

Community Board #1 Land Use Public Hearing
September 2, 2008
8:00 P.M.
Board Office, 1 Edgewater Plaza, Suite 217

MEMBERS

Christopher Rooney, Chairman
Vincent Accornero-Co-Chair, Excused
Marilyn Averett
Anthony Cosentino
Anthony Marra, Ex. Officio
Friday Ogbewele
Leticia Remauro, Exc. Late, in 9:15
Ken Tirado
Mark Washington
George Wonica, Jr. Bd. Business
Camille Zarrelli, Excused
Debi Rose, MH Chairwoman

OFFICE STAFF

Joseph Carroll, District Manager
Lisa Crosby, Community Associate

GUESTS

Bill Taitt, Rep. Councilman Michael McMahon
Nicole Campo, Rep. SI City Planning
Elizabeth Safian, Rep. 365 Bay Street
Anthony Scaglione, Architect Hendricks &
Westervelt
MaryAnn McGowan, Pres. Clove Lake
Civic Assn.
Larry Kennedy, Clove Lake Civic Assn.
John Kilcullen, Westervelt Hill Civic Assn.
Jeff Gallo, Westervelt Hill Civic Assn.
Edward Donohue, Westervelt Hill Civic Assn.
Hal Kennedy
Ralph & Morna Martell, Westervelt Hill
Civic Assn.
Caroline Zapposodi, Hendricks Ave.
Kevin Branciforte, Clinton Ave.
Chris Beatty, Gordon Place
Susan & Stephen Feuley, Benziger Ave.
T. Cameron Porter, Harvard Ave.
Karen Scherma, Harvard Avenue
G. Ree, N.Y. Teen

Chairman Christopher Rooney called the Land Use Public Hearing to order at 8:10 P.M.

1. Department of City Planning Application Nos. N 050351ZAR and N 050352ZAR, applications have been submitted to certify future subdivision and to authorize development and site alterations on zoning lots having a steep slope in order to construct seven single-family houses and seven two-family houses within the Special Hillside Preservation District at East Buchanan and Fillmore Streets, Eadie Place and Highview Avenue.

Mr. Rooney announced the above application was going to be heard at the September 16, 2008 St. George/West Brighton Area Committee meeting at 7:30 P.M. at the Silver Lake Tennis House.

2. Board of Standards & Appeals Application No. 157-08-BZ, an application has been submitted for a special permit for the operation of a Physical Culture Establishment on the ground floor and cellar at 365 Bay Street.

Ms. Elizabeth Safian of Sheldon Lobel, P.C. stated the building is currently being built on the east side of Bay Street between Grant Street and St. Julian Place. The premises is currently being improved with a two-story plus cellar and will be occupied by the proposed "Roman Spa & Sauna" in the cellar and first floors with commercial office space on the second floor and a health bar.

The hours of operation will be from 10:00 A.M. to 11:00 P.M. seven days a week. The requirement for parking is 30; the business will have approximately 40 off-street parking spaces.

The Roman Spa & Sauna will include five rooms for massage therapy, four steam rooms, four sauna rooms, and three recreation rooms for patrons to relax in after using the sauna and steam rooms, one general relaxation room and a bathing pool. In addition to these rooms, there will be reception and waiting areas, an administrative office, men and women's locker rooms, a laundry room, a snack bar, and storage space.

3. Board of Standards & Appeals Application No. 89-08-BZ, an application has been submitted to permit the proposed conversion of the existing one story office building to allow for an ambulatory diagnostic/treatment care facility at 1101 Victory Blvd.

Mr. Eric Palatnik, P.C. explained the building is located on the corner of Victory Blvd. & Melrose Place.

Board of Standards & Appeals approved the building use in 1962 for Real Estate Office and Lawyers Office. Currently the building is being utilized as a Real Estate Office.

The building will remain as is, and a medical office is proposed for the first level of the existing one story. There will be eight parking spaces.

4. Department of City Planning Application Nos. N 060075ZCR, N060076ZAR and N060077ZCR, applications have been submitted to certify future subdivision and compliance of the zoning resolution to authorize modification of grading controls to construct fourteen two-family houses within the Special Hillside Preservation District at Hendricks and Westervelt Avenues.

Mr. William Taitt read a statement on behalf of Councilman McMahon regarding the proposed Hillside restoration plan submitted for the Hillside Preservation District applications for Hendricks and Westervelt Avenues.

The property has a checkered past with past developers who made rash attempts to develop the property without approval.

The use of the 1996 survey of which the integrity and accuracy is the subject debate.

The property cannot be developed without an approved site restoration plan.

An additional buffer zone along Westervelt Avenue and the restoration and preservation of the existing stone walls need to be incorporated. The topography at street level needs to be maintained. The installation of retaining walls will alter the appearance of Hendricks Avenue significantly.

Mr. Anthony Scaglione the project architect explained there is a long history with the property dating back to 1995. Plans were filed, permits were issued by the Buildings Department, and construction began. Violations were issued for construction within the Special Hillside Preservation District. At that time the Department of Buildings, City Planning as well as the District Attorney's office got involved. The builder was found harmless of any wrong doings.

There were discrepancies as to how the calculations were done for Tier I and Tier II classification and the survey was deemed relatively accurate.

In 2001, the current owner of the property purchased the land. Mr. Scaglione was retained in 2002. At the time the property was zoned R4 and there were no violations on the property.

The first plan was to build townhomes; the zoning changed and is currently R3A.

The proposal is to build 14 two-family detached houses. Mr. Scaglione said he has tried to follow the recommendations of the Westervelt Hill Civic Association as well as the recommendations from Councilman McMahon's office and the Department of City Planning as best he could.

One of the major recommendations was the preservation of walls along Benziger and Westervelt Avenues.

An E.I.S. was prepared. Plans were prepared for an interior driveway with one family homes. The Fire Department and the Department of Transportation denied the proposal because the driveway was deemed not in the best interest of the City of New York and the Fire Department declared it unsafe.

Mr. Scaglione and Ms. Nicole Campo of City Planning both stated the Department of Transportation requires the removal of the walls to have adequate sidewalks and curbs.

It was determined back in 1998 that a restoration plan was required.

Mr. Scaglione said the plans include grading the property back to its original state prior to the construction that occurred in 1996 to the best of his ability.

Retaining walls are going to be built at the lot lines. We are planning to plant an excess of 130 trees and additional shrubbery and street trees. There are already retaining walls on the property.

Jeff Gallo, Westervelt Hill Civic Assn., Mr. John Kilcullen of the Ward Hill Civic Association and Hal Kennedy all spoke in opposition of the proposal.

All agreed that the property back in 1995 was bulldozed of almost all of the trees in a Special Hillside Preservation District. There were hundreds of mature trees on the property.

It was agreed upon way back when Councilman O'Donovan was in Office and Doug Brooks was the Director City Planning that the residents and the local civic organization will agree upon a restoration plan. There is no proof of what was on the property before it was originally bulldozed.

The current restoration plan as presented is not adequate according to the attendees from the Westervelt Hill Civic Assn. There should be an additional buffer zone along Westervelt Avenue and the restoration and preservation of the existing stone walls needs to be incorporated into the plan.

Mr. Hal Kennedy asked where the arborist plan was for assurance as to what type of trees; size and amount of trees are planted? Without that the applicant does not address the compliance section of the application which pertains to the restoration.

The applicant did not have the arborist plan but said he would forward it to the Board Office.

5. Board of Standards & Appeals Application Nos. 70-08-A, 71-08-A, 72-08-A, 73-08-A, 74-08-A and 75-08-A, 215 a, b and c Van Name Avenue and 345 a, b and c Van Name Avenues. The owner wishes to seek a determination that the owner of the premises has acquired a common law vested right to continue development commenced under the prior R3A zoning designation.

Mr. Eric Palatnik handed out the statement of facts and findings, plans and pictures of the above applications.

All of the expenditures for the premises were previously submitted to the Board Office with the application.

The premises are located on Van Name Avenue between Avalon Court and Forest Avenue.

The owner of the property was issued permits by the Department of Buildings in June of 2004 through January of 2007 permitting the construction for a total of six detached two-family homes.

In July of 2004, foundations were poured for the buildings. The foundation for one of the buildings was completed in August of 2004. By March of 2006, the owners completed

the foundations on the subsequent buildings and began framing, roofing and siding for the buildings. (One for each two family home.)

In August 2004, the City enacted the Lower Density Growth Management text amendment which rendered the proposed development non-complying in terms of minimum lot area.

A Stop work order was issued in June of 2007.

The homes are almost complete. The owner acted in good faith by submitting permit applications, receiving permit approvals and completing foundations, one for each two family home.

PUBLIC HEARING CLOSED

LAND USE COMMITTEE MEETING

1. Department of City Planning Application Nos. N 050351ZAR and N 050352ZAR, applications have been submitted to certify future subdivision and to authorize development and site alterations on zoning lots having a steep slope in order to construct seven single-family houses and seven two-family houses within the Special Hillside Preservation District at East Buchanan and Fillmore Streets, Eadie Place and Highview Avenue.

It was announced at the start of the meeting this item is going to be heard at the St. George/West Brighton Area Committee on September 16, 2008, 7:30 P.M. at the Silver Lake Tennis House. No presentation was given and no comments were made.

MOTION

An official motion was made and seconded to table the application to the above referenced area committee. Roll call vote taken. Vote passed 9-0-0 to table.

2. Board of Standards & Appeals Application No. 157-08-BZ, an application has been submitted for a special permit for the operation of a Physical Culture Establishment on the ground floor and cellar at 365 Bay Street.

MOTION

Mr. George Doyle made a motion to approve the application has presented. Ms. Marilyn Averett seconded the motion. Roll call vote taken. Vote passed 9-0-0.

3. Board of Standards & Appeals Application No. 89-08-BZ, an application has been submitted to permit the proposed conversion of the existing one story office building to allow for an ambulatory diagnostic/treatment care facility at 1101 Victory Blvd

MOTION

Mr. Anthony Cosentino made a motion to approve the application as submitted. Mr. George Doyle seconded the motion. Roll call vote taken. Vote passed 9-0-0.

4. Department of City Planning Application Nos. N 060075ZCR, N060076ZAR and N060077ZCR, applications have been submitted to certify future subdivision and compliance of the zoning resolution to authorize modification of grading controls to construct fourteen two-family houses within the Special Hillside Preservation District at Hendricks and Westervelt Avenues.

MOTION

Mr. George Doyle made a motion to table to the St. George/West Brighton September Area committee meeting with a request for the arborist's plan for the property and a written statement from the Department of Transportation for their requirements for sidewalks, curbs and street widening. Ms. Marilyn Averett seconded the motion. Roll call vote taken. Vote passed to table 9-0-0.

5. Board of Standards & Appeals Application Nos. 70-08-A, 71-08-A, 72-08-A, 73-08-A, 74-08-A and 75-08-A, 215 a,b and c Van Name Avenue and 345 a,b and c Van Name Avenues. The owner wishes to seek a determination that the owner of the premises has acquired a common law vested right to continue development commenced under the prior R3A zoning designation.

MOTION

Ms. Marilyn Averett made a motion to table the application to the Mariners Harbor/Port Richmond September Area committee meeting. Ms. Leticia Remauro seconded the motion. Roll call vote taken. Vote passed to table 9-0-0.

Meeting adjourned at 10:30 P.M.