

(Pending Committee Approval)
Land Use Committee Minutes
Monday, June 7, 2021 at 7pm
Meeting held virtually via Zoom

Attendance:

Committee Members: Charles G. Moerdler (chair), Martin Wolpoff, Bob Bender, Paul Ellis, Nick Fazio, Bob Fanuzzi, David Gellman, Rosemary Ginty, Dan Padernacht, Sylvia Alexander, Julie Reyes, Laura Spalter (ex-officio)

Absent: Marvin Goodman, Margaret Della, Tracy Pardo

Guests: Council Member Eric Dinowitz, Juton Horstman (Department of City Planning), Lisa Daub (Secretary), Karen Pesce (CB8 Member), Myra Joyce (CB8 Member), Steve Froot (CB8 Member), Ivan Nedds (Assemblyman Dinowitz Office), Gannon (District Manager)

Chair Moerdler opened the meeting at 7pm.

Update on 22 Marble Hill Ave:

Residents of 22 Marble Hill Ave. voiced concerns regarding their lease not being renewed after they have brought complaints to the Community Board about the building management. Mr. Moerdler stated that this is not normal conduct and sought committee approval to write a letter to the landlord and contact the NYC Department Housing Preservation & Development. The Committee reached consensus. Chair Spalter asked the residents if they have contacted their elected officials and confirmed that they are speaking with an attorney.

318 College Road- SUB: 2021X0321 NB: 2021X0322. LPC docket number: LPC-21-0719

Hal Dorfman Architects, representing the property owner of 318-326 College Road, is seeking conditional approval from the Community Board so they can move forward with the application. The application has not been formally referred yet, but Juton Horstman from DCP stated that the committee can opine now because it is a zoning lot change. The zoning is being reconfigured to provide the required frontage on College Road. This project is two phases at DCP: subdivision / re apportionment of the existing zoning lots. The existing dwelling will remain on a fully compliant lot. Then a proposed new single-family dwelling is planned to comply with the SNAD and Fieldston District LPC rules. The siting of the dwelling on the College Roadside of the site allows for the minimum impact to the sites natural area features. In addition, a "Green Roof" water retention system will be incorporated into the NB design. Fieldston Property Owners (FPOA)

have been made aware of this project, but do not have commentary at this time. Neighbors will be invited to the Landmarks Preservation Committee Hearing.

BSA Application (2021-29-BZ) 3904 Orloff Ave

An application has been filed with the Board of Standards and Appeals for a variance to permit in an R4A zoning District construction of a cellar and residential building that does not provide one required front yard. The applicant was unable to attend the committee meeting and will be contacted regarding the next meeting.

SNAD Referral- 5040 Arlington Ave

The applicant, Maher & Greenberg, presented on the application seeking a site alteration of an existing single-family residence seeking an authorization to modify the topographic features pursuant to 105-421 of the Special Natural Area District (SNAD) regulations to build an approximately 1,000 sf patio at 5040 Arlington Avenue in the Riverdale neighborhood of Community District 8, Bronx.

A vote was taken to approve this application.

Votes in Favor: (9) C. Moerdler, S. Alexander, B. Bender, N. Fazio, D. Gellman, R. Ginty, J. Reyes, D. Padernacht, M. Wolpoff

Opposed:

Abstained: (1) B. Fanuzzi

5278 Post Road- Change in Work Hour Request

Jay Martino of Stagg has requested approval from the Community Board to start work earlier on Saturdays. The DOB has approved Saturday work for 9 am- 4 pm, but the developer would like approval to start work prior to 9 am. Several neighbors expressed concerns about work being done by this developer and oppose the change in work hours.

A vote was taken on this request:

Votes in Favor: (0)

Opposed: (10) C. Moerdler, S. Alexander, B. Bender, B. Fanuzzi, N. Fazio, D. Gellman, R. Ginty, J. Reyes, D. Padernacht, M. Wolpoff

Abstained: (0)

The request failed.

Citywide Zoning Text Amendments

Presentations by Juton Horstman, Dept. of City Planning

Elevate Transit: Zoning for Accessibility (ZFA)- (Due June 14th)

A presentation on this item was given at the May Committee Meeting. A vote on this text amendment took place and passed unanimously:

Votes in Favor: (10) D. Padernacht, J. Reyes, R. Ginty, B. Fanuzzi, M. Wolpoff, D. Gellman, B. Bender N. Fazio, S. Alexander, C. Moerdler

Opposed: (0)

Abstained: (0)

A Zoning Text Amendment to analyze and understand the potential impact of a citywide City Planning Commission (CPC) Hotel Special Permit in NYC (Due July 12th)

This item was referred by DCP on May 3, 2021. The proposed zoning change would require City Planning Commission approval for new and enlarged hotels and motels, tourist cabins and boatels in commercial, mixed-use and paired M1/R districts. The review process would allow the Commission to ensure that new hotels do not create significant conflicts with surrounding development. The new Special Permit requirement would override existing hotel special permit requirements. However, the existing special permit provisions that apply in M1 districts, which require the Commission to make findings specific to industrially zoned areas, will remain in place.

This proposal would impact several areas in Community Board 8. A discussion of this matter took place.

A vote was taken on this item:

Votes in Favor: (0)

Opposed: (5) R. Ginty, M. Wolpoff, B. Fanuzzi, J. Reyes, D. Gellman,

Abstained: (4) C. Moerdler (present but ineligible to vote) B. Bender, N. Fazio, S. Alexander

The text amendment proposal failed.

FRESH: Enhanced incentivizes for the creation of grocery stores in communities with food needs;(Due June 28th)

The FRESH Program offers zoning incentives and financial benefits in these underserved communities. Its goal is to encourage the development and retention of convenient, accessible stores that provide fresh meat, fruit and vegetables, and other perishable goods in addition to a full range of grocery products. The program offers a set of zoning incentives that provide additional floor area in mixed buildings, reduce the amount of required parking for food stores and permit larger grocery stores as-of-right in light manufacturing districts. The financial benefits, administered by the NYC Industrial Development Agency, exempt or reduce certain taxes for qualifying FRESH food stores.

Chair Moerdler shared that the landlord receives the benefit and it may not be passed along to the supermarket. A discussion of this proposal took place.

A developer seeking to utilize the zoning incentives of the FRESH Program must demonstrate that the primary business of the retail space is the sale of food products. Prior to obtaining a building permit, the proposed store must be certified as a FRESH food store by the Chairperson of the City Planning Commission (CPC), verifying that the store meets the floor area requirements, the space is legally committed to use as a FRESH food store, and a grocer has agreed to operate a FRESH food store in the developed space.

After discussion a vote was taken on this proposal:

Votes in Favor: (2) J. Reyes, D. Gellman

Opposed: (5) C. Moerdler, B. Fanuzzi, M. Wolpoff, D. Padernact, N. Fazio

Abstained: (3) R. Ginty, B. Bender, S. Alexander

This proposal failed.

Health & Fitness Reduce barriers to establishing and opening community gyms and other health facilities; (Due June 28th)

At this time, Gyms, martial arts studios, licensed massage therapy, and many other health-related businesses require special permits from the Board of Standards and Appeals to open in most parts of New York City. The Department of City Planning is proposing new rules to ease these restrictions, cutting red tape for small businesses and providing valuable health amenities to all New York City communities. If the text amendment is approved, Gyms and spas would be allowed to open and operate in commercial and manufacturing districts. Licensed massage therapy studios would be allowed in residential, commercial and manufacturing districts. NYS currently regulates

these facilities. C. Moerdler offered an amendment to this item to remove the community facility bonus . R. Ginty seconded the amendment.

A vote was taken to approve this item as amended:

Votes in Favor (6): D. Gellman, N. Fazio, R. Ginty, C. Moerdler, S. Alexander, D. Padernacht

Opposed (4): J. Reyes, B. Fanuzzi, B. Bender, M. Wolpoff

Abstained: (0)

The amended version has passed.

C. Moerdler provided the committee with an update on the Henry Hudson Parkway retaining wall. The committee has given Mr. Moerdler permission to write to the Department of Investigation. Dr. Rosenthal thanked Mr. Moerdler and the Community Board for dedicating so much time to this ongoing issue.

The May minutes were given to the Committee on short notice. They will be voted on in September.

The meeting was adjourned at 10:00 p.m.

Minutes submitted by C. Gannon, District Manager