

**AREA COMMITTEE MEETING, WEST BRIGHTON/ST. GEORGE**  
**September 16, 2008 – 7:30 P.M.**  
**THE TENNIS HOUSE, SILVER LAKE PARK**

Members:

Megan Delmar, Chair- Present  
Sheila McGinn, Co-Chair-Present  
Sean Sweeney- Absent  
Loretta Cauldwell- Present  
Linda Eskenas- Present  
John Pabone-Absent  
Terry Player-Absent  
Christopher Rooney- Present  
Anthony Cosentino-Present  
Nicholas Siclari- Present  
Ajmal Chaudhry- Absent  
Joseph Pancila- Present  
Adena Long- Absent  
Mark Washington- Present

Voting Non-Members

Guests – Present:

Joe Carroll- Board Manager  
Leticia Remauro-CB1  
Nicole Campo – Project Manager, NYC Planning  
Vincent Montalbano – Resident  
Hal Kennedy, Esq. – Resident  
George Bramwell, Esq. - Resident

The meeting commenced at 7:30 p.m. A quorum was present.

A. Two Land Use Issues:

1. *Department of City Planning Application Nos. N 050351ZAR and N050352ZAR, 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.*

Architect, Philip Rampulla present to the Area Committee drafted plans to build 14 houses (21 addresses total) some of which are 2-family at the aforementioned location. This is a split zoning district. Mr. Rampulla advised that pursuant to an inter-agency meeting with the: FDNY, DOT, DOB and DEP, the widening of the streets, was mandated.

Mr. Montalbano pointed out that over the course of several years the Hillside District and its preservation has been abused and/or ignored. As such, he suggested that a community representative be appointed to monitor and report to the residents and Community Board as to the project and its progress.

Mr. Kennedy indicated that Mr. Rampulla's plans are "not bad" and "actually sensitive to the Hillside". However, he stressed that any authorization given to this project by the NYC Planning Commission must have assurances that other portions of the slope will not be carved out and that existing trees have protection. Mr. Bramwell agreed wholeheartedly.

Nicole Campo, Project Manager, for NYC Planning stated that any Notice of Restriction, recites the application and site plan of which is recorded in the County Clerk's office.

Area residents were vocal about their concerns but are willing to have input into this project. The primary goal would be to monitor and report back to residents and to the Community Board as to the projects' status and adherence to the Hillside District.

Nonetheless residents expressed several concerns to be monitored.

- Sanitary sewers are 100 years old and their capability to handle higher density may be at risk.
- Cobblestone – preservation of part of the cobblestone streets.
- Natural erosion and collapse of the Hillside – terracing and proper planning is essential to prevent property and personal damage.
- Trees – existing trees must be protected and buffered during the term of the project.

Loretta Cauldwell moved to pass this application along with the community's concerns to the Land Use Committee for review and action. The motion was seconded by Sheila McGinn. The motion passed 5 in favor, 2 opposed and 2 ineligible.

**2. Department of City Planning Application Nos. N 060075ZCR, N060076ZAR and N060077ZCR, applications have been submitted to certify future subdivisions 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

checked past with past developers who made attempts to develop the property without approval, proper permits and site restoration, Councilman McMahon in his letter, agreed with the Westervelt Hill Civic Association's concerns.

Mr. Anthony Scaglione the project architect explained the history with the property dating back to 1995. Plans were filed, permits were issued by the Buildings Department, and the construction began. Violations were issued for construction within the Special Hillides 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 not to have done any wrong doing.

There were discrepancies as to how the calculations were done for Tier I and Tier II classification and the 1996 survey was deemed relatively accurate, pursuant to Mr. Scaglione.

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 and the 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. 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 read letters from 2006 from those entities.

Mr. Scaglione and Ms. Nicole Campo of City Planning both stated that the Department of Transportation requires the removal of the walls in Benziger and Westervelt Avenues to have adequate sidewalks and curbs. Mr. Scaglione indicated that 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 also going to be built at the lot lines. The developers are planning to plant an excess of 130 trees and additional shrubbery and street trees.

John Kilcullen of the Westervelt Hill Civic Association outlined 5 areas to be addressed by the owner/developer:

(a) the accuracy of the 'survey' used to determine steep slope. It was determined in 1996 that this survey was inaccurate. Its use alters a true calculation of steep slope. Also shouldn't the determination of steep slope be determined from the current 'undivided' property topography rather than the "new" lot dimensions since the grade change is considerable less in 25x100 than 200 x 100 parcels.

(b) the 35% more landscaping/plant material proposed for the hillside restoration is welcomed but the final landscape design/street orientation

for the new 'retained hillside and curb cuts' along Benzinger Avenue is still unclear. Is the current CP 'approved' driveway/curb cut and 'retaining wall' system the best option?

(c) the inclusion of a 'buffer zone' along Westervelt Avenue had been requested to avoid crowding. The building foot prints/orientation in the current proposal do not reflect the site's varied topography. Could one less house be built on the corner of Westervelt and Benzinger?

(d) the removal of original stone wall sections along Benzinger and Westervelt Avenues. After 150+ years, the walls are as much a part of the topography as the neighborhoods hilly terrain. They by 'defacto' cannot be removed and replaced but should be restored and re-incorporated into new development. Additional NYCDOT and/or Dept CT have determined walls to be a traffic/pedestrian hazard. What studies/reports supported this finding? And per city maps, all three streets are 'built' to the adopted City width.

(e) Conversely, why the need for building 3 foot retaining walls along Hendricks Avenue? Historically and topographically no retaining walls existed on this portion of property. Previous hillside terrain sloped to street grade.

Linda Eskenas objected to this project since it promotes erosion and population density. Per Ms. Eskenas, there is no incentive to purchase a home such as these. Leticia Remauro questioned survey and landscaping issues. The architect stated that there are 14 individual zoning lots of varying sizes. Each 2 family has 3 parking spots below the building of which would have half a cellar.

#### B. Liquor Licenses

The following establishments were unanimously approved as to the renewal of their liquor licenses:

1. Tuttoriso Ristorante e Café, 36 Richmond Terrace.
2. Columbo Bagel, 196 Bay Street.
3. Chiraz Indian Cuisine, 1198 A Forest Avenue.

#### C. DOT

As of 10/10/08, Oakland Avenue between Castleton and Henderson Avenue will become 1-way, northbound.

#### D. Variance

Basile's Restaurant, 1112 Forest Avenue, Block352, Lot 47 must renew its 10 year variance to operate the restaurant in a residential district. Loretta Caldwell moved to allow the variance renewal. It was seconded by Chris Rooney and unanimously passed.

The meeting was adjourned at 9:45 p.m.

Respectfully submitted,

Megan Delmar