

Councilman Martinez Marble Hill Town Meeting Report by Bronx Community Board No. 8, Housing Committee Chair, Tom Durham

On Friday, January 30, 2009 Councilman Miguel Martinez held a town hall meeting with the residents of the Marble Hill neighborhood. The Councilman's agenda was to discuss housing, sanitation and public safety issues and the general living conditions of 150 West 225th Street, Promenade Houses, a New York State (NYS) Mitchell - Lama Building.

Mitchell - Lama Housing are apartment buildings administrated by NYS Division of Housing and Community Renewal (DHCR), U.S. Department of Housing and Urban Development (HUD), NYC Department of Housing Preservation (HOP), (City or State in partnership with the Federal). The meeting was scheduled for 7:00 pm on a Friday evening and several panel guests were unable to attend due to religious obligations. The site was changed at the last minute and the meeting actually started at 7:30 pm.

Panel:

There were several panelists composed of elected officials and city agencies. The elected officials were: NYS Senator Schneiderman and NYC Councilman Martinez. The city agencies represented were: NY Police Department (NYPD- Detective Luis Rodriguez); Bronx Community Board 8 (CB8 - Tom Durham); Department of Buildings (DOB - Jackie Morgan); Department of Sanitation of NY (DSNY - a representative) and the state agency was: [New York State Division of Housing and Community Renewal \(DHCR - Mr. Watson\)](#).

Residents had many issues that were presented to the panel.

Housing Issues:

The residents all agreed that their quality of life had been steadily declining from poor elevator service; unkempt halls and stairwells, to terraces they no longer had access to but were still charged for the use. In addition, all of the terrace guard rails had been removed and the terrace doors boarded closed; the tennis courts and children's playground had been shutdown and in disrepair for years; the sidewalks and walkways were hazardous; the only handicap egress was locked and residents in wheelchairs had to be lifted by other residents to leave or enter the building.

The building residents were under the impression that the building superintendent had been fired or was placed on probation and the maintenance staff, while union members, were without direction.

The residents were especially concerned with the managing agent in charge, a Mr. Francois of R Y Management who was rude, uncaring to the residents and the building.

Sanitation Issues:

The Promenade Houses are bordered by JFK High School to the north and west. The south is shared with the MTA and Metro-North Harlem Division.

Refuse surrounds the property's perimeter. The MTA/Amtrack appears to have an easement

with a ramp so that vehicles can gain access to the tracks and parking lot. These locations are being used as dumping grounds without regular clean ups.

The other issue was the amount of dog waste on the south side of West 225th Street on the sidewalk. This sidewalk runs parallel to the MTA/Amtrack train tracks east to Broadway.

Public Safety Issues:

There has been a rise in criminal activity in two areas: gangs, graffiti and drug related crimes from small burglaries to purse snatching to drug selling. The residents stated that 50th Precinct responded well and was doing an excellent job in reducing these types of crimes.

Fire safety was another concern; there was no posted fire safety plan in place. One of the residents who reported was a victim of the buildings most recent fire. She said that because the terrace door was sealed by the building management, she was unable to access the terrace where there was fresh air and which was an easy escape route to safety. Instead, she had to force her way through the thick smoke and extreme heat to escape the apartment.

In addition, the superintendent is unavailable to monitor the 24 hour working running boiler. The superintendent works from Monday to Friday, 9AM to 5PM, and is not located on the premises. There is no immediate coverage over weekends and any system failure, elevator; plumbing, electrical or heating failure cannot be handled. A small incident becomes larger without the appropriate attention at the appropriate time. This can lead to a major incident with extending property damage and possibly life threatening.

The following is the panel responses to the concerns that the Promenade residents mentioned above:

While it is commendable that the elected officials and city agencies took the time to attend and send a representative to the meeting, it was surprising that there was not a representative from the FDNY. Few of the panelists were proactive in their responses and the others were vague, defensive, unprepared and gave inaccurate information to the residents. The panel also failed to recognize the severity of some of the issues brought before them.

Panel Responses:

The Elected Officials Response:

Senator Schneiderman commented that since the democrats controlled the senate and the assembly and with a democratic governor seated, they should be able to accomplish great things. The senator added that he is the new chair of the Appropriations Committee and would support the city receiving its fair share of its tax dollars.

Councilman Martinez informed the residents that he was under the impression that fire safety plans were only mandatory for commercial and industrial buildings.

The Councilman added that applications to become a member of Bronx No. 8 (CB8) were being accepted now and the deadline is February 6, 2009.

City Agency Responses:

Several agencies raised the concern of the pending budget and budget cuts and emphasized that the agency was fighting to maintain programs and services.

DOB Housing:

Ms. Morgan gave a general description of the responsibilities of DOB, making sure that people live in safe buildings. She mentioned what were clear violations.

Mr. Watson of DCHR was concerned about the management and the building manager. He was upset about how the building was being maintained and declared he would look into these items. However, he admitted he was unprepared for the meeting because he had thought it was a broader agenda and not exclusively about the Promenade Houses. He added that he had been in this division for only 17 months.

Note the Promenade Houses are exclusively funded by NYS and not in partnership with any governmental agency.

DSNY (Sanitation):

The DOS representatives stated that the agency was responsible to keep the city streets and sidewalks clean. If the dumping was on private property (MTA/Amtrak) and public school grounds (JFK High School) then both parties should have their own maintenance programs and staff to clean up.

However, he offered to check the procedures to see if it is DSNY responsibility and if it was, it would be cleaned. If the rubbish is on the Promenade Houses property, DSNY can write citations against the management company or against the privately owned areas. Regarding the dog litter, he asked the residents for the two primary times this occurred and he would ensure that enforcement was there to issue summonses.

The resident asked for new signs. While DSNY does not have a sign program at this time, he noted that the only sign in the area regarding the pooper scooper law was outdated; the fine is now \$250 and not \$100. He would see what could be done about this.

He was the most helpful of all the city agency representatives.

NYPD (Public Safety):

Det. Rodriguez reported on the crime and arrest statistics, he was very aware of Marble Hill issues. Det. Rodriguez had been working with the Promenade residents on gang issues in the past and had great success. He stated that the 50th Precincts' success was only possible with the aid of the community and urged them to continue informing the police of any concerns. He invited residents to attend one of the two monthly meetings held at the 50th precinct. The Precinct Community Council meeting held the second Thursday of each month and the Bronx Community Board No. 8's Public Safety Committee that meets the third Thursday of every month. Det. Rodriguez informed the residents that it is NYPD policy at the Precinct Community

Council not to discuss drugs. However, there is a contact person to discuss drug enforcement.

Bronx Community Board No. 8 (CB8) Response:

The Bronx Community Board No. 8 website and phone numbers were provided as well as the Bronx Borough President's website.

As a member of Bronx Community Board No. 8 and Housing Committee Chair, my views are as follows:

As a member of the CB8 community, it greatly distressed and upset me to learn of the dreadful conditions that the residents of the Promenade building are undergoing and have been suffering for a long time. As a building superintendent for over twenty years, and a participant in the housing industry for over 32 years, these issues raise several very important concerns both professionally, personally and for the community board.

The Board's Housing Committee was formed just to handle these types of issues and residents are invited to attend these meetings. The Board is concerned with the Marble Hill residents but has not heard from them. For instance, the Housing Committee had a guest speaker at the February meeting, the new Acting Bronx Building Commissioner, Mr. Thomas A. Fariello. While there was standing room only, there was no one from Marble Hill in attendance.

In addition, if the building stores over 5,000 gallons of combustible fuel on the property, and a building of this size would, then there should be a resident superintendent. Most people think that what determines whether a building requires a resident superintendent is based on the population of the building, this is false. Building superintendents are agents of the FDNY and the number one criteria for a residential superintendent is to monitor and supervise the combustible fuel that is being stored on the property, (in or near the building) and the heating plant that will be burning the fuel. FDNY issues certificates of fitness that assures that the personnel is qualified to operate the heating plant and the operator must pass an exam to obtain his/her certificates. There must be an up to date fuel storage permit posted. This permit is issued by the FDNY annually. If 5,000 gallons or more of combustibles are in or near a residential building, the fire code requires that a certified operator be present or be reached 24 hours a day, 7 days a week. If the operator is out sick or on vacation, another certified operator's contact information must be posted where all residents and the authorities can locate it. Further, it is illegal to operate a heating system without a certified operator and if the management is aware that the operator is uncertified, their actions may be criminal.

Regarding the terraces and their conditions, these issues should be reviewed by DOB. All buildings six stories or taller, follow Local Law 11 (attached). This law governs all issues of building exterior walls and all or parts attached to those walls, i.e. windows, doors, terraces, ornamental stone etc.

Additionally, in my experience, fire safety plans are required for residential building of this size and nature.

Issues like these are discussed at the Housing Committee in great detail. I urge you all to contact CB8 and attend one of these meetings.

CB8 is concerned that all of its residents are receiving fair and equal municipal services.