



The City of New York  
Community Board 3, Queens  
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Vasanthrai Gandhi, Chairman

Giovanna Reid, DM

## **BOARD MEETING**

**Thursday, February 15, 2007**

**at: I.S. 227, The Louis Armstrong School  
32-02 Junction Boulevard  
East Elmhurst, N.Y.**

### **PRESENT**

Earline Berry  
Mizanoor Biswas  
Shiv Dass  
Vivian Dock  
Margaret Dozier  
Vasanthrai Gandhi  
Judy Grubin  
Darryl Hoss  
Norma Jimenez  
Stephen Kulhanek  
Grace Lawrence  
Marta Lebreton  
Thomas Lowenhaupt  
Martin Maier  
Ralph Moreno  
Michael A. Nardiello III  
Alfonso Quiroz  
Joseph Ricevuto  
Edmund Rosenbaum  
Dr. Arturo-Ignacio Sanchez  
Arthur Teiler  
Hamlett Wallace  
Edwin Westley  
William Young  
Jorge Zamora

Giovanna Reid, District Manager  
Irene Voss, Recorder

### **ABSENT**

Khaleeq Arshed, M.D.  
Patrick Beckles  
Cristina Borrero  
Emma Brandt  
Ann Brown  
Charles Castro  
Richard Cecere  
Howard Dent  
Annette Hicks Gill, Esq.  
Luis Gomez  
Joyce Hucless-Julian  
Lorraine Kresse  
Ana Lopez  
Lisa Mesulam  
David Rosero  
William Salgado, Esq.  
Felicitia Santiago  
Jimmy Smith  
Patricia Thomas  
Orlando Tobon

### **GUESTS**

Carolyn Carter-Kennedy, Louis Armstrong House  
Jimmy Heath, World-Renowned Jazz Saxophonist  
Selma Heraldo, Louis Armstrong Adv. Board  
Abdulla Zahid, Queens Library  
Todd Dale, Rep. Eric Palatnik, P.C.  
Carlos Ponce, Temptation Night Club/Bar

Craig Lindwarm, Representing  
Hon. Gary Ackerman, Congress. Dist. 8  
Jeff Simmons, Press Secretary for N.Y.C.  
Comptroller  
Veta Brome, Rep., Hon. John. Sabini  
Maureen Allen, Chief of Staff, Hon. I. Lafayette

**PLEASE NOTE: THE NEXT MEETING WILL BE HELD ON  
THURSDAY, MARCH 15, 2007 – 7:30 P.M.  
I.S. 227, The Louis Armstrong School  
32-02 Junction Boulevard, East Elmhurst, N.Y.**

The Chairman, Mr. Vasantrai Gandhi, called the meeting to order at 7:45 p.m.; he welcomed Craig Lindwarm, representing Congressman Gary Ackerman and Jack Simmons, Press Secretary for the N.Y.C. Comptroller, William Thompson.

Ms. Grace Lawrence, 1<sup>st</sup> Chair Vice Chair sadly announced the recent passing of Mr. Karl Christensen after a long illness. Karl served as President of the Jackson Heights Neighborhood Association and was very involved in all aspects of the community. As a memorial tribute to this community giant, a moment of silence was held.

### **Public Participation**

Board Member Michael A. Nardiello expressed his frustration over the fact that the City of New York did not suspend alternate side of the street parking regulations immediately following an ice storm on February 14, 2007. He requested that the Community Board send a letter to the Mayor opposing the alternate side of the street parking regulations during the ice storm.

Bridgett Edwards, the President of Dorie Miller Co-op, stated that the residents continue to be adamant in opposing the proposal of a giant hotel on 112<sup>th</sup> Street and Northern Boulevard.

### **Public Information**

Carolyn Carter-Kennedy substituted for Mr. Michael Cogswell, Director of the Louis Armstrong House who was not able to attend. She stated that she is honored to introduce the legendary jazz saxophonist, Mr. Jimmy Heath this evening. Mr. Heath is a world-renowned tenors-saxophonist, composer, arranger and educator who has composed more than 130 works. He has performed with many of the jazz greats, such as Dizzy Gillespie, Miles Davis, Charlie Parker, Milt Jackson and many more. Mr. Heath has received numerous honors and awards, including 3 “Grammy” nominations and was named the 2003 “American Jazz Masters” by the National Endowment for the Arts. Among others, he holds honorary degrees from the Julliard School of Music, has a Chair endowed in his name at Queens College and is a member of the Louis Armstrong Advisory Board.

Originally from Philadelphia, Jimmy Heath advised that he is a resident of Corona since 1964. His children went to school here and he is privileged to be a member of this community. At that time, Louis Armstrong was still alive and living in Corona, as well as numerous other jazz personalities who lived in this district. He stated that he and his wife have enjoyed a wonderful life here in Queens.

Carolyn Carter-Kennedy introduced Ms. Selma Heraldo, a life-time resident of Corona, a next-door neighbor to the Louis Armstrong House and a legend in her own time.

Ms. Heraldo advised that she has lived in the same house all of her life. Her family and the Armstrong family were long-time friends and neighbors. For 3 ½ years she traveled with Louis Armstrong through 48 states. She is also a member of the Louis Armstrong Advisory Board.

### **Queens Library -- Mr. Abdullah Zahid –**

Mr. Zahid spoke about the “New Americans Program” at the Queens Library. The “Program” provides support to new immigrants who need help with the English language and offers other helpful information to make their adjustment in the U.S. easier. The New Americans Program at Queens Library will hold an “International Mother Language Day” event on February 24<sup>th</sup>.

### **PUBLIC HEARINGS**

#### **Land Use** -- *(Hamlett Wallace, Chairman)*

#### **BSA Cal. No. 200-00-BZ -- 107-24 37th Avenue, a/k/a 37-16 108<sup>th</sup> Street**

An application for the renewal of the variance for a physical cultural establishment (gym).

Hamlett Wallace stated that the owner is requesting a ten-year extension for a variance. The building was formerly used for manufacturing and is zoned C1-4 (retail). A gym presently occupies the second floor.

Todd Dale, representing Eric Palatnik, P.C., attorney for the owner, stated that the original application was filed in 2001. At that time, the gym occupied the first and second floor. The application was slightly amended in 2004 when the gym completely took possession of the second floor. A medical office now occupies the first floor. The zoning district allows for residential and certain community service uses. Under the N.Y. zoning law the owner is requesting a variance in order to continue operating the physical cultural establishment.

Discussion and questions ensued:

Marta Lebreton – Is there a church adjacent to the building?

*Attorney -- Yes, there is a church to the left.*

Alfonso Quiroz – A provision in the 2004 variance stipulated tree plantings on 108<sup>th</sup> Street. This, among other items, was never provided.

*The attorney advised that because the owner has been on vacation since the Land Use Committee meeting was held, he was unable to reach him regarding these issues.*

Grace Lawrence – Have any complaints been filed against this establishment?

*There is no record of complaints for this particular establishment.*

**(Business Economic Development – Shiv Dass and Arthur Teiler, Co-Chairs)**

**S.L.A. Liquor License Applications**

An On-Premise Liquor License Application was filed with the S.L.A. for the following establishments:

- **De Paisa A Paisano Restaurant & Bakery, Inc., 39-24 108<sup>th</sup> St. (wine/beer license)**
- **P & S Deli Corp., 100-11 37<sup>th</sup> Avenue (restaurant wine/beer license)**

At the conclusion of the March 12<sup>th</sup> Committee meeting, it was recognized that both applicants did not have supporting documentation. It was recommended that the two applications be reviewed at the March meeting.

**Temptation Night Club Bar Corp., 37-74 103<sup>rd</sup> Street (new liquor license)**

Arthur Teiler reported that the new owner, Carlos Ponce, is taking over an existing bar. Mr. Ponce stated that the opportunity has presented itself to open his own business.

Mr. Gandhi welcomed comments from the public:

Judy Grubin -- What are the hours and days of operation? Will food be served?

*Mr. Ponce – 8:00 p.m. to 4:00 a.m. -- six days a week. No food will be served.*

Alfonso Quiroz – “Temptation” sounds provocative -- Will there be entertainment or dancing?

*Mr. Ponce -- There will be no entertainment conducted at all.*

Grace Lawrence – Will the bar have a D.J.?

*Mr. Ponce – No. There will be a juke box.*

Ralph Moreno – There are 3 or 4 bars in the immediate area and lots going on at night.

*Mr. Ponce stated that he is aware of the surrounding bars.*

Stephen Kulhanek – What is the permitted occupancy of the bar?

*Mr. Ponce – 60 people.*

Arthur Teiler advised that Committee requested that Mr. Ponce research prior complaints on the establishment.

*Mr. Ponce stated that he went back 2 ½ years and he has found no complaints.*

Mr. Dass – Can you provide a Certificate of Occupancy?

*Mr. Ponce stated that he had in his possession a C. of O. and pictures.*

**EXECUTIVE SESSION**

The Chairman opened Executive Session with the Pledge of Allegiance.

**Motion #4 – 2007 -- Adoption of the February 15, 2007 Agenda**

Upon motion duly made by Grace Lawrence, seconded by Darryl Hoss and unanimously carried, the Agenda was adopted.

**Motions by Committee**

**Land Use**

**BSA Cal. No. 200-00-BZ -- 107-24 37th Avenue, a/k/a 37-16 108<sup>th</sup> Street**

Hamlett Wallace stated that there were issues that Committee was not happy with. The original variance was granted in 2001. Since the 2004 variance was approved, the owner has failed to address the following stipulations recommended by the Board -- Exterior lighting on the facades facing 37<sup>th</sup> Avenue and 108<sup>th</sup> Street; tree planting on 108<sup>th</sup> Street; a wheelchair lift to be located in the court yard area and to include a new canopy with lighting underneath to cover the courtyard area.

Based on the owner's failure to address these items, the Committee recommended that the 10-year variance extension be modified to a 5-year extension. Further, a letter is to be provided stipulating their commitment to the stipulations.

Discussion ensued:

- The owners have not met the Board's recommendations, indicating lack of interest or concern on their part.
- Three years has been more than enough time to have met the Board's recommendations. Even if a five-year variance is granted, there is no guarantee that they will do so. The Board has no option but to vote "no" to deny.
- The owner takes no interest in the property. The premises is dark at night, dirty and littered with garbage every day. The Board should deny the variance and vote "no"

#### **Motion # 5 - 2007**

.Upon motion duly made by Judy Grubin, seconded by Leoncio Romero, with a vote of 5 in favor and 21 against, to deny the application for a variance.

#### **S.L.A. Liquor License Application**

##### **Temptation Night Club Bar Corp., 37-74 103<sup>rd</sup> Street** (new liquor license)

Arthur Teiler, Co-Chair, advised that Committee recommended that the application be denied for several reasons. The prior restaurant was closed down because of numerous complaints and police activity. In addition, the new applicant is being represented by the same accountant as the prior owner. Further, the applicant has no experience in the night-club bar business.

Discussion ensued:

- What are the violations? Further, the new owner has nothing to do with the prior violations.
  - A. *There is a record of police activity-- illegal night club and dancing. The Committee also discussed the 500-foot rule in that there are more than 3 bars already on the same block.*
- Lack of experience is no basis to deny anyone from starting a business – a person has to start somewhere. The prior violations have nothing to do with the new owner. To deny the application is unfair.
- In a change of ownership, old violations are passed along to the buyer -- this is the reason why a buyer needs do a full search before taking ownership.
- The application process involves community input. Even if the Board did not consider the 500-foot rule, the State Liquor Authority would ultimately make the final determination.
- The Community Board does not issue permits; it can only recommend or deny a recommendation.
- The new owner is willing to pay a high rent on a commercial strip and take the risk. The Board's recommendation to deny the application deprives an immigrant of the "American Dream" and discourages business on 37<sup>th</sup> Avenue.

#### **Motion #6 – 2007**

\*Upon motion duly made by Arthur Teiler, seconded by Judy Grubin, to deny the liquor license, with a vote of 12 in favor, 12 opposed and 2 abstentions (the vote), the motion did not pass.

Ralph Moreno stated that his abstention was based on the applicant not being prolific in the English language and unable to express himself well enough. He needs to be given a chance regardless of the law.

Michael Nardiello stated that the 500-foot rule, bar density issue is separate and apart from a man's pursuit of the "American Dream". The second reason Mr. Nardiello abstained was the Board's recommendation that because the man has no experience, he gets "kicked in the rear-end".

#### **Chairman's Report**

Vasantrai Gandhi advised that he appointed Stephen Kulhanek as Co-Chair of the Technology Advisory Committee.

\*Roberts Rules and Community Board #3 By-Laws requires a clear majority, "a clear majority is required, one vote more than one-half of those members present to pass the motion. Otherwise, the motion does not pass and must be re-submitted. The 2 abstentions would be considered blanks." Borough President's Legal Counsel.

### **District Manager's Report**

In reply to Michael Nardiello's request, Giovanna Reid advised that the Community Board will send a letter to the Mayor for his failure to suspend the alternate street parking regulations during and after the ice storm.

Ms. Reid reported that she sat in at a meeting with the Borough President, where the developer for 112-13/15 Northern Boulevard was present. We reviewed the proposed ten-story mixed-use structure which will consist of a hotel, community facility, condos and apartments. Also discussed at that meeting was 112-02 Northern Boulevard. The proposal is for the construction of a six-story apartment building (the site of a former Sunoco gas station) located on the south side of Northern Boulevard between 111<sup>th</sup> and 112<sup>th</sup> Streets.

After our discussions, the developer agreed to review his plans (112/13/15 Northern Boulevard) and get back to the Borough President's office to further discuss the proposal. Ms. Reid advised that she will keep the Board apprised.

### **Adoption of the January 18, 2007 Minutes**

*Leoncio Romero stated that he was present at the January Board Meeting -- he was inadvertently marked absent.*

### **Motion #7 – 2007**

Upon motion duly made by Grace Lawrence, seconded by Marta Lebreton and unanimously carried, the amended January 18, 2007 Minutes was adopted.

### **Committee Reports**

#### **Parks**

Grace Lawrence, Chair advised that a joint Parks, Land Use and Transportation Committee Meeting was held on January 27, 2007 to discuss the proposal for a dog-run site. The proposed site is located on the S.W. corner of 69<sup>th</sup> Street and 35<sup>th</sup> Avenue.

The property is owned by the New York State Department of Transportation. The Parks Department will not be responsible for maintenance of the dog-run site. Community Board #3 is looking for an organization that will take responsibility for operating the dog-run.

Ms. Lawrence stated that the committee is seeking the Board's support to continue to explore the proposal further. Via a hand-count, the Board agreed that the Committee should pursue it further.

#### **Y.S.P.C.**

Marta Lebreton, Co-Chair, reported that C.B. #3's Annual Business Youth Convention Fair will be held at I.S. 227 on March 22, 2007, from 6:00 to 9:00 p.m. She advised that the next YSPC Committee meeting will be held on February 22<sup>nd</sup> – all are welcome to attend.

Norma Jimenez, Co-Chair, advised that many volunteers participated in last year's convention. Volunteers are needed to set-up and clean-up for this year's event. Please advise if you are interested in joining up and helping out.

Applications for the 2007 Jacob Govan Citizenship Award, sponsored by the 115<sup>th</sup> Precinct Community Council were distributed. The \$350 award is given to high school seniors and will be presented at the June 19<sup>th</sup> meeting of the Precinct Council. The application is due by May 18<sup>th</sup>

Also circulated were applications for the Neighborhood Advisory Board #3, Department of Youth and Community Development. D.Y.C.D. needs members and it is open to anybody that lives in the community.

### **INTRO.-0261-2006**

Martin Maier requested the Board's support to adopt Intro. City Council Resolution 0261, as follows: "A local law to amend the New York City Charter in relation to appealing the decisions of the B.S.A. granting or denying variances, or special permits, pursuant to the zoning resolution of the City of New York." The law will allow City Council to review all BSA decisions.

Via a hand-count, the Board supported the proposal to send a letter.

### **Legislators Report**

Randy LaFar, representing Hon. Betsy Gotbaum, Public Advocate's Office, announced that on February 27<sup>th</sup>, the Public Advocate will be holding a forum on education to discuss the state of the current public school system. The Chair of the Education Committee will be present, as well as other experts. It will be held at the Queens Central Library on Merrick Boulevard -- All are welcome to attend. The Public Advocate's telephone number is (212) 669-7200 for further information.

There being no further business, the Chairman closed the meeting at 9:40 p.m.

Respectfully submitted,

Irene Voss, Recorder