

North Bellerose Civic Association

North Bellerose Civic Association Opposition to ICCC applications

Cal Nos. 78-11 BZ & 33-12A thru 37-12A

Presented by Vice President Richard Lopez

Prepared by First Vice President Corey Bearak

Tuesday, September 10, 2013

North Bellerose Civic Association (NBCA), which represents 1000 homeowners just east of the Cross Island Parkway between Union Turnpike and Hillside Avenue, strongly opposes the application by the Indian Cultural and Community Center, known as ICCC. The proposal, based on mistruths, misrepresentations, and possible violations of law, demands outright rejection by the Board of Standards and Appeals.

ICCC wants to build two nine-story towers on the part of the campus grounds of Creedmoor Psychiatric Center adjoining our community. Throughout the process during which the folks behind ICCC sought to move this project – in part detailed this month by the NYS Inspector General's report, they failed to disclose to the public and their elected representatives these plans. These plans only became public concurrent with the filing of the BSA applications. The earliest public discussions only involved a community center; no discussions of anything residential and anything suggestions towers.

Since the Spring of 2011 when ICCC representatives intentionally met with community leaders in small groups, the ICCC folks misled from the outset. They falsely claimed that South Asian seniors and the community at large were inadequately served by local senior services. Nothing could be farther from the truth. The larger community, including Bellerose became designated as a Naturally Occurring Retirement Community (NORC) in early 2003. The NORC-WOW (“WithOut Walls”), a consortium of the Samuel Field Y and SNAP (Services Now for Adult Persons), developed in concert with the community and its elected officials, assists seniors to stay in their homes in the community. Most of the seniors in the community remain longer term residents. SNAP also includes an affiliation with India House with the expressed aim to specifically serve the needs of South Asian community residents. Moreover, the Mayor and the City's Department for the Aging, designated SNAP as a Innovative Senior Center and the mayor's news release touted SNAP's programs for the South Asian community.

The failure to engage the community at the outset concerning the construction of nine story towers makes the motives of those associated with the ICCC most questionable. The NORC-WOW project before it moved forward reached out to EVERY community and demographic in the community. SNAP and the Samuel Field Y serve seniors in CB13Q north. Further when ICCC did reach out to the community it apparently failed to disclose its plans and instead played up a project – one-story community center, etc. – that it never intended to implement.

The ICCC never disclosed an interest in anything other than a community center when it first sought the site. Neither the legislation or the legislative Memorandum in Support discussed plans beyond a community center. ICCC's development proposal came later after the authorizing legislation.

From the outset the developers/ ICCC failed to disclose actual plans, lied to community reps about the scope of the proposal, its magnitude, and how developed the plans were, including Department of Buildings and Board of Standards and Appeals applications, and misrepresented the proposal in door-to-door outreach to the surrounding blocks.

The so-called senior housing is anything but that as it is neither rental nor senior exclusive but would be some form of co-op or condo and allows children. The Zoning Resolution and Building Code still must be followed. In presentations at Community Board 13, ICCC's counsel represented, and certain communications of the organization assert, that housing has always been the goal. The failure to disclose that intent to develop over the 30 months since ICCC made its building applications makes clear an intent to misrepresent if not outright deceive.

The Bellerose community strongly supports appropriate development at Creedmoor. The Queens Civic Congress and Borough President master plans – developed with strong input from the Bellerose civics – both envision senior housing of appropriate density at the Creedmoor campus; neither document looked with favor with any structure of the enormity of size and scale that ICCC seeks to develop.

The ICCC plan, in addition to its enormity, fails to guarantee its towers will be built as anything but luxury units and apparently “sold” shares guaranteeing unit ownership as part of its efforts to secure funding.

ICCJ's originally proposed project, described in 2006 as a single story, 15,000 square foot community center with parking and a field, remains agreeable to the community, meets zoning regulations and conforms with the Queens Civic Congress and Borough President's Master Plan for Creedmoor. Its plans include two nine-story buildings with 126 residential condominium or cooperative apartments, which use the Department of Buildings correctly found in violation of the C8-1 zoning. The proposed towers would tower over the adjacent residential community of almost entirely of one-family home in Bellerose, particularly the blocks immediately adjoining the proposed site.

In fact, ICCC would locate these towers but thirty feet from its low rise neighbors with no buffer for privacy or noise, and would completely obstruct sunlight and vista from the homes. Most unfortunately, if approved, the proposed towers would clearly and permanently redefine the community character of the low-density, low-rise residential neighborhood, providing potential precedence for other non-conforming structures.

North Bellerose Civic Association joins its neighbors is in opposition to constructing nine-story towers which would redefine the neighborhood and impose an overwhelming negative impact on the quality of life, the value of surrounding properties, and permanently change the essential character of the community. North Bellerose Civic Association urges the BSA to reject these applications.

Thank you.

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Testimony of Frank Toner
President of the Rocky Hill Civic Association
For the Public Hearing of the
New York City Board of Standards and Appeals
On calendar item 78-11-BZ & 33-12-A thru 37-12-A

Dear Chairperson Srinivasan and Members of the Board:

I testify today in opposition to the requested variance for the Indian Cultural and Community Center, Incorporated (ICCC), which proposes the construction of two mixed-use buildings containing residential and community facility uses at 78-70 Winchester Boulevard in Queens.

The first item I wish to address is the lack of Community Support for this project.

I have lived on Billings Street in Bellerose Manor for over 35 years. I have been president of the Rocky Hill Civic Association for approximately seven years. Our civic area borders on the south and western boundaries of the Creedmoor Campus. I mention these things in preface to telling you that I have never seen a proposal in our community to which there has been such unanimous objection. My civic community of a little less than a thousand homes completed over 200 petitions against the construction of these buildings. I personally randomly canvassed homes near where I live, spoke to over 40 people and found but one person who supported the project.

At my monthly civic meetings which are open to all members of the community, not one person has shown support for these buildings over the last two years. It has been rejected by our local Community Board 13Q. The second item is lack of political support. As I am sure you are aware, New York State Senator Tony Avella, New York City Council Member Mark Weprin and New York State Assembly Member Barbara Clarke have all indicated opposition to this project.

I find it interesting that New York State Assembly Member Clarke originally was supportive of the Indian Cultural and Community Center's projects but is now opposed. She has cited the fact that the plan for the building of two nine story buildings on the Creedmoor Campus was not consistent with the Creedmoor Master Plan of 1999. This brings us to the next item.

Guidelines for the development of the Creedmoor campus were established in the Creedmoor Master Plan in 1999, set forth by then Queens Borough President Claire Schulman. Per the plans, development on the Creedmoor Campus was to be in character with the low-density, primarily residential character of the surrounding neighborhoods. I would like to add that the Creedmoor Master Plan was developed with the input of local community groups and is an example of good governance.

The last item is not an example of good governance but even more an example of greed and deception by a private entity. As detailed in the Inspector General's report, the original stated reason for purchasing land on the Creedmoor Campus by the Indian Cultural and Community Center was for the building of a Community Center and that is what they told the legislators who sponsored the legislation authorizing the sale of the land.

That is also the information that went to those charged with doing an assessment—perhaps then causing a favorable sale price. Later, officers of the Indian Cultural and Community Center somehow convinced the Dormitory Authority that they should be allowed to build two nine story residential buildings. As also documented in the report, the ICCC made “questionable representations to persons from whom it solicited and collected funds”. It perhaps solicited funds before it was legally allowed to.

I understand the Inspector General's office has referred this matter to the Attorney General's office and they will determine possible culpability or criminal behavior if appropriate.

I implore this Board to support the community and tax payers of Eastern Queens and to show good governance reject the ambitions of a group who has not been honest and does not have the interest of the community in mind.

Respectfully submitted,

Frank Toner

Testimony by,
Jerry Wind, President, Bellerose Hillside Civic Association,
Executive Secretary Elect, NYC Community Board 13Q
September 10, 2013

I am appearing before you today to strongly voice my and my civic association's opposition to Calendar Items 78-11-BZ and 33-12-A through 37-12-A. Our civic association is located directly adjacent to the proposed development.

In 1999, The New York State Office of Mental Hygiene notified us that they planned to sell surplus land on the Creedmoor southern campus. Local civic leaders and elected officials, under the guidance of former Borough President, Claire Shulman, with the intention of preserving our neighborhood, developed the Creedmoor Master Plan to provide guidelines for the disposal of this land. The Master Plan requires “new construction to conform in scale, architecture, density and use with the surrounding community.” It also states that new construction be “appropriately located.” All new construction like the Bernard Fineson Developmental Center, Country Point townhouses and Father Reder Senior Apartments have followed those guidelines. All of these buildings are no more than two stories tall.

In 2006, the Indian Cultural and Community Center Incorporated, hereafter referred to as the ICCC, purchased two parcels of Creedmoor surplus property. In order to obtain this property, they deceived former Senator Frank Padavan and former Assemblyman Mark Weprin by telling them that they intended to build a community center, athletic field and parking lot. When they negotiated with the New York State Dormitory Authority, they misled them into thinking that the officials also approved their plan to build so-called senior housing and had it added to their restricted deed. These facts were brought forth recently in an investigation by the New York State Inspector General.

Representatives of the ICCC met with me in May of 2011. They wanted me to support their housing project. I told them that would have to see the project first before I gave my support. Their reply was that the project was still in the planning stage. A few weeks later I found out that they had actually filed building plans with the NYC Buildings Department in April, 2011, over a month before our meeting. They lied to me.

In June, 2011, members of the ICCC went to all the houses within 200 feet of the proposed buildings, except mine, and solicited signatures on a petition of support telling the signers that they intended to build only a two-story

structure. When, I told them that the buildings were, in fact, nine stories, they signed a second petition withdrawing their support.

At Community Board 13 Queens' well attended public hearing in September 2011, the community voiced their opposition loud and clear. In October 2011, Community Board 13Q voted almost unanimously (one member abstained) to oppose their variance request.

Recently, the ICCC have changed their plans again, intending to increase the number of residential units from 126 to 141 along with an underground tunnel connecting the two buildings. Along with the resident's, their dependents and visitors , there will parking needed for medical and administrative staff and parking for the proposed Community Center needed. The 90 parking spaces shown on their plans are insufficient and will exacerbate our existing street parking problems. This project will bring significantly more vehicular traffic to the Creedmoor grounds. There are many programs such as Transitional Services Incorporated and PSYCH, Inc., on the campus, that serve mentally challenged individuals. Many of them are heavily medicated and roam throughout the Creedmoor campus, aimlessly. These people would be put in jeopardy by the significant increase in traffic. The internal Creedmoor roadways are narrow making it difficult for emergency vehicles to negotiate. The Bernard Fineson Center architects recognized this fact and two emergency gates were installed.

In closing, I feel that approval of these variances would send a dangerous message to developers throughout the city. It's my hope that you do the right thing and help us preserve our neighborhood. Thank you.

**Testimony by Queens Colony Civic Association
Angela Augugliaro, President
September 10, 2013**

Good morning members of the Board of Standards and Appeals. My name is Angela Augugliaro and I am here today both as a Bellerose resident and President of the Queens Colony Civic Association to express my serious concerns about the potential impacts on the character of the Bellerose Community if the proposed buildings were to be built, especially in the absence of direct two-way vehicular and pedestrian access to the site.

The Indian Cultural and Community Center (ICCC) Bylaws dated June 18, 2003 states in section 1.01 only that the Corporation is organized to establish a center that will cater to the needs of the Member, the American Diocese of the Malankara Orthodox Syrian Church, Inc.

The corporation's Certificate of Incorporation, dated July 3, 2002, states its purpose is "...to establish a community center that will cater to the South Asian community". The purpose of the center will be to carry on meetings that will explain the South Asian culture, history, and tradition to its members. The organization's New York State Charities Registration Statement, talks about the planned community center, wherein nothing, whatsoever, is mentioned about the development of any type of housing facilities. We question, therefore, that the organization was, as stated recently, "created to provide housing", since the church's documents in 1999 include no housing component.

Members of the ICCC met several times with members of the community in 2006 prior to the legislation to convey the property to the ICCC. Again in those meetings the only project referred to was for a community center in a one-story building, a parking lot and an athletic field. Assemblyman David Weprin in a July 6, 2011 letter to the chair of the Board of Standards and Appeals wrote: "the ICCC's initial project plan was to construct a one-story building that would serve as a community-based cultural/recreational facility with parking spaces and an athletic field."

The Inspector General of the State of New York in its September 2013 report that Matthew Stanley, a Senior Environmental Manager at the Dormitory Authority stated that "...he discussed the project with (Koshi) Thomas who described it as a community center for members of his organization as well as the community at large".

One morning in May of 2011 myself and a fellow civic leader were informed by several members of the ICCC that they intended to construct two 9 story apartment towers with 126 apartments to accommodate seniors. At Community Board 13's public hearing on September 20, 2011 the athletic

field was suddenly removed, the parking greatly reduced and the one story community center replaced by a three-story building with the addition of 10 to 15 residential townhouse units, removing literally any open space on the project. This change came exactly one week after the community board's land use committee meeting where the project was discussed in detail at which no mention was made of reducing the parking, eliminating the athletic field or changing the size of the building. The most recent plan that we have been apprised of has additionally changed the number of units in the two buildings to 141.

The local communities and civics are pleased that Creedmoor has several senior and mentally disabled focused organizations on the property. The local civic associations are active supporters of these organizations and facilities. We are extremely supportive of services and projects that benefit senior citizens as well as other disadvantaged and disabled groups. We were particularly active in establishing the Father Reder Senior Houses and the new Bernard Fineson Center. These projects are completely compliant with the Master Plan and compatible with the surrounding housing and have been welcomed into the community.

The area surrounding Creedmoor is comprised of one and two story homes. These proposed buildings would be totally out of context with the surrounding community. Some of the existing homes would be directly behind these buildings and the homeowners would be adversely affected.

In summation, based on the aforementioned facts, members of the Queens Colony Civic Association request that you not grant the variance for the two nine-story buildings nor the GCL36 waiver that the ICCC is asking for. Residents of a community have every right to be protective of their ability to benefit from the quiet enjoyment of their homes and not have developers build a building that has a potential to redefine a neighborhood.

I have with me hundreds of letters signed by members of the Queens Colony Civic Association who are against this project.

Thank you.