

**BRONX COMMUNITY BOARD NO. 8**

**MINUTES OF THE LAND USE COMMITTEE MEETING  
HELD ON DECEMBER 8, 2014 AT  
CONSERVATIVE SYNAGOGUE, 475 WEST 250<sup>TH</sup> STREET**

**PRESENT CB8:**

B. Bender, L. Daub, P. Ellis, D. Fuchs, M. Heller, D. Kornbluh, C. Moerdler, J. O'Brien, D. Padernacht, L. Parker, R. Press, L. Spalter, M. Wolpoff, H. Young

N. Stent – CB8 District Manager

**GUESTS/COMMUNITY RESIDENTS:**

See attendance list in Board Office.

Chairman Moerdler called the meeting to order at 8:05 PM, a quorum was not present.

**Agenda Item 1:** City Planning Commission Application No. N 100337 ZAX re: Bloomfield Residence, Block 5819, Lots 2168, 2170, 2175, 2167, 4680 Fieldston Road, Special Natural Area District (NA-2), Bronx, for the grant of authorizations involving a development, enlargement, or site alteration on a Tier II site or portion of a zoning lot having a steep slope or steep slope buffer, alteration of rock outcrops, modification of botanic environment and tree preservation planting requirements, modification of lot coverage controls, modification of spacing between buildings on the same zoning lot, and modification of requirement for driveways on Tier II zoning lots to allow the development of three single-family homes; and Landmarks Preservation Commission Application No. 096026 for proposed new construction of houses

The applicant represented by Howard Weiss provided information on the project. The development of three single-family homes near Indian Pond had been modified to accommodate community concerns. Fewer trees would be removed, from 42 down to 25 trees with the intent to have a minimal disturbance of the area. The steep slope impact was less for each house; the area of disturbance was also lower. There is one less driveway. A drainage system plan would improve the area with drywells and a series of storage tanks for storm run-off installed draining water away from the site and into the sewer system. The house designs reflect the Fieldston area designs.

There were several community speakers. B. Contant president of Fieldston Property Owners Association (FPOA) requested a continuation of this item at the next Land Use Committee in January 2015 as the FPOA was scheduled to have a meeting within the next week to discuss this property, its Special Natural Area Designation (SNAD), landmark status within the Fieldston area and impact on the sewer system in Fieldston. In addition, he mentioned the Landmarks Preservation Commission (LPC) had scheduled a public hearing for January 16 and FPOA had just received information. There had been no time to prepare for the discussion on the city planning issue or the LPC public hearing or discuss the impact of the development on the area. The FPOA has 259 members and would like an opportunity to review the issues with the members and have an active role, with comments regarding the special natural area and landmarked district.

Various other residents in the area expressed concerns regarding the development and its impact on the SNAD rules, landmark status of Fieldston, sewer overload, construction impact on the environment and the pond, and infrastructure of the roadways and quality of life. G. Oliver Koppel, a prior City Councilman from the area, spoke about the impact of the development on the special natural area and the pond and suggested an environmental study was needed (he distributed a handout to board members).

Chair Moerdler requested of the Applicant that with all the community discussion and concerns would they be receptive to holding over this discussion until the January Land Use Committee meeting and postpone the LPC public hearing for another month. In addition he suggested a site visit to the area for the board members. The applicant agreed.

While there was no quorum, a motion was brought before the committee that will be brought before the board from the floor.

**RESOLVED**, Bronx Community Board No. 8 request that the Landmarks Preservation Commission Public Hearing be **laid over** until January 2015, for Application No. 09-6026, 4680 Fieldston Road, Fieldston Historic District – Block 5819, Lot 2166, Zoned R1-2 for proposed new construction of three houses.

Vote: 13 in favor, 0 opposed, 0 abstentions

In Favor –

B. Bender, L. Daub, P. Ellis, D. Fuchs, M. Heller, D. Kornbluh, C. Moerdler, J. O'Brien, D. Padernacht, R. Press, L. Spalter, M. Wolpoff, H. Young

Abstentions –

L. Spalter  
D. Padernacht

**Item 2:** Authorization by the City Planning Commission to permit the construction of a two-family residence on the project site located at 6033 Huxley Ave (Block 5875, Lot 927), within Community District 8, Borough of The Bronx. The applicant is seeking an authorization pursuant to Section 22-43 of the Zoning Resolution to waive the requirements of Section 22-43, to allow the construction of a detached two-family residence with less than 75 percent of the floor area of one dwelling unit located above or below the other

The applicant explained that after a year of planning with Department of Buildings and after approvals were received, they were informed that they had to go to city planning.

Chair Moerdler asked several questions regarding the building and its current status: was it occupied and what was CPC recommendation? The applicant explained that it is not occupied, more work needs to be done to complete it but there is a work hold currently.

Chair explained that the building needed CPC approval and had received DOB approvals 2 years ago. Applicant added that DOB had said the building was in keeping with the neighborhood and had complied with zoning.

Community residents spoke in support of the project. The applicant had been considerate of the community, spoke to neighbors and had been forthright on plans, and the community members supported the completion of the project.

While there was no quorum, a motion was brought before the committee that will be brought before the board from the floor.

**RESOLVED**, Due to a showing of special circumstances has been made and without prejudice and without creating any precedential effect, Bronx Community Board No. 8 approves the Authorization by the City Planning Commission to permit the construction of a two-family residence on the project site located at 6033 Huxley Ave (Block 5875, Lot 927), within Community District 8, Borough of The Bronx. The applicant is seeking an authorization pursuant to Section 22-43 of the Zoning Resolution to waive the requirements of Section 22-43, to allow the construction of a detached two-family residence with less than 75 percent of the floor area of one dwelling unit located above or below the other.

Vote: 14 in favor, 0 opposed, 1 abstention

In Favor –

B. Bender, L. Daub, P. Ellis, D. Fuchs, M. Heller, D. Kornbluh, C. Moerdler, J. O'Brien, D. Padernacht, L. Parker, R. Press, L. Spalter, M. Wolpoff, H. Young

Abstention –

R. Press

**Item 3:** Manhattan College exposed rooftop mechanicals on its new Student Commons building

Chair Moerdler stated that Manhattan College was making a good effort to accommodate the communities concern about the roof top mechanicals using coverings, painting and other methods.

**Item 4 and 5 combined:** Update on Selfhelp proposed construction at 6469 Broadway and Selfhelp Project Working Group Report

Paul Ellis, Chair of the Selfhelp Working Group presented. He explained that an audit had been completed by Department of Buildings but not distributed to the community board; however, the elected officials had received the report.

Assemblyman Dinowitz broadly discussed the report and that it described the general project parameters including the parking plans. P. Ellis expressed continued concern about the parking lifts, noise and requirement of 24/7 dedicated attendant. Currently Selfhelp does not have a parking group to address this issue. DOB had asked to be shown an example of lift parking in other communities as it was raised by Selfhelp.

Board members asked questions about the number of lifts that will be covered, applicant responded 6. Board Chairman D. Padernacht asked about state funding for a commercial tenant on the second floor and what was DOB's response to 24/7 attendant. Selfhelp responded that they are in discussion with Senator Klein's office on the tenant issue and still working with DOB on the interpretation of the 24/7 requirement.

While there was no quorum, a motion was brought before the committee that will be brought before the board from the floor.

**Whereas**, at the meeting of the Land Use Committee of Bronx Community Board 8 (“Board 8”) held on September 15, 2014, a working group consisting of members of Board 8 and other community members (the “Selfhelp Working Group”) was formed in order to address questions and issues raised by the community with Selfhelp Community Services, Inc. (“Selfhelp”) in connection with the project Selfhelp is developing at 6469 Broadway (the “Project”);

**Whereas**, the Selfhelp Working Group sent letters on September 29th to both the NYC Department of Buildings (“DOB”) and the City Planning Commission (“CPC”) asking for clarification regarding the application of the Zoning Resolution as far as allowable FAR, impact of commercial space, acceptable use of lift parking, and other issues relating to the size and density of the project;

**Whereas**, it is the position of DOB and CPC that Selfhelp is required under the Zoning Resolution to provide 19 parking spaces in connection with the Project;

**Whereas**, Selfhelp is proposing to provide 13 of those 19 spaces via lift parking;

**Whereas**, lift parking, which is not currently being used anywhere in Community Board 8, would result in noise and a commercial appearance to the Project which is not appropriate for the surrounding residential neighborhood;

**Whereas**, we are informed that it is the opinion of Bronx Borough Commissioner Werner R. DeFoe, that if the required parking for the Project is to be satisfied with lift parking, then in order to comply with the Zoning Resolution, such parking must be attended 24x7x365 by dedicated personnel with no other responsibilities in the Project and that the Project must include a booth for the parking attendants;

**Whereas**, the Project is not currently in compliance, as personnel are only to be available to operate the lift parking from 7 am until 11:30 pm, those personnel are intended to have responsibilities beyond operating the lift parking, and plans for the project do not include a booth for parking attendants; and

**Whereas**, DOB has already permitted a reduction in the required square footage per parking spot from 300 sq. ft. per parking spot to 200 sq. ft. per parking spot, which allowed Selfhelp to construct a larger, taller building that is out of context with and opposed by residents of the surrounding community;

**NOW THEREFORE, BE IT RESOLVED**, that the Board is opposed to the use of lift parking in connection with the Project, given the proximity to private homes and the adjacent senior living facility; and be it further

**RESOLVED**, that if DOB elects to allow the use of lift parking despite community and Board opposition, DOB should require Selfhelp to provide a 24x7x365 dedicated parking attendant, an attendant parking booth and any and all ancillary facilities necessary to support such operations as required by New York City code, the Zoning Resolution and other guidelines and as established by DOB through precedent for similar buildings in

similar settings throughout New York City (collectively, “Laws and Guidelines”), and be it further

**RESOLVED**, that the Board calls upon DOB to take such actions as are necessary to stop construction of the Project until such time as DOB determines that the Project is in compliance with the Laws and Guidelines.

**Vote by Land Use Committee: 12 in favor, 0 opposed, and 1 abstention**

**In Favor –**

R. Bender, L. Daub, P. Ellis, D. Fuchs, M. Heller, D. Kornbluh, J. O’Brien, D. Padernacht, R. Press,  
L. Spalter, M. Wolpoff, H. Young

**Abstention**

C. G. Moerdler

Meeting ended at 10:15pm.

Respectfully submitted,

Nicole Stent  
District Manager