

CITY COUNCIL
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON ZONING AND
FRANCHISES

----- X

June 11, 2024
Start: 11:09 a.m.
Recess: 11:41 a.m.

HELD AT: 250 BROADWAY - COMMITTEE ROOM, 16TH
FLOOR

B E F O R E: Kevin C. Riley, Chairperson

COUNCIL MEMBERS:

Shaun Abreu
David M. Carr
Kamillah Hanks
Francisco P. Moya

A P P E A R A N C E S

Adam Rothkrug from Rothkrug, Rothkrug, and
Specter, LLC

Joseph Sbarro from Ackerman LLP

Richard Lobel from Sheldon Lobel PC

2 SERGEANT-AT-ARMS: This is a microphone
3 check for the Committee on Zoning and Franchise,
4 recorded on June 11, 2024, located on the 16th floor,
5 by Nazly Paytuvi.

6 SERGEANT-AT-ARMS: Good morning, and
7 welcome to today's New York City Council hearing for
8 the Committee on Zoning and Franchise.

9 At this time, please silence all
10 electronic devices.

11 Just a reminder, no one may approach the
12 dais at any time during this hearing.

13 Chair Riley, we are ready to begin.

14 CHAIRPERSON RILEY: [GAVEL] Good morning,
15 everyone, and welcome to the meeting of the
16 Subcommittee on Zoning and Franchises.

17 I am Council Member Kevin Riley, Chair of
18 the Subcommittee, and today I am joined by Council
19 Member Carr and Council Member Hanks and remotely by
20 Council Member Moya.

21 Today we are scheduled to hold three
22 hearings. We will first hear a proposal that concerns
23 a mixed-use residential development proposed at 2118
24 Avenue U in Sheepshead Bay, Brooklyn. We will then
25 hear a proposal to expand an existing manufacturing

2 and commercial facility in Maspeth, Queens. The third
3 and final proposal seeks to map a commercial overlay
4 to facilitate a drive-thru business and legalize
5 existing commercial uses in Flushing, Queens.

6 I will now go over hearing procedures.

7 This meeting is being held in a hybrid format.

8 Members of the public who wish to testify may testify
9 in person or via Zoom. Members of the public wishing
10 to testify remotely may register by visiting the New
11 York City Council's website at

12 www.council.nyc.gov/landuse to sign up, and for those
13 of you here in the 16th Floor Hearing Room, please
14 see one of the Sergeant-at-Arms to prepare and submit
15 a speaker's card.

16 Members of the public may also view a
17 live stream broadcast of this meeting at the
18 Council's website.

19 When you are called to testify before the
20 Subcommittee, if you are joining us remotely, you
21 will remain muted until recognized by myself to
22 speak. When you are recognized, your microphone will
23 be unmuted. Please take a moment to check your device
24 and confirm that your mic is on before you begin
25 speaking.

2 We will limit the public testimony to two
3 minutes per witness. If you have any additional
4 testimony you would like the Subcommittee to consider
5 or if you have written testimony you would like the
6 Subcommittee instead of appearing in person, please
7 email it to landusetestimony@council.nyc.gov. Written
8 testimony may be submitted up to three days after the
9 hearing is closed. Please indicate the LU number
10 and/or project name in the subject line of your
11 email.

12 We request that the witnesses joining us
13 remotely remain in the meeting until excused by
14 myself as Council Members may have questions.

15 Lastly, for anyone attending today's
16 meeting, this is a government proceeding and decorum
17 must be observed at all times. Members of the public
18 are asked not to speak during the meeting unless you
19 are testifying.

20 The witness table is reserved for people
21 who are called to testify, and no video recording or
22 photography is allowed from the witness table.

23 Further, members of the public may not present audio
24 or video recordings as testimony, but may submit

2 transcripts of such recordings to Sergeant-at-Arms
3 for inclusion in the hearing record.

4 I will now open the first public hearing
5 on LUs 90 and 91 related to the 2118 Avenue U
6 rezoning and text amendment proposal in Council
7 Member Vernikov's District. This proposal consists of
8 a mixed-use residential building that will contain
9 approximately 10 residential units. The rezoning area
10 would be subject to mandatory inclusionary housing.

11 For anyone wishing to testify on these
12 items remotely, if you have not already done so, you
13 must register online and you may do that now by
14 visiting the Council's website at
15 council.nyc.gov/landuse.

16 Once again, for anyone with us in person,
17 please see one of the Sergeants to prepare and submit
18 a speaker's card.

19 If you would prefer to submit written
20 testimony, you can always do so by emailing it to
21 landusetestimony@council.nyc.gov.

22 I will now call the applicant panel who's
23 already at the table, Adam Rothkrug.

24 Counsel, please administer the
25 affirmation.

2 COMMITTEE COUNSEL VIDAL: Please raise
3 your right hand and state your name for the record.

4 ADAM ROTHKRUG: Adam Rothkrug.

5 COMMITTEE COUNSEL VIDAL: Do you affirm to
6 tell the truth, the whole truth, and nothing but the
7 truth in your testimony before the Subcommittee and
8 your answers to all Council Member questions?

9 ADAM ROTHKRUG: I do.

10 CHAIRPERSON RILEY: Thank you, Adam. For
11 the viewing public, if you need an accessible version
12 of this presentation, please send an email request to
13 landusetestimony@council.nyc.gov.

14 Now the applicant team may begin. I just
15 ask that you please restate your name and
16 organization for the record. You may begin.

17 ADAM ROTHKRUG: Adam Rothkrug, appearing
18 today on behalf of the office of Eric Palatnik, who
19 apologizes, he had another engagement, as well as the
20 owner of the property, 2118 Avenue U, LLC. If you
21 want to go to slide number two.

22 I'm here in connection with a zoning map
23 amendment from R4/C1-3 to R6A/C2-4 and R4, which will
24 facilitate one building, a new four-story penthouse
25 mixed-use building with approximately 20,000 square

1 feet in area, 10 apartments at the southwest corner
2 of Avenue U and East 22nd Street in the Sheepshead
3 Bay area of Community District number 15 in
4 Councilperson Vernikov's District. The application
5 includes a text amendment to designate the area as a
6 Mandatory Inclusionary Housing area so that, under
7 the proposed Option 1 development, three of the
8 proposed 10 units will meet the MIH guidelines. Off-
9 street parking for 10 vehicles is being provided, one
10 for each apartment, where none is required, and this
11 is based on discussions with the Community Board and
12 Councilperson who requested that we provide as much
13 parking as possible so the one-for-one parking
14 exceeds all requirements. The site's currently zoned
15 R4/C1-3, which became effective in 1961. Avenue U is
16 an 80-foot-wide street with mixed-use buildings,
17 variety of heights and sizes, includes many six- and
18 seven-story apartment buildings to the west that were
19 erected pursuant to the Homecrest rezoning and were
20 immediately adjacent to an existing pre-1961 four-
21 story apartment building. Slide seven.

22
23 The proposed rezoning would rezone the
24 majority of the site to R6A with commercial overlay,
25 allow development of a modest apartment building with

2 10 units and first floor commercial space of 4,800
3 square feet. Off-street parking for 10 cars is being
4 proposed, as noted. The commercial overlay will be
5 scaled back from 150 feet in depth, the current, to
6 100 feet in depth, which will also have the benefit
7 of taking existing houses on the side street out of
8 commercial zoning so that they will be limited in the
9 future to residential use, which is consistent with
10 their existing development and the best thing for the
11 surrounding community. Slide nine.

12 Proposed building is designed to be
13 solar-ready and will incorporate high-efficiency
14 plumbing, HVAC, and appliances along with having a
15 green roof and providing a rain garden to absorb
16 rainfall, none of which exists on the existing one-
17 story commercial building that's there today.
18 Although not in a flood hazard zone, flood-resilient
19 measures include rooftop mechanicals, flood-proof
20 cellar, and the aforementioned green roof and rain
21 garden. I think I'm a little off, but if we go to
22 slide 34.

23 Proposed building..

24 UNIDENTIFIED: Apologies, I don't have the
25 numbers on the slides.

2 ADAM ROTHKRUG: Oh, okay. If you go to the
3 very end, there are some renderings. There you go. I
4 think that's good enough.

5 The proposed building is appropriate for
6 this location on Avenue U, an 80-foot-wide street.
7 There's an active mixed-use corridor that serves
8 Southern Brooklyn. The site enjoys access to both
9 subway and bus service and will replace an older one-
10 story commercial building while contextually matching
11 the adjacent pre-1961 four-story mixed-use building.
12 As noted, based on conversations with the
13 Councilperson and the Community Board, the project
14 was scaled back to be four stories and a penthouse,
15 10 units, and again, to provide parking that exceeds
16 the zero-parking requirement.

17 I'm happy to answer any questions the
18 Council has.

19 CHAIRPERSON RILEY: Thank you, Adam. I'm
20 going to ask a few questions, and then we'll see if
21 any of my Colleagues have any questions.

22 Your initial proposal was for a larger
23 building. Why did you decide to shift from a proposed
24 in six stories to four stories?

2 ADAM ROTHKRUG: That was based on
3 conversations with the Councilperson and Community
4 Board, and so we were able to bring it down to match
5 the four-story existing building that we're
6 immediately adjacent to, and then we're providing a
7 penthouse, which is set back from the street, so you
8 really can't even see it, so this'll match the
9 existing conditions on the site.

10 CHAIRPERSON RILEY: Currently, you are
11 proposing a residential building that is 15,650
12 square feet, which is just a little bit above the
13 12,500 square feet for MIH to apply. Can you please
14 state for the record your commitment to provide MIH
15 units as part of this project?

16 ADAM ROTHKRUG: Yeah, so listen, we
17 definitely don't want to give up the extra 2,500
18 square feet, which is very valuable, so the building
19 has been designed with three units. The three upper
20 floors of the building have three units on each
21 floor, and one of those units is designated as a MIH
22 unit. The building's been designed with larger units.
23 They're two- and three-bedroom units so there will be
24 three two-bedroom MIH units that are shown in the
25 presentation materials we submitted.

2 CHAIRPERSON RILEY: I'm sorry if you
3 discussed it, but did you propose any parking for
4 this development?

5 ADAM ROTHKRUG: Yeah, so although no
6 parking is required for either the residential or
7 commercial use, because both are below the waiver,
8 the Community Board requested that we provide as much
9 parking as possible, so we're actually providing 10
10 spaces, which is a one-to-one ratio for the
11 apartments, which is, again, even if we were not
12 below a waiver, it would be a 60 or 70 percent
13 requirement so we're providing as much parking as our
14 seller will accommodate.

15 CHAIRPERSON RILEY: Thank you, Adam. Are
16 there any other questions?

17 Council Member Carr.

18 COUNCIL MEMBER CARR: Thank you, Chair.
19 Just a couple of questions. I see from the notes that
20 you're looking to use MIH Option 1, I believe, for
21 the three affordable units. Can you explain how that
22 decision was reached as opposed to using the other
23 option?

24 ADAM ROTHKRUG: I would say the majority
25 of the community, and I was not present at those

2 particular conversations, but the majority of the
3 projects that we bring, rezonings, Option 1 seems to
4 be the favored option so that was requested and
5 discussed with the community, and everyone seemed
6 satisfied with that.

7 COUNCIL MEMBER CARR: And when you say the
8 community, you mean the Board, or do you mean other
9 local groups?

10 ADAM ROTHKRUG: No, mostly with the
11 Community Board and the Councilperson.

12 COUNCIL MEMBER CARR: Okay, and you just
13 referenced the Council Member and the Community Board
14 also in relation to the additional parking you're
15 providing as part of the application. Are there any
16 other outstanding requests that the Council Member or
17 the Community Board made that are not yet before us
18 in this proposal, or have you satisfied all of those
19 requests?

20 ADAM ROTHKRUG: No, we have satisfied them
21 in the plans, although I didn't go over all of them.
22 There were some additional requests by the Community
23 Board that have been incorporated into the plans,
24 which include provision for a garbage chute to an
25

2 enclosed garbage area so that was incorporated into
3 the plans as well.

4 COUNCIL MEMBER CARR: So there's no
5 outstanding requests at this time?

6 ADAM ROTHKRUG: No, we were able to
7 accommodate everything that the community requested.

8 COUNCIL MEMBER CARR: Okay, thank you.

9 CHAIRPERSON RILEY: Thank you, Council
10 Member Carr.

11 There being no more questions for this
12 applicant panel, you are now excused.

13 Counsel, are there any members of the
14 public who wish to testify regarding the special
15 permit application relating to 2118 Avenue U rezoning
16 proposal remotely or in person?

17 COMMITTEE COUNSEL VIDAL: There is no one
18 signed up here in person to testify as to this
19 application, but we're currently checking to make
20 sure there's no one who has signed up online so we
21 just need a minute.

22 Thank you. There being no one online to
23 testify regarding this application, we may proceed
24 with closing the hearing and laying over the
25 application.

2 CHAIRPERSON RILEY: Thank you, Counsel.
3 You're excused, Adam.

4 There being no other members of the
5 public who wish to testify on LUs 90 and 91 relating
6 to the 2118 Avenue U rezoning proposal, the public
7 hearing is now closed and the item is laid over.

8 I will now open the second public hearing
9 on LUs 92 relating to the 58-75 Queens Midtown
10 Expressway rezoning proposal located in Council
11 Member Won's District in Maspeth, Queens. This
12 proposal is to expand a one-story warehouse that is
13 currently used by the applicant for a restaurant
14 supply business.

15 For anyone wishing to testify on these
16 items remotely, if you have not already done so, you
17 must register online and you may do that now by
18 visiting the Council's website at
19 council.nyc.gov/landuse.

20 Once again, for anyone with us in person,
21 please see one of the Sergeants to prepare and submit
22 a speaker's card.

23 If you would prefer to submit written
24 testimony, you can always do so by emailing it to
25 landusetestimony@council.nyc.gov.

2 I now call the applicant panel, which
3 consists of Joseph Sbarro.

4 Counsel, please administer the
5 affirmation.

6 COMMITTEE COUNSEL VIDAL: Please raise
7 your right hand and state your name for your record.

8 JOSEPH SBARRO: Joseph Sbarro.

9 COMMITTEE COUNSEL VIDAL: Do you affirm to
10 tell the truth and nothing but the truth in response
11 to Council Member questions and in your testimony?

12 JOSEPH SBARRO: I do.

13 COMMITTEE COUNSEL VIDAL: Thank you.

14 CHAIRPERSON RILEY: Thank you. For the
15 viewing public, if you need an accessible version of
16 this presentation, please send an email request to
17 landusetestimony@council.nyc.gov.

18 Now the applicant team may begin, and
19 I'll just ask that you please restate your name and
20 organization for the record, Joseph.

21 JOSEPH SBARRO: Joseph Sbarro, Ackerman
22 LLP. Good morning, Chair Riley and Committee Members.
23 My name is Joseph Sbarro from Ackerman LLP. We
24 represent the applicant, Lucky Supply Holding, LLC,

in connection with this ULURP application. Next slide, please.

The applicant operates a restaurant supply business at 5875 Queens Midtown Expressway in Maspeth, Queens. The project site is located within the Maspeth Industrial Business Zone. The applicant is seeking a zoning map amendment from an M1-1 to an M1-4 zoning district to facilitate the enlargement of their existing one-story warehouse building. The proposed enlargement will enable the applicant to increase on-site inventory, thereby increasing efficiency and remaining competitive in the industry for years to come. It will reduce incoming deliveries and allow them to accommodate larger outgoing orders and reduce traffic in the area. It is also anticipated that the project will create 8 to 10 new jobs in addition to the 30 jobs that are existing at the site. Next slide, please.

Here we have a land use map or an area map. The subject site is designated as Lot 64 in Block 2656, and it's outlined by the dashed red line. As you can see on the screen, the rezoning area is sandwiched between the Queens Midtown Expressway to the south and 54th Avenue and the Mount Zion and

2 Calvary Cemeteries to the north. Maurice Avenue forms
3 the eastern boundary of the block. As I mentioned,
4 the rezoning area is located in the Maspeth
5 Industrial Business Zone, which is an area designated
6 by the City to protect and grow industrial
7 businesses. Next slide, please.

8 Here we have a zoning change map. The map
9 shows the proposed rezoning area on the right
10 outlined with the black dotted lines, mapping the M1-
11 4 district. It encompasses Lots 20, 64, and very
12 small parts of Lots 65 and 115. The proposed rezoning
13 to the M1-4 district will result in a modest change
14 in FAR from 1.0 to 2.0 and reduced parking
15 requirements in order to facilitate the enlargement.
16 Next slide, please.

17 Here we have a site plan. This Zoning Map
18 Amendment will enable the applicant to enlarge the
19 existing warehouse, both vertically and horizontally,
20 to accommodate additional space for inventory,
21 offices, nine parking spaces at the first floor, and
22 one additional loading berth. The enlarged building
23 will have approximately 162,000 square feet of
24 manufacturing floor area. It will be three stories on
25 the Queens Midtown Expressway, which will set back

1 above the first floor by 20 feet. The building will
2 be two floors along the 54th Avenue frontage. That's
3 in the backside there. The existing curb cut along
4 54th Avenue would remain, and a new 15-foot-wide curb
5 cut would be added to the south of the property along
6 the Queens Midtown Expressway to allow vehicles to
7 enter and exit the parking garage. Next slide,
8 please.

9
10 Here we have two renderings of the
11 proposed development. At the top, that is from the
12 54th Avenue side and, at the bottom, we have from the
13 Queens Midtown Expressway side. Next slide, please.

14 Here we have the recommendations for the
15 project throughout the ULURP process. Queens
16 Community Board 2 granted us a favorable
17 recommendation, 33 in favor, zero against, with one
18 condition being that the applicant commit to adding
19 additional green infrastructure with the goal to
20 increase on-site stormwater retention and, at the
21 Borough President, we also received a conditional
22 favorable recommendation stating that in the event
23 that there is job creation, that we should provide a
24 minimum 30 percent goal to include M/WBE firms and
25 hiring of local residents and working with local

2 organizations and community groups for outreach and
3 job fairs in hiring and contracting for the project,
4 and there's also quarterly reporting requirements to
5 the Borough President and the local Council Member's
6 office until the hiring goals have been reached.

7 With that, this concludes my
8 presentation, and I'm happy to take any questions.
9 Thank you.

10 CHAIRPERSON RILEY: Thank you so much.
11 I'll ask some questions, see if any of my colleagues
12 have any questions.

13 As you presented, one of the actions is a
14 de-mapping of a sewer easement. Is there any
15 abandoned sewer line under the property, and will it
16 be removed?

17 JOSEPH SBARRO: Yes, so there's a second
18 action along with this one at City Planning. It's to
19 remove a DEP sewer easement that currently exists.
20 We've reached out to DEP Counsel. They've confirmed
21 that there's no longer a need for the sewer easement.
22 It's no longer in use, so we're pursuing an ME action
23 with City Planning at the same time to have it taken
24 off of the city map.

2 CHAIRPERSON RILEY: Okay. The proposed
3 expansion of the existing building includes new truck
4 access from the Expressway Service Road. Does that
5 present any traffic safety hazards?

6 JOSEPH SBARRO: No, we don't believe it
7 will. We actually think the addition of the two
8 stories will make the business run more efficiently.
9 We'll be able to have more inventory on site, and
10 we'll be able to store more things so the amount of
11 deliveries in and out of the site will actually be
12 less with the additional loading berths so that's
13 part of the idea to add a fifth loading berth in
14 addition to the four that we have so we believe it'll
15 mitigate some of the traffic in the area from that
16 standpoint.

17 CHAIRPERSON RILEY: Why are you proposing
18 to map a M1-4 zoning district rather than the M1-2?

19 JOSEPH SBARRO: The rationale for the M1-4
20 stems from the parking requirements. With the M1-4,
21 we're not required to have any additional parking.
22 The nine spaces that we're adding are not required.
23 We're just including them for any employees at the
24 site to also limit some of the street traffic or
25 street parking, but there's additional parking

2 requirements that come with the other M districts,
3 which would make development infeasible here, and
4 there's also very low parking demand. Again, this is
5 an existing business, and there hasn't been a need
6 for parking since they've been operating so it made
7 more sense to map the M1-4, and it actually makes
8 development feasible, given that we won't have to
9 comply with onerous parking requirements.

10 CHAIRPERSON RILEY: Thank you. Are there
11 any Colleagues with any questions?

12 Okay. There being no questions, this
13 applicant panel is now excused.

14 Counsel, are there any members of the
15 public who wish to testify on 58-75 Queens Midtown
16 Expressway rezoning proposal remotely or in person?

17 COMMITTEE COUNSEL VIDAL: Chair, there is
18 no one signed up to testify either remotely or in
19 person regarding this application, and we may proceed
20 to closing the hearing and laying over the
21 application.

22 CHAIRPERSON RILEY: There being no other
23 members of the public who wish to testify on LU-92
24 relating to the 58-75 Queens Midtown Expressway

2 rezoning proposal, the public hearing is now closed,
3 and the item is laid over.

4 I will now open the third and last public
5 hearing on LU-93 relating to the 27-24 College Point
6 Boulevard rezoning proposal located in Council Member
7 Paladino's District in Flushing, Queens. The proposal
8 consists of mapping a commercial overlay over an
9 empty corner lot and two-story mixed-use buildings
10 with businesses on the ground floor in an area that
11 is currently zoned residential.

12 For anyone wishing to testify on these
13 items remotely, if you have not already done so, you
14 must register online, and you may do that now by
15 visiting the Council's website at
16 council.nyc.gov/landuse.

17 Once again, for anyone with us in person,
18 please see one of the Sergeants to prepare and submit
19 a speaker's card.

20 If you would prefer to submit written
21 testimony, you can always do so by emailing it to
22 landusetestimony@council.nyc.gov.

23 I will now call the applicant panel for
24 this item, which consists of Richard Lobel.

2 Counsel, can you please administer the
3 affirmation?

4 COMMITTEE COUNSEL VIDAL: Good morning.
5 Could you please raise your right hand and state your
6 name for the record?

7 RICHARD LOBEL: Richard Lobel.

8 COMMITTEE COUNSEL VIDAL: Do you swear to
9 tell the truth and nothing but the truth in your
10 testimony today and in response to Council Member
11 questions?

12 RICHARD LOBEL: I do.

13 CHAIRPERSON RILEY: Thank you. Just want
14 to state for the record, we've been joined by Council
15 Member Abreu.

16 For the viewing public, if you need an
17 accessible version of this presentation, please send
18 an email request to landusetestimony@council.nyc.gov.

19 Now the applicant team may begin. I'll
20 just ask that you please restate your name and
21 organization for the record.

22 RICHARD LOBEL: Thank you, Chair Riley.
23 Council Members. Richard Lobel of Sheldon Lobel PC
24 for the applicant for rezoning at 27-24 College Point
25 Boulevard. Next slide.

1 This is a very straightforward rezoning.
2
3 The applicant here seeks to put a commercial overlay
4 over an existing R5B and R4 zoning district. This
5 would affect five lots, but really three whole lots
6 and minor portions of two lots on College Point
7 Boulevard. This would result in the development of a
8 new one-story commercial building with a total floor
9 area of roughly 2,500 square feet to be constructed
10 at 27-24 College Point Boulevard. The development
11 would allow for a Use Group 6 eating and drinking
12 establishment with an accessory drive-through. Five
13 accessory parking spaces would be located at the
14 rear, as we'll see from the plans, and this zoning
15 map amendment would also allow two adjacent uses,
16 which are commercial, to come into conformance. They
17 are currently existing legal non-conforming uses.
18 Next slide, please.

19 This site has been before the City for
20 decades. Previously, in 1947, there was an
21 application at the Zoning Board, the Board of
22 Standards and Appeals, to allow for a use group 16
23 gas station. That was reinstated in 2000, which
24 extended the term for that gas station through 2010.
25 In 2011, there were underground storage tanks, which

1 were removed, the site was remediated and, in 2012,
2 the applicant then applied to BSA for a variance to
3 permit a two-story bank with a drive-through and
4 accessory parking spaces. Since that time, two things
5 happened. DEC issued a spill case closure letter, and
6 the extension of time was again granted by BSA to
7 allow for construction of a bank. The applicant was
8 unable to get a bank user at that time and, due to
9 that, chose to avail themselves of a rezoning in
10 order to expand on the potential uses and layouts of
11 the site.
12

13 The next slide is the zoning map, which
14 shows the existing zoning in and around the site.
15 Again, this is on the corner of 28th Avenue and
16 College Point Boulevard and, as you can see from the
17 next slide, this is a rezoning which affects
18 primarily these three tax lots, including the
19 applicant site, highlighted in red, and two sites to
20 the north.

21 I think the next slide gives the best
22 picture, the area map, which shows why this rezoning
23 is particularly appropriate. First, we note the
24 commercial uses immediately to the north of the
25 property, which would become conforming legal uses

2 pursuant to this rezoning. Also, College Point
3 Boulevard here is a wide street, an extra wide street
4 at 100 feet wide, easily able to handle the
5 additional density and traffic from a proposed
6 restaurant with a drive-through. There are commercial
7 uses which abound on this intersection. It is
8 definitely a commercial intersection. It has a
9 commercial flavor, including across College Point
10 Boulevard, there's a gas station so really it's a
11 commercial thoroughfare, and this rezoning would
12 allow for uses which would add to the context of that
13 commercial intersection.

14 The next slide shows some photos of the
15 site. Again, on the top left, you can see the
16 existing commercial building immediately adjacent to
17 the site and, if you want to page through, the next
18 slide shows the frontage of the two adjacent sites.
19 Again, commercial uses on the ground floor, which
20 would now become conforming.

21 I'd say that we can do two things now. We
22 can fast forward to the plans and materials and
23 quickly page through. As you see, the site plan right
24 there showing the location of the site as well as the
25 next slide which shows the location of the building

2 on the site with parking in the rear. And the next
3 several slides, if you just want to page through
4 quickly, show the eating and drinking establishment
5 with accessory seller use and a one-story commercial
6 building.

7 The applicant here has been before the
8 Community Board 7, which voted 32, nothing in favor
9 of the application, unanimous vote. Queens Borough
10 President has also provided conditional support for
11 the application. This is largely an application which
12 has achieved great support among the community and
13 our preliminary conversations with the community as
14 well as with the Council Member have all been
15 positive.

16 With that, the applicant team is happy to
17 answer questions.

18 CHAIRPERSON RILEY: Thank you, Richard.
19 Could you please speak more about the congestion
20 implication your proposal would have, especially on
21 the 28th Avenue, which seems to be a one lane, one-
22 way street.

23 RICHARD LOBEL: Sure. This was an issue
24 which was discussed with the Community Board. We went
25 out to the site to meet with members of the Community

2 Board as well as the Council Member, and the
3 discussion here was around the fact that given the
4 flow of traffic on College Point Boulevard and the
5 fact that cars would be entering in an orderly manner
6 from College Point Boulevard, which itself is a very
7 wide and heavily trafficked street, that the minimal
8 traffic that would be generated by this use here
9 would not really contribute to congestion in the
10 area. Given the parking spaces at the rear for people
11 who wish to remain at the premises for some time, the
12 lane, which would allow for through traffic here
13 would not greatly contribute, and this was borne out
14 by environmental studies and traffic studies which
15 were generated in the Environmental Assessment
16 Statement.

17 CHAIRPERSON RILEY: The project site is
18 adjacent to some family homes on 28th Avenue. Would
19 there be fencing or plan to provide a buffer for the
20 homes?

21 RICHARD LOBEL: Yes, in accordance with
22 the zoning resolution, there would be screening
23 measures, including plantings, which would exist
24 towards the rear of the lot, which would allow for
25

2 separation between the existing site as well as the
3 residential uses.

4 CHAIRPERSON RILEY: Do you anticipate this
5 business to be open 24 hours?

6 RICHARD LOBEL: We don't know that for
7 sure. The Community Board was not specific in terms
8 of requesting 24-hour occupancy. We would note that
9 while this area is heavily traveled during the day,
10 it is far less traveled at night, so there likely
11 would not be 24-hour occupancy, but that was not
12 something which was raised at the Community Board.

13 CHAIRPERSON RILEY: All right. Do any of
14 my colleagues have any questions?

15 Council Member Carr.

16 COUNCIL MEMBER CARR: Thank you, Chair.
17 You referenced ongoing conversations with the
18 Community Board. I asked earlier, any outstanding
19 requests from Community Board, any outstanding
20 requests from the Council Member that have yet to be
21 accommodated or that you're considering accommodating
22 at this time?

23 RICHARD LOBEL: Yes, Council Member, the
24 Community Board requested certain traffic measures,
25 including striping and a speed bump, which you would

2 typically find for a drive-through, and the applicant
3 was happy to acquiesce to that so they've included
4 that into the plans as it have been recirculated and
5 wish to operate a safe business at the site or to
6 allow for the safe operation so those are being
7 included into the project.

8 COUNCIL MEMBER CARR: And what about with
9 respect to the Member?

10 RICHARD LOBEL: Oh, no, as far as the
11 Member is concerned, those were her issues as well so
12 there were no additional issues.

13 COUNCIL MEMBER CARR: Great, thank you.

14 RICHARD LOBEL: Thank you.

15 CHAIRPERSON RILEY: Thank you. There being
16 no more questions, this applicant panel is excused.

17 Counsel, are there any members of the
18 public who wish to testify on 27-24 College Point
19 Boulevard rezoning proposal?

20 COMMITTEE COUNSEL VIDAL: No, Chair, there
21 is no one signed up in person or online to testify
22 regarding this application, and we may proceed to
23 closing the hearing and laying over the application.

24 CHAIRPERSON RILEY: Thank you, Counsel.
25 There being no members of the public who wish to

2 testify on LU 93 relating to the 27-24 College Point
3 Boulevard rezoning proposal, the public hearing is
4 now closed and the item is laid over.

5 That concludes today's business. I would
6 like to thank the members of the public, my
7 Colleagues, Subcommittee Counsel, Land Use and the
8 Council Staff, and the Sergeant-at-Arms for
9 participating in today's meeting. This meeting is
10 hereby adjourned. Thank you. [GAVEL]

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date July 10, 2024