

Community Board 8, Bronx
Land Use Committee
2/6/2023
Minutes

A link to a recording of the meeting is available here: <https://youtu.be/YM15BsKtqHc>

Attendance LU Committee (9): Charles G. Moerdler, Chair, Martin Wolpoff, Rosemary Ginty, Dan Padernacht, Sylvia Alexander, David Gellman, Julie Reyes, Camelia Tepelus, Lee Chong

Absent (2): Bob Bender, Nick Fazio,

Community Board members (1): Laura Spalter, Board Chair

Elected officials (2): Assemblyman Jeff Dinowitz, Councilmember Eric Dinowitz

Community – At one point there were 111 screens/phones listed as participants

1. Meeting called to order at 7:01
2. Attendance was called and quorum was present.
3. Chair asked if there were any representatives from the School Construction Authority (SCA), Tishman-Spears (T-S), the charter school under discussion, the City Planning Commission. With no positive responses, the Chair moved the agenda.
4. Update on the proposed projects on the former Visitation site
 - a. Assembled were reminded that in a joint venture with T-S and SCA, the property that was the Visitation Church grounds and school was to be the site of a very large and dense housing building and a section is being set aside for the construction of a small school.
 - b. A letter from T-S was read by Board Chair Spalter. In the letter T-S noted that it had constructed a fence around the site, they are preparing for asbestos removal and their working hours will be Monday – Friday, 7 am – 5 pm.
 - c. The issue was raised asking for us to receive copies and inquire about whether appropriate permits had been obtained, especially with concern for appropriate asbestos removal procedures.
 - d. Both committee and Board members, as well members of the community were invited to offer testimony. The most serious concern was the apparent refusal of the principals (SCA and T-S) to provide greater detail on their respective projects or present at a public meeting. SCA has used as an excuse a filed lawsuit against their project.
 - e. The frustration was further heightened by the knowledge that T-S will be making their presentation to CDC in March 2023 when the Board still has had no access to the plans or been given the opportunity to offer feed-back.
 - f. One community member expressed concern that the committee chair sits on the board of HDC to which application has apparently been made for project financing approval. She wondered if there was an inherent conflict of interest. The chair advised that his dual positions was noted and approved by the New York City Conflicts of Interest Board, but he would be happy to recuse himself if that were the will of the committee and if one of his vice-chairs was willing to accept the responsibility. There was no such will of the committee expressed. Chair noted that HDC's role in approving or disapproving the authorization for a loan is based exclusively on the financial merits, not any judgment of the project itself.
 - g. Committee members strongly favored the writing of a letter to HPD and CDC protesting the lack of responsiveness from the principals. Dan Padernacht was charged with composing an appropriate resolution.
5. Discussion of Charter School Development– 306 W 232nd Street
 - a. The assembled were reminded that the intention is for a 7-story charter school to be erected on a site previously used for a one family home.
 - b. Both Assemblyman Dinowitz and Councilmember Dinowitz offered their strong objections to this project. They noted the cluster of 14 other proximate schools. They noted earlier meetings that had been held with neighbors and the school's representatives. Both expressed their views on charter schools in general, but noted the need for reform of state law that should require early

presentations to the communities affected. They felt that “as of right” failed to provide the community’s interests.

- c. Community members expressed concerns about additional vehicular traffic, the lack of appropriate ingress/egress for students/deliveries/garbage removal, bus movement. It was noted the lane that would probably be used for bus drop off and pick up, as well as parent drop off and pickup, would invariably block the parking lot that would be in service for residents leaving for work. It was noted that the proposal calls for a building without windows facing east or west. There was concern expressed about whether space was being provided for student outdoor activity.
 - d. It was noted that the community sits on top of Tibbets Brook. In addition to past experiences of flooded basements, they were concerned that construction could alter the current flow of the Brook and create future problems.
 - e. One community member expressed concern for the potential student population. He asked about out-of-building fire drills, emergency exits for students with physically handicapping conditions, etc. He also wondered about any opportunity for outdoor play.
 - f. The committee chair offered several suggestions for the community members to pursue with their respective resident boards. The community should also demand traffic and environmental studies.
6. Discussion of Special Natural Areas District (SNAD) Enforcement
- a. Camelia Thomas, Bronx Director of the Department of City Planning, announced her presence. She noted that she joined the meeting at 7:15 and was not aware that the chair had inquired if agency representatives were present. She reported on the changes taking place in DCP and the new commissioner. She expected him to visit the Bronx office shortly and planned to bring him up to speed on community board 8 issues, particularly those concerning SNAD.
 - b. The discussion focused on an explanation of SNAD, how DCP, under the previous administration had tried to get it repealed and how the Department of Buildings (DOB) has not seen fit to fully enforce its requirements. There was also a challenge to DOB’s creation of the **Homeowners Relief Project** without notice or community input. This program effectively shields errant homeowners from their responsibilities under SNAD. Replacing mature trees with much younger ones and perhaps paying a minimal fine is not an adequate deterrent to SNAD abuse and certainly younger new trees will not provide for many years the equivalent advantages of the preceding tree(s).
 - c. Two examples of abuse were described in detail: the continuing tree destruction at Shervier and the \$3+ million home that received dispensation after removing an inconvenient mature tree from the lawn.
 - d. The chair expressed concern that photographs of tree removal “in progress” was not accepted by OATH, the determining body, as proof of SNAD violations. Councilmember Dinowitz has introduced City legislation to correct this and Assemblyman Dinowitz is considering the possibility of submitting state legislation to make violations of SNAD a misdemeanor, thus filling the void created by non-enforcement of SNAD.
 - e. It was pointed out that between DCP and DOB there is no SNAD enforcement and that, if necessary, this matter needs to be brought to the attention of the appropriate deputy mayor.
 - f. Need for CDP to establish and distribute procedures concerning anticipated tree removal **before** the removal takes place. Currently violators seek approval after the tree has been removed and all evidence of its existence obliterated.
 - g. There was a suggestion that SNAD rules be extended to the entire Board area and that we avail ourselves of the Million More Trees project
 - h. The Board chair noted a communication from the Parks department that it planned to visit the Visitation site to inventory the existent trees.
7. Update from the 3745 Riverdale Ave Working Group - Martin Wolpoff, David Gellman
- a. The committee held its last monthly meeting on January 24, 2023
 - b. At that time the building was up to the 13th floor. They still anticipate topping off the building by mid-February; weather permitting.
 - c. The building is already hooked up with Con Ed
 - d. Plumbing and electrical trades have begun working in the building.
 - e. It was noted that the complaint to DOB about midnight work on Christmas was deemed unfounded.

- f. It was noted that our vested interest is in having them complete the building and begin welcoming tenants. It was also reported that the Board-Stagg relationship has become better the more times we have met.
 - g. The February meeting date has not yet been firmed.
 - h. In response to a question about the driveway on Riverdale Avenue. The building will have two separate parking floors that cannot be accessed internally. The driveways on Riverdale and Oxford Avenues are separate and distinct. With a traffic light at the point of ingress/egress on Riverdale Avenue, extra attention will need to be paid with respect to pedestrian safety
8. Approval of Minutes January 12, 2023 – Approved unanimously.
9. Old Business/ New Business
- a. Dan Padernacht offered the following resolution, as amended by friendly amendment.
BE IT RESOLVED that the Land Use Committee and Community Board send a letter to NYC HDC and NYC HPD stating that Tishman Speyer, the proposed developer of a housing project at 160 Van Cortlandt Park South, has been invited numerous times to address numerous concerns raised by residents of BxCB8 to present their plans to the community before the Land Use committee and has declined all such invitations.
- Unanimously approved with one abstention (Charles Moerdler)
10. Adjournment - 9:33 pm

Respectfully submitted,
Martin Wolpoff, Vice-Chair
Land Use Committee