

**MINUTES OF THE EXECUTIVE COMMITTEE
MEETING HELD JUNE 3RD, 2015
AT RIVERDALE MENTAL HEALTH ASSOCIATION**

EXECUTIVE COMMITTEE MEMBERS PRESENT:

Daniel Padernacht, Chair
Rosemary Ginty, Vice Chair
Philip Friedman, Treasurer
Sylvia Alexander
Bob Bender
Paul Ellis
Arlene G. Feldmeier
Steven Froot

Karen Pesce
Robert Press, Vice Chair Traffic & Transportation
Laura Spalter, Vice Chair Environment & Sanitation
Martin Wolpoff

EXECUTIVE COMMITTEE MEMBERS ABSENT:

Robert Fanuzzi
Marvin Goodman
Michael Heller
Charles Moerdler
Lamont Parker
Joyce Pilsner
Sergio Villaverde

BOARD MEMBERS PRESENT:

Lisa Daub

STAFF:

Diane Bay, Community Associate

Chairman Padernacht convened the meeting at 7:30 PM.

1. Approval of the May Executive Committee Minutes

Vote: 10 in favor Opposed: 0 Abstentions: 0

In favor: S. Alexander, B. Bender, P. Ellis, A. Feldmeier, R. Ginty, D. Padernacht, K. Pesce, R. Press, L. Spalter, M. Wolpoff

2. Chairman's Report – D. Padernacht

- The new board member appointments for CB8 were listed in the Riverdale Press. The Chair will give them a very brief orientation before the next board meeting on what to expect at the meeting. A more involved orientation will be arranged over the summer.
- The Riverfest is on June 14th from noon to 6PM. P. Manning arranged a table for CB8 and it will include a collection of materials including the Hudson River Greenway Report. Strategies to attract the community with information about the Community Board were discussed. Board members will be asked to volunteer some of their time at this event.
- P. Manning will start the District Manager's position on June 22nd. The paperwork is being processed.
- The Chair announced the board will hire a Community Associate. A search committee will include the Chairman, the Officers and the District Manager that will commence in the latter part of June. The process will be the same as when the District Manager was hired.
- Maria Khury emailed the board office on June 1st announcing her resignation from the board effective June 30th. She will read a statement at the June 9th board meeting.

3. Treasurer's Report – No Report

4. Board Office Report – D. Bay

- The website has been reviewed and updated. The new bylaws are on the website.
- Some of the minutes omitted from the website are for lack of quorum at the committee meeting. The Chair explained that Roberts Rules requires you to take minutes of any actions but it's not the only reason to take minutes. R. Ginty also noted it shows attendance, if the public came and spoke, and therefore Roberts Rules of Order do not exist to impede the work of a committee going forward.
- The newsletter will continue to be distributed in the summer. Any pictures from events are welcomed.
- The office will be busy updating files for FY15-16. This has to be done both electronically and in the file cabinets.
- New members will be added to the website after the June 9th board meeting.
- Once all board members make their committee selection files will be updated.
- A draft of calendars with the holidays listed is prepared for FY 15-16. D. Bay will distribute them to the Executive Committee.

5. Committee Resolutions

A. Public Safety – A. Feldmeier

A resolution from the May 19th Public Safety Committee meeting will be presented at the June 9th board meeting. The committee approved the **renewal** of a liquor license for Loeser's Kosher Deli at 214 West 231st Street and a **new** license for Bunny Deli Inc. at 228 West 231st Street.

Vote: In favor 7 Opposed – 0 Abstentions – 0

In favor: A. Feldmeier, R. Press, S. Alexander, M. Donato, J. O'Brien, H. Young, and Community Committee Member M. Joyce in favor.

Siam Kitchen at 564-566 Kappock Street, and Sandwedge Grille Inc. at 3751 Jerome Avenue were a no show.

B. Parks & Recreation – Bob Bender

At the June 9th board meeting a resolution will be presented thanking the elected officials, agencies and organizations for their advocacy to construct the pedestrian bridge over the Major Deegan Expressway in Van Cortlandt Park and for securing the funds to build it.

A letter in support of a grant application for the Friends of Van Cortlandt Park: 2015 Hudson River Estuary Grant for Local Stewardship Planning for "Tibbetts Watershed Stewardship Planning" will be presented at the June 9th board meeting:

C. Health, Hospitals & Social Services – S. Froot

The following resolution from the Health Hospitals & Social Services Public Hearing of May 18th will be presented at the June 9th board meeting:

RE: 6129 Delafield Avenue Individual Residential Alternative (IRA)

WHEREAS, Special Citizens Futures Unlimited (SCFU) has been supporting individuals with disabilities on the autism spectrum for 35 years and is one of several organizations that work under the guidelines of the Office for Persons with Developmental Disabilities (OPWDD) to open new Individual Residential Alternative (IRA) supported group housing;

WHEREAS, the degree of the participants' abilities and level of support required determines placement in a staff-supervised group home; residents are pre-screened by nurses and psychologists to exclude people with troubling behaviors; and SCFU's residents visit family over weekends, may work and participate in the community, volunteer, and/or attend day habilitation programs; and the organization provides a supportive environment;

WHEREAS, the residents selected to live in the proposed IRA at 6129 Delafield Avenue are five autistic adults, a combination of men and women ranging in age from mid-30s to mid-40s; and four of the residents have resided in the community at another SCFU-operated IRA with 24-hour staffing and the fifth resident has not been selected;

WHEREAS, the proposed IRA will be staffed on a non-24-hour basis, with staff assisting residents with meal preparation and other daily living skills from 6 am-9 am and 2 pm -10 pm Monday-Friday, and 9 am- 9 pm on the weekend; residents will work at job locations and attend educational and treatment programs off site; and staff and outside clinicians will come to the IRA to provide medical and other services to the residents as needed;

WHEREAS, the proposed site is a duplex apartment rental occupying the second floor of a private home at 6129 Delafield Avenue on a residential block stretching from West 261st to West 263rd Street; SCFU currently operates a supportive IRA for two autistic female adults in the two-bedroom rental apartment on the first floor of 6129 Delafield Avenue; and the landlord also rents out the basement apartment, thereby currently using the dwelling as a three-family home;

WHEREAS, the Certificate of Occupancy on the NYC Department of Buildings website states that 6129 Delafield Avenue "is a two-family dwelling and occupancy by more than two families is unlawful;"

WHEREAS, SCFU currently operates a non-24-hour IRA for two autistic male adults in a rental apartment at 6125 Delafield Avenue, which is the property next door to the proposed IRA and which is owned by the same landlord as 6129 Delafield Avenue; Bronx Community Board 8 was never asked to evaluate the establishment of the two-person IRA at 6125 Delafield Avenue because, according to a representative of OPWDD, a non-24-hour supervised IRA for only two residents does not require Community Board approval; and 6125 Delafield Avenue currently also appears to be operated as a three-family home notwithstanding that the NYC Department of Buildings website indicates that it is zoned as a 1-2 family home;

WHEREAS, SCFU currently operates six other residences (3 owned, 3 leased) within Community Board 8 for people with autism, including IRAs at 251 West 261st Street (4 residents), 5743 Faraday Avenue (3 apartments housing a total of 6 residents), and 5757 Independence Avenue (12 residents), as well as other sites and day habilitation programs in the Bronx and in Westchester;

WHEREAS, Bronx Community Board 8 issued a public hearing notice pursuant to the Padavan Law to the community and to residents in the immediate vicinity of 6129 Delafield Avenue and held a public hearing at 7:00 p.m. on May 18, 2015 at the Park Gardens Rehabilitation and Nursing Center, 6585 Broadway, Bronx, NY 10471; and a number of residents of Delafield Avenue and other blocks in North Riverdale attended the hearing;

WHEREAS, the chair of the Health, Hospitals & Social Services Committee (HHSS) presented a map maintained by the Community Board that attempts to show all supported housing in the neighborhood, including IRAs, Intermediate Care Facilities (ICFs), special schools, nursing homes, and other supervised residential settings, to help the Committee gauge saturation; and the map depicted the following other IRA or IRA/ICF locations in the surrounding area:

- 251 West 261st Street (4 residents) (SCFU)
- 281 West 261st Street (10 residents) (Young Adult Institute)
- 6125 Delafield Avenue (2 residents) (SCFU)
- 6240 Riverdale Ave. (14 residents) (Advocates for Services for Blind/Multi-handicapped)
- 600 Depeyster Street "A"–"B"–"C" (15 residents in 3 adjacent homes) (Leake & Watts)

WHEREAS, several members of the community residing on Delafield Avenue, as well as near an SCFU-operated IRA on Sylvan Avenue, voiced strong opposition to the siting of the proposed IRA at 6129 Delafield Avenue for the reason that three IRA apartments situated in two adjacent private homes places an unfair burden on one residential block and should be considered saturation under the Padavan Law; and those community members also registered complaints about parking problems caused by staff who work at the existing IRAs operated by SCFU at 6125 Delafield and 6129 Delafield, about noise incident to staff members being picked up late at night and residents being picked up by vans early in the morning, about antisocial behavior at times by certain residents at those IRAs, and the fact that the IRA under consideration would be situated in a home that is being operated as a 3-family dwelling while being zoned as a 1-2 family residence;

WHEREAS, after due consideration of the information presented at the hearing, the HHSS Committee of Bronx Community Board No. 8 unanimously voted **not** to approve the proposal by SCFU to establish a non-24-hour IRA for five adults with Autism Spectrum Disorders in the second floor apartment at 6129 Delafield Avenue, Bronx, NY 10471.

Vote: 7 in favor, 0 opposed, 0 abstentions

In Favor – Board members: S. Alexander, L. Daub, B. Fettman, S. Froot, M. Heller

Community Committee Members: J. Gomez, S. Cohen

BE IT THEREFORE RESOLVED, that Bronx Community Board No. 8 **disapproves** the proposal by Special Citizens Futures Unlimited (SCFU) to establish a non-24-hour IRA for five adults with Autism Spectrum Disorders in the second floor apartment at 6129 Delafield Avenue, Bronx, NY 10471.

The following comments were made after the resolution was presented:

- M. Wolpoff explained the options the Community Board has under the Padavan Law are:
 - 1) You can accept their proposal
 - 2) You can reject their proposal
 - 3) You can reject their proposal with an alternate site to be offered
 - 4) You can take no action
- L. Spalter reported that residents who live near a home operated by SCFU on Faraday Avenue came to this Public Hearing and spoke about what terrible neighbors they are in their neighborhood. Their complaints are that they have limited parking, their

driveways are blocked by workers at this facility and when approached they are rude. As a result of this Public Hearing these residents met with representatives of SCFU on June 3rd, 2015 with the goal of resolving these issues.

- P. Friedman stated the fact is this is an illegal rental.

D. Land Use – M. Wolpoff

The following Land Use resolutions from the May 28th Land Use Committee meeting will be presented at the June 9th board meeting:

- 1) **RESOLVED**, Bronx Community Board No. 8 approves Department of City Planning Application No. N 150341 ZAX regarding Conservative Synagogue Adath Israel of Riverdale, 475 West 250th Street, Block 5833, Lot 4237, Special Natural Area District (NA-2), Bronx, for the grant of authorizations involving modifications of topographic features on Tier I sites, an authorization of a development, enlargement, or site alteration on a Tier II site or portion of a zoning lot having a steep slope or steep slope buffer, and alteration of a rock outcrop to allow the construction of a one-story addition to an existing synagogue as well as the construction of a 1,015 square foot stone-paved plaza with an ADA compliant ramp and bench.

Vote: 12 in favor, 0 opposed, and 2 abstentions

In Favor – S. Alexander, B. Bender, L. Daub, A. G. Feldmeier, R. Ginty, M. Goodman, D. Kornbluh, J. O'Brien, D. Padernacht, R. Press, J. Rather, H. Young

Abstentions – C. Moerdler, M. Wolpoff

- 2) **RESOLVED**, Bronx Community Board No. 8 approves Board of Standards and Appeals Calendar No. 33-15-BZ regarding 5510/30 Broadway, Bronx, for a special permit, pursuant to Section 73-36 of the New York City Zoning Resolution to permit a physical culture establishment (PCE) to be operated as Blink Fitness within portions of two new commercial buildings, currently under construction in a C4-4 zoning district (Zoning Map 1d).

Vote: 12 in favor, 0 opposed, and 2 abstentions

In Favor – S. Alexander, B. Bender, L. Daub, A. G. Feldmeier, R. Ginty, M. Goodman, J. O'Brien, C. Moerdler, D. Padernacht, J. Rather, M. Wolpoff, H. Young

Abstentions – D. Kornbluh, R. Press

E. Hudson River Greenway Report – Bob Bender

The following is a report from the Hudson River Greenway Committee and their request to renew this committee and continue their work:

Committee members: Chair Bob Bender, Phil Friedman, Laura Spalter

What follows is a brief summary of the Special Greenway Committee's activities and progress. We have also included our recommendations. Please check the committee minutes and Board website for additional details.

Introduction and Context

On **June 10, 2014** Community Board 8 passed a resolution endorsing a mixed use, recreational Greenway along the Hudson River extending from Spuyten Duyvil to Yonkers. The resolution called for "engineering and other feasibility studies to be conducted by appropriate agencies along the length of the proposed Greenway in Riverdale to determine the best location for an all-river route located west of the Metro North tracks."

The resolution also acknowledged constraints voiced by Metro North Railroad (MNRR) regarding their present and future needs, Track 6, and the importance of stabilizing and protecting the shoreline from flooding and future weather events. Metro North responded to our resolution in a letter dated October 29, 2014. MNRR stated its support for the Board's resolution, and willingness to work with the committee on "mutually beneficial improvements along the shoreline in Riverdale."

On **September 10, 2014** the Board passed a resolution creating a Special Committee for the Hudson River Greenway. The special committee exists for a term of one year. Its purpose was to carry out the goals established in the June 2014 resolution. Our mandate was to work "In cooperation with local residents, community groups, elected officials, government agencies, the affected rail companies, and any other stake- holders in order to further the goal of creating a Hudson River Greenway."

Outreach to Stakeholders

- Five public meetings were held
- Participation: Community groups included Friends of the Hudson River Greenway/KRVCDC, Riverdale-Spuyten Duyvil Coalition, Riverdale Nature Preservancy, Riverdale Community Coalition, Along the Hudson Homeowners Association, Friends of Spuyten Duyvil and others.
- Representatives for Councilman Cohen, Senator Klein, and Assemblyman Dinowitz reported at each meeting.
- Institutions: The committee met with private property owners Dan Rheingold, president of the Hebrew Home for the Aged, Dr. Charles Flynn, president of the College of Mount St. Vincent, and Commodore Ted Conover, from the Riverdale Yacht Club. All support the Greenway, but require specific criteria for access and security.
- Three site visits at Riverdale Station and 254th St.
- Using city maps and information gleaned from Block and Lot data, letters were sent to private homeowners and buildings closest to the Greenway regarding the Greenway.

Outreach to Elected Officials and City/State Agencies

- Letters sent to Senator Schumer, Congressman Engel, Senator Klein, Assemblyman Dinowitz, and Councilman Cohen requesting funds for an engineering and feasibility study.
- Letters sent to the following agencies to introduce our committee and ask for guidance: NYS and NYC DOT, DEC, Parks Dept., DEP
- Letter to NYMTC during comment period on their final plan in order to clarify Board's position opposing widening streets, construction of cantilever on the Henry Hudson Bridge, loss of parking, construction through Riverdale Park.
- In January, letters sent to Senator Klein and Assemblyman Dinowitz requesting that a portion of the state's 5 billion dollar surplus be used to stabilize the waterfront in Riverdale to protect Metro-North's Hudson Line, and at the same

time incorporate an all-river Hudson River Greenway into the project's design.

- Meeting with Metro-North Railroad officials.
- Meeting with Congressman Engel re federal funding for greenway

Progress Report

Subsequent to our February 25th meeting with Metro-North officials, the committee was informed that "Metro-North is willing to look at options that would involve stabilizing our embankment along the Hudson River in order to accommodate a trail along the shoreline. As such, Metro-North will draft a scope of work and cost estimate to conduct such a study. We will then provide that information to Community Board #8 so that a funding source for such a study can be identified and secured in order to proceed with such a review."

We are pleased to report that Senator Klein has promised \$250,000 for Metro North's Scope of Work. The monies will go directly to MNRR. However, to date the budget has not been finalized, so we await final word.

Bronx Community Board 8 has connected with the Bronx Overall Economic Development Corporation (BOEDC). BOEDC has offered to serve as a conduit for funds as the HRG proceeds toward implementation

Next Steps

There are many challenges surrounding implementation of a recreational greenway, particularly because of its proximity to Metro North Railroad, and limited East-West access.

The following (partial) list notes several areas that require further study and much perseverance:

- Obtaining funding and grants
- Environmental Reviews and obtaining DEC and other permits
- Private ownership issues and Riparian rights (Yacht Club)
- Cost of purchasing recreational easement (Mt. St. Vincent)
- Establishing a Lead Agency, Operation and Maintenance of the greenway

Recommendations

The committee looks forward to working with MNRR as the scope of work progresses. We recommend that the Special Committee on the Hudson River Greenway be renewed to continue our work. We hope to work with stakeholders to develop a plan that will meet their needs while fulfilling the community's expressed desire for a recreational riverfront greenway.

6. Issues Raised by Committee Members for Discussion –

- The staff was applauded for their work performance.
- S. Alexander thanked D. Bay for her work on the monthly newsletter.
- P. Ellis reported on the Self Help Working Group meeting of May 11th. Self Help requested CB8 to approve the proposal to pursue a waiver of the full number of parking spaces required in connection with its development at 6469 Broadway. Many residents in the community attended this meeting and expressed their opposition to the proposed waiver. This will be on the agenda at the June 25th Land Use agenda.

- R. Ginty commended the stellar work of the three people on the Hudson River Greenway Committee. B. Bender reported that the committee worked hard to build a consensus in the community.
- M. Wolpoff thanked the Executive Committee for supporting him in requesting that a new item be added to the agenda concerning term limits.
- LRE Committee would like to meet with the Nominating Committee to find out what effect the Open Meetings Law did or did not have on the Committee's operation.
- Budget requests are due by the end of June.
- A. Feldmeier will be considering both the Raine Lounge and the Bridge Tavern at the June 4th meeting. It has been brought to the attention of Chair Feldmeier that laws were broken that presented danger to the community in both places and they also lacked adequate security.
- L. Spalter is concerned about the Zoning for Quality and Affordability Act. It could be expansive and have implications on neighborhoods citywide. R. Ginty reported that in May City Planning called a session of all the community boards in the Bronx and gave a presentation that caused a visceral and negative response. City Planning is going to every community board citywide and will be at our June 25th Land Use Committee meeting. Chairman Padernacht urged all to attend. He said this is a citywide zoning text change and effects everyone in the City of New York.
- Chairman proposed a motion that the Executive Committee enter into Executive Session pursuant to Section 105 (f) of the Open Meetings Law to discuss the salary of a staff member

Vote: 12 in favor Opposed: 0 Abstention: 0

In favor: S. Alexander, B. Bender, P. Ellis, A. Feldmeier, P. Friedman, S. Froot, R. Ginty, D. Padernacht, K. Pesce, R. Press, L. Spalter, M. Wolpoff

- The Executive Committee reconvened to open session.

With no further business the meeting adjourned 9:25 PM.

Respectfully submitted by,

Diane Bay,
Community Associate