



Chairman, Alvin Warshaviak

*The City of New York*  
*Borough of Queens*

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District Manager, Marie Adam-Ovide

Minutes of Community Board 8 Board Meeting held on Wednesday, November 12, 2014 at the Hillcrest Jewish Center, 183-02 Union Turnpike in Flushing, New York

**Attendance:**

**Board Members Present:**

Dilafroz Ahmed, Jagir Singh Bains, Carolyn Baker-Brown, Dr. Allen J. Bennett, Robert H. Block, Edward Chung, Susan D. Cleary, Maria DeInnocentiis, Brian DeMasters, Allen Eisenstein, Mary Maggio Fischer, Carolann Foley, Kevin Forrestal, Howard A. Fried, James Gallagher Jr., Joshua Glikman, Marc A. Haken, Michael Hannibal, Robert Harris, Tami Hirsch, Fakrul "Delwar" Islam, Steven Konigsberg, Bright Dae-Jung Limm, Paul S. Lazauskas, Mark J. Lefkof, Mitch Lisker, Elke Maerz, Rabbi Schlomo Nisanov, Tamara Osheroov, Frances Peterson, Samuel Rodriguez, Jesse Rosenbaum, Steven Sadofsky, Annie Salvatore, Michael F. Sidell, Harbachan Singh, Martha Taylor, Mohammed Tohin, Alvin Warshaviak, Jacob Weinberg, and Albert Willingham

**Board Members Absent:**

Kenneth Cohen II, Monica Corbett, Florence Fisher, Frank Magri, Jennifer Martin, Simon Pelman, Charlton Rhee, Seymour Schwartz and Stanley Weinblatt

**Others Present:**

Assemblywoman Nily Rozic, Courtney Cariello representing Assemblywoman Nily Rozic, Facia Class representing Assemblyman Michael Simanowitz, Daniel Rosenthal representing Councilman Rory Lancman, Susie Tanenbaum representing Borough President Melinda Katz, Israt Alam representing Assemblyman David Weprin, Natalia Kozikowska representing Councilman Mark Weprin, Stephen Everett from City Planning, Christine Choi from Self Help, Yolanda Delacruz Gallagher of the Friends of the Brinckerhoff Colonial Cemetery, Cristina Schreil of the Queens Chronicle

**Call to Order:**

Chairman Alvin Warshaviak called this Board Meeting to order at 7:30 p.m.

**Public Participation:**

**Marusiya Lakchakova**- Please help my synagogue (BSA no. 35-10-BZ) for me, my children and my grandchildren.

**Rafael Rafailov**- We need help from the Community Board for our synagogue (BSA no. 35-10-BZ).

**Yosef Aronov**- We are asking the Community Board to help us with our synagogue (BSA no. 35-10-BZ) because if not, our kids are going to be in the street. We came to this country to raise our children the right way.

**Avraham Zavlanov**- Spoke in support of Ohel Sara on 77<sup>th</sup> Avenue (BSA no. 35-10-BZ).

**Arik Matatov**- Spoke in support of Ohel Sara on 77<sup>th</sup> Avenue (BSA no. 35-10-BZ).

**Khanan Khavasov**- I am speaking in support of the Ohel Sara synagogue on 77<sup>th</sup> Avenue. This synagogue changed my life. As a youth I was a bad child and I am not ashamed this shul changed my life. Everyone in the shul is family and we are all together.

**Yolanda Delacruz Gallagher**- I am Yolanda Delacruz Gallagher, President of the Friends of Brinckerhoff Colonial Cemetery, Inc. We are now a duly registered NY domestic corporation and a designated public charitable

organization. We would like to thank you and ask you for any support you may give to us in order to purchase the site for historical preservation (full written statement on file).

**Christine Choi**- I am a Social Worker for the Self Help Fresh Meadows Senior Program. The program is located in Fresh Meadows and is open to seniors ages 60 and older. We offer a variety of social work services. Please spread the word to any seniors you might know that may benefit from our program.

**Moisey Rafailov**- I am here to speak in support of Ohel Sara on 77<sup>th</sup> Avenue (BSA no. 35-10-BZ). This synagogue is something more than a place of worship for us. This synagogue is important for children, adults and seniors. I do not have time to cover all the services we provide, but I can briefly say that we keep our children off the streets. We have many activities for them. We also have many seniors in our community whose quality of life is improved by our synagogue's programs.

**Rabbi David Delman**- I am here to speak in support of both synagogues applying for variances tonight. I run an organization that helps thousands of Jewish teenagers in our community. I am the Rabbi at Queens College, and both of these synagogues perform a huge service to our hundreds of students. Both synagogues are very welcoming to us.

**Nissan Yakubov** -Spoke in support of Ohel Sara on 77<sup>th</sup> Avenue (BSA no. 35-10-BZ).

**Gabriel Davidov**- We immigrated to the United States 45 years ago. We started our Synagogue (BSA no. 35-10-BZ) in a basement. Step by step we collected money to buy and build our building. We teach Hebrew and we teach the Torah.

**Giorgiy Davidov**- I am speaking in support of Ohel Sara on 77<sup>th</sup> Avenue (BSA no. 35-10-BZ). I just want to point out to you how important our synagogue is to me, my family and my community. It is our link to Judaism.

**Melanya Yosopov**- I am speaking in support of Ohel Sara on 77<sup>th</sup> Avenue (BSA no. 35-10-BZ). We opened the Shul in 1997 and my family has been part of this congregation since then. It is all that I have ever known and we are able to do great services that have created a vibrant community.

**Yakov Lakchakov**- I am the father of three kids and our family attends Ohel Sara on 77<sup>th</sup> Avenue (BSA no. 35-10-BZ). Our synagogue is very important to us, especially for the sake of our children.

**Dora Kazakov**- Spoke in support of Ohel Sara on 77<sup>th</sup> Avenue (BSA no. 35-10-BZ).

**Shamuel Rafailov**- I am speaking in support of Ohel Sara on 77<sup>th</sup> Avenue (BSA no. 35-10-BZ). The synagogue keeps our kids off the streets.

**Sharona Rafailov**- First, I would like to thank the Community Board to take the time out to listen to us. Over the years, our Synagogue, Ohel Sara on 77<sup>th</sup> Avenue (BSA no. 35-10-BZ), has become a place to go to learn. It is also a place to come together for celebrations. Many of the youth could not be here today, but on behalf of them I would like to ask you to allow us to continue to occupy the Synagogue. Let us continue to learn about Judaism and our family history.

**Mark Babayev**- I would like to say that our synagogue Ohel Sara on 77<sup>th</sup> Avenue (BSA no. 35-10-BZ) is quite small compared to other synagogues in the area and that it provides services for thousands of people. We have a petition signed by 410 persons in support of our application for variance. Please give us this second chance.

**Yakov Rafailov**- Spoke in support of Ohel Sara on 77<sup>th</sup> Avenue (BSA no. 35-10-BZ).

**Yakov Robenov**- I am here in support of Ohel Sara on 77<sup>th</sup> Avenue (BSA no. 35-10-BZ). I am one of the parents of the children who attend the Shul. They do a great job.

**Mordechai Rafailov**- Spoke in support of Ohel Sara on 77<sup>th</sup> Avenue (BSA no. 35-10-BZ).

**Chairman Warshaviak regretted to inform the Community Board of the passing of Seymour Schwartz's wife, Zorya Schwartz. Chairman Warshaviak also offered condolences to Alan Berman regarding the passing of his Mother, Tobey Berman.**

***\*\*A Moment of Silence was observed in solemn memory of Zorya Schwartz and Toby Berman.\*\****

**Chairman Warshaviak introduced former Board Member and Assemblywoman Nily Rozic to address the Community Board**

**Assemblywoman Nily Rozic**- Thank you Mr. Chair. It is great to see all of you and it is nice to be on the other side of things for once. I met with the new Commanding Officer at the 107<sup>th</sup> Precinct, Paul Valerga, and he is fantastic. I am really excited about working with him. He asked me to remind everyone to keep in mind that 25 mph is the new speed limit unless otherwise posted. For those of you that live in Fresh Meadows, you may have seen the new Speed

Sign posted outside Holy Family Church on 75<sup>th</sup> Avenue. The sign is not permanent but it will help slow down that 75<sup>th</sup> Avenue corridor. On Saturday, November 15<sup>th</sup>, I am co- sponsoring a ‘Stop and Swap’ at P.S. 154, so bring your clean reusable items. The Office of Recycling Outreach is putting it together with the Principal, Tara Davidson. On Tuesday, November 18<sup>th</sup>, we will be kicking off our rally for tenants. If you are a rent stabilized tenant up or a Fresh Meadows neighbor, we will be leaving from the Fresh Meadows complex at 8:30 a.m. The actual rally itself will be at the steps of City Hall at 10:00 a.m. Please join us for this huge, dragged out fight. Thanks everyone.

**Salute to the Flag**

Chairman Warshaviak led the salute to the flag.

**Approval of Minutes:**

Jesse Rosenbaum made a motion to approve the minutes of October 22, 2014 seconded by Dr. Allen Bennett.

**Count in favor    40                      **Opposed:    0                      **Abstained:    0******

**Board Members who approved the minutes:**

Dilafroz Ahmed, Jagir Singh Bains, Carolyn Baker-Brown, Dr. Allen J. Bennett, Robert H. Block, Edward Chung, Susan D. Cleary, Maria DeInnocentiis, Brian DeMasters, Allen Eisenstein, Mary Maggio Fischer, Carolann Foley, Kevin Forrestal, James Gallagher Jr., Joshua Glikman, Marc A. Haken, Michael Hannibal, Robert Harris, Tami Hirsch, Fakrul “Delwar” Islam, Steven Konigsberg, Bright Dae-Jung Limm, Paul S. Lazauskas, Mark J. Lefkof, Mitch Lisker, Elke Maerz, Rabbi Schlomo Nisanov, Tamara Oshero, Frances Peterson, Samuel Rodriguez, Jesse Rosenbaum, Steven Sadofsky, Annie Salvatore, Michael F. Sidell, Harbachan Singh, Martha Taylor, Mohammed Tohin, Alvin Warshaviak , Jacob Weinberg, and Albert Willingham

**Board Members who did not approve the minutes:**

None

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**Chairman’s Report:**

- Chairman Warshaviak presented the suggested 2015 Community Board 8 Meeting Schedule, which is submitted for approval by the Board. The schedule can be altered to accommodate any religious Holidays or dates which may affect the entire Community. **In December, the schedule will be finalized and no further changes will be made.**
- Congratulations to Kevin and Jackie Forrestal, who have just become grandparents for the first time.
- Best wishes to Susan Cleary, whose husband is having surgery today.
- Best wishes to Charlton Rhee, whose wife is having surgery.
- Stanley Weinblatt is home recuperating, and we would like to offer him our support.
- There was a discussion at the Executive Board meeting and we thought we would make mention of it, although we are not referring to anyone specifically. If someone sends any letter identifying themselves as a member of Community Board 8, we would ask the common courtesy of sending a copy of that letter to the Community Board. Once you reference our Community Board, we should receive a copy of that letter.
- Congratulations to the new President of the Queens Civic Congress Harbachan Singh, the new Executive Vice President of the Queens Civic Congress Kevin Forrestal, and Sey Schwartz who was reelected yet again. Three of the four main positions are held by Community Board 8 Members.
- The Sunshine Club is the fund that we to send a basket or flowers to a fellow Board Members going through a rough time in the Hospital or personal tragedies. I would like to thank Jim Gallagher for being the treasurer

of this fund and taking care of this responsibility. As we pass the hat around, so to speak, for this unofficial fund we would appreciate if everyone made a donation.

- Thank you to Martha Taylor who did a phenomenal job as acting Chair of Community Board 8 during my extended vacation.

**Carolann Foley**- I would just like to announce the Holiday Party at the 107<sup>th</sup> Precinct on December 7<sup>th</sup> from 12 noon to 3:00 p.m. They will provide lunch, ice cream sundaes, and a picture with Santa for the kids. Also, the 107<sup>th</sup> Precinct Community Council along with the Patrol Bureau will be doing Toys for Tots with the Auxiliary Police. We give them out at the Children’s Wards at Hospitals and Shelters. The toys can be dropped off with the Community Affairs Officers at the 107<sup>th</sup> Precinct.

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## **District Manager’s Report**

### **Human Resources Administration**

Statistics show that there are over 2,000 senior citizens living within Community Board 8 that qualify for Food Stamps but are not taking advantage of this program. I met with our HRA representative after the DSC to share contact information for the local community groups so the agency can do an outreach. If you are sixty (60) or older and your household income is less than \$32,000 annually you may qualify for the supplemental Nutrition Assistance Program (SNAP/food stamps). For more information, please call 800-829-7005.

The agency’s “Pay it off” program starts today and will end on December 31<sup>st</sup> for those who are behind on their child support payments. If parents pay \$1,000 or more toward their past due child support, the agency will match it. In addition, it may remove the 9% interest that is usually charged for overdue payments. The agency may also assist in lifting arrest warrants and suspension of driver’s licenses. These parents can contact HRA at 212-274-6000 from Monday through Friday 8 a.m. to 7 p.m. and Saturdays 9 a.m. to 5 p.m. for assistance.

### **City Comptroller**

City Comptroller recently released his Vendor Road Map. This is to assist businesses who want to do business with the NYC Government. The Vendor Roadmap sections include:

- **Getting started:** How to start a business in New York City and enroll to apply for contracts with City agencies.
- **Identifying opportunities:** Resources for vendors to recognize avenues of information where contract opportunities are found.
- **Bidding on contracts:** Tips for businesses preparing their bid or proposal packages.
- **After contract award:** Guidelines for the transition from contract award to contract registration by the City Comptroller’s office.
- **Getting paid:** Information about City invoicing and payment processes.
- **Staying current:** Ongoing considerations for current and potential City contractors.
- Also included is information dedicated to vendors seeking to qualify as minority or women owned business enterprises (M/WBE) and emerging business enterprises (EBE).

<http://comptroller.nyc.gov/newsroom/comptroller-stringer-releases-new-tool-to-break-down-barriers-to-doing-business-with-new-york-city/>

### **Parks & Recreation**

Parks announced that they will be winterizing the following comfort stations at these playgrounds between November 5<sup>th</sup> and November 26<sup>th</sup>:

- ~ Playground Seventy Five – November 6<sup>th</sup>
- ~ Joseph Austin Playground – November 9<sup>th</sup>

- Weinstein Playground – November 23<sup>rd</sup>
  - Queens Valley Playground – November 6<sup>th</sup>
  - 210<sup>th</sup> Street Playground – November 10<sup>th</sup>
  - Electric Playground and Holy Cow – November 9<sup>th</sup>
- This is due to no heat.

**DEP**

Sewer Operations went to 199<sup>th</sup> Street near Cunningham Park and cleaned the catch basins. Statistics for CB8 will be emailed to us and will be available next week.

**Department of Transportation**

Commissioner Dalila Hall is conducting interviews to replace Albert Silvestri, our former Intergovernmental Liaison. In the interim, all Community Board 8 issues are being given to Deputy Commissioner Garcia. We were informed that street markings can only be done when the temperature is at 56 degrees and above. Priority is given to highways and major streets.

**DFTA**

The agency is working with all senior centers to prepare senior citizens for the winter. They are encouraging seniors to have their boilers checked now and not to wait for the winter. They also encourage all neighbors to make a 3-foot wide path for their senior citizen neighbors after a snow storm.

**Fire Department**

The Fire Department provided the Community Board with 100 smoke detector batteries for distribution. The year-to-date stats for Community Board 8 are as follows:

- Structural fires are down by 11.8%
- Emergencies are up by 9.6%
- Medical emergencies are down 3.5%
- False alarms are down by 6%

**Department of Design and Construction**

**QED 989**

They are presently working on water main installations on Grand Central Parkway eastbound service road between Homelawn Street and 188<sup>th</sup> Street. All water main installations are scheduled to be completed on or about December 15, 2014, if the weather permits; final trench restoration will follow. Union Turnpike’s final trench restoration will be ending within the next (2) weeks and no other work will be done until next spring 2015.

**QED1001** – They have completed 50% of the work. They are currently working at Parsons Boulevard and 85<sup>th</sup> Avenue. There was a trench collapse on Tuesday November 4<sup>th</sup> and DDC thanks FDNY/EMS for their prompt response and assistance.

**QED1006** – A final construction meeting has been scheduled for Thursday, November 13<sup>th</sup>. QED1006 was the sewer project at CB12 that also included Hillside Avenue (195<sup>th</sup> Street to 199<sup>th</sup> Street). If there are any unresolved issues please contact the Community Board.

Happy Birthday to Florence Fisher, Robert Block, Jim Gallagher and Marc Haken. I also offer my deepest condolences to Councilman Mark Weprin’s Representative Alen Beerman and Board Member Sey Schwartz on their losses

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### **Borough President's Representative – Susie Tanenbaum**

- Welcome back Mr. Chairman.
- On behalf of Borough President Melinda Katz, Deputy Borough President Leroy Comrie, and Director of Community Boards Barry Grodenchik, I would like to offer my deepest condolences to Sey Schwartz. Sey is an exceedingly devoted husband and deserves our sympathies and support.
- I would like to offer Jackie and Kevin Forrestal the Irish equivalent of a mozel tov!
- Last Thursday Borough President Melinda Katz hosted the first Veterans Day Parade. Paul Lazauskas was there representing Community Board 8 and St John's University. It was very successful and we had three honorees and it was a very moving event.
- I also want to wish you all a Happy Thanksgiving on behalf of Borough President Melinda Katz

### **Stephen Everett – City Planning**

- We have an event scheduled in conjunction with City Hall called The Jamaica Initiative. This event will be a follow up to the summer event we had regarding Jamaica's future. Community Boards 8 and 12 are within the boundaries of this area. We asked that you RSVP. The event will be held at York College from 9:30 a.m. to 2:00 p.m.

### **Committee Report:**

#### **Public Safety Committee:**

#### **Mark Lefkof, Public Safety Committee Chair**

- The Public Safety Committee had a meeting late last month. We were given statistics, data and pictures from the NYPD and FDNY. The focus of tonight's report will be more on the Fire Department rather than the Police. The Committee was incensed on several issues.
- The three firehouses in the jurisdiction of Community Board 8 (Union Turnpike, Utopia Parkway, and Hillside Avenue) all have major structural or electrical issues that have been long pending.
- I will be requesting a meeting for us with Councilman Rory Lancman who serves on the Judicial Committee (which concerns Fire) and Councilwoman Crowley.
- Another major issue has to do with the response time of EMS within Community Board 8. We are trying to get a better understanding how many ambulances are stationed within Community Board 8. We want to act accordingly to reduce those response times.
- Chairman Warshaviak stated that in response to this Committee meeting, a letter was drafted by the Executive Board to be sent on behalf of the Board.
- Public Safety Committee Chair Lefkof requested that the letter be sent to the Mayor, City Comptroller, President of the City Council, and the Borough President.

*Chairman Warshaviak called for a Yay or Nay vote on sending this letter on behalf of the full Community Board. The measure passed unanimously, with no opposition.*

### **Granting of Variance BSA Calendar No. 226-14-BZ, 147-02 76<sup>th</sup> Road, Flushing, NY:**

**Steven Konigsberg, Zoning Committee Chair** - The applicant was seeking permission to construct a Synagogue at that location which would consist of a three (3) story use group 4 synagogue, associated religious school and Rabbi's office.

The presentation was made demonstrating the need for this facility at this location. They are currently using three separate locations in order to conduct their activities. They wanted to consolidate into a single space. There was no public participation on this application. There were a few questions by the Board, which are presented in the minutes

of the meeting. At the conclusion of that meeting a motion was made by Dr. Bennett to approve the application, seconded by Mitch Lisker. The vote by the six (6) person committee passed the motion to approve with four (4) in favor and two (2) opposed.

**Motion:**

Mark Lefkof made a motion to approve the application for variance for BSA Calendar No. 226-14-BZ, 147-02 76<sup>th</sup> Road, Flushing, NY, seconded by Steven Sadofsky.

**Discussion:**

**Mark Lefkof**- Was there any indication as to why the Board Members that voted against this application did so?

**Answer:** There was no such indication.

**Chairman Warshaviak**- When we vote on this sort of organization, what we are voting on is the legality of whether or not they can build or get a variance. We are not voting on the institution. Is that correct? **Answer:** This is one step in the process of constructing a building that does not otherwise completely comply with NYC zoning laws. It has nothing to do with whether it is a good institution or a bad institution.

**Vote:**

**In Favor: 33**

**Opposed: 8**

**Abstained: 0**

**Voted for:** Dilafroz Ahmed, Jagir Singh Bains, Carolyn Baker-Brown, Dr. Allen J. Bennett, Robert H. Block, Edward Chung, Susan D. Cleary, Brian DeMasters, Allen Eisenstein, Carolann Foley, Kevin Forrestal, Howard A. Fried, James Gallagher Jr., Joshua Glikman, Marc A. Haken, Michael Hannibal, Fakrul “Delwar” Islam, Bright Dae-Jung Limm, Paul S. Lazauskas, Mark J. Lefkof, Mitch Lisker, Rabbi Schlomo Nisanov, Tamara Osheroov, Frances Peterson, Samuel Rodriguez, Jesse Rosenbaum, Steven Sadofsky, Michael F. Sidell, Harbachan Singh, Martha Taylor, Mohammed Tohin, Alvin Warshaviak and Jacob Weinberg

**Voted against:** Maria DeInnocentiis, Mary Maggio Fischer, Robert Harris, Tami Hirsch, Steven Konigsberg, Elke Maerz, Annie Salvatore and Albert Willingham

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**Granting of Variance BSA Calendar No. 35-10-BZ, 144-11 77<sup>th</sup> Avenue, Flushing, NY:**

**Steven Konigsberg, Zoning Committee Chair** - This application does not seek to construct a building. The applicant came before The Community Board many years ago and constructed their building. This application seeks to permit proposed changes to the BSA previously approved plans. Among those changes were: the removal of an elevator that was otherwise required, reconstructing some interior space, changing the location of a certain porch, and changing the direction of the stairs in the front entrance. It also seeks to extend the time to obtain a certificate of occupancy as one was not obtained within the one-year period required by the BSA’s resolution.

The presentation was made by Mr. Lobel. There were two people that had signed up to speak; one withdrew and the other made some comments about the organization itself and how the proposed changes are necessary for the building. There were also some questions between the Board and representative of the application. The questions had mostly to do with the accumulation of fines and penalties relating to the construction period. There was also a question about a warming kitchen they wanted to install as part of the modification of the previously approved variance. At the conclusion of questions and discussion there was a motion made for approval of the application which was seconded. Of the five (5) Board members still present, one (1) voted in favor and four (4) voted against.

**Motion:**

Marc Haken made a motion to approve the amendment to the original variance of BSA Calendar No. 35-10-BZ, 144-11 77<sup>th</sup> Avenue, Flushing, NY, seconded by Mark Lefkof.

**Discussion:**

**Chairman Warshaviak-** Steve, I would like to submit this petition with over 400 signatures in favor of this application for variance.

**Steven Konigsberg-** I will add it to the Community Board's file on this application.

**Marc Haken-** What was the reason that C of O, which by definition certifies that a building is safe for occupancy, was not obtained in the allotted one year time period? **Answer:** I do not believe it was clarified by the applicant or by the representative from the architect's office that was present that evening. Is the building safe? **Answer:** Safety was not really a concern with this building.

**Kevin Forrestal-** Could you indicate what the level of the violations you referred to were? **Answer:** There were a couple of serious violations. When the applicant's representative was asked, "What was the total of the fines and penalties?" he approximated that the ECB violations came to \$440,000 and the DOB violations came to \$65,000. Many of them had to do with construction conducted against a stop work order.

**Susan Cleary-** Can't they get a C of O without these violations being cured? **Answer:** That is the statement of Mr. Lobel the night of the meeting.

**Jesse Rosenbaum-** I believe I read that they built without any permit. How did they then get a variance passed? **Answer:** I am not sure that the chronology you are stating is necessarily correct. The original construction was without a permit, but then they forgot to extend their variance because they ran out of time? **Answer:** I think you are using certain terms that I think are incorrect. They obtained a variance, which does not give you permission to do work. You must get permits, and then once you get permits you may start the work. If your contractor starts work without a permit, then that is a "work without a permit" violation. You do not have a certain timeframe in which to complete the work, but once completed there is a certain timeframe in which to obtain a Certificate of Occupancy. So they did not obtain it in time. They are looking for a warming kitchen, but when asked if there would be cooking they answered that some would occur the night before. Is there going to be exhaust hoods installed? **Answer:** Yes, that was addressed.

**Robert Harris-** It says in the minutes that an elevator that they were going to build has not been built. Is that a violation of the Federal Americans with Disabilities Act Law? **Answer:** I do not know. The building is used on a daily basis, and there is not a C of O. Does that mean the building is not safe? That is something for you to decide yourself.

**Marc Haken-** What does the Certificate of Occupancy certify? **Answer:** I think a C of O means that a building has been built according to NYC building codes and the approved plans. Although a C of O certifies safety; that does not also mean that every building without a C of O is dangerous.

**Rabbi Schlomo Nisanov-** I would like to state that as a board member that has been inside the building, people are inside the building everyday and using the building. It is a catch-22, because the time has expired so they need an extension from the BSA. The building is completely finished, there is no construction.

**Kevin Forrestal-** Rabbi, you are partly correct but there are a lot of other concerns in addition to the time extension. My concern, similar to what we had in the spring, is that we have somebody who has very seriously disregarded the law. I asked Mr. Lobel whether it is lawful, and he answered that they were ignorant. I followed up by asking how many times you have to get cited for something before realizing you did something that may at least be questionable. We are talking about an organization here that has huge fines. I am not questioning how wonderful or great their institution is, but what do we do when somebody blatantly breaks the law? What do we do when they then ask for an

exception from the laws and rules with no history of following the law? That is my question, and we will vote on that.

**Mark Lefkof** – Is there a way for us to amend the motion to approve the variance, subject to the fines being paid first? **Answer:** It can be done.

**Marc Haken** – I will not accept the amendment to the motion.

Mark Lefkof moved to amend the motion to approve the amendment to the original variance of BSA Calendar No. 35-10-BZ, 144-11 77<sup>th</sup> Avenue, Flushing, NY, under the condition that the fines be paid first. The motion to amend the motion was seconded by Jesse Rosenbaum.

**Discussion**

**Chairman Warshaviak** – If there were no outstanding violations or fines, would there be any other issues that would be reason to reject this application?

**Dr. Allen Bennett**- My difficulty with this situation is that if I were going to hire an attorney to get a variance but also owed half a million dollars in fines, I would pay my fines first and go into the application with a clean slate. It would sound better. This has not been done. The law has been broken numerous times. Who says they will do anything correct in the future?

Mark Lefkof withdrew the motion to amend the motion.

**Bright Dae-Jung Limm**- What I heard is that all the construction had been completed. Is it ongoing? Answer: In terms of the application, what they are seeking to have approved is done already. There are certain small things like sidewalk flags or outside brick work that may have to be repaired, but that is not the subject of the application.

**Vote:** **In Favor: 3** **Opposed: 37** **Abstained: 0**

**Voted for:** Rabbi Schlomo Nisanov, Samuel Rodriguez, Jesse Rosenbaum

**Voted against:** Dilafrooz Ahmed, Jagir Singh Bains, Carolyn Baker-Brown, Dr. Allen J. Bennett, Robert H. Block, Edward Chung, Susan D. Cleary, Brian DeMasters, Allen Eisenstein, Mary Maggio Fischer, Carolann Foley, Kevin Forrestal, Howard A. Fried, James Gallagher Jr., Joshua Glikman, Marc A. Haken, Michael Hannibal, Robert Harris, Tami Hirsch, Fakrul “Delwar” Islam, Steven Konigsberg, Bright Dae-Jung Limm, Paul S. Lazauskas, Mark J. Lefkof, Mitch Lisker, Elke Maerz, Tamara Osherov, Frances Peterson, Steven Sadofsky, Annie Salvatore, Michael F. Sidell, Harbachan Singh, Martha Taylor, Mohammed Tohin, Alvin Warshaviak , Jacob Weinberg, and Albert Willingham

**Chairman Warshaviak**- While we commend the organization and think they are good people doing a wonderful job, we take our responsibility very seriously. We would be more than happy to work with you so that in the future if you come back to the Board, we can make this happen.

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**Chairman Warshaviak wished Community Board 8 and everyone present a Happy and Healthy Thanksgiving.**

**Adjournment**

Carolann Foley made a motion to adjourn this meeting at 8:49 p.m., seconded by Michael Sidell.

*Respectfully submitted, Joseph Marziliano, CB8 staff  
November 13, 2014*