

Minutes of the November 15, 2023 Meeting of the Environment and Sanitation Committee

(Pending Committee Approval)

Present: K. Argenti, D. Travis (zoom); C. Blake; R. Fanuzzi, D. Rowen; L. Spalter, R. Spalter (in person)

In attendance: E. Ardizzone (DEP), T. Colon (AM Dinowitz) S. Alexander, B. Bender, D. Gellman, R. Ginty, J. Reyes (BxCB8) M. Pasanowic, G. Felix, A. Horowitz, A. Adolphus, B. Fasciani, B. Percy, C. Tepelus, D. Feintuch, F. Zerewski, I. Neddi, J. Sosa, K. Minicozzi, K. Holland, M. Stitz, P. Repola, R. Crystal, S. Law, V. Kim, W. Ballester, C. Wasserman, P. Wasserman, K.

- I. Quorum and Roll Call
Community board members of the E and S committee were recognized for quorum
- II. Approval of Minutes of Joint Meeting of Parks and Environment and Sanitation Committee
In favor: K. Argenti, C. Blake; R. Fanuzzi, D. Rowen; L. Spalter, R. Spalter, D. Travis.
- III. Chair's Report
 - A. Members of the E and S committee introduced themselves; new committee members and their committee priorities were welcomed
 - B. Friends of Spuyten Duyvil is holding a "Leaf Crunch" at Henry Hudson Park on Saturday, November 18.
- IV. Local Construction and Flooding
 - A. 306 W. 232nd Street
F. Rubin and E. Ardizzone reported on active DOB violations at site and status of DEP de-watering permit. CB is in receipt of 311 violations cited by community members. DOB has issued a partial work order because of water pooling at the site. DEP has not approved the developer's de-watering permit, pending inquiries about property ownership. DEP holds that the building site is less than 5000 square feet threshold for a Storm Water Pollution Prevention Plan (SWPPP) but committee members and community residents hold that merged lots exceed the minimum.

Kingsbridge community residents report ongoing construction despite stop work order and absence of traffic and environmental studies, particularly concerning groundwater levels, prior to construction. B. Fasciani, president of Tibbett Towers board, reports water pooling from commencement of construction, sinkhole in the building's upper parking lot, traffic congestion, flooding and damage to building since construction, potential damage to foundation, and concerns about de-watering site at 3133 Tibbett Avenue. Board is opposing construction.

F. Rubin offers DOB "plan examiner" hours for review of permits. Committee offered "Notice of Dangerous Condition" to the NYC Corporation Counsel and Comptroller documenting danger and lack of agency response. Committee will seek meeting with Bronx Commissioner of DOB.

The committee passed the following resolution:

Whereas, Panstar Realty filed a permit with the NYC Department of Buildings to build a 7 story 22,458 square foot building for a charter school on Lot 159/Block 5714/ 306 W. 232nd Street; and,

Whereas, the building for the charter school is planned to cover the entire lot, with no parking, no trees, no green infrastructure, no retention facilities for managing stormwater or groundwater, no environmental review of local impacts, including traffic, and no documentation of educational need; and,

Whereas, NYC DEP has not required Panstar to file a Stormwater Pollution Prevention Plan (SWPPP) because the new construction is claimed to be 1 foot under the minimum 5,000 square feet of new impervious surface, and is built upon a lot that has been impervious for less than 5 years; and,

Whereas, the NYC Department of Finance records a merger of Lot 159 with a portion of Lot 164 on August 2020, is listed on ZOLA as 5019 feet, requiring a SWPPP; and,

Whereas, NYC DOB approved a permit to demolish the single family home on Lot 159 in March 2016, and filed a Notice of Demolition is dated June 2017, which is more than 5 years from the SWPPP required duration of imperviousness, not less; and,

Whereas, the school is built within a NYS Department of Conservation-designated floodplain and in the bed of the former Tibbetts Brook, requiring the builder to obtain a NYC DEP “dewatering permit” to pump 1,756,800 gallons of groundwater over six months into an adjoining property, 3133 Tibbett Avenue for discharge into one New York City’s most overburdened combined sewer overflow (CSO) outfalls, Wards Island 056;; and,

Whereas, construction commenced before the required NYC DEP Dewatering Permit was issued, leading to pooling at the job site and in spite of a DEP Commissioners Notice to stop discharges; and,

Whereas, the NYC DOB records 44 complaints from the Kingsbridge community regarding the violation of safety and construction regulations and damage to adjoining properties; 4 DOB violations, of which 1 is Class 1, or “Immediately Hazardous”; 16 construction safety violations; 1 full stop work order; and 1 active partial stop work order

Whereas Kingsbridge community members have issued “Notice of Dangerous Conditions” with the Corporation of the City of New York and the New York City Comptroller to document damage to adjoining properties, including sia

Whereas Kingsbridge community residents visited the Bronx office of NYC DOB to meet with a DOB plan examiner and were told by Bronx Community Board 8 DOB representative that their concerns were not under its purview

Whereas, Kingsbridge community members have sought help from Bronx Community Board since January 2023 and attended two meetings of the Environment and Sanitation Committee on

October 30 and November 15 to present their concerns about building violations, environmental permits, and dangerous conditions caused by the construction; and,

Therefore be it resolved, that Bronx Community Board 8 urges NYC DEP to review and require approval of a Stormwater Pollution Prevention Plan for the merged lot to prevent further damage to neighboring properties during construction and require the developer to document the stormwater management plan for the school after construction; and,

Be it further resolved, that Bronx Community Board 8 urges NYC DEP to resolve questions submitted by its Environment and Sanitation Committee on November 27, 2023 about the Dewatering Permit application for 306 W. 232nd Street; and,

Be it further resolved, the Bronx Community Board calls upon the NYC DOB Bronx Commission or Deputy Commissioner meet with elected officials, community board representatives, and community members; and for NYC DOB to issue a full stop work order on all phases of construction until construction-related violations and concerns have been resolved with and to the satisfaction of the Kingsbridge community and the Environment and Sanitation Committee of Bronx Community Board 8.

In favor: K. Argenti, C. Blake; R. Fanuzzi, D. Rowen; L. Spalter, R. Spalter, D. Travis.

B. 6011 Riverdale Avenue

Dr. Wasserman and Dr. Wasserman, partners of Riverdale Dental, reported water damage, flooding and recurring insurance claims due to runoff from upland SAR property. Dr. and Dr. Wasserman have called engineers to investigate cracks in the SAR retaining wall due to water. DOB has issued violation about DEP inspectors were called and have visited site and confirmed that water is not coming from the street.

Committee members will ask SAR representatives to meet with Drs. Wasserman and investigate on-campus green infrastructure solutions to runoff. Committee will also seek storm water management plan on file with DOB to determine compliance.

Committee will follow up with DEP on requirements for SWPPP for new SAR construction.

V. Old Business

- A. R Fanuzzi reported that Bronx Council for Environmental Quality organized a walk through over the summer to bring attention to MTA railway yard between 230th and 225th Street. MTA has stated that it is an active railroad. D. Gellman raised issue of Putnam Greenway extension and requested committee to take action.

The committee passed the following resolution:

Whereas NYC City Planning Commission issued the ULURP resolution for the acquisition of CSX property south of Van Cortlandt Park to 230th Street the Putnam Greenway in 2011 with the

statement that “The MTA will continue to maintain and use [the rail tracks between West 230th Street and West 225th Street] until at least 2013, after which time DPR is planning to lease the ROW from the MTA for the purpose of creating another segment of greenway that will connect to that of the current proposal”

Whereas NYC DEP is negotiating with MTA to complete its Daylighting of Tibbetts Brook project and continue the route of the pipe on its property

Whereas MTA classifies the property as an “active railroad” and has included the tracks between 225th and 230th in its plans for waste transfer operations

Whereas the tracks between 225th and 230th Street abut NYCHA Marble Hill Houses, an environmental justice area and poorest census tract in Bronx Community Board 8

Therefore be it resolved, that Bronx Community Board 8 urges MTA to keep waste transfer and other garbage hauling operations out of the Marble Hill community, and;

Therefore be it further resolved, that Bronx Community Board 8 calls upon MTA and elected official to make all pertinent plans, including capital budgeting, easements, and space planning. for the continuation of the Putnam Greenway south of 230th Street so that it can connect with the planned Harlem River Greenway.

In favor: K. Argenti, D. Travis. R. Fanuzzi, D. Rowen, C. Blake, L. Spalter

VI. New Business
None

VII. Adjournment

The meeting was adjourned at 9:15.

Respectfully submitted,

R. Fanuzzi
Interim Acting Chair,
Environment and Sanitation Committee.