

## LAND USE COMMITTEE – MEETING MINUTES

April 3, 2019

### Committee Members Present

Wayne Benjamin, Chair  
James Berlin  
Osi Kaminer  
Nicholas Martinez  
Jay Mazur  
Christopher Ventura  
Curtis Young

### Committee Members Absent

Steve Simon

### Board Members Present

### Public Members Present

Vivian Ducat  
Andrea Kornbluth

### Public Members Absent

Staff: Ebenezer Smith

Guests: Paul Hintersteiner, Nancy Preston, Pat Courtney, Naintara Goodgame, Alex Melendez, R. Resso.

- 1) The meeting of the Land Use Committee (“Land Use” or the “Committee”) of Community Board 12 Manhattan (“CB12M”, or the “Board”) was called to order with quorum present at 7:10 PM. Chair Benjamin greeted guests and Committee members introduced themselves.
- 2) **Consideration of the Proposed Board of Standards and Appeals (“BSA”) Rule Changes.**

On April 11, 2019, the BSA will hold a public hearing on a proposed amendment of the section of the Rules of the City of New York that relates to BSA operations. The stated purpose of the proposed rules is to promote transparency by codifying existing policies and setting forth procedures to ensure adherence to those policies.

  - a) Because neither the full Board nor the Executive Committee will have the opportunity to vote on any resolution passed at the Committee meeting concerning this BSA matter, the Committee’s resolution, consistent with the By-laws, will be approved by CB12M Chair Richard Lewis and ratified at the April General Meeting.
  - b) The proposed amendment consists largely of the addition of a section titled “Conduct of Commissioners,” listing policies and procedures intended to ensure the independence of the BSA in making determinations on the zoning and land use issues that come before it. The Committee discussed the following points:
    - i) The proposed rule states that with some exceptions, Commissioners will not conduct or consider communications on pending applications when those communications take place outside of a public hearing or review session. This language does not cover applications that have not yet been submitted; many important discussions take place at this stage of the application process.
    - ii) The proposed rule bars Commissioners from receiving anything of value that might create or create the appearance of a conflict of interest. This language does not cover gifts, etc. received by family members of the Commissioner, or by the Executive Director and other staff members of the BSA.

A motion supporting a resolution in support of the proposed rule with the comments noted above was made by Vivan Ducat and seconded by James Berlin. The motion was passed with the following votes:

|           | <u>Yes</u> | <u>No</u> | <u>Abstain</u> |
|-----------|------------|-----------|----------------|
| Committee | 9          | --        | --             |
| Board     | --         | --        | --             |
| Public    | 4          | --        | --             |

### 3) **Update on Park Terrace West – West 217<sup>th</sup> Street Historic District.**

Chair Benjamin learned from a community member that Council Member Ydanis Rodriguez may be considering withholding support for the West 217<sup>th</sup> Street Historic District that was designated by the Landmarks Preservation Commission (“LPC”) in December of 2018 unless two buildings on Dyckman Street are also designated. Chair Benjamin stated that he emailed Councilman Rodriguez who in turn called him but they have not yet connected. On the day of the

Committee meeting, two City Council subcommittees voted to support the district, but the matter will not be finalized until the full Council votes on April 9.

- The Manhattan Borough President’s Office (“MBPO”) is expected to reiterate its support for the district on social media.
- The Committee discussed ways in which the Council Member’s office can support efforts to designate additional historic districts within Community District 12 (“CD12”), including hiring consultants to do the research necessary to prepare an LPC application for a proposed district.

A motion supporting a resolution reiterating the Board’s support for the designation of the historic district was made by Osi Kaminer and seconded by Curtis Young. Committee member James Berlin noted that resolutions generally aren’t reissued to reiterate support, and Chair Benjamin noted that the Board has passed a resolution reiterating support for its request that the Department of City Planning (“DCP”) undertake a contextual zoning project in CD12. The motion was passed with the following votes:

|           | <u>Yes</u> | <u>No</u> | <u>Abstain</u> |
|-----------|------------|-----------|----------------|
| Committee | 8          | --        | 1              |
| Board     | --         | --        | --             |
| Public    | 4          | --        | --             |

Because neither the full Board nor the Executive Committee will have the opportunity to vote on any resolution passed at the Committee meeting concerning this matter, the Committee’s resolution will, consistent with the By-laws, be approved by CB12M Chair Richard Lewis and ratified at the April General Meeting.

#### 4) **New Business**

- a) Job vacancy: CB12M is looking to hire a new Community Associate.
- b) Public hearing: a hearing on a proposed 175-person homeless shelter at 286 Audubon Avenue will take place on April 11 at 530 W. 166<sup>th</sup> Street, 2<sup>nd</sup> floor. The hearing is intended to address questions about how the project came about, how it will operate, and about the proposed operator. As the building being converted was used as a garage for many years, questions about any environmental review that may have been performed and any potential safety issues should also be addressed.
- c) Community Board 3 Manhattan adopted a resolution urging the Roman Catholic Archdiocese to declare a one-year moratorium on the disposition of church properties. This was prompted by the Cooper Square Community Land Trust’s efforts to purchase Church of the Nativity properties for redevelopment as affordable housing. The Land Trust could not match the much higher offer made by a private developer. This led to debate on how decommissioned churches should be used, with Pope Francis eventually commenting that they should continue to serve the purposes of the Church as affordable and/or homeless housing, etc. The Committee discussed the appropriateness of public sector entities telling religious institutions how to manage the disposition of their properties. A town hall meeting on this issue will be held by the MBPO in May. Committee member James Berlin moved that consideration of the issue be tabled until after the town hall meeting, when the Committee can be better informed.
- d) Madd Equities initially requested to make a presentation at LU’s April meeting but is now scheduled to make a presentation at the May Committee meeting.

A motion to adjourn was made by James Berlin, and the meeting was adjourned at 7:54 PM.

Submitted by Andrea Kornbluth.