

(Pending Committee Approval)
Land Use Committee Minutes
Monday, November 1, 2021 at 7 PM
Meeting held virtually via Zoom

Attendance:

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

Absent: Tracy Pardo, Marvin Goodman

Guests: Assemblyman Jeffrey Dinowitz, Council Member Eric Dinowitz, Jess Lerer (Congressman Bowman Office), Tyler Wong (Senator Biaggi's Office), Juton Horstman (DCP), Randi Martos (Assemblyman Dinowitz Office), Ciara Gannon (District Manager), Lorenzo Manzano (CM Dinowitz Office)

Chair Moerdler opened the meeting at 7pm.

Discussion of Proposal of 130 Single Men Shelter to be located at 6661 Broadway. Bronx Community Board No. 8 has submitted a list of questions to the DHS.

Chair Moerdler provided an introduction to this proposal. Members of the community and neighbors of this property voiced concerns about the proposed shelter. Concerns include the Fair Share Provision and impact on North Riverdale, construction & infrastructure (sewer system, hill & run-off), the RFP & contract processes, proximity to Van Cortlandt Park, staffing/parking, security, safety, etc. *(A recording of the meeting is available upon request)*

Business owners directly affected by this proposal voiced concerns about their lease not being renewed and being forced out of their location. There has been a lack of communication to business owners at this location. C. Moerdler suggests that they consult with condemnation counsel. N. Fazio suggested businesses look into the Commercial Lease Assistance Program. The Office has additional information.

C. Moerdler stated that there are five supportive residential organizations within a seven block radius in North Riverdale, serving over six hundred people daily.

The Department of Homeless Services was not in attendance after being invited several times by the Committee Chair & District Manager.

Assembly Member Jeff Dinowitz voiced concerns about the infrastructure at the location and devastating impact on six businesses, especially during a difficult time. Council

Member Eric Dinowitz discussed meeting with Department of Social Services Commissioner Banks and updated the committee on information requested.

C. Moerdler introduced the following resolution to the Committee. Committee Members discussed the resolution at length.

At a duly Notice and convened meeting of the Land Use Committee of COMMUNITY BOARD 8, BRONX COUNTY, held November 1, 2021, the following Resolution was proposed:

Re: Fundamental Process Failures and Absence of Sound Planning with respect to DHS Homeless Shelter Proposal On Site Opposite Van Cortland Park and the Northern-most segment of Broadway, Bronx County (premises in and abutting 6661 Broadway at 262nd St).

WHEREAS, the northern-most stretch of Broadway in Bronx County extending on the north to the New York City – Westchester County (Yonkers city) line has on its easterly side Van Cortland Park parkland and play area areas extensively used for active sports, including inter-mural and adult sporting activities and equestrian activities and facilities, as well as numerous recreation areas, walking paths and wooded areas that are actively used by children as well as adults and seniors from adjacent residential areas (including Yonkers residents);

WHEREAS, on the westerly side of Broadway, directly opposite the foregoing, are and for generations have been residences, including affordable and middle income residences and private homes largely occupied by middle class and blue collar working families, plus local shopping facilities, doctors and other health care offices and professional services facilities;

WHEREAS, Bronx Community Board 8 has repeatedly made clear to the City of New York and its various constituent agencies the Community Board's continuing plan, purpose and intent to preserve, protect and uplift the foregoing North Broadway Area and to continue and enhance it as a residential community fit and safe for people, such plan and purpose having included by way of illustration support for the installation and extension of bicycle paths, traffic safety and revised traffic patterns and facilities, park maintenance and improvements and the like to advance the foregoing goal;

WHEREAS, notice of the foregoing was expressly communicated in or about 2017 and thereafter to and discussed with the New York City Department of Homeless Services ("DHS") and its leadership in connection with their prior unplanned efforts to adversely impact and blight the foregoing area and, in recognition and acknowledgment of the merit thereof, DHS senior officials briefly undertook to abate such conduct;

WHEREAS, DHS in the waning hours of the current administration has acknowledged that it is in the advanced stages of contracting to expend public funds and resources in connection with the construction and operation of a transitional five story shelter for 130 single men (said to potentially include persons whose records include physically abusive, mental, criminal and other socially disruptive characteristics) at 6661 Broadway on the westerly side of Broadway, said undertaking having been initiated and moved toward execution or completion

without prior reference to, consultation with or input from either the affected community, its elected representatives or Community Board 8 and without proper planning or Land use consideration;

WHEREAS little is known concerning the qualifications of the proposed DHS contractor, its officers, agents and employees to manage a shelter such as here is proposed, its financial integrity and the like, though such matters are of critical relevance, especially in light of recent events concerning one of DHS' largest contractees, which is reported to have considered or to have recently filed for bankruptcy protection;

WHEREAS, the above-noted and deliberate fatal process failures and flaws and the absence of thoughtful consideration and due diligence by DHS is horribly exacerbated by the extant overabundance in the affected area of individuals and occupancies that require considerable public assistance and attention, including those with established antisocial records and other challenges;

WHEREAS, there are currently in existence or in the advanced stages of development in just the handful of blocks south of the City Line and running thence along Broadway to West 254th Street and the westerly side of Broadway, units accommodating some 600-700 individuals characterized as homeless persons (a coined term including so-called drifters, dependent and abused adults and children, as well as persons afflicted with schizophrenia and other mental challenges, drug abuse, material criminal records and like anti-social behavioral characteristics) as well as in those in need of supportive housing (another coined term applicable to challenged individuals requiring assistance or restraints), inapt transient and like publicly-assisted shelter or housing units (including the proposed project here advanced by DHS), specifically running from north to south :

1. The proposed DHS men's shelter
6661 Broadway at 262nd
130 men
2. The W (formerly the Riverdale Manor)
6355 Broadway
256 residents¹
3. Stagg Group (permitted)²
6375 Broadway
77 units
Average unit size 592 square feet

¹ There are indications that the physical plant at the W has been and is being improved and that the creation of a community advisory Board has made meaningful positive contribution.

² The latest Stagg permitted facility is represented to include accommodations of a size and nature as would be typical of a prior Stagg homeless shelter facility. Inquiry has been made of representatives of the Stagg organization as to whether a homeless shelter or like publicly -assisted occupancy is contemplated which was met with a continuing refusal to definitively comment. Previously such refusal continued as to a prior Stagg shelter along Broadway until after a 421-a tax abatement certificate issued.

4. The Van Cortlandt Motel (a transient facility that has permitted hourly room rentals)
6393 Broadway
50 units can each be rented on hourly-based terms.

5. Van Cortlandt Green (Self Help supportive housing)
6469 Broadway
86 studio units

WHEREAS, Community Board 8 recognizes and embraces its obligation and that of its constituents, like those of others in this City, State and Nation, to provide and facilitate the provision of shelter and care for the needy;

WHEREAS, in the considered opinion of Community Board 8 and based upon the information thus far disclosed, the public health, safety and welfare is and will be endangered by the DHS proposal;

WHEREAS, the contemplated DHS proposal may, under the circumstances, impose a legally compensable blight upon and *de facto* or constructive taking of affected community properties and property interests;

WHEREAS, the location by DHS of facilities, including that at issue here, currently does not entail required adherence to any sound community planning, Land Use or like considerations, let alone transparent or meaningful review and commentary or effective consultation or planning on a local, community-wide, Borough-wide or citywide basis. Indeed, the aforementioned DHS scheme or proposal will adversely impact not just residents and taxpayers of the City of New York but also adjacent Westchester County residents and their ability to continue to freely and appropriately utilize the foregoing parkland and its facilities, all without consultation or sound planning as aforesaid;

NOW Therefore, BE IT RESOLVED that

1. There has here been and continues to be fatal process failures on the part of DHS and the City of New York in the siting in handful of residential City blocks already saturated with similar premises and occupancies still further like occupancies and premises (at or in the vicinity of 6661 Broadway at 262nd, The Bronx) designed to house assertedly homeless persons known or believed to have meaningful character and personal flaws, mental conditions, and like traits that may jeopardize or adversely impact the health, safety and welfare of inhabitants;
2. The elected representatives of constituents residing in the Community Board 8 area (as well as in this instance the elected representatives of the adjacent Yonkers constituency) are respectfully urged to promptly initiate and press for swift adoption such legislative enactments (similar to the Padavan Law) and other measures as will henceforth mandate that the Department of Homeless Services and any successor agency or agencies prior to the making or execution of any agreement, understanding or the commitment or expenditure of any public funds (including, without limitation, funds derived from the

NY State Office of Temporary Assistance and Disability) for homeless housing or shelters or their practical equivalents to first initiate successive formal 60 to 90 day-review processes of each such proposal and each of its proposed terms and to request written public comment thereon (a) by the Community Board(s) in which the proposed premises are or are proposed to be located, (b) then by the relevant Borough President, (c) then by the City Planning Commission and (d) upon the written request of any member of the New York City Council by the City Council, such review and report to include, without limitation, (i) whether the location, size and proposed population makeup are conducive to the health, safety and welfare of the relevant community, whether over-saturation of institutional or like facilities are or may be present that could negatively impact a meaningful community interest and/or whether another or different identifiable location could better serve the public interest, (ii) the identity and qualifications of all persons or entities in any way involved or proposed to be involved in the operation, management and conduct of the proposed project, including without limitation, their qualifications as fiduciaries, (iii) whether the financial or other arrangements made in connection with the transaction are fair and equitable to the City of New York and any other funding entity; and (iv) whether the counterparty and any officer, agent or employee thereof or of any affiliated entity has within the 3 prior years made or solicited any political contribution involving any public or party office or entity from any person or entity and each of the attendant circumstances and the amount thereof; and

3. Until, such time as the concerns cited herein are first addressed in a written report by the City Planning Commission and an explicit finding is made by it, following public hearing and due diligence, that the DHS proposal is consistent with sound planning and community goals and that there has been adequate opportunity for community and Community Board review and input, further action to in any way implement same should be deferred.

VOTE:

Yes: M. Della, O. Murray, R. Ginty, C. Moerdler, D. Gellman, M. Wolpoff, J. Reyes, C. Tepelus, N. Fazio, S. Alexander

Abstain: P. Ellis, B. Bender, D. Padernacht

Scenic Place Complaints: 3031 & 3033 Scenic Place

C. Moerdler asked Juton Horstman & Jodie Colon to discuss the compliance concerns offline. Ms. Colon provided a brief history of concerns on Scenic Place. Other neighbors voiced concerns with the development occurring on Scenic Place. Scott Galaida, developer, responded to concerns and complaints. Ms. Colon will speak with Mr. Galaida off line.

326/318 College Road DCP SUB: 2021X0321 NB: 2021X0322
LPC docket number: LPC-21-07195

Architect, Hal Dorfman, presented an update on this application. The homeowner has agreed to plant three additional trees. FPOA Board Member, Seth Goldstein, requested updated materials. The District Manager will forward materials to FPOA. C. Moerdler requested a one month deferment and it was accepted by the homeowner. FPOA & Mr. Dorfman will meet within two weeks to discuss.

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

This item will be tabled until next month's committee meeting.

A vote was taken to approve the October committee minutes. Minutes were unanimously adopted. There was no old/new business to discuss.

The meeting was adjourned at 9:35 p.m.

Minutes submitted by C. Gannon, District Manager