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**THE COUNCIL**  
**REPORT OF THE FINANCE DIVISION**  
**MICHAEL KEOGH, DIRECTOR**

**COMMITTEE ON FINANCE**  
**Hon. David Weprin, Chair**  
July 25, 2007

**Proposed Res. No. 905-A :**

By Council Members Weprin, Avella, Comrie,  
Monserrate, and Gerson (by request of the Mayor)

**TITLE:**

Resolution concerning the establishment of the  
Bayside Business Improvement District in the  
Borough of Queens and setting the date, time and  
place for the public hearing to hear all persons  
interested in the establishment of such district.

**ANALYSIS:**

Proposed Resolution 905-A is required by the existing law, Chapter 4 of Title 25 of the New York City Administrative Code, as amended by Local Law 82 of 1990, which authorized the City Council to establish Business Improvement Districts (BIDs).

The main purpose of Proposed Res.905-A is to set the public hearing date, time and place for the review of the local law, which would establish the Bayside Business Improvement District.

The hearing on the local law and the BID plan, will be held on August 22, 2007 in the City Council Committee Room, 2nd Floor, City Hall at 11:00 a.m., before the Committee on Finance.

Resolution 905-A also directs that all notices required under the BID law be properly given by the Department of Small Business Services and the Bayside BID Steering Committee, respectively.

BIDs, which are specifically established areas, use the City's property tax collection mechanism to approve a special tax assessment with which to fund additional services that would enhance the area and improve local business. The additional services are normally in the areas of security, sanitation, physical/capital improvements (lighting, landscaping, sidewalks, etc.), seasonal activities (Christmas lighting) and related business services (marketing and advertising). The BID demarcates the areas in which services will be enhanced and also establishes the mechanism for the assessment needed to generate the required budget.

TT/ BID  
07.21.07

Res. No. 905-A

Resolution concerning the establishment of the Bayside Village Business Improvement District in the Borough of Queens and setting the date, time and place for the public hearing to hear all persons interested in the establishment of such district.

By Council Members Weprin, Avella, Comrie, Monserrate, Gerson, Gennaro and The Public Advocate (Ms. Gotbaum)

WHEREAS, pursuant to the authority granted by chapter 4 of title 25 of the Administrative Code of the City of New York (the "Law"), the Mayor, by authorization dated October 3, 2006, provided for the preparation of a district plan (the "Plan") for the Bayside Village Business Improvement District (the "District") in the Borough of Queens; and

WHEREAS, pursuant to Local Law No. 82 for the year 1990, the City Council assumed responsibility for adopting legislation establishing Business Improvement Districts; and

WHEREAS, pursuant to section 25-405 (c) of the Law, the New York City Department of Small Business Services ("SBS") submitted the Plan to the City Planning Commission (the "CPC") on February 12, 2007; and

WHEREAS, pursuant to section 25-405 (c) of the Law, the CPC submitted the Plan to the City Council on February 13, 2007; and

WHEREAS, pursuant to section 25-405 (c) of the Law, the CPC submitted the Plan to the Council Member representing the council district in which the proposed District is located on February 13, 2007; and

WHEREAS, pursuant to section 25-405 (c) of the Law, the CPC submitted the Plan to the community board (Queens Community Board Number 11, hereinafter referred to as the "Community Board") for the community district in which the proposed District is located on February 13, 2007; and

WHEREAS, pursuant to section 25-405 (c) of the Law, the Community Board notified the public of the Plan in accordance with the requirements established by the CPC; and

WHEREAS, pursuant to section 25-405 (c) of the Law, the Community Board conducted a public hearing on March 5, 2007;

WHEREAS, on March 5, 2007, the Community Board voted to approve the establishment of the District; and,

WHEREAS, pursuant to section 25-405 (c) of the Law, the CPC reviewed the Plan, held a public hearing and prepared a report certifying its unqualified approval of the Plan; and

WHEREAS, pursuant to section 25-405 (c) of the Law, the CPC submitted its report to the Mayor, to the City Council and to the Council Member representing the council district in which the proposed District is located; and

WHEREAS, pursuant to section 25-405 (c) of the Law, a copy of the CPC's report, together with the original Plan, was transmitted for filing with the City Clerk on April 25, 2007; and

WHEREAS, pursuant to section 25-406 (a) of the Law, a copy of the Plan and the CPC's report are annexed hereto and are made part of this Resolution; and

WHEREAS, pursuant to section 25-406 (a) of the Law, the Plan is on file for public inspection in the Office of the City Clerk, Municipal Building, Room 265, New York, New York; and

WHEREAS, pursuant to Section 25-406 (b) of the Law, any owner of real property, deemed benefited and therefore within the District, objecting to the plan must file an objection at the Office of the City Clerk within thirty days of the conclusion of the hearing held by the City Council, notice of which is provided by this Resolution, on forms made available by the City Clerk; and

WHEREAS, pursuant to Section 25-406 (b) of the Law, if owners of at least

fifty-one percent of the assessed valuation of all the benefited real property situated within the boundaries of the District proposed for establishment, as shown upon the latest completed assessment roll of the City, or at least fifty-one percent of the owners of benefited real property within the area included in the District proposed for establishment, file objections to the Plan with the City Clerk within the thirty-day objection period, the District will not be established; now, therefore, be it

RESOLVED, that the Council of the City of New York, pursuant to Section 25-406 of the Law, hereby directs that:

- (i) August 22, 2007 is the date and 11:00 a.m. is the time and the City Council Committee Meeting Room, 2nd Floor, City Hall is the place for a public hearing (the "Public Hearing") to hear all persons interested in the establishment of the District;
- (ii) the Bayside Village District Management Association, Inc. shall, not less than ten nor more than thirty days before the date of the Public Hearing, mail a copy of this Resolution or a summary thereof to each owner of real property within the proposed District at the address shown on the latest City assessment roll, to such other persons as are registered with the City to receive tax bills concerning real property within the proposed District, and to the tenants of each building within the proposed District;
- (iii) the Department of Small Business Services shall arrange for the publication of a copy of this Resolution or a summary thereof at least once in the City Record or a newspaper in general circulation in the City, the first publication to be not less than ten nor more than thirty days before the date of the Public Hearing; and
- (iv) in the event that the Bayside Village District Management Association, Inc. mails, or the Department of Small Business Services arranges for the publication of, a

summary of this Resolution, such summary shall include the information required by section 25-406 (c) of the Law.

**DISTRICT PLAN**

**for**

**THE BAYSIDE VILLAGE**

**BUSINESS IMPROVEMENT DISTRICT**

**in**

**The City of New York**

**Borough of Queens**

Prepared pursuant to Section 25-405 (a) of  
Chapter 4 of Title 25 of the Administrative Code  
of the City of New York

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## **I. MAP OF THE DISTRICT**

The Bayside Village Business Improvement District (hereinafter, the "District") is located in the southeastern section of Bayside, Queens. The District will include Bell Boulevard, Bayside from Northern Boulevard to 35<sup>th</sup> Avenue and 41<sup>st</sup> Avenue from 214<sup>th</sup> Place to 213<sup>th</sup> Street, all as indicated on the map annexed hereto as Exhibit I. The Mayor of the City of New York, by an authorization letter dated October 3, 2006, a copy of which is annexed hereto as Exhibit II, has provided for the preparation of this District Plan pursuant to authority granted by Local Law 96 of 1989 (the "Law") for the District.

## **II. PRESENT USES OF DISTRICT PROPERTY & DISTRICT PROFILE**

### ***A. District Profile***

The District constitutes an eight block commercial strip between Northern Boulevard and 35<sup>th</sup> Avenue along Bell Boulevard and also includes one block east and west along 41<sup>st</sup> Avenue, Bayside. The District is located in the southern area of Bayside, Queens and is served by Community Board #11 ("CB11"). The District is a major commercial hub of Bayside, Queens. The District is one of the best known avenues in Bayside, with its wide sidewalks, restaurants and fine shops. The District is served by the 111<sup>th</sup> Police Precinct. There is one sanitation district called Bayside, Queens District #4.

### ***1. Background***

Prior to World War I, Bayside had large estates and vast tracts of vacant land. J. Wilson Dayton was one of the first real estate investors who established the Dayton Agency on Bell Boulevard in 1907. This was the beginning of the transformation of the area into a commercial strip. The mercantile growth of the area began building up in 1866 with the advent of the railroad. In 1874 the Literary Hall opened and in 1891 the "Roofed-over Cellar" (the Methodist Church) became the gathering place for residents. Stores featured

goods from Farrington's Butcher Shop to Anderson's Fish Market and Voss's Drug Store. There was Mrs. Hope's Confectionery and Stationery Store located in her husband's U.S. Post Office. The earliest attempt at providing sanitation services was the line of spittoons on Bell Avenue in the east and west gutters for about one hundred feet. There was even some "modern" electric lighting on selected avenues to compliment the gas lights along the other streets. Bayside soon became a highly attractive place to reside. Early merchants who had been providing farmers with feed, seed and hardware items now became small shops that focused on the needs of the new, upscale homeowners. Broadway, which later became Northern Boulevard, was the heart of the commercial district.

## ***B. Present Uses of the District Property***

### ***1. Zoning***

The District is zoned R6 with C1.2 and C2.2 commercial overlays and R4 with C1.2 and C2.2 commercial overlays.

### ***2. Commercial/ Retail***

Today there is a thriving commercial strip along Bell Boulevard from Northern Boulevard to 35<sup>th</sup> Avenue. There are several businesses that have been on Bell Boulevard for more than 25 years and one that has been a family business for eighty-eight years, A. Kraus and Son. There are 133 commercial establishments; Retail: 11 apparel stores, five jewelry stores, drugstores, goods and services, communications, photo, bookstore and various other retail outlets totaling 49; service and health (including personal services such as barber shops, beauty and nail salons etc. and health related), 31; restaurants and bars totaling 22, food retail, 5 and other miscellaneous retail.

### ***3. Residential***

Prior to World War I, Bayside was made up of large estates and vast tracts of vacant land immediately surrounding the District are several blocks of one and two family homes.

There are six residential buildings within the District boundaries.

### ***4. Not-for-Profit/Public***

Within the District there is a building operated by the Knights of Columbus

### ***5. Transportation***

There is public transportation to the area with the Q13, Q12, N 20 and Q33 bus lines, Long Island Railroad and the express bus to Manhattan as the major carriers. The District is immediately adjacent to the Cross Island Parkway, Clearview Expressway, Grand Central Parkway, Horace Harding Boulevard, Utopia Parkway and within easy access to the Throgs Neck and Whitestone Bridges.

## **III. PROPOSED SERVICES/DESCRIPTION OF SERVICES**

### ***A. Description of Services***

The services to be provided pursuant to this Plan (the "Services") may include any services required for the enjoyment and protection of the public, and the promotion and enhancement of the District. The Services will supplement the municipal services that are provided by the City to the District, and shall not take the place of services provided by the City on a city wide basis. The Services shall be performed under the direction of the Bayside Village District Management Association (hereinafter, "DMA").

#### **1. Sanitation**

Sanitation services may be contracted out or performed in-house by the DMA, and may include such communications, automotive and other equipment as is deemed desirable from time to time by the DMA. The Sanitation program may include sidewalk sweeping,

servicing of trash receptacles, poster removal, catch basin cleaning, graffiti removal, snow removal and special attention to problem sources of litter. Uniformed sanitation workers may operate 7 days per week, approximately 7 hours per day. Graffiti and snow removal may be performed as needed. The sanitation services will be performed in cooperation with the NYC Department of Sanitation. The Bayside Village DMA may alter its Sanitation programs as needed with experience and changing conditions to best serve its community.

## **2. Maintenance/Improvements**

The Maintenance Program may include, but will not be limited to, the maintenance and replacement of the capital improvements done in the future by New York City or New York State.

## **3. Holiday and Seasonal Decorations**

The holiday decorations may include, but will not be limited to, the installation of decorative light fixtures or holiday banners upon streetlights in the District during the holiday season.

## **4. Promotions**

Promotion of the District may include, but will not be limited to, the promotion of the local retail and commercial opportunities and will be designed to maintain the viability of the commercial corridor and increase the attractiveness of the District to shoppers. The promotion activities may include the issuance of special publications such as periodic newsletters, sales circulars or special promotional inserts and the staging of shopping promotions and other special events such as thematic sale days.

## **5. Security**

The Bayside Village DMA will, through its Director, maintain a close working relationship with the 111<sup>th</sup> Police Precinct, Community Board 11 and all New York City enforcement units supporting the area. In future years, the Bayside Village DMA may initiate a Queens Watch program or retain security consultants or trained security officers to address specific security problems as they arise. All such activities will be considered in the light of the policy of the Bayside Village DMA to avoid shifting problems from the District into adjoining areas.

## **6. Parking**

Muni-meters were installed at the end of 2005, thus improving parking on Bell Boulevard. The DMA will educate store owners on ways to increase parking availability, such as no meter feeding. The DMA will explore options within the BID district that could create more parking.

## **7. Administration**

Administration of the District will be by a salaried or consultant staff and may include but is not limited to, a part time or full time experienced director, secretary including fringe benefits and expenses, and any other special staff and/or consultants that the Board of Directors may deem necessary from time to time such as promotion specialists, auditor/accountants and legal advisors. Administration costs may also include office rental and equipment, office supplies, telephone, utilities and insurance. The general goal for administration of the District is creativity at competitive cost so that as much of the District's funding as possible is directed to programs themselves. In addition, the Board of Directors of the DMA, if conditions warrant in their judgment, may devote a portion of the revenues of the District to repaying (without interest) part of the bona fide expenses

incurred by the Bayside Business Association Inc. in forming the District, provided such reimbursement shall not materially interfere with the basic services for which the District has been created.

#### **8. Additional Services**

Subject to any approvals and controls that may be required by any City agency having jurisdiction thereof, and in addition to the approval of the Board of Directors of the DMA, in subsequent years the District may provide such additional services as are permitted by law.

#### ***B. Implementation***

It is anticipated that the DMA will commence most Services during the first Contract Year (hereinafter defined).

#### ***C. General Provisions***

1. All Services shall be in addition to, and not in substitution of, required and customary municipal services provided by the City on a citywide basis.
2. All Services need not be performed in every Contract Year.
3. The staff and/or subcontractors of the DMA may render such administrative services as are needed to support performance of the Services.
4. In the event that in any given Contract Year the sources of funding as hereinafter described do not in the aggregate produce revenues equal to Total Annual Budget Amount (hereinafter defined) for such Contract Year, the DMA may, subject to the Contract (hereinafter defined), forgo providing one or more of the Services in order to have revenues sufficient to pay debt service required in the budgets hereinafter defined for Contract Year.

### **IV. PROPOSED IMPROVEMENTS**

***A. Improvements***

The improvements (the “Improvements”) may be provided pursuant to this plan. Any Improvements that require review and approval by an appropriate City Agency shall be submitted to that City Agency and to the affected community board prior to undertaking any Improvements.

***B. Implementation Schedule***

Improvements shall be implemented on as-needed basis.

***C. General Provisions***

1. All Improvements shall be in addition to and not in substitution for required and customary municipal improvements provided by the City on a citywide basis.
2. The staff and/or subcontractors of the DMA may render such administrative services as are needed to support construction and installation of the Improvements.

***D. Capital Improvements not Anticipated***

Capital Improvements are not anticipated during the first Contract Year.

**V. PROPOSED SOURCES OF FUNDING**

***A. Sources of Funding: Generally***

The sources of funding for all (i) Services, (ii) Improvements, (iii) proceeds arising from indebtedness as permitted pursuant to paragraph D below, and (iv) administration costs necessary to support the programs contemplated under this Plan, shall be the sources of funding described in paragraphs B through F (inclusive). Subject to requirements of the law, the DMA may apply all monies derived from the sources of funding permitted herein toward funding any expenditure under this Plan.

***B. Source of Funding: Assessments***

The DMA may enter into a Contract for the purpose of having the City levy and collect, and then disburse to the DMA, assessments with respect to the benefited properties. Such assessments, as described herein below, shall be defined as "Assessments."

### **1. General**

To defray the cost of Services and Improvements in the District, all real property in the District shall be assessed in proportion to the benefit such property receives from the Services and Improvements. Each property will be assessed an amount, that when totaled together with amounts for other properties in the District shall yield an amount sufficient to meet the District's annual budget as determined by the DMA.

The amounts assessed and levied in a given year or against the benefited properties, as assessments, may not exceed 20% of the total general city taxes levied in that year against the benefited properties.

### **2. Specific Formula**

All properties as classified in the most recent New York City tax rolls and as described below as Classes A, B, C, and D will be assessed based on current calculations as follows:

#### **Class A Property - Commercial**

All property devoted in whole or in part to commercial uses shall constitute Class A property and shall be assessed at a rate anticipated not to exceed \$15.00 per linear front foot in the first Contract Year. The assessment shall be calculated in the following manner:

**BASE RATE 1 = 92% OF TOTAL BUDGET**

**TOTAL CLASS A FRONT FOOTAGE**



**INDIVIDUAL ASSESSMENT = BASE RATE x INDIVIDUAL FRONT FOOTAGE**

**Class B Property – Corner Property**

All property devoted in whole or in part to commercial uses which are corner lots intersecting Bell Boulevard and 41<sup>st</sup> Avenue within the District shall constitute Class B property and shall be assessed at a rate anticipated not to exceed \$11.00 per linear front foot in the first Contract Year. The assessment for Class B properties shall be calculated by using the front foot on Bell Blvd and 41st Avenue. The assessment shall be calculated in the following manner:

**BASE RATE 2 = 8% OF TOTAL BUDGET**

**TOTAL CLASS B FRONT FOOTAGE**

**INDIVIDUAL ASSESSMENT = BASE RATE x INDIVIDUAL FRONT FOOTAGE**

**Class C Property – Residential**

All properties devoted in whole to residential uses shall be assessed at the rate of one dollar (\$1.00) per year.

**Class D Property – Government and Not-for-Profit**

Government and not-for-profit properties devoted in whole to public or not-for-profit use shall be exempt from district assessment. Government or not-for-profit owned property devoted in whole or part to commercial for profit uses shall constitute Class A property and that portion devoted to commercial for profit use shall be assessed in the same manner as those properties listed as Class A properties.

**Class E Property – Undeveloped Lots**

All vacant and/or undeveloped properties shall constitute Class E property, and be assessed at a rate of one dollar (\$1) per year while vacant. Upon the issuance of a Temporary Certificate of Occupancy that allows occupancy of the building, Class E property shall be assessed as Class A , B; C or D as defined by the Plan.

***C. Source of Funding: Donations and Grants***

The DMA may accept grants and donations from private institutions, the City, other public entities, corporations, partnerships or individuals and from other not-for-profit agencies.

***D. Source of Funding: Borrowing***

1. Subject to subparagraphs 2 and 3 immediately hereinafter below, the DMA may borrow money from private lending institutions, the City, other public entities, individuals, firms, corporations or partnerships and other not-for-profit organizations for the purposes of funding operations or financing improvements. Such borrowings may be in the nature of a line of credit or short-term loan. In no event will the DMA issue any bonds.
2. The use of monies received by the DMA from the City or from any other public entity, whether in the form of a grant or as proceeds from a loan, shall be subject to (i) all statutory requirements applicable to the expenditure and use of such monies, and (ii) any contractual requirements imposed by the City (whether pursuant to the Contract or otherwise) or by any other public entity, as the case may be.
3. Any loans, which the DMA may enter into as borrower shall be subject to Section VI of the Plan.

***E. Source of Funding: Changes for User Rights***

Subject to the approval and control of the appropriate City Agency, the DMA may in accordance with Section IX of this Plan, impose changes as consideration for the sub-granting or sub-licensing of User Rights (hereinafter defined) as such changes and user rights are described in IX of this Plan.

***F. Source of Funding: Other***

The DMA may derive revenues from any other sources of funding not heretofore mentioned and which are permitted by law.

***G. Assignment of Funding***

The DMA may assign revenues from the sources of funding described in paragraphs B,C,D and F of this Section V for the purpose of securing loans which the DMA may enter into pursuant to paragraph D of this Section V, provided such assignments are subject to the requirements of Section VI of this Plan.

**VI. PROPOSED EXPENDITURES & ANNUAL BUDGETS**

***A. Total Annual Expenditures and Maximum Cost of Improvements***

The total amount proposed to be expended by the DMA for Improvements, if any, Services and operations in the first Contract Year is \$81,368 as more fully set forth in subsection B of this Section VI.

The total, as proposed to be expended by the DMA for any subsequent Contract Year, shall not be greater than the aggregate amount of all monies which the DMA may collect for the Contract Year in question from all funding sources permitted under Section V of this Plan. During the existence of the BID, the maximum cost of the Improvements, if any, will not exceed \$800,000.

***B. Annual Budget***

**1. First Year Budget**

It is estimated that the annualized budget of proposed expenditures to be made during the first Contract Year shall be as follows:

SERVICES

|                               |           |
|-------------------------------|-----------|
| (i) SANITATION                | \$ 29,000 |
| (ii) MARKETING AND PROMOTION: |           |
| Holiday Lights                | 9,700     |
| Promotion                     | 5,550     |
| ADMINISTRATION                | 37,118    |
| TOTAL FIRST YEAR BUDGET       | \$ 81,368 |

**2. Subsequent Years**

The DMA shall establish for each Contract Year after the first Contract Year, a proposed budget of expenditures. Such proposed budgets shall (with respect to the Contract Years to which they respectively apply): (i) reasonably itemize the purposes for which assessment monies are proposed to be expended by the DMA; (ii) specify the amount, if any, proposed to be expended by the DMA; and (iii) set forth the total assessment amount proposed to be expended (the "Total Annual Budget Amount"). A proposed budget, whether for the first Contract Year or for a subsequent Contract Year shall be referred to as a "Budget."

**C. General Provisions**

1. The DMA shall make no expenditure other than in accordance with and pursuant to (i) a Budget for which a Total Annual Budget Amount has been approved by the City and the Directors of the DMA; (ii) any provisions in the Contract providing for the satisfaction of outstanding obligations of the DMA; or (iii) any provisions in the Contract provided in the Budget for, but expended in, a previous Contract Year.

2. The Total Annual Budget Amount shall not exceed the maximum total and annual amount which the DMA may expend for the Contract Year in question pursuant to Paragraph A of this Section VI.
3. The total Annual Budget Amount shall not be less than the amount needed to satisfy the DMA's debt service obligations for the Contract Year in question.
4. Subject to the DMA's need to satisfy its debt service obligations for the Contract Year in question, the DMA may revise the itemization within any Budget.
5. In the event that in any given Contract Year the sources of funding do not in the aggregate produce revenues equal to the Total Annual Budget amount for such Contract Year, the DMA may, subject to the Contract, forego some or all of the non-debt service expenditures as are provided for in the Budget in question in order to have revenues sufficient to pay the debt service provided for in such Budget.
6. In the event the DMA need to reallocate its non-debt service expenditures for the Contract Year in question, and provided further, that any debt service has been provided for, the DMA may revise the itemization within any budget line to accomplish such goal.

## **VII. BENEFITED PROPERTIES**

The providing of Services and Improvements, if any, shall benefit all properties within the District (the "Benefited Properties"). The Benefited Properties are described by the District Map (Exhibit I) and the tax blocks and lots listed in (Exhibit III.)

## **VIII. DISTRICT MANAGEMENT ASSOCIATION**

The DMA established for the Bayside Village Business Improvement District (the "BID") is incorporated under Section 402 of the New York State Not-for-Profit Law.

The DMA is organized for the purpose of executing the responsibilities of a DMA as set

forth in the Law. Furthermore, the DMA will carry out the activities prescribed in the Plan and will promote and support the District. The DMA shall be organized exclusively for the purposes as specified in Section 501 (c) of the Internal Revenue Code.

The DMA has four classes of voting membership and one class of non-voting membership. The voting classes are composed of (i) owners of record of real property located within the District; (ii) retail, commercial or not-for-profit tenants leasing space within the District; (iii) residential tenants leasing space within the District (which may be by Proprietary Lease or otherwise); and (iv) four public representatives required by the Law. The non-voting class shall include a designated representative of Community Board 11, and may include others with an interest in the welfare of the District, including representatives of community groups and other not-for-profit institutions within the District. Each voting class will elect members to the Board of Directors in the manner prescribed by the Bylaws of the Corporation. The Board of Directors includes representatives of the owners of record of real property located within the District (which shall constitute a majority of the Board), the representatives of retail, commercial or not-for-profit tenants leasing space within the District and a residential tenant leasing space within the District, and one member appointed by each of the following public officials: The Mayor of the City of New York; the Comptroller of the City of New York; the President of the Borough of Queens; the City Council Member who represents the District, or if more than one Council Member represents the District, by appointment of the Speaker of the City Council. The Community Board Chairperson or designated representative shall serve in a non-voting capacity.

## **IX. USER RIGHTS**

### ***A. User Rights: General***

The DMA may undertake or permit commercial activities or other private uses of the streets or other parts of the District in which the City has any real property interest (the “User Rights”), provided, however, that

- (i) the User Rights to be so undertaken or permitted by the DMA shall have been set forth in this Plan or authorized for licensing, or granting by the City to the DMA in a Local Law adopted by the City Council, and
- (ii) licensed or granted to the DMA by the City pursuant to the Contract, and
- (iii) authorized by the appropriate City agency having jurisdiction thereof. Once so granted or licensed, the User Right(s) in question shall be undertaken or permitted by the DMA in such a manner as to conform to the requirements, if any, set forth in this Plan, or the aforesaid Local Law with respect to User Right(s), and conform to the requirements authorized by the appropriate city agency having jurisdiction thereof.

Requirements for User Rights may include but shall not be limited to:

- (i) requirements as to what consideration the DMA shall pay to the City for the grant and/or license in question;
- (ii) requirements as to whether and how the DMA may permit other persons to undertake the User Right(s) in question pursuant to a sub-grant or sub-license;
- (iii) requirements as to what charges the DMA may impose upon other persons as consideration for such sub-grant or sub-license; and
- (iv) requirements as to the general regulation of the User Right(s) by whomsoever undertaken.

### ***B. User Rights: Proposed***

Subject to the approval and control of the appropriate City Agency and/or subject to any requirements set forth by the City, the DMA may undertake or permit the User Rights, subject to the requirements set forth in section IX, such as information and promotion kiosks, newsstands, and news boxes.

## **X. REGULATIONS**

The rules and regulations proposed for governing the operation of the District and the provision of Services and Improvements by the DMA (the "Regulations") are set forth below:

1. The DMA shall obligate itself to provide the Services and Improvements, if any, in a Contract or Contracts into which both the City and the DMA shall enter (collectively, the "Contract") for a specified term, (each year of the Contract shall be defined as a "Contract Year"). The City shall, pursuant to the terms, conditions and requirements of the Contract, levy and collect and then disburse to the DMA the Assessments. Such disbursements shall be made in accordance with general procedures for the payment of other City expenditures.
2. The DMA shall comply with all terms, conditions and requirements: (i) elsewhere set forth in this Plan, and (ii) to be set forth in the Contract and in any other Contracts into which both the DMA and the City may enter, and (iii) shall comply with all terms, conditions and requirements set forth by the appropriate City agency which is required to give its approval.
3. The DMA shall let any sub-contracts that it intends to enter into in connection with providing the Services, and/or the Improvements.



## XI GLOSSARY OF TERMS

| <u>Term</u>                     | <u>Section location of definition</u> |
|---------------------------------|---------------------------------------|
| Assessments                     | V (B)                                 |
| Benefited Properties            | VII                                   |
| Budget                          | VI (B) (2)                            |
| City                            | I                                     |
| District                        | I                                     |
| District Management Association | VIII                                  |
| District Map                    | I                                     |
| Improvements                    | IV (A)                                |
| Law                             | I                                     |
| Services                        | III (A)                               |
| Total Annual Budget             | VI (B) (2)                            |
| User Rights                     | IX                                    |

EXHIBIT I  
DISTRICT MAP  
(BOUNDARY AND BENEFITED PROPERTIES)

# Proposed Bayside Village BID



EXHIBIT II

MAYOR'S PLAN AUTHORIZATION LETTER



THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, N.Y. 10007

October 3, 2006

Honorable Robert W. Walsh  
Commissioner  
Department of Small Business Services  
110 William Street, 7th Floor  
New York, NY 10038

Dear Commissioner Walsh:

Pursuant to Section 25-405(a) of the Administrative Code of the City of New York, I hereby authorize the preparation of the district plan for the City's business improvement district, to be located in the Borough of Queens. The proposed Bayside Village Business Improvement District is bounded generally as follows:

|                          |   |
|--------------------------|---|
| Bell Boulevard:          | From Northern Boulevard to 35 <sup>th</sup> Avenue;       |
| 41 <sup>st</sup> Avenue: | From 213 <sup>th</sup> Street to 214 <sup>th</sup> Place; |
| Sponsor Organization:    | Bayside Village BID Steering Committee                    |

The Department of Small Business Services shall prepare the District Plan pursuant to authority granted by Section 25-405(a) of this law.

The authorization shall take effect immediately.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael R. Bloomberg".

Michael R. Bloomberg  
MAYOR

c: Hon. Christine C. Quinn, Speaker of the City Council  
Hon. David I. Weprin, Chair of the City Council Finance Committee  
Hon. Helen M. Marshall, Queens Borough President  
Hon. Tony Avella, Council Member  
Hon. Members of the City Council  
Daniel L. Doctoroff, Deputy Mayor for Economic Development and Rebuilding  
Andrew Schwartz, First Deputy Commissioner, Department of Small Business Services  
Michael Hecht, Acting Deputy Commissioner, Department of Small Business Services  
George Glatter, Assistant Commissioner, Department of Small Business Services

EXHIBIT III

Tax Blocks & Lots of Benefitted Properties

| <u>Block</u> | <u>Lot</u> | <u>Address</u>   | <u>Class</u> |
|--------------|------------|------------------|--------------|
| 6169         | 6          | 35-02 Bell Blvd  | A            |
| 6169         | 14         | 35-12 Bell Blvd  | A            |
| 6169         | 15         | 35-16 Bell Blvd  | A            |
| 6169         | 17         | 35-20 Bell Blvd  | A            |
| 6169         | 19         | 35-30 Bell Blvd  | A            |
| 6169         | 21         | 35-34 Bell Blvd  | A            |
| 6172         | 6          | 36-08 Bell Blvd  | C            |
| 6172         | 19         | 36-26 Bell Blvd  | A            |
| 6172         | 21         | 36-30 Bell Blvd  | A            |
| 6172         | 24         | 36-36 Bell Blvd  | A            |
| 6172         | 25         | 36-46 Bell Blvd  | A            |
| 6173         | 1          | 35-01 Bell Blvd  | A            |
| 6173         | 44         | 35-25 Bell Blvd  | C            |
| 6173         | 52         | 35-15 Bell Blvd  | A            |
| 6176         | 2          | 36-01 Bell Blvd  | C            |
| 6176         | 47         | 36-41 Bell Blvd  | A            |
| 6176         | 55         | 36-37 Bell Blvd  | A            |
| 6176         | 58         | 36-35 Bell Blvd  | A            |
| 6176         | 61         | 36-29 Bell Blvd  | D            |
| 6227         | 299        | 213-10 41st Ave  | A            |
| 6227         | 301        | 41-00 Bell Blvd  | A            |
| 6227         | 303        | 41-06 Bell Blvd  | A            |
| 6227         | 305        | 41-08 Bell Blvd  | A            |
| 6227         | 309        | 41-22 Bell Blvd  | A            |
| 6227         | 311        | 41-28 Bell Blvd  | A            |
| 6234         | 6          | 38-20 Bell Blvd  | C            |
| 6234         | 24         | 38-06 Bell Blvd  | A            |
| 6234         | 26         | 38-08 Bell Blvd  | A            |
| 6234         | 45         | 38-34 Bell Blvd  | A            |
| 6237         | 1          | 39-02 Bell Blvd  | A            |
| 6237         | 18         | 39-22 Bell Blvd  | A            |
| 6237         | 19         | 39-26 Bell Blvd  | A            |
| 6237         | 20         | 39-28 Bell Blvd  | A            |
| 6237         | 21         | 39-30 Bell Blvd  | A            |
| 6237         | 22         | 39-32 Bell Blvd  | A            |
| 6237         | 23         | 39-34 Bell Blvd  | A            |
| 6237         | 24         | 39-36 Bell Blvd  | A            |
| 6237         | 25         | 39-38 Bell Blvd  | A            |
| 6237         | 26         | 39-40 Bell Blvd  | A            |
| 6237         | 27         | 40-02 Bell Blvd  | A            |
| 6237         | 28         | 40-04 Bell Blvd  | A            |
| 6237         | 29         | 40-04A Bell Blvd | A            |
| 6237         | 30         | 40-06 Bell Blvd  | A            |
| 6237         | 31         | 40-08 Bell Blvd  | A            |
| 6237         | 32         | 40-10 Bell Blvd  | A            |
| 6237         | 35         | 40-18 Bell Blvd  | B            |
| 6237         | 118        | 39-24 Bell Blvd  | A            |
| 6238         | 1          | 38-37 Bell Blvd  | A            |
| 6238         | 6          | 38-27 Bell Blvd  | A            |
| 6238         | 9          | 38-15 Bell Blvd  | A            |
| 6238         | 14         | 38-13 Bell Blvd  | A            |



| <u>Block</u> | <u>Lot</u> | <u>Address</u>       | <u>Class</u> |
|--------------|------------|----------------------|--------------|
| 6238         | 17         | 38-05 Bell Blvd      | A            |
| 6238         | 18         | 38-01 Bell Blvd      | A            |
| 6241         | 1          | 39-27 Bell Blvd      | A            |
| 6241         | 5          | 39-25 Bell Blvd      | A            |
| 6241         | 6          | 39-21 Bell Blvd      | A            |
| 6241         | 8          | 39-19 Bell Blvd      | A            |
| 6241         | 9          | 39-17 Bell Blvd      | A            |
| 6241         | 10         | 39-15 Bell Blvd      | A            |
| 6241         | 11         | 39-11 Bell Blvd      | A            |
| 6241         | 13         | 39-01 Bell Blvd      | A            |
| 6284         | 1          | 42-40 Bell Blvd      | A            |
| 6284         | 26         | 42-02 Bell Blvd      | A            |
| 6284         | 31         | 42-12 Bell Blvd      | A            |
| 6284         | 32         | 42-16 Bell Blvd      | A            |
| 6284         | 33         | 42-18 Bell Blvd      | A            |
| 6284         | 34         | 42-20 Bell Blvd      | A            |
| 6284         | 36         | 42-22 Bell Blvd      | A            |
| 6284         | 41         | 42-34 Bell Blvd      | A            |
| 6284         | 43         | 42-38 Bell Blvd      | A            |
| 6284         | 131        | 42-14 Bell Blvd      | A            |
| 6287         | 1          | 43-20 Bell Blvd      | A            |
| 6287         | 15         | 43-02 Bell Blvd      | A            |
| 6287         | 15         | 43-26 Bell Blvd      | A            |
| 6287         | 17         | 43-06 Bell Blvd      | A            |
| 6287         | 32         | 213-17 Northern Blvd | A            |
| 6288         | 1          | 40-19 Bell Blvd      | B            |
| 6288         | 3          | 40-17 Bell Blvd      | A            |
| 6288         | 4          | 40-15 Bell Blvd      | A            |
| 6288         | 5          | 40-13 Bell Blvd      | A            |
| 6288         | 6          | 40-11 Bell Blvd      | A            |
| 6288         | 7          | 40-09 Bell Blvd      | A            |
| 6288         | 8          | 40-05 Bell Blvd      | A            |
| 6288         | 10         | 40-03 Bell Blvd      | A            |
| 6288         | 11         | 40-01 Bell Blvd      | A            |
| 6288         | 35         | 214-16 41st Ave      | A            |
| 6288         | 37         | 41st Ave             | A            |
| 6288         | 39         | 214-17 41st Ave      | A            |
| 6288         | 41         | 214-11 41st Ave      | A            |
| 6290         | 1          | 41-27 Bell Blvd      | A            |
| 6290         | 3          | 41-25 Bell Blvd      | A            |
| 6290         | 4          | 41-23 Bell Blvd      | A            |
| 6290         | 5          | 41-19 Bell Blvd      | A            |
| 6290         | 6          | 41-17 Bell Blvd      | A            |
| 6290         | 12         | 41-11 Bell Blvd      | A            |
| 6290         | 13         | 41-07 Bell Blvd      | A            |
| 6290         | 15         | 41-01 Bell Blvd      | A            |
| 6290         | 19         | 214-14 41st Ave      | A            |
| 6290         | 21         | 214-18 41st Ave      | A            |
| 6290         | 22         | 214-20 41st Ave      | A            |
| 6290         | 23         | 214-22 41st Ave      | A            |
| 6290         | 24         | 214-24 41st Ave      | A            |

| <u>Block</u> | <u>Lot</u> | <u>Address</u>       | <u>Class</u> |
|--------------|------------|----------------------|--------------|
| 6290         | 31         | 41st Ave             | B            |
| 6298         | 2          | 42-35 Bell Blvd      | A            |
| 6298         | 5          | 42-31 Bell Blvd      | A            |
| 6298         | 6          | 42-27 Bell Blvd      | A            |
| 6298         | 8          | 42-21 Bell Blvd      | A            |
| 6298         | 11         | 42-19 Bell Blvd      | A            |
| 6298         | 13         | 42-11 Bell Blvd      | A            |
| 6298         | 16         | 42-05 Bell Blvd      | A            |
| 6298         | 19         | 42-01 Bell Blvd      | A            |
| 6300         | 1          | 214-01 Northern Blvd | A            |
| 6300         | 6          | 43-29 Bell Blvd      | A            |
| 6300         | 7          | 43-25 Bell Blvd      | A            |
| 6300         | 8          | 43-23 Bell Blvd      | A            |
| 6300         | 10         | 43-19 Bell Blvd      | A            |
| 6300         | 12         | 43-11 Bell Blvd      | A            |
| 6300         | 16         | 215-01 42nd Ave      | A            |
| 6300         | 19         | 43-01 Bell Blvd      | A            |

EXHIBIT IV  
LAND USE MAP



CITY PLANNING COMMISSION

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April 25, 2007/Calendar No. 14

N 070339 BDQ

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IN THE MATTER of an application submitted by the Department of Small Business Services on behalf of the Bayside Village Business Improvement District pursuant to Section 25-405 of the Administrative Code of the City of New York, as amended, concerning the formation of the Bayside Village Business Improvement District, Borough of Queens, Community District 11.

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On October 3, 2006, the Mayor authorized the preparation of a district plan for the Bayside Village Business Improvement District (BID). On February 12, 2007, on behalf of the Bayside Village District Management Association (DMA), the Department of Small Business Services (DSBS) submitted the district plan for the BID, located in Community District 11 in the Borough of Queens.

**BACKGROUND**

The proposed Bayside Village BID is located in the area generally known as Bayside, in the Borough of Queens. The BID's boundaries extend along Bell Boulevard, from 35<sup>th</sup> Avenue to Northern Boulevard; and on 41<sup>st</sup> Avenue from 213<sup>th</sup> Street to 214<sup>th</sup> Place.

The District represents 100 property owners, 254 businesses and 119 tax lots. There are six residential buildings and one not-for-profit.

The services of the BID will primarily focus on sanitation, holiday lighting and marketing. The sanitation program may include cleaning and sweeping of sidewalks and gutters; graffiti removal; maintenance of street trees and snow removal at bus shelters and crosswalks. The BID proposes to employ a sanitation crew that may operate seven days a week for approximately seven hours a day. It will supplement the existing municipal sanitation program.

The budget for the first year of the BID is projected to be \$81,368. The budget will allocate \$29,000 to sanitation, \$15,250 to holiday decorations and marketing, and \$37,118 to administration.

The BID assessment method is based upon linear front footage. Commercial properties will be assessed at a rate not to exceed \$15 per linear foot. Corner properties located at the intersection of Bell Boulevard and 41<sup>st</sup> Avenue, devoted to commercial use, shall be assessed at a rate not to exceed \$11 per linear front foot. All wholly residential properties as well as vacant and/or undeveloped properties will be assessed at one dollar annually. Government and not-for-profit owned property devoted in whole to public or not-for-profit use shall be exempt from assessment.

Outreach to property owners, merchants and residents was done by the Bayside Village BID Steering Committee. All property owners were informed of the approximate BID assessment for their properties. The outreach for the BID was documented and submitted to City Planning.

### **ENVIRONMENTAL REVIEW**

The district plan was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York State Code of Rules and Regulations, Section 617.00 et seq., and the New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 07SBS016Q. The lead agency is the Department of Small Business Services.

After a study of the potential environmental impact of the proposed action, a negative declaration was issued on November 20, 2006.

## LAND USE REVIEW

On February 12, 2007 the Department of Small Business Services submitted the district plan for the Bayside Village Business Improvement District (BID) to the Department of City Planning. The plan was then transmitted for review to the Office of the Mayor, Office of the Queens Borough President, City Council Speaker, City Council Member of Council District 19 and Queens Community Board 11.

### Community Board Public Hearing

On March 5, 2007, Community Board 11 adopted a resolution recommending approval of this application (N 070339 BDQ) unanimously, by a vote of 43 in favor, with 0 opposed and 0 abstentions.

### City Planning Commission Public Hearing

On March 14, 2007, Calendar No. 10 the Commission scheduled March 28, 2007 for a public hearing on the district plan. On March 28, 2007 (Calendar No. 37), the hearing was duly held. There were two speakers in favor of the proposal and none in opposition.

The president of the Bayside Business Association and a BID Steering Committee member gave an overview of the BID. She also stated that the Steering Committee conducted extensive outreach to property and business owners through public meetings, mailings and local media.

The second vice president of the Bayside Business Association, also a property owner, spoke about how the BID would revitalize the area and benefit not only the business and property owners, but the residents in the community. There were no other speakers and the hearing was closed.

Consideration

The Commission believes that the proposal to create the Bayside Village Business Improvement District in Queens is appropriate.

The Commission has carefully reviewed the documents that the BID sponsor submitted regarding notification of stakeholders about the proposed BID and believes that these outreach efforts for the BID were satisfactory.

BIDs are important to the City because they promote healthy economic development for the City and help retain and attract businesses to the District.

Resolution

The Commission supports the proposed plan and has adopted the following resolution:

RESOLVED, that the City Planning Commission certifies its unqualified approval of the proposed district plan for the Bayside Village Business Improvement District.

The above resolution duly adopted by the City Planning Commission on April 25, 2007 (Calendar No. 14) is filed with the City Council and the City Clerk pursuant to Section 25-405 of the Administrative Code of the City of New York.



**AMANDA M. BURDEN, AICP, Chair**

**KENNETH J. KNUCKLES, Esq., Vice Chairman,**

**ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E.,**

**ANGELA R. CAVALUZZI, R.A., ALFRED C. CERULLO, III,**

**BETTY CHEN, RICHARD W. EADDY, LISA A. GOMEZ,**

**NATHAN LEVENTHAL, KAREN A. PHILLIPS,**

**JOHN MEROLO, DOLLY WILLIAMS**

**COMMISSIONERS**



# Community Board No. 11

46-21 Little Neck Parkway, Little Neck, New York 11362

email: QN11@cb.nyc.gov  
website: www.cb11.org

Jerry Iannece  
Chair

Susan Seinfeld  
District Manager

Helen Marshall, President  
Borough of Queens

Karen Koslowitz, Deputy Borough President  
and Director of Community Boards

March 6, 2007

Amanda Burden  
Director  
Department of City Planning  
22 Reade Street  
New York, New York 10007

RE: N 070339 BDQ District Plan for the Bayside Business Improvement District

Dear Director Burden:

Please be advised at our March 5, 2007 Community Board 11 meeting a public hearing was held on the proposed plan for the Bayside Business Improvement District.

At the meeting, a motion was made by the Board to recommend approval of the plan. The motion carried by a vote of 43 in favor, none opposed and no abstentions. The Board voted unanimously in favor of the plan for the Bayside Business Improvement District.

We trust you will find this information useful.

Very truly yours,

Jerry Iannece  
Chair

lv

cc: Hon. Michael Bloomberg, Mayor  
Hon. Christine Quinn, Speaker  
Hon. Tony Avella, Councilman  
Hon. Helen Marshall, Borough President  
George Glazer, Dept. of Small Business Services  
Jessica Dewberry, Dept. of City Planning  
Judy Limpert, BID  
Dominick Bruccoleri, BID

*Serving Communities of: Auburndale, Bayside, Douglaston, Hollis Hills, Little Neck, Oakland Garden.*