



ELIZABETH BRATON
Chairperson

COMMUNITY BOARD 10

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KARYN PETERSEN
District Manager

REGULAR BOARD MEETING AND PUBLIC HEARING MINUTES

September 2, 2021

BOARD MEMBERS PRESENT:

B. Braton, M. Adams, J. Ariola, N. Bissoon, J. Calcagnile, J. Caruso, E. Cheng, R. Culla-Frisone, A. Cosentino, J. Coulverson, F. Dardani, A. Deebrah, I. Dimoh, E. Fraylon, A. Garcia, A. Gellineau, R. Gendron, P. Granickas, E. Holland, P. Lynch, A. Maharaj, R. Martinez, C. M. Mocombe, S. Mohammed, A. Nocerino, S. Pace, N. Santiago, V. Singh, J. Stahl, M. Vecchio

BOARD MEMBERS NOT PRESENT:

M. Q. Amin, L. Amorim, A. Antonino, P. Baumann, M. Cherenfant, A. Dhanpat, J. Fazio, R. Hitlall, P. Kishun, M. Logan, D. Mitchell, F. Mohamed, J. Quijano, B. Ramsundar, R. Rathour, G. Russo, M. Salim, A. Siewnarine, I. VanPutten, L. Walker

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

OTHERS PRESENT:

Hon. J. Addabbo; Hon. K. Anderson; C. Moore, Rep. Hon. J. Addabbo; E. Heisler, Rep. Hon. J. Rajkumar; K. Valere, Rep. Hon. K. Anderson; C. Cover, Rep. Hon. K. Anderson; K. Mooney, Rep. Hon. A. Adams; V. Garvey, QBPO; J. Resor, QDCP Borough Planner; T. Delys, QDCP Urban Designer; C. Chin, Borough Planner, QBCO NYC DOT; D. Brown, QDA's Office; J. Mongeluzo, NYC Comptroller's Office; Capt. J. Bacchi, CO 106 Precinct; P.O. S. Jaffe, 106 Precinct Community Affairs; G. Caliendo, Architect; F. Betan, Sheldon Lobel, P.C.

The Chairperson began the meeting at 7:01p.m. and asked everyone to stand for the Pledge of Allegiance. She asked everyone to remain standing for a moment of silence in remembrance of the events of September 11th noting it may be 20 years but they're not forgotten, also for those who died in last night's storm most of whom it appears are from Queens, and also for Victor Ampuero an employee of Community Board 9 who died this week.

The Chairperson welcomed everyone back to the very first in person meeting in a long time. The Chair read the names of the 2020 and 2021 newly appointed board members and asked them to please stand and welcomed them.

At this point the Chair acknowledged State Senator Addabbo and invited him to speak, noting the meeting is being live streamed for the first time.

The Senator thanked the Chair, greeted everyone and extended thanks to members for their volunteerism. He congratulated and welcomed the 2020 and 2021 appointees. The Senator spoke about legislative work in Albany indicating generally the session is from January to June, but they were called back by Governor Hochul for a Special Legislative Session dealing with Tenant Landlord Eviction Relief and the Open Meetings Law. He asked that anyone with questions not hesitate to call his office for additional details. He said he's hopeful everyone survived last night's storm and extended thanks to Captain Bacchi and everyone from the 106 for making sure we are safe. The Senator indicated his office has been in touch with DOT, DEP, and thanked the City agencies for making sure we're ok. The Senator thanked community residents who volunteered their time to clean up in and around the Addabbo Bridge. He

indicated, post Covid there was hope that the city would be able to get back to cleaning up the bridge, but in the meantime, his office was able to engage the Jewish Community Council from Coney Island and their clean-up crew to clean in and around the bridge on a regular basis. He is hopeful that with a little additional funding either from the City or State this program can be extended into 2022. The Senator acknowledged Carl Moore was also in attendance and extended compliments to him and the rest of his office staff. It was noted flyers were available relating to legislative highlights and upcoming events. The Senator thanked Mr. Gendron for continuing the tradition of the annual Labor Day Weekend baby parade in Hamilton Beach.

The Chair acknowledged and welcomed the new Commanding Officer of the 106 Precinct, Captain Jerome Bacchi, and invited him to speak. The Chair said, we at the Board were pleased to be involved in the selection process the Police Dept. has instituted for the selection of the new Captain and were very pleased to support Capt. Bacchi and we're glad that he's here.

Capt. Bacchi extended thanks for the warm welcome and said he looks forward to working with everyone and the entire 106 community. The Captain commented on the stats indicating crime is down about 6 - 6 ½ percent which is good news. But what's driving our crime is grand larceny: identity theft (stolen credit cards, ATM cards); unattended property (porch pirates stealing packages); grand larceny auto (people leaving their vehicles unattended and running – noting that this is preventable). Shootings were up for the month of August and it was indicated this violence is a disturbing trend across the City; but are doing everything in their power to identify zones where there is an increase in violence and to deploy additional officers to that location. NYPD Crime Stoppers has increased TIPS reward to \$3,500. The Captain indicated the community's help is needed in solving these crimes and if anyone knows anything to please come see him, or Community Affairs, or to please Call Crime Stoppers. The Captain asked if anyone had any questions. There were no questions.

The Chairperson thanked the Captain.

A member expressed some concerns regarding a crowd of young men who congregate on Rockaway Blvd. & 134 Street not far from the location of a recent shooting. The member was instructed to call the office and provide the District Manager with the specific information and the DM will work with the Captain and the NCO Sector Officers to address this.

The Chair then opened the first public hearing for the evening: Zoning Map Amendment ULURP # C210164ZMQ // Zoning Text Amendment ULURP # N210165ZRQ // CEQR # 20DCP161Q: 103-16 Van Wyck Expressway, Richmond Hill 11419 and introduced Fayanne Betan from the firm of Sheldon Lobel PC.

Ms. Betan indicated her firm represents the applicant and she is also joined by the applicant's architect G. Caliendo. The proposal is for the rezoning of 103-16 Van Wyck Expwy. from an R3A to an R6B/C2-3. The zoning application includes a zoning map change as well as a zoning text amendment to establish a Mandatory Inclusionary Housing (MIH) area to facilitate the development of a new four-story mixed-use building with approximately 18 dwelling units. This project is located on the Van Wyck Expwy. Service Road between Liberty Avenue & 105 Avenue. The development site is around 10,000 sq. ft. and is currently in an R3A zoning district – lot 11 on the tax map. The project also includes the rear portion of lots 5 thru 9 which is currently zoned R6B/C2-3 so this would just be extending the existing zoning district a little bit father back. It's a 22,000 sq. ft. development with 2.2 FAR, four-story mixed-use building. There will be cellar parking for 13 vehicles. The zoning development only requires 8 but they will be providing more parking. It's anticipated that there will be small retail stores on the ground floor. The second through fourth floors are apartments ranging from studios to two bedrooms. Surrounding the development site there are two- & three-story buildings along Liberty Avenue, and they are proposing a four-story building. There will be 18 dwelling units and five or six of them will be permanently affordable. At the end of her presentation, Ms. Betan indicated she was available to answer any questions.

The Chairperson thanked Ms. Betan. The Chair indicated Mr. Caliendo was present who was also associated with the project and asked if there was anything he wanted to add. He had nothing to add.

The Board Chair indicated the recommendation would be taken up at this point. She noted that the Land Use Committee Chair was unable to be at the Land Use Committee Meeting last week, and that she ran the Land Use Committee Meeting for him. The item was discussed by the Land Use Committee members, there was no controversy. The consensus of

the committee and the voted recommendation of the committee was that it is an appropriate use on the corner of the Van Wyck and Liberty Avenue. None of the adjacent property owners have expressed any opposition, in fact, some of the adjacent owners would like to do the same thing at some point. The Board Chair turned over the floor to the Land Use Committee Chair and asked if he had anything to add. The Land Use Committee Chair made the motion to approve the rezoning of this property. The Motion was seconded by A. Cosentino. All board members present were in favor with 1 opposed (M. Adams), 0 abstaining. The motion carried.

The Chairperson then opened the second public hearing for the evening: Joy Resor, NYC Dept. of City Planning - Queens Borough Office, and Craig Chin, NYC DOT - Queens Borough Commissioner's Office to present information regarding the Citywide Open Restaurants Text Amendment. It was noted members had previously received copies of both the DOT & DCP presentation per e-mail, but hard copies were also available at the front table. Ms. Resor introduced herself and indicated she was accompanied by Craig Chin as well as her colleague Teal Delys and would be available to answer any questions at the end of the presentation.

Mr. Chin stated there are two different presentations and he would start with the DOT portion.

He said he would go through where things stand from a programmatic standpoint with the permanent open restaurants which will continue to give restaurants the option of sidewalk and roadway seating for outdoor dining. The program will look to better balance the many needs of the street and sidewalk keeping both restaurants and other users in mind and will take what has and hasn't worked in the past, both pre-Covid and now during the emergency, when developing the future guidelines. He said, I want to make it clear that while the presentation will cover both sidewalk and roadway dining DOT and City Planning are asking the board tonight for your opinion on the specific sidewalk café text amendment.

The city had street and sidewalk cafés before Covid but far fewer of them - the majority of the programs were administered by the Dept. of Consumer Affairs and Worker Protection. DOT did run one small pilot of public roadway seating called Street Seats, but there are only about 25 setups, mostly in Manhattan. DOT's understanding was that relatively low participation was in part due to the cost and process. During Covid NYC suspended existing rules through an emergency executive order and DOT was directed to create the Open Restaurants Program allowing restaurants to conduct their business in the public right of way. Since the launch about one year ago, over 11,000 restaurants have participated which helped save about 100,000 jobs. By many accounts this program has been a life saver, not just for the restaurant industry but also to the City that has seen outdoor dining and the incredible vitality it can bring to our sidewalk and streets as a beacon of hope and innovation in a dark time, a sign that our City can imagine a better future. Of course, there have been success and challenges over the past year. DOT has learned both positive and negative lessons in that time and those lessons are critical to informing how we proceed with the permanent program. On the positive side DOT thinks the robust use of the emergency program was helped by three things: 1) unlike the pre-emergency sidewalk café program there were no geographies off limits. Any restaurant with a ground floor frontage and sidewalk or roadway space that met the criteria could participate. 2) The program was free and easy to access, unlike the pre-Covid sidewalk café program which required months of multiple reviews by multiple agencies. 3) the element of roadway dining gave restaurants brand new options to restaurants particularly those that might not have enough room on the sidewalk to accommodate a café.

Mr. Chin went on to say it's also worth noting a few lessons learned from the emergency program. 1) The speed of the rollout, the fact that the program was built from scratch under emergency circumstances created some confusion. As DOT learned more about operating a program like this, and the program was extended by the Mayor into the winter, some of the guidance had to change along the way to keep everyone safe. So the things DOT implemented were: requiring reflective tape around the perimeter of the outdoor dining setup, and snow sticks that alerted vehicles and snowplows that there was a structure in the street. 2) throughout the program DOT learned more about the challenges specific to the roadway eating and its interaction with the roadway. For instance, DOT has heard from other agencies such as FDNY, MTA that there were issues with the turning radius and safety signs being blocked. Safety is the utmost importance here and will remain so, so DOT continues to work with agency partners on that. 3) enforcement has been complicated on multiple fronts. On the one hand you have a restaurant who's dealing with a lot and who got over inspected by too many different people and on the other hand you have communities, particularly the mobility impaired, concerned about under-enforcement. With that being said, the program has seen tremendous participation and in April the City Council overwhelmingly voted in favor of the bill to make it permanent. This requires changing a number of different laws that control outdoor dining in non-emergency situations.

(L. Dimoh arrived 7:29 pm)

Mr. Chin went on to talk about what DOT is proposing for the permanent program and then he return to the topic of the legal changes needed to effectuate it.

To start, DOT anticipates that as in the emergency, DOT will administer permanent options for both sidewalk seating and roadway seating with similar rules to current sidewalk cafés but available citywide. DOT wants to be sensitive to the traveling public minding sidewalks clear paths, and other rules around hours of operation. The final specific design guidelines will be very clear and revolve around these principles that balance the use of sidewalk space by a restaurant but maximize the experience of openness and activation to the general public. For most of the City DOT is proposing requiring 8-foot clear paths or half the sidewalk width, whichever is greater. In some areas with high foot traffic the City is proposing 12 feet or half the sidewalk width. And for other special cases where it still makes sense despite a narrow sidewalk, we're looking at a waiver to go down to 6 feet which would also be reviewed by the Mayor's Office for People with Disabilities. DOT thinks the introduction of the roadway option is a tremendous opportunity for restaurants especially those who may have a narrow sidewalk. The City is working on how this will be set up permanently.

Components of roadway café seating: setups will be allowed in the parking lanes (except in prohibited zones); maintain public safety; have clear guidance and enforcement on sound and comply with ADA requirements (no fully enclosed structures in the future). The City is proposing that the new program will not operate during colder months, but with some opportunity for a hardship waiver which will allow restaurants to keep their restaurants in place. For now, all restaurants will be able to keep operating uninterrupted this upcoming winter season. In looking at both moving the legal authority to run a program to DOT and then creating new processes for the roadway setups, the City is looking to streamline the review process as much as possible while leaving in place the essential rules of agency and public review.

To make this permanent program a reality 3 steps are needed to advance: first, the focus of today is the removal of locational prohibitions through zoning – it's key to unlocking the full Citywide universe applicability and consolidating control and accountability for the program under a single agency. We're also working with City Council to enact appropriate legislation to update the laws governing sidewalk cafés and then create a new set of laws and rules to govern roadway café changes to the Sidewalk Café Program, and creation of a Roadway Café program. Following zoning and legal changes we anticipate rule making that formalizes many of the program design and application details and then a formal opening up of an application window for a new program. So, though we're beginning a process of developing a future program the current emergency program is expected to be in effect for the next year and half or so. The expectation is that restaurants will have ample time to transition into a new process if they choose to with minimal operational disruption. Changing zoning is the first critical step to make this program permanent, but as you can see on the timeline there are multiple steps to develop the full program. Each step welcomes public input and review. Covid-19 has really shaped the way New Yorkers think about our streets and how they can be used. This has been a silver lining through the pandemic. We welcome feedback and encourage all to visit our website to submit that to us as we develop all the elements: www.nyc.gov/openrestaurants. Once again, the roadway portion of this presentation is preliminary and our primary purpose in presenting to the board tonight is to gather feedback on City Planning proposed text amendment changes specifically related to sidewalk cafés.

Mr. Chin then turned the floor back over to Ms. Resor to go over the City Planning portion.

Ms. Resor said she was going to go through the Permanent Open Restaurants Text Amendment. As Mr. Chin mentioned, DOT is going to be the one to administer the permanent open restaurants program so they're beginning the public review process now and DCP is working in partnership with DOT to expand the zoning - that's the purpose of the text amendment tonight.

As we previously discussed, there are three main legal processes to create a permanent open restaurants program. The first, which is the focus of the rest of the presentation, is the removal of locational prohibitions via a text amendment. Unnecessary zoning restrictions stand in the way of thousands of restaurants from participating in outdoor dining past the emergency and this zoning proposal is key to the full citywide universe of applicability and consolidating control and accountability for the program under a single agency which would be DOT.

Under the zoning rules, which are currently suspended, zoning dictates three different kinds of cafés. The first being unenclosed cafés which typically allow for readily removable tables, chairs and fencing with no allowable overhead coverage other than umbrellas or retractable roofs. The second are small sidewalk cafés which are also unenclosed sidewalk cafés containing no more than a single row of tables and chairs adjacent to the street line and can extend no farther than 4 ½ ft. from the building. Those are the first two versions of sidewalk cafés most commonly seen around here. (Down Cross Bay Blvd. a variety of different open restaurants typologies have been seen). The third one, which is the least common, are enclosed cafés which are defined as extensions of the building into the sidewalk using light building material (a lot of these are found mostly in Manhattan).

Zoning held the geographic restrictions of where these cafés types are allowed, and the public can also view these on our ZOLA website. (reference was made to the presentation maps which showed the areas where the various café types were allowed and where sidewalk cafés previously were not allowed.) It was noted, open restaurants, sidewalk cafés were not allowed mostly in residential areas or also very congested commercial centers and that this program would change that.

To date over 11,500 restaurants are participating in the open restaurants program. In particular, the City saw a huge surge in outdoor restaurant dining occurring in the outer boroughs and 10,000 other restaurants use the sidewalks for their outdoor dining setups rather than the street.

During the emergency program 2,500 restaurants were permitted in areas that would have been prohibited or limited under existing zoning; but the proposed text amendment will allow them. Reference was made to the map reflecting specific areas where restaurants were prohibited by zoning - which include commercial mid-blocks and certain special districts, areas under elevated rail lines and other commercial areas that are very congested. In comparison, reference was made to another map which reflected all the grandfathered restaurants that exist within those residential areas.

CB10 had zoning rules that allowed all cafés along Rockaway Blvd., Cross Bay Blvd., (south of the Belt Pkwy. and north of the Conduit) along Liberty Avenue east of Lefferts Blvd. All cafés were also permitted along some smaller side streets in Lindenwood, Old Howard Beach and South Ozone Park. Reference was made to the map showing where previously sidewalk cafés were not allowed.

Despite the fact that sidewalk cafés were permitted along major corridors the old program wasn't very successful and actually generated zero total cafés within the district pre-Covid. This isn't to say that this district doesn't have a robust dining scene, but a lot of the businesses weren't able to take advantage of the program for a variety of different reasons. (Reference was made to the map showing all the restaurants that are now participating.) Under the emergency open restaurants program there are currently 70 cafés in CB10; 22 of them would have been prohibited under current zoning. The text amendment would allow these cafés the opportunity to apply in a non-emergency setting but only if they meet the siting rules in accordance with DOT regulations.

The main purpose of the text amendment is to broaden the geographic area where sidewalk cafés are able to operate. Other cleanup actions in the text amendment include removing definitions and cross references to cafés, removing text that precludes operable windows that service outdoor restaurants, and ensuring that no enclosure provisions require a restaurant to be fully indoors as a condition of its zoning district, as well as clarifying sidewalk widening text to insure it doesn't conflict with the operation of the open restaurants program. Essentially the text would broaden the scope of where these sidewalk cafés are permitted.

In reference to the timeline, we're at the start of a multipronged legislative process. This text amendment was referred out on June 21, it's been referred to all 59 community boards, and all five borough presidents for review for 90 days. The board has until September 27th to make recommendations and provide those to us and vote on the text, but we don't anticipate the full program launching until late 2022 or early 2023 in order to give restaurants time to transition.

Ms. Resor said, that concludes my presentation and we're happy to answer any questions.

The Board Chair stated we'll get to the questions in a moment. The Land Use Committee also took this up last week. The Land Use Committee did not formulate a recommendation on this land use item with the text amendment change because we felt at the Land Use Committee that there would be a number of questions that board members would have. The general concern that we had at the Land Use Committee Meeting is that we are being asked to approve a text

amendment to allow something to happen before DOT has established a set of rules as to how it's going to go into place – that is concerning. NYC is a large city, it is not a one size fit all city, and DOT will be promulgating rules for the entire city on this. One of the things that we believe should be a requirement is there needs to be some kind of a review process where individual community boards can weigh in on the individual items; or where permits to do this might be requested of DOT, that we have some input into that process for the local communities. I'm going to let you cogitate on that for a few minutes and then we'll come back to your questions. I'm sure our Land Use Chairperson has some questions he wants to ask. One of the other reasons we did not formulate a recommendation is that he is our land use expert, and he was not at the meeting because of necessity so we'd like to give him the opportunity to frame his questions.

The Board Chair stopped for a moment to acknowledge Assembly Member Anderson, noting the assembly had a busy night last night.

Assembly Member Anderson greeted everyone stating he was glad to be back in person and said he would share a few updates on what his office has been working on. Since I took office nine months ago, we have been active and engaged legislatively and also with community events and programing. Working with small business owners to make sure that they can get relief for Covid-19. Expanded the program to allow for small businesses that have struggled to apply for rental assistance relief but also assistance for their staffing. Had a few info sessions in partnership with the ESD (Empire State Development) to make sure that information gets out to our constituents. Starting this Monday, the office hours at 131-17 Rockaway Blvd., are 10am – 4pm. (going back to reduced hours due to Covid as we're seeing the Delta variant spread). He shared his condolences as an office and as the elected for this community for many folks who lost their lives due to the tropical storm. It's been extremely painful to see that climate change is really impacting our communities in this way so much so that people are living in communities that are prone to disaster. In Albany last night, the Open Meetings Law was extended until January 15th and we will re-visit it again once the legislature reconvenes - that includes everyone who operates under the open meetings law except the legislature - which still will have to meet in person. We're doing a drive for dry goods as well as medical supplies for folks who lost their homes in Haiti due to the earthquake. We're probably going to be doing something in regard to Ida, so we're just trying to coordinate with our sources and our government partners. The assembly member said it's a pleasure to be in person. I came in with the Covid class of elected officials and had not had the privilege of attending this board in person - it's my first time attending in person (round of applause).

The Board Chair welcomed him.

The assembly member stated I'm a former community board member from CB14, so I understand and appreciate the commitment that each and every one of you have given to the board. I appreciate your commitment to being active and engaged and it's really important that people want to volunteer and lend their voice to serving this commitment and making sure that the community gets the resources that they need but also making sure that we as your elected are doing our jobs. So, I really appreciate and have a deep special appreciation for community board members. AM Anderson acknowledged his staff in attendance: Chief of Staff Karl Valere, and Communications Coordinator Cristina Cover. The office phone number is: 718 – 322 – 4958. He thanked the Chair and extended thanks to the amazing board who came out and are still active and engaged on the work that needs to be done, and also thanked, our city agencies for presenting on this important topic.

The Board Chair thanked AM Anderson and said we're glad to finally have you in person.

At this point the meeting continued with the topic of the public hearing and the Board Chair indicated the Land Use Committee Chair would be the first to ask questions and then any board member with questions should raise their hand and wait to be recognized before speaking.

The Land Use Committee Chair stated he agrees with the position as indicated by the Board Chair and the Land Use Committee of being in the position of approving a text amendment without having all of the facts that we need on this very crucial topic for restaurants and what we've been experiencing as patrons to these restaurants in the communities and seeing their response and how it's gotten to a point where it is now.

Addressing Ms. Resor he said one of the issues with the text amendment, is when the rules and regulations from DOT come down, in maybe 6 months, 8 months, a year from now, are we still going to be able to interact with that. The other issue is that it looks like the text amendment for the open restaurants is going to be modeled and expanded on sidewalk

café rules and regulations. Sidewalk cafés that exist mostly in the City were enclosed ones where space was taken from the sidewalk and in order to get that permission to do that they sort of went into a rental agreement with the City. They had to pay fees based on how many tables and seats they would put out there. Is that something that's going to be incorporated into this new position in attracting restaurants. Right now, restaurants that have partaken in the emergency response to their businesses, have been doing it for free. When that does happen is there going to be input allowed on that. It's like putting the cart before the horse and asking all the community boards to respond on that. What's City Planning plan to handle the whole comment and response period that we're going to have as a community board.

Ms. Resor replied that a lot of the same questions came up at the Land Use Committee Meeting especially around enforcement of the program. I do know that this is the beginning of DOT's public review process, however, they have been really aggressive about enforcement. If people have seen issues with outdoor dining setups, they can call 311, the call goes directly to DOT. DOT has been going out working actively with the business owners on any issues that are reported, and they do have the power to issue cease & desist orders. We are still talking about the fee structure, and determining what that would look like, so I don't have any hard numbers for you just yet. But I think the goal of this would be to make it a little more accessible than the sidewalk café program just to expand that a little bit more to the smaller restaurants.

The Land Use Committee Chair commented in regard to enforcement relating to restaurants where we have seen everybody sort of looked the other way. We've got some in the area where wood frame structures were put up whether they were lean-tos on to the exterior walls of the building or out in the roadways. What are some of the requirements going to be when this becomes a permanent program and are these establishments going to have to take down the existing structures and given guidance on how the structure should be built, such as a steel frame structure, etc. There's so much that needs to be put into the program that City Planning is coming in and saying you've got to give us the approval to do the text amendment and we don't know what's going to be coming down on how all of this is going to be enforced, rolled out or if things are going to be made harder for businesses to try to come into the program.

Mr. Chin responded, this temporary program was set up during the emergency. It was meant to allow businesses to operate and conduct their business and a lot of the rules were formulated as the program was developed. Under the permanent program we would have formal written rules. Under the emergency program we set up the rules and regulations and the business self-certified that they were going to comply with those. When a business was not in compliance, it was issued a warning and they'd have the opportunity to correct that and if they didn't, we'd issue a cease & desist. Under the formal program we'll probably have a more robust enforcement where we can issue cease & desist sooner.

The Land Use Committee Chair asked, will you be trying to incorporate a filing & permit process in the future rules & regulations for whatever they put up whether it's a tent, enclosed structure, etc. Mr. Chin replied yes. The Land Use Committee Chairperson stated, right now if you did an outdoor sidewalk café open or enclosed, that particular business owner would need to retain a lawyer, an architect, and go through the process and get approvals and then move forward with the construction.

Mr. Chin indicated the program right now is free. When the permanent program is finalized there will be a fee structure and DOT is looking to have it as a seasonal program.

The Land Use Committee Chairperson then addressed Ms. Resor and asked, right now we're being asked to act on the text amendment only.

Ms. Resor said that's correct. The permanent program is still in public review and DOT will be engaging with the public throughout this whole process to get feedback and part of that is coming to these community board meetings and hearing from the community about any concerns that they have.

Mr. Calcagnile asked, when the rules and regulations come down whether the board will be asked again to comment on that rollout or how would that work.

Ms. Resor replied, I don't believe it would be community board referral and she asked Mr. Chin if he had any information about what that would look like.

Ms. Delys replied the emergency program is going to last until the end of 2022 or early 2023 and that way we have time to set up all of these rules. DOT has said they'll have a design engagement process. We don't necessarily know what that looks like right now, but you will have opportunities to engage with their rules to help develop them. The first step is the text amendment which helps open the door for the program to continue to be developed. The timeline is looking at late 2022 to 2023 to put all this together and also so restaurants have enough time to transition from what they currently have to the permanent program.

The Land Use Committee Chair thanked the presenters.

The Board Chair stated we understand that and one of the questions is, will there be a formal review process for communities through the community boards in regard to whatever DOT comes out with. We are asking that there be a review process and that it be formalized before this moves forward. All of the communities have been extremely tolerant of what we have had out on our sidewalks and curb lanes at some of the businesses all throughout the pandemic to date. We all understand that we're trying to balance businesses surviving and communities remaining viable. We appreciate what enforcement has been done, but there has not been the level of enforcement that there has needed to be and we have seen a great many things that are extremely dangerous and are certainly aesthetically very unappealing in a community. And we're looking at a mechanism that allows communities not to just have a role in developing the rules but a role in approving them. It seems we're getting asked to approve "a pig in a poke." You've got the cart before the horse; we've got issues.

Ms. Delys indicated safety is definitely the top priority of the permanent program, and that's what DOT is working on right now. They're working with FDNY, they're working on what kind of structures would be safe for the sidewalk and the roadway and making sure that not only fire trucks get through but that people dining in the structures are also safe, and part of that is looking more at removable tables and chairs rather than some of the more robust structures. I definitely encourage you to put all of what you're saying into your recommendation tonight and then also continue to engage with DOT to let them know you still want to review the licenses as those come through.

The Board Chair asked if there were any board members who had any questions

A member asked if there will be any sort of fee waivers or financial help for restaurants. He also expressed safety concerns relating to outdoor dining set ups with a bike lane passing through the middle and wanted to know how this would be addressed. Also, he wanted to know how DOT and other agencies will specifically work with restaurants to ensure that the transition is smooth and to ensure that restaurants have a lot of accessibility in continuing the outdoor dining program as it comes into the more permanent state.

Ms. Resor responded, we're still working out what the fee structure will look like but I think you make an excellent point that there are certain instances where it might be better to have a waiver for smaller restaurants to participate and that's something we can definitely look into.

Mr. Chin commented regarding the fee structure they're still formulating that process so that will be taken into consideration. As the formal rules on setups and structures are developed, they'll have rules on where the setups can be and how far away from bike lanes. The transition period between the emergency program and the permanent program will give the restaurant time to adjust; if changes need to get made to the setup they currently have, they'll have time to make those changes.

A member asked for a clarification as to whether it will be a year to two years until the rules are created or until the rules are implemented.

Ms. Delys replied we're transitioning from the emergency to the permanent program and some of the rules are already in place now, which comes with self-certification so right now we're seeing a lot of different outdoor dining setups. We're not creating rules from scratch as much as adapting them for something that makes more sense moving forward for permanent.

A member expressed concerns relating to public safety and quality of life issues. She indicated she has seen semi-open structures along Liberty Avenue & Rockaway Blvd. being used as hangout spots when restaurants are closed. She asked, will restaurants be responsible for what happens and do we have to have our law enforcement come in and regulate the

quality of life issues specifically drinking and alcohol, drugs use, things like that that are happening in these structures when these restaurants are closed. How do you plan to address that?

Mr. Chin replied, under the emergency program all the structures are different. Under the permanent program we'll look to formalize materials and we're looking to gear more towards removable material, so those things aren't left out at night. With the type of structures that we approve, we're looking to have those secured at night, so they're not used as hang out spots.

A member asked if this will also be in effect for the outdoor dining that takes up metered street parking spots.

Mr. Ching replied, yes.

Ms. Deyls stated, just to be clear, tonight we're looking just at the text amendment. From a zoning perspective and from a DCP perspective our zoning regulation only covers the sidewalk cafés. We don't have a purview over the roadway and so the permanent program does include both the sidewalk and the roadway, but tonight you're voting specifically on the sidewalk.

The Board Chair said, that was an issue that came up at the Land Use Committee meeting, specifically it's more problematic in our board area on the Liberty Avenue corridor because parking spaces are at a premium there to start with. It's extremely difficult losing parking spaces on Liberty Avenue to accommodate structures in the curb lane and it has made it more difficult for the adjacent storekeepers and also for the residents on the side streets off of Liberty Avenue. To take away one parking space there is problematic. When you have more than one outdoor dining location and in some instances on Liberty Avenue it's a number of bars and clubs, sometimes you've got three on a block, you're losing almost an entire block's worth of parking.

Ms. Resor indicated parking is an issue that's also come up in CB9 and it's something that's been heard repeatedly from boards and taken very seriously.

The Board Chair stated, the issues we're all having really don't deal with the text amendment per se, the text amendment per se is reasonable. The issue for us is not knowing what the rules are going to be before we do it.

The Board Chair asked if anyone had any other issues they want to bring up.

A member asked if a restaurant which doesn't have frontage or sidewalk space to put up a structure will be allowed to use its back yard. It was indicated this won't have anything to do with that.

The Board Chair said most of our restaurants have a liquor license of one kind or another. We do not approve outdoor use in the rear yards or side yards of any of our restaurants that are in a C2 overlay or C1 overlay or any kind of a commercial overlay where the underlying zone is residential and there are residential homes behind them that would be impacted by rear yard use.

The Board Chair asked if there is anybody who has another question we haven't addressed on another topic we have not addressed. There were none.

The Board Chair asked the presenters if there was anything else, they wanted to add. The presenters had nothing to add.

The Board Chair asked the Land Use Committee Chair for his recommendations.

The Land Use Committee Chair made the motion to not approve and to submit our comments and concerns to City Planning.

The Board Chair said, before we second, I'm going to turn it around so that it is a positive motion. The motion is to approve (a yes is a yes and a no is a no) just because the motion is a yes doesn't mean the vote has to be a yes. If you put your hand up for "yes", it's yes to the text amendment. If you put your hand up for "no", it's a no to the text amendment. A "no" is to disapprove and a "yes" is to approve.

So that everybody is clear. It is a motion to approve. The purpose of the motion worded in the positive is to avoid confusion with the vote.

The Board Chair said, the committee's recommendation through Mr. Calcagnile and seconded by Ms. Ariola is a motion to approve whereby a "yes" vote is a yes and a "no" vote is a no.

The vote was a unanimous with 0 in favor, 30 opposed, 0 abstaining.

The Board Chair thanked everyone and the presenters, indicating her hope that DCP can come back with this with some improvements.

A member noted he used to work at DOT and commented on the distinctive sidewalk agreement between the property owner and the City of New York. He expressed his belief that what was discussed tonight is premature.

The Board Chair thanked the member for coming specifically for this vote, despite the fact that he's immune compromised and would now be exiting the meeting.

(A. Cosentino left at 8:16 p.m.)

The Chairperson continued with the regular order of business and asked if there were any additions or corrections to the June 2021 minutes. There were none.

CORRESPONDENCE: The Chairperson reviewed correspondence for the month of June, July, August 2021 and asked members to contact her if there is anything anyone wants clarification on.

- email received this afternoon (which members will get a written copy of tomorrow) relating to extreme rainfall events and building protection and resiliency to all flooding. Hurricane season has just started. If you don't have flood insurance, consider researching your options with the FEMA National Flood Insurance Program. Rates will be changing in October with "Risk Rating 2.0" - publicly available information can be found at: <https://www.fema.gov/flood-insurance/risk-rating> For more resources refer to: www.Floodhelpny.org
- NYC DOT – guiderail: North Conduit Avenue from Whitelaw Street to 80 Street
- NYC DOT – speed reducer: 165 Avenue between 84 Street & Cross Bay Blvd.
- NYC DOT – multiway stop: 150 Avenue & 116 Street
- NYC DOT – multiway stop: 157 Avenue & 101 Street
- NYC DOT – additional traffic controls: North Conduit Avenue & 80 Street
- NYC DOT – guiderail: North Conduit from 114 Street to Cohancy Street
- NYC DOT – additional traffic controls: 84 Street & 164 Avenue
- NYC DOT – additional traffic controls: 162 Avenue & 84 Street
- DFTA MyRide – on demand pilot program (includes all of CB10)
- CPO – guidance on privacy protection relating to citywide protection policies that the office has to comply with on how and what personal identifying information can and cannot be released
- DEP notice – SRSA Advisory Group - relating to advisory committee for sustainable rate structure for water / the Chair noted this was during the summer and she did attend and will continue to attend
- DDC HWP19KQTA - Preliminary and final design of complex pedestrian ramps
- Notice relating to Parks Dept. pesticide waivers
- Demolition notices: 99-75 & 99-77 First Street, HB 11414
- HPD Vacate Notice: 117-48 135 Street, SOP 11420
- JEK Communications Spectrum cable work
- Notice of legalization / demolition of garage: 104-43 127 Street, RH 11419
- Notice of demolition (for shed structure): 164-14 Cross Bay Blvd., HB 11414
- Notice of alteration & partial demolition: 149-34 118 Street, SOP 11420
- HPD Vacate Notice: 104-29 127 Street, RH 11419
- HPD Vacate Notice: 88-16 Spritz Road, OP 11417
- HPD Vacate Notice: 105-10 132 Street, RH 11419
- Global Team NY Inc: earth grading work notification: 115-88 Lefferts Blvd., SOP 11420

- FAA's research on aviation noise (can be emailed to anyone who would like a copy)
- NYC DOT - NYC Streets Plan Workshops – in response to LL195
- Various OMB notices - all relating to general citywide allocations / nonspecific to CB10
- NYC DDC- QED1050 distribution water main
- CEC - list of its officers & members and schedule of their meetings for current school year
- Various - NYMTC Notices relating to comment periods (which have passed)
- Calendar for public hearings on contract awards
- Modified Negative declaration: 150 Street spine trunk storm sewer and outfall at Bergen Basin
- EAS & Negative Declaration: 103-16 Van Wyck Expwy., RH 11419

The Chair advised members to let her know if there is anything on the directed mail that anyone would like to see.

TREASURER'S REPORT – the Treasurer read the report of expenditures for the months of July & August 2021.

BOROUGH PRESIDENT'S LIAISON REPORT – M. Cano – not in attendance. The Board Chair indicated she had been given bags by the Queens Borough President's Office for distribution to the board members who were reappointed this year and for the 2021 new appointees and distributed the bags to those of them present.

DEPARTMENT OF CITY PLANNING REPORT – J. Resor – had nothing additional to report.

DISTRICT MANAGER'S REPORT – The District Manager reported notification was received that in the coming weeks National Grid has planned construction work which is required to improve the reliability of our gas system. An extensive listing of locations in various areas of the district where work is to take place was provided.

CHAIRPERSON'S REPORT – The Chairperson reported – it's been a very busy day due to yesterday's storm - conference calls with Con Ed, Zoom with Borough Hall. etc. She extended thanks to Borough Hall for setting up the Zoom with the District Managers, the Chairs of the 14 community boards, and the agencies. The Chair noted it was an all-agency review of what went on and all of the agencies are in emergency response mode. In a general sense South Queens fared better than some of the rest of the borough. That's not to say we didn't have damage and that's not to say we don't have people who are suffering from yesterday.

In regard to some of the concerns: tree damage needs to be reported to 311. If you're aware of any trees down, or large limbs that are in need of attention, call 311 to generate a service request. 311 is an excellent information gathering system and all of the agencies work through 311 on storm response. Afterwards you can provide the office with the 311-service request number for follow up.

Anybody whose car had to be abandoned last night and who does not know where their car ended up, can also call 311 to find where their car has been relocated to.

All complaints of flooding need to be made to 311, whether it's in your house, on the street, or due to a catch basin. Again, it is how we will get accurate information as to where flooding occurred and what type of flooding it was.

Anyone who had damage to their homes from basement flooding due to sewage backup may file claims with the Comptroller's Office.

Specific to our board area, we did have one small electrical outage last night which I believe involved eight customers.

We did have some basement flooding particularly in some areas of Ozone Park, some areas in the western end of Lindenwood, and some areas in South Ozone Park. We also had a lot of street flooding which mostly has drained off except for our usual long standing ponding locations that DOT & DEP haven't solved over the years.

The community board office also had some issues with water damage which will be addressed with the landlord.

We lucked out to a great degree in this area, particularly on the southern end of the district where water naturally drains into the water bodies, as the heaviest rain fall hit at low tide, so it was still able to drain off. Overall, yesterday was a situation where we got more rain than our sewer system could handle.

Both the state and the city have requested a federal disaster declaration and the President has indicated that it will be forthcoming. A federal disaster declaration triggers FEMA aid and public assistance for public infrastructure that's damaged (like a park or school or water system) and can also trigger individual assistance to people with damage through FEMA.

Homeowners insurance covers wind driven rain; it doesn't cover floods. Flood insurance covers flooding. A lot of people are not aware, even though you are not in our Sandy zone, and are not required by your bank to have flood insurance, that anybody can purchase flood insurance and it's not an expensive insurance (if you're not in a flood zone). Renters can also get flood insurance. The Chair urged anybody who had any kind of flooding to check into that. If you're in an "A" zone you're required to have it.

Mr. Gendron noted the insurance needs to be in place 30 days prior to a storm. Even if you're not required to have it, it was suggested doing this before the rates go up in October, get it now and then get grandfathered in.

The Board Chair indicated it's definitely a good thing for all homeowners particularly in our board area, even though basically only our Howard Beach area is in the tidal flooding zone, noting the hurricane evacuation maps reflect that generally anywhere south of Rockaway Blvd. is in a hurricane evacuation zone.

The Chair made reference to some Covid updates in regard to meetings and the office. She reported the Governor's Executive Order that was in place throughout the pandemic was lifted on June 25th. The executive order allowed us not to have to observe the open meetings law requirement to have public meetings. As of June 25th, any board meeting or committee meeting that we have, had to be a public open meeting.

The Chairperson commented on why she had not scheduled any by-laws revision meetings during the summer. Those meetings would have had to have been live meetings if scheduled. The Chair commented on the by-laws committee noting by-law revision is not usually something that's done in one meeting. The Chairperson reported she has communicated with the Borough President's Counsel in regard to some of the things the Borough President was looking for in all of the different boards' bylaws. When the legislature goes back in January, it is fairly certain that we're going to see some other adjustments. We are going to see other processes in regard to transparency that are going to change and it doesn't make a whole lot of sense to do something once and then have to turn right around and have to do it again. It is not something that we're not going to do it's just something that we're not going to do right now.

The Chair also commented on the decision not to reschedule the board meeting tonight to a Zoom and to have the meeting in person. As the action from the legislature only came last night, and there was a clock on the ULURPs, we continued with our live meeting as scheduled. In October we will be back to Zoom, and we'll see what November and December brings. By January 15th the Open Meetings Law will be back in effect.

The Chair made reference to information received in regard to managing the office. There are protocols that have to be followed in regard to the workplace, and the office is a workplace for our staff. There are some screening questions we're going to have to ask. If you need to interact directly with the office, we ask that you call first, if possible, to let the office know you're coming. It may be something that can be handled by phone or email. We have a copy of the August 31 Executive Order in regard to mandatory vaccination or test requirements for city employees; all of our employees are city employees. They either must be vaccinated or must be tested. It was indicated, our staff is fully vaccinated.

The Chair continued with her report stating, as you know in June it was announced that one of our staff members was leaving and the hiring process was going to start. Advertisements were in the newspaper and the position was posted on the City DCAS website. A number of good resumes were received, and we have started the interview process. For the benefit of the new members it was clarified that our by-laws state it is the District Manager who interviews staff and makes staff hiring decisions. Once the interview process is complete, then the rest of the hiring process involves the paperwork that the City of New York has to do with hiring a person for a position. We're hoping that we can complete the paper process by October so that by our next meeting we can tell you who the new staff member will be.

National Preparedness Week started yesterday; we have all that information if anyone would like it.

We have received NYC's Environmental Justice for All Report – Draft Scope if anyone would like to have the complete document it can be provided.

The meeting continued with Committee Reports.

Written Committee Reports were included in board member folder material.

LAND USE – the Chair extended thanks to everyone from the Land Use Committee for their participation in the two actions that were acted on tonight.

At this point, the Board Chair invited the representatives from the various elected official offices to speak.

Dan Brown, representing District Attorney Katz, commented on flyers he brought: “Warning for Seniors Don't be a Victim to Scams” relating to scams targeting older adults; and “Are you a victim of a crime, We are here to help” a listing of contact info for the various bureaus in the QDA's Office.

Carl Moore, from Senator Addabbo's office commented on upcoming events.

Elliot Heisler, representing AM Jenifer Rajkumar, indicated the AM represents the neighborhood of Woodhaven, Glendale and Ridgewood but also Ozone Park & Richmond Hill which is covered by CB10. The office is open Monday – Friday 9am-5pm and also Saturday 10am-2pm, so feel free to stop by. The office phone number was provided (718-805-0950) and it was noted business cards were at the front table. He stated, it's wonderful to be here on behalf of the assembly member, thank you.

James Mongeluzo, from the NYC Comptroller Stringer's Office, commented on information about filing a claim since a lot of properties had damage from the storm. The claim can be filed through the NYC Comptroller's Office website. Essentially you have to file the claim yourself, their office cannot file the claim for you, but can give you factual assistance. The filing needs to be within 90 days of the incident. He provided his phone number for anyone wishing to call or text him directly at: 646-689-6509 or email: jmongel@comptroller.nyc.gov

Kate Mooney, representing CM Adams, indicated over the course of the summer they have been working on a tax lien sale task force and are interested in hearing from people who have had personal experiences with tax lien sales. They are moving to change some legislation on how a tax lien sale takes place. They have been meeting with the Dept. of Finance, and with the administration. If anyone has any questions or something to contribute contact the office at: 718-206-2068. It was noted various flyers were available at the front table.

The Board Chair asked if she skipped over any representatives, and there were no other representatives.

The Board Chair commented on the sign on the door restricting the number of people permitted in the room tonight. She explained, the board has 50 members now. In order to accommodate all 50 members - if everyone were to attend - and 2 staff members, presenters, elected officials and their reps, and still be able to follow social distancing protocols the maximum room capacity allowance would be limited to 65 people. By doing a YouTube live stream of the meeting, we were able to accommodate members of the public and any other attendees in excess of the allowable 65 count. As it could not be predicted how many people would show up, reps were asked to send their announcements in writing in the occasion they couldn't come in and these would be read at the meeting.

The Chair read announcements from the office of Senator James Sanders indicating flyers were sent out to members. The Senator is partnering with Neighboring Housing Services to offer free legal help for homeowners and tenants who are struggling with foreclosure or eviction because of the Covid-19 pandemic. In recognition of Senior Appreciation Month, the Senator is hosting senior bowling Monday, September 20th noon – 3pm at Bowl 360 on Rockaway Blvd., near John Adams HS. You must be over age 60 and fully vaccinated to participate. The Senator has introduced legislation to help stop unjust home foreclosures. Join the Senator on his YouTube channel every Friday at 6pm for his podcast “Let's Be Clear.” As schools get ready to re-open, the Senator encourages parents, teachers, and students

to get vaccinated and to continue to wear masks and practice social distancing and good hand hygiene. The Senator's office will have staffers stationed at every school in his district on the big opening day to hand out informational materials. The Senator is participating with "She is Made LLC" for a back-to-school reintegration workshop.

The Chair announced, Saturday, September 11th there will be a candlelight memorial ceremony in the parking lot of Our Lady of Grace church at 7pm.

The Chair read announcements from the office of Assembly Member Pheffer-Amato's office. The AM welcomes everybody back after the summer. She's been in Albany and wanted to give a few updates: Emergency Rental Assistance Program - If any landlords are having trouble with the program, do not hesitate to reach out the AM's office and they will assist with the application. If any small businesses have applied for state grants and want a status update do not hesitate to reach out to her office. Anyone who experienced power outages last night should be sure to document any lost items and food to make a complaint with the comptroller, and please call her office if you need any assistance. Upcoming events were announced: Mammogram Van: Wednesday, October 13 from 9am-4:30pm (call their office to register). Arnie Mig Memorial Big Band Concert co-sponsored with Senator Addabbo outside St. Helen's Church. Mobile office hours: Tuesday, September 14 at the Food Emporium in the Lindenwood Shopping Center 8:30am -10am. Summer Reading Challenge: if you have any kids in your life who have been reading, contact their office for a chart to submit to get a special award. Everybody is urged to stay safe.

OLD BUSINESS – None

NEW BUSINESS – the President of New Hamilton Beach Civic Association announced his civic and the West Hamilton Beach Volunteer Fire Dept. are doing a donation drive for Tennessee at the fire house and are collecting personal hygiene products this week 11:30am – 2pm. The only clothing that's desired are socks and underwear. They will be driving donations down to Tennessee.

The Board Chair commented, after Sandy the casino came through with a lot of help to the City of New York and disaster assistance by allowing use of their facilities. They have also stepped up this time because of what's going on in the city as a result of last night. Last time around some of the emergency workers got housed on the third floor of the casino, this time around they got accommodations in the hotel. That is a contribution to the community, to the City of New York, by the casino. They will again offer their parking lot spaces to the Red Cross and Sanitation Dept. for different projects if needed.

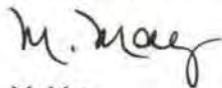
The Chair asked if there was anyone else who had anything to bring up and acknowledged board member, Amanda Deebrah. She commented that recently there have been a lot of house fires and asked whether it would be possible for the community board to co-sponsor a fire safety event with FDNY. The Chair indicated if the Fire Dept. or an agency makes a request to us about co-sponsoring an event, then we can do it.

PUBLIC FORUM – the Chairperson asked if there was anyone else who wished to speak.

There were no further speakers.

The Chairperson adjourned the meeting at 9:24 pm.

Respectfully submitted by,



M. May
Draft – Subject to Approval