



Board of Standards and Appeals

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MEENAKSHI SRINIVASAN
Chair/Commissioner

Testimony of Jeff Mulligan, Executive Director NYC Board of Standards and Appeals

April 27, 2012

Intro No. 78: In relation to requiring reports to the city council of any variance or special permit granted despite the community board's recommendation of disapproval or approval with conditions.

Intro No. 650: In relation to expiration of variances granted by the board of standards and appeals.

Intro No. 678: In relation to community involvement in decisions of the board of standards and appeals.

Intro No. 680: In relation to the creation of a community advisory review panel for zoning variance and special permit applications.

City Council Committee on Government Operations

Good afternoon, Chair Brewer and members of the City Council Committee on Governmental Operations. I am Jeff Mulligan, Executive Director of the Board of Standards and Appeals. Thank you for the opportunity to speak to you today regarding the four bills introduced that affect the Board.

Before commenting on the proposed legislation, I would like to take a couple of minutes to provide an overview of the Board's authority, the types of applications we review, the basis of the Board's decisions, and the public review process.

Authority

Pursuant to the New York City Charter, the Board is an independent administrative body with quasi-judicial functions that reviews and decides applications related to zoning, land use, and construction in New York City. The Board grants property owners relief from the zoning code and serves as a forum

for appeals to final determinations made by the Department of Buildings and certain other agencies. The Board's jurisdiction includes applications for zoning variances and special permits, vested rights applications which allow renewal of building permits issued prior to a zoning amendment, administrative appeals, waivers to the General City Law to allow building in mapped streets, and amendments and renewals of previous Board approvals.

The Board was created in 1916 as a venue to seek relief if the city's zoning code, also adopted in 1916, caused an undue and unique hardship on property, rendering development infeasible. The Board was conceived as a "relief valve" for such claims, potentially eliminating the possibility of broad constitutional challenges to the overall zoning. The creation of the relief board, in fact, protects the ability for city government to regulate development on private property. Historically, variance boards were created all over the country when municipalities established land use regulations.

Administration

The Board comprises five full-time members appointed by the mayor, including experts in planning, architecture, and engineering. The Board staff currently totals 12 full-time and three part-time employees. Approximately 350 applications a year are filed at the Board, of which a little less than half are variance and special permit applications. The Board votes on a similar number of applications each year.

Public Review Process

Pursuant to the Charter and the Board's Rules, variance and special permit applications must be forwarded by applicants to the community boards, borough presidents, council members, and the City Planning Commission. Community boards are given 60 days to hold a public hearing and review the applications. The Board's Rules also require applicants to notify area property owners when the Board's first public hearing is scheduled.

Community boards and civic groups have been helpful to the Board when testimony and comments speak directly to the findings, including providing information on unique conditions, real estate prices, neighborhood character and impact, and other development projects in the area. Often, community boards, civic organizations and neighbors of the subject property testify at the Board's public hearings, and sometimes the most helpful input comes from these groups and individuals. The Board typically directs applicants to respond to community concerns on the record, projects are often modified at the direction of the Board based on community concerns, and the Board often includes conditions in its resolutions that arise directly from concerns identified by the community.

However, the Board is ultimately guided by the law, including the Zoning Resolution, and other state and local statutes and court holdings. The Board's

decisions are subject to court challenges, and therefore it is imperative that the decisions are principled and legally defensible.

I would now like to turn to the proposed legislation.

Intro No. 78

We are concerned that the quarterly reports that would compare votes by the Board with those by the local community board would be inconclusive and unnecessary. The Charter specifically allows community boards a 60-day period following the filing of an application in which to hold a hearing and vote. In certain instances, the Board will grant a community board's request for additional time to issue its recommendation. After the community board's vote, the Board begins its public hearing process – a process that can involve multiple hearings, depending on the complexity of the project. In response to Board concerns, applicants often modify projects during the process, and an application that may have been disapproved by a community board within the first 60 days could ultimately be supported by the community board in its final, adopted form. The report's focus on only the consonance of the community board vote and the Board of Standards and Appeals vote would therefore be misconstrued.

In addition, all of the Board's resolutions and disposition of its cases are posted on its website within one week of the vote. The resolutions, which can be queried by community board, identify the community board's recommendations (if received), a full explanation of the proposal, a full discussion of any modifications, and the Board's rationale for making its decision. Requiring a quarterly report as proposed would create additional work for the Board's small staff for information that is readily available to the public.

Finally, the Board staff provides reports on a regular basis to agencies and elected officials on request. Individual reports could be produced and distributed as requested by the City Council, rather than through legislation. Such an approach would allow for more flexibility, including changing over time the number of reports to be issued and the information contained within.

Intro No. 650

We believe that the proposal to require the Board to notify property owners in advance of their grant expiration is both impractical and, considering the many thousands of grants that date all the way back to 1916, unduly burdensome on the Board's limited staff and resources. Further, the proposal shifts the burden of compliance from the property owner to the issuing agency. We believe it would not be good policy for the City to assume individuals are not responsible for their obligations and, especially in these times of fiscal duress, take on the added and costly burden of reminding individuals to renew their variances. Property owners should be responsible for their renewals.

The Board does not have the authority to enforce these provisions itself; such authority is already vested appropriately with the Department of Buildings. Typically, expiration dates of Board variances are documented in the property's certificate of occupancy. The Charter establishes the Department of Buildings as the enforcement agency with the authority to inspect buildings for compliance with codes, regulations, and certificates of occupancy and to issue violations, stop work orders, and other penalties when properties do not comply with all requirements. The Charter does not provide the Board with similar duties or authority.

We acknowledge that, in some instances, businesses or institutions continue to operate after a variance has expired, or a business may not be operating in compliance with the conditions of an approval. When the Board receives a complaint regarding a variance and any non-compliance, we contact the applicant of record directly. However, since such complaints may require inspections on site, we also forward the complaint to the Department of Buildings, and follow up to track the status on enforcement. This effective practice has resulted in DOB issuing violations which can either be cured absent any Board involvement, or be remedied by filing applications before the Board.

While it is not within the Board's purview to exact recurring fines for non-compliance, the Council has set additional fees for filing applications at the Board beyond the expiration date, to reflect additional levels of work and analyses conducted by the Board, and to discourage untimely filings.

Intro No. 678

As noted, the Charter and the Board's Rules already require referral of variance and special permit applications to community boards. In addition, the Board's resolutions discuss community board recommendations, and explain a thorough rationale for the Board's decision. Promulgating a rule regarding the review of community board decisions is therefore both unnecessary and burdensome. In addition, New York State courts have recognized the Board's authority and expertise to evaluate matters within its jurisdiction and to determine which elements of the record are most relevant and necessary to make its decision. This is already reflected in the Board's resolutions. We believe that there would not be any reason for the Board in its resolutions to address issues that are outside of the Board's purview or that are not relevant to the legal or statutory bases for the Board's decisions.

Intro No. 680

The Charter sets forth the detailed process for how the Board reviews variance and special permit applications and includes the required process for community board review. We believe that the proposed legislation may be unnecessary and redundant since the Board's Rules require applicants to forward copies of the applications to the entities on the panel, and the entities or their representatives may provide testimony to the Board. Similarly, individuals (who may otherwise

petition the Board) are granted multiple appearances before the Board and are often represented by counsel during proceedings. The proposal to add another layer of review, based on an individual's petition to convene such panel, leaves many questions unanswered, and potentially creates a cumbersome and time-consuming process. The purpose of such a panel and whose interests would be better served are not clear, and the practicality of implementing such a panel seems problematic. Finally, we are concerned that the proposed legislation is inconsistent with the land use review process detailed in the Charter. By introducing another body, whose recommendations must be reviewed by the Board, into the land use review process laid out in the Charter, the proposed legislation may effectively constitute a curtailment of the Mayor's authority.

Conclusion

In conclusion, we believe that the proposed legislations' objectives to ensure community board input are already achieved by the Charter provisions as well as our rules and procedures. We are also pleased to inform the Council that we are in the process of updating the agency's Rules of Practice and Procedure to ensure even greater transparency, efficiency, and predictability. This includes clarifying the rules of application referral and hearing notice for all types of applications at the Board.

However, the Board is concerned about the additional work, time, and resources that would be needed if the legislation were adopted. The Board would be forced to divert its limited resources, which could prevent it from achieving its Charter mandate, and the Council would have to increase the Board's fee schedule again to cover the increased costs of these proposals.

I am happy to answer any questions.

Queens Civic Congress
P.O. Box 670706
Kew Gardens Hills, NY 11367
Richard C. Hellenbrecht, President

STATEMENT REGARDING: Int., #78, Int. #650, Int. 678 , Int. #680

April 27, 2012

~~Members of the Board of Standards and Appeals:~~

My name is Richard C. Hellenbrecht, President of the Queens Civic Congress, an umbrella organization that represents over 100 civic associations throughout the borough. The Queens Civic Congress was formed in the 1990s primarily to unite civic groups to improve the quality of life and to preserve and protect the residential areas of our borough and to help members fight overdevelopment and inappropriate development in their communities. This sounds easy, but because of the ineffective and counterproductive Board of Standards and Appeals, fighting for appropriate, contextual development is anything but easy. The BSA is an administrative board given very unusual legislative powers. With a single decision, the Board can reverse zoning regulations that have gone through extensive community review and environmental study. Their decisions often become precedents for similar cases throughout the City. Too frequently the decisions are made despite contrary findings at the local and borough levels. The BSA is not even elected, but appointed by one person. There is a serious danger with so much power vested in an appointed board and neighborhoods have been drastically changed due to a single action.

Our civic members deal with several issues related to the BSA and we are pleased and very supportive of the Introductions before you today. While these are a good start, there is much more to do beyond these, but let's get started. We also strongly support the additional recognition, if not powers, given to the hard work of community boards.

One issue civics face is the lack of follow through and enforcement on variances and their requirements. Variances once granted seem forgotten, are never tracked or followed up. They often expire for long periods before coming back to the board. Usually they reappear only when the applicant wishes to change the structure. Community boards that have the responsibility to review and recommend variances and renewals do not have the tools to track expirations. The Buildings Department seems apprehensive to verify compliance with BSA requirements. Int. #650 begins to address the enforcement and tracking issues. We would suggest you require that copies of the six month notice be sent also to respective community boards and council members for their tracking and follow-up. The penalties for non-compliance and for failure to submit renewal applications make sense, but we are concerned that fines and fees never seem to be collected. They often sit on the books even past the sale of a property.

It has often been documented that the BSA will issue a decision contrary to the recommendations of the affected community boards and the determinations of the borough president or council member. Int. #78 addresses this by requiring BSA to report on its caseload by community district, particularly highlighting the cases that were determined contrary to the community's recommendation.

Our civic association members have noticed that the minutes of BSA hearings barely mention the contrary opinions or comments by community members. We support Int. #678 efforts to require the board make reference to arguments and evidence presented and their affect on the Board's determination.

The subject of appeals to decisions of the BSA has been raised constantly but introductions calling for City Council review of decisions have failed to pass. Int. #680 seems to provide an alternative of requesting a review by an Advisory Panel for a limited period of time. We support this so long as a) it falls under the reporting requirements of Int. #78, and b) this action not preclude further efforts to establish a formal review or appeal process by the City Council, enlarge the board or seek advise and consent for appointment to the board. We suggest in addition to "people residing" you add "or businesses located" within the district.

In general the Queens Civic Congress members who voted on these items suggested that these items scheduled to take effect in ninety days be implemented instead in sixty days.

Again, thanks to all the authors and sponsors of these bills. Please keep trying to find ways to instill more fairness and impartiality in the process.

Richard C. Hellenbrecht, President
Queens Civic Congress

Testimony of
Mark N. Diller, Chair of Community Board 7/Manhattan
Concerning Intros 78, 650 678 and 680
April 25, 2012

To:
Committee on Governmental Operations
Council of the City of New York
250 Broadway
New York, NY 10007

Thank you for the opportunity to be heard on the four Intros referenced above.

On behalf of Community Board 7/Manhattan, I submit our strong opposition to Intro 680.

We have no objection to Intros 78, 650 or 678, and believe that they may enhance transparency and good practices.

The Procedure that Intro 680 Would Institute

Intro 680 calls for the creation of a "community advisory review panel" ("CARP") to review and make recommendations on applications for zoning variances or special permits to the Board of Standards and Appeals ("BSA"). The CARP would be empowered to conduct its own hearing and render its own findings and recommendations. BSA would be required to refer any application to the CARP based upon a request made in "good faith" by a single member of the community in the affected District. The CARP is to consist of representatives from the Community Board and the Council Member for the affected district, and of the Department of City Planning. The CARP's review would commence immediately after the review and recommendation by the community board for the affected district.

Intro 680 Will Dilute Community Input

Creating a new layer of review will dilute community input on BSA variance and special permit applications.

These applications require the evaluation of a project based on defined findings, including assessments of the impacts of the proposed project on the community and the surrounding built and unbuilt environment. It is essential that these technical findings be informed by a thorough and complete record, including from the affected neighbors as well as other community voices and experts. A CARP review and hearing would interfere with the community board's ability to marshal and review such a record.

Holding a second hearing before the CARP on the same application shortly after the community board hearing and vote will inevitably confuse some members of the public, and overtax others. Erecting competing forums for community and expert input will

certainly result in members of the public offering their views at one hearing or the other, but not both. Indeed, it would be reasonable for the public to view the two hearings so close in time as being alternatives rather than different procedures.

The net effect is that the complete picture about the application would likely be adduced and discussed at neither hearing. In fact, only three reasonable outcomes can flow from holding two hearings on the same subject in quick succession: (1) more information will be presented at one hearing than the other; (2) different information will be presented in one than the other; or, in the trivial case, (3) the same information will be presented at both. In none of the three scenarios does the creation of a second hearing and inquiry add to the sum of relevant information on which to base a recommendation, and in the most likely scenarios, it would detract from that goal.

The public is best served by a one-stop-shopping approach to being heard, and the existing community board review process accomplishes that end.

Intro 680 Creates the Risk of Inconsistent Results and Additional Delays

Charging a second body, with a different composition, with evaluating the project would, at a minimum, create an opportunity for inconsistent findings on the same proposal. That opportunity would become a probability the more the information made available to each differed.

The appearance of a split in the community's views on a project based on inconsistent findings and recommendations from the community board and the CARP undermines the effectiveness of community review, and dilutes the community's voice.

Review by the CARP would also add at least a month's delay to a process that already consumes significant time and resources both from applicants and the community responding to them. Community members opposing a development project typically are at a relative disadvantage in terms of resources. Extending the review period and increasing the forums at which to present opposing views will exacerbate that problem.

CARP Review Is Unnecessary

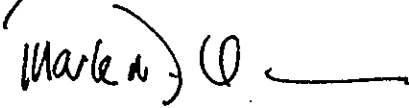
The goal of ensuring that all voices concerned with an application are heard and that decisions relating to those applications reflect consideration of those voices, while worthy, can be achieved without Intro 680.

Members of the City Council are already welcome to, and frequently do, appear and testify before the BSA as well as at community boards in connection with BSA applications. While perhaps rarer, representatives of the Department of City Planning are also welcome to weigh in at both venues. No new layer of review is needed to afford Council Members and others opportunities to voice their concerns, and those of their constituents, on BSA applications.

If the goal of Intro 680 is to ensure that proper consideration of these important voices is given in BSA determinations, that goal would be better accomplished by adding Council Members to the categories of individuals to whom Intros 78 and 678 apply. Those bills would require the BSA to make specific reference to arguments and concerns raised by the community board and other constituents when the BSA does not follow their recommendations, and to report to the City Council periodically on the number of times the BSA makes determinations that run counter to such recommendations. Expanding the scope of Intros 78 and 678 to include the recommendations of the Council Member for the affected district, and representatives from the Department of City Planning, would place appropriate emphasis on these informed views without diluting or derailing an effective means for community involvement.

For these reasons, Community Board 7/Manhattan urges that Intro 680 not be adopted.

Respectfully submitted,

A handwritten signature in black ink that reads "Mark N. Diller". The signature is written in a cursive style and includes a horizontal line extending to the right.

Mark N. Diller
Chair, Community Board 7/Manhattan

New York City Council
Committee on Government Operations
April 27th 2012

David Goldstein
Zoning Chairman
Bayside Hills Civic Association

The basic concept of a Zoning Board of Appeal, is they will act as a safety valve when unusual circumstances require exceptions to the zoning rules. The need for such boards is based on court decisions.

The intention is that the board will be an impartial decision maker that weighs the special needs of a person seeking a variance against those of the community.

The entire problem here boils down to one simple fact:

THE BSA IS NOT IMPARTIAL – they are an arm of the City Bureaucracy, which is, in turn, an arm of the Construction Industry. So, of course, everything gets approved!

Why would they be impartial? Look who appointed them, the same guy who appointed a totally unqualified pal to head the Board of Education. That was an appointment made in Sunlight. The B.S.A. Appointments have been made in total darkness. Who do you think we've got on BSA? You will not find out from the BSA's web site, they give no bio's of their commissioners.

So I took a look for myself – of the 5 board members there is only one of them who has any significant Google presence, Dara Ottley-Brown.

Dara Ottley-Brown's appearance on the radar screen is due only her affair with her boss, NYC Finance Commissioner Martha Stark, who was forced to resign.

At the finance department, Dara Ottley-Brown was earning \$65,000 bucks a year in 2003 as a mid-level manager. She was named Assistant Commissioner in November 2004 with a salary of \$120,984 and her pay rose to \$138,013 in two years.

Dara Ottley-Brown's promotion to Assistant Commissioner in the NYC Finance Dept. was questionable, to say the least.

In 2006, after the Finance Department blowup, she was appointed a commissioner of the Board of Standards and Appeals with a salary of \$139,827. Who approved this appointment? The City Council.

Brown's husband was hired at Finance as a graphic designer earning \$78,000 shortly after he filed for divorce in 2007.

By 2010 Dara Ottley-Brown's compensation rate as a BSA commissioner was \$151,237 per year.

This is classical New York City bureaucratic behavior - a person with no merit, but with connections, is well compensated, while running rough-shod over the middle class homeowner.

And what do they give back in return? They Robo-Vote for every project that comes before the BSA. Every vote seems to be unanimous. Could 5 honest people voting on these often complicated cases always agree? There is only one way they could all agree, and it isn't pretty.

You can find out a little about Susan M. Hinkson, R.A., J.D.

When the American Council of Engineering Companies of New York had their annual "Self Congratulatory" Event in 2008 Commissioner Hinkson was one of the judges for the awards. She is listed right on the program as:

Susan M. Hinkson, R.A., J.D.
Commissioner
NYC Board of Standards and Appeals

I little close to the industry?

We can also find that Eileen Montanez was the Deputy Director of Engineering Audits for the NYC Department of Environmental Protection (DEP). Nothing bad about this, other than that she does not represent a community – she represents the bureaucracy of the City of New York.

I could not find out anything about Christopher Collins.

Meenakshi Srinivasan, who is the chair, was formerly head of the New York City Planning Commission.

So what we have here are a bunch of people right out of the City Bureaucracy who are tied to the building industry. Exactly who is not supposed to be on a Board of Appeals.

The big question is, why in the world did the City Council approve these people? Was there any public notice or public hearings? No doubt, it was done in the dark.

We know that none of the 4 bills proposed can stop BSA from doing what it does, because local law is limited in controlling BSA.

But until the City Council can get its act together and demand decent appointments, I have a simple suggestion that will at least focus a spotlight on what's going on.

The City Council has the ability to rename streets. I hereby request that the infamous "House in the Garden" (6-11-BZ) case be dealt with as follows:

The West side of 216th Street for the segment from 50-20 216th Street to 50-24 216th Street shall be renamed "Srinivasan Hovel Street" and the official address of 50-20 216th Street shall become 1 Srinivasan Hovel Street, and the official address of 50-24 216th Street shall become 2 Srinivasan Hovel Street.

A similar renaming should be done in every case where the BSA ignores the findings of the Community Board and the Borough Presidents Office.

In other words, the BSA, instead of being invisible, should be made to take responsibility for what it does. You have the power to do this, and the people want it done.

To: NYC City Council Governmental Operations Committee; BSA hearing 4/27/12
From: Enid Braun, Fort Greene Association
116 Adelphi Street
Brooklyn, NY 11205
Enidbraun@earthlink.net
(718) 522-7552

As a member of the community who has gone to the BSA to object to various developments, the notion of reform to that process is welcome. **I am unsure if these bills get at the core problems of the BSA, though reform in general is welcome. We expect much more to promote further reform.** The following statement is only one example of the kinds of problems communities regularly experience with the BSA.

I live in a 2.5 story pre-1850s frame house on a block of mostly the same sort of structure (Adelphi Street, in Fort Greene, Brooklyn). We now have an 11-story building (122 Adelphi Street, Block 2044, Lot 75) because no City agency responded to clear evidence that the developer was shady and irresponsible.

This developer first obtained approval in 2004, did a partial excavation and left the hole untouched until May 2007, when the rezoning became imminent, though he was given numerous violations for no shoring to protect the adjacent buildings and for collapsing plywood fencing. Then, after managing to get the foundation completed on the Saturday before the Monday that the contextual rezoning went into effect, he was vested in July 2007. He then did no work, letting it sit untouched for eight months, collecting water and debris. During that time I found clear evidence in City records that he had submitted falsified information in the air rights agreements he had filed with DOB. Council Member Tish James' office was able to get DOB to consider this information during an eight month Stop Work Order and audit. DOB ultimately slapped him on the wrist, reducing his square footage by 732 square feet.

The developer then again did no work until Spring 2009, just before his vesting was expiring in July 2009. He managed to erect four stories of framing in time for the BSA hearing. At that point it was five years the block had been putting up with collapsing plywood fences and debris, for which there were open violations. An architect neighbor and I went to the BSA and submitted evidence of this developer's poor history, asking that if they granted a two-year permit extension it be final. We argued that the developer's history made it clear that he would not complete the 11-story building in two years, and would subject the block to eternal construction. We pointed out that the four stories of framing done at that point was at a height to comply with current zoning. The BSA ignored our testimony.

The BSA has subsequently approved two two-year extensions of the developer's permit, and now, in 2012, the building is finally complete. Eight years after the initial DOB approvals and permits, the building still has no C of O and there are open

DOB and ECB violations for after-legal hours work. The applicant defaulted on hearing dates and owes \$3100 in unpaid fines.

It is not clear to me how the proposed three legislative bills will address the core problems with the BSA, which are:

1. Developers pay no monetary or legal penalties for false statements or misrepresentations made to the BSA—many people will tell you that fraudulent statements are common at BSA hearings; this must stop.
2. Testimony made to the BSA by community members is treated as an annoyance and not integrated or acknowledged in BSA rulings. The BSA, a pro-developer body, puts the onus of disputing evidence on the community when the developer-applicant ought to be held to a higher bar for evidence to argue for a non-complying project. Further, while a developer has something to gain by spending money on lawyers to gain BSA approvals, unpaid, volunteer community members bear tremendous burdens to argue adequately against something that has already been denied by DOB, the City agency in charge of permissions. A developer is a plaintiff, in essence, and a certain burden of proof should be on the plaintiff, with support in the form of representation offered to the community, which is a defendant in most cases.
3. The legal standard of “hardship” for variances and other BSA actions trumps all other evidence, and a developer can submit false invoices and receipts, and claim hardship for having “overpaid” for his property. The BSA does not weigh neighborhood character, physical context, past-proof evidence of poor character of the developer. Property rights in terms of the BSA seemingly includes a God-given right to maximize one property-owner’s development rights at the expense of the property-rights of all neighbors for quiet peace and enjoyment, including sunlight.

Yours truly,
Enid Braun

Auburndale Improvement Association, Inc.
P.O. Box 580331, Station A
Flushing, NY 11358
April 27, 2012

To the New York City Council Committee on Governmental Operations:
Hearing regarding Intro. Nos. 78, 650, 678 and 680

My name is Henry Euler and I am First Vice President and Zoning and Housing Chair of the Auburndale Improvement Association, Inc. My civic organization has over six hundred members living in the Auburndale Flushing and western Bayside communities in Queens. I am also a member of Community Board 11 in that borough, but am only representing my civic group today.

I have been actively involved in civic work for the past ten years. Many of the issues that I have been involved with concern special permits and variance applications that need Board of Standards and Appeals (BSA) approval. It is disturbing to me and to my organization and membership the number of times that we have observed cases where the community board and/or the borough president disapproves or approves with conditions an application only to have that application approved by the BSA. Many times, that application overrules new zoning regulations that the civics and community members worked so hard on to accomplish.

The recent Bayside Hills case where the BSA approved a variance which allowed someone to divide a lot in order to build an additional house in an R2A zone is an example of this problem. The community board unanimously turned down the variance as did the borough president. BSA approved the variance despite total community and elected leaders' opposition. My organization feels that there must be some type of appeals process put into place when a situation like this occurs, so that communities and individuals can come back and have some recourse regarding BSA decisions.

Intro. No. 78 would require that the City Council be given a report of such cases as mentioned above on a regular basis. But what would then happen with the report? This does not go far enough. The City Council should be able to review such

cases and overrule the BSA's decision if they determine that the BSA action is inappropriate for the community. An appeals process similar to what was in place years ago when the Board of Estimate existed should be established.

We also believe that Intro. No. 680, which would establish a community advisory review panel for zoning variances and special permit applications is appropriate. This bill would give a stronger voice to community concerns regarding an application. However, we also believe that legislation should be introduced that goes even further. Each of the five borough presidents should be allowed to recommend a person from each respective borough to serve as a commissioner on the BSA. The mayor should not have total control of who serves on the BSA. Having a person from each borough on the BSA would have the advantage of bringing local knowledge to the table. We also believe that BSA hearings should be heard in the borough from where the application is based, so that those who wish to testify in favor of or against an application can attend a hearing in their own borough.

Community involvement and input is very important when it comes to approving or disapproving variances and special permits. That is why we also support Intro. No. 678.

Finally, we support Intro. No. 650, which would require that renewal notices be sent out to those with expiring variances or special permits. We believe further that penalties for non-compliant businesses who do not respond to renewal requests should even be stronger than those listed in this proposed legislation, with padlocking of the business after two notices to renew are sent out and ignored.

The BSA is in need of reform to make it more accountable to the public. The four pieces of legislation are a good first step toward reform. Some of the bills need to be strengthened and additional legislation is necessary, as outlined above, in order to ensure that the BSA is serving the people well.

Sincerely,



Henry Euler, First Vice President, Zoning and Housing Chair
Auburndale Improvement Association, Inc.

cc: Elected Leaders, Queens Civic Congress, Local Civic and Community Groups



Legislation Text

File #: Int 0650-2011, Version: *

Int. No. 650

By Council Members Halloran, Vacca, Lander, Rivera, Nelson and Oddo

A Local Law to amend the administrative code of the city of New York, in relation to expiration of variances granted by the board of standards and appeals.

Be it enacted by the Council as follows:

Section 1. Section 25-203 of the administrative code of the city of New York, as amended by local law number 49 of 1991, is amended to read as follows:

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§ 25-203 Board's orders; violation; penalty. 1. Any person who shall knowingly violate (does this include going beyond approved plan—include via PAA or Administrative Correction from DOB?) or fail to comply with any lawful order or requirement (what does this mean?) of the board made under the authority of sections six hundred sixty-six and six hundred sixty-eight of the charter shall be guilty of a misdemeanor; and in addition thereto, and in addition to all other liabilities and penalties (does this include DOB/ECB fines? \$100s of millions are unpaid) imposed by law, shall forfeit and pay for each such violation and non-compliance respectively, a penalty in the sum of at least five hundred dollars, as may be fixed by the court awarding judgment therefor. An action may be brought for the recovery of any such penalty or penalties in the New York city civil court or any other court of record in the city, in the name of the city.

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2. No later than six months prior to the expiration of a variance or special permit granted pursuant to sections six hundred sixty-six and six hundred sixty-eight of the charter, the board shall notify the person holding such variance or special permit that such variance or special permit is set to expire. Such notification shall be sent via first class mail and, if practicable, via email. In addition to the penalties provided by subdivision one, any person who receives such notification yet continues to use the zoning lot subject to such variance or special permit beyond the expiration of such variance or special permit shall be subject,

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Submitted by:

Ed Jaworski

The Brooklyn Neighborhood Congress (BNC)

to a penalty in the sum of five hundred dollars for the first two month period of such unauthorized use; the amount of such penalty shall increase by five hundred dollars for each succeeding two month period that such person continues to use the zoning lot beyond the expiration of such variance or special permit, until such person submits an application to extend the term of such variance or special permit. No person may submit an application to extend the term of a variance or special permit unless and until such person has paid in full all penalties imposed pursuant to this section.

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board for the community district in which the zoning lot subject to such variance is located does not meet shall¶
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not be counted for purposes of imposing a penalty pursuant to this subdivision

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§ 2. This local law shall become effective ninety days after its enactment.

SAG
LS #2510
7/21/11

Submitted by:

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Legislation Text

File #: Int 0678-2011, Version: *

Int. No. 678

By Council Members Van Bramer, Brewer, Ferreras, Fidler, James, Koppell, Lander, Rose, Williams, Mark-Viverito, Halloran and Ulrich

A Local Law to amend the New York city charter, in relation to community involvement in decisions of the board of standards and appeals.

Be it enacted by the Council as follows:

Section 1. Subdivision 9 of section 666 of the New York city charter, as amended by local law 49 of 1991, is hereby amended to read as follows:

9. To afford an equal right to the city planning commission, community boards, and borough boards and lessees and tenants as well as owners to appear before it for the purpose of proposing arguments or submitting evidence in respect of any matter brought before it pursuant to the zoning resolution of the city of New York. The board shall promulgate rules in order to establish a formal procedure by which it will consider arguments and evidence submitted by any such party. This should include the applicability of taking sworn testimony when requested, of subpoenas, and of allowing people who testify the opportunity to ask questions. In rendering a final determination on any matter before it, in which any such party has proposed arguments or submitted evidence, the board shall refer to such arguments or evidence in its final determination and describe the extent to which the board considered such arguments or evidence in reaching its final determination.

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§ 2. This local law shall become effective ninety days after its enactment.

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6/9/2011

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Legislation Text

File #: Int 0078-2010, Version: *

Int. No. 78

By Council Members Gentile, Chin, Dickens, Fidler, James, Lander, Nelson, Rodriguez, Halloran and Koo

A Local Law to amend the administrative code of the city of New York, in relation to requiring reports to the city council of any variance or special permit granted despite the community board's recommendation of disapproval or approval with conditions.

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 25 of the administrative code of the city of New York is hereby amended by adding a new section 25-208 to read as follows:

§25-208 Reports; special permits and variances. The board of standards and appeals shall submit a report to the city council of all special permits and variances granted by the board of standards and appeals for which action the community board(s), in whose district the property that is the subject of the action is located, in whole or in part, has recommended the disapproval or approval with conditions of the respective special permit or variance. Such report shall be submitted to the city council on a bi-weekly basis, during each calendar year, except that the first submission of such reports shall occur on or before December 1, 2012. Such report shall contain a breakdown of the total number of determinations regarding special permits and variances made by the board during such reporting period, the number of determinations on actions on which one or more community board submitted comments, and the number of determinations made that were not in accordance with the community board's recommendation. The report shall include copies of each determination made during such reporting period that was not in accordance with the community board's recommendation. If more than one community board, in whose district the property that is the subject of the action is located, in whole or in part, issues a recommendation concerning an application

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for a special permit or a variance and any such community board recommends the disapproval or approval with conditions of the respective action and the board of standards and appeals nevertheless grants the action, then the action must be reported to the Council as described herein.

§2. This local law shall take effect immediately.

Int. No. 601/2007

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Ed Jaworski

The Brooklyn Neighborhood Congress (BNC)



Legislation Text

File #: Int 0680-2011, Version: *

Int. No. 680

By Council Members Van Bramer, Ferreras, James, Rose, Seabrook, Williams, Mark-Viverito and Ulrich

A Local Law to amend the New York city charter, in relation to the creation of a community advisory review panel for zoning variance and special permit applications.

Be it enacted by the Council as follows:

Section 1. Paragraph 4 of subdivision a of Section 668 of the New York city charter is amended to read as follows:

4. (i) The receipt of such a recommendation or waiver from every community or borough board involved, or the expiration of the time allowed for such boards to act, shall constitute an authorization to the board of standards and appeals to review the application and to make a decision[.], unless such application is referred to the community advisory review panel.

(ii) No later than three days after an application to vary the zoning resolution or application for a special permit first appears on the board's published hearing calendar (before or after the Community Bd. hearing?), any person or persons (how will they find out?) residing within the affected community district may file a petition to have the matter referred to the community advisory review panel. The petition shall be signed and notarized, and shall state the basis for referral. The board shall then refer the matter to the community advisory review panel, except that the board may decline to refer a matter to the community advisory review panel if it finds that a petition was filed in bad faith (what does this mean, who will determine. many BSA applications are not good faith).

(iii) A matter referred to the community advisory review panel shall be reviewed by a panel that consists of three members, including a representative of the city planning commission, a representative of the community board (NO. PROBLEMATIC. ABSOLUTELY NOT ACCEPTABLE. Perhaps from approved civic association.) for the affected community district, and a representative of the council member for the

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affected council district. Within thirty days of the date on which a matter is referred to the panel, the panel may
(What does "may" mean? Would this be before or after community board meeting—so that BSA gets 2
recommendations as a result?)

The New York City Council

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Page 1 of 2

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hold a public hearing on the matter and submit a recommendation to the board. In the event the panel does not convene within such period, the matter shall be returned to the board with no recommendation.

(iv) Upon receipt of a recommendation from the panel, the board shall proceed with its review of the application before it. In rendering a decision, the board shall consider the panel’s recommendation and explain its basis for adopting or rejecting the panel’s recommendation. (The panel will be meaningless if viewed by BSA as it does Community Bds.)

(v) For purposes of this paragraph, the term “affected community district” shall mean the community district in which land at issue in an application is located; the term “affected council district” shall mean the council district in which land at issue in an application is located.

§ 2. This local law shall become effective ninety days after its enactment; provided, however, that the board of standards and appeals shall promulgate rules in accordance with the provisions of this local law and such other rules as may be necessary for the purpose of implementing and carrying out the provisions of this local law prior to its effective date.

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7/18/2011

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This above Intro 680 does not seem very practical. These panels will be politicized and for highly politicized community boards, the representative will not be acceptable. Rather than create another layer, it would be seem more practical to reform the composition of the BSA itself—perhaps by adding specific types of representatives: for example, a Preservationist-Citizen Advocate (like the parent rep on the DOE), also a Financial Analyst. Or, have separate Borough BSA’s and look for input from civic groups. Also, the members of the BSA can not be strictly Mayoral appointments as is the current situation. There is no guarantee that the BSA will consider the recommendation of panels.

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Submitted by:

Ed Jaworski

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Pratt Center

for Community Development

Changes to BSA Procedures and Reporting Requirements

**Testimony to Governmental Operations Committee, New York City Council
Hon. Gale A. Brewer, Chair**

**Eve Baron, Senior Fellow for Planning and Policy
April 27, 2012**

I am Eve Baron, senior fellow for planning and policy with the Pratt Center for Community Development and I appreciate the opportunity to testify in support of the Council's efforts to reform the Board of Standards and Appeals.

The Board of Standards and Appeals (BSA) provides a critical function for owners of private property and to communities at large. Yet its processes, if misused, have the potential to undermine and erode important planning determinations. Over the past ten years we've seen many improvements in the ways that the Board considers existing land uses so as not to result in wholesale, area-wide ad hoc changes that are equivalent to nearly de facto rezonings without public agreement. The BSA has in general become more professional and responsive.

But there is still much room for improvement. We need additional safeguards to staunch poorly planned and destabilizing uses that have the tendency to alter neighborhood character. We also need greater transparency and checks and balances in the Board's decision-making process.

The most frequent type of variance being requested has shifted from "bulk" to "use." Yet the rules have not changed to keep up with this trend. "Use" changes are particularly important to the public because they are often highly visible and, taken cumulatively, can play a role in gentrifying a neighborhood and leading to displacement. Yet it is not clear how the BSA processes and incorporates public input into decision-making. The legislation proposed can begin to address that disconnection through additional scrutiny and public involvement, and we are supportive of the effort.

Intro 78, which requires reports to the City Council of instances where Board rulings contradict community board recommendations is an important start. These reports will be a tool for tracking trends and potential tipping points. We believe that the community boards themselves as well as the borough presidents can benefit from these reports and would suggest adding language to that effect.

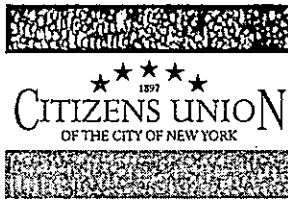
We also support Intro 678 requiring the BSA to establish formal procedures to demonstrate how public input is incorporated into final decisions, similar to the manner in which Department of City Planning (DCP) is required to respond to public comment during the environmental review process. The rules, once drafted, should be brought to the public for input. We suggest adding language to this effect in the Intro.

Intro 680 establishing a community advisory review panel is a needed step toward connecting public input to BSA decisions. There is an important oversight function that needs to be played. Variance requests need to be screened for consistency with public policy, including but not limited to Industrial Business Zones and Ombudsman Areas, 197-a plans, and District Needs Statements. Accordingly, there may be roles for borough presidents—who have land use expertise and a role in the public review process—as well as manufacturing experts.

We'd like to take the opportunity to highlight a couple of key challenges that still need to be overcome. In regard to Intro 78—community boards need planning expertise to effectively evaluate variance requests and make full use of reports. Additionally, even with the new reporting requirements in place, there will be variance requests that warrant further scrutiny but will not receive it, because the community board has either elected not to take it up or because the board is not tracking variances. There are no dedicated planning resources for community boards, so giving them additional planning responsibilities without additional resources presents a quandary. Additionally, not all community boards are adequately reflective of the populations they serve. We need to work on this challenge in general, but we also need to make sure that broader public input is given sufficient weight in land use decisions.

Despite these promising reforms, we remain concerned that the BSA is not applying the criteria spelled out in the existing law's five findings for the grant of a variance. We have seen time and again how applications that conflict with city policy in an area, that are financial hardships only because of inflated purchasing prices, that have no unique land use features and that are clearly out of character with the surrounding area, are nevertheless granted. While we hope that the above additional process changes will have a substantive impact through more thorough scrutiny, we remain concerned about the lack of rigor in the application of these criteria.

NOTE: This testimony was prepared by the Pratt Center for Community Development. It does not necessarily reflect the official position of Pratt Institute.



CITIZENS UNION OF THE CITY OF NEW YORK

Testimony to the New York City Council on Bills Pertaining to the Board of Standards and Appeals (BSA)

April 27, 2012

Good morning Chair Brewer and members of the Governmental Operations committee. My name is Alex Camarda, and I am the Director of Public Policy & Advocacy at Citizens Union. Thank you for the opportunity to testify today on the package of bills related to the Board of Standards and Appeals (BSA).

Citizens Union is an independent, non-partisan, civic organization of New Yorkers who promote good government and advance political reform in our city and state. In 2010, we released a report on charter revision entitled *Increasing Avenues for Participation in Governing and Elections in New York City*. In that report, we supported a strong mayoralty that we believe has improved the effectiveness of city governance over the last two decades. However, we also noted the need for more meaningful opportunities for community input in a diverse city, particularly at the levels of government closest to the people: community boards.

This is especially true for land use, and for that reason Citizens Union recommended at that time that the Board of Standards and Appeals be expanded to include members not only appointed by the Mayor but also by the Public Advocate and Borough Presidents to better ensure community concerns are adequately heard. While this proposal has yet to be introduced as legislation by the Council, we believe it to be an appropriate way in which to address the concerns voiced at this hearing today.

The bills under consideration today are similar in intent to Citizens Union's proposal. They seek to strengthen the voice of New York's diverse communities and neighborhoods with respect to BSA determinations on variances and special permits. Amplifying voices of the community in BSA decisions is needed, as shown by Citizens Union's review of BSA decisions in the last year on variances, which we prepared in advance of today's hearing. Our research has shown the following:

- The BSA in the last year granted 97 percent, 102 of 105, of applications related to variances.
- While the BSA approved 97 percent of applications related to variances, community boards only recommended approval of 79 percent (81 of 103) of applications community boards took action on.

- Community boards in Staten Island and Queens had the greatest number of differing opinions from BSA determinations on applications related to variances. Staten Island disagreed with BSA determinations in 9 of 23 instances, or 39 percent of the time, while Queens disagreed with BSA rulings in 9 of 28 instances or 32 percent of the time.

Informed by this review and our charter report recommendation, Citizens Union's positions on the individual bills under consideration today are as follows:

Int. No. 78 (Gentile)

Citizens Union supports Intro 78 contingent upon amendments.

1. We believe the report required by the legislation to provide the instances in which the recommendation of the community board deviated from the determination of the BSA related to variances and special permits should not only be made available to the Council, but also to the public. This could be done by the BSA itself on its website, as the BSA, to its credit, already provides online detailed determinations for individual variances and special permits that are sought by property owners.
2. The BSA should also make basic elements of the data available periodically if not in real time in a spreadsheet format that is downloadable and allows for the user to reconfigure the data to facilitate independent analysis. This would enable not only the Council but also give community boards, land use experts, advocates and interested members of the public the opportunity to get a broader picture of how BSA determinations impact particular areas of the city, which types of variances are most often approved or disapproved, reasons why particular requests are or are not granted, and so on.
3. On a technical note, the bill states the reporting requirements will begin on December 1, 2010 so the effective date will need to be updated.

Int. No. 650 (Halloran)

Citizens Union supports Intro 650, which would require BSA notification to property owners when a variance is about to expire, and the assessment of \$500 fines increasing each six month period by that multiple when the fines are unpaid. From our review of extensions of the terms of individual variances by the BSA in the last year, extensions were almost always sought after the terms expired; sometimes years after the variance had expired. We therefore believe notifications are needed, and that fines are an appropriate penalty that must be settled before any extension is granted. Citizens Union suggests that any notification to property owners also be provided to the relevant community boards so the community board is also made aware of the expiration.

Int. No. 678 (Van Bramer)

In reviewing the need for Intro 678, which would require the BSA to promulgate rules to establish a formal procedure to more directly address arguments and evidence provided

by the parties that appear before the board, Citizens Union reviewed individual decisions made by the BSA over the last year.

The BSA deserves praise for extensively laying out its decisions involving zoning and other matters online, providing detailed pointed reasons for its determinations in the resolutions it takes. These resolutions often note the position of community boards, elected officials or others who have weighed in on such decisions, and have even summarized point-by-point views of the community board and elected officials. In providing lengthy resolutions often several pages long listing all of its reasons for its decisions, the BSA often directly refutes viewpoints of the opposition. It appears to be already doing to some extent what this bill would require the BSA to do in promulgating rules (The proposed bill states in promulgating rules, "The Board shall refer to such arguments or evidence in its final determination and describe the extent to which the board considered such arguments or evidence in reaching its final determination.")

If community boards, elected officials and other parties are seeking a more in-depth point-by-point refutation of their views, it may make the resolutions much longer and complex than the currently more accessible yet substantive summaries that the BSA currently issues. We therefore suggest that should this type of lengthy, more comprehensive response be needed that it be provided outside of the Board of Standard and Appeal's final resolution making a determination, perhaps in the form of a letter to affected community boards or inquiring elected officials which could be posted alongside the final resolution of the BSA on its website.

Int. No. 680 (Van Bramer)

The final bill, Intro 680, establishes a separate community advisory review panel to provide another layer of review upon request after a variance to a zoning resolution or an application for a special permit is filed. The panel includes a representative of the city planning commission, a representative of the affected community board, and a representative of the council member for the affected district. Citizens Union believes that while this may serve to give the BSA further pause in making a decision divergent from the wishes of the community, this advisory panel seems to be redundant of the community board, which plays a similar advisory role and consists of members appointed by or on the newly envisioned advisory review panel. The lone exception is a member of city planning commission. Citizens Union has supported the provision of land use experts to community boards, and believes that this recommendation would better enable community boards to provide technical advice in making recommendations related to BSA decisions. Our preference would be to bolster community boards in this manner rather than creating another advisory panel. As mentioned in the beginning of this testimony, we believe changing the composition of the BSA to include appointees other than the mayor is the best way to ensure that a diversity of voices is heard.

Thank you for seeking Citizens Union's testimony on the best methods for enhancing the attention paid to community input in BSA decision-making. I welcome any questions you may have.

Citizens Union
Review of BSA Determinations on Applications related to Variances
(May 2011-April 2012)

BSA Determinations (May 2011-April 2012)	Total
Denied	3
Granted (Includes with Conditions)	105
Grand Total	108

Community Board Recommendations (May 2011-April 2012)	Total
Approval (Includes 17 Conditional Approvals)	81
Disapproval	22
No Action	5
Grand Total	108

Community Board Recommendations (May 2011-April 2012)	Borough	Total
Approval (includes 17 Conditional Approvals)	Bronx	2
	Brooklyn	30
	Manhattan	16
	Queens	19
	Staten Island	14
Approval Total		81
Disapproval	Bronx	1
	Brooklyn	2
	Manhattan	1
	Queens	9
	Staten Island	9
Disapproval Total		22
No Action	Bronx	1
	Brooklyn	3
	Manhattan	1
No Action Total		5
Grand Total		108

Citizens Union
Review of BSA Determinations on Applications related to Variances
(May 2011-April 2012)

Borough Impacted	Number of Times Community Board Recommendations Were Not Followed by the Board	Total Recommendations	Percentage
Bronx	1	4	25%
Brooklyn	1	35	3%
Manhattan	1	18	6%
Queens	9	28	32%
Staten Island	9	23	39%
Grand Total	21	108	19.44%

May 2011-April 25,2012 BSA Determinations on Applications related to Variances

(excludes dismissals, withdrawals, extensions of previously granted variances with no new changes, extensions of time for a certificate of occupancy, and instances in which a community board did not take action on an extension of a variance)

Calendar Number	Borough	Community Board	Type	Community Board Decision	BSA Decision	Significant Difference of Opinion
230-09-BZ	Bronx	Bronx 11	New	Approval	Granted	N
31-11-BZ	Bronx	Bronx 5	New	No Action	Granted	N
866-85-BZII	Bronx	Bronx 6	Extension	Approval	Granted	N
169-09-BZ	Bronx	Bronx 7	New	Disapproval	Granted	Y
22-11-BZ	Brooklyn	Brooklyn 1	New	Approval	Granted	N
309-09-BZ	Brooklyn	Brooklyn 11	New	Conditional Approval	Granted	N
187-08-BZII	Brooklyn	Brooklyn 12	Amendment	No Action	Granted	N
13-09-BZII	Brooklyn	Brooklyn 12	Amendment	Approval	Granted	N
56-11-BZ	Brooklyn	Brooklyn 12	New	Approval	Granted	N
172-10-BZ	Brooklyn	Brooklyn 12	New	Approval	Granted	N
171-10-BZ	Brooklyn	Brooklyn 12	New	Approval	Granted	N
170-10-BZ	Brooklyn	Brooklyn 12	New	Approval	Granted	N
169-10-BZ	Brooklyn	Brooklyn 12	New	Approval	Granted	N
168-10-BZ	Brooklyn	Brooklyn 12	New	Approval	Granted	N
167-10-BZ	Brooklyn	Brooklyn 12	New	Approval	Granted	N
166-10-BZ	Brooklyn	Brooklyn 12	New	Approval	Granted	N
164-10-BZ	Brooklyn	Brooklyn 12	New	Approval	Granted	N
165-10-BZ	Brooklyn	Brooklyn 12	New	Approval	Granted	N
163-10-BZ	Brooklyn	Brooklyn 12	New	Approval	Granted	N
162-10-BZ	Brooklyn	Brooklyn 12	New	Approval	Granted	N
161-10-BZ	Brooklyn	Brooklyn 12	New	Approval	Granted	N
160-10-BZ	Brooklyn	Brooklyn 12	New	Approval	Granted	N
159-10-BZ	Brooklyn	Brooklyn 12	New	Approval	Granted	N
158-10-BZ	Brooklyn	Brooklyn 12	New	Approval	Granted	N
157-10-BZ	Brooklyn	Brooklyn 12	New	Approval	Granted	N
156-10-BZ	Brooklyn	Brooklyn 12	New	Approval	Granted	N
4-11-BZ	Brooklyn	Brooklyn 15	New	Approval	Granted	N
304-09-BZ	Brooklyn	Brooklyn 16	New	Disapproval	Granted	Y
39-11-BZ	Brooklyn	Brooklyn 18	New	Disapproval	Denied	N
235-10-BZ	Brooklyn	Brooklyn 18	New	Approval	Granted	N
662-56-BZII	Brooklyn	Brooklyn 18	Extension	Approval	Granted	N
352-69-BZ	Brooklyn	Brooklyn 2	Extension	Approval	Granted	N
1-11-BZ	Brooklyn	Brooklyn 2	New	Approval	Granted	N
231-10-BZ	Brooklyn	Brooklyn 3	New	No Action	Granted	N
335-59-BZII	Brooklyn	Brooklyn 5	Extension	Approval	Granted	N
137-11-BZ	Brooklyn	Brooklyn 6	New	Approval	Granted	N
66-11-BZ	Brooklyn	Brooklyn 6	New	Conditional Approval	Granted	N
134-10-BZ	Brooklyn	Brooklyn 6	New	Approval	Granted	N
25-11-BZ	Brooklyn	Brooklyn 9	New	No Action	Granted	N
126-11-BZ	Manhattan	Manhattan 1	New	Approval	Granted	N
52-11-A	Manhattan	Manhattan 1	New	Approval	Granted	N
101-05-BZII	Manhattan	Manhattan 1	Amendment	No Action	Granted	N
281-39-BZII	Manhattan	Manhattan 11	Extension	Conditional Approval	Granted	N
188-11-BZ	Manhattan	Manhattan 2	New	Conditional Approval	Granted	N
2-11-BZ	Manhattan	Manhattan 2	New	Approval	Granted	N
250-00-BZII	Manhattan	Manhattan 2	Extension	Conditional Approval	Granted	N
24-11-BZ	Manhattan	Manhattan 3	New	Approval	Granted	N
61-10-BZ	Manhattan	Manhattan 3	New	Approval	Granted	N
548-79-BZ	Manhattan	Manhattan 5	Amendment	Approval	Granted	N
390-61-BZII	Manhattan	Manhattan 6	Amendment	Approval	Granted	N
152-11-BZ	Manhattan	Manhattan 6	New	Conditional Approval	Granted	N
196-10-BZ	Manhattan	Manhattan 6	New	Disapproval	Granted	Y
170-08-BZII	Manhattan	Manhattan 8	Amendment	Approval	Granted	N
58-11-BZ	Manhattan	Manhattan 8	New	Approval	Granted	N

May 2011-April 25,2012 BSA Determinations on Applications related to Variances

(excludes dismissals, withdrawals, extensions of previously granted variances with no new changes, extensions of time for a certificate of occupancy, and instances in which a community board did not take action on an extension of a variance)

Calendar Number	Borough	Community Board	Type	Community Board Decision	BSA Decision	Significant Difference of Opinion
307-81-BZII	Manhattan	Manhattan 8	Extension	Approval	Granted	N
516-75-BZII	Manhattan	Manhattan 8	Amendment	Approval	Granted	N
121-11-BZ	Manhattan	Manhattan 9	New	Approval	Granted	N
608-85-BZII	Queens	Queens 1	Extension	Approval	Granted	N
285-52-BZII	Queens	Queens 1	Extension	Approval	Granted	N
611-76-BZII	Queens	Queens 11	Extension	Conditional Approval	Granted	N
624-68-BZII	Queens	Queens 11	Extension	Disapproval	Granted	Y
252-71-BZII	Queens	Queens 11	Extension	Conditional Approval	Granted	N
926-86-BZIII	Queens	Queens 11	Extension	Conditional Approval	Granted	N
6-11-BZ	Queens	Queens 11	New	Disapproval	Granted	Y
713-55-BZIII	Queens	Queens 11	Extension	Conditional Approval	Granted	N
227-10-BZ	Queens	Queens 11	Extension	Disapproval	Granted	Y
201-08-BZ	Queens	Queens 11	New	Disapproval	Granted	Y
982-83-BZIV	Queens	Queens 11	Extension	Conditional Approval	Granted	N
90-10-BZ	Queens	Queens 11	New	Approval	Granted	N
47-11-BZ	Queens	Queens 14	New	Disapproval	Granted	Y
119-10-BZ	Queens	Queens 14	New	Approval	Granted	N
789-45-BZIV	Queens	Queens 2	Extension	Disapproval	Granted	Y
185-05-BZII	Queens	Queens 2	Extension	Disapproval	Granted	Y
72-11-BZ	Queens	Queens 3	Extension	Conditional Approval	Granted	N
31-10-BZ	Queens	Queens 4	New	Conditional Approval	Granted	N
227-09-BZ	Queens	Queens 4	New	Approval	Granted	N
327-04-BZIII	Queens	Queens 6	Amendment	Approval	Granted	N
75-06-BZII	Queens	Queens 6	Extension	Approval	Granted	N
255-00-BZII	Queens	Queens 7	Amendment	Approval	Granted	N
221-08-BZ	Queens	Queens 7	Extension	Approval	Granted	N
156-03-BZIII	Queens	Queens 7	Amendment	Approval	Granted	N
677-53-BZ	Queens	Queens 8	Extension	Disapproval	Granted	Y
51-07-BZII	Queens	Queens 8	Amendment	Disapproval	Granted	Y
128-10-BZ	Queens	Queens 8	New	Conditional Approval	Granted	N
24-09-BZ	Queens	Queens 8	New	Conditional Approval	Granted	N
348-75-BZ	Staten Island	Staten Island 1	Extension	Approval	Granted	N
742-70-BZII	Staten Island	Staten Island 1	Extension	Disapproval	Granted	Y
74-11-BZ	Staten Island	Staten Island 1	New	Approval	Granted	N
177-10-BZ	Staten Island	Staten Island 1	New	Disapproval	Granted	Y
199-10-BZ	Staten Island	Staten Island 1	New	Disapproval	Granted	Y
198-10-BZ	Staten Island	Staten Island 1	New	Disapproval	Granted	Y
197-10-BZ	Staten Island	Staten Island 1	New	Disapproval	Granted	Y
190-09-A	Staten Island	Staten Island 1	New	Approval	Granted	N
189-09-BZ	Staten Island	Staten Island 1	New	Approval	Granted	N
111-11-BZ	Staten Island	Staten Island 2	New	Approval	Granted	N
110-11-BZ	Staten Island	Staten Island 2	New	Approval	Granted	N
109-11-BZ	Staten Island	Staten Island 2	New	Approval	Granted	N
108-11-BZ	Staten Island	Staten Island 2	New	Approval	Granted	N
91-11-BZ	Staten Island	Staten Island 2	New	Disapproval	Denied	N
90-11-BZ	Staten Island	Staten Island 2	New	Approval	Denied	Y
200-00-BZVII	Staten Island	Staten Island 2	Extension	Approval	Granted	N
11-11-BZ	Staten Island	Staten Island 2	New	Disapproval	Granted	Y
10-11-BZ	Staten Island	Staten Island 2	New	Disapproval	Granted	Y
45-10-BZ	Staten Island	Staten Island 2	Extension	Conditional Approval	Granted	N
435-74-BZII	Staten Island	Staten Island 2	Extension	Approval	Granted	N
73-11-BZ	Staten Island	Staten Island 3	New	Disapproval	Granted	Y
88-81-BZII	Staten Island	Staten Island 3	Extension	Conditional Approval	Granted	N
187-07-BZ	Staten Island	Staten Island 3	New	Approval	Granted	N



The City of New York

Queens Community Board 11

Serving the Communities of Auburndale, Bayside, Douglaston, Hollis Hills
Little Neck and Oakland Gardens

Jerry Iannece Chairperson / **Susan Seinfeld** District Manager

46-21 Little Neck Parkway, Little Neck, NY 11362 Tel (718) 225-1054 Fax (718) 225-4514
QN11@cb.nyc.gov www.nyc.gov/queenscb11

APRIL 27, 2012

TESTIMONY BEFORE THE COMMITTEE ON GOVERNMENTAL OPERATIONS

District Manager-Susan Seinfeld for Queens Community Board 11

Int. No. 650- In relation to expiration of variances granted by the Board of Standards and Appeals.

I am speaking today in support of Int. No. 650 introduced by Council Members Halloran, Vacca, Lander, Rivera, Nelson and Oddo. I want to thank, in particular, Dan Halloran who responded to the concerns raised by Community Board 11 and residents who have been concerned with the operations of the BSA. In November, CB 11 voted to support Int. 650 and Int. 651.

The other legislation concerns community input and review. I am addressing a rather simple request, to pass legislation that will require the BSA to notify a person or business holding a variance when said variance is set to expire. Additionally, penalties *should* be increased for the continued use of a zoning lot beyond the expiration of a variance, in addition to the fines levied by LL 49 of 1991.

Businesses that operate in zones, not designated for that business, have the right to apply for a zoning variance. Through this process, the Community Board has a charter mandated function to review the application, make recommendations and ask that there be conditions imposed to operate said

businesses. In CB 11, these businesses most often abut private residences, thereby, having a profound impact on the neighborhood. That is why Community Board members are disturbed when they find that a business has not renewed its variance or special permit. Not only is the variance expired, but the Certificate of Occupancy expires with the variance.

I was told by Jeff Mulligan, BSA's Executive Director, "unfortunately, if a term expires, there is little that we can do besides alerting the DOB to inspect and issue appropriate violations-we cannot schedule a compliance hearing at the board because with an expired term the property is no longer under the Board's jurisdiction." Because the business is no longer under the jurisdiction of the Board of Standards and Appeals, there can be no enforcement of the conditions placed on the business in the variance resolution.

As it stands now, if a variance expires, the owner can reapply late and pay an additional fee, or, if after an inordinate amount of time, can file a new application with all the costs that it entails. Or they can do, as some have done, ignore the variance process altogether and continue to operate. Only when complaints are made to the Department of Buildings and violations are issued, can fines be imposed by the Environmental Control Board.

Zoning laws, which have been painstakingly created by the Dept. of City Planning and voted for by the Community Boards, the Borough President and the City Council should be complied with. Int. No. 650 will establish a series of fines

based on length of non-compliance and, therefore, formalize a process that will more likely encourage compliance with the zoning laws.

Two years ago, the staff and I made a spreadsheet of all our cases, reviewing every BSA resolution including the expiration dates of the variances. Our office sent out letters to businesses with expired variances and special permits. Over the past two years, 11 letters were mailed; four locations responded and filed with BSA, four have made contact with me and are working on the process, and three have ignored the letters and have been fined by the Environmental Control Board following Dept. of Building inspections. Two of the business owners who contacted me did tell me that they were unaware that the variance even expired, and one leasee did not even know he leased a business with a variance. Since variances often are for 10-year terms, I can understand how the expiration date can be forgotten, and is even more of a reason why a notification system is important.

Three businesses that have ignored the law have been referred for padlock by the Department of Buildings. They include a car dealer that opened in an R1-2 zone despite my calls prior to the opening. It continues to operate and has paid fines that now amount to \$4,735. with one violation pending. There is a gas station that continues to operate despite calls, letters and \$18,000. in unpaid fines. Another gas station owes the City \$6,000.

Community Boards are not the agencies that are charged with this responsibility. It should be done by the Board of Standards and Appeals and who should be provided with the authority to impose increased penalties, as proposed in this legislation. We believe that this legislation is a step in the right direction; it will help enforce our zoning laws by encouraging compliance by those who need to take advantage of the variance process. CB 11 urges the City Council to support this legislation for passage.

JOINT DRAFT TESTIMONY ON INTROS. 78, 650, 678 and 680.
COMMITTEE ON GOVERNMENT OPERATIONS
APRIL 27, 2012

My name is Robert Altman, and I am the legislative consultant to the Building Industry Association of New York City, Inc. (BIANYC) and the Queens & Bronx Building Association (QBBA). Our associations are chapters of the New York State Builders Association (“NYSBA”) and represent builders and contractors in the Bronx, Brooklyn, Queens and Staten Island within NYSBA. This testimony is draft until approved formally by both Associations. I am testifying on Intro. Numbers 78, 650, 678, and 680. These bills mostly deal with process regarding the Board of Standards and Appeals or special permits or variances.

In the most expensive and bureaucratic city in the nation to do construction, our Associations will oppose legislation if it does any of the following:

- Politicizes a non-political process;
- Lengthens the amount of time needed to get work done;
- Increases the cost of construction;
- Increases bureaucracy; and
- Adds a workload to an already burdened agency without providing additional resources to such agency.

To some extent, each bill fails some part of this test.

Let’s start with the most problematic bill, Intro. 680. Most certainly, it increases the processing time, including both a three-day petition period which can be abused despite its language to the contrary (imagine the disputes if the petition is not granted.... could a lawsuit ensue delaying the project for years), and the thirty day period that gets added on (which will probably be extended should the three panelists be unable to coordinate calendars or have other issues). It also creates a new body which is political. It adds the expense of hiring professionals to attend the hearing to answer questions by the panel and the additional interest that needs to be paid during this time, in addition to other costs. It adds an additional workload and bureaucracy on an agency (even if some may consider it slight). All added to an agency which is designed to deal with professional issues in a professional way.

Moreover, variances, by law, are safety valves inserted into zoning laws to ensure against unconstitutional takings. The Board of Standards & Appeals (BSA), by design, is independent of the political entities, although its members are appointed by the Mayor, with the consent of the Council. Also, the City Planning Commission, the Community Board and the local Council Member are, by law, allowed to participate in the BSA process and offer their recommendations. Therefore, they may now attend BSA hearings and play an active part of the proceedings if they so choose.

Next, there is Intro. 678. We have no objection to formal procedures for some matter that is already required by law. We do have an issue with requiring BSA to actually be forced to state whether such objections were considered. To the extent that irrelevant objections are made, the Board should not be forced to recognize such objections in its decision.

Next, there is Intro. 650. This bill is the least objectionable IF certain changes are made. First, the notice methodology is too unreliable and needs to be made more formal. Second, resources need to be given to the agency to perform this task. Third, six months might be insufficient. The bureaucracy is slow to address areas, and additional time might be needed. Fourth, to the extent that businesses are impacted by this legislation and might be shut down for a mere bureaucratic consideration, we recommend that fines not be imposed if the applicant has submitted a renewal application.

Finally, I come to Intro. 78. It is interesting to see the Council place a burden upon an agency requiring a report that the Council could, in fact, compile on its own. All the information that the Council is seeking is public information, obtainable by the Council which can compile the report on its own as part of its oversight responsibility. The information is obviously being compiled to determine if any problems exist so that further legislation can be contemplated. But why doesn't the Council simply investigate the matter itself? Why put into legislation a requirement that might wind up proving nothing, but need to be resubmitted by the agency again and again and again. Even in the future, should the Council wish to reexamine the issue, then because the information is public, the Council could simply update the information.

At this time, for the foregoing reasons, we must oppose each bill.



MANHATTAN COMMUNITY BOARD SIX

866 United Nations Plaza – Ste. 308, New York, NY 10017

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Web site cb6mny.org

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Vice Chair
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Beatrice Disman
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Aaron Humphrey
Secretary

March 21, 2012

Hon. Daniel J. Halloran
Council Member
New York City Council
166-08 24th Road
Whitestone, NY 11357

RE: Intro 650-2011, a proposed local law to amend the Administrative Code of the city of New York, in relation to expiration of variances granted by the Board of Standards and Appeals.

Dear Council Member Halloran:

At the March 14th, Full Board meeting of Community Board 6 the following resolution was adopted:

WHEREAS Councilmember Daniel J. Halloran appeared before the Land Use & Waterfront Committee February 1, 2012 to present the proposed legislation

WHEREAS there is currently no notification sent to building owners stating that a variance, issued by the Board of Standards & Appeals, is about to expire

WHEREAS there is currently no penalty for allowing a variance to lapse

WHEREAS Intro 650 would require that building owners are notified by mail that the variance will expire no later than six months prior to its expiration

WHEREAS Intro 650 would require that, for each building owner receiving such notification and continuing to use the zoning lot subject to such variance, there shall be a penalty of \$500 for the first six month period of unauthorized use,

WHEREAS Intro 650 would require that the penalty is increased by \$500 for each succeeding six month period of unauthorized use of the zoning lot, until an application to extend the term of such variance is submitted

WHEREAS variances have expiration dates in the event that the conditions that necessitated the variance have changed or no longer exist

WHEREAS many building owners allow variances to lapse for several

years prior to finally submitting an application to extend the term of the variance

THEREFORE, be it

RESOLVED, that CB6 supports the adoption of City Council Intro 650, as long as the administrative costs for imposing the penalties are accounted for.

VOTE: 38 in Favor 2 Opposed 0 Abstention 1 Not Entitled

Yours truly,



Toni Carlina
District Manager

Cc: Hon. Scott Stringer
Hon. Spkr. Christine Quinn
Hon. Rosie Mendez
Hon. Dan Garodnick
Hon. Jessica Lappin
Jeff Mulligan, Ex. Dir, BSA
Terrence O'Neal

Borough President, Helen Marshall



Chairman, Alvin Warshaviak

The City of New York
Borough of Queens

Community Board 8
197-15 Hillside Avenue
Hollis, NY 11423-2126
Telephone: (718) 264-7895
Fax: (718) 264-7910
Qn08@cb.nyc.gov
Website: www.queenscb8.org

Deputy Borough President, Barry Grodenchik



District Manager, Marie Adam-Ovide

January 17, 2012

Honorable Speaker Christine Quinn
New York City Council
250 Broadway – Suite 1856
New York, NY 10007

Dear Speaker Quinn:

The attached resolution was unanimously passed by the members of Community Board 8, Queens at its board meeting held on January 11, 2012.

The Board fully supports Intro 650, 651 and 678 proposed by Council Members Dan Halloran, Mark Weprin and James Van Bramer. These legislations strengthen the role of the New York City Council and Community Boards in the variance process.

By copy of this letter, Community Board # 8, Queens, urges all City Council Members to support them as well.

Thank you in anticipation of your cooperation.

Sincerely,

Alvin Warshaviak
Chair

Cc: Hon. Helen Marshall, Queens Borough President
New York City Council Members
Community Boards

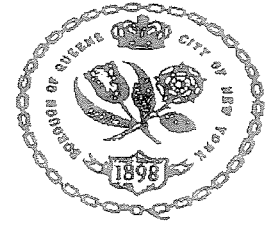
Enclosure



Chairman, Alvin Warshaviak

The City of New York
Borough of Queens

Community Board 8
197-15 Hillside Avenue
Hollis, NY 11423-2126
Telephone: (718) 264-7895
Fax: (718) 264-7910
Qn08@cb.nyc.gov
Website: www.queenscb8.org



District Manager, Marie Adam-Ovide

RESOLUTION
by Community Board 8Q

WHEREAS, the members of Community Board 8 Queens and its community leaders and activists are often frustrated when the Bureau of Standards and Appeals approves new variances to the NYC Zoning Resolution and renewals despite major objections from the Borough President and this Community Board in cases where valid issues are raised concerning compliance with the Zoning Resolution; and

WHEREAS, the records support the fact that fewer than 2% of all variance applications opposed by NYC Community Boards are upheld by the Bureau of Standards and Appeals; and

WHEREAS, determinations by the Bureau of Standards and Appeals are not subject to, nor is there any mechanism for appeal or review by any other city governing body or elected officials;

THEREFORE, BE IT RESOLVED that Community Board 8 Queens, by unanimous vote, strongly endorses the legislation currently being proposed by City Council members designed to strengthen the role of New York City Council and Community Boards in the variance process as follows:

- 1) We support Int. 650 and 651, offered by Councilmembers Dan Halloran and Mark Weprin, which will strengthen our zoning laws by bringing businesses which have been operating for years with expired variances back to the Community Boards for consideration, strengthen our zoning laws by imposing fines for noncompliance, and importantly, would allow for appeals of BSA decisions before the City Council.
- 2) This Board further supports Int. 678 introduced by Councilmember James Van Bramer, which would give greater voice on the BSA to our communities through representation on the board by the Borough Presidents and Community Boards, and a formally codified role for the City Council in the variance process.



COMMUNITY BOARD # 4Q

Serving: Corona, Corona Heights, Elmhurst, and Newtown
46-11 104th Street
Corona, New York 11368-2882
Telephone: 718-760-3141 Fax: 718-760-5971
e-mail: cb4q@nyc.rr.com

Helen Marshall
Borough President

Anthony R. Moreno
Chairperson

Barry Grodenchik
Deputy Borough President
Director of Community Boards

Richard Italiano
District Manager

November 04 2011

Hon. Daniel J. Halloran III
NYC Council District 19
166-08 24th Road
Whitestone, NY 11357

Re: Introductions # 0650-2011 and 0651-2011

Dear Councilmember Halloran,

Upon review of Int. 0650-2011 and 0651-2011, Community Board #4Q ULURP and Zoning committee agreed with the provisions set forth in the introductions and approved the introductions.

At the November 01, 2011 meeting of Community Board #4Q, Int. # 0650-2011 expiration of variances granted by the Board of Standards and Appeals, and Int. #0651-2011 permitting the appeal of decisions by the Board of Standards and Appeals, were presented to the members of Community Board #4Q and approved by a unanimous vote of the Board members present.

Community Board #4Q supports the sixth month prior notification of the expiration of a variance and the notification in writing to the affected community board or borough board.

Please contact me at the office of Community Board #4Q if you require additional information.

Sincerely,

Richard Italiano
District Manager, CB #4Q



Marty Markowitz
Borough President

John —
COMMUNITY BOARD NO. 8

1291 ST. MARKS AVENUE • BROOKLYN, NEW YORK 11213

TEL.: (718) 467-5620 • FAX: (718) 778-2979

Nizjoni Granville
Chairperson

Robert Matthews
Chairperson Emeritus

Michelle T. George
District Manager

October 18, 2011

Honorable Gale A. Brewer
6th Council District
563 Columbus Avenue
New York, NY 10024

Dear Councilmember Brewer,

At the Community Board 8 general meeting held on Thursday, October 13, 2011, members voted to support the proposed bipartisan legislation introduced by Councilmember Daniel Halloran (Queens), which is designed to provide Community Boards with meaningful input into the zoning variance process. The final vote tally was unanimous, with thirty-seven members present.

As you are aware, zoning variances are required when commercial properties operate outside of proper zoning. Occasionally, the Board of Standards and Appeals (BSA) grants variances despite opposition by the Community Board and the Borough President. Variances typically have five, ten, or twenty year terms. Many property owners allow their variances to expire which means that they are operating illegally and contrary to zoning. However, when a property continues to operate with an expired variance, it denies the local Community Board their right to participate in the variance process by reviewing the application, holding a public hearing, and recommending conditions on the issuance of a new variance.

Int. 650 will require the Board of Standards and Appeals (BSA) to notify property owners six months before their variance expires. This allows the property owner to prepare to timely file for a new variance. If the property owner ignores the notice and continues to operate for six months with an expired variance (i.e., a full year after they received the notice from the BSA), they will be subject to fines. The purpose of the bill is to encourage compliance with existing law.

In addition, Int. 651 will allow the Community Board or the Borough Board thirty days to appeal a decision of the BSA to the Council. Presently, the BSA is the final decision maker on zoning variance applications.

The two pieces of legislation will strengthen the Board's ability to govern within its boundaries by giving us a stronger voice in the process. As Chairperson of the Committee on

Governmental Operations within the New York City Council, we hope that you will also support Int. 650 and Int. 651 to strengthen the Community Board's role in BSA applications.

Sincerely,

A handwritten signature in black ink, appearing to read "Nizjoni Granville". The signature is fluid and cursive, with the first name being more prominent.

Nizjoni Granville
Chairperson

cc: Councilmember Daniel Halloran



ELIZABETH BRATON
Chairperson

COMMUNITY BOARD 10

CITY OF NEW YORK ♦ BOROUGH OF QUEENS
115-01 LEFFERTS BOULEVARD
SOUTH OZONE PARK, N.Y. 11420
TEL: (718) 843-4488
FAX: (718) 738-1184
E-MAIL: cb10qns@nyc.rr.com



KARYN PETERSEN
District Manager

November 21, 2011

Hon. Daniel Halloran
Council Member, District 19
166-08 24th Road
Whitestone, NY 11375

Re: Int #650 & Int #651

Dear Councilman Halloran:

In response to your request of September 14, 2011 seeking review and comment on both Int #650 & Int 651, please be advised that at our November 2011 meeting these two Council Intros were discussed and voted upon by Community Board 10.

Int. # 650 gives notice by the City to a property owner 6 months in advance of the expiration of the variance. As per this bill, if the property owner chooses to ignore the reminder and continues to operate a full year after they receive the reminder from BSA the property owner would then be subject to fines. The purpose of this bill is not to issue fines, rather it seeks to encourage compliance with the law, which Community Board 10 supports.

If passed by the Council, Int. #651 will allow a Community Board and or a Borough Board to appeal a decision of the BSA to the City Council. At present the BSA has sole authority and is the final decision-maker on variance issues and applications. Regardless of the fact that, at times, the BSA has made decisions not supported by either the affected Community Board and/ or the respective Borough President, it is the opinion of Community Board 10 that authority of the Board of Standards and Appeals should remain with that Board. Therefore, CB#10 does not agree that the final decision on variance applications should be transferred to the City Council.

On November 3, 2011, Community Board 10 voted unanimously to recommend support for Int. #650 and non-support for Int. #651.

Very truly yours,

Elizabeth Braton
Chairperson CB#10
EB:mat

c: NYC Council Committee on Governmental Operations
Hon. Eric Ulrich
Hon. Ruben Wills



COMMUNITY BOARD 11

*Serving Communities of Auburndale, Bayside, Douglaston,
Hollis Hills, Little Neck & Oakland Gardens*

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email: QNI11@cb.nyc.gov

Website: nyc.gov/queenscb11

*Jerry Iannece
Chair*

*Susan Seinfeld
District Manager*

November 14, 2011

Hon. Daniel Halloran
166-08 24 Road
Whitestone, NY 11357

Hon. Mark Weprin
73-03 Bell Blvd.
Oakland Gardens, NY 11364

Dear Council Members:

At the Community Board public meeting on November 7th, the members overwhelmingly voted to support the legislation you introduced “designed to strengthen the role of the Community Board in the variance process”, Int. 650 and Int. 651.

The Community Board, over the past year, on our own, started notifying businesses whose Board of Standards and Appeals variance or special permit had expired. Although we had some success, other business owners totally ignored our attempts asking for compliance with the law. By requiring advance notification, by the BSA, Int. 650 will strengthen our zoning laws by imposing fines for noncompliance.

The Board members also support Int. 651, which will allow for appeals of BSA decisions through the City Council. We are often frustrated when the BSA approves new variances and renewals despite major objections by the Community Board and the Borough President, in cases where valid issues are raised concerning compliance with the Zoning Resolution.

Thank you for taking action on these issues of great concern to the community. Please keep us informed about these two pieces of legislation, as we will speak in support of the bills when they are presented for a public hearing.

Sincerely,



Jerry Iannece
Chair

cc: Hon. Helen Marshall
Queens City Council Members
Community Boards

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Hinda Eskenas

Address: 1674 Richmond Terrace

I represent: North Shore Waterfront Greenway

Address: Staten Island

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: 4/27/2012

(PLEASE PRINT)

Name: SHELDON LOZEL

Address: 18 E. 41 ST

I represent: ZONING ADVISORY COUNCIL

Address: 18 E. 41 STREET, NY 10017

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: 4/27/12

(PLEASE PRINT)

Name: FRANCINE OLD

Address: 172 AMHERST ST

I represent: MANHATTAN BEACH COMM. GROUP

Address: BROOKLYN

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4

(PLEASE PRINT)

Name: Susan Hapoe

Address: 174 Dover St Bklyn 11235

I represent: Manhattan Peace Community Group

Address: Manhattan Bklyn Bklyn 11235

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/22/12

(PLEASE PRINT)

Name: BECCA KELLY

Address: _____

I represent: BSA

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/27/12

(PLEASE PRINT)

Name: Ed Jaworski

Address: 1821 E. 28 St. 11229

I represent: BNC, MMHCA, 4Boro

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. BSA 8122 Res. No. _____

in favor in opposition

Date: 4-27-12

(PLEASE PRINT)

Name: ENID BRAUN

Address: 116 ADELPHI ST

I represent: FORT GREENE ASSOCIATION

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. BSA Res. No. _____

in favor in opposition

Date: 4/27/12

(PLEASE PRINT)

Name: MILK FLORIAN

Address: 1223 Oriental Blvd

I represent: Fra Zascman

Address: MBCC

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. A1 Res. No. _____

in favor in opposition

Date: 4/27/12

(PLEASE PRINT)

Name: David Goldstein

Address: 49-28 215th St. Bayside NY

I represent: Bayside Hills Civic Association

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: Jeff Moll. GAN, EXECUTIVE DIRECTOR (PLEASE PRINT)

Address: _____

I represent: BSA

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/27/12

Name: Alex Camard (PLEASE PRINT)

Address: 299 Broadway

I represent: Citizens Union

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. All 4 Res. No. _____

in favor in opposition

Date: 4/27

Name: RHEA O'GORMAN (PLEASE PRINT)

Address: 40-16 171 ST FLUSHING

I represent: STATION RD CIVIC ASSOC

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: EVE BARON

Address: 200 WILLOUGHBY AVE BKNY 11205

I represent: PRATT CENTER

Address: (ABOVE)

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 16,650,678 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Henry Euler

Address: 204-05 43 Ave. Bayside 11361

I represent: Auburndale Improvement Assoc. Inc

Address: PB Box 580331, Station A, Flushing 11358

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 650 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Susan Seinfeld

Address: 46-21 Little Neck Pkwy

I represent: Queens Community Bd 11

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. All Res. No. _____

in favor in opposition

Date: April 27, 2012

(PLEASE PRINT)

Name: Richard C. Hellenbrecht

Address: 246-72 86th Rd., Bellerose, NY-11426

I represent: Queens Civic Congress

Address: P.O. Box 670706, Kew Gardens Hills, NY
11367

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 690 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: MARK N. DILLER

Address: 171 W 79th NY 10024

I represent: COMMUNITY BOARD 7 / MANHATTAN

Address: 250 WEST 87th NYC 10024

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. All Res. No. _____

in favor in opposition

Date: 4-27-12

(PLEASE PRINT)

Name: Michael Feiner

Address: 56-03 218th ST Bayside Hills

I represent: Bayside Hills Civic Assn

Address: PO Box 640246 Bayside
NY

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. Acc Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Robert S Altman

Address: 27 Whitehall St, 4th Fl., NY, NY 10004

I represent: Queens & Bronx Building Association and

Address: Building Industry Association of NYC

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. Acc Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Robert S Altman

Address: 27 Whitehall St, 4th Fl., NY, NY 10004

I represent: Queens & Bronx Building Association and

Address: Building Industry Association of NYC

Please complete this card and return to the Sergeant-at-Arms