



*The City of New York  
Borough of Queens*

**Community Board 8**

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Chairperson, Martha Taylor

District Manager, Marie Adam-Ovide

Minutes of Community Board 8 Board Meeting held on Tuesday, September 14, 2021 via [Zoom Webinar](#).

**Attendance:**

**Board Members Present:**

Dilafroz Ahmed, Heather Bennett-Idels, Carolyn Brown, Robert H. Block, Edward Chung, Susan D. Cleary, Solomon Davydov, Maria DeInnocentiis, Allen Eisenstein, Kevin Forrestal, Howard A. Fried, Bhitihara-Martha Fulton, James Gallagher Jr., John Gebhard, Ahsan Habib, Marc A. Haken, Michael Hannibal, Steven Konigsberg, Paul S. Lazauskas, Mitch Lisker, Mary Maggio, David Mordukhaev, Dilip Nath, Alan Ong, Tamara Osherov, Simon Pelman, Frances Peterson, Mohammad Rahman, Charlton Rhee, Jesse Rosenbaum, Seymour Schwartz, Deepti Sharma, Harbachan Singh, Dr. Penny M. Stern, Martha Taylor, Mohammed Tohin, Jacob Weinberg and Tamika Williams-Moore.

**Board Members Absent:**

Jagir Singh Bains, Kenneth Cohen II, Florence Fisher, Carolann Foley, Joshua Glikman, Tami Hirsch, Elke Maerz, Jennifer Martin, Rabbi Shlomo Nisanov, Hersh Parekh, and Douglas Sherman.

**Others Present:**

Max Weprin representing Borough President Donovan Richards, Honorable State Senator Leroy Comrie, Tayler Jackson representing Honorable State Senator Leroy Comrie, Honorable Council Member Jim Gennaro, Adam Suionov representing Honorable Council Member Jim Gennaro, Ashley Lin representing State Senator John Liu, Anthony Lemma representing Honorable Assembly Member David Weprin, Daniel Blech representing Honorable Assembly Member Daniel Rosenthal, Scott Solomon from City Planning, Captain Kevin Chan, 107<sup>th</sup> Precinct Commanding Officer, Detective Patrick Blanc representing NYPD, Albert Silvestri representing NYC DOT, Amanda Iannotti & Frank Demmerle Jr. representing applicant, Marie Adam-Ovide, CB8 District Manager and Izabela Szczepanska, CB8 Staff Member.

**Call to Order:**

Chairperson Martha Taylor called this Board Meeting to order at 7:30 p.m.

**Salute to the Flag**

Chairperson Martha Taylor led the salute to the flag.

**Approval of Minutes:**

Harbachan Singh made a motion to approve the minutes of June 9, 2021, seconded by Michael Hannibal.

Count in favor: 27          Opposed: 0          Abstained: 0

**Special Guest:**

**Captain Kevin Chan, 107<sup>th</sup> Precinct Commanding Officer** – Commanding Officer Chan thanked the board for allowing him to speak tonight. They had a great national night out on August 3<sup>rd</sup>. He thanked Carolann Foley for all her hard work and everyone for coming out. Hurricane Ida was tremendous and devastated the area. They tried to make sure to keep everyone safe. His heart and prayers go out to the families affected. He spoke about two shooting

incidents that happened on August 20<sup>th</sup> and September 12<sup>th</sup>. Both victims did not get hit by the gun fire and made it out safe. They are still investigating and searching for the perpetrators. He spoke about several other crimes that happened within the area including grand theft auto, abandoned homes, stolen car parts and telephone call scams. Individuals are leaving keys in their vehicles and not locking them, making it easy for the perpetrator to steal the vehicle. He asked everyone not to leave their keys in their vehicles or their vehicles running. If you notice any abandoned homes in the area reach out to the NYPD. If you receive a call from an unknown number or an unrecognizable number let it go to voicemail. There are a lot of scam calls that are pretending to be the Police Department. He asked that everyone be careful and not share any information over the phone without knowing who they are. He spoke about the dangers of selling and buying items over the internet such as Facebook marketplace. He encourages everyone to complete such transactions in the precinct. He announced that Officers Jessica Arrubla and Albert Trotter have resigned from the department and are going to a new Police Department in Arizona. He would like to congratulate them for their outstanding work in the 107<sup>th</sup> Precinct. Two new NCO Officers will be assigned to Sector A this week: Steven Mihalik and Francesca Nisi. He congratulated Jenny Allonzo the Auxiliary Coordinator who was promoted to Sergeant. As of right now, they do not have an auxiliary coordinator. The 107<sup>th</sup> Precinct will be welcoming 27 new officers. With more officers the community will be safer.

*Chairperson Martha Taylor thanked Captain Chan for doing a wonderful job and welcomed him aboard. For the first time, the City of New York instituted a process where members of the community have been invited to help identify the new CO. She was fortunate enough with six others to have been on that committee. They were all overwhelmingly in favor of Captain Kevin Chan. He has already shown and will continue to show that they did choose the right person for this job. She welcomed Councilman Jim Gennaro and asked him to say a few words.*

#### **Elected Officials' Announcements:**

**Councilman Jim Gennaro** – Councilman Gennaro announced that he just returned from City Hall where he chaired a hearing with the Mayor's Office, DEP, DSNY and many others on the response to Hurricane Ida. Utopia Parkway flooded horribly, with cars floating and every basement full of sewage. When he was in office the first time, they tried to come up with a way to fix Utopia Parkway. Back then there was no way of doing it without putting the water back into the system and without surcharging other areas. Now, they have different technology where they can take the extra water and put it where it recharges into the ground. He announced that there are good things coming for Utopia Parkway that are overdue. He had his legislative director put in a bill for the DEP to reimburse homeowners for the installation of a backflow prevention devices. The only caveat with backflow prevention devices is that they have to be maintained and it would be the obligation of the homeowner. The bill is written now and will be co-sponsored by [Council Member] Justin Brennan from Bay Ridge. The Mayor's Office was very responsive during the storm and the aftermath. If anyone needs any assistance, please reach out to his office.

#### **Questions:**

**Dr. Penny Stern** - The sewer line has been a constant problem for decades. How is it that nobody has ever mentioned the existence of a device that could keep the sewer line from going backwards? Our solution has been getting Roto-Rooter to come in a couple of times a year. No one ever mentioned that a device like this exists.

**Councilman Gennaro** – They have existed for many years. Many of my constituents have taken it upon themselves to install it. Plumbers recommend the installation of a backflow prevention device, but it costs thousands of dollars and requires maintenance. For the last 50 years, the standard that DEP has been that the sewer system should be able to assimilate a certain capacity. Parts of Southeast Queens have no storm sewers or catch basins, there is no place for the stormwater to go. That is what's getting a lot of the sewage funding now.

*Chairperson Taylor thanked Councilman Jim Gennaro. She announced that his staffer Adam posted the office telephone number on the chat and will answer any comments or questions.*

**Dilip Nath** - The one basic thing that we have not done in the last year is have a routine clean done. My question to our Councilman is to find out whether they have done any maintenance for the last year and a half. If they have not done it, we have done a real serious disservice to the New Yorker.

**Councilman Gennaro** – DEP has a very robust cleaning schedule for catch basins. I do get catch basin complaints and call DEP. They come and clean [up] the catch basin. With regard to maintaining the sewer line, DEP has these

robots and electronic devices where they can tell where the problems are. I think they do a pretty good job of maintaining the sewers.

*Chairperson Taylor welcomed State Senator Leroy Comrie and invited him to say a few words.*

**State Senator Leroy Comrie** – Over the summer Governor Cuomo resigned. Our new Governor Kathy Hochul is no stranger to Queens. He looks forward to working with her and her Chief of Staff. Governor Hochul came to Queens after the hurricane, they worked together to offer financial services at Queens College and the Family Life Center at Linden and Merrick Blvd. for those in need. They are working in conjunction with FEMA and the Salvation Army. As Councilman Gennaro stated, the rainwater was over 3 inches a minute and was beyond the capacity of what the systems can take. That same evening, they voted to extend the opportunities for landlords and tenants to get relief by extending the tenant eviction and expanding the opportunity for landlords to file joint applications to get relief until January. He thanked Detective Blanc for working with the homeowners on 183<sup>rd</sup> Street during the storm. They will be looking at the issue of baseline [basement] apartments on a statewide level. He announced that if anyone is interested in working with the State, the Governor is currently looking to hire. The UBS Arena had a job fair on Monday, and are doing another one next Wednesday and Thursday. He encourages those who are looking for a job to attend. The Belmont Railroad Station should be open by December, giving opportunity for people to take the train from the railroad station. His office is currently working with constituents to process their applications for different available programs by appointment only. You must wear a mask when you come into the office. They are having a day in the park on Saturday for seniors, those interested in attending and seeing a circus, please call his office at: 718-765-6359. He is asking everyone to be careful, a lot of attorneys are targeting people over a certain age and try to get them to take out trust plans, but they are taking power of attorney from the individual. He thanked all the Board Members for their hard work.

**Ashley Lin representing State Senator John Liu** – Senator John Liu’s office in conjunction with the Office of Administrative Trials and Hearing (OATH) will assist and educate people on what to do if they have received a summons on Wednesday, September 22<sup>nd</sup> from 10:00 a.m. to 4:00 p.m. at Cunningham Park.

**Daniel Blech representing Assembly Member Daniel Rosenthal** – Assemblyman Daniel Rosenthal’s office is open for in person services by appointment. They are following social distancing guidelines and precautions. They will be having free digital mammogram and clinical breast exams on September 30<sup>th</sup> from 8:00 a.m. to 5:00 p.m. at the Pomonok Community Center. To be eligible you need to be a New York City resident, a woman over the age of 40 and had no mammogram within past 12 months. If anyone needs any assistance, please contact their office at:718-969-1508.

**Anthony Lemma representing Assembly member David Weprin** – Mr. Lemma hopes everyone had a great summer. Assemblyman Weprin’s office is operational and by appointment only. Their Fresh Meadows office is open Monday through Friday from 9:00 a.m. to 5:00 p.m. The Richmond Hill office will be open starting next week Tuesdays, Wednesdays, and Thursdays from 9:00 a.m. to 5:00 p.m. They have been doing a lot of giveaways. If anyone needs any masks or hand sanitizers, please call their office. Their office handled a lot of issues over the past week with hurricane Ida and were successful. If anyone has any issues, please call their office.

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*Chairperson Martha Taylor welcomed Detective Patrick Blanc who is here for a special award.*

**Guest Speakers:**

**Detective Patrick Blanc** – Detective Blanc thanked everyone for their continuous work in the community. He also thanked Senator Leroy Comrie for the outstanding work he has been doing for decades. He thanked Marc Haken for his outstanding work that he has been doing in this community. He has known him for seven years and whenever they call him, he is always on the other end asking what he can do to help and make this community better. He presented Marc Haken an award from the Far Rockaway Colts. He thanked him for all of his support and dedication given to the community in 2021.

*Chairperson Taylor thanked Detective Blanc and regrets that we could not have this meeting in person tonight for Marc to receive this award. She congratulated Marc Haken.*

**Marc A. Haken** – Patrick, I want to thank you, Lieutenant Lenora Moody, and all of the members of your unit. I am not sure if the other members of the community board are familiar with the Far Rockaway Colts. The program was started by Detective Blanc and Lieutenant Moody for young boys who get into a lot of problems. It is a coalition of the Police Department here at Patrol Borough Queens South, the Department of Education, and the Department of Housing. Detective Blanc put together this program of 100 young men where each police officer from his unit “adopts” several young men and mentors them, helps them with homework and talks to them. Detective Blanc was very successful. Beginning this year and next year the program will be extended to other precincts within the city. Thank you for recognizing me and the little bit of time, effort, and energy that I had been able to put into and assist you all. Continue with your good work and I hope to see more of it.

**Detective Patrick Blanc** - This program comes from L. A. and partners with the Department of Education and the NYPD. With everything going on with NYPD and communities; kids are believing in the NYPD. As an example, one of the boy’s mother passed away a couple of weeks ago and the first thing the boy did was call his mentor. With this success, they have seen grades go up and behavior improving not only within the boys but the parents as well. We see the community in Far Rockaway improve. Now they are expanding to Harlem and they have partnered with the Giants and the Giants loved their success. It is people like Marc that make this kind of program that much better.

*Chairperson Taylor thanked Marc Haken and Detective Blanc. Tonight, everyone learned what a wonderful job he has been doing.*

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**Borough President’s Representative – Max Weprin**

- Borough President Richards is hosting a Queens Live Concert Tribute to Biz Marquee on Sunday, September 19<sup>th</sup> from 6:00 p.m. at Baisley Pond Park.
- In partnership with the IRS, Borough President Richards is hosting a virtual Child Tax Credit Advance info session on Monday, September 20<sup>th</sup> at 6:00 p.m.
- There will be a Northwest Queens Regional Town Hall meeting on Wednesday, September 22<sup>nd</sup> at the Variety Boys & Girls Club of Queens at 6:30 p.m.
- Borough President Richards is hosting an Immigrant Resource Fair on Saturday, September 25<sup>th</sup> from 10:00 a.m. to 3:00 p.m. The fair will distribute resources from local community organizations.
- There will be a Job Recruitment Fair at the Queens Center Mall on Wednesday, September 29<sup>th</sup> from 10:00 a.m. to 1:30 p.m.
- They are collecting donations for the Haiti Relief Donation Drive. Personal hygiene items and non-perishable food can be dropped off at Queens Borough Hall lobby security desk until September 23<sup>rd</sup>.
- You can RSVP for these events at [www.queensbp.org/rsvp](http://www.queensbp.org/rsvp). If anyone has any questions or concerns, he can be reached at: [mweprin@queensbp.org](mailto:mweprin@queensbp.org).

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**Chairperson’s Report – Martha Taylor:**

- Welcome back to Susan Cleary following her surgery. May her health continue to improve every day! Get well soon to Jagir Singh Bains and Carolyn Brown who are dealing with health issues.
- As you may be aware, Governor Hochul signed legislation allowing public bodies to meet remotely until January 15, 2022. Community Board 8 did try to hold an in-person meeting at the Hillcrest Jewish Center for this month. Although it is a large space; it could accommodate less than 100 people including CB8 members. We were also required to livestream the meetings and allow for remote participation which would cost at least \$450 per meeting. Community Boards do not have the budget to sustain such an expense. As such, our meetings will be held virtually until further notice.

- The Community Board 8 office is following all the New York City guidelines. Members of the staff have either been vaccinated or they are providing copies of their COVID-19 PCR Tests every Monday. All who enter the office must wear and keep their masks on. Staff whether vaccinated or not must keep their masks on while interacting with each other and/or members of the public.

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District Manager’s Report, September 2021

**NYC Emergency Management**

- September is National Preparedness Month, and it serves as a reminder to take action to prepare for the types of emergencies that could affect where we live, work, learn, and worship.
- With all the challenges New Yorkers have faced, the theme of National Preparedness Month is "Prepare to Protect."

You are urged to go to their website for more information about trainings and webinars on preparedness:

<https://www1.nyc.gov/site/em/ready/training-resources.page>

**NYC Department of Health**

For residents having issues with the Excelsior pass, they should reach out directly to [CIR@health.nyc.gov](mailto:CIR@health.nyc.gov) with the following information as some of the information that needs clarification may be privileged:

- Name
- Date of Birth
- Date of their second dose (If Johnson & Johnson’s single-dose was administered, then the single date)
- Location where the second dose was administered.

The Citywide Immunization Registry can then check the records for any mismatches or typos, and correct if necessary. If they don’t receive a response within 2-3 business days, please contact the Community Board so we can follow-up on your behalf. **As an alternative, the constituent can also use the NYC COVID SAFE app** which stores images of the user’s identification, vaccination, and testing information directly on the device without reconciling the data with the New York State Department of Health. This will be much faster.

The Pest Control unit is short staffed. They are trying to hire more inspectors; however, they must have a background in animal science. This is taking some time, as they must also pass a thorough background check.

**Department of Environmental Protection**

As of September 1<sup>st</sup>, DEP staffers were in their offices only twice a week. The rain barrel events were cancelled for the summer.

**NYC Commission on Human Rights**

The Fair Chance Act has rules that protect workers against discrimination based on their criminal history. The protection was issued prior to employment, now it also includes current employment.

While only those who are vaccinated can dine indoors, service establishments must offer reasonable accommodations for those who cannot receive vaccines. (i.e., A restaurant can offer to sell food for takeout or offer outdoor seating as an alternate to dine-in). Employers can go to their website and access the Legal Enforcement Guidance:

<https://www1.nyc.gov/site/cchr/law/fair-chance-act.page>

**Department of Design and Construction (DDC)**

Many of the projects are being completed this fall. Some locations where the perennials did not grow are getting new plantings. They anticipate completion by November.

**Fire Department**

The responses are about the same as they were last year except for medical emergencies. They were very high last year due to COVID 19; however, they have seen a significant decrease now.

Battalion 50 Chief Paul Tauber retired last year and was replaced by Christopher Eysser this year. Remember to use the tools that help us prevent and fight the spread of fires:

- GetAlarmedNYC - Instead of changing the batteries twice a year. The Fire Department is encouraging residents to replace their smoke and CO detectors that lasts for 10 years.
- Close the door! During a fire remember to close the door to stop the spread of a fire.

I will provide more information in the October Newsletter.

**Sanitation (DSNY)**

There is no garbage and recycling collection in observance of Labor Day on Monday, September 6, 2021. Garbage can be placed for collection on Monday evening. Please expect delays. Recycling collection will resume the following Monday.

You have probably noticed that our center medians are unsightly with overgrown weeds. Community Board 8 reached out to the Superintendent and his supervisors weeks ago to get that addressed. They have sprayed the vegetation with brine and are waiting for the weeds on the center medians to dry up so they can be removed. The dirty area near the Manton Street wall will be addressed this week.

**Department of Parks and Recreation (DPR)**

DPR reported that the district was well staffed during the summer season and the seasonal personnel were extended until the end of the year due to federal funding. Due to the Friends of Cunningham Park, the district received a load of new small equipment mid-summer that include lawn mowers and weed trimmers. Recently delivered was a trailer and a Zero Turn Ride on Lawn Mower. The district also received a snow equipment accessory for our Polar Trac vehicle in the form of a “V” plow.

The Office of Administrative Trials and Hearings (OATH) originally scheduled tabling for September 21<sup>st</sup> at Cunningham Park has been changed to Wednesday, September 22<sup>nd</sup> (10 a.m. to 4 p.m.).

There will be a Corporate Volunteer Project at Cunningham Park on Friday, October 8th from 10 a.m. to 1p.m.

*Happy Birthday to Board Members Wendy Gennaro and Dr. Penny Stern who will celebrate their birthdays this month!*



*Marie Adam-Ovide*

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**Purpose of Public Hearing**

This application is for a zoning change. This property is located in an R3X and R6A/C2-4 zoning district. This application will convert it to an R7A/C2-4 zoning district, with a Mandatory Inclusionary Housing (MIH) area along the block. This application also proposes map and text changes to the Special Downtown Jamaica District.

The rezoning would allow for the development of a mixed-use nine-story building. The proposed development will create approximately 48 dwelling units, of which 12 would be permanently affordable pursuant to MIH Option 1. The proposed development would provide 27 accessory off-street parking spaces in the rear yard through the existing curb cut on Hillside Avenue and provide 24 bicycle parking spaces.

*Chairperson Taylor introduced Ms. Amanda Iannotti, representing the applicant and the developer of the above premises and asked them to begin the presentation. A presentation of the proposed re-zoning was screenshared.*

**ULURP Appl. #210192 & 210193ZRO**

Amanda Iannotti introduced herself as the applicant representative. She also introduced Frank Demmerle Jr. who is the project architect. She gave a Power Point (PP) presentation explaining the process of the proposed re-zoning for the development of a mixed-use nine-story building. These are some of the main highlights of the presentation:

- A zoning and tax map were shown (slides 4-5) of the area that is proposed to be re-zoned. This is currently a split lot condition with the first 100 feet along Hillside Ave. as an R7A and the rear as an R3X. They would extend that boundary to an R7A with a commercial overlay. In addition, they would extend the special district to help remedy the split lot condition.
- The area map (slide 6) showed the proposed area to be rezoned again. The proposed development site is a one-story vacant building that used to be an animal hospital. The proposal will fill the lot with a building that largely matches the high building on the east and west side.
- The site plan was shown (slide 10). The building will have 27 parking spots in the rear yard. The proposed development will largely match the height of the adjacent 6 story buildings and will only be about 10 feet higher.
- Images of Hillside Avenue and the development site were shown along with the tall buildings that are on both sides of the proposed development
- The ground floor will have approximately 4,500 square feet of commercial space and will access the parking in the rear year. Residential units will be above. There will be a tenant recreation space on the roof. A tenant meeting room will be located in the cellar (slide 15).

### **Questions by the Board Members:**

**Martha Taylor** – You are going to have some commercial properties, will the parking behind the building be available to people who are going to use the commercial properties? Or will it be for exclusive use of the tenants?

**Answer:** [Ms. Iannotti] – *The required parking is actually only 18 spaces. We are exceeding that with 27 spaces. There should be [parking] available to the commercial space.*

**Michael Hannibal** – I live around the corner from where the development is, and I think it is a good idea. That place has been abandoned for the last decade. However, I am concerned about the residential homes behind that building. Will the parking lot be enclosed? Or will it be an exposed area for the homeowners living in the back on Wexford Terrace?

**Answer:** [Mr. Demmerle Jr.] – *The parking is going to be an outside structure. We will have a fence around the back portion of the yard. You won't see it from their yards. You may see it if you are on the second floor of an apartment or a house. We don't have any plans to enclose it.*

**Kevin Forrestal** – Just to clarify is this a variance request also?

**Answer:** [Ms. Iannotti] – *No, this is a re-zoning.*

**Kevin Forrestal** – It is a re-zoning of the entire block and not just the one lot where you are doing the new building?

**Answer:** [Ms. Iannotti] – *That is correct.*

**Michael Hannibal** – Why is it being re-zoned, so that it can be up to nine stories versus the six that are on either side?

**Answer:** [Ms. Iannotti] – *The six that are on either side are actually currently noncomplying-legal noncompliant. This re-zoning will actually bring them into compliance and allow for this development with permanently affordable units.*

**Marc A. Haken** – How many total apartments will there be?

**Answer:** [Ms. Iannotti] – *There will be 27.*

**Marc A. Haken** – There will be 27 units of which a certain number are going to be a three bedroom.

**Answer:** [Ms. Iannotti] – *Did you ask how many units in the building?*

**Martha Taylor** – Yes, how many units in the building.

**Answer:** [Ms. Iannotti] – *There are 48 dwelling units with 32 one bedroom and 16 three bedrooms.*

**Marc A. Haken** – In those three bedrooms each one of them will most likely have two drivers. You are saying by law you must have 17 parking spaces. Which certainly is not enough to accommodate those who reside in the building. You are also planning to have the outdoor parking area used by those who will come and visit those stores. I do not think you have enough parking spaces to accommodate both the residents and consumers of the stores. How can you accommodate additional parking? Especially since that area was just re-zoned.

**Answer:** [Ms. Iannotti] – *The zoning requires 18 spots. That is the requirement, and we are providing 27. We don't expect it to have an impact. We don't have to give the parking to the commercial. If there is more demand for the residential units, they can be given to the residential. We are already exceeding it. I only said that because the chair asked if some could be for commercial and because we are exceeding the number of required parking there could be. There are some available but if the developer sees that the demand is there from the residential units, then he can certainly allocate them towards the residential.*

**Dilip Nath** – I agree with Marc, we just re-zoned that area. Hillside is already over saturated. On any given day you cannot find parking. It is already over zoned. Now we are asking again for a variance.

**Answer:** [Mr. Demmerle Jr.] – *We are not asking for a variance.*

**Martha Taylor** – This is not a request for a variance. Let's make that clear.

**Answer:** [Mr. Demmerle Jr.] – *Also, the transit zone, you are in the transit area where we have access to public transportation within that area.*

**Dilip Nath** – The community is not aware of this. For you to come in and say there is no negative impact. I am kind of appalled by this statement. This is a serious negative impact on that area by building those sorts of things. That community cannot absorb any more on such development. There are people already hurting by the poor infrastructure. We just allow for the developer to build higher rise on the poor infrastructure. That needs to be taken into consideration.

**Answer:** [Ms. Iannotti] – *We can definitively look at how we can fit additional parking spaces. We can look at it and discuss with the project architect.*

**Martha Taylor** – That would be very helpful. Please get back to us on that.

**Tammy Oshero** inquired as to a variance issued a few years ago. District Manager Marie Adam-Ovide clarified that it was an acquisition by the City for an animal shelter. The City did not go ahead with the plans.

**Kevin Forrestal** – Just for procedure clarification. This is a request for a zoning text change, if approved, would change the zoning. It is not an application to approve this building. They would have to then re-submit to the Buildings Department (DOB). If all other things are correct and the zoning is changed then it would be approved as of right and there is not further review. Is that correct?

**Answer:** [Ms. Iannotti] – *Yes, once the zoning has changed, it would then be a project before the DOB.*

Right, so any promises that you make to anybody to get the zoning, it is just your good faith.

**Answer:** [Mr. Demmerle Jr.] – *The building complies with the building permit as of right.*

Yes, but the question of the proposed parking could change in the plans that would be provided.

**Answer:** [Ms. Iannotti] – *It could. It could also be a commitment with further conversations with your board and with the council member. You are correct. Once the zoning has changed it would be an as of right project.*

**Maria DeInnocentiis** – You mentioned that the other buildings are out of compliance. According to the re-zoning that was done they are an R6A/C2-4, which I thought made them compliant. What is making them out of compliance that the whole block needs to be re-zoned?

**Answer:** [Ms. Iannotti] – *Their R6A zoning district has a maximum floor area ratio of a 3.0, both those buildings are above that. They are out of compliance with regard to floor area floor area ratio.*

The up zoning that you are asking for, is the next step up or is that beyond?

**Answer:** [Ms. Iannotti] – *It is the next step up with Mandatory Inclusionary Housing (MIH). It would provide a maximum FAR of a 4.6. Those buildings would be complying under that number, even though they do not provide affordable housing.*

Makes no sense, but okay. Are the tenants going to be charged for parking?

**Answer:** [Mr. Demmerle Jr.] – *Typically, the parking is part of the rent. I do not believe they will be charging for a spot.*

Is the parking going to be assigned? You are talking about 27 spaces for 48 apartments. Are those parking spaces going to be first come first serve? Are people going to be able to buy a spot so that they are not on the street? What are the thoughts on parking?

**Answer:** [Mr. Demmerle Jr.] – *Currently, the parking is meant for the residential building. Whether they are first come first serve or designated for the apartment, that needs to be seen once the apartments are laid out.*

**Kevin Forrestal** – Just to clarify. The noncompliant other buildings are legally noncompliant. They don't have to do anything because they were grandfathered when the rezoning occurred 14 years ago. There is no need to do a re-



- Pre-COVID there were 1,022 sidewalk cafes, 100 small sidewalk cafes, 102 enclosed cafes, and 25 street seats.
- The Emergency Open Restaurants Program helped save almost 11,000 restaurants and an estimated 100,000 jobs by allowing establishments to continue serving outdoors, on the roadway or sidewalk. The emergency program will be in effect at least through 2022.
- A permanent program requires a series of different legal changes, including a text amendment to allow more areas of the city to be eligible for roadway and sidewalk seating. The permanent program will retain the elements of the emergency program that worked and modifying the ones that didn't. The permanent program is proposing that the sidewalk café seating is seasonal. It will be a four-year license window.
- The components of sidewalk café seating:
  - All restaurants with ground floor space are eligible to apply for year-round access.
  - Must be ADA compliant. Subject to clear path and siting criteria/distance from obstructions, based on pedestrian levels and sidewalk widths.
  - Removable tables, chairs, and barriers. Seating against building wall.
  - Only in restaurants frontage.
- Three main actions are needed to facilitate the future program: 1. Removal of locational prohibitions. 2. Changes to the Sidewalk Café Program. 3. Creation of a Roadway Café Program.
- The proposal itself is removing the entirety of ZR, Article, Chapter 4. Removing any language that prevents sidewalk cafes in Special Districts; removing rules around enclosures, operable windows, sidewalk widenings, that would preclude or limit outdoor dining under the Open Restaurants Program.
- This will allow any restaurant anywhere in city to potentially apply to DOT for a sidewalk café, based on its sidewalk conditions.

*Chairperson Taylor asked if anyone had any questions. She asked that each member limit themselves to one question.*

#### **Questions:**

**Marie Adam-Ovide** – The question has to do with some of the concerns that were raised by residents. Some of the restaurants are building structures that they shouldn't build. I understand that DOT will be the one in charge of the barriers in other areas within the sidewalk but some of the structures are actually attached to buildings. I just want to verify that DOB will continue to be the agency that addresses these issues.

**Al Silvestri** – *Early on it was an all-hands-on deck where DOB, SBS, and DCP, were all helping with the inspections. Right now, it is on DOT. Ultimately the permanent program would be on DOT. Restaurants are not allowed to set up and connect to their building.*

**Marie Adam-Ovide** – We understand that. When they do, is that a DOT issue or is that still a DOB issue?

**Al Silvestri** – *It would be a DOT issue depending on the severity of it. We would loop DOB in. DOT would inspect give them a violation and issue a cease-and-desist letter for that type of action creating a structure attached to the building. If it is really bad, we would loop DOB in.*

**Martha Taylor** – Is this going to be complaint driven only? Or will there be inspections?

**Al Silvestri** – *There will be periodic inspections. That's the idea.*

**Harbachan Singh** – Will they have water supply and drainage facilities available, or will that be allowed in those structures?

**Al Silvestri** – *Not to my knowledge, I don't believe running water. We have seen some setups where we have seen full kitchens. The idea for the permanent program is roadway and sidewalk, everything is going to need to be removable. Having running water would not comply with that.*

**Seymour Schwartz** – Are there any plans to roll this out so that restauranters, large and small will understand this program and be able to take advantage of it if they so choose?

**Al Silvestri** – *Yes, there was an emergency phase. There was a tremendous amount of outreach in the restaurant industry where everyone was looking for outdoor access. It received a lot of press coverage. We are going to have a year to build up and let restaurants know that they're going to need a new application for the permanent program. In many cases they are going to need to change their setup and fix what they have today, which may not be complaint in the permanent program.*

**Michael Hannibal** – When you were showing us the presentation you did not mention the actual size of the sidewalk. My concern is along Hillside Avenue from 169<sup>th</sup> Street to 188<sup>th</sup> Street. There really is only one block that can handle outdoor restaurants some are very narrow or have fruit stands. What are the criteria of space from the restaurant to the sidewalk?

**Al Silvestri** – *The typical rule is an eight-foot clear path to comply with ADA. Eight feet is enough room where two people and wheelchairs could pass one another. There will be the potential waiver to go down slightly from eight feet provided that the Mayor's Office of Disabilities visits the location and grants that waiver. In some cases, some of the setups are too narrow and will not be compliant with the permanent program.*

**Maria DeInnocentiis** – I had not heard that you said an eight-foot clearance. Most of Union Turnpike would not have an eight-foot clearance if they had a sidewalk restaurant. You also said that they would have to have it in front of their store frontage. What about the ones like Acquista on Union Turnpike? They have the sidewalk restaurant on the side street. Will that be allowed for corner properties?

**Al Silvestri** – *Right, as long as it is along their building line. Whether it would be on Union Turnpike or on the side street, as long as they are not extending in front of another property.*

**Maria DeInnocentiis** – Would they allow sidewalk and street, if they have clearance would they be able to block the street and have a café?

**Al Silvestri** – *If you meet the criteria, then you could have both. Not every location is going to have that. You are right, Union Turnpike in many cases is not going to have an eight-foot clear path. Under the emergency program we tried to be flexible with restaurants and be helpful during a really difficult time.*

**Maria DeInnocentiis** – We understand that during the COVID response we are being very open minded. I am concerned about changing the text going forward and the impact on the community? You said that we would still be reviewing. Where will the community board sit in approving these sites? Let's say Acquista says we want to have it in the front, the side and in the street. If we don't want them to do that, what will we be allowed to do under your new zoning text?

**Al Silvestri** – *Scott can speak a little bit to this, but there is going to be no change to the community board's role in the sidewalk portion when it comes to the street. It would be a new program and we would still take feedback from the community board. The application wouldn't necessarily go to the community board. If the request said we want to do a sidewalk site, it would still go through the typical community outreach process that it has been in the previous program. There is no change there.*

**Maria DeInnocentiis** - My concern is the people that are setting it up on the streets, Martha can tell you, we've already had crashes.

**Martha Taylor** – It was one.

**Maria DeInnocentiis** - It's just a little concerning that we would not have the right to have an opinion on the street.

**Al Silvestri** – *Let me be clear. We would still take the community board's feedback on any street location. I don't think in the permanent program, you're going to have 11,000 restaurants. We expect it to be popular but with people going back, inside, in 2023 that number seems really high. For people to set up to pay a fee and to have a 4-year license that's an investment.*

**Howard Fried** - What accommodation is being considered for the community? You are taking away parking spaces in sometimes very congested areas. When you take away the parking spots, you then lend to double parking. What kind of protocols are being considered for blocking parking spots that would otherwise have been filled and to keep the traffic flowing?

**Al Silvestri** – *I know double parking on Union Turnpike is a consistent issue. When it comes to the roadway set up, it is a tradeoff. A typical frontage for a restaurant is about 30 feet. That could be up to two parking spots. It helps a local business flourish. Sometimes in areas where there are lots of restaurants you could have a lot of consistent roadway setups. More often it is a restaurant or two on a given block. It is not really taking too much away and it's more of an amenity for the community.*

**Howard Fried** – With every block you have usually 2 fire hydrants, and 2 parking spots. You're encroaching on the side streets. That is going to get more traffic. People have now lost what would be a 10-minute run into the store is now becoming a traffic ordeal. Manhattan is disastrous. There is not much parking to begin with. You add street dining, and you are making Manhattan about as un-car friendly as possible. It sounds like the same thing is going to be happening to the boroughs albeit with less concentration. It is worthy of consideration. Is the street spot granted if it meets the criteria or is there going to be public response to the request?

**Al Silvestri** – *The application process is still being worked out. Community feedback is going to be part of the application process. When it comes to the sidewalk, no change. The most important aspect for DOT is roadway safety and making sure everyone is safe.*

**Mohammad Tohin** – For now with the given situation, this is a good idea. Making it permanent of course, I don't agree with it. The way people are using this and making their outside space in different ways and have them also on the side. Are they allowed to do this?

**Al Silvestri** – *Yes, if they meet the location criteria. As the slide presented, if they are not blocking anything, if they meet the width requirements, if they are set up in the roadway and not on a bus stop or no standing zone or in front of a hydrant, they could in many cases do both. Not every location is able to do that. Some locations, the sidewalk will be a little too narrow. If they don't get the hardship waiver, then it's going to be a strict no.*

**Martha Taylor** – To clarify, if we are going to vote tonight, we are voting on the ULURP. What exactly does that mean considering there is a deadline of September 27<sup>th</sup>.

**Scott Solomon** – *You are removing the location prohibitions in the text. You are not approving the roadway program necessarily. You are approving the limits the geographic areas for sidewalk cafes, and you are approving a text amendment that removes that prohibition for sidewalk efforts.*

**Martha Taylor** – Okay, it is the text amendment that were are voting on.

**Scott Solomon** – *Correct.*

*Chairperson Taylor asked if anyone had any other questions. Seeing none, she asked for a motion.*

**Marc A. Haken** – He made a motion to approve the text amendment as presented to us this evening by DOT regarding on street restaurants.

**Howard Fried** – Seconded.

*Chairperson Taylor asked if there were any comments with respect to the motion.*

**Marie Adam-Ovide** – I wanted to ask how can DCP and DOT ask the community boards to vote when they don't know what kind of input the community boards will have moving forward. I do not know if that is something that the board can ask, how they want to have input.

**Al Silvestri** – *The sidewalk input is not going to change. The roadway input there will be feedback as part of it. We don't know exactly what that looks like. We are going into the rule making for this new roadway component. That is a process that our agencies will be going with the City Council. If those are the comments from the community board put it into your official comments to the City Planning Commission.*

**Dilip Nath** - I conceptually support this. Whether we agree or not I mean, what does our input really matter because the Mayor decided to do [it] anyway right? We don't have any say, whether you can approve a restaurant. You are not going to ask us, right? You can just go to approve or disapprove it from agencies. Community Boards have really no saying going forward on this thing. So, I guess why we're even voting on these things.

**Scott Solomon** – *The vote is on the sidewalk cafes, previous pre-COVID they were subject to community board review. That will un-change, the community boards will have a formal review process. That is part of the City Charter. We are not changing the charter. We are proposing to change a text.*

**Marie Adam-Ovide** - Are you saying that the community boards are going to have the same review process as when we had the DCA? Community boards could have the public hearings and have the people come and speak on whether or not we should approve or recommend approval of sidewalk cafes. Is it going to be similar to that process?

**Scott Solomon** – *It is going to be exactly the same. The sidewalk café community board review will be unchanged.*

**Martha Taylor** – That pertains to sidewalk and roadway or sidewalk but not roadway.

**Scott Solomon** – *We are talking about sidewalk cafes.*

**Martha Taylor** – Everybody needs to understand that.

**Kevin Forrestal** – It may be good to put the slide up highlighting what we are voting on. Those three or four points. *(Scott Solomon screenshared the requested slide).*

**Maria DeInnocentiis** – Martha, on these slides they say a permanent program requires a series of different legal changes including a text amendment to allow more areas of the city to be eligible for roadway and sidewalk seating. It looks like the text amendment is supposed to allow for roadway seating also. I am concerned about that.

**Scott Solomon** – *Part of the broader program is ultimately a roadway program, but that text applies only to the sidewalk café. There is no zoning text that applies to a roadway program.*

**Maria DeInnocentiis** - *It will eliminate the zoning texture, eliminating the sidewalk and you can put anything in there that you want. That is what he is planning to do to make it sidewalk and roadway. What we are concerned about is the roadway piece.*

**Scott Solomon** - *I just want to clarify again. It is only a change to the locations. Where you're allowed to have a sidewalk cafe.*

**Martha Taylor** - *So, that's what we're voting on that particular precise part.*

**Scott Solomon** – *Correct.*

**Al Silvestri** – *The next step would be to the rulemaking process.*

**Martha Taylor** – *That is the next step, that is not what we are voting on tonight.*

**Al Silvestri** – *Correct.*

**Dilip Nath** – *The current executive order expires when at the end of the year?*

**Martha Taylor** – *They said that it will be an additional year and not the end of this year, right?*

**Al Silvestri** – *There was also city council legislation, extending the current program.*

**Scott Solomon** – *I do not know what the exact date would be, but I know that the goal is to be laid down the permanent program early 2023.*

**Dilip Nath** – *Shouldn't we really wait. I don't know, right now we are still in the middle of a pandemic. We don't really know what is happening. Right? I think. You know, to make this permanent. I don't know, but right now people are accepting this sidewalk and road because of the current given circumstance. When we are back to a normal someday, I am not sure.*

**Martha Taylor** – *Dilip vote however you want. What this is doing is changing the text and is not giving everybody the right to have sidewalk and roadway cafes wherever they want to do it. That is not what's happening.*

**Scott Solomon** – *Correct, Al laid out a lot of the space requirements on the sidewalks themselves limited to where a restaurant has street frontage. There are already quite a few of those limitations in the existing program. Those actual rules are still in place.*

**Vote:**                      **16 Favor**                      **14 Opposed**                      **0 Abstention**

**Board Members who voted in favor:** Dilafroz Ahmed, Allen Eisenstein, James Gallagher Jr., John Gebhard, Wendy Gennaro, Joshua Glikman, Marc A. Haken, Michael Hannibal, David Mordukhaev, Dilip Nath, Alan Ong, Tamara Oshero, Frances Peterson, Harbachan Singh, Martha Taylor, and Mohammed Tohin.

**Board Members who voted against:** Robert H. Block, Edward Chung, Susan D. Cleary, Solomon Davydov, Maria DeInnocentiis, Kevin Forrestal, Howard A. Fried, Bhitihara-Martha Fulton, Ashan Habib, Paul S. Lazauskas, Simon Pelman, Jesse Rosenbaum, Seymour Schwartz, and Dr. Penny M. Stern.

### **Committee Reports:**

**Health Minute with Dr. Penny Stern, Health Committee Chair:** Dr. Stern spoke about the importance of self-care. It is important to stay physically active ideally, at least five times a week. If you can safely distance yourself from others to try an exercise early or late in the day. It is recommended to rest, sleep at least seven to nine hours, and eat well. Eating healthy foods and drinking enough fluids is important particularly in warm weather. She informed everyone to avoid the use of alcohol, it may help short term but can lead to problems with dependence. It is important to stay in touch with loved ones, friends, and family members. She spoke about guided imagery helping reduce stress. She informed everyone of different ways to release stress including meditation.

### **Adjournment**

Mitch Lisker made a motion to adjourn this meeting at 9:58 p.m.

*Respectfully submitted,  
Izabela Szczepanska, CB8 staff  
September 28, 2021*