

**MINUTES OF THE LAND USE COMMITTEE MEETING  
HELD ON JUNE 25, 2015  
AT IN-TECH ACADEMY, 2975 TIBBETT AVENUE**

**PRESENT –**

**Community Board No. 8**

S. Alexander, B. Bender, A. P. Creaney, L. Croft, L. Daub, P. Ellis, R. Fanuzzi, A. G. Feldmeier, B. Fettman, N. Friedman, S. Froot, R. Ginty, M. Goodman, M. Heller, D. Kornbluh, C. G. Moerdler, O. Murray, D. Padernacht, K. Pesce, R. Press, A. J. Robateau, G. Santiago, L. Spalter, M. Wolpoff, M. Yamagata, H. Young

**Staff**

P. Manning, District Manager

**Elected Officials/Representatives**

A. Cohen – Councilmember  
C. Weisbrod – Commissioner, Department of City Planning  
C. Samol – Director, Bronx Department of City Planning  
J. Horstman – Bronx Department of City Planning  
R. Martos - rep. Assemblyman Jeffrey Dinowitz  
A. Sandler - Office of Councilmember Andrew Cohen  
C. Lang - rep. Senator Jeffrey Klein

**Community Members –** List of attendees available in Board office

Chair Moerdler called the meeting to order at 7:40 PM.

1. The Chair first spoke on the matter of the Citywide Zoning Text proposal being presented at this meeting. He explained that officers of the board have already seen versions of the presentation along with other Bronx chairs weeks ago. This is only an initial presentation and it is worthless until the text changes proposed for the zoning resolution are seen, which will show where the building is permitted and the rear and side yards of the properties for the text change. However we are not advised yet regarding the floor yards area ratio applicable to those buildings. He advised that this is part 1 of at least a two part series. Following the presentation, officers of the Board will offer their comments.
  
2. Plans for construction at 233 West 262<sup>nd</sup> Street  
  
M. Cannhy representing the Spencer Terrace/Place Group addressed the Board. She discussed the group's concerns with the builder's construction plans, including construction access route. The group had written to the Board detailing certain issues that may compromise gas lines, easement encroachment and roadway infrastructure. Chair Moerdler recommended that the builder, Scott Galaia meet with the group to work out the issues and report back to the District Manager at the Community Board office. The parties agreed to meet.

3. Plans for construction at 3707 Blackstone Avenue, and 640 West 238<sup>th</sup> Street

Johnathan Klein advised that he was representative for 640 West 238<sup>th</sup> Street only. Chair Moerdler reinstated same concerns already discussed at previous meeting regarding the development at 3707 Blackstone Avenue. He asked Mr. Klein to speak with his client on both properties and report back to the Land Use Committee at its meeting to be held in July or August and not to do any filings before returning. Mr. Klein agreed.

4. SAPO (Street Activity Permit Office) – Event: Reaching out to the community- Religious Ceremony with full street closure to be held on August 29<sup>th</sup>, 2015 at Eames Place between Claflin Avenue and University Avenue. This event has been held previously.

Discussion. M. Heller advised that the application had come before the Traffic & Transportation Committee; however there was no quorum for a vote but the members present were in favor of the application.

Motion for vote on the application resulted in a unanimous vote in favor, with 1 abstention.

Vote: 24 in favor, 0 opposed, and 1 abstention

In Favor –

S. Alexander, B. Bender, A. P. Creaney, L. Croft, L. Daub, P. Ellis, A. Feldmeier, B. Fettman, N. Friedman, S. Froot, R. Ginty, M. Goodman, M. Heller, C. G. Moerdler, O. Murray, D. Padernacht, K. Pesce, R. Press, A. J. Robateau, G. Santiago, L. Spalter, M. Wolpoff, M. Yamagata, H. Young

Abstention –

D. Kornbluh

5. Chair Moerdler informed about a request for support from Community Board 6 Manhattan for of a resolution for Intro 0791-3015 in relation to requiring community board referral of Certificate of Appropriateness applications and subsequent modification.

Motion to bring resolution to floor carried with a vote of 24 in favor, 0 opposed, and 2 abstentions.

In Favor –

S. Alexander, B. Bender, A. P. Creaney, L. Croft, L. Daub, R. Fanuzzi, A. G. Feldmeier, B. Fettman, N. Friedman, S. Froot, R. Ginty, M. Goodman, M. Heller, D. Kornbluh, C. G. Moerdler, O. Murray, D. Padernacht, K. Pesce, R. Press, G. Santiago, L. Spalter, M. Wolpoff, H. Young

Abstentions –

P. Ellis, M. Yamagata

Chair Moerdler presented the following resolution for a vote.

WHEREAS, Intro. 0791-2015 has been introduced into the city Council and if enacted would enhance the role of the Community Boards in the process of reviewing and acting on applications for Certificates of Appropriateness (C of A) to the Landmarks Preservation Commission (LPC), and

WHEREAS, while it is current practice of LPC to notify affected community boards of agenda items in their district coming up for public hearings, such notification is not mandated under city law, and

WHEREAS, when action on applications are deferred for further modifications of the design, it is current practice of the LPC to act on the modification without a public hearing or community board notification, and

WHEREAS, Intro. 0791-0215 would require Community Board referral of C of A applications and subsequent modifications, now

THEREFORE, BE IT RESOLVED, Community Board No. 8 Bronx County, endorses and urges enactment of Intro 0791-2015.

Vote: 22 in favor, 1 opposed, and 2 abstentions

In Favor –

S. Alexander, B. Bender, A. P. Creaney, L. Croft, L. Daub, R. Fanuzzi, A. G. Feldmeier, B. Fettman, N. Friedman, S. Froot, M. Goodman, D. Kornbluh, C. G. Moerdler, O. Murray, D. Padernacht, K. Pesce, R. Press, G. Santiago, L. Spalter, M. Wolpoff, M. Yamagata, H. Young

Opposed –

M. Heller

Abstentions –

R. Ginty, P. Ellis

6. Department of City Planning presentation re Citywide Zoning Text proposal affecting bulk and density regulations to increase affordable housing.

J. Horstman gave a power point presentation on the proposal for the Affordable Housing Zoning Text. The Housing New York plan, released in May 2014, is the Mayor's five-borough, ten year plan to build and preserve affordable housing throughout New York City. The plan lays out a set of strategies to preserve and create 200,000 units of affordable housing. The changes proposed in the zoning text resolution are designed to better promote affordable housing to address the needs of the aging population. No proposed changes to the Special Natural Area Districts. The proposed changes to the Zoning resolution will go through the City's environmental and land use review process.

He outlined the following proposed changes and referred to specific mapped areas where Community District 8 would be affected:

- Basic Residential Height changes – The proposal provides minor increases in height to encourage housing production and increase design flexibility.  
Applicability: Residential development in moderate and high density zoning districts their commercial district equivalents.

Contextual Districts Basic Residential changes – Maximum heights would be updated:

Residential Equivalent	Zoning District	Existing Max Height	Basic Proposed Stories	Basic Height Difference
R6A	R6A	70'	75'	5'
R7	R7A	80'	85'	5'

- Non-Contextual Districts Basic Residential Changes:

Residential Equivalent	Zoning District	Existing Max Height	Basic Proposed Stories	Basic Height Difference
R6 (wide)	R6	70'	75' (7)	5'
R7-1 (wide)	R7-1	80'	85' (8)	5'
R7-2 (wide)	C4-4	80'	85' (8)	5'

- Affordable Senior Housing height and floor area changes –

There is an increasing need for a range of housing and long-term care options for seniors. The proposal encourages greater housing production for older seniors.

Applicability: Affordable Independent Residences for Seniors and Long Term Care Facilities in R3-R10 zoning districts and their commercial district equivalents.

- Affordable Senior Housing and Long Term Care Floor Area

Floor area ratio maximums would be updated for certain types of affordable senior housing and long term care facilities:

Residential Equivalent	Zoning District	Existing Nonprofit Residences for the Elderly (FAR)	Existing Nursing Home and Health Related Facilities (FAR)	Proposed Affordable Independent Residences for Seniors and Long Term Care (FAR)
R4	R4	1.29	0.75	1.29
R5	R5	1.95	1.27	1.95
R6	R6	3.9	2.43	3.9
R6A	R6A	3.9	3	3.9
R7	C4-4	5.01	3.44	5.01

	R7-1	5.01	3.44	5.01
R7A	R7A	5.01	4	5.01

- Affordable Senior Housing and Long Term Care: Contextual Districts

To fit permitted floor area, maximum heights would be updated in the contextual districts:

Residential Equivalent	Zoning District	Existing Height (stories)	AIRS and LTCF Proposed (stories)	AIRS and LTCF Height Difference
R6A	R6A	75' (7)	85' (8)	10' (1)
R7A	R7A	85' (8)	105' (10)	20' (2)

- Affordable Senior Housing and Long Term Care: Non-Contextual Districts

Currently affordable senior housing developments in non-contextual districts may choose between a height factor building, without fixed height maximums, or a Quality Housing option, which creates a contextual envelope.

Buildings providing affordable senior housing or long-term care facilities would be able to utilize the enhanced Quality Housing envelope applicable for that zoning district.

- Transit Zone Parking Changes

The proposal eliminates or reduces parking requirements for a range of affordable and senior housing units. Car ownership near transit is 5%, 11% far from transit.

Applicability: Affordable and senior housing in moderate and high density zoning districts where car ownership is low.

- Chair Moerdler asked for definition of "Affordable Housing." DCP explained that HUD sets affordable housing regulations. It is based on income of 80% AMI \$69,000 for family of four (4) with monthly rent cost of \$1,500.
- D. Padernacht, Chair of Community Board 8, thanked Department of City Planning for the conceptual plan presentation. He assured that the Community Board supports affordable housing and stressed that affordable housing exist in the community both in private apartment buildings and NYCHA developments. He referred to the Mayor's plan for the creation and preservation of 200 affordable housing units in the next 10 years, of which 120,000 is just to preserve units. The plan presented is focused on the 80,000 affordable units the Mayor is planning to create in the next 10 years. The Board emphasizes preservation of affordable housing and would like to work with City agencies

in that effort. Chairman Padernacht stated that the Zoning Text for the plan has not been seen yet. However the conceptual plan has been seen and he does not agree with the concept. He would like to see more individual planning for communities, as each community has different needs; and more affordable housing that create home ownership.

9. R. Ginty, Vice Chair of Community Board 8, advised that what was presented is not the Zoning Text, that it is only an outline description of a proposed Text. She commented on phrases such as Rationalizing FAR; Making unit size flexible; and Modernizing Definitions. What they actually mean will not be known until the Text is seen. The statement regarding "No change to Natural Area District" – Will need to see how it is defined in Text.

The Environmental Impact Statement will not be available until certified in September/October 2015. It will reveal the environmental impact to each of the changes proposed.

R. Ginty advised that she had attended the meeting held on May 4, 2015 for City Planning's presentation on the proposed previous City Planning presentation at the Fordham office and did independent research. She stated that this Zoning Proposal will have effects beyond Affordable Housing. She is personally very concerned with what she has seen and heard thus far as it undoes so many important zoning protections that Community Board 8 fought for and accomplished over the years, such as Contextual Zoning, designed to limit building height. The proposal increases height, reduces size of yards, allows construction in rear yards and shrinks distance between buildings. R. Ginty informed that following the meeting presentation on May 4, 2015 at City Planning, changes were issued on May 15, 2015 by CPC. "In R8 districts maintain current 75 ft. maximum height that exists today." "R7 increase to a basic maximum height of 85 ft. and 105 ft. for buildings providing senior affordable housing." She questioned how a high density R8 district in Manhattan should have lower building height than a lower density R7 district in Community Board 8. R. Ginty advised that she sees no way to support anything seen or heard from proposal so far and hopes to see something quite different in the fall and that the Bronx gets the same consideration of R8 districts as Manhattan.

10. Chair Moerdler discussed Bronx Borough President Ruben Diaz efforts to increase affordable housing in the Bronx, which include proposals for housing on top of four (4) rail yards. Chair Moerdler supports those locations as being superb sites for affordable housing in that there would be no destruction of neighborhoods. He expressed serious reservations to locating seniors on high floors as there would be a risk of in-operable elevators. He advised that not one Bronx Community Board supports the concept. While he understands that the City has the responsibility of providing housing for one to two million people within the next year or two, it must be done without the destruction of neighborhoods and its single family homes. Chair Moerdler stated that according to what he has seen and heard thus far, he cannot support the plan.
11. D. Kornbluh stated that there is a housing crisis in New York, and 30% of people pay 30% or ½ or more of income to housing. There are close to 70,000 homeless people in New York City, and we need to make compromises to accommodate housing needs.

12. P. Ellis reiterated the concern of need for affordable housing in the City and Community Board 8, but the question is how to achieve. He discussed the concern with size of units, and significant parking concerns. He advised that he also attended the May 4<sup>th</sup> meeting at City Planning where there was wide-spread opposition to the plan as presented. He further discussed how the parking needs differ for each borough.
13. L. Spalter stated that rezoning would greatly increase density without supporting that growth with appropriate infrastructure. Examples are the Broadway sewer that is about 100 years old. The schools in the community are over capacity. Developers of affordable housing already receive tax exemptions and under current zoning can build taller buildings with fewer required parking spaces. The rezoning is just more give away to developers.
14. M. Wolpoff would like to see the EIS and discussed detrimental impact of lack of green space for kids and no set-backs.
15. C. Weisbrod, Commissioner, City Planning, stated that everyone will see that the Text plan is very modest. City Planning is getting feedback from citizens. However Affordable Housing is needed. This is most comprehensive plan he has seen in his 40 years in City government. The plan is designed to make contextual zones better. He asked that boards wait for the Zoning Text. It will respond to some concerns. Commissioner Weisbrod advised that City Planning will be back in September and added that they are only trying to make housing better.
16. R. Press questioned the green concepts and quality of building construction.
17. D. McShane, former Chair of Community Board 8, stated that the plan places more affordable housing on the Broadway corridor. He advised that within the last two years over 400 sq. ft. along the Broadway corridor has been slated for housing development with no opposition from the Board. Further Broadway already has a "Hot Sheets" motel, and the Riverdale Manor Adult Home. He discussed the need for a Broadway corridor management. Need to spearhead where to place schools, housing. Mayor has already stated that he will not use union labor. He asked the Board to oppose the Affordable Housing Plan.
18. J. Grossman asked about the elimination of parking. City Planning informed that Market Rate will have parking. Asked if 238<sup>th</sup> and Riverdale Avenue is within Transit Zone. City Planning responded that the area is out of the Transit Zone.
19. S. Jeselsohn discussed how green space is vital to a healthy environment. She suggested one parking space per unit.
20. J. Klein asked about plans to update categories related to seniors.

21. R. Martos delivered a statement from Assemblyman Dinowitz who was in Albany finishing up the 2015 legislative session. The Assemblyman asked that the following be put on the record:

He would oppose any proposal that would:

- Increase density in any part of his district
- Make it easier to build or encourage the construction of taller fatter buildings
- Create incentives to knock down private homes and replace them with buildings
- Make it difficult to park a car in any part of his district
- Cause large increases in population that would further strain already strained services such as schools, mass transit and parking

He DOES want:

- His neighborhoods to continue to contain a mix of private homes, co-ops and condos, and rentals.
- His community to continue to be among the greenest in the city and not to lose trees, green space or open space to over development.

Assemblyman Dinowitz recognizes the housing needs of the city, but has no desire to see New York's population grow to 10 million. If we want to keep our city and neighborhood livable, we should not take steps that would encourage the flooding of people, especially since there does not seem to be any serious plans to provide the necessary services to deal with such increases. He therefore would vehemently oppose any proposals that would diminish our quality of life by overcrowding our neighborhoods with bigger and fatter buildings, reduced parking and less open space.

22. D. Burke commented on the terminology and misleading language in the proposal.

23. C. Lang, representing Senator Klein delivered his regrets for not being able to attend the meeting and that he looks forward to meetings at City Hall concerning the affordable housing plan.

24. G. Klingsberg, representing Riverdale-Spuyten Duyvil Coalition, discussed the serious traffic problem along Broadway. He asked about the quality of housing along Broadway, and how the plan improves quality of life in area.

Chair Moerdler thanked all for their courtesy.

Meeting adjourned 9:45 PM.

Respectfully submitted,

Patricia Manning  
District Manager