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June 17, 2021

**ATTENDANCE**

Ann Brown  
 Elba Buendia  
 Mark Buhrmester  
 Vicky Chan  
 Muquith Choudhury  
 Haiko Cornelissen  
 Shiv Dass  
 Sonya Davis Roberts  
 Michael De Valera  
 Vivian Dock  
 Renetta English  
 Vasantrai Gandhi  
 Ulrick Gedeon  
 Pastor Peter Herron  
 Larinda Hooks  
 Abdur Rahim Howlader  
 Kevin Hughes-Noboa  
 Edward Kiernan  
 Stephen Kulhanek  
 Marta Lebreton  
 Lisa Mesulam  
 Richard Mullings  
 Veronica Ng  
 Laverne Nimmons  
 Nuala O’Doherty  
 Dorothy Phelan  
 Leoncio Romero  
 Tammy Rose  
 Edmund Rosenbaum  
 Lobsang Salaka  
 Dawn Siff  
 Marlene Tapper  
 Frank Taylor  
 Arthur Teiler  
 Shanel Thomas-Henry  
 Hamlett Wallace

**ABSENT**

Kham Bhatta  
 Margaret Dozier  
 Joyce Julian  
 Ralph Moreno  
 Marco Munoz  
 Ladisla Perez  
 Megan Rockwell  
 Fausto Rodriguez  
 Jairo Rodriguez  
 David Rosero  
 Jimmy Smith  
 Fahad Solaiman  
 Toi Washington-Simon  
 Edwin Westley

**Guest**

Assy. Jeffrion Aubry  
 Captain Jamiel J Altaheri, 115 Pct  
 Kathi Ko, Rep., Dept of City Planning  
 Dylan Sandler, Dept of City Planning  
 Michele Hernandez, Rep., Congresswoman  
 Ocasio-Cortez  
 Mary Jobaida Rep., NYS Sen. Ramos  
 James Mongeluzo, Rep., NYC Comptroller  
 TaQuoia Jones, Rep., CM Moya’s Office  
 Qibin Ye Rep., CM Dromm’s Office  
 Lili Pioche, Rep., Assy Aubry’s Office  
 Pema Genkhang, Rep., NYS Comptroller

**Please Note: The next Meeting will be held on Thursday, June 17, 2021 at 7:00 p.m. via Teleconference.**

## **June 17, 2021 Community Board 3 Full Board Meeting**

Renetta English, Chair, called the meeting to order at 7:00 p.m. and welcomed all in attendance. Roll call was taken at that time.

### **PUBLIC PARTICIPATION**

Winnifred Lee, Greenmarket Regional Coordinator, announced that the Farmers Market at 34<sup>th</sup> Avenue and 79<sup>th</sup> Street is into its peak of the season. She welcomes everyone to checkout locally grown products every Sunday from 8:00 a.m. – 3:00 p.m.

### **PUBLIC INFORMATION**

#### **Assemblyman Jeffrion Aubry**

Assemblyman Jeffrion Aubry reported that, in January, most of the members of the Assembly did not return to Albany and conducted virtual meetings. In June, most were back but followed COVID restrictions. He said that The Assembly encourages everyone to take advantage of vaccination sites that have been established in the community.

Assy. Aubry said that they passed a budget of \$212 billion and were anticipating a deficit but the Federal money helped manage the debt. Businesses figured out how to make money and increase their profit and Wall Street did better than anticipated. As a result taxes were raised on the wealthiest New Yorkers to try and make sure that there are resources to help those and most in need.

In addition, The Assembly enacted the "marihuana regulation and taxation act," which, within a year, allows for marijuana to be manufactured, sold, and taxed. In addition, it will establish the cannabis law, the New York state cannabis control board and the office of cannabis management. Among its many functions, this act also authorizes a motion for resentence for persons convicted of certain marihuana offenses that were inexplicably caught up in the snares of the drug trade and over-policing and over-charging of drug-related crimes.

Assy. Aubry supported to change to the use of solitary confinement in state and local prisons. He said they pushed for 10 years to have those changes made in the state system to eliminate the use.

The Assembly also passed legislation that would help landlords and tenants who were impacted by COVID. There is also a homeowner & tenants program that is being worked on by the Department of Finance to help individuals with their mortgages.

\$50 million went to support the food programs like First Baptists Church, Elmcors and variety of sites in the neighborhood.

The Assembly was able to answer questions related to the campaign for fiscal equity which is a lawsuit that was brought many years ago claiming that the state had underfunded the certain schools in the state particularly in minority and poor communities.

They passed over 2,000 bills but not all of them will become law. Assy. Aubry spoke of Dominic Murray who was a basketball player from East Elmhurst. He had a heart attack while playing basketball and died at the age of 17 years old. Dominic's mother, Melinda Murray, has set up a foundation for CPR training. The Assembly has passed a bill that will require school districts to make sure that teachers and athletic directors are trained in how to provide CPR.

Assy. Aubry said the USDA is advocating for jobs in the community that will hopefully be able to be filled with young people.

A resident asked what is the future of Riker's Island.

Assy. Aubry said the new Mayor will set the course in terms of what happens when there is a new City Council. Assy. Aubry expressed that he would want it to be rebuilt into a modern facility.

## June 17, 2021 Community Board 3 Full Board Meeting

Board Member Frank Taylor asked what has been done regarding hospitals in the community.

Assy. Aubry said they lost hospitals because of not being competitive in the market and not being built for modern day medicine. A new hospital has not been built because of competition that exists between private and public hospitals. The Assembly encourages other hospitals to expand and allocate money to Elmhurst.

Mr. Taylor asked if there has been anything done to help alleviate problems with food lines and providing jobs for people to support themselves.

Assy. Aubry said that even during COVID there are job opportunities in the community especially for young people during college years.

Board Member Lisa Mesulam asked what is his opinion about 34<sup>th</sup> Avenue Open Streets and the discussion to expand it to 114<sup>th</sup> Street.

Assy. Aubry said he sees the benefits but understands the concerns of the residents with lack of parking. He is open to the idea of the extension but there has to be consideration to the residents who live there.

Pat Beckles, resident, asked what was going to happen with the shelters since restrictions are now being lifted.

Assy. Aubry said that the people will be removed from hotels and go back to shelters.

Dr. Laverne Nimmons asked what about the status of the AirTrain.

Assy. Aubry said that the AirTrain is still being reviewed by the FAA. The project is on hold as the Secretary of Transportation reviews the letter of concern from Riverkeepers.

### **Captain Jamiel J Altaheri - 115th Precinct**

Captain Jamiel J Altaheri reported that there was a homicide at a house known for drug activity on 94<sup>th</sup> Street. The perpetrators were arrested. With help from the Department of Buildings and Sanitation, the house was vacated.

There was a meeting with Elmhurst Hospital in regard to Sector D issues along Roosevelt Avenue. There were reports of intoxicated males that were victims to robberies as well as grand larceny complaints. At the meeting there was a discussion of having an ambulance stationed along Roosevelt Avenue to decrease response time.

Captain Altaheri said he has been meeting up with people in the community, including people associated with Diversity Plaza. Business owners expressed concerns about homelessness and drug activity. The Captain hopes to get the Department of Mental Hygiene to address some of the problems.

Captain Altaheri noted that the 115<sup>th</sup> Precinct is addressing the quality of life concerns on 34<sup>th</sup> Avenue. Overall crime in the 115<sup>th</sup> Precinct is not that high compared to other areas. He hopes to work closely with other agencies to resolve all issues.

Board Member Frank Taylor said that at Ditmars Blvd and Astoria Blvd. there are issues with speeding. The 111<sup>th</sup> Street exit is always blocked with oncoming traffic. Mr. Taylor said there has been a delay in response time from the 115<sup>th</sup> Precinct.

Captain Altaheri said he will speak with his Executive Officer and highway safety team about the traffic at 111<sup>th</sup> Street. He will speak with his Officers about response time. Captain Altaheri said he can be reached at 917-783-4211.

Board Member Laverne Nimmons asked who should be called about late night noise involving loud music, partying and fireworks.

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Captain Atlaheri said residents should call 911 or for faster response, call the 115<sup>th</sup> Precinct at 718-533-2000 and press 0 for the front desk.

Board Member Ann Brown said that when she has called 311 the complaint gets closed out within 5 minutes without Police responding.

Kevin Hughes-Noboa, Secretary, said he has had the same problem where several calls to 115<sup>th</sup> Precinct were made but no Officers would show up. Mr. Hughes said he has stood outside and watched for response but no Police car passed by but the call was closed out citing officers responded and stating as no such issue.

Captain Altaheri said anyone who experiences that problem to call him directly. He will look into it.

Board Member Sonya Davis-Roberts said there are cars with temporary tags. They have no registration, no inspection and some cars have out-of-state plates. The cars are parked in the same spots and never get tickets.

Captain Atlaheri said that it's a citywide problem. In a couple of weeks, Officers will be getting trained to help spot the fake plates.

Board Member Michael De Valera said it sounds like there is a regular party from 10:30 p.m. – 2:00 a.m. at the World Fair Marina. There is loud music coming from the area. Last year, nothing was done until there was a shooting. The problem still persists.

Captain Altaheri said that he brought it to the attention of the Commanding Officer of the 110<sup>th</sup> Precinct, Deputy Inspector Jonathan K. Cermeli.

Board Member Vicky Chan asked what the 115<sup>th</sup> Precinct can do about cars blasting music at night that shake the residential homes and buildings.

Captain Altaheri said that residents should contact their NCOs.

Pat Beckles, resident, asked what the 115<sup>th</sup> Precinct's plan was to combat illegal dirt bikes that are using the neighborhood as a playground at night.

Captain Altaheri said they are working with the Intelligence Bureau to confiscate the dirt bikes and ATVs.

Captain Altaheri announced that there will be the first "Clergy Task Force Meeting" on Wednesday, June 30<sup>th</sup> at 7:00 p.m.

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

#### **Citywide Zoning Text Amendments - Kathi Ko, DCP**

##### **Fresh Food**

Hamlett Wallace, Land Use Committee Chair, reported that Kathi Ko from the Department of City Planning will report on the text amendment to update the existing Food Retail Expansion to support health program under the NYC ZR 63-00 that provides greater incentives for neighborhood grocery stores to locate in underserved neighborhoods in the City.

Ms. Ko reported that the Department of City Planning is proposing a zoning text amendment, FRESH II, to update the existing Food Retail Expansion to Support Health (FRESH) Program under the NYC ZR 63-00 that provides greater incentives for neighborhood grocery stores to locate in underserved neighborhoods in the City. Ms. Ko gave a presentation.

##### **Purpose of FRESH:**

- Incentivize the construction of supermarkets in underserved areas of the City
- Increase accessibility to fresh foods
- Encourage better access to foods, thus, healthier neighborhoods

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FRESH, which combines a package of financial and zoning incentives, was created in 2009 to encourage the construction of supermarkets in neighborhoods where studies have demonstrated a lack of fresh foods.

### **Discretionary Tax Incentives:**

- Administered by NYCEDC
- Provides tax breaks for supermarket operators and developers seeking to build or renovate new retail space

Ms. Ko said that over the past year, as a result of the COVID pandemic, the disparity in grocery stores access has become even more apparent. Grocery stores are a fundamental component of neighborhood health and COVID has really highlighted the importance of having better access to supermarkets. The goal of the fresh program was to encourage the development and retention of convenient accessible stores to provide fresh meat.

### **FRESH Zoning incentives can be obtained through two actions:**

#### **CPC Certification**

- Additional FAR (Floor Area Ratio)
  - In a mixed-use building, an additional square foot of residential floor area may be permitted for every square foot of FRESH food store, up to 20,000 SF
- Modified regulations for M1 Districts
  - FRESH store permitted as-of-right in these districts, up to 30,000 SF
- Reduction in required parking

#### **CPC Authorization**

- Addition Height
  - Increase in the maximum building height, up to 15 feet (about one story)

**Since its adoption in 2009, 27 FRESH applications for zoning incentives have been approved. Eight of these approved projects have been completed and occupied:**

- 5 in Manhattan
- 4 in the Bronx
- 17 in Brooklyn
- 1 in Queens

Ms. Ko said that updated analysis of the supermarket landscape across New York City in 2008 showed that many neighborhoods remain underserved by fresh food stores.

### **The proposed expansion of the FRESH program would:**

- Encourage the development and retention of convenient, accessible stores that provide a full range of grocery products
- Provide more options that could result in reduction of grocery costs
- Empower consumers with increased convenience and access to grocery shopping

Based on the updated SNI analysis and Land Use policy goals, DCP is proposing an expansion of FRESH program in the Bronx, Brooklyn, Queens and Staten Island where a lack of access to healthy fresh foods have been demonstrated.

**Since the adoption of the FRESH program in 2009, there have been a concentration of applications in specific areas:**

- Too many supermarkets in one neighborhood could potentially run existing stores out of business and lead to unanticipated development of buildings that are bigger than what the underlying zoning permits
- Proposal: Require that within a ½ mile radius, the sum of additional residential floor area not exceed 40,000 square feet

**In lower density Residential districts, up to 10,000 SF of the FRESH supermarket area will be waived from the parking requirement:**

- Current provision: 1 parking space per 1,000 SF of commercial floor area is required (everywhere)

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- New provision: 1 space per 400 SF with 25 space waiver in lower density R districts only
- Parking waiver will apply to the FRESH store only, not other commercial or residential uses in the building

### Definition of FRESH store:

- At least 6,000 SF of grocery store must be contiguous and located on the same floor to guarantee better accessibility
- Redefine distribution of products in FRESH store
  - Percentage of perishable, non-perishable, non-food products will be redefined to provide more flexibility
  - Current distribution is too stringent for applicants

### Restrictive Declaration:

- FRESH projects that do not increase residential floor area will be exempt from the restrictive declaration requirement
- If such a FRESH store took on a parking waiver, but wants to change the use less than 25 years after FRESH store was built, it will have to meet the requirements of underlying parking regulations

Ms. Ko said that FRESH certified on May 17<sup>th</sup>, and the Community Board will have 60 days until July 26<sup>th</sup> to review the proposal and provide recommendations.

Kevin Hughes-Noboa, Secretary, asked why the Queens Neighborhoods is underrepresented in the project compared to the other boroughs.

A representative for the Department of City Planning said that in 2009 they worked with the Department of Health to target areas where there was health concerns due to diet. At the time, the target was Jamaica, Queens. Now they are going back to other areas in Queens.

Board Member Frank Taylor asked how was Queens overlooked.

Ms. Ko clarified that one project in Queens was prior to the proposal being discussed today.

Board member Arthur Teiler asked what is there from preventing that the supermarket goes out of business and then it becomes a bar.

The representative for the Department of City planning said the requirement of the program is that they need to report to City Planning and show what is going on with the space every three years. They need to show pictures and show that they are complying with the rules of the program. There is a restriction that is filed with the city clerk that says that the space can only be a supermarket. They would be in violation if they want to make it into a bar.

### Land Use - (Hamlett Wallace, Chair)

#### Citywide Zoning Text Amendments - Kathi Ko, DCP

##### **Physical Culture Facilities (Gyms)**

Hamlett Wallace, Land Use Committee Chair, reported that Kathi Ko from the Department of City Planning will report on the text amendment to reduce barriers for gyms, spas & licensed massage.

Ms. Ko gave a presentation:

### Proposal overview:

- A BSA special permit is currently required to open and operate most exercise and health-related businesses, including gyms, spas and licensed massage therapy
- The Physical Culture or Health Establishment (PCE) special permit process can be costly and lengthy for small businesses
- Even with special permit, gyms are not permitted along many local retail streets that allow compatible service and retail amenities

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- Removing barriers for gyms and other health-related businesses to open will help speed the economic recovery from the pandemic and ensure that neighborhoods have important health-related amenities

Ms. Ko said that besides gyms having physical activity amenities, they also have therapeutic and wellness amenities that include spas and massage therapy.

### **Zoning rules that regulate development limit where these activities are allowed:**

- During the 1970's, stringent zoning regulations were created for these businesses, designed to address commercial sex associated with health clubs and massage parlors
- A special permit was required for all such uses as a means of verifying the legitimacy of the operator through a criminal background check

### **The Conditions that led to the special permit for gyms, spas and massage are no longer relevant:**

- Commercial gyms, health clubs and massage have changed significantly over the past 40+ years and are now recognized and valued neighborhood services
- Massage therapists are health professionals regulated by the NYS Education Department

### **Gyms, Spas and massage continue to be uniquely regulated through zoning:**

- The Zoning Resolution does not require any other businesses to prove they're not criminals before being allowed to operate
- The permit often takes more than 6 months to be granted, limiting opportunities for entrepreneurship and access to services that promote health
- These uses are not allowed along many local retail streets that permit other service and retail businesses like restaurants, salons and drug stores
- The permit also prevents desired business from moving into local retail streets at a time when vacancy rates are high and expected to rise

### **Allowing these uses without a special permit will promote health and equity across NYC:**

- Special permits for gyms, spas and massage are disproportionately located in the Manhattan core and western Brooklyn and Queens
- Removing the special permit requirement will help smaller, independent businesses open in more locations across NYC

### **Recent reports have recommended changes to regulation of gyms:**

- DCP has removed the PCE special permit in several Special Purpose Districts in recent years:
  - Battery Park City
  - Bay Street
  - Inwood
  - Coney Island
  - East Harlem Corridor
  - Governor's Island
  - Jerome Corridor
  - Stapleton Waterfront
  - Willet's Point

### **Removing the special permit will support small business recovery:**

- Many gyms and health-related businesses have temporarily or permanently closed due to the pandemic
- Employment in gyms declined by more than 60% in 2020
- Removing the special permit will support economic recovery from the pandemic

Proposed changes for gyms and spas – Remove BSA Special Permit for Physical Culture or Health Establishments. Small gyms and spas will be treated similarly to a range of local amenities such as drug stores, restaurants or salons.

- Classified in the Zoning Resolution as Use Group 6.

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- Limited to 10,000 square feet in Floor Area per establishment
- As-of-right in all commercial and manufacturing districts

Large gyms and spas will be treated similarly to banquet halls, music studios and car showrooms.

- Classified in the Zoning Resolution as Use Group 9
- As-of-right in C2-C8 and M districts, as well as C1-8, C1-9 and C1 overlays mapped with R9/R10

Licensed massage therapy will be classified with other ambulatory health care uses as Use Group 4A or Use Group 6B (health care office), permissible in most residential districts and all commercial and manufacturing districts.

### **Proposed noise and vibration regulations:**

- Higher-impact gyms, such as those with significant weights or exercise equipment, will be required to submit documentation to the Department of Buildings certifying that they are designed to sufficiently reduce noise and vibration on neighboring uses prior to being issued a Certificate of Occupancy
- These additional noise and vibration requirements will be applicable in mixed-use buildings with residences or schools. These requirements will apply in all commercial and MX districts
- Low impact activities such as yoga, isometric exercise studios and spas will not be required to demonstrate compliance with additional noise and vibration standards. These low impact activities will still be subject to the NYC Noise Code

### **Proposal Development through April 2021:**

Meetings to refine and finalize proposal with key city agencies (BSA, DOB, DEP, EDC, SBS) and Mayoral offices (Special Enforcement, End Gender-Based Violence, Operations)

### **Public Outreach and Engagement March – November 2021:**

- Sharing proposal with businesses and trade groups during spring 2021
- Community Boards and Borough Presidents review and vote during summer 2021

Environmental Review through May 2021 - Developing Environmental Assessment Statement (EAS)

Board Member Arthur Teiler asked why there was a need for a requirement for a special purpose and if the health facilities relieve the emergency room problems.

Ms. Ko said the purpose is to help businesses within this industry thrive, particularly physical fitness businesses that have closed down since COVID and employees have lost jobs. She said that facilities are more of therapeutic type of services.

Board Member Frank Taylor asked for clarification on Mr. Teiler's question. Mr. Taylor said that there is a distinction between urgent care and the therapeutic type of services in a gym.

Ms. Ko confirmed that therapeutic services refers to massage types of services.

Mr. Taylor said there are a lot of sex workers working at massage parlors on Roosevelt Avenue. He asked if there will be some kind of enforcement to make sure that doesn't happen.

Dylan Sandler, representative for the Department of City Planning, said that the Mayor's Office of Special Enforcement and the Department of Buildings addresses illicit activity.

Board Member Vicky Chan said that everyone should be mindful that the majority of sex workers have faced some kind of trauma or human trafficking. She asked how they will make sure that within the massage facilities there are not people being forced to perform sex services for profit.

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Mr. Sandler said the proposal preserves a civil enforcement path that allows the City to go after businesses that may be involved in human trafficking. Instead of NYPD going in and arresting workers for prostitution, the business will be shut down.

### **Business Economic Development. – (Edmund Rosenbaum - Chair)**

#### **S.L.A. New Wine/Beer & Liquor License Applications:**

#### **8213 Corp. d/b/a La Pollera Colorada – 82-13 Northern Blvd., Jackson Heights (New - Full Liq.)**

Edmund Rosenbaum, Chair of Business Economic Committee, reported that the applicant is seeking a Full Liquor license. Mr. Rosenbaum called upon the owner of 8213 Corp.

The representative spoke for the owner who was present. The family restaurant will offer in Columbian food and some background music. The previous owner is selling it to his daughter's mother-in-law, who has owned a Columbian restaurant since 2017.

#### **La Hueca Rest. Inc. – 93-21 37th Ave, Jackson Heights (New – Full Liq.)**

Edmund Rosenbaum, Chair of Business Economic Committee, reported that the applicant is seeking a Full Liquor license. Mr. Rosenbaum called upon the owner of La Hueca Restaurant Inc.

The owner said La Hueca is an Equadorian restaurant and he also owns Taco Marelos restaurant across the street

Board Member Michael De Valera asked if Tacos Morelos has a liquor license.

The owner said that Tacos Morelos does have a liquor license.

Board Member Sonya Davis Roberts asked about the late hours including Sunday.

The owner said he is at the restaurant seven days a week through closing and has never had a problem.

#### **Pin Pollo Inc. – 32-39 Junction Blvd., East Elmhurst (New – Full Liq.)**

Edmund Rosenbaum, Chair of Business Economic Committee, reported that the applicant is seeking a Full Liquor license. Mr. Rosenbaum called upon the owner of Pin Pollo Inc.

The owner said the Colombian restaurant has been operating for nine years. It's a family oriented business. Never had any issues with the Police.

#### **91-07 Bakery Corp. – d/b/a La Nueva Colombia – 91-07 31st Ave, East Elmhurst (New – Full Liq.)**

Edmund Rosenbaum, Chair of Business Economic Committee, reported that the applicant is seeking a Full Liquor license. Mr. Rosenbaum called upon the owner of 91-07 Bakery Corp.

The owner said that they are a family restaurant and that they had a liquor license for six years and never had any problems with the NYPD.

### **EXECUTIVE SESSION**

Renetta English, Chair, opened Executive Session with the Pledge of Allegiance.

#### **Motion # 42 - Adoption of the Agenda**

Upon motion duly made by Renetta English, seconded by Laverne Nimmons, to adopt the Agenda, was passed unanimously.

#### **Land Use – (Hamlett Wallace, Chair)**

##### **Fresh Food**

Hamlett Wallace, Land Use Committee Chair, read his report:

*Proposed - Citywide Zoning Text Amendment: FRESH II – Grocery Store Expansion [Food Retail Expansion to Support Health (FRESH)] This proposal is aimed at helping create a fairer and*

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*more equitable economic recovery for local communities and small businesses from the COVID-19 pandemic and incentivize the creation of grocery stores in communities with healthy and fresh food access needs.*

*The COVID-19 pandemic dramatically highlighted the vital need for local access to fresh food for New Yorkers, especially in underserved communities. In partnership with the City Council, DCP will seek to expand the existing Food Retail Expansion to Support Health (FRESH) program, which offers zoning incentives and financial benefits to encourage the creation of convenient, accessible stores that provide fresh fruit, meats, vegetables and other perishable goods, in addition to a full range of grocery products. The new FRESH program will seek to bring the program to 11 more community districts, on top of the 19 where FRESH already applies.*

*The new proposal is based in part on a 2018 study of the effectiveness of the existing FRESH program as well as comments received by communities and community boards when they had previously reviewed FRESH projects.*

*Recommendation: The Land Use Committee after review of this matter recommends the proposed Citywide Zoning Text Amendment, regarding FRESH II- Grocery Store Expansion, be **approved** and encouraged to fulfill its use and purpose.*

### **Motion # 43 - Fresh Food Citywide Zoning Text Amendments**

Upon motion duly made by Hamlett Wallace, seconded by Lisa Mesulam, to **approve** the application was passed with 21 in Favor, 7 Opposed and 0 Abstentions.

### **Physical Culture Facilities (Gyms)**

Hamlett Wallace, Land Use Committee Chair, read his report:

*Proposed - Citywide Zoning Text Amendment: Health and Fitness Text Amendment.*

*This proposal is aimed at helping create a fairer and more equitable economic recovery for local communities and small businesses from the COVID-19 pandemic and reduce barriers to establishing and opening gyms and other health facilities. Based on outmoded zoning regulation that date to the 1970s, exercise gyms, licensed massage therapy, martial arts studios, and spas, among other health-related businesses, are not allowed as of right in New York City and instead, these businesses are required to obtain special permission from the City's Board of Standard and Appeals (BSA) to open. The process for obtaining a permit is extremely costly, often adding six months and \$50,000 in additional startup costs to open a gym. The process creates a high barrier for small and independent businesses and is likely to slow the economic recovery of a sector that has been significantly impacted by the pandemic.*

*Because health and fitness facilities offer valuable and beneficial amenities to communities, DCP is working to allow these business to open "as of right," or without first seeking special permission from the City. At this time and within this pandemic climate we share a heightened appreciation for physical and mental health. This text amendment acknowledges the need for health and fitness facilities.*

*Recommendation: The Land Use Committee after review of this matter recommends the proposed Citywide Zoning Text Amendment, regarding Health and Fitness Text Amendment, be **approved** and encouraged to fulfill its use and purpose with the following:*

*Proviso:*

- The Department of City Planning (DCP) will with all its ability, keep Community Board 3 informed of the progress and development of this Zoning Text Amendment.*
- Due to know or existing massage parlors of questionable services that maybe found in Community Board 3, all new approved Licensed Massage Facilities, shall require periodic review, to prevent possible illicit activities. Notification with CB3 shall be provided of these new facilities that are in the direction of the City of New York regarding services rendered.*

### **Motion # 44 - Physical Culture Facilities (Gyms)**

Upon motion duly made by Hamlett Wallace, seconded by Edward Kiernan, to **approve** the application was passed with 24 in Favor, 6 Opposed and 0 Abstentions.

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### **Business Economic Development. – (Edmund Rosenbaum - Chair)**

#### **S.L.A. New Wine/Beer & Liquor License Applications:**

##### **8213 Corp. d/b/a La Pollera Colorada – 82-13 Northern Blvd., Jackson Heights**

###### **(New - Full Liq.)**

Edmund Rosenbaum, Chair of Business Economic Committee, reported that the committee recommends **approval** of an application for an on-premise Full Liquor license for this applicant provided that a stipulation has been signed. Stipulation was signed.

##### **Motion # 45 - 8213 Corp. d/b/a La Pollera Colorada – 82-13 Northern Blvd., Jackson Heights (New - Full Liq.)**

Upon motion duly made by Edmund Rosenbaum, seconded by Kevin Hughes-Noboa, to **approve** the application was passed with 26 in Favor, 5 Opposed and 0 Abstentions.

##### **La Hueca Rest. Inc. – 93-21 37th Ave, Jackson Heights (New – Full Liq.)**

Edmund Rosenbaum, Chair of Business Economic Committee, reported that the committee recommends **approval** of an application for an on-premise Full Liquor license for this applicant provided that a stipulation has been signed. Stipulation was signed.

##### **Motion # 46 - La Hueca Rest. Inc. – 93-21 37th Ave, Jackson Heights (New – Full Liq.)**

Upon motion duly made by Edmund Rosenbaum, seconded by Kevin Hughes-Noboa, to **approve** the application was passed with 29 in Favor, 4 Opposed and 0 Abstentions.

##### **Pin Pollo Inc. – 32-39 Junction Blvd., East Elmhurst (New – Full Liq.)**

Edmund Rosenbaum, Chair of Business Economic Committee, reported that the committee recommends **approval** of an application for an on-premise Full Liquor license for this applicant provided that a stipulation has been signed. Stipulation was signed.

##### **Motion # 47 - Pin Pollo Inc. – 32-39 Junction Blvd., East Elmhurst (New – Full Liq.)**

Upon motion duly made by Edmund Rosenbaum, seconded by Kevin Hughes-Noboa, to **approve** the application was passed with 30 in Favor, 3 Opposed and 0 Abstentions.

##### **91-07 Bakery Corp. – d/b/a La Nueva Colombia – 91-07 31st Ave, East Elmhurst**

###### **(New – Full Liq.)**

Edmund Rosenbaum, Chair of Business Economic Committee, reported that the committee recommends approval of an application for an on-premise Full Liquor license for this applicant provided a stipulation has been signed stating the hours of operation will be Sunday to Thursday from 6 a.m. to 11:30 p.m. & Friday and Saturday from 6 a.m. to 12:30 a.m.

Mr. Rosenbaum said that the stipulation has not been received yet. The Board's vote is contingent on receiving that stipulation.

Frank Taylor asked what was the deadline for the stipulation to have been received by the office.

Mr. Rosenbaum clarified that a stipulation was received but did not meet the criteria that was agreed upon. The applicant has agreed to revert back to what he originally agreed upon but the stipulation has not yet been received with what was agreed upon by the applicant.

##### **Motion # 48 - 91-07 Bakery Corp. – d/b/a La Nueva Colombia – 91-07 31st Ave, East Elmhurst (New – Full Liq.)**

Upon motion duly made by Edmund Rosenbaum, seconded by Kevin Hughes-Noboa, to **approve** the application was **not passed** with 10 in Favor, 20 Opposed and 3 Abstentions.

##### **Motion # 49 - 91-07 Bakery Corp. – d/b/a La Nueva Colombia – 91-07 31st Ave, East Elmhurst (New – Full Liq.)**

Upon motion duly made by Stephen Kulhanek, seconded by Michael De Valera, to **disapprove** the application was passed with 24 in Favor, 8 Opposed and 1 Abstentions.

## **June 17, 2021 Community Board 3 Full Board Meeting**

Mr. Rosenbaum announced that he will be sending out an email asking for volunteers for Business Outreach. The main goal is for people to be aware of the Community Board and to create an email list. When the Community Board comes across information on seminars, grants, workshops or anything that will benefit small businesses they can be informed.

### **Chairperson's Report**

Renetta English, Chairperson, read her report:

*June is a historically busy month for Queens Community Board #3. This year we would celebrate the 20th / 21st year of our annual Leon Von Holden Memorial Health Care Expo, Pride Parade / Pride Month and participate in numerous parades and events celebrating the importance of our immigrants.*

*Despite being amid the pandemic, the of Summer of 2021 has begun to be a lot better than last year, because so many of us have been vaccinated. I am happy to report that in honor of Immigrant Heritage Month, Queens Community Board 3 is hosting an Immigration Information Resource Day on Saturday, June 26, 2021 from 12 p.m. to 3 p.m. at Northern Playground. The Playground is located between 93<sup>rd</sup> and 94<sup>th</sup> Streets on Northern Boulevard. Thank you to Lobsang Salaka and the members of the Immigrant Affairs Committee for working hard to ensure that this will be successful.*

*Over the summer your committee chairs may contact you for special meetings, sharing summer events and assistance with planning Community Board Fall and Winter events. Please check and respond to these emails. Thank you for your continued advocacy for East Elmhurst, Jackson Heights and North Corona.*

*Ms. English thanked District Manager Giovanna Reid, Keisha and Clara for their continued hard work.*

*Ms. English reminded all in attendance that even if they are vaccinated they still have to be careful.*

*Ms. English noted that the May 20, 2021 Minutes will be adopted in the September Board Meeting.*

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

District Manager Giovanna Reid thanked all the members of the Board for their participation during this session. She said they are shaping the future of their community by voting on items. That is why they take all discussions and the information received seriously. The recommendations make a difference in the Neighborhoods.

New Board Members should attend as many meetings as possible and then in the fall decide which committees they would like to join. Board Members are welcomed to attend any Committee meeting and join in the discussion.

According to the quarterly complaints report for the month of April through June the majority of complaints was for residential noise.

Ms. Reid noted that while the Board is not in session during the summer, the office remains open to receive complaints and keep the community informed.

### **Committee Reports:**

#### **Immigration Committee**

Lobsang Salaka, Co-Chair of the Immigration Committee, reported that on June 26<sup>th</sup>, Community Board 3 will have its first "Immigration Fair." Anyone who provides services for Immigrants that wants to attend can register online. Mr. Salaka thanked Board Members Muquith Choudhury and Vicky Chan for helping to prepare for the event.

Mr. Salaka announced that Juneteenth is now a Federal holiday.

## June 17, 2021 Community Board 3 Full Board Meeting

### Parks Committee

Marta Lebreton, Parks Committee Chair, reported that there was an update meeting for the Flushing Meadows Promenade. There will be more meetings.

Construction will start soon at Willets Point that will include Housing and an elementary school.

### Traffic & Transportation Committee

Edward Kiernan, Co-Chair for the Traffic & Transportation Committee, reported that the Traffic & Transportation Committee had a meeting to hear a proposal to remove 19 bus stops on the Q66 route, which sparked many concerns were from members of the committee.

The committee proposes to send a letter to the MTA recommending that they not eliminate the aforementioned nineteen bus stops along the Q66 route.

Mr. Kiernan read the letter:

*Dear Mr. Gutman and Ms. Feinberg,*

*Queens Community Board 3 writes this letter to respectfully request the New York City Department of Transportation and MTA New York City Transit reconsider the proposed elimination of nineteen stops along the Q66 within our district.*

*Queens Community Board 3 believes that eliminating nearly half of the bus stops along this critical route will detrimentally effect Q66 riders and the neighborhoods of Corona, East Elmhurst and Jackson Heights. Unlike other locations in Queens where bus stop consolidation has occurred, the portion of Northern Boulevard within the boundaries of Queens Community Board 3 is served exclusively by the Q66.*

*The Q66 provides a vital East-West connection to the communities within Queens Community Board 3, particularly to our senior citizens, those with disabilities and students. Because only two of the stops on the 7 line are accessible, the Q66 serves as one of the only means of transportation across Western Queens for many senior citizens and others who are unable to navigate the subways.*

*Additionally, many students at the numerous schools along the Q66 corridor rely on this route to get them to and from school every day, as do students traveling to schools in Woodside, Long Island City and Flushing. One specific concern is a plan to eliminate a bus stop at 111<sup>th</sup> Street which serves the students of PS 330Q.*

*One location of particular concern is 90<sup>th</sup> Street to Junction Boulevard where two large coop complexes make up a Naturally Occurring Retirement Community. At this location all stops are being eliminated according to a presentation provided to the Board's Traffic and Transportation Committee on June 15, 2021.*

*Queens Community Board 3 understands and supports the goal of your agencies to increase transit speeds along this already congested route, but we believe that such a drastic reduction of stops will be a disservice to our community.*

*Queens Community Board 3 asks your respective agencies to delay implementation of a plan that will have a significant impact on the residents of Corona, East Elmhurst and Jackson Heights and to engage the community in a meaningful was. Representatives of your agencies have led the Board to believe that our input is not pertinent, that had we met last month our voices would have been heard and that implementation of these cuts will occur this summer.*

*We, the Officers and members of Queens Community Board 3, respectfully request your consideration of our concerns raised above and thank you for your continued service to the people of the City of New York.*

*Signed by Chairperson Renetta English, District Manager Giovanna Reid, Traffic and Transportation Committee Co-Chairs Stephen Kulhanek and Edward Kiernan.*

## June 17, 2021 Community Board 3 Full Board Meeting

Board Member Mark Buhrmester said he agrees that the bus stop by the retirement community shouldn't be taken away but understands that eliminating bus stops will improve the flow of transportation.

Stephen Kulhanek, Traffic and Transportation Committee Co-Chair said that the proposal should come before the Board for a vote. DOT and MTA came with an update of what was going to happen.

Board Member Frank Taylor said it's not a proposal but a plan to implement. He agrees with the letter and commends the Co-Chairs of the Traffic and Transportation Committee.

Ms. English expressed concern that eliminating stops will make it hard for seniors and people with disabilities.

Board Member Vicky Chan said that the Board shouldn't support a plan that takes away a primary method of transportation.

Board Member Lisa Mesulam said that they should go back to the drawing board and that maybe they should make the rush hour lane a bus lane.

### **Motion # 50 - Letter to DOT Not in Support of the Removal of the Q66 Bus Stop Locations**

Upon motion duly made by Edward Kiernan, seconded by Frank Taylor, to send a letter **disapproving** removal of the Q66 Bus Stop locations, was passed with 26 in Favor, 2 Opposed and 0 Abstentions.

### **Legislators' Report**

#### **NYC Comptroller Office**

James Mongeluzo, representative for the NYC Comptroller Office, reported on:

New York City Cash Balance Projection

<https://comptroller.nyc.gov/reports/new-york-city-cash-balance-projection/>

New York City Quarterly Cash Report

<https://comptroller.nyc.gov/reports/new-york-city-quarterly-cash-report/>

Comments on New York City's Fiscal Year 2022 Executive Budget

<https://comptroller.nyc.gov/reports/comments-on-new-york-citys-fiscal-year-2022-executive-budget>

Comptroller's FY22 Executive Budget Presentation

<https://comptroller.nyc.gov/reports/comptrollers-fy22-executive-budget-presentation/>

Comptroller Stringer Audit: DSNY Failed to Follow Procurement Guidance and Awarded \$14 Million COVID-19 Emergency Food Contract to Inexperienced, Ineffective Vendor with Recent Criminal Conviction

<https://comptroller.nyc.gov/newsroom/comptroller-stringer-audit-dsny-failed-to-follow-procurement-guidance-and-awarded-14-million-covid-19-emergency-food-contract-to-inexperienced-ineffective-vendor-with-recent-criminal-conviction/>

Contact info: 646-689-6509 or [jmongel@comptroller.nyc.gov](mailto:jmongel@comptroller.nyc.gov)

#### **Office of Council Member Francisco Moya**

TaQuoia Jones, representative for the office of Council Member Francisco Moya, announced that Council Member Francisco Moya memorized Vera E. Thompson and Priscilla Carrow with a co-naming ceremony.

CM Moya worked alongside NAACP to distribute food boxes to the Malcolm X Daycare Center and PS 340.

## **June 17, 2021 Community Board 3 Full Board Meeting**

CM Moya announced \$100,000 in funding to first Baptist Church and to the pantry in East East Elmhurst. The office will be having an honor of Juneteenth.

The Mobile office hours are 10:00 a.m. – 3:00 p.m.

### **NY State Comptroller Office**

Pema Genkhang, representative for the NY State Comptroller Office, announced that there are \$1.6 billion dollars in unclaimed funds in the State of New York while there is \$1.5 million returned to the rightful owners. If anyone wants to make a claim they should contact the NY State Comptroller Office.

### **Motion # 51 - To Adjourn**

Upon motion duly made by Renetta English, and seconded by Frank Taylor, to adjourn the meeting, was passed unanimously. Adjourned at 10:58 p.m.

*Respectfully Submitted by  
Clara Colon*

*Reviewed and Edited by  
Kevin Hughes-Noboa, Board Secretary*