

(Pending Committee Approval)
Land Use Committee Minutes
Thursday, September 2, 2021 7 PM
Meeting held virtually via Zoom

Attendance:

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

Absent: Marvin Goodman, Margaret Della, Tracy Pardo, Paul Ellis, Omar Murray

Guests: Council Member Eric Dinowitz, Juton Horstman (DCP), Fernando Ortiz (DCP) Nivardo Lopez, (DOT), Effie Ardizzone (DEP), Steve Elie-Pierre (DEP), Matthew Osit (DEP) 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.

NYPD Bronx Special Victims Services:

NYPD Facilities Management & their firm Squeeb and Associates presented a site selection and acquisition (PC action) application by DCAS and NYPD for an approximately 20,165 sf of office space to facilitate the relocation of the NYPD Bronx Special Victims Squad to 188 W. 230th St. in the Marble Hill neighborhood, Community District 8, Borough of the Bronx. This building contains the School Construction Authority, Office of the Inspector General and a public parking garage.

Chair Moerdler inquired about parking at the location and shared concerns about the potential of NYPD taking on street parking away from the public. NYPD has no plans for on street parking and has not applied for any parking permits from DOT. Parking will be provided for twenty vehicles. There are five NYPD squad vehicles. Remaining spaces will be reserved for personal vehicles, NYPD staff and victims. Chair Moerdler asked the applicant to take time and review overflow parking and speak with the Traffic & Transportation Chair.

The applicants agreed to write a letter committing to no street parking and will attend an upcoming Land Use Committee Meeting to follow up on parking concerns.

Citywide Text Amendment: Outdoor Dining:

The New York City Department of Transportation (DOT) and Department of City Planning (DCP) are proposing a citywide zoning text amendment that will allow the DOT to administer the Permanent Open Restaurant program (POR). The proposal will remove sidewalk café regulations from the Zoning Resolution to increase geography eligibility as sidewalk cafes will become part of a unified sidewalk and roadway outdoor dining program administered at DOT.

To be eligible for a sidewalk café, restaurants would need to meet physical criteria -- such as “clear path” requirements, including ensuring that table and chairs are appropriate distances from fire hydrants and neighboring businesses.

The proposal would not change the process for how sidewalk cafes are reviewed by local community boards. But, the areas where they can be considered would expand to all neighborhoods.

In Bronx Community Board No. 8 there were eight existing sidewalk cafes pre pandemic. Currently there are sixteen sidewalk cafes, six roadway cafes and thirty-one considered both.

Chair Moerdler inquired about the current program and asked why there is a rush, when there is an emergency allowance for sidewalk cafes until at least 2022.

Chair Moerdler raised concerns about safety. The committee asked questions and discussed the proposal further with DOT Borough Commissioner Lopez.

The following resolution was presented:

WHEREAS, the Department of City Planning has proposed a citywide zoning text amendment removing sidewalk café regulations from the Zoning Regulations, increasing geographic eligibility as sidewalk café would become a unified sidewalk and roadway outdoor dining program, allowing DOT (rather than the Department of Consumer Affairs) to administer the outdoor dining program; and

WHEREAS, pursuant to existing Executive Order the current regimen respecting authorization and regulation of outdoor dining facilities continues, pursuant to its terms, through 2022, thus providing in excess of one calendar year of continued operation;

WHEREAS, at a duly convened and noticed public meeting of the Land Use Committee of Community Board 8 noticed to consider and vote upon the foregoing, the City representatives, including senior officials of the Department of City Planning and DOT, acknowledged that an essential and integral part of the proposed outdoor dining program is a series of regulations, ordinances and other statutory authorization measures that will shape the outdoor dining program, the facilities and services to be authorized and

provided thereunder, concerns respecting location, noise, traffic and structural concerns, issues relating to the public safety, public convenience and financial concerns that are inherent in the foregoing illustrated questions and that none of such materials have yet been presented for public review or prepared in such form as to be capable of public review and comment;

WHEREAS, the viability of public dining and restaurants is a matter of vital concern to the City of New York and its residents and taxpayers, as are the roadway and sidewalk facilities extant or contemplated as part of the outdoor dining program and such matters are an integral part of the concerns and issues set forth above and are inexorably intertwined therewith as well as with the proposed Department of City Planning Department zoning text change; AND

WHEREAS, COMMUNITY BOARD 8 APPROVES, ADOPTS AND CONFIRMS THE ACTION TAKEN BY ITS LAND USE COMMITTEE FOR THE REASONS THERE STATED.

NOW THEREFORE, the Land Use Committee of Community Board 8 at a duly convened and noticed public meeting determined by overwhelming majority vote of its members that the proposed Department of City Planning Department zoning text change should be rejected as premature and open to more questions and concerns than it usefully addresses;

Vote:

Approve: M. Wolpoff, D. Gellman, C. Moerdler, R. Ginty, D. Padernacht, S. Alexander, J. Reyes,

Oppose: C. Tepelus

Abstain: 0

The resolution is adopted.

C. Moerdler asked that DOT meet with members of the Land Use Committee, Economic Development Committee and the Traffic & Transportation Committee to further discuss this proposal.

Riverdale Park/233rd St DEP Pump Station – SNAD

New York City Department of Environmental Protection (Primary Applicant) is seeking an authorization pursuant to 105-91 of the Special Natural Area District to facilitate the replacement of an existing DEP pump station in Riverdale Park is being sought at 3869 Palisade Avenue. This project was presented to the Environment & Sanitation

Committee in the past. C. Moerdler requested that DEP send the Traffic & Transportation the roadway plan from the contractor. Two way traffic will not be interrupted and there will be a staging area. DEP will forward the plan to the Board. DEP is prepared to replace two catch basins that will retain water on property to assist in erosion control on Palisade Ave.

The following resolution was presented:

WHEREAS, at a duly convened and noticed public meeting of the Land Use Committee of Community Board 8 noticed, inter alia, to consider and vote upon a requested authorization, pursuant to 105-91 of the Special Natural Area District, to facilitate the replacement of an existing DEP pump station in Riverdale Park at 3869 Palisades Avenue, and after hearing representatives of the Department of Environmental Conservation and others and in view of the prior supportive action of the appropriate committees of the Board, and due consideration having been given,

NOW THEREFORE, COMMUNITY BOARD 8 APPROVES and supports the proposed authorization.

Vote:

Approve: M. Wolpoff, D. Gellman, C. Moerdler, R. Ginty, D. Padernacht, S. Alexander, J. Reyes, C. Tepelus

Oppose: 0

Abstain: 0

This resolution was approved.

A vote was taken to approve the May & June committee minutes. Minutes were unanimously adopted.

Council Member Eric Dinowitz spoke briefly regarding the agenda items.

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

Minutes submitted by C. Gannon, District Manager
Reviewed by C. Moerdler, Chair, Land Use Committee