

STATION A

FLUSHING, NY

11358

June 8, 2023

To the NYC Council Subcommittee on Zoning and Franchises:

The Auburndale Commercial Overlay application (**ULURP # 220218ZMQ**) is a proposal coming before the Subcommittee to place a commercial overlay over the south side of Northern Blvd., between 189th Street and 192nd Street, where the businesses/parking areas are located.

According to the Project Brief statement on the website of the City Planning Commission, the applicant is requesting “a zoning change to establish a C2-3 commercial overlay”... “to facilitate (the construction of) a new three story 30,190 square foot mixed use building, including 9,661 square feet of commercial space and 5,202 square feet of community facility space”(medical offices, etc.)...”at 189-10 Northern Blvd. in the Auburndale neighborhood, Community (Board) 11, Queens.”

As mentioned above, the applicant of the proposal before the Subcommittee seeks approval of the zoning change, which will affect the block on the south side of Northern Blvd. from 189th Street to 192nd Street. There are 14 homes along 43rd Road south of the rezoning site whose backyards abut the rezoning site. Two other properties abut the site as well, one on 189th Street, and one on 192nd Street.

The Auburndale Improvement Association, the civic organization in this area, is opposed to this zoning change for the following reasons:

- Once the zoning change to establish a commercial overlay is approved, any building conforming to the new overlay designation could be built on this block, as of right, at any time, **without public review**. Even plans for the building currently proposed for 189-10 Northern Blvd., in the rezoning site, could be subject to change without public input if the rezoning is passed.
- The civic organization is satisfied with the current zoning on this block with no commercial overlay. If the applicant wishes to construct a new non-conforming building on this block, we believe that he/she should seek a Board of Standards and Appeals (BSA) variance to do so. Likewise, any other non-conforming building or business proposed on this block in the future, should go through the variance process, where applicable. This would give the community members, the civic association, and the local community board the right to recommend conditions beneficial to the community. Building sizes, parking concerns and other issues could all be addressed. The applicant’s attorney claims that his client does not qualify for a variance. We have been told that he is incorrect.
- We oppose the C2-3 designation itself. It is not used anywhere else in the surrounding area, as far as we know. The applicant’s attorney stated at the Community Board 11 Zoning Committee meeting that the C2-3 designation would require fewer onsite parking spaces for this project than other commercial overlay classifications common in other parts of the community. Parking is a problem in this area already, which is two blocks south from the Auburndale LIRR station. If other buildings are built on the rezoning site in the

future, parking would be a major concern for the community, especially since the C2-3 designation would allow new construction without adequate onsite parking.

- We are very uncomfortable with the part of the current proposal that would allow the overlay to creep up along the east side of 189th Street into the residential area. Even though it is a very small intrusion, only about 20 feet, we feel that it would set a precedent that is not in the best interest of the community.
- When the contextual rezoning of this community was done in 2010, our civic association and others met with then CPC Chair Amanda Burden to discuss the rezoning plans. There was a proposal to place a commercial overlay on both sides of Northern Blvd. from 192nd Street all the way down to 167th Street. We requested that the overlay be deleted from the new rezoning plans. We wanted the residents to have the ability to give input if any new development was proposed. After much discussion, Chair Burden agreed to withdraw the overlay plan from that area. We continue to work with the businesses in that corridor, many of whom are on variances.
- **We are not against businesses or community facilities operating in our community. However, we feel that the interests and concerns of the local residents must be listened to, respected, and acted upon. That is why we believe that this applicant should seek a variance, and not a zoning change, to construct his/her building. This way public input would be guaranteed with respect to this proposed building and other construction that could take place in the future.**

This civic organization sent letters out to residents in the immediate surrounding area that we felt would be affected by this zoning change. We have over 65 signatures of residents from that local area who are opposed to the commercial overlay application. There are also concerns about the size of the building to be built on 189-10 Northern Blvd., and the impact that the size will have on residents' air and light. **(Signature response letters sent to the legislative office of Subcommittee Chair Kevin C. Riley.)**

We also want the Subcommittee to be aware that there is a building and construction storage business operating for several months on the site of the proposed new building at 189-10 Northern Blvd., Flushing. We have been told that this business is part of the applicant's firm. We investigated this use of the former parking lot, because we felt that this use is illegal in a residential zone. The Department of Buildings did issue an ECB violation, and requested an executive inspection.

The site is also an eyesore to the community. It is messy with supplies scattered all over the site. There are also trucks stored on the site overnight and large storage containers and barrels sitting on the lot. This site sticks out, because all of the other lots/businesses on this block maintain their properties properly. Several residents have filed complaints with us about this site.

(See attached 3 photos.)

The Auburndale Improvement Association is hoping that the Subcommittee will follow the lead of Queens Community Board 11, who rejected the application by a vote of 10 for to 27 opposed & 2 present, to the rezoning. **We feel that the applicant is trying to bypass the community residents with this application, rather than working with them and the civic through the variance process to lessen negative impacts of the proposed new building.**

In closing, we have the support of our Council Member, Vickie Paladino to oppose the overlay. She attended our rally in front of the site on March 20, 2023, when 30 people turned out to oppose the commercial overlay application. Council Member Paladino also attended and spoke at the March 27, 2023 meeting of the Auburndale Improvement Association. She told the approximately 75 people who attended that she understands what they want: the site controlled by the variance process via the Board of Standards and Appeals, not a commercial overlay. The people want to have input into the type of development that occurs in their community, not shut out of the decision process.

We urge the Subcommittee members to vote “No” on this application, and hope that the Land Use Committee and the full City Council will do likewise.

Thank you for taking the time to read this letter and considering our request.

Sincerely,

Henry Euler, President
Auburndale Improvement Association



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