

# BELLCOURT CIVIC ASSOCIATION

**PRESIDENT**  
Roseann Henry

**VICE PRESIDENT**  
Paul DiBenedetto

**SECRETARY**  
Dolores Stimitz

**TREASURER**  
Barbara Delfyett Hester

**ZONING COMMITTEE**  
Manuel Mergal  
Paul DiBenedetto  
Joan Rizzo

**MEMBERSHIP COMMITTEE**  
Brita Kube  
Irulan Budabin  
Kathleen Davidson

**OUTREACH COMMITTEE**  
Margaret Foley

**BYLAWS COMMITTEE**  
Donna Delfyett White  
David White

**AUDIT COMMITTEE**  
Alexandra Tarasko

**CONTACT:**  
[info@bellcourt.org](mailto:info@bellcourt.org)

**WWW.BELLCOURT.ORG**

February 18, 2023

Hon. Kathy Hochul  
Governor of New York State  
NYS State Capitol Building Albany, NY 12224

Dear Governor Hochul:

We write to express our deep concern about three elements of your budget proposal submitted to the State Legislature on Feb. 1, 2023. These three proposals would not only be severely detrimental to many neighborhoods in Eastern Queens, but they are also a vast overreach by the state into local zoning. The Bellcourt Civic Association is strongly opposed to these proposals, which would destroy our community.

The Bellcourt Civic Association is a civic association representing some 500 households on the site of a former Bell family farm in the heart of Bayside, Queens. The Bayside LIRR station is immediately adjacent to our southern boundary, and the area around that station (as well as along Bell Blvd., our main commercial strip) features apartment buildings and other multi-family dwellings. Directly north of that, most of Bellcourt is zoned for one-family homes, with a typical lot size of 40 X 100 feet. Many of the houses located in Bellcourt were built over a century ago and have survived through the years because of a deep love and appreciation for them by the many families that have proudly called them "home."

***Your new proposal could put as many as five households on each of these single-family lots, thereby gutting our neighborhood.***

The three elements of the budget proposal to which we are opposed are:

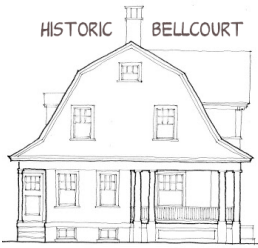
**1. Mandatory increased density through Transit Oriented Development (TOD)**

We agree that transit hubs and associated "downtown" areas near transit stations are logical areas for higher density zones – as noted, Bellcourt is currently designed in exactly that manner. However, the budget proposal would create density that is greatly excessive for many of the affected areas. The TOD proposal requires a density of at least 50 units per acre in a half mile radius around transit stations in and within 15 miles of New York City. For Bellcourt, where most homeowners now live on lots of .1 acre, that would be disastrous. A square block that now hold 20 households would have to accommodate 100 – that's five households on every modest lot.

This proposal would create a large-scale, mandatory upzoning of our historic neighborhood, as the entirety of Bellcourt lies within a half-mile radius of the Bayside station. Such an increase in density will dramatically and unfavorably change the character of our stable, racially diverse, and predominantly middle-class neighborhoods. Importantly, there is nothing in the proposal that would require or even incentivize the creation of affordable housing in TOD areas; on the contrary, these would all be market rate housing units.

The TOD proposal is a proverbial "blunt instrument" that entirely ignores the existing development patterns that give communities and neighborhoods their desirable, diverse character. The large majority of New York City, including much of Queens, is zoned for very high densities. Eastern Queens is one of the few areas of the city zoned for lower densities. In Bayside, we already have a careful, effective blend of mixed zoning that includes high density, low density and commercial use. The TOD proposal completely ignores the sensible, existing development pattern in Bayside, blindly imposing high density requirements in precisely the wrong places.

The TOD and associated proposals would have very significant impacts on the adequacy of infrastructure,



# BELLCOURT CIVIC ASSOCIATION

including roadways, parking, and school capacity; none of these are addressed in the budget proposals. On the contrary, a mere \$250 million is provided for infrastructure improvements statewide — an almost trivial amount considering that the TOD proposal itself would generate far more than a million new units in Long Island alone, and many more in Queens, other parts of NYC, and Westchester.

The goal of focusing increased density near rail stations is reasonable, but it is very important that the detailed judgments be left to local governments, which are best able to balance the needs for additional housing with the need to maintain appropriate zoning diversity and quality of life considerations. It is precisely for this reason that zoning has always been understood to be a local issue, appropriate for local decision-making. Importantly, and in that context, we note that the TOD proposal, as well as other elements of the budget proposal, violate the State constitution and the rights of local governments to do their own planning.

## **2. Legalization of Accessory Dwelling Units (ADUs), regardless of local zoning**

This budget proposal would allow basement and attic apartments, garage conversions, and additional building units, regardless of local plans and zoning regulations. This is disastrous for contextually planned, single-family zoned areas such as ours. Among other concerns, the proposal has no on-site parking requirements and no reference to safety requirements (e.g., with respect to basement dwellings where flooding can be fatal, as tragically demonstrated during Hurricane Ida in 2021). The proposal ignores impacts on local infrastructure (parking availability, roadway adequacy, school capacity, etc.).

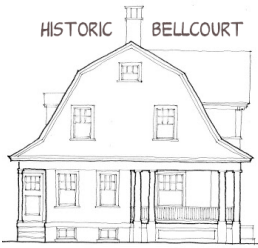
Even worse, the proposal would give property tax exemptions to those owners creating ADUs, thus reducing the revenues available to local governments that will be necessary to respond to the increased infrastructure needs of the affected communities! And as with the TOD proposal, the proposal includes no requirement to ensure—or even incentives to promote—affordability. On the contrary, the ADUs would be market-rate rentals.

## **3. Amnesty for all illegal conversions in NYC**

This proposal is deeply flawed, as it ignores the fact that many illegal conversions are highly dangerous. Fires from faulty wiring and flooding from poor design have caused many injuries and fatalities. The proposal includes no obligation on the owners of these illegal and often dangerous units to self-identify and bring their units up to code. Indeed, because the owners who do self-identify will pay higher taxes (both property and income), there is a strong disincentive for them to come forward. There is also no provision to provide for increased funding and staffing sufficient to enable local building departments to oversee the amnesty program and enforce safety codes. As with other proposals, here too there is no requirement that the illegal units be affordable.

These three highly damaging proposals represent not only a violation of the Home Rule principle, they are also an inappropriate use of the budget process as an end-run around the legislative one. Complex legal initiatives like these properly belong in the state and local legislatures, not in the executive branch. They also remove citizens from the democratic process.

- The budget proposals provide for mandatory housing density targets on a 3-year cycle in all municipalities, with State-level intervention and over-ride if the targets are not met. This is another serious violation of the Home Rule principle in the State constitution. This principle recognizes that planning and zoning decisions are best made at the local level, with proper contextual consideration of existing development patterns and thoughtful targeting of future development.



# BELLCOURT CIVIC ASSOCIATION

- It is entirely inappropriate to seek to enact legislation as sweeping, complex and consequential as this through the annual—and notably opaque—state budget process. With a scant two months for public review and engagement, this is the antithesis of a transparent, informative, and informed political process.
- The proposals fail entirely to consider the concerns of the residents of the affected areas. Instead, after three years the state would indiscriminately impose the density changes without any local feedback or recourse. The proposals fail to recognize the changes to the qualities of life that brought every homeowner to purchase in that area. While change in a community is inevitable, and there is never a guarantee for any homeowner that no unwished-for changes will occur, these proposals impose changes by fiat in a way that would never happen under local jurisdiction. People cherish the freedom to choose the type of neighborhood they want for themselves and their families, and they expect to have a reasonable opportunity to influence the pace and nature of change through their local elected officials. Thoughtful urban planning has always promoted diversity, with a vibrant and interesting city being made up of a wide variety of different types of neighborhoods. These proposals are wholly inconsistent with that sensible approach.

We urge that these proposals be removed from the budget process, and that any further consideration of these or similar proposals take place through the appropriate legislative process.

Roseann Foley Henry  
President, Bellcourt Civic Association

cc: Lieutenant Governor Anthony Delgado  
State Comptroller Thomas DiNapoli  
State Senator Andrea Stewart-Cousins, State Senate Majority Leader  
State Senator Robert G. Ort, State Senate Minority Leader  
Assembly Member Carl E. Heastie, Speaker & Assembly Majority Leader  
Assembly Member William A. Barclay, Assembly Minority Leader  
State Senator Toby Stavisky  
State Senator John Liu  
Assembly Member Edward Braunstein  
Queens Borough President Donovan Richards  
NYC Council Member Vickie Paladino  
Queens Civic Congress  
Northwest Bayside Civic Association  
Bayside Gables Civic Association