

Bronx Community Board 8
Land Use Committee Meeting Minutes
June 4, 2024

<https://youtu.be/olpckFhTacU?si=LjldbcUpqgWIOyII>

Location – Board Office: 5676 Riverdale Ave., Suite 100, Bronx, NY 10471
Hybrid Meeting

Chair C. Moerdler called the meeting to order at 7:09 p.m.

Attendance

Land Use Committee

Present (8) – Charles Moerdler, Bob Bender, Carol Blake, Lee Chong, David Gellman, Daniel Rowen, Jessica Sosa, Laura Spalter

Absent (5) – Sylvia Alexander, Nick Fazio, Omar Murray, Martin Wolpoff

Community Board Members

Julie Reyes (Chairperson), Sergio Villaverde (Vice Chair), Sylvia Alexander (Zoom), Mary Ellen Gibbs

Staff

Farrah Kule Rubin (District Manager), Ardhmir Malziu (Community Coordinator)

Guests

Camila Thomas (Department of City Planning), Ted Weinstein (Department of Housing Preservation & Development), John Field (Architect for 4715 Iselin Avenue), Nora Martins (Partner, Akerman LLP Land Use Council for 5602-5604 Broadway), Ron Schulman (Akerman LLP Land Use Council for 5602-5604 Broadway) Jim Power (Kramer Levin), Dan Reingold (Hebrew Home/Riverspring), Valerie Mutterperl (Perkins Eastman) Roberto Garcia (Perkins Eastman), Karen Argenti (BCEQ), Sherida Paulsen (Riverdale Nature Preservancy),

1. SNAD Application: 4715 Iselin Avenue - SNAD Non-ULURP

An authorization pursuant to ZR 105-432 for modification of rear and side yard requirements to facilitate the expansion of an existing two-story house is being sought by a private applicant in Fieldston, Community District 8, The Bronx.

John Field, architect, presented on behalf of property owner of 4715 Iselin Avenue:

- Proposing to extend the kitchen by 70 square feet.
- Requesting from the Department of City Planning (DCP) relief of the zoning setbacks for the de minimis area to keep the construction in line with the original dwelling. This will avoid hurting the large 36” Red Oak tree. There is a steel bracket that will bracket off the face of the building.
- The Department of City Planning (DCP) is moving this forward and was referred for approval on Wednesday, May 8, 2024.
- Adding six (6) trees to meet the tree count requirements of the natural area regulations.

Discussion:

- Chair C. Moerdler requested a written opinion from the arborist and Architect John Field submitted the opinion to the Board. Received written opinion from an Arborist, Ken Almstead, this work will not damage and have no detrimental effects to this tree on May 15, 2024 as requested by the land use committee at their last meeting in May.
- BXC8 received the certificate of no effect on May 29, 2024 from Landmarks Preservation Commission (LPC) for this project LPC -24-08101. The Department of City Planning (DCP) is moving this forward and is being referred for approval on Wednesday, May 8, 2024.
- Notices were sent to adjacent properties and all homeowners within the 200 foot radius.
- The Fieldston Property Owners Association (FPOA) has been notified and given the materials. FPOA offered no feedback or comment on it.
- A neighbor in the area is not opposed to the application and states that it is a fair/reasonable request.
- John Field R.A. satisfied these requests made by Chair C. Moerdler at the last meeting in May:
 - Written sign-off from the neighbors to the north and west of the property.
 - Written arborist opinion.
 - Written sign-off from Landmarks.
 - Let the Community Board know what is happening with DCP in terms of if they have signed off with any conditions.

VOTE to APPROVE application: - APPROVED UNANIMOUSLY.

Land Use Committee Resolution:

An authorization pursuant to ZR 105-432 for modification of rear and side yard requirements to facilitate the expansion of an existing two-story house is being sought by a private applicant in Fieldston, Community District 8, The Bronx.

WHEREAS, the representative for 4715 Iselin Ave., Architect John Field, presented the project on the expansion of an existing two-story house, and

WHEREAS, applicant provided a letter from a certified arborist stating proposed work will not damage and have no detrimental effects to a 36” red oak tree on their property, and

WHEREAS, applicant provided a Certificate of no effect from the Landmarks Preservation Commission

WHEREAS, Applicant informed all neighbors within 200 feet of the property, and,

WHEREAS, No opposition was indicated either from the board or from the community.

NOW THEREFORE, BE IT RESOLVED for the reason set forth above, the Land Use Committee APPROVES this application.

Approved (8) C. Moerdler, B. Bender, C. Blake, L. Chong, D. Gellman, D. Rowen, J. Sosa, L. Spalter

Opposed (0)

Abstained (0)

2. 5602-5604 Broadway Presentation:

Nora Martins of Akerman LLC presented, as a courtesy briefing, since this project is not yet in public ULURP review process and not yet certified. Expects to be certified over the summer and they will return to present again in the fall.

This presentation will be released to Community Board 8 once it is certified.

Chair Moerdler recused himself from this portion of the meeting since they are planning to apply for public financing with HDC and HPD as confirmed by applicant, Ron Schulman but did not formally apply yet.

Chair Moerdler asked Land Use Committee member Bob Bender to take over the meeting for this portion.

Presentation, Discussion and questions from the committee:

- Proposed Zoning change from M1-1 to R7-3/C2-3 with Mandatory Inclusionary Housing (MIH) to facilitate 100% affordable housing development.
- 13 Story residential building set back from Broadway
- 44 Studios, 68 1 Bdrm., 101 2-Bdrm., 12 3-Bdrm.- with 226 apartments. 50 % 2-3 Bedrooms
- 188 space parking garage and 113 Bicycle parking spaces
- Chair Moerdler suggests getting HDC Declaration of Intent to state favorably disposed to this application unless Council has view it is not appropriate. Ron Schulman feels comfortable it is a well-accepted project with HPD and HDC. Nora Martin responded DCP is very supportive of the application as well.
- Bob Bender - Why are they presenting now? Responded once certified CB only has 60 days to review so want to introduce project early on to the board as a courtesy.
- Confirmed their project will not conflict with DEP plans for Van Cortlandt Park Greenway along the Deegan Expressway on edge of their property line.
- The proposed AMI range households \$36, 593 – \$117,425 need to update numbers since have gone up slightly. Keeping rents 10% below the market.
- Trying to make sure noise levels are at an acceptable level due to proximity to Train and Highway. Working with MTA since within 50 feet of transit entrance.
- How will you contain your stormwater in high flood area? They have a plan for water retention. Project manager Ivan proposed green roof systems and blue roof systems designed to retain water on terraces where it will evaporate and prevent overload of the sewer system. 20,000 square feet of system.
- 3,850 square foot amenity space on second floor for tenants. On Site recreation space for a gym. First floor is lobby.

- Board member commented this will be largest building in area and should keep it more uniform with the character of the area. Can we propose a study to curtail this kind of major influence in the neighborhood? Other members in favor of the scope.
- Asked if they asked City for improvements to sewer infrastructure system and if will add money as they do to other MIH projects –
- Do units have in unit washer dryers or laundry room in building? Will get back to us on this. It will have one or the other.

Bob Bender proposed VOTE that the committee is favorably disposed to the project as presented. Vote Passes:

APPROVED (7) –B. Bender, C. Blake, L. Chong, D. Gellman, D. Rowen, J. Sosa, L. Spalter

ABSTAINED (1) C. Moerdler (with Cause) OPPOSED (0)

3. **Hebrew Home for the Aged Special Permit Renewal** – Jim Powers Esq., Valerie Mutterperl and Roberto Garcia Presented Renewal of the Special Permit and Authorizations for the Hebrew Home Project at the Riverdale Campus. The original permit was granted on September 26, 2018 (C180321 ZSX), including the following authorizations: 105-421, 105-422, 105-424, 105-425; and 105-432. The project is located at 5701-5961 Palisade Avenue, Riverdale, in Community District 8, The Bronx.

The Hebrew Home presented in December and January to update Board on status of continuing care retirement community (CCRC) project to renew and modify approvals for permit from 2018. Referred out in June and applications filed. Hearing in advance of referral.

Presentation –

Response to issues raised in January. R4 North Campus 9 buildings skilled nursing and independent living and R1-1 South Campus site in SNAD district. Acquired 2011. Hebrew Home in 2018, received special permit to construct new special living building (CCRC) 3 wings one north and two on south campus. In the Fall of 2022 filed application to renew special permit and now modified the project in certain respect and request new Snad authorizations to reflect updated site plan.

New modifications:

- North Entrance Layout proposing two rows for vehicles to stack and park on the site to allow space for circulation of larger deliver vehicles.
- The new Pickle Ball court on North Campus next to Riverwalk Tennis court on South Campus will be replaced by two pickle ball courts and the Victorian house on south campus will be demolished. Wing 1 on North campus – Requested Additional excavation under parking garage to accommodate stackers and increase parking capacity.
- Bay windows, terraces and a rooftop terrace. Small Event space for residents and additional rooftop equipment.
- Maximum building height of 139 feet. Elevator overrides that exceed previously approved maximum building height by about 11 Feet to provide code compliant access to the roof. A green roof will be installed.

Memorandum of Understanding (MOU): Requests and Response

- In April Hebrew Home (HH)/Riverspring entered into a Memorandum of Understanding (MOU) with the surrounding community groups from 2018.
At the request of neighbors, a construction advisory committee held it's first meeting which included representatives from the community and members of CB8.
- HH Removed chain link fence around the campus as requested in MOU.
- In response to concerns of January meeting of lights and noise amended MOU: there will be no lights put up for pickle ball and hours of play limited to 8 am – dusk and will engage with acoustical consultant to install sound barrier for noise and use quiet paddles.
- Address changes to impervious areas from the 2018 approvals. The current proposal represents a small increase in impervious area compared to 2018 approx. 7000 square feet more to address to changes in driveway around the circulation.
- Stormwater mgmt. plan asked about in January now subject to enhanced stormwater requirements which became effective in 2022. Will have capacity to manage at least 45,000 cubic feet of runoff.
- Hebrew Home also hosted a public access for Hudson River Greenway meeting in March with reps. from the community and CB8.

Community Input and Response:

Resident Bob Reich asked board to Consider a few things before renew application:

Hebrew Home is providing busing from Yonkers for workers. Buses will run every half hour and 261st will be very busy with buses, traffic and construction vehicles. Consider also using West 254th Street for busing. Can they put the schedule in writing?

Response from Hebrew Home (HH) – They are doing this to avoid individual cars coming onto street. It is a big expense for Hebrew Home to accommodate the request made by neighbors. Buses run ½ hour in morning and evenings not all day.

In 2018 established there will be an offsite operation in Yonkers to bring workers to site.

Can DOT come take a look at the street trucks going over speed bumps which will be very noisy too? Ask DOT to remove them.

Response -Dan Reingold said he created a Construction Advisory Committee for community members to join and discuss the issues for this very purpose and already had 1 meeting and there will be more. He is willing to continue the discussions.

Resident, Sherida Paulson (attended the community meetings) – Thanks Hebrew home for responding to comments made on memorandum of understanding and removing chain link fence as requested and for starting the neighborhood advisor meetings. She noted the Victorian home on the property that is slated to be demolished was referred to Landmarks Preservation Commission (LPC) in 2013 and LPC declined to consider it as a landmark.

Need to repave the street.

Response -Dan Reingold would love to see it get repaved. Potholes & speed bumps are uncomfortable for ambulances and residents.

Resident Ann Shamon concurs with others about buses going down 261st. Need to control the sound of traffic coming in. Can trees go into screened area to lower noise level of courts?

Jessica Z, resident who lives on Sigma Place. At the traffic stop on Sigma Place and Palisades stated there are lots of trucks that go into this entryway and there are children with special needs on Sigma Place. HH Employees blow through stop sign. Also, double parking all day long in front of Sigma Place blocking traffic. Spoke to the security guards and no one did anything. Can HH put video cameras for security purposes? Also, people park, and smoke cannabis in front of her house. Can you address this please?

Response - No control of Uber drivers and not sure it is always employees blowing through stop sign. Will speak to staff regularly on this about being good neighbors. Chair Moerdler asked her to reach out to the board office with details so we can reach out to the NYPD to monitor and correct the traffic behavior.

Resident Ian Khan lives on Sigma Place even with speed bumps vehicles are not driving at 15 mph. It is often when people are running late to work. Very mindful of his teen kids walking on Palisades. Will 50 feet setback be on south side to provide relief so can get out of driveway with less traffic congestion? Will you consider a setback on the South side?

Response - It will be on Northside. South Side is limited to residents of Rivers Edge who don't have that many cars. Service deliveries go to North Gate. The board can intervene if issues continue after construction. Come to Construction Advisory meeting with neighbors.

Dan Reingold asked for CB8 to approve changes contingent on this being referred out. Hoping to obtain approvals and commence construction by the end of 2024. Demolition of Gold Fine Pavilion in Wing 1 building would start next month.

Asking CB8 to formally consent to a modification to the restrictive declaration from 2018. Placing certain restrictions on the South Campus to clarify that the minor changes they are proposing are acceptable and states this in a resolution on the application that requires this consent. Jim Powers will resend the copy of the declaration from 2018 and will red line where they propose the changes as requested by Chair, Chuck Moerdler.

Moerdler proposed a vote that the committee is favorably disposed to the application. Approved unanimously. Must come back in the fall when ready.

Approved (8) C. Moerdler, B. Bender, C. Blake, L. Chong, D. Gellman, D. Rowan, J. Sosa, L. Spalter

Opposed (0)

Abstained (0)

4. Area Median Income (AMI)- 2 sets of confusing terms and housing administration has shared view they are confusing. These can be adopted to run alongside the federal regulations as long as they exist. To clarify, New Rochelle, Scarsdale Long Island are all part

of our Area Median Income calculations inflating them and not accurate. Chair Chuck Moerdler is proposing this resolution in response to consider incomes only in New York City area:

Resolution AMI:

WHEREAS, the terms “Affordable Housing”, “Area Median Income” or “AMI” as currently applied and defined in laws applicable to the City of New York are frequently predicated on data from a geographic area that includes New York City suburbs and are not representative of the city itself, and for that reason contribute to the lack of housing truly affordable for residents of New York City, particularly the Bronx, and

WHEREAS, affordable housing is a perennial high priority for the Community Board 8 District Needs Statement, as it is for many other community boards in New York City,

THEREFORE, BE IT RESOLVED, the Land Use Committee of Community Board 8, Bronx proposes the following resolution:

COMMUNITY BOARD NO. 8, BRONX COUNTY, CALLS UPON THE CITY COUNCIL MEMBERS REPRESENTING ANY PORTION OF THE COMMUNITY BOARD DISTRICT TO PROPOSE AND THE CITY COUNCIL TO ENACT WITH ALL DELIBERATE SPEED LEGISLATION

1. Defining the term “Affordable Housing” as applied to any relevant law, ordinance or regulation or the interpretation or application thereof in and by the City of New York mandating that such definition be predicated solely upon data derived from the five Counties comprising the City of New York; and
2. Defining the terms “Area Median Income” and/or “AMI” predicated solely upon data derived from and pertaining to (a) the City of New York or the five Counties comprising the City of New York or the New York City postal zip codes and that such definition be applied to any applicable law, ordinance, regulation or the interpretation or application thereof in and by the City of New York and any instrumentality thereof.

To be clear, the purpose of the foregoing is to limit the data used in defining the foregoing terms to such data as is derived exclusively from applicable New York City predicates.

3. This definition and its application shall be construed in conjunction with any existing federal regulation.

Resolution Unanimously Approved by Committee:

Approved (8) C. Moerdler, B. Bender, C. Blake, L. Chong, D. Gellman, D. Rowan, J. Sosa, L. Spalter

Opposed (0)

Abstained (0)

5. **4401 Manhattan College Parkway**

Stefano Morisi R.A presented on behalf of the owner, Solomon M. Sarway on Landmarks Preservation Commission Application Terrace and Pool construction and correction of **LPC Violations listed:**

- Replacement of area iron work and historic gates without permits (WL-24-01 33)
- Replacement of windows and doors without a permit (WL-24-01 34)
- Installation of balcony and awning without permit (WL-24-01 35)
- Replacement of gutters and installation of lighting cameras and speakers without permits (WL-24-01 36)

Comments and Questions from the Committee:

Were changes done by this owner of previous owner? When he bought the house, the previous owner had to do some things to the house before Solomon bought it.

Prepared to make affidavit and proclamation to that effect and will be part of conditions.

Owner Confirmed notified neighbors within 200 feet of property and about tonight's meeting

Trying to resolve issues on 5 violations with LPC:

Main Gate replaced ironwork fencing parapets.

Framed Windows and Doors replaced by aluminum windows.

Fabric awning replaced and removed by metal and glass and balcony replaced to glass.

Gutters replaced, original was in Copper.

Lights Cameras placed on Facade.

The owner wants to build a terrace in rear with a staircase that leads to driveway and build a pool in back and resolve violations.

Landmarks reviewed it and after this meeting will have to have a public hearing with Landmarks Preservation Commission (LPC). Stefano Milano, architect, said LPC main comment was the fence/Gate which was architecturally a nice element of the house. Other items are not seen as very problematic.

Landmark can ask to recreate or find something similar to the original Gate. Waiting to hear what LPC recommendations are.

Not an investment Property it is the homeowner's house.

No response from neighbors.

Second condition want in writing - will follow the recommendations by LPC. PP Property LLC

Owner Solomon who does not live in the house currently. Intends to move in. Bought end of 2022.

Listed in July 2021.

Two Conditions:

1. Written Affidavit current owner did not make or create any of the conditions on the subjects for the violation and formally file with City of NY
2. In Writing confirming will replace the front gate with a new gate as close as available to the previously existing gate and will follow the recommendations of LPC.

Subject to these two conditions the Land use Committee will grant conditional approval. Must send this in 5 days to the board.

VOTE to APPROVE application: - CONDONALLY APPROVED UNANIMOUSLY.

Land Use Committee Resolution:

Landmarks Preservation Commission Application Terrace and Pool construction and correction of **LPC Violations listed:** 4401 Manhattan College Pkwy. Bronx, NY 10471.

-Replacement of area iron work and historic gates without permits
(WL-24-01 33)

-Replacement of windows and doors without a permit
(WL-24-01 34)

-Installation of balcony and awning without permit
(WL-24-01 35)

-Replacement of gutters and installation of lighting cameras and speakers without permits
(WL-24-01 36)

WHEREAS, the representative for 4401 Manhattan College Parkway, Stefano Morisi R.A., presented the project on behalf of the owner, Solomon M. Sarway, for the construction of an outdoor terrace and pool and

WHEREAS, applicant confirmed with this board they will make any necessary gate changes and follow any Landmarks Preservation Commission (LPC) requests made on these LPC violations to replace or repair what previously existed, and

WHEREAS, applicant provided an affidavit confirming they did not make or create the conditions under the violations except for the cameras and speakers that were installed when he was the owner and formally filed this with the City of New York with the Landmarks Preservation Commission and Bronx Community Board 8, and,

WHEREAS, Applicant informed all neighbors within 200 feet of the property, and,

WHEREAS, no opposition was indicated either from the board or from the community and

NOW THEREFORE, BE IT RESOLVED, for the reason set forth above, the Land Use Committee Unanimously Conditionally APPROVES this application.

In Favor (8) C. Moerdler, B. Bender, C. Blake, L. Chong, D. Gellman, D. Rowen, J. Sosa, L. Spalter
Oppose (0)
Abstain (0)

VOTE to APPROVE May 6, 2024, Minutes - APPROVED UNANIMOUSLY.

APPROVED (8) – C. Moerdler, B. Bender, C. Blake, L. Chong, D. Gellman, D. Rowen, J. Sosa, L. Spalter
ABSTAINED (0)
OPPOSED (0)

6. Report by Subcommittee working with Stagg Group on Construction at 3745 Riverdale Avenue

Notes by Marty Wolpoff read by David Gellman - Final Meeting provided the Committee a building tour by Project Manager

Visited 15th Floor two-bedroom and one-bedroom apts. and visited the roof deck, 3rd floor deck and community room. Each apt. had a washer dryer and visited the laundry room. The period to apply for affordable housing may have ended and number to reach out is on the building.

Thanked Stagg for their collaboration with the committee on this project. Had many months of meetings where we were able to provide input and advise and influence changes on usage with STAGG about the general concerns of the community; Hope to replicate collaborative spirit with future developers

Thank you to Marty Wolpoff and David Gellman who did the work.

7. Outstanding Business/New Business – 3139 Netherland Ave./3132 Arlington Ave. Petition

Petition sent from Nina Habib and 75 South Riverdale Residents who signed petition requesting CB8 work with DOB AND DEP to bring some resolution to the daily jack hammering noise and dust to ameliorate this issue.

Concerns:

- A third property down the block will be developed in the same way.
- Working on it over a year and still in jackhammering phase. How long is this acceptable for?
- Vibrations and noise undermining structural integrity of neighboring building.

AM and CM Dinowitz signed a letter to Department of Buildings (DOB) Borough Commissioner Gibbons to stop work on this and asked about permit to developer. Noise ending and timetable for construction and worried about continuation of this noise on a third property. Asked that they do not give this developer permit to do this same construction on the third property.

Chair Chuck Moerdler will again speak with Bronx Borough Commissioner of buildings and the City Wide Commissioner to request stop work order on the job. Chuck will send a letter to both commissioners to stop work order unless there is evidence that developer will behave.

Chair explained other courses of action community members can take:

- Bring a lawsuit, retain Council and commence against them.
- Bring up charges of public nuisance, disturbing peace as actions, tortes.
- Call 50th precinct about noise periodically. Call 311. And follow up with the CB8 Board office
- Entitled to commence proceedings in small claims or civil court and sue them in your own name.

8. Adjournment

Meeting was adjourned at 9:34 p.m.

Submitted by Farrah Kule Rubin, District Manager, Bronx CB8