

BRONX COMMUNITY BOARD NO. 8

**MINUTES OF THE LAND USE COMMITTEE PUBLIC HEARING AND
MEETING HELD ON NOVEMBER 9, 2015, AT IN-TECH ACADEMY
2995 TIBBETT AVENE**

PRESENT

Community Board No. 8:

C. G. Moerdler, Chair, Land Use Committee, A. Alexander, B. Bender, A. Creaney, L. Croft, L. Daub, M. Donato, A. G. Feldmeier, N. Friedman, P. Friedman, S. Froot, D. Gellman, R. Ginty, M. Goodman, A. Guzman, D. Kornbluh, R. Pochter Lowe, O. Murray, J. O'Brien, D. Padernacht, K. Pesce, R. Press, J. M. Reyes, A. J. Robateau, G. Santiago, L. Spalter, I. W. Stone, S. Villaverde, M. Wolpoff, M. Yamagata, H. Young

ABSENT

L. Baez, P. Ellis, R. Fanuzzi, M. Felix, D. Fuchs, M. Galvin, M. Heller, I. Ladimer, S. Marquez, D. McCord, A. Moore, L. Parker, J. M. Pilsner, J. Rather, S. Sarao, D. Toledo

Staff

P. Manning – District Manager

Elected Officials / Representatives

J. Dinowitz – Assemblyman, A. Cohen – Councilman, C. Samol, J. Horstman – Bronx Department of City Planning, A. Castano, Office of Assemblyman Jeffrey Dinowitz, J. Stephenson, K. Theobald, A. Sandler, J. Stephenson - Office of Councilman Andrew Cohen

Community Residents

The full list of attendees is on file in Board Office

Chair Moerdler convened the meeting at 7:40 PM.

1. Public Hearing –

A) Mandatory Inclusionary Housing –

Department of City Planning Land Use Review Application No. N160051ZRY

B) Zoning for Quality and Affordability Text Amendment –

Department of City Planning Land Use Review Application No. N160049ZRY

Chair Moerdler called upon the speakers. Each of them delivered testimony stressing strong opposition to the Mayor's Housing New York for Affordability Plan:

• **J. Klein, Riverdale Community Coalition (RCC) presented –**

Stated that RCC endorse objective of increasing Affordable Housing for senior citizens and families, wherever appropriate. However, the ZQA is severely flawed

and raises a significant issue as to the integrity of the process. RCC object to the proposed changes in the zoning resolution that would allow 6 story buildings known as Continuing Care Retirement Communities to be located in R1 and R2 districts. More specifically RCC protest the Mayor's ZQA rezoning text amendment that would allow the high rise CCRC proposed by the Hebrew Home on a site of more than 10 acres to be accomplished by way of the City Planning Commission Authorization process, thereby avoiding compliance with ULURP and review by the City Council. This manipulation of the zoning resolution is shocking, and raises a significant issue regarding the integrity of the process. By slipping in this provision, City Planning and the de Blasio administration clearly intend to facilitate, accelerate and ultimately ensure approval of the Hebrew Home CCRC. J. Klein urged the Board to vote NO on the Zoning Proposal.

- **Karen Argenti, representing the Fort Independence Park Neighborhood Association (FIPNA)** delivered comments on the ZQA and MIH, and asserted environmental reviews. She stated that these documents are troubling by the paucity of concern for the quality of life in the neighborhoods and the inability of the Department of City Planning to recognize that government's task is to meet today's needs first. Community Board 8 has the largest discharge in New York City of combined sewage and storm water and it is clogged in many places and discharges into the Harlem River during dry weather. She discussed the tremendous growth of commercial and residential development over the past ten years in the geographical sub-catchment area of CB8 which includes parts of CB but no infrastructure. She stated that we can expect the same for the next ten years as planned in the ZQA and MIH, as well as the same –no infrastructure. She stated that the only impacts mentioned in the ZQA DEIS are Shadows, Historic and Cultural Resources, Noise and a bit of Hazardous Material. She listed what the DEIS reviews for each CEQR topic. The following is a draft of missing or wrong:

Socioeconomic Conditions – There is no mention of fiscal impact on taxpayers for real estate taxes forgiven;

Community Facilities – There are no plans for new schools, parks or libraries to accommodate the increased need;

Water and Sewer Infrastructure & Solid Waste Sanitation Services – No plan for expansion, no mention of replacing old and clogged sanitary sewers, funding maintenance for existing sanitary and stormwater facilities or removing Tibbetts Brook clean water from the sewer;

Transportation – Congestion will increase, especially if parking is discouraged in the transit zone. There is no plan to add subways, buses or increase the MTA capital budget;

Neighborhood Character – What was once a mixed area of homes and buildings will forever be gone, and there will be no open space.

Irreversible and Irretrievable Actions – The ZQA and MIH proposals expand the power of the Board of Standards and Appeals (BSA). Whenever the BSA is allowed

to grant an exception based on “financial relief” you have given developers a free pass. K. Argenti asked the Board to vote NO on the Zoning proposal.

- **K. Hart, representing Fort Independence Park Neighborhood Association (FIPNA).** Conveyed community pride in being the birthplace of affordable housing in New York City. FIPNA supports the goal of building more affordable housing in New York, but have serious concerns about the specific proposals being made by Mayor de Blasio’s Administration. Their community is a mixed scale neighborhood with many single and two-family homes scattered among 6-story apartment buildings. Much of the community is already zoned for higher development than it currently has. There is already over-development. The incentives for developers are already enormous that encourage buying one and two family homes to demolish them and build tall skinny buildings in lots that previously had a single family home. The community worked with CB8 to downzone parts of the neighborhood to coordinate with the way it has historically developed, but was not granted lower zoning for a portion of the neighborhood and with no guarantees. The ZQA proposal will heighten incentives to buy single family properties to demolish to build taller. She discussed the impact of the reduced and elimination of parking, the negative impact of increased density. With respect to the MIH, in a neighborhood like Kingsbridge Heights, developers will be able to take affordability “credit” for building what they would normally build for the local market. In lower-income neighborhoods along Jerome Avenue, these credits actually drive gentrification. FIPNA loves the economic diversity of the neighborhood and want to preserve it. They welcome a plan that creates truly affordable housing but this plan will provide very little housing for truly low income people. FIPNA ask CB8, the Councilmen and the Borough President to vote NO on both the ZQA and MIH zoning proposals.
- **D. McShane, representing the Broadway Community Alliance (BCA)** stated that all communities oppose the Mayor’s zoning plan for different reasons. BCA held a meeting several weeks ago with over 150 concerned residents in attendance along with the elected officials, not to oppose the Zoning plan, but to understand its impact on the community. The Mayor’s plan relaxes zoning requirements, allow developers to build taller and larger buildings with less parking. Broadway corridor falls right into the transit zone, and right now that community has the majority of development. Presently, there are six ongoing developments sites along Broadway from West 236th to 252nd Streets. The cars from this corridor will end up parking on the surrounding streets in the neighborhood. The plan also reduces requirements for outside the transit zone. He urged the Board to join with the 150 concerned residents of the BCA and all the elected officials and vote NO on the Mayor’s zoning proposal.
- **D. Burke, spoke on behalf of the Coalition Against the Mayor’s Rezoning Plan.** She advised that the group represent a growing number of concerned civic leaders united in opposition to Mayor de Blasio’s proposed rezoning plan. The ZQA and the MIH are designed to increase affordable housing- - a laudable goal. However, the high-density development that these plans encourage and incentivize will be a great boon to developers at the expense of our community’s open space, air, light, views, and unique character. Rezoning will impact our community in a number of ways:

Producing taller, denser buildings and greatly increasing the number of community facilities;

Allowing multi-family apartment buildings in low-density R-1 and R-2 single family residential areas by changing zoning definitions, and eliminating the community review process, known as the Uniform Land Use Review Procedure (ULURP);

Accelerating the demolition of private homes and small businesses to create building sites for large developments;

Eliminating or reducing the required number of on-site parking spaces;

Overcrowding local schools and overburdening aging infrastructure;

Making it easier for developers to obtain special permits and variances without regard for impact on the community's character.

Mayor de Blasio's one-size-fits-all plan undermines CB8's 197-a Plan. D. Burke summed up stating that the Mayor's plan is seriously flawed. There are other ways to meet the City's affordable housing goals without rezoning. They urge Community Board 8, Councilman Cohen and Borough President Diaz, Jr. to vote against the proposed ZQA and MIH.

- **S. Paulsen, spoke on behalf of the Riverdale Nature Preservancy.** The Preservancy supports the Mayor's goals: preserving and developing affordable housing in all boroughs, and improving the quality of housing for all, but cannot recommend that the Land Use Committee approve the measures presented. She discussed the Board's 197-a plan which the Preservancy gave its strong support. The proposed zoning changes would undermine the 197-a plan by encouraging non-contextual development that would change, not preserve the character of the area. Raising height limits will only bring back the taller buildings that the last zoning changes reduced. Changing building envelopes will encourage larger building volumes in proportion to their lots. The "one-size-fit-all" approach of these modifications is a reversal of the past 20 years of zoning efforts, both Citywide and in Community Board 8 to improve alterations and new development to better reflect our many neighborhoods. And the well-meaning effort to allow for types of senior housing, while welcome in theory, is wrong headed in Community Board 8, which is already identified as over-supplied with senior housing; encouraging apartment buildings in single family zoning districts through zoning review that does not engage full public review process is completely inappropriate. There are zoning districts in close proximity that could accommodate these uses without adding population density, traffic and noise in the most sensitive natural areas. The calculation of affordability, 1/3 of AMI across the region, does not result in a cost that many of our Bronx community district residents would see as attainable. Quality Housing as adopted in the late 1980's included both interior and exterior improvements, and allowed, but did not require developers to achieve all possible floor area on a particular site. The current proposal encourages more area than might be allowed today, but does not link the increased volume to any requirements for better building systems or area infrastructure improvements, nor does it link any of the increase to affordable housing at all. S. Paulsen conveyed that the Preservancy urges the Committee and the Board to reject the ZQA and MIH proposals, and to ask the Department of City Planning to go back to the drawing board.

- **S. Gartner, CPA (Committee to Protect Riverdale)** asked what are the plans for schools, transportation, parking, Van Cortlandt Park, neighborhood shopping, and impact on Riverdale. He asked that the Committee and Board to vote NO on the ZQA and MIH proposals.
- **F. Anelante** related that his objections mirror those already put forth, but as a manager and developer of affordable housing for the last 30 years, he wanted to voice additional concerns. He stated that he is not against affordable housing, however the ZQA and MIH is bad for our community and entire City. By its own admission, the administration states that the ZQA “would not serve as an independent driver of affordable housing development,” but rather increase the height limits in mid-density multi-family districts. Moreover, it would not change as-of-right housing regulations in one-and two family districts, or change the ability of developers to tear down small homes where zoning now permits. Regarding the parking proposal, depending on the characteristics of the site, parking is often not as expensive as the cost to build apartments. And to prove that seniors do drive, check out the extended line of parked cars on Palisade Avenue behind Schervier Home that belong to senior drivers. The MIH proposal which does address affordable housing, also takes the wrong approach. Some years ago while working for NYC Department of Preservation and Development in penciling out the numbers for proposed permanent affordability program they found that “permanent affordability” raises serious concerns about the long-term viability of a project, as well as regulatory issues. These proposals are not the solution and may very well give rise to unintended consequences. The administration should go back to the drawing board, but not take a top down approach, but enlist the aid of the community boards and borough presidents.
- **M. Goodridge** spoke in opposition to the zoning proposals. He discussed the negative impact on the Broadway neighborhood corridor, mom and pop stores, etc. He urged the Committee and Board to vote NO on the ZQA and MIH proposals.
- **L. Liebman** spoke about the inequity of the MIH rent rates. 20% could be affordable and 80% market rate; The statement that poor people do not drive cars is not true; Concerned about the small size apartments, and lack of green space; Concerned about the effect the proposals will have on mom and pop stores; Suggests low interest rate loans for low income people to for housing.
- **T. Butler** stated she resides at 6424 Broadway and is representing the tenants of the building. She spoke about the problem of the neighborhood being over-run with other people who are not from the neighborhood. There are no plans for transportation, schools, parking. That area cannot sustain more building. Blames Mayor de Blasio for proposals that will be devastating to the community.

- **M. Fasner** advised that she is a newcomer to Riverdale from the City. She left the City for the peacefulness, river view, trees and fewer cars found in Riverdale. Now the Zoning proposals will take this away as the Hebrew Home will be able to build high-rise apartments that will block her views. She threatened Class-action law suits if the Mayor's zoning proposal gets approved.
- **C. Lang, representing Senator Klein** announced that the Senator's mother had passed away and she delivered a statement on his behalf in opposition to the proposals. The Senator related that with regard to the zoning proposal, one-size does not fit all. He assured that his Office continues to work hard to support SCRIE allowance and Mitchell Lama funding.
- **H. Eisner**, FDNY Union, has lived in Riverdale 50 years. Discussed concerns related to need for upgrading the fire safety in Riverdale. The local fire companies are averaging 2,500 runs yearly, approximately 7 runs per day. Two fires occurred simultaneously on November 7th which caused a response to come from Burnside Avenue. This is not a good thing when you are trapped on the 14th floor of a building. This is a concern he has with the proposed development for 12 stories on Post Road. There are too many houses now and no additional fire houses have been added since 1913. The Zoning Proposals needs to be reviewed with the City Council before going further to consider need for fire safety.
- **V. Salazar** stated that the plan is not structured to address affordable housing. She asked the Board to vote NO on the ZQA and MIH proposals.
- **E. Thompson** called the zoning proposal "stupid." The small apartment size is inadequate. She questions the salary range for affordable housing, as she does not qualify on her small salary as a New York City employee.

Not hearing from anyone else from the audience wishing to speak, Chair Moerdler turned to the elected officials and Board for comments.

Assemblyman Dinowitz addressed the assemblage. He shared that he has lived in every kind of housing. Discussed his concerns with the plan: density, parking, stressed that many senior citizens do drive, dissatisfied with 250 sq ft apartment size that is not larger than a jail cell. Acknowledged Mitchell Lama as being one of the most successful programs. Stated that the City should look for better ways to create affordable housing. Absence of open space is another issue.

Councilman Cohen stated that the plan is incredibly flawed. He has been stressing opposition to City Planning for months. He reminded those in attendance that he works for them and he will do his utmost to convey to the Mayor the wishes of the more than 250 residents present at this meeting. He expects that the proposal will not come before the City Council until after the New Year. He applauded the Board for its work and review of the dense proposal material.

Chair Moerdler presented the following draft resolutions regarding the MIH and ZQA. He asked that all hold-off on any changes as they will be taken-up at the full Board meeting the following night:

DRAFT RESOLUTION FOR MIH

WHEREAS, the Mayor has proposed a plan entitled Housing New York which is a ten-year plan for 80,000 new units of affordable housing and 120,000 units of housing for preservation;

WHEREAS, the range of initiatives the Mayor has set forth includes two, city-wide zoning text proposals, one of which is Mandatory Inclusionary Housing (“MIH”);

WHEREAS, the proposed zoning text amendment known as MIH was certified to Bronx Community Board 8 (“CB 8”) on September 21, 2015;

WHEREAS on October 14, 2015 and November 9, 2015, the Land Use Committee of CB 8 held hearings on and received both Department of City Planning (“DCP”) and public comment on MIH, following prior circulation to Board Members of a link to or a copy of the text thereof;

WHEREAS, Bronx CB 8 believes that each community board has a special understanding of the unique character of its neighborhoods and is in the best position to determine the impact of zoning text changes;

WHEREAS, in 1997 Bronx CB 8 conducted extensive public outreach to develop a community-wide comprehensive 197-a Plan entitled CD8 2000: A River to Reservoir Strategy which included the stated goals of the creation of affordable housing, the protection of the area’s unique character and natural assets and the enhancement of the economic, cultural and social opportunities for its residents;

WHEREAS, on October 22, 2003 the New York City Planning Commission adopted a Resolution confirming the 197-a Plan submitted by Bronx CB 8;

WHEREAS, on November 19, 2003, the New York City Council adopted a Resolution enacting into law the same 197-a Plan;

WHEREAS, the MIH as presented is not a product of community-based planning, nullifies the advances of the 197-a Plan, and does not take into account the special character of any neighborhood within the City of New York;

WHEREAS, the MIH is a one-size-fits-all approach to planning and in an attempt to finance affordable housing through zoning, places at the peril our communities for generations to come;

WHEREAS, the DCP was asked to demonstrate how and in what particularized respects the MIH will, as represented by DC, advance the integration of communities, particularly given the suggestion by DVP that the presently contemplated communities targeted for implementation are areas such as East New York, Brooklyn, and potentially Inwood, the South Bronx and other like communities, as contrasted with, more affluent areas, of Manhattan:

WHEREAS the EAS fails to demonstrate that consideration has been given to issues such as gentrification in areas such as East New York and, despite request to DCP, to provide a

showing that such consideration was specifically addressed, none has been forthcoming;

WHEREAS, the MIH requires the inclusion of 25-30% of units in a development to be affordable by increasing the floor area ratio for such developments, increasing density, height and number of units across the City of New York which will diminish air, light and space to all New Yorkers;

WHEREAS, the MIH's draft environmental assessment statement was not written and reviewed by an independent third party but rather by the Department of City Planning which has a vested interest in its approval, thereby creating the appearance of a conflict of interest, if not a conflict;

WHEREAS, the Department of City Planning's self-certified conclusion is a "negative declaration" meaning that any resulting affordable units will not have any effect on the public health, safety and welfare of our city, and no basis has been shown for the merit of such a certification and, indeed, the DCP has failed to demonstrate, in response to direct questioning and request, that such is the case;

WHEREAS, the requirement, that the mandated percentage of affordable units in a development be distributed over more than 50% of the floors of a building so as not to stigmatize the residents of those units, is suspended and dispensed with for senior citizen;

WHEREAS, the MIH allows developers to construct apartments as small as 250 square feet for senior citizens;

WHEREAS, the MIH text creates a new Board of Standards & Appeals ("BSA") special permit that allows developers to request waivers to each and every MIH requirement, upon a claim of failure to make a reasonable return, but the newly-drafted findings required for the grant of this BSA special permit omits a standard finding of no adverse impact on community character;

WHEREAS, the environmental assessment statement is silent on the number of affordable housing units expected as a result of the zoning text changes;

WHEREAS, City Planning was specifically asked to submit and has failed to establish how the MIH will significantly advance the creation of affordable housing, particularly in the context of current initiatives and accomplishments of the Department of Housing Preservation and Development ("HPD") and the NYC Housing Development Corporation ("HDC");

WHEREAS Bronx CB 8 supports the underlying general principles of the Mayor's initiative for Housing New York to create 80,000 units of affordable housing and preserving 120,000 units by the year 2025 but takes issue with the means used, especially the Zoning mandates of MIH, to effectuate the desired result;

WHEREAS, Bronx CB 8 believes that any resources spent on MIH could be used more efficiently in other plans rooted in community planning to create and preserve affordable

housing;

WHEREAS, Bronx CB 8 supports all city and state programs that rehabilitate and preserve affordable housing including the 8A Loan Program which creates low interest loans for owners to preserve affordable housing;

WHEREAS, Bronx CB 8 supports the increase of the bonding cap for NYCHDC which creates low interest loans for developers to create affordable housing;

WHEREAS, Bronx CB 8 supports the funding of city and state programs that protect the rights of tenants to remain in their apartments;

NOW, THEREFORE,

BE IT RESOLVED THAT, Bronx CB 8 is opposed to any zoning text amendment that does not set a minimum unit size at 400 square feet, especially for our senior citizens;

BE IT RESOLVED THAT, Bronx CB 8 is opposed to any zoning text amendment that increases the floor area ratio of buildings as of right;

BE IT RESOLVED THAT, Bronx CB 8 is opposed to the Mandatory Inclusionary Housing zoning text amendment.

Chair Moerdler made a motion to vote on the MIH Draft resolution. The motion was seconded by Chairman Padernacht.

Vote: 30 in favor, 0 opposed, and 1 abstention

In Favor –

C. G. Moerdler, Chair, Land Use Committee, A. Alexander, B. Bender, A. Creaney, L. Croft, L. Daub, M. Donato, A. G. Feldmeier, N. Friedman, P. Friedman, S. Froot, D. Gellman, R. Ginty, M. Goodman, A. Guzman, R. Pochter Lowe, O. Murray, J. O'Brien, D. Padernacht, K. Pesce, R. Press, J. M. Reyes, A. J. Robateau, G. Santiago, L. Spalter, I. W. Stone, S. Villaverde, M. Wolpoff, M. Yamagata, H. Young

Abstention for Cause

D. Kornbluh

DRAFT RESOLUTION FOR ZQA

WHEREAS, the Mayor has proposed a ten-year plan for affordable housing that recommends the construction of 80,000 new units and the preservation of 120,000 units;

WHEREAS, among a range of initiatives, the Mayor has set forth two, city-wide zoning text changes, one of which is Zoning for Quality and Affordability ("ZQA");

WHEREAS, the proposed zoning text amendment known as ZQA was certified to Bronx Community Board 8 ("Bronx CB 8" or "CB 8") on September 21, 2015;

WHEREAS on October 14, 2015 and November 9, 2015, the Land Use Committee of CB 8 held hearings on and received both Department of City Planning ("DCP") and public comment on ZQA, following prior circulation to Board Members of a link to or a copy of the text thereof;

WHEREAS, Bronx CB 8 believes that each community board has a unique understanding of the special character of its neighborhoods and is in the best position to determine the impact of zoning text changes;

WHEREAS, in 1997 Bronx CB 8 undertook an extensive public outreach process with the goal of developing a community-wide comprehensive 197-a Plan entitled CB8 2000: A River to Reservoir Preservation Strategy with many stated goals, including the creation of affordable housing, the protection of the area's unique character and natural assets and the enhancement of the economic, cultural and social opportunities for its residents;

WHEREAS, on October 22, 2003 the New York City Planning Commission adopted a Resolution confirming the 197-a Plan submitted by Bronx CB 8;

WHEREAS, on November 19, 2003 the New York City Council adopted a Resolution enacting into law the 197-a Plan submitted by Bronx CB 8;

WHEREAS, the ZQA was not a product of community based planning, nullifies many of the advances of the 197-a Plan created by Bronx CB 8 and does not take into account the special character of CB 8;

WHEREAS, the ZQA is a one-size-fits-all approach to planning, attempting to finance affordable housing through zoning to the detriment of and without regard to the character or changing character of communities for generations to come;

WHEREAS, the ZQA allows developers to construct affordable senior citizen apartments as small as 250 square feet for its residents across the City of New York;

WHEREAS, the ZQA increases the density, floor area, height and dwelling unit count of affordable senior housing across the City of New York which will significantly diminish air, light, open space and living space;

WHEREAS, the ZQA reduces or entirely eliminates the required parking for these new developments across the City of New York ignoring the different and critical transportation needs of neighborhoods within the City of New York and the ability or willingness of government to provide sufficient and efficient public transportation to meet the needs of residents—present and prospective;

WHEREAS, ZQA, in an unprecedented action, allows an otherwise impermissible use, which increases dwelling unit count and building height, by permitting multiple dwelling unit buildings, Continuing Care Retirement Community ("CCRC"), to be located in single family R1 and R2 Districts without any necessity for affordable units;

WHEREAS, ZQA, while claiming that the new CCRC use is not as-of-right, allows these multiple dwelling unit buildings in R1 and R2 Districts by only a City Planning Commission authorization, thereby avoiding ULURP, the community board and City Council review;

WHEREAS, the ZQA's draft environmental impact statement ("DEIS") was not certified by an independent third party but rather by the Department of City Planning which has a vested interest in its approval, thereby creating the appearance of a conflict of interest, if not a conflict;

WHEREAS, City Planning was specifically asked to submit and has failed to establish how and in what particular respects the ZQA will significantly advance the creation of affordable housing, particularly in the context of current initiatives and accomplishments of the Department of Housing Preservation and Development ("HPD") and the NYC Housing Development Corporation ("HDC");

WHEREAS, the DEIS concludes that there are no issues in need of mitigation disregarding the real infrastructure needs of the affected communities and the environmental effects of the resulting new development on the public health, safety and welfare of our city;

WHEREAS, the DEIS is silent on the number of affordable housing units expected as a result of the zoning text changes and has failed to demonstrate how the ZQA will significantly advance the creation of affordable housing;

WHEREAS, the ZQA impairs the goals of contextual zoning which were embodied in Bronx CB 8's 197-a Plan by increasing height, eliminating yards, allowing construction in rear yards and reducing the distance between buildings;

WHEREAS, the changes to contextual zoning are proposed for aesthetic reasons only and do not produce any affordable housing units;

WHEREAS, many of the proposed zoning changes will increase pressure on acquisition and demolition of underdeveloped property for redevelopment resulting in the likely removal of already affordable housing thus changing the character of our neighborhoods;

WHEREAS, Bronx CB 8 believes that resources that would be spent on the ZQA could be used more efficiently in other plans rooted in community planning to create and preserve affordable housing;

WHEREAS, Bronx CB 8 supports the Mayor's initiative to create 80,000 new units of affordable housing and preserving 120,000 units of affordable housing as outlined in his plan, Housing New York;

WHEREAS, Bronx CB 8 supports all housing programs including the 8A Loan Program which create low interest loans and other financial incentives for owners to preserve already existing

affordable housing;

WHEREAS, Bronx CB 8 supports the increase of the bonding cap for NYCHDC which creates low interest loans for developers to create new affordable housing;

WHEREAS, Bronx CB 8 supports the funding of city and state programs which protect the rights of tenants of rent- stabilized and other affordable housing units remain in their homes;

NOW, THEREFORE,

BE IT RESOLVED THAT, Bronx CB 8 is opposed to any zoning text amendment that does not set a minimum unit size at 400 square feet;

BE IT RESOLVED THAT, Bronx CB 8 is opposed to any zoning text amendment that permits multiple dwelling unit buildings to be created in single-family districts;

BE IT RESOLVED THAT, Bronx Community Board No. 8 is opposed to any zoning text amendment that increases the height for contextual buildings and eliminates yards, allows rear yard construction and lessens distance between buildings;

BE IT RESOLVED THAT, Bronx CB8 is opposed to any zoning text amendment that increases the floor area ratio of buildings as of right;

BE IT RESOLVED THAT, Bronx CB 8 is opposed to any zoning text amendment that reduces or eliminates parking;

BE IT RESOLVED THAT, Bronx CB 8 is opposed to the Zoning for Quality and Affordability text amendment.

Chair Moerdler made a motion to vote on the ZQA Draft resolution. The motion was seconded by Chairman Padernacht.

Vote: 30 in favor, 0 opposed, and 1 abstention

In Favor –

C. G. Moerdler, Chair, Land Use Committee, A. Alexander, B. Bender, A. Creaney, L. Croft, L. Daub, M. Donato, A. G. Feldmeier, N. Friedman, P. Friedman, S. Froot, R. Ginty, M. Goodman, A. Guzman, D. Kornbluh, R. Pochter Lowe, O. Murray, J. O'Brien, D. Padernacht, K. Pesce, R. Press, J. M. Reyes, A. J. Robateau, G. Santiago, L. Spalter, I. W. Stone, S. Villaverde, M. Wolpoff, M. Yamagata, H. Young

Abstention

D. Gellman

4. Presentation re Landmarks Preservation Commission Application – 4651 Fieldston Road, construction involving one change to a window on the side of house and change to windows on the rear of house.

Chair Moerdler made a motion to vote on the application.

Vote: 30 in favor, 0 opposed, and 1 abstention

In Favor –

C. G. Moerdler, Chair, Land Use Committee, A. Alexander, B. Bender, A. Creaney, L. Croft, L. Daub, M. Donato, N. Friedman, P. Friedman, S. Froot, D. Gellman, R. Ginty, M. Goodman, A. Guzman, D. Kornbluh, R. Pochter Lowe, O. Murray, J. O’Brien, D. Padernacht, K. Pesce, J. M. Reyes, A. J. Robateau, G. Santiago, L. Spalter, I. W. Stone, S. Villaverde, M. Wolpoff, M. Yamagata, H. Young

Vote: 29 in favor, 0 opposed, and 2 abstentions

In Favor –

Abstentions –

A.G. Feldmeier, R. Press

5. Presentation re Board of Standards & Appeals Cal No. 202-15-BZ, CEQR No. 16 BSA-024X –

6469 Broadway Housing Development Fund Company, Inc. pursuant to Section 72-21 of the Zoning Resolution seeks a modification of ZR Section 25-25 to reduce the required number of parking spaces for an 11-story, 63,256 sq. ft., non-profit residence for the elderly from 19 to 11.

B. Stark and J Woelfing presented. The zoning resolution requires 19 parking spaces. Discussed the hardship imposed by the required spaces. They will provide 11 parking spaces. Will not have lifts.

Chair Moerdler asked how does 8 addition required spaces creates a hardship. Suggested renting spaces off-site, as was done by the Atria to fulfill the zoning requirements.

L. Spalter spoke about Selfhelp’s arrogance with mentioning in the BSA waiver application that the proposed zoning text for ZQA and MIH would eliminate the required spaces.

Chairman Padernacht asked about their plans for alternative if no waiver from BSA. They will wait to see if the ZQA Zoning is approved, otherwise will go back to drawing board.

Chair Moerdler reviewed the history of the project and Selfhelp’s steadfast unwillingness to compromise with their building plans from the beginning stages of the proposal.

He made a motion for a vote on the following resolution:

WHEREAS, on August 27, 2015 6469 Broadway Housing Development Fund Company, Inc. submitted an application to the New York City Board of Standards and Appeals for a variance pursuant to Zoning Resolution Section 72-21 to allow a partial waiver of eight of the 19 parking

spaces required in connection with the development of a non-profit residence for the elderly at 6469 Broadway, a project being sponsored by Selfhelp Community Services, Inc. (“Selfhelp”);

WHEREAS, on July 23, 2013 the Community Board 8 Land Use Committee passed a resolution against the project at 6469 Broadway based on its inadequate number of parking spaces;

WHEREAS, on April 25, 2014 a Zoning Resolution Determination Form was submitted to the New York City Department of Buildings on behalf of Selfhelp seeking approval for Selfhelp to provide a portion of the required parking spaces through the use of parking stackers, as a result of which the submission indicated that the total required 19 parking spaces would be achieved, and such submission was approved on June 11, 2014;

WHEREAS, on August 12, 2015 the Community Board 8 Land Use Committee passed a resolution to “disapprove the proposal by Selfhelp Community Services, Inc. to pursue a Board of Standards and Appeals waiver for the full number of parking spaces required in connection with its development at 6469 Broadway.”

WHEREAS, the necessary Board of Standards and Appeals finding of “unique physical conditions” has not been met because the entire development including space for parking has been accommodated in their plans and has been already constructed;

WHEREAS, the necessary Board of Standards and Appeals finding of “practical difficulties and unnecessary hardships” has not been met because the building and space for parking has been accommodated in spite of “the rock outcroppings and exceptional topographical conditions” cited in their application;

WHEREAS, the necessary Board of Standards and Appeals finding that any variance is “the minimum necessary to afford relief” has not been met because prior plans approved by the Department of Buildings showed parking stackers sufficient to meet the zoning requirements;

WHEREAS, the applicant stated that the costs of brownfield remediation was a reason for their inability to provide parking as required in the zoning resolution while not acknowledging that the brownfield remediation was necessary to build the residential uses planned on the site;

WHEREAS, the necessary Board of Standards and Appeals finding that the variance will “not alter the essential character of the neighborhood” and “will not be detrimental to the public welfare” has not been met by the applicant because by not supplying the parking required in the zoning resolution they have created a critical problem for the surrounding community that already is suffering from a serious lack of street parking spaces;

WHEREAS, the applicant used as a rationale to eliminate parking on the site, a proposed zoning text from the Department of City Planning, which is now 30 days into the 6-month ULURP process and is therefore not the current zoning law;

RESOLVED, that Community Board 8 Land Use Committee disapproves of the application to the Board of Standards & Appeals by 6469 Broadway Housing Development Fund Company, Inc. for a waiver of the full number of parking spaces required in connection with its development at 6469 Broadway.

Vote: 31 in favor, 0 opposed, and 0 abstentions

In Favor –

C. G. Moerdler, Chair, Land Use Committee, A. Alexander, B. Bender, A. Creaney, L. Croft, L. Daub, M. Donato, A. G. Feldmeier, N. Friedman, P. Friedman, S. Froot, D. Gellman, R. Ginty, M. Goodman, A. Guzman, D. Kornbluh, R. Pochter Lowe, O. Murray, J. O'Brien, D. Padernacht, K. Pesce, R. Press, J. M. Reyes, A. J. Robateau, G. Santiago, L. Spalter, I. W. Stone, S. Villaverde, M. Wolpoff, M. Yamagata, H. Young

5. R. Press advised that construction has started at 640 West 238th Street and earth moving machinery is blocking streets. Chair Moerdler asked that DOB be notified.

Meeting adjourned at 9:45 PM.

Respectfully submitted,

Patricia Manning
District Manager