

BRONX COMMUNITY BOARD NO. 8

**MINUTES OF THE LAND USE COMMITTEE
MEETING HELD ON AUGUST 12, 2015 AT
MANHATTAN COLLEGE
SCHOOL OF ENGINEERING BUILDING
3825 CORLEAR AVENUE**

PRESENT

Community Board No. 8:

C. Moerdler, Chair, Land Use Committee, B. Bender, A. P. Creaney, L. Croft, L. Daub, M. Donato, P. Ellis, R. Fanuzzi, B. Fettman, N. Friedman, R. Ginty, M. Goodman, M. Heller, D. Kornbluh, O. Murray, J. O'Brien, D. Padernacht, K. Pesce, R. Press, J. Rather, A. J. Robateau, G. Santiago, L. Spalter, M. Wolpoff, M. Yamagata

Staff

P. Manning – District Manager

Elected Officials/ Representatives

J. Klein – State Senator
J. Dinowitz – Assemblyman
J. Horstman – Department of City Planning
C. Castano – Office of Assemblyman Jeffrey Dinowitz
D. Johnson – rep. Councilman Andrew Cohen
C. Lang – Office of State Senator Jeffrey Klein
R. Martos – Office of Assemblyman Jeffrey Dinowitz
A. Sandler – rep. Councilman Andrew Cohen

Applicants / Community Members / Guests

P. Beitchman, E. Bell, S. Benardo, D. Brenner, K. Castillo – Tin Marin, M. Curanai – Salvatores of Soho, L. Dalfino – R. J. Stahl, K. Durbin – Corner Café, T. Courtade, A. Crerij, & E. Feld – Sotheby's D. Gellman, M. Gross, J. Fox, K. Hart – FIPNA, T. Courtade, A. Hibsidoosh – Kinneret Nursery School, D. Malloy, M. McLalughlin, D. McShane, N. Pemberton, F. Rosen & T. Shelton – KRVC, R. Spalter, G. Tskcis – Sangeo, S. Shahrigian – Riverdale Press

Committee Chair Moerdler, convened the meeting at 7:35 PM.

1. Simone Development discussion on residential building design that is replacing the earlier proposed medical building at 3741 & 3755 Riverdale/3644 Oxford Avenues –

Simone representatives presented new plans for a residential development at the former site proposed for the Montefiore building. The new residential building will be 60,000 sq ft. There will be 2,500 sq ft of retail space in the lobby.

There will be double elevators. The 2nd floor will open to rear with parking accessible by route of Oxford Avenue. Floors 3 to 14 will have 48 residential units. Each floor will have 4 residential units. There will be 24 one bedrooms, and 24 two bedrooms (48 units total). The building will be approximately 150 ft in height. The grade level on Riverdale Avenue will be 14 stories, and from Oxford 13 stories. The building setback

on Riverdale Avenue will be 12 ft. Its façade will basically be glass. They are considering condominium sales, but will rent until sales are absorbed. The apartments will be market rate, no plans to file for 421-a tax abatement. Expect to take 3 to 4 months to prepare plans and 18 months to construct building. There will be 40 parking spaces. The roof cooling towers will be shielded for aesthetic consideration of its close building neighbors in upper apartments.

Simone responded to questions from Board members and community members.

Simone agreed to Chair Moerdler's request to come before the Committee again to give update when plans are more definitive; and Simone agreed to clean-up the site which is an eyesore. J. Grossman asked that Simone meet with members of the community if necessary to discuss any concerns that may arise.

Chair Moerdler conveyed thanks on behalf of the community and the Community Board to Senator Klein for work he did in precluding the construction of the Montefiore building, and providing a basis upon which the community could improve itself.

2. Department of City Planning ULURP No. N 150413 ECX; Department of Consumer Affairs No. 2021725DCA – Dale Diner, 189 West 231st Street re application for a NEW Enclosed Sidewalk Café with 3 tables and 15 seats.

This is a new owner and therefore a new application filing was required. Planning to remodel / renovate. There will not be a change with actual structure.

Motion made to approve application.

Vote: 25 in favor, 0 opposed, and 0 abstentions

In Favor –

B. Bender, A. P. Creaney, L. Croft, L. Daub, M. Donato, P. Ellis, R. Fanuzzi, B. Fettman, N. Friedman, R. Ginty, M. Goodman, M. Heller, D. Kornbluh, C. Moerdler, O. Murray, J. O'Brien, D. Padernacht, K. Pesce, R. Press, J. Rather, A. J. Robateau, G. Santiago, L. Spalter, M. Wolpoff, M. Yamagata

3. Board of Standards & Appeals Cal No. 168-98 BZ, 3050 Bailey Avenue, (Public Parking Lot) Block: 3261 Lot: 12 – Extension of Term (11-411) of previously approved variance which permitted public parking lot for more than 5 vehicles, which expired on March 23, 2009; Waiver of Rules. Located in R6/R4A Zoning District.

New owner's representative stated that the property was inherited and new owner did not realize that the operation was unpermitted and would like to legalize business.

Chair Moerdler requested that the new owner appear before the Committee to respond to questions regarding the many years of the lapse permit. He made a motion to layover the application.

Vote: 25 in favor, 0 opposed, and 0 abstentions

In Favor –

B. Bender, A. P. Creaney, L. Croft, L. Daub, M. Donato, P. Ellis, R. Fanuzzi, B. Fettman, N. Friedman, R. Ginty, M. Goodman, M. Heller, D. Kornbluh, C. Moerdler, O. Murray, J. O'Brien, D. Padernacht, K. Pesce, R. Press, J. Rather, A. J. Robateau, G. Santiago, L. Spalter, M. Wolpoff, M. Yamagata

4. Board of Standards & Appeals Cal No. 169-98 BZ, 3050 Bailey Avenue, (Public Parking Lot) Block: 3261 Lot: 38 – Extension of Term (11-411) of previously approved variance which permitted Automotive Service Station (Use Group 16B), which expired on July 20, 2009; Amendment (11-413) to permit the change in Use from Automotive Service Station (UG: 16B) to Automotive Repair Facility (UG: 16B); Waiver of Rules. Located in C2-3 in R6 Zoning District.

The representative cited the same situation with this application that the property was inherited and new owner did not realize that the operation was unpermitted and would like to legalize business.

Chair Moerdler repeated the same request for the new owner to appear before the Committee to respond to questions regarding the many years since the lapse of the permit. He made a motion to layover the application.

Vote: 24 in favor, 0 opposed, and 1 abstention

In Favor –

B. Bender, A. P. Creaney, L. Croft, L. Daub, M. Donato, P. Ellis, R. Fanuzzi, B. Fettman, N. Friedman, R. Ginty, M. Goodman, M. Heller, D. Kornbluh, C. Moerdler, J. O'Brien, D. Padernacht, K. Pesce, R. Press, J. Rather, A. J. Robateau, G. Santiago, L. Spalter, M. Wolpoff, M. Yamagata

Abstention –

O. Murray

5. Street Activity Permit Office Block Party Application re Kinneret Day School's Sukkot Carnival. Event being held on West 235th Street between Douglas Avenue and Independence Avenue with full street closure on October 11, 2015, from 11:00AM to 6:00PM. This event has been held previously.

Chair Moerdler made a motion to approve the application.

Vote: 25 in favor, 0 opposed, and 0 abstentions

In Favor –

B. Bender, A. P. Creaney, L. Croft, L. Daub, M. Donato, P. Ellis, R. Fanuzzi, B. Fettman, N. Friedman, R. Ginty, M. Goodman, M. Heller, D. Kornbluh, C. Moerdler, O. Murray, J. O'Brien, D. Padernacht, K. Pesce, R. Press, J. Rather, A. J. Robateau, G. Santiago, L. Spalter, M. Wolpoff, M. Yamagata

6. Street Activity Permit Office Application re South Riverdale Merchants Association Movie on the Avenue Block Festival with full street closure on August 27, 2015 to be held on Riverdale Avenue between West 236th and 238th Streets.

M. Heller presented the application which had been previously approved by the Traffic & Transportation Committee and the Board. However the event had been postponed due to a threatened thunder storm. SAPO granted approval of new date pending Board approval. He explained that the MTA was planning to re-route the BX7 along the same northbound route as the BX10. M. Heller has asked the MTA to consider using Johnson Avenue detour as they have on other occasions and the MTA is examining this. He has been assured by T. Shelton that proper noticing would be done throughout the neighborhood to advise of the street closing and bus re-routing.

T. Shelton was called upon to respond to questions from the Board. She discussed SAPO's breakdown of notification to the MTA for the former cancelled event. She informed that corrective measures have been taken, and that the key persons at the MTA would be kept apprised of street closures. She informed of the South Riverdale Merchants support of the event.

Chair Moerdler made a motion to approve the application.

In Favor –

B. Bender, A. P. Creaney, L. Croft, L. Daub, M. Donato, P. Ellis, R. Fanuzzi, B. Fettman, N. Friedman, R. Ginty, M. Goodman, M. Heller, D. Kornbluh, C. Moerdler, O. Murray, J. O'Brien, D. Padernacht, K. Pesce, R. Press, J. Rather, A. J. Robateau, G. Santiago, L. Spalter, M. Wolpoff, M. Yamagata

7. Selfhelp Working Group Report – P. Ellis

P. Ellis presented the following resolution from the Selfhelp Working Group:

Resolved, the Selfhelp Working Group of the Community Board 8 Land Use Committee disapproves of the proposal by Selfhelp Community Services, Inc. to pursue a waiver of the full number of parking spaces required in connection with its development at 6469 Broadway.

P. Ellis discussed Selfhelp's plans to apply for a waiver for reduced parking at 6469 Broadway. He advised that at the Selfhelp meeting on May 11th, 2015 all community members in attendance spoke against the reduction of required parking of 19 spaces for a building of its size to only 10. The community agreed at that time to accept the parking lifts to make up the spaces. However Selfhelp is not willing to man the lifts 24/7 as required the Department of Buildings.

Discussion. D. Kornbluh suggested that a parking option at nearby area near the stables in Van Corlandt Park. R. Fanuzzi offered two friendly amendments to the resolution by adding "Board of Standards & Appeals" waiver, and proposed that the resolution be brought by the Land Use Committee of Community Board 8 rather than by Selfhelp Working Group; L. Spalter opposed limiting parking. She stated that Selfhelp should be held accountable for compliance to the zoning for the full number of 19 spaces as required for the 86 units. The Board's acceptance of the proposal would set a bad precedent for other developers with the same tactic. Also, not a good precedent for the Affordable Housing development plans. Selfhelp Working group members D. McShane discussed meetings with Selfhelp and their unwillingness to comply to the community's wishes. He implored the Board to vote in favor of the resolution; and R. Spalter asked the Board to consider who it represents, the community or the developer? Board Chair

Padernacht acknowledged the hard work P. Ellis and the Working Group. He gave his support of the resolution and agreed with L. Spalter's remarks about not setting a precedent for limiting parking. He further stated that developers should build smaller footprints if desiring no parking.

E. Wolff, Selfhelp, explained reason for reducing parking is to make up space for residents for a community room of some sort. Selfhelp will ask for waiver to put in 11 spaces thereby adding one more space. She added that they have tried to comply with Board's request. Selfhelp will be hiring from community, and will designate 50% of the apartments to the community. She stated that Selfhelp has no intention of working against the community.

P. Ellis responded to Ms. Wolff's claim to work with community. He noted that Selfhelp had not displayed any willingness to cooperate and comply to the community's wishes with regard to reduction of building size and retention of lift parking stackers to adhere to zoning requirements of 19 full parking spaces. Chair Moerdler advised about precedent in the community with regard to developers renting off-site parking spaces in other buildings.

P. Ellis made a motion to vote on the resolution.

Vote: 23 in favor, 1 opposed, and 1 abstention

In Favor –

A. P. Creaney, L. Croft, L. Daub, M. Donato, P. Ellis, R. Fanuzzi, B. Fettman, N. Friedman, R. Ginty, M. Goodman, M. Heller, C. Moerdler, O. Murray, J. O'Brien, D. Padernacht, K. Pesce, R. Press, J. Rather, A. J. Robateau, G. Santiago, L. Spalter, M. Wolpoff, M. Yamagata

Opposed –

D. Kornbluh

Abstention –

B. Bender

8. Stagg Group – re drawings/rendering of possible plans for development of lot on Fort Independence Street;

Stagg Group/CM Water Group LLC – 421-a Application, 5959 Broadway

Chair Moerdler advised that there has been discussion with Stagg and there will be a meeting on August 13, 2015 with community at Assemblyman Dinowitz' Office. Chair Moerdler listed the problems with the proposed Stagg development which involves significant ongoing problems with the retaining wall located behind the proposed development; challenges with Cannon Place, a street that is far too narrow to sustain large development; and he discussed the need for downzoning that should have been done long ago. He complimented the Kingsbridge community on their resilience and strides made with re-building and offered that reason for the Board's support.

Items regarding the Stagg Group will be laid-over for the next Land Use meeting.

9. Petition re opposition to 640 West 238th Street Construction;
Follow-up re 3707 Blackstone Avenue / 640 West 238th Street Developments

Chair Moerdler provided background on the properties with regard to the Bonnie House, 3720 Independence Avenue and sale of its property rights. He explained that 640 West 238th Street is an As-of-Right building development. With respect to the opposing petition, he advised of meetings with the architect Michael Goldblum, who is well known to the Board, to discuss ways to develop the property and avoid negative impact on its neighbors. The only compromise derived at, and not a perfect solution, is to aggregate all of the building height and bulk on West 238th Street and build 13 stories, and thereby ending the construction facing the Bonnie House residents, and eliminating construction on corner of Blackstone Avenue. However this would still block building across the street and behind the property. Also developer would need a variance to build over 8 stories, which approval could take more than a year.

R. Moll, President of the Bonnie House Co-op Board, discussed the petition and the objection to the proposed 8 stories building, that would block all light and sun to the entire east side of the Bonnie House. He appealed to the Board to oppose construction exceeding 8 stories.

M. Goldblum presented plans for 640 West 238th Street. There will be 15 units consisting of 9- three bedrooms, 4- two bedrooms, and 1 studio. There will be interior parking spaces. The second floor roof will be over parking space and there will be public recreation space. Plans not filed yet, no permits pulled. Developer will return to present filed plans to Land Use Committee. Special measures will be taken to protect and preserve the 80 –plus year old tree on property.

K. Genceva, Bonnie House resident, discussed concerns and objections to the development of the property. She re-stated the problem with blocking the east side of the building. She asked for a meeting with the owner.

Chair Moerdler suggested the developer arrange a meeting with the residents of Bonnie House.

10. ADDITIONAL ITEMS:

1. Approval of the New York State Liquor Authority applications, previously approved by the Public Safety Committee on July 9, 2015:

J. Obrien, Vice Chair, Public Safety Committee, presented the following resolutions:

RENEWALS –

Gourmet Dining, Manhattan College, 4513 Thomas Hall

Vote: 23 in favor, 1 opposed, 1 abstention

In Favor –

B. Bender, A. P. Creaney, L. Croft, L. Daub, M. Donato, P. Ellis, R. Fanuzzi, N. Friedman, R. Ginty, M. Goodman, M. Heller, D. Kornbluh, C. Moerdler, O. Murray, J. O'Brien, D. Padernacht, K. Pesce, J. Rather, A. J. Robateau, G. Santiago, L. Spalter, M. Wolpoff, M. Yamagata

Opposed

R. Press

Abstention

B. Fettman

Liebman's Deli, 552 West 235th Street
Kappock Café Corp., 17A Knolls Crescent
Metate, 3515 Johnson Avenue

Vote: 23 in favor, 2 abstentions

B. Bender, A. P. Creaney, L. Croft, L. Daub, M. Donato, P. Ellis, R. Fanuzzi, N. Friedman, R. Ginty, M. Goodman, M. Heller, D. Kornbluh, C. Moerdler, O. Murray, J. O'Brien, D. Padernacht, K. Pesce, J. Rather, A. J. Robateau, G. Santiago, L. Spalter, M. Wolpoff, M. Yamagata

Abstentions –

B. Fettman, R. Press

NEW –

K. Café Corporation, 5684 Riverdale Avenue
Ber Inc. DBA Mallwi, 154-56 West 231st Street
Mon Amour Coffee and Wine, 234 West 238th Street

Vote: 23 in favor, 2 abstentions

B. Bender, A. P. Creaney, L. Croft, L. Daub, M. Donato, P. Ellis, R. Fanuzzi, N. Friedman, R. Ginty, M. Goodman, M. Heller, D. Kornbluh, C. Moerdler, O. Murray, J. O'Brien, D. Padernacht, K. Pesce, J. Rather, A. J. Robateau, G. Santiago, L. Spalter, M. Wolpoff, M. Yamagata

Abstentions –

B. Fettman, R. Press

11. Board Chair Padernacht made a motion to convene an Executive Session in accordance with Section 105(f) of the Open Meetings Law.

12. The Land Use Committee Meeting was re-opened to the public.

The District Manager presented the following resolution:

WHEREAS, Ms. Lydia Hernandez has been selected to be employed as a Community Associate for Bronx Community Board No. 8 (CB #8) with an expected hire date of August 24, 2015, and

WHEREAS, the District Manager recommends that Ms. Hernandez's salary be set at \$43,000.00 per year; and

WHEREAS, the Chair of the board has decided that Ms. Hernandez shall be paid \$43,000.00 per year; and

WHEREAS, this decision is concurred in by the Vice-Chair, Secretary and Treasurer; and

WHEREAS, the Community Board adopted a resolution on February 9, 2010 that required any decision concerning internal operating budgets be made by the Chair in consultation with the officers and brought to the Community Board for "ratification, amendment or rejection,"

THEREFORE, BE IT RESOLVED, that CB #8 ratifies the decision of the Chair.

Vote: 24 in favor, 0 opposed, and 1abstention

In Favor –

B. Bender, A. P. Creaney, L. Croft, L. Daub, M. Donato, P. Ellis, R. Fanuzzi, B. Fettman, N. Friedman, R. Ginty, M. Goodman, M. Heller, D. Kornbluh, C. Moerdler, J. O'Brien, D. Padernacht, K. Pesce, R. Press, J. Rather, A. J. Robateau, G. Santiago, L. Spalter, M. Wolpoff, M. Yamagata

Abstention

O. Murray

Meeting adjourned 9:55 PM.

Respectfully submitted,

Patricia Manning
District Manager