

The City of New York
Queens Community Board 3
82-11 37th Avenue, Suite 606, Jackson Hts, New York 11372

BOARD MEETING

**Thursday, January 19, 2006
School**

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

PRESENT

Patrick Beckles
Earline Berry
Cristina Borrero
Emma Brandt
Richard Cecere
Shiv Dass
Howard Dent
Vivian Dock
Margaret Dozier
Blanca Fonseca
Vasantraï Gandhi
Annette Hicks Gill, Esq.
Luis A. Gomez
Judy Grubin
Darryl Hoss
Joyce Hucless-Julian
Capers Johnson
Edward Kiernan
Exxon
Lorraine Kresse
Jubilee
Stephen Kulhanek
Ronin,
Grace Lawrence
Marta Lebreton
Crowley
Ana Lopez
Sears
Thomas Lowenhaupt
Office
Martin Maier
Lisa Mesulam
Joseph Ricevuto
David Rosero
Arturo-Ignacio Sanchez
Jimmy Smith

ABSENT

Khaleeq U. Arshed, M.D.
Jose Bernal
Mizanoor Biswas
Norma Jimenez
Ralph Moreno
Mayo Peralta
Leoncio Romero
William Salgado, Esq.
Felicitia Santiago
Beninnida Yagual
Jorge Zamora

GUESTS

Walter Roundtree, Comptrollers Office
John Ronan, Consulting Engineer for

Alfonso Duarte, Engineer for El Rancho

Jeff Rosenstock, Director and Andrew
Queens Theatre In The Park
Barbara Jackson, Rep., Hon. Joseph

Mark Kemmerer, Rep., Hon. Helen

Ivonne Garcia, Borough President's

Fiore Rodriguez, District Leader

Approximately 50 Residents

Arthur Teiler
Patricia Thomas
Augusto Tiongson
Orlando Tobon
Edwin Westley
Hamlett Wallace
William Young
Giovanna Reid, District Manager
Irene Voss

Richard Cecere, Chairman, opened the meeting at 7:30 p.m. He sadly announced the passing of Councilman Hiram Monserrate's sister. Mr. Cecere requested the "Sunshine Club" and the District office arrange to have flowers sent on behalf of the Board.

PUBLIC INFORMATION

Richard Cecere introduced Walter Roundtree, Community Relations Representative from the Office of the Controller.

Walter Roundtree reported that the Controllers Office is the watchdog of every City agency and business entity within the City. The Controllers Office protects the citizens of New York by safeguarding their tax dollars. Anyone can avail themselves of their service. Mr. Roundtree listed just a few of the services that his office handles, follows-up on and resolves each year:

- Social Issues – retirees who are not getting their pension checks on time or, have lost pension checks;
- Law suit claims against the City of New York -- the "Claims Unit" will follow-up until the case goes to court;
- Quality of Life Issues – potholes; school problems;
- Business -- assistance is available to all types of businesses -- representatives also sit on the boards of Business Improvement Districts (B.I.D.) throughout the five boroughs.

Queens Theatre in the Park

Andrew Ronin, Director of Audience Development, advised that two free tickets will be given away to see a great show entitled "Nebellen" – just mention Community Board #3 at the box office. Another rare and thrilling theatre experience is coming up in February entitled, "Cookin' at the Cookery", -- the music and times of "blues singer" Alberta Hunter. Again, mention C.B. #3 when you call the box office and receive up to 4 tickets for only \$10 per ticket. Jeff Rosenstock, Executive Director, thanked Assemblyman Ivan Lafayette for his support and funding of the Theatre.

PUBLIC HEARINGS

Augusto Tiongson, Land Use Committee Chair, opened the Public Hearing session.

BSA-295-77-BZ – 87-10 Northern Boulevard (Exxon Mobil)

An application for a 10-year (2003-2013) zoning variance and to amend the resolution to permit the conversion of a portion of the service building from sales to an accessory convenience store.

Mr. Tiongson welcomed the applicants' representative, John Ronin, from the consulting engineering firm of Walter Gorman, P.C. Mr. Ronan advised that the site has been a gasoline service station since 1935 when the first permit was granted. No structural work will be performed -- the conversion to an accessory convenience store is for legalization, as spelled out in the application. Mr. Gorman stated that he attended the Committee meeting in November -- all questions raised were responded to in writing and photographs were supplied. The following queries were posed:

Arthur Teiler -- Will any of the bays be closing?

Mr. Ronan -- No. The bays will remain open -- there will be no physical modifications to the station. In addition to extending the term of the zoning variance, Exxon-Mobil are looking to legalize a portion of the service building that has already been converted to an accessory convenience store.

Judy Grubin -- A plastic mesh fence was recently set up around the entire service station -- what type of work was the service station undergoing?

Mr. Ronan advised that over the years there has been ongoing remediations with the New York State Department of Environmental Conservation. A battery of twelve 550-gallon capacity tanks were removed. After removal, a high concentration of hydro-carbons was found. The D.E.C. requires that the soil be tested from time to time for hydro-carbons to ensure that the soil is at an acceptable level. Mr. Ronan further added that BSA requires that a letter be written to the N.Y.S. Department of Environmental Conservation requesting records pertaining to spillage. All records were furnished and explained to the Community Board, as well as to B.S.A. Mr. Ronan stated that as he goes through the Hearing process at the B.S.A., he will copy the Board on everything that is being submitted.

Giovanna Reid stated that there was a spillage in 1992. The long-term mediation program will continue for several more years.

Augusto Tiongson advised that one of the suggestions at the Committee Meeting was to assure that the restroom would be handicap accessible. He noted that A.D.A. compliance is a Federal regulation.

Mr. Ronan stated as follows: "The restroom is not ADA compliant. Consideration was given to establishing compliance but this cannot be done because the room cannot be enlarged due to the fact that the south and west walls are exterior walls. Further, the east wall is adjacent to the office wall that has a utility closet against the restroom wall. Enlarging the restroom would involve replacing the electrical service in the building." The ADA statute calls for certain requirements -- based upon what has been done at this site, nothing has triggered ADA compliance.

In reply to a question about full-time service in the station -- Mr. Ronan advised that full service is provided from 7:00 a.m. to 11:00 p.m. However, there is always an attendant on duty to assist the disabled or the elderly, if needed.

BSA-1888-61-BZ – 93-10 23rd Avenue (El Rancho Jubilee) – An application for the legalization of enlargements, modifications and use contrary to variance approved by BSA in 1967.

Augusto Tiongson, Land Use Chair, introduced Alfonso Duarte, representing the restaurant operator.

Mr. Duarte advised that the premise was approved as a restaurant/bar/cocktail lounge and catering establishment in 1963. The present owner recently built two decks to the exterior of the restaurant. The owner has come to the Community Board and BSA requesting approval of the decks that were erected. The owners are also requesting approval of a new stair entrance that was built from the cellar onto 94th Street. In addition, they're asking for approval of an overhang roof or, drive-under that was erected at the main entrance of the establishment.

Discussion from the public ensued:

Rosa, a resident who lives in back of the restaurant, complained about too much noise. She stated that she does not approve of any additions or modifications to the structure. It has severely affected the quality of life in her community – loud music is coming from the restaurant; unruly conduct; loitering and fighting in the parking lot and loud music emanating from car stereos. The disturbances occur every night of the week into the early morning hours. The police have been called many times.

Veronica, a community resident – stated that she has a small baby who doesn't sleep at night because of pounding music that shakes the windows of her house and car alarms that go off. She stated that she is up most nights calling "311".

Community Resident – Complained about the loud noise and the wild fights after the club closes, especially during the summer months. He stated that he is opposed to the establishment getting a cabaret license.

David, a 20-year resident stated that since the restaurant's opening, the neighborhood has gotten bad. Too much noise; patrons are unruly, bottles are thrown causing flat tires from broken glass; cars are being vandalized and stolen. He stated that prior to El Rancho's opening 3 years ago, it was a quiet neighborhood.

Carlos Castro, a 42-year resident stated that he knew the former owner and was also a long-time patron of the establishment. Big parties were held there all the time – there never was a problem until the present owners took over. At all hours in the morning, unruly patrons leaving the establishment are boisterous, rowdy, curse and drink beer.

David, a resident stated that property value is going down because of what is happening to the neighborhood.

Florence Taylor-Johnson stated that she has lived on 95th Street for 47 years and is the president of the neighborhood block association for 15 years. The block association holds their meetings in the restaurant. When the restaurant first opened there were complaints, she said. The owner and the block association went to Community Affairs at the 115th Precinct. The police stated that they would monitor the restaurant after closing time and the

owner promised to put manned security on the street. Ms. Taylor-Johnson stated that her son, who works nights, comes home at closing time and he has not observed any disturbances.

Murlaina Tindall, representative for Assemblyman Jeffrion Aubry stated that she has also received complaints about Rancho Jubilee. The establishment is having a difficult time controlling the fall-out, where the parking extends into the residential neighborhoods. The community, together with the police, the planning board and management of the restaurant need to formulate a plan to control the fall-out. If some kind of a resolution could be reached, that would be a really good thing, she said. She stated that she has had the pleasure to participate in some positive things that the El Rancho has done for the community. They have opened their doors to events such as the "Soap Box Derby", block association meetings, and they have participated in many community activities and have given away gift certificates.

Edwin Westley – Why didn't the owner come to the Board when they originally put up the additions – what took them so long?

Carlos, the proprietor of the establishment, advised that he started renting the space about three years. He stated that there were some problems in the beginning. He met with the 95th Street Block Association and the Police Department – most of the problems have since been resolved, he said.

Mr. Duarte stated that people who come here from other countries sometimes believe they can continue to do what they were doing in their country. At that time, his client was not aware that permits were required and that he was supposed to go to BSA and the Community Board for approval -- he just went ahead and built it. It was never his intention to deliberately violate the law.

Vasantraï Gandhi, Board Member, stated that the applicant attended two Land Use Committee Meetings and on each occasion they did not furnish the necessary information. They enlarged the establishment to accommodate more guests, without the proper permits. Not knowing the law because you come from another country is not an excuse, he said.

BSA-131-05-BZ – 72-01 / 72-11 Roosevelt Ave.; 37-61 / 37-69 72nd Street; 72-18 Broadway (Broadway Plaza) -- An application for variance relief for parking and zoning requirements that would allow for a five-story office / retail building.

The Committee Chair advised that the applicant requested that the matter be heard at the February 2006 Board meeting.

EXECUTIVE SESSION

Richard Cecere opened Executive Session with the Pledge of Allegiance.

Adoption of the January 19, 2006 Agenda

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

Vasantraï Gandhi stated that in a democratic process the recommendations of the Nominating Committee should not be taken for granted. He stated that if anyone has the aspiration to run for office, he recommended that further nominations be taken from the floor.

Election of Board Officers

Jimmy Smith, Committee Chair, advised that at the December 19, 2005 meeting the following Board Members were nominated from the floor: Ralph Moreno, First Vice-Chair; Ed Westley, Member-At-Large; Patrick Beckles, Member-At-Large. *Marta Lebreton nominated Ana Lopez for Member-At-Large.*

Jimmy Smith requested that the nominees provide a brief synopsis of themselves. The ballots were distributed.

Jimmy Smith read the names of the slate:

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|---|----------------------------|------------------|
| - | Chairperson | Vasantrai Gandhi |
| - | 1 st Vice Chair | Grace Lawrence |
| - | 2 nd Vice Chair | Norma Jimenez |
| - | Secretary | Darryl Hoss |
| - | Treasurer | Arthur Teiler |
| | At Large: | Howard Dent |
| | | Luis Gomez |
| | | Stephen Kulhanek |
| | | David Rosero |

Motions By Committee

Land Use

BSA-295-77-BZ – 87-10 Northern Boulevard (Exxon Mobil) – An application for a 10-year (2003- 2013) zoning variance and to amend the resolution to permit the conversion of a portion of the service building from sales to an accessory convenience store.

Augusto Tiongson, Committee Chair advised that the Land Use Committee met and reviewed the application. The Committee recommended that the application be approved with the following provisions:

- Provide a full-height wood fence and plantings of evergreen trees on the southwest side of the property line adjacent to the residence;
- Public toilet shall be ADA accessible.

Comments and discussion ensued:

- Retain the existing bathroom and move the wall between them to allow for ADA accessibility.
- Until the establishment complies with ADA requirements, instead of a ten year variance, we recommend that only a two, three, or five year variance be granted.
- The BSA application is to legalize a conversion to a portion of the building only – they are not making any structural changes. The Board cannot compel them to do anything – we can only make a recommendation.

- Public toilets in gas stations are a farce – most times attendants do not permit the general public to use them.

Motion #1 – 2006

Upon motion duly made by Edward Kiernan and seconded by David Rosero and carried with a vote of 30 in favor and 5 opposed, to approve the application with the following modifications:

- Make public toilet ADA accessible
- Provide a full-height wood fence and plantings of evergreen trees on the southwest side of the property line adjacent to the residence;
- Make one bay full service to accommodate the elderly and disabled;

BSA-1888-61-BZ – 93-10 23rd Avenue (El Rancho Jubilee) – An application for the legalization of enlargements, modifications and use contrary to variance approved by BSA in 1967.

Augusto Tiongson, Committee Chair, advised that the committee has serious concerns about safety issues. Committee met with the applicant on at least three occasions -- at each meeting the applicant promised to provide information requested by the Committee and to substantiate the application in relation to Department of Buildings approval. Since 1967 there was no documentation at all. At the last meeting most of the information was provided. The Committee's recommendation is as follows:

- The Committee expressed tremendous concern regarding the current structure as it relates to public safety. The Committee recommends that the application be denied.

Discussion ensued:

- The issue appears to be the safety of building materials used, i.e. the thatched roof;
- There are complaints about exit stairs;
- It is under the jurisdiction of the Department of Buildings to review all outstanding violations;
- The issue at hand is the application for the legalization of enlargements and modifications. The Board merely recommends or denies the application and should not go beyond issues that are under the jurisdiction of the Department of Buildings.
- The building code requires that the manufacturers apply for MEA approval to certify that a particular material satisfies fire rating requirements.
- Building structure is a hazard, i.e. exit stairs, floors and railings.
- By approving the appenditures, the Board would be approving the entire structure.

Motion # 2 – 2006

Upon Motion duly made by Augusto Tiongson and seconded by Edwin Westley, to deny the proposal to legalize alterations made after BSA's resolution of 1967, was carried with a vote of 32 in favor, 2 opposed and 2 abstentions.

Martin Maier advised that he abstained for the following reason: There is potential danger at that site, the Board has an obligation to specifically indicate what the conditions are.

Election of Board Officers

Richard Cecere, Chair turned the meeting over to Jimmy Smith, Nominating Committee Chair, who conducted the election of Board officers.

Jimmy Smith read the names of the newly elected officers:

- Chairperson Vasantrai Gandhi
- 1st Vice Chair Grace Lawrence
- 2nd Vice Chair Norma Jimenez
- Secretary Darryl Hoss
- Treasurer Arthur Teiler

At Large: Howard Dent
Luis Gomez
Stephen Kulhanek
Edwin Westley

Vasantrai Gandhi, Chairperson-elect, thanked Board Members for electing him. He commended Richard Cecere on his successful tenure as Chairman over the past three years. He stated that he will do his best to continue the tradition and requested that past Chairs help him in the transition process. Mr. Gandhi advised that he is the first member of Indian ancestry to be elected to the office of Chairperson in the borough of Queens and perhaps, the City of New York.

District Manager's Report

Giovanna Reid congratulated Mr. Gandhi and all of the newly-elected officers. She thanked Richard Cecere for the fantastic job that he has done over the past three years as Chairperson. She added that he was always ready and willing to assist the district office when called upon. She and staff personally thanked him yesterday by having a small luncheon that was held for him in the office.

Giovanna Reid noted that from time-to-time questions have come up regarding Public Hearing notifications. She explained to the Board the district office's mailing process. Public Hearing notices are required to be mailed out ten days in advance of the meeting. Unfortunately, we do not have control once the notices are mailed out. We obtain mailing addresses through the Coles Directory and the information is not always current. For each monthly board mailing, we average over 1000 pieces of mail. The office receives a significant amount of returned undeliverable mail following a Public Hearing mailing. Ms Reid noted that it has been demonstrated in the past that door-to-door hand delivery of notices appears to be most effective.

Ms Reid further advised that at the request of the Traffic/Transportation and Sanitation Committee Chairs, each Board Member was asked to survey their immediate neighborhood and record conditions such as, i.e., pot holes, missing or over-flowing litter baskets, etc. on the green complaint form that was included in their meeting package mailed to them previously.

Grace Lawrence extended an invitation to the Langston Hughes Library & Cultural Center on Saturday, February 4th at 1:00 p.m. Borough President Helen Marshall and the African American Heritage Planning Committee will give honor to the library.

Motion # -- Adoption of the December 15, 2005 Minutes

Upon motion duly made by Darryl Hoss, seconded by Lisa Mesulam and unanimously carried, the December, 2005 Minutes were adopted.

Committee Referrals

Lisa Mesulam advised that there was a proposal to rename I.S. 230 "The Rosa Parks School". Ms. Mesulam read a commemorative excerpt on Rosa Parks, written by Gail Miller of LaGuardia Community College, on what the civil rights activist stood for, her achievements and struggle during the years of the Civil Rights Movement.

Richard Cecere made a suggestion that a letter be sent in support of the proposal; most members verbally concurred.

Legislators' Reports

Assemblyman Ivan Lafayette commended and thanked the Board for their intellect when they are presented with difficult decisions. He stated that it is always a pleasure to attend C.B. #3 meetings. Assemblyman Lafayette advised that the proposed budget for the coming fiscal year was presented by the Governor a few days ago. He briefly reported the following:

- A foremost priority is to improve the budget for education and avoid raising tuition fees.
- Monies will be released to the City for new building construction / repairs.
- The City's operating funds will continue to increase at the rate of inflation as it has over the past three years. This year's fiscal budget will be tripled for new building construction.

On behalf of Councilwoman Helen Sears, Mark Kemmerer, her representative, congratulated newly elected Chairman, Vasantraï Gandhi, as well as the newly elected officers. Heartfelt thanks were extended to former Chairman, Richard Cecere for his years of commitment and service to C.B. #3.

With all issues on the Agenda addressed, the meeting adjourned at 10:15 p.m.

Respectfully submitted,

Irene Voss