

Bronx Community Board 8
Land Use Committee Meeting Minutes

March 11, 2024

<https://www.youtube.com/watch?v=qOdUGecAwk0>

Location – Board Office: 5676 Riverdale Ave., Suite 100, Bronx, NY 10471

Hybrid Meeting

Chair C. Moerdler called the meeting to order at 7:08 p.m.

Attendance

Land Use Committee

Present (7) – Charles Moerdler, Martin Wolpoff, Sylvia Alexander, Bob Bender, David Gellman, Daniel Rowen, Laura Spalter

EC (1) – Carol Blake

Absent (4) – Lee Chong, Nick Fazio, Omar Murray, Jessica Sosa

Community Board Members

Chris Calhoun, Dr. Robert Fanuzzi

Staff

Farrah Kule Rubin (District Manager), Ardhmir “Ardy” Malziu (Community Coordinator)

Guests

Randi Martos (NYS Assemblyman Dinowitz’s Office), Alina Dowe (NYC Mayor’s Community Affairs Unit), Camila Thomas (Department of City Planning), Effie Ardizzone, Amy Motzny & Dana Taplin (Department of Environmental Protection), Karla Cabrera Carrera (Bronx Community Board 7), Michael Heller (Association of Riverdale Cooperatives and Condominiums), Stephanie Ehrlich (Van Cortlandt Park Alliance), Chauncy Young (Harlem River Working Group), Jodie Colon (Friends of Spuyten Duyvil), Karen Argenti (Bronx Council for Environmental Quality), Daniel Ranells (Bronx River Alliance)

Land Use Application

Public Hearing: Tibbetts Brook Daylighting Easement Acquisition ULURP, an acquisition of real property by the City of New York to facilitate a permanent easement within 5 Metro-North properties in the Bronx to support the Tibbetts Brook Daylighting and Hester and Piero’s Mill Pond Improvements project, the construction of pipeline conduits, and create recreational and open space opportunities for the surrounding area in Kingsbridge Heights, Community Districts 7 and 8, Bronx.

Presentation by Amy Motzny & Dana Taplin from the NYC Department of Environmental Protection (DEP).

- Daylighting is a technical/engineering term and it broadly explains activities for restoring or resurfacing a stream that once was, in this case Tibbetts Brook which had a surface expression that ran through much of the Kingsbridge neighborhood historically. For the purposes of this project, daylighting the surface expression will not follow the historic flow path but it will be symbolically imprinted into the available land along the CSX corridor beginning at Van Cortlandt Park South and extending south to the Metro North railyard.

- The primary driver from DEP's perspective is the combined sewer overflow reduction and is part of the citywide open waters long term control plan.
- The partnership project between DEP and the NYC Parks Department will enable the greenway extension as part of the overall project.
- The Tibbetts Brook Daylighting Easement Acquisition supports the larger project of conveying base flow from the mill pond, plus some wet weather runoff, directly to Harlem River, increasing the available capacity of the combined sewer collection system and reducing frequency and volume of combined sewer overflow (CSO) events for overall water quality improvements to the river.
- Permanent easement within MTA Metro-North rail yard to allow installation, maintenance, and inspection of closed conduit.
- 2.5-foot-high by 6-foot-wide concrete box conduit.
- Conduit turns to cross under railyard tracks at West 193rd St.
- No disruption to active commuter rail line – all work to occur within rail yard.
- Easement acquisition for MTA Metro-North ROW.
 - Block 3264 Lot 20 (CD 8)
 - Block 3238 Lots 50, 52,126 (CB 7)
 - Block 3245 Lot 12 (CB 7)
- Zoned M1-1; Block 3238 Lot 50 adjacent to C8-3.
- Construction is anticipated to begin in late 2025.
- **Full presentation is available on the Bronx Community Board 8 website or by [Clicking Here](#).**

Discussion:

- Board member hopes that Bronx Community Board 8 takes great pride in the historic step to clean the Hudson River because, as DEP has said, this is diverting water that would have gone into a sewer with contaminants into the river, and now it is going straight from a freshwater into another freshwater body thus relieving the pollution burden on the Harlem River.
- DEP states that the current proposal is only for the closed conduit through the Metro North's property which does not foreclose any future possibilities.
- Community member urges that the committee vote in favor of doing this expeditiously.
- Community member states that this is not only important for CB8, but also for the Bronx and New York City. This is the largest daylighting project in the city and state. The importance is to reconnect neighborhood. Urges to approve this but need every Community Board and member to continue advocating for access to the waterfront.
- Community member states that this project will make a huge difference in the amount of pollution in our waterways, and very supportive of this.
- Board member asks what is the MTA's position on this? DEP states that it is for a permanent easement for a closed conduit. It would be a separate action to discuss public access on MTA's property.
- Board member states that past renderings showed the pathway closer to the west, and further from the Major Deegan Expressway. DEP states that nothing has changed in the project planning/design and will follow up with clarity on the rendering.
- DEP states that this project will bring all the clean pond flow into the outfall all the time. Currently, the outfall is only used when there is heavy weather and it is releasing combined

flows. The new pipe will bring Tibbetts Brook right into that outfall. It will avoid the sewage collection system. In wet weather, there will be additional flow through the channel but it will be regulated.

- DEP states that the CSO reduction is 215 -220 million gallons a year.
- Board member states that Bronx Community Board 8 passed resolutions on April 12, 2016, April 19, 2017, February 13, 2018, June 2022, and June 2023, in strong support of the Putnam South Greenway and Daylighting of Tibbetts Brook citing their unique recreational, economic, and environmental benefits.

A MOTION was made by L. Spalter and seconded by C. Moerdler to VOTE to APPROVE the Tibbetts Brook Daylighting Easement Acquisition ULURP.

Board member wants to include language stating that Bronx Community Board 8 supports future actions and further efforts among agencies that will result in public access and recreational usage along this route, including south of 230th Street to the Harlem River.

RE: Tibbetts Brook Daylighting Easement Acquisition ULURP C240232POX - An acquisition of real property by the City of New York to facilitate a permanent easement within 5 Metro-North properties in the Bronx to support the Tibbetts Brook Daylighting and Hester and Piero's Mill Pond Improvements project, the construction of pipeline conduits, and create recreational and open space opportunities for the surrounding area in Kingsbridge Heights, Community Districts 7 and 8, Bronx.

WHEREAS, the NYC Department of Environmental Protection (DEP) has requested comment respecting an acquisition of real property by the City of New York to facilitate a permanent easement within 5 Metro-North properties in the Bronx to support the Tibbetts Brook Daylighting and Hester and Piero's Mill Pond Improvements project, the construction of pipeline conduits, and create recreational and open space opportunities for the surrounding area in Kingsbridge Heights, Community Districts 7 and 8, Bronx; and

WHEREAS, Bronx Community Board 8 passed Resolutions on April 12, 2016, April 19, 2017, February 13, 2018, June 2022, and June 2023, in strong support of the Putnam South Greenway and Daylighting of Tibbetts Brook citing their unique recreational, economic, and environmental benefits; and

WHEREAS, Though not part of this ULURP application and not connected to this action, Bronx Community Board 8 supports future actions and further efforts among agencies that will result in public access and recreational usage along this route, including south of 230th Street to the Harlem River; and

WHEREAS, No opposition was indicated from the board or from the community; and

NOW THEREFORE, BE IT RESOLVED, for the reasons set forth above, the Land Use Committee approves this application.

VOTE to APPROVE the Tibbetts Brook Daylighting Easement Acquisition ULURP - APPROVED UNANIMOUSLY AS AMENDED.

APPROVED (8) – C. Moerdler, M. Wolpoff, S. Alexander, B. Bender, C. Blake, D. Gellman, D. Rowen, L. Spalter

ABSTAINED (0)

OPPOSED (0)

LPC Application

**4401 Manhattan College Pkwy, Bronx, NY 10471 Terrace & Pool Residential Construction -
Legalization of LPC Violations**

The Land Use Committee has asked the owner of the property, who appears to be the person who has allegedly made the changes without a permit, to be present to explain what is going on. Advised by his architect that he cannot make it tonight and will be available in April. The committee has asked the Landmarks Preservation Commission not to act on the matter until the committee has the opportunity to have the conversation and take appropriate action. The Fieldston Property Owners Association (FPOA) was not sure if the property is within their ambit, regardless Chair C. Moerdler hopes they will consider providing their views. On this basis, this matter is laid over to the April 2024 Land Use Committee meeting.

Report by Subcommittee working with Stagg Group on Construction at 3745 Riverdale Avenue

The subcommittee has not met since their last meeting but will meet at the building in April. It looks like the building is near completion.

Approval of Committee Minutes from February 5, 2024

Board member would like to amend a sentence on the February 5, 2024, minutes to state, "It would exempt some projects in both high- and low-density zones from environmental review."

VOTE to APPROVE February 5, 2024, Minutes - APPROVED UNANIMOUSLY AS AMENDED.

APPROVED (8) – C. Moerdler, M. Wolpoff, S. Alexander, B. Bender, C. Blake, D. Gellman, D. Rowen, L. Spalter

ABSTAINED (0)

OPPOSED (0)

Construction Noise from Construction site at 3139 Netherland Avenue and 3132 Arlington Avenue

A representative of Netherland Development LLC, the owner of the properties located at 3139 Netherland Avenue and 3132 Arlington Avenue was not present at the meeting.

Discussion:

- Community member wonders why there has been no attempt to reduce noise.
- Community member would like to see noise mitigation and welcomes the opportunity for a stop worker order until a noise mitigation plan is in place.
- Timing of the noise is an issue. The drilling has begun before 7AM.
- DEP states that the construction site has a noise mitigation plan and is posted on their site. DEP has performed several inspections throughout 2023 & 2024. There were no violations issued.

- Community member states that the permit does not actively regulate the activity that is appropriate for this neighborhood. The permit was issued without adequate measures in a residential community.
- The noise is disrupting thousands of people.
- There is an issue with the dust buildup from the drilling.
- Parking is being blocked in the area.
- Another application is also being filed for construction at 3133 Netherland Ave.
- Chair C. Moerdler recommends the community member send the Board office a list of issues so it can be forwarded to DEP and DOB to be addressed.

A MOTION was made by C. Moerdler and seconded by D. Gellman to VOTE on the below resolution:

WHEREAS, Bronx Community Board 8 has received a continuing stream of concerns from local residents, such as constant loud noise and dust buildup, among others, regarding the construction and excavation project at 3139 Netherland Ave, Bronx, NY 10463 and 3132 Arlington Ave, Bronx, NY 10463; and

WHEREAS, the construction project has been ongoing for over a year for up to eight (8) hours a day; and

WHEREAS, Netherland Development LLC is the owner of the properties located in the aforementioned addresses, and was invited to attend, speak and respond to questions at the Bronx Community Board 8 Land Use Committee meeting on March 11, 2024; and

WHEREAS, No representative of Netherland Development LLC was present at the meeting; and

WHEREAS, the Land Use Committee of Bronx Community Board 8 requests the NYC Department of Buildings (DOB) and NYC Department of Environmental Protection (DEP) to inspect and issue a stop work order pending a report from Netherland Development LLC respecting the construction and excavation project at 3139 Netherland Ave, Bronx, NY 10463 and 3132 Arlington Ave, Bronx, NY 10463; and

WHEREAS, the Land Use Committee of Bronx Community Board 8 requests the NYC Department of Buildings (DOB) and NYC Department of Environmental Protection (DEP) take steps to reexamine the permits issued so that the permits are more reflective of the appropriate conditions in the community; and

WHEREAS, the Land Use Committee of Bronx Community Board 8 requests the NYC Department of Buildings (DOB) and NYC Department of Environmental Protection (DEP) address the issues of excessive and polluting dust and noise; and

WHEREAS, the Land Use Committee of Bronx Community Board 8 requests the NYC Department of Buildings (DOB) and NYC Department of Environmental Protection (DEP) inspect the sites on a regular basis; and

NOW THEREFORE, BE IT RESOLVED, the Land Use Committee of Bronx Community Board 8 approves this resolution.

APPROVED (8) – C. Moerdler, M. Wolpoff, S. Alexander, B. Bender, C. Blake, D. Gellman, D. Rowen, L. Spalter

ABSTAINED (0) OPPOSED (0)

New Business

Hebrew Home Public Access Sub-Committee Report

The sub-committee, Bob Bender, Laura Spalter and Martin Wolpoff, met with representatives from River Spring/Hebrew Home. The representatives understood there was a prior memorandum of understanding about public access through their property for the Henry Hudson River Greenway in the future. They reaffirmed the agreement. If and when the time comes for public access to the greenway, it would be on the south campus. Access may be pedestrian only and subject to safety requirements.

Adjournment

A MOTION was made by C. Moerdler and seconded by L. Spalter to ADJOURN - APPROVED UNANIMOUSLY

APPROVED (8) – C. Moerdler, M. Wolpoff, B. Bender, C. Blake, L. Chong, D. Gellman, D. Rowen, L. Spalter

ABSTAINED (0) OPPOSED (0)

Meeting was adjourned at 8:21 p.m.

Submitted by Ardy Malziu, Community Coordinator, Bronx CB8 and Reviewed by Farrah Kule Rubin, District Manager, Bronx CB8