

**Eastern Queens United**  
**C/O Bellerose Commonwealth Civic Association**  
**P.O. Box 260225**  
**Bellerose, NY 11426**

Hon. Meenakshi Srinivasan, Chair  
Board of Standards and Appeals  
40 Rector Street  
New York, NY 10017

February 19, 2014

Dear Chair Srinivasan:

Re: Cal 78-11BZ and 33 to 37-12A-Community Opposition Statement

The undersigned community organizations, including the Bellerose Hillside Civic Association, Rocky Hill Civic Association, Creedmoor Civic Association, Bellerose Commonwealth Civic Association, North Bellerose Civic Association, Queens Colony Civic Association and the Glen Oaks Village Owners Association constitute the neighborhood surrounding and near the Creedmoor campus, including the C8-1 zoning lot comprising the proposed ICCC project. These civics share the common characteristics of this eastern Queens neighborhood and have informally formed Eastern Queens United in part to maintain the low density community character of the area. The undersigned organizations remain firmly opposed to the application by the ICCC to construct residential towers in a C8-1 area on various grounds stated below. We further oppose any waiver of General City Law 36 to address the project's lack of required frontage on a mapped NYC street on the basis of safety for Creedmoor consumers and absence of adequate and necessary egress on existing campus streets.

Despite several adjournments favoring the ICCC, our volunteer groups were allowed only one extra week to review ICCCs detailed submission. After a time-limited review of the revised application, which now calls for two six story towers, the community is convinced that this project does not meet the mandatory findings that the Board of Standards and Appeals must meet to grant a variance. Most importantly we believe that the project as designed will have considerable adverse impacts on the character of the surrounding community and grossly reduce the quality of life of the established residential community nearby. In addition, these civic associations have serious concerns that the financial capabilities of the ICCC can complete this project and not leave an abandoned structure partially built, derelict and rusting on the site as we experienced in the 1980s when structural steel of an abandoned school project three miles away was left to rust for over a decade. Furthermore, and vitally important, it has become clear that ICCC has no credentials, licenses, certifications or experience to build any sort of building or to operate a social services center, health facility, senior center or housing operation.

The community further contends that the financial estimates provided with ICCC's revised application are grossly understated. Actual costs of the project could not be covered at any monthly maintenance charge reasonable and affordable to senior citizens on a fixed income. In addition, the apartment size and, in many cases, room counts are greatly in excess of normal senior apartments. However, we are aware of existing nearby residential garden apartment developments that have sufficient vacancies at lower monthly costs, requiring no capital investment to accommodate the need for eighty-four apartments as proposed by ICCC.

**Bottom line**, the nearby civic and co-op/condo associations underscore that this project is, in fact, an inappropriate private investment on formerly public land, obtained at a significant discount, for a limited group of investors, which will be detrimental to the public welfare.

These issues of deep concern to our community organizations are addressed, by category, with reference to ZR 72-21, as follows:

**Character of the Community** – The so-called "C" finding is most important and most relevant in this particular project. Historically, the Creedmoor campus has experienced a complete metamorphosis over the past thirty years, going from a completely isolated state-run and state secured psychiatric hospital with no community involvement, to a variety of resident and non-resident support services for the mentally ill, drug or alcohol dependent clients and more recently incorporating more open community involvement, such as Services for Adult Persons Inc. (SNAP), which welcomes seniors from the broad neighborhood for daytime activities and lunch. The reduced security has invited more interconnections with the community and more varied project types. This was foreseen by these groups, the Queens Civic Congress (a signatory herein) and by former Borough President Claire Shulman in the creation of The Creedmoor Master Plan (copy attached), wherein it was agreed that all future Creedmoor Campus developments should meet the footprint and envelope of the existing campus buildings and meet surrounding zoning characteristics.

In the instant case, the applicant compares the height and bulk of the building in this new application to its previous application. To justify the towers' height, the ICCC also compares their new proposal to irrelevant local structures – the doomed power plant smoke stacks and the State Psychiatric Hospital's main building, Building 40, a quarter mile away. Both of these have already been overruled by the Chairperson.

The buildings clearly will substantially impair the appropriate use of the developed adjacent properties. The ICCC has intentionally ignored the existing one and two-story neighboring private homes that are within sixty feet of its buildings. The applicant does not take into consideration that its tall structures will have significant impacts on the homes next door. The adjacent R2A zoned neighborhood is limited to 35 feet in height: yet none of these houses approach the maximum and,

in fact, several neighboring homes are actually single-story ranch-style dwellings. The six-story structures next-door will grossly impede on the privacy and access to light and vista that these homes currently enjoy. ICCC's newly proposed design incorporates numerous patios on most floors, as well as open recreational areas on roofs of both buildings. These luxury features will further impact the privacy of the homeowners nearby.

ICCC's arguments for its project are specious and disingenuous at best. ICCC compares the impacts of their new proposal on the character of the Bellerose community to their previous BSA application, rather than comparing with the actual adjacent neighborhood. ICCC tries to justify its proposed height by comparing to a state hospital building a quarter mile away and smokestacks that are destined for demolition. These features were previously addressed and ruled "not to be taken into account" by the BSA Chair in September.

**Economic Hardship** – While not-for-profits technically are not required to address economic hardship, the economic strength or weakness, or proven ability of the developer is crucial for the community. We have seen other developments proceed with tenuous finances and when they become insolvent, the community is stuck with an abandoned, unsafe, rusting hulk, reducing property values nearby and diminishing the quality of life of nearby communities.

In the case of the ICCC, its finances are highly questionable. A detailed analysis (see attachment) of ICCC's annual IRS Form 990 from 2008 to 2012 (New York State Charities Registry filings) shows an organization that is highly leveraged with virtually no cash (\$17,338 FYE 2012). It lacks sufficient funding to undertake or complete such a massive construction project. In the latest IRS 990 report for 2012, it had only \$17,338 with a mortgage payable of \$2,185,500. Its Total Liabilities exceeded its Total Assets by almost \$10,000. Since 2008 it has had a negative Net Worth each and every year. Furthermore, the ICCC has no history of income and has nearly depleted its initial reserves. Those reserves came from numerous "investors" in its subvention, many of whom think they have first rights to apartments in these towers based on representations made to them by ICCC. The community questions how ICCC could possibly obtain millions of dollars in loans and mortgages to mobilize and build any project while essentially insolvent.

Also, an analysis of the Financial Feasibility Study, as submitted, shows some highly questionable cost estimates. For example, the proposed Annual P&L shows staffing payroll costs at \$21,944. A building of this scale at a basic minimum would require a Property Manager, Office Secretary and Superintendent at a total cost of at least \$200,000 per annum. Electrical and heating costs are greatly understated when compared to nearby co-op residential apartment developments. In addition, the Operating Budget has no provision for capital reserves, a necessity for a housing development of this scale. When realistic costs are used the Annual Return on Equity, which is the return investors will look at when deciding to invest in a project, is -4% rather than the positive 2.64% return shown in the ICCC proposal.

Even if we were to use the highly questionable numbers presented by the ICCC, annual operating costs would lead to monthly co-op/condo carrying charges of \$2,700 per unit. An amount that is more than four times the current carrying charges per unit of nearby Glen Oaks Village, the largest garden apartment co-op in New York. This hardly represents affordable housing for seniors and looks more like an upscale for-profit co-op/condo housing development. The monthly operating cost discussed above does not include the co-op/condo owners' capital investment or monthly mortgage costs incurred to purchase a unit.

Unfortunately we suggest that this investment by the ICCC is misdirected, unnecessary and unworkable. The area within one mile has several large residential garden apartment complexes with both young families and seniors with sufficient vacancies at truly affordable costs that could absorb each and every prospective resident of the eighty-four unit ICCC towers. A NORC (Naturally Occurring Retirement Community) could readily be set up to provide the social and practical household services for seniors that would be offered by ICCC.

**Self-Created Hardship** – ICCC began pursuing the subject lots in 2002. During over six years of legislating and negotiating the purchase, virtually nothing on the property has changed. The C8-1 zoning, mitigation issues, frontage, uniqueness of site and derelict buildings all existed at the beginning. Any hardships at this site, were well known at the time of purchase.

The community believes it should not be the role of the Board of Standards and Appeals to provide special permission to ignore the community's hard fought and hard won protective zoning with a variance that will impose massive changes to the local community character.

In addition, there are dozens of acres of potentially available land on the south Creedmoor Campus. The precedent set by awarding this variance could result in destroying the low density, low rise character on North Queens Village/Bellerose area.

**Minimal variance** – The ICCC project, as designed, causes significant additional cost to provide oversized apartments that are dramatically in excess of normal standards for affordable senior living. The minimal variance for this project should not even be considered since the ICCC has not met the required findings. ICCC has proposed a destructive, invasive and completely unnecessary project. For example, several apartments are shown on the submitted drawings as two and three bedroom apartments, some as large as 1,343 s.f. – which is comparable to most houses in the community. A study of Design and Architectural Features For Senior Housing by World Forestry found “2 bedrooms with living room/kitchen type was found to be the most common unit configuration” for senior independent living quarters. ([http://wfi.worldforestry.org/media/posters/seolwoong\\_lee.pdf](http://wfi.worldforestry.org/media/posters/seolwoong_lee.pdf)). We have not had time to do an in depth study of senior unit square footage.

**General City Law 36 Waiver** – We urge the Board to reject the request to waive GLC requirements for mapped-street frontage at this site. There is no non-emergency access through the 82<sup>nd</sup> Avenue gates and there are significant problems with the use of either Hillside Avenue or Winchester Boulevard gates to access the site. First of all, both of these gates are a significant distance from the location of the proposed ICCC development. The Hillside entrance is a fairly straight run to the project but Winchester requires several direction changes and traverses many active program areas. There are few sidewalks and the streets and curbs are poorly maintained. Creedmoor South Campus consists of numerous independent mental health provider programs with limited or no restrictions on their consumers. Many of these program residents are mentally ill and on medications. These clients are free to, and encouraged to, walk through the campus. There have been numerous reports of people on campus crossing streets without watching for traffic. Introduction of many senior drivers and unfamiliar visitors will inevitably increase accidents and injuries. ICCC tower residents would need 24 hour access, which creates security issues and exacerbates lighting, signage and other issues. The Hillside Avenue entrance doesn't even have a security booth. Winchester has an unmanned booth.

We believe, also, that the lack of street lighting, proper signage, the poor road maintenance, minimal and substandard sidewalks, narrow streets and tight corners will create serious problems for drivers, pedestrians and emergency responders – especially firefighters.

### **In Conclusion**

The community addressed this situation starting in 2007 at which time all of our civic associations were in complete support of the ICCC and its original proposal to construct a 15,000 square foot community center with parking and athletic field. The community continues to fully support that proposal. The community would work with ICCC to address the GCL36 issue for the original proposal with daytime and evening access. The ICCC has overreached significantly by increasing its demands progressively to nine stories and now to a six story solution. Even at six stories these buildings tower over their neighbors to the east and with the numerous and unrestricted “patios” the Bellerose private home residents have no privacy. We reject this proposal.

Sincerely,

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Jerry Wind, President  
Bellerose Hillside Civic Association

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Frank Toner, President  
Rocky Hill Civic Association

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Lourdes Hartrick, President  
Bellerose Commonwealth Civic Association

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Michel O’Keeffe, President  
Creedmoor Civic Association

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Bruno DeFranceschi  
North Bellerose Civic Association

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Angela Augugliaro  
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Robert Friedrich, President  
Glen Oaks Village Owners Association

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Richard Hellenbrecht, President  
Queens Civic Congress