been no improvement and at the same time if you start this project there it will be worse.

Dominic Stiller – What is the buildable floor area as-of-right and what is the buildable floor area with these bonuses and then I would like to know what is the square footage of the affordable housing and make a decision? I am going to ask Frank, how much square footage is the entire lot that is going to be rezoned, the entire group of lots C4-3?

Frank St. Jacques – We did an analysis. I have it broken down by building, the easiest way to make the comparison is simply by comparing all of the illustrative as-of-right by scenario shown here in a very rough rendering to give a sense of how the building envelope in existing sequence (inaudible).

Dominic Stiller – We see this we see the floor area in a nutshell, now show us the plan that is proposed. I am trying to compare the as-of-right vs the bonus.

Frank St. Jacques – He showed the proposed rezoning area from the mid-block 200 feet north of 24<sup>th</sup> Avenue along the east side of 31<sup>st</sup> Street then it captures the entire block between 24<sup>th</sup> Road and Hoyt Avenue North/Astoria Boulevard, that is the entirety

Dominic Stiller - Do you have a number in square footage.

Frank St. Jacques – Not in front of me. If someone has that from the environmental assessment, please share. We did provide a letter that breaks down this information a comparison of the C4-3 district and what is permitted as-of-right vs the proposed development. I showed you on my screen the as-of-right which has the 12-story building an 18-story building and another 12-story building. The letter that we provided to the Committee about a week or so ago walks through what a comparison of each site as it relates to square footage, parking and the units. I will go through a comparison as-of-right you can build an 11-story building with 27 units.

Dominic Stiller – The page we were looking at the proposal will have high-rise buildings between those two as-of-right, correct?

Christina Szczepanski – The total of the entire rezoning is approximately 83,000 square feet.

Dominic Stiller - What is the square footage of the affordable housing, in total, how many apartments is it?

Frank St. Jacques – It is 69 apartments.

Dominic Stiller – What is the FAR C4.3 that is equivalent to R5b right?

Frank St. Jacques – No the C4.3 is an R6 equivalent, a 4.8 FAR.

Dominic Stiller – What is the FAR you are asking for with your rezoning of C4-5X.

Frank St. Jacques – C4-5X allows a 5 FAR and a C44 allows 6.5 FAR

Dominic Stiller - This is getting complicated, is it 50/50 a c4-5X or c44 what is the breakdown there?

Frank St. Jacques – Corrected, the C4-5X with MIH allows a 6 FAR, it is 1.2 FAR increase for the C4-5X and for the C4-3 to the C4-4 is 4.8 to 6.5 so it is a 1.7 FAR increase.

Dominic Stiller – Can we get the total square footage of the affordable housing and does it come close to the difference in that? you are going from, as-of-right 4.8 to something like 6.

Frank St. Jacques – Right now there is no requirement to provide MIH with the rezoning. (there would be)

Dominic Stiller – The three lots are about 60-70% of the entire area, is that right?

Frank St. Jacques – That is probably fair. It is 278 total apartments in those three developments, 67 which would be permanently income restricted units vs no permanently income restricted units. There is considerably more housing allowed with the proposed rezoning. No MIH is required presently so it is ultimately a difference the zoning envelope is roughly the same. You still have tall buildings there is just better design as well as additional community benefits that would be provided with the rezoning and more housing in addition to MIH.

Steven Trilivas (Resident from 32<sup>nd</sup> Street) – He said he is representing a lot of his neighbors. He stated that the main concerns of the residents of 32<sup>nd</sup> Street abutting 24<sup>th</sup> Road is the structural integrity of their buildings; these buildings were built in 1930 to 1935 there is a significant amount of damage that can go through the foundations and utilities by the construction of this. Last week his house experienced a flooding of the sewer due to the terracotta pipes. There is a significant amount of concern with the destruction of backyards and the general quality of life access, 24<sup>th</sup> Road is the life blood of all of the residents on 32<sup>nd</sup> Street, it is how we get into our homes and how we get out of our homes. If there is not a logistics plan that basically allows us to continue to exit our homes and get to the rest of the neighborhood that is significantly concerning. What happened along 31<sup>st</sup> Street is already a problem. We have 6 to an 8-year project with heavy construction equipment along 31<sup>st</sup> Street that is going exacerbate that issue tremendously. We saw even with the Astoria Boulevard train station what that did to traffic, it has caused a significant amount of disruption not only to the residents on 32<sup>nd</sup> Street but also to parents of the children who are in the school on the block, noise, air pollution and there are elderly neighbors they do not necessarily have a voice. You are talking about senior centers and all kinds of things to help the elderly; this is all a challenge for them. There are a lot of concerns, a lot of community members that want to give their opinions. I hope this is something that the Community Board will vote no on, I know if it goes to the City Council it might be a different story.

Maria (Resident from 32<sup>nd</sup> Street) - Opposed to the project. Stated they have lived there more than 60 years, all her life; the house was built in 1928, it is 93 years old; it may not be able to withstand it. They pay taxes, struggling and will not be able to sit in their backyards, have barbeques or family parties. This will affect the traffic and parking, there will be a lot of noise.

Jimmy (Resident from 32<sup>nd</sup> Street) – Opposed to the project. 24<sup>th</sup> Road is a very narrow street to have construction going on. It will be difficult to get in and out of the street will be unbearable to go to the store, to go to doctor appointment or for any emergencies.

Lidia (Resident from 32<sup>nd</sup> Street) – Opposed to the project. Pleads that they are very careful, responsible and not to damage the property. Her home is from the 1930's. She has health concerns.

Ana Paniagua (Resident from 32<sup>nd</sup> Street) – Opposed to the project. Traffic concerns, parking and getting in and out of 24<sup>th</sup> Road, 32<sup>nd</sup> Street is a dead-end street. They will not have use of their backyards, there will be pests and odors. There will be vibrations during the construction. The plumbing is a big concern as well. Also asked the Community Board to consider voting no on this.

Jean and Joe Morreale (Residents from 32<sup>nd</sup> Street) – Homeowners opposed to the project. He read a statement regarding the rezoning concerns for EAS, overcrowd the schools, unsafe conditions at the train station at the Astoria Boulevard train station. He urges everyone to vote against and share all concerns with the City Council. She stated that the buildings of that size will make their property untenable not only during the construction with dust and debris but also after construction with it comparatively giant size compared to the rest of the neighborhood. Worried they will lose tenants and income, also lower the standard of living. She mentioned the shadows are a big concern as well that will extend 3 blocks each way and will not have proper sunlight to garden.

Aurora (Resident) – Here as an additional perspective. Concerned about new and young people moving into the neighborhood and the rents going up.

Laura (Resident from 32<sup>nd</sup> Street) – Opposed to the project. Lives behind the proposed project. The neighborhood is already revitalized. Concerned about the infrastructure. Asks for voting for Astoria, against the rezoning, against this development but not against development in general. We do not need a megastructure.

Renzo Ramirez, Member of 32BJ – There on behalf of 85,000 members who are in strong support of the project. The developer has reached out to make a credible commitment to provide prevailing wage jobs to the future workers at this site. The apartments are needed for working people in Queens.

Naheed (resident from 32<sup>nd</sup> Street) – Opposed to the project. Concerns with trains being in close proximity and with the apartments will require the trains to run more frequently, overcrowding in the schools, parking, traffic and noise. Asked to not approve this rezoning.

Pastor Gilbert Pickett, Sr., from Corona along with his colleagues Pastor Corwin Mason, Astoria Community Church, Pastor Crawford Henson, Friendship Baptist Church – In support of the project due to the fact there will be affordable housing, there will be a senior citizen center, youth center, pre-k, jobs that will be made available and other programs. They hope and pray that this rezoning on 31<sup>st</sup> Street is approved.

Chair, Marie Torniali – Closed the item and stated they will vote on it during the business section.

#### **BUSINESS SESSION:**

#### **Adoption June 2021 Minutes**

**Motioned by Jean Marie D'Alleva; Seconded by Amin Mehedi**

**Chair Report:**

Chair, Marie Torniali – Stated that due to time constraints she will not give a report. Announced that virtual meetings will be ongoing at least until January. Shared, we lost Edward Babor a Member of the Board about a month ago was on the Board for a very long time was a gentleman he will certainly be missed.

**District Manager Report:**

District Manager, Florence Koulouris – Stated that she will forego her report. She shared her and the office staff's deepest sympathies for the loss of Ed Babor as well as for the loss of Evie Hantzopoulos' mother.

**Committee Reports:**

**Old/New Business:**

Dino Panagoulis, Consumer Affairs Committee – If everyone has been able to review the Consumer Affairs spreadsheet that was sent to you by Florence, the entities with which we agreed to stipulations are marked. We are asking for a motion to approve CB1 stipulations we approve the licenses and stipulations listed on those spreadsheets.

**Motioned by Thomas Ryan, Seconded by Jean Marie D'Alleva**

Chair, Marie Torniali – Asked if anyone objects, none heard, she stated the motion carries.

Antonella Di Saverio, Environmental/Sanitation Committee – An update on the Astoria Houses Promenade. Joe from the Borough President's office, Florence, Members of the U.S. Army Corp of Engineers, Mohammed from Parks and myself, did a walk through of the site to determine what is causing the sink hole and for the Army Corp to also evaluate the site. Progress is being made on the repairs. The seawall perimeter is being fixed they are making sure that the sink hole, the permeation on the seawall will be filled with gravel and concrete so that the sinkhole will not happen again. The entire pavement on the Promenade is being replaced up to the Ferry entrance, the fencing is going to be replaced. Army Corp is preparing a report regarding the storm management in that area so that any future catastrophic events can be addressed. Also, New Yorkers for Wired Tech is asking if anyone has suffered a documented health injury from living under a roof with cell phone structures or in close proximity of 5G pole (inaudible) exposure. Please reach out to them at: [newyorkers4wiredtech@hushmail.com](mailto:newyorkers4wiredtech@hushmail.com). Also, Governor Hochul on Monday approved construction of two new power transmission lines that will bring more renewable energy both these lines will be coming through hubs in Astoria.

Dominic Stiller, Environmental/Sanitation Committee - Our next Committee meeting for Environmental/Sanitation will be on October 12<sup>th</sup>.

Elizabeth Erion, Land Use & Zoning Committee – First item on the Agenda for the Board's vote is the Open Restaurant Text Amendment, as a reminder we are voting on the text itself there is a motion on the floor the Committee does not have a recommendation.

Richard Khuzami – I would like to make a **motion to approve** with a stipulation that we would like to see the residential areas open for approval not just for the grandfathered facilities but any other commercial overlays in the residential area that may want to put up a restaurant.

Chair, Marie Torniali – I think we can make a recommendation without making a stipulation. Does anyone second that motion.

**Seconded by Thomas Ryan**

Chair, Marie Torniali – Asked if there is any discussion on this motion.

Dominic Stiller – Richard your motion seems to enable restaurants in the residential districts when all this zoning text amendment is about sidewalk cafes.

Richard Khuzami – It should be sidewalk cafes and it is not through all the residential areas it will only go where there is a commercial overlay in a residential neighborhood.

Elizabeth Erion – I think Richard's point has to do more with the program itself it does not have to do with the zoning. The existing zoning does not permit new cafes or restaurants in residential zones. Those are legal nonconforming uses. This particular text amendment is proposing that everything is gone, it is off of the table and only will dictate whether or not a restaurant or café to go in a residential area if it is properly zoned for it. That means there has to be an existing seal overlay or commercial zone.

Richard Khuzami – If there is an existing overlay that is fine, I did not know that would be the case.

Elizabeth Erion – It is very confusing at this point because we do not know specifically line by line what is going to be allowed under the new regulations, we only know what we have now, under the temporary executive order it seems that all of the rules were just put aside with respect to what is allowed in the residential zone because they had a restaurant there before 1961 some of them were allowed to put a sidewalk café there. What I do not know is how they are proposing to handle this, I was overwhelmed. We need it in writing. Do you want to amend your motion?

Elizabeth Erion - Is your motion to say motion to approve to keep the stipulation that residential areas are open for restaurants.

Richard Khuzami – I would like to change it to a recommendation, and I would like it to say outdoor cafes are allowed in residential where there is a commercial overlay.

Elizabeth Erion – That will be done. The motion on the floor to vote is motion to approve the text amendment.

**Motioned by Dominic Stiller; Seconded by Thomas Ryan**

Roll call by Amy Hau

Chair, Marie Torniali – The motion does not carry.

**Yes: 11; No: 22; Not Voting for Cause: 1**

Elizabeth Erion, Land Use & Zoning Committee – The request now is for a motion on the Rezoning which will rezone a portion of the east side of 31<sup>st</sup> Street to C4-5X and C4-4 zoning districts and to amend the zoning resolution to establish the rezoning an MIH area for Option 1 and 2. May I have a motion on the floor.

**Motioned by Amin Mehedi; Seconded by Kathleen Warnock**

Elizabeth Erion – The motion is to approve the rezoning or disapprove the rezoning or to approve with conditions or you can approve it and later on make recommendations which is what we frequently do.

Amin Mehedi – The motion is to disapprove.

**Motioned to approve the project made by Jeffrey Martin; Seconded by Thomas Ryan**

Elizabeth Erion - Discussion motion to approve.

Jeffrey Martin – The reason why I want to make this a motion to approve this particular project. I agree with the many people and the neighbors who have commented that this project is out of scale. I 100% agree with that. The reality with this project is that the scale of it was determined with 2010 rezoning with C4-3 zoning that was zoned in 2010 but runs the entire stretch of 31<sup>st</sup> Street corridor from Broadway up to Ditmars allows for each of the three development sites to be developed. They will be developed in some way at some point with no limits on height, yes, there are floor area ratio limits which does limit the height they can be developed up to 18 stories. We have some development along the C4-3 zoning along 31<sup>st</sup> Street that goes up 6 or 7 stories; is that out of scale for this neighborhood? Yes, but what I am looking at here are the benefits of the rezoning including more affordable housing, more housing in general and more housing next to a subway line and other transit modes, there are also buses. I agree this project is out of scale and I agree with a lot of the statements made today, the impact on the neighbors with development of these three project areas. I think the benefits of this zoning outweigh just keeping it zoned the way that it is and developing as-of-right. That is the reason I am proposing to approve the project and made that motion.

Roll Call by Amy Hau

**Yes: 4 ; No: 25; Not Voting for Cause: 4**

Chair, Marie Torniali – The Motion failed to approve the rezoning.

#### **ELECTED OFFICIALS/REPRESENTATIVES – Announcements:**

##### **Joseph Nocerino, Office of Borough President Donovan Richards, Jr.:**

- Tomorrow the Borough President is hosting a Regional Town Hall, at Variety Boys and Girls Club at 6:30 p.m. a lot of the elected officials will be in attendance and heads of agencies: NYPD, NYCHA, DSNY. This is specifically for Boards 1, 2, 3 and 4.
- The Borough President opened a Welcome Center, every Tuesday there will be an immigration lawyer there if you need services.

##### **Mary Jobaida, Constituent Liaison, Office of State Senator Jessica Ramos:**

- Our office is open, we welcome visitors by appointment only, to maintain health guidelines. Constituents can call our office or email to make an appointment. Our office number is (718) 205-3881 and Email: [RamosConstituentServicesTeam@gmail.com](mailto:RamosConstituentServicesTeam@gmail.com)
- We have received many calls related to Hurricane Ida flood damage. Senator Ramos and her team have been on the ground everyday knocking on doors and checking in with residents in the hardest hit areas. We have provided the flood victim families with resource information for the post flood recovery, and with the help of the Red Cross we provided cleaning kits to affected neighbors. If anyone needs help, please call our office.
- We also receive many calls related to excluded workers' fund applications and application assistance for the Emergency Rental Assistance Program. We do help constituents to fill out the applications, but once again, it has to be by appointment only. To make appointment for the Excluded workers' fund application assistance, please use this link: <https://docs.google.com/forms/d/1fOQrfZ9IxxNMgWVMjKdindli4onCultUS2m8kGGpJXE/edit>

Anita Stephan (Resident) – I put together the petition opposing the rezoning of 31<sup>st</sup> Street and Hoyt. I wanted to thank everyone on the Community Board, I really appreciate your vote. Thank you for taking the time for reading everything I submitted.

**Shamima Rahman, Office of Assembly Member Jessica Gonzalez-Rojas:**

- The offices are open for appointments, if you have any damages from Hurricane Ida. I will put our information both telephone number as well as email in the Chat
- We have a paper shredding event on November 13 in Woodside at P.S. 398Q from 10 a.m. to 2 p.m., 69<sup>th</sup> Street and 34<sup>th</sup> Avenue. There is a 5-box limit
- There are appointments for Rental Assistance and Excluded Workers Fund, I will put all the information in the Chat

Louie Sosa (Resident) - I want to commend the woman that put together the petition for the zoning. We have a serious issue in Astoria for all of the residents between 21<sup>st</sup> Street and Broadway to Hoyt Avenue that becomes Astoria Boulevard down to the water there is an enormous amount of development going on between 27<sup>th</sup> Avenue and 1<sup>st</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Streets. As a result, there are about 200-300 parking spaces that normally people who live in the area would park in that are no longer there. People are parking 5-10 blocks away from where they live. There is a congested parking issue which is affecting many residents by converting some of the left over and existing parking spaces from vertical parking to parallel or diagonal parking. I am welcoming any assistance on how this issue can be fixed, it is having a ripple effect.

Chair, Marie Torniali – Please contact the District Manager, Florence, she will put her information in the Chat.

The Chairperson, Marie Torniali asked for a Motion to Adjourn.

**Motioned by Amy Hau; Seconded by Thomas Ryan**

Meeting Adjourned: 10:35 p.m.