

BRONX COMMUNITY BOARD NO. 8
MINUTES OF THE REGULAR BOARD MEETING
HELD ON NOVEMBER 10, 2015
AT RIVERDALE TEMPLE, 4545 INDEPENDENCE AVENUE

- PRESENT:** S. Alexander, R. Bender, A. P. Creaney, Lenora Croft, L. Daub, M. Donato, R. Fanuzzi, A. G. Feldmeier, N. Friedman, P. Friedman, S. Froot, D. Fuchs, M. Galvin, D. Gellman, R. Ginty, M. Goodman, A. Guzman, M. Heller, D. Kornbluh, I. Ladimer, R. Pochter Lowe, D. McCord, C. G. Moerdler, O. Murray, J. O'Brien, D. Padernacht, L. Parker, K. Pesce, R. Press, J. Rather, J. Reyes, Amy Joy Robateau, S. Sarao, L. Spalter, I. W. Stone, S. Villaverde, M. Wolpoff, M. Yamagata, H. Young
- ABSENT:** L. Baez, P. Ellis, M. Felix, S. Marquez, A. Moore, J. M. Pilsner, G. Santiago, D. Toledo,
- STAFF:** P. Manning – District Manager
D. Bay – Community Associate
L. Hernandez – Community Associate
- GUESTS:** J. Dinowitz, Assemblyman
Andrew Cohen, Councilman
C. Lang – rep. State Senator Jeffrey Klein
R. Martos – Office of Assemblyman Jeffrey Dinowitz
A. Sandler – rep. Councilman Andrew Cohen
J. Lugo – rep. Councilman Fernando Cabrera
A. Toledo – rep. Bronx Borough President Ruben Diaz, Jr.
Captain O'Toole – NYPD, 50th Police Precinct
P.O. Ventura, NYPD, 50th Police Precinct
T. Tureski – Spuyten Duyvil Library
R. Spalter
J. Klein
B. Klein
R. Feldman
M. Allina
P. Kohlmann
L. Chong
S. Paulsen

Chairman Padernacht convened the meeting at 7:30 P.M.

1. Gallery Session -

- A. T. Tureski – Manager of the Spuyten Duyvil Library introduced Ms. Olga Chin, newest staff member of the library. NYPL was able to hire her as a result of last year's budget access campaign and also from funding from the City Council. The Spuyten Duyvil Library increased their public service hours from 46 to 50 hours per week. He thanked all who signed letters in support of funding the libraries.
- B. R. Feldman thanked CB8 for their service. He announced an event to Teach Our Children the value of giving to others by collecting for 6 local charities. He asked the audience to choose an area of need and take a box home, fill it up and return it to the Riverdale Y on Wednesday, December 2, 2015 from 6PM to 8PM.
- C. S. Paulsen Seltzer, Chair of the Riverdale Nature Preservancy, thanked the Land Use Committee for their unanimous vote on the resolution opposing the Mayor's new zoning text amendments. She hopes that the Borough President and the City Council will vote in opposition of the text amendments.

- D. J. Klein – spoke on behalf of the large coalition of community groups that opposed to the Mayor’s zoning text amendments. There was unanimous opposition to the Mayor’s MIH and ZQA at the Land Use meeting of November 9, 2015. She thanked the board for having the perseverance to read through the documents, understand the impact the zoning changes would have on the community and for opposing the plans. A special thank you was given to State Senator Klein, Assemblyman Dinowitz and Councilman Cohen for their support.

Chairman announced Assemblyman Dinowitz, Councilman Cohen, Captain Terence O’Toole of the 50th Precinct, Community Affairs Officer Ventura of the 50th Precinct, Jillian Lugo of Councilman Fernando Cabrera’s office, Randi Martos of Assemblyman Dinowitz office, Andrew Sandler of Councilman Cohen’s office, Andy Toledo of Bronx Borough President Ruben Diaz Jr.’s office and Christina Lang of Senator Klein’s office and T. Tureski of the Spuyten Duyvil Library.

2. Chairman welcomed Assemblyman Dinowitz to address the board

- The Assemblyman has kicked off his annual canned food drive. You can drop off canned goods at 3107 Kingsbridge Avenue; one block west of Broadway, just off of West 231st Street until December 15.
- The Assemblyman is grateful that the district has come together united in opposition of the Mayor’s Mandatory Inclusionary Housing and the Zoning for Quality and Affordability text amendments.

3. Chairman welcomed and invited Councilman Cohen to address the Board

- Councilman Cohen announced a Clean NYC initiative. If you can identify stubborn to clean areas contact his office.
- The Councilman commended the board for all the work they did analyzing the MIH and ZQA. He attended a Bronx Delegation meeting and his Bronx colleagues voiced their skepticism on the text amendments. He will keep the board posted as this percolates through the rest of the system.
- Councilman Cohen, Bronx Community Board 8 and the Department of Transportation is holding a meeting on November 17, 2015, 7PM at the Riverdale Neighborhood House. The topic is traffic safety on the Broadway corridor from West 242 to West 262 Street.

4. Chairman welcomed Captain O’Toole

- Crime stats/28 days: 0 murders, 1 rape, 15 robberies, 7 felony assaults, 11 burglaries, 41 grand larcenies and 2 grand larcenies. Identity theft and credit card theft is prevalent.
- If you see homeless in the neighborhood report this to the precinct and they will investigate. There is a homeless outreach unit. They provide transportation to a shelter if the homeless person agrees to go.
- Car break-ins and tire theft are recurrent, especially with Hondas.
- NYPD has 23 crossing guards. Crossing guards are decided on by the Department of Education (DOE) and NYPD. DOE helps with The Safe Streets to School program. Crossing guards assist kindergarten through sixth graders, not middle and high school students. They assist students in obeying traffic rules, they’re not there to control traffic.

5. Report from the Office of the Bronx Borough President – A. Toledo

- The Borough Presidents public forum on the Mandatory Inclusionary Housing and Zoning for Quality and Affordability text amendments is on November 12, 6-8PM at The Bronx County Building, 851 Grand Concourse, room 600. Anyone wishing to speak may register at the hearing.
- The Puerto Rican Heritage event is on Thursday, November 19 from 12 to 3 pm.
- On behalf of the Borough President, A. Toledo wished all a Happy Thanksgiving.

6. Chairman's Report – Daniel Padernacht

- The Chair thanked Terri Truesdale from the Riverdale Temple for hosting the board meeting.
- In mid-October Chair Padernacht attended a meeting called by the Borough President with all of the Bronx Community Board Chairs and District Managers to get input as to how the community boards were dealing with the Zoning for Quality and Affordability (“ZQA”) and Mandatory Inclusionary Housing (“MIH”) proposals from City Planning. D. Padernacht reported on the meetings in which the Board was convening and presented concerns which were conveyed to the Board as of that date.
- The Chair thanked the Board for taking the text amendments seriously and spending such a great amount of time in reading the proposals and attending the increased amount of meetings.
- The Chair stated that we are still working on finding a new office space and that suggestions for new office space is welcomed by any members.
- There is no representative from City Planning and therefore there is no report.

7. City Planning - There is no representative from City Planning and therefore there is no report.

8. Treasurer's Report – No Report

9. District Manager's Report – P. Manning

- There is a new Intern working 2 days per week. Another intern will soon begin to work 5 days per week.
- In keeping with the Public Officers Law, the list of Office Records has been updated through October 31, 2015 for yearly publication.
- The District Manager thanked the In-Tech Charter School for hosting our large Land Use meetings at no charge. The rest of the District Manager's report is contained in the Executive Committee minutes.

10. Election for Public Safety Chairperson

Chair Padernacht opened the floor for nominations for the Chair of the Public Safety Committee. Arlene Feldmeier nominated Joseph O'Brien. Mary Yamagata seconded the nomination. There were no further nominations and the board voted in favor of Joseph O'Brien for the Chair of the Public Safety Committee.

Vote: In Favor: 35 Opposed: 0 Abstention: 1

In favor:

S. Alexander, B. Bender, A. P. Creaney, Lenora Croft, L. Daub, M. Donato, R. Fanuzzi, A. G. Feldmeier, S. Froot, D. Fuchs, M. Galvin, D. Gellman, R. Ginty, M. Goodman, D. Kornbluh, I. Ladimer, R. Pochter Lowe, D. McCord, C. G. Moerdler, O. Murray, J. O'Brien, D. Padernacht, L. Parker, K. Pesce, R. Press, J. Rather, J. Reyes, Amy Joy Robateau, S. Sarao, L. Spalter, I. W. Stone, S. Villaverde, M. Wolpoff, M. Yamagata, H. Young

Abstention: A. Guzman

11. Committee Reports

A. Land Use – C. Moerdler, Chair

Charles Moerdler thanked the board members for attending the November 9 Land Use meeting on Mandatory Inclusionary Housing (MIH) and Zoning for Quality and Affordability (ZQA). He particularly thanked Chair Padernacht, Vice Chair R. Ginty and M. Wolpoff, the Vice Chair of the Land Use

committee for working hand and glove to put together two detailed resolutions. A number of other boards have asked us to provide them with a copy of the CB8 resolutions prior to their vote. We were as complete as possible, as community-based as possible and attempted to make it clear as to what the issues were with the applications. The MIH resolution was presented.

D. Kornbluh wanted to add the following amendment to both resolutions, "Unless such buildings have a minimum of 30% of its units certified as affordable defined as for families or individuals at 60% or less of the AMI". He asked for a second to the resolution. J. Rather seconded the amendment.

Charles Moerdler spoke in opposition of the amendment for the following reasons; the Department of City Planning should have begun a dialogue with the community before their demand for this application was put on the table, the AMI as defined in the proposal includes income of Putnam, Rockland and Westchester Counties, the rooms would be 250 sq. ft. which is less than a jail space in Riker's Island which is unacceptable, the proposed density is a significant problem. C. Moerdler reiterated that City Planning told us this is what would be done and did not seek the input of the community.

Chair Moerdler was opposed to the amendment made by D. Kornbluh.

Chair Padernacht moved the resolution with the amendment made by D. Kornbluh.

Vote: In Favor: 2 Opposed: 34 Abstention: 1

In favor: D. Kornbluh, J. Rather

Opposed: S. Alexander, B. Bender, A. P. Creaney, Lenora Croft, L. Daub, M. Donato, R. Fanuzzi, A. G. Feldmeier, S. Froot, D. Fuchs, M. Galvin, D. Gellman, R. Ginty, M. Goodman, A. Guzman, M. Heller, I. Ladimer, R. Pochter Lowe, D. McCord, C. G. Moerdler, O. Murray, J. O'Brien, D. Padernacht, L. Parker, K. Pesce, R. Press, J. Reyes, Amy Joy Robateau, S. Sarao, L. Spalter, I. W. Stone, M. Wolpoff, M. Yamagata, H. Young

Abstention: S. Villaverde

D. Kornbluh stated that he respects the work that went into the formation of the resolution but he will abstain from the vote. He would like to keep the door open for further dialogue.

C. Moerdler moved the MIH resolution with the following amendment made by R. Fanuzzi.

WHEREAS, the MIH as written does not include evidence of or a mandate for inter-agency cooperation that would be required to accommodate new residents attracted by developer incentives in already resource-deprived areas of CB 8;

Vote: In Favor: 35 Opposed: 0 Abstentions: 2

In favor: S. Alexander, B. Bender, A. P. Creaney, Lenora Croft, L. Daub, M. Donato, R. Fanuzzi, A. G. Feldmeier, S. Froot, D. Fuchs, M. Galvin, D. Gellman, R. Ginty, M. Goodman, A. Guzman, M. Heller, I. Ladimer, R. Pochter Lowe, D. McCord, C. G. Moerdler, O. Murray, J. O'Brien, D. Padernacht, L. Parker, K. Pesce, R. Press, J. Reyes, Amy Joy Robateau, S. Sarao, L. Spalter, I. W. Stone, S. Villaverde, M. Wolpoff, M. Yamagata, H. Young

Abstentions: D. Kornbluh, J. Rather

Chair Moerdler moved the MIH resolution adopted as amended:

WHEREAS, in 1997 Bronx CB 8 conducted extensive public outreach to develop a community-wide comprehensive 197-a Plan entitled CD8 2000: A River to Reservoir Preservation Strategy, which included the stated goals of the creation of affordable housing, the protection of the area's unique character and natural assets and the enhancement of the economic, cultural and social opportunities for its residents;

WHEREAS, on October 22, 2003 the New York City Planning Commission adopted a Resolution confirming the 197-a Plan submitted by Bronx CB 8;

WHEREAS, on November 19, 2003, the New York City Council adopted a Resolution enacting into law the same 197-a Plan;

WHEREAS, the MIH as presented is not a product of community-based planning, nullifies the advances of the 197-a Plan, and does not take into account the special character of any neighborhood within the City of New York;

WHEREAS, the MIH is a one-size-fits-all approach to planning and in an attempt to finance affordable housing through zoning, places our communities at peril for generations to come;

WHEREAS, the DCP was asked to demonstrate how and in what particularized respects the MIH will, as represented by DCP, advance the integration of communities, particularly given the suggestion by DCP that the presently contemplated communities targeted for implementation are areas such as East New York, Brooklyn, and potentially Inwood, the South Bronx and other like communities, as contrasted with, more affluent areas, of Manhattan:

WHEREAS the Environmental Assessment Statement ("EAS") fails to demonstrate that consideration has been given to issues such as gentrification in areas such as East New York and, despite request to DCP, to provide a showing that such consideration was specifically addressed, none has been forthcoming;

WHEREAS, the MIH requires the inclusion of 25-30% of units in a development to be affordable by increasing the floor area ratio for such developments, increasing density, height and number of units across the City of New York which will diminish air, light and space to all New Yorkers;

WHEREAS, the MIH's draft EAS was not written and reviewed by an independent third party but rather by the Department of City Planning which has a vested interest in its approval, thereby creating the appearance of a conflict of interest, if not a conflict;

WHEREAS, the Department of City Planning's self-certified conclusion is a "negative declaration" meaning that any resulting affordable units will not have any effect on the public health, safety and welfare of our city, and no basis has been shown for the merit of such a certification and, indeed, the DCP has failed to demonstrate, in response to direct questioning and request, that such is the case;

WHEREAS, the requirement, that the mandated percentage of affordable units in a development be distributed over more than 50% of the floors of a building so as not to stigmatize the residents of those units, is suspended and dispensed with for senior citizens;

WHEREAS, the MIH allows developers to construct apartments as small as 250 square feet for senior citizens;

WHEREAS, the MIH text creates a new Board of Standards & Appeals ("BSA") special permit that allows developers to request waivers to each and every MIH requirement, upon a claim of failure to make a

reasonable return, but the newly- drafted findings required for the grant of this BSA special permit omits a standard finding of no adverse impact on community character;

WHEREAS, the EAS is silent on the number of affordable housing units expected as a result of the zoning text changes;

WHEREAS, City Planning was specifically asked to submit and has failed to establish how the MIH will significantly advance the creation of affordable housing, particularly in the context of current initiatives and accomplishments of the Department of Housing Preservation and Development (“HPD”) and the NYC Housing Development Corporation (“HDC”);

WHEREAS, Bronx CB 8 supports the underlying general principles of the Mayor’s initiative for Housing New York to create 80,000 units of affordable housing and preserving 120,000 units by the year 2025 but takes issue with the means used, especially the Zoning mandates of MIH, to effectuate the desired result;

WHEREAS, the MIH as written does not include evidence of or a mandate for inter-agency cooperation that would be required to accommodate new residents attracted by developer incentives in already resource-deprived areas of CB 8;

WHEREAS, Bronx CB 8 believes that any resources spent on MIH could be used more efficiently in other plans rooted in community planning to create and preserve affordable housing;

WHEREAS, Bronx CB 8 supports all city and state programs that rehabilitate and preserve affordable housing including the Article 8A Loan Program which creates low interest loans for owners to preserve affordable housing;

WHEREAS, Bronx CB 8 supports the increase of the bonding cap for NYCHDC which creates low interest loans for developers to create affordable housing;

WHEREAS, Bronx CB 8 supports the funding of city and state programs that protect the rights of tenants to remain in their apartments;

NOW, THEREFORE,

BE IT RESOLVED THAT, Bronx CB 8 is opposed to any zoning text amendment that does not set a minimum unit size at 400 square feet, especially for our senior citizens;

BE IT RESOLVED THAT, Bronx CB 8 is opposed to any zoning text amendment that increases the floor area ratio of buildings as of right;

BE IT RESOLVED THAT, Bronx CB 8 is opposed to the Mandatory Inclusionary Housing zoning text amendment.

Vote: In Favor: 35 Opposed: 0 Abstentions: 2

In favor: S. Alexander, B. Bender, A. P. Creaney, Lenora Croft, L. Daub, M. Donato, R. Fanuzzi, A. G. Feldmeier, S. Froot, D. Fuchs, M. Galvin, D. Gellman, R. Ginty, M. Goodman, A. Guzman, M. Heller, I. Ladimer, R. Pochter Lowe, D. McCord, C. G. Moerdler, O. Murray, J. O’Brien, D. Padernacht, L. Parker, K. Pesce, R. Press, J. Reyes, Amy Joy Robateau, S. Sarao, L. Spalter, I. W. Stone, S. Villaverde, M. Wolpoff, M. Yamagata, H. Young

Abstentions: D. Kornbluh, J. Rather

Chair Moerdler had B. Bender announce his amendments to the ZQA resolution. B. Bender thanked the Aging Committee for pointing out portions of the text amendment that affected seniors in the community.

Chair Moerdler moved the ZQA resolution with the following amendment made by B. Bender.

WHEREAS, ZQA identified “transit zones” with diminished parking that are located within one half-mile of subway stations but fails to note that only one subway station in CB8, at 231st Street, is accessible to those with disabilities and senior citizens with impaired mobility,

Vote: In Favor: 35 Opposed: Abstentions: 2

In favor: S. Alexander, B. Bender, A. P. Creaney, Lenora Croft, L. Daub, M. Donato, R. Fanuzzi, A. G. Feldmeier, S. Froot, D. Fuchs, M. Galvin, D. Gellman, R. Ginty, M. Goodman, A. Guzman, M. Heller, I. Ladimer, R. Pochter Lowe, D. McCord, C. G. Moerdler, O. Murray, J. O’Brien, D. Padernacht, L. Parker, K. Pesce, R. Press, J. Reyes, Amy Joy Robateau, S. Sarao, L. Spalter, I. W. Stone, S. Villaverde, M. Wolpoff, M. Yamagata, H. Young

Abstentions: D. Kornbluh, J. Rather,

Chair Moerdler moved the following ZQA resolution with amendments:

WHEREAS, the Mayor has proposed a ten-year plan for affordable housing that recommends the construction of 80,000 new units and the preservation of 120,000 units;

WHEREAS, among a range of initiatives, the Mayor has set forth two, city-wide zoning text changes, one of which is Zoning for Quality and Affordability (“ZQA”);

WHEREAS, the proposed zoning text amendment known as ZQA was certified to Bronx Community Board 8 (“Bronx CB 8” or “CB 8”) on September 21, 2015;

WHEREAS on October 28, 2015 and November 9, 2015, the Land Use Committee of CB 8 held hearings on and received both Department of City Planning (“DCP”) and public comment on ZQA, following prior circulation to Board Members of a link to or a copy of the text thereof;

WHEREAS, Bronx CB 8 believes that each community board has a unique understanding of the special character of its neighborhoods and is in the best position to determine the impact of zoning text changes;

WHEREAS, in 1997 Bronx CB 8 undertook an extensive public outreach process with the goal of developing a community-wide comprehensive 197-a Plan entitled “CD8 2000: A River to Reservoir Preservation Strategy” with many stated goals, including the creation of affordable housing, the protection of the area’s unique character and natural assets and the enhancement of the economic, cultural and social opportunities for its residents;

WHEREAS, on October 22, 2003 the New York City Planning Commission adopted a Resolution confirming the 197-a Plan submitted by Bronx CB 8;

WHEREAS, on November 19, 2003 the New York City Council adopted a Resolution enacting into law the 197-a Plan submitted by Bronx CB 8;

WHEREAS, the ZQA was not a product of community based planning, nullifies many of the advances of the 197-a Plan created by Bronx CB 8 and does not take into account the special character of CB 8;

WHEREAS, the ZQA is a one-size-fits-all approach to planning, attempting to finance affordable housing through zoning to the detriment of and without regard to the character or changing character of communities for generations to come;

WHEREAS, the ZQA allows developers to construct affordable senior citizen apartments as small as 250 square feet for its residents across the City of New York;

WHEREAS, the ZQA increases the density, floor area, height and dwelling unit count of affordable senior housing across the City of New York, which will significantly diminish air, light, open space and living space;

WHEREAS, the ZQA reduces or entirely eliminates the required parking for these new developments across the City of New York ignoring the different and critical transportation needs of neighborhoods within the City of New York and the ability or willingness of government to provide sufficient and efficient public transportation to meet the needs of residents—present and prospective;

WHEREAS, ZQA identified “transit zones” with diminished parking that are located within one half-mile of subway stations but fails to note that only one subway station in CB8, at 231st Street, is accessible to those with disabilities and senior citizens with impaired mobility,

WHEREAS, ZQA, in an unprecedented action, allows an otherwise impermissible use, which increases dwelling unit count and building height, by permitting multiple dwelling unit buildings called Continuing Care Retirement Community (“CCRC”), to be located in single family R1 and R2 Districts without any necessity for affordable units;

WHEREAS, ZQA, while claiming that the new CCRC use is not as-of-right, allows these multiple dwelling unit buildings in R1 and R2 Districts by only a City Planning Commission authorization, thereby avoiding ULURP, the community board and City Council review;

WHEREAS, the ZQA’s draft environmental impact statement (“DEIS”) was not certified by an independent third party but rather by the Department of City Planning, which has a vested interest in its approval, thereby creating the appearance of a conflict of interest, if not a conflict;

WHEREAS, City Planning was specifically asked to submit and has failed to establish how and in what particular respects the ZQA will significantly advance the creation of affordable housing, particularly in the context of current initiatives and accomplishments of the Department of Housing Preservation and Development (“HPD”) and the NYC Housing Development Corporation (“HDC”);

WHEREAS, the DEIS concludes that there are no issues in need of mitigation disregarding the real infrastructure needs of the affected communities and the environmental effects of the resulting new development on the public health, safety and welfare of our city;

WHEREAS, the DEIS is silent on the number of affordable housing units expected as a result of the zoning text changes and has failed to demonstrate how the ZQA will significantly advance the creation of affordable housing;

WHEREAS, the ZQA impairs the goals of contextual zoning which were embodied in Bronx CB 8’s 197-a Plan by increasing height, eliminating yards, allowing construction in rear yards and reducing the distance between buildings;

WHEREAS, the changes to contextual zoning are proposed for aesthetic reasons only and do not produce any affordable housing units;

WHEREAS, many of the proposed zoning changes will increase pressure on acquisition and demolition of underdeveloped property for purposes of redevelopment resulting in the likely removal of already affordable housing, thus changing the character of our neighborhoods;

WHEREAS, Bronx CB 8 believes that resources that would be spent on the ZQA could be used more efficiently in other plans rooted in community planning to create and preserve affordable housing;

WHEREAS, Bronx CB 8 supports the underlying general principles of the Mayor's initiative to create 80,000 new units of affordable housing and preserving 120,000 units of affordable housing as outlined in his plan, Housing New York;

WHEREAS, Bronx CB 8 supports all housing programs including the Article 8A Loan Program which create low interest loans and other financial incentives for owners to preserve already existing affordable housing;

WHEREAS, Bronx CB 8 supports the increase of the bonding cap for NYCHDC which creates low interest loans for developers to create new affordable housing;

WHEREAS, Bronx CB 8 supports the funding of city and state programs that protect the rights of tenants of rent-stabilized and to other affordable housing units to remain in their homes;

NOW, THEREFORE,

BE IT RESOLVED THAT, Bronx CB 8 is opposed to any zoning text amendment that does not set a minimum unit size at 400 square feet;

BE IT RESOLVED THAT, Bronx CB 8 is opposed to any zoning text amendment that permits multiple dwelling unit buildings to be created in single-family districts;

BE IT RESOLVED THAT, Bronx Community Board No. 8 is opposed to any zoning text amendment that increases the height for contextual buildings and eliminates yards, allows rear yard construction and lessens distance between buildings;

BE IT RESOLVED THAT, Bronx CB8 is opposed to any zoning text amendment that increases the floor area ratio of buildings as of right;

BE IT RESOLVED THAT, Bronx CB 8 is opposed to any zoning text amendment that reduces or eliminates parking;

BE IT RESOLVED THAT, Bronx CB 8 is opposed to the Zoning for Quality and Affordability text amendment.

Vote: In Favor: 35 Opposed: 0 Abstentions: 2

In favor: S. Alexander, B. Bender, A. P. Creaney, Lenora Croft, L. Daub, M. Donato, R. Fanuzzi, A. G. Feldmeier, S. Froot, D. Fuchs, M. Galvin, D. Gellman, R. Ginty, M. Goodman, A. Guzman, M. Heller, I. Ladimer, R. Pochter Lowe, D. McCord, C. G. Moerdler, O. Murray, J. O'Brien, D. Padernacht, L. Parker, K. Pesce, R. Press, J. Reyes, Amy Joy Robateau, S. Sarao, L. Spalter, I. W. Stone, S. Villaverde, M. Wolpoff, M. Yamagata, H. Young

Abstentions: D. Kornbluh, J. Rather

Chair Moerdler presented the following resolutions from the Land Use Committee meeting of November 9, 2015:

- 1) **RESOLVED**, Community Board 8 Bronx approves Landmarks Preservation Commission Application regarding **4651 Fieldston Road**, construction involving one change to a window on the side of house and change to windows on the rear of house.

Vote: In Favor: 35 Opposed: 1 Abstention: 1

In favor: S. Alexander, B. Bender, A. P. Creaney, Lenora Croft, L. Daub, M. Donato, R. Fanuzzi, S. Froot, D. Fuchs, M. Galvin, D. Gellman, R. Ginty, M. Goodman, A. Guzman, M. Heller, D. Kornbluh, I. Ladimer, R. Pochter Lowe, D. McCord, C. G. Moerdler, O. Murray, J. O'Brien, D. Padernacht, L. Parker, K. Pesce, J. Rather, J. Reyes, Amy Joy Robateau, S. Sarao, L. Spalter, I. W. Stone, S. Villaverde, M. Wolpoff, M. Yamagata, H. Young

Opposed: R. Press

Abstention: Arlene Garbett Feldmeier

- 2) **WHEREAS**, on August 27, 2015 **6469 Broadway** Housing Development Fund Company, Inc. submitted an application to the New York City Board of Standards and Appeals for a variance pursuant to Zoning Resolution Section 72-21 to allow a partial waiver of eight of the 19 parking spaces required in connection with the development of a non-profit residence for the elderly at 6469 Broadway, a project being sponsored by Selfhelp Community Services, Inc. ("Selfhelp");

WHEREAS, on July 23, 2013 the Community Board 8 Land Use Committee passed a resolution against the project at 6469 Broadway based on its inadequate number of parking spaces;

WHEREAS, on April 25, 2014 a Zoning Resolution Determination Form was submitted to the New York City Department of Buildings on behalf of Selfhelp seeking approval for Selfhelp to provide a portion of the required parking spaces through the use of parking stackers, as a result of which the submission indicated that the total required 19 parking spaces would be achieved, and such submission was approved on June 11, 2014;

WHEREAS, on August 12, 2015 the Community Board 8 Land Use Committee passed a resolution to "disapprove the proposal by Selfhelp Community Services, Inc. to pursue a Board of Standards and Appeals waiver for the full number of parking spaces required in connection with its development at 6469 Broadway."

WHEREAS, the necessary Board of Standards and Appeals finding of "unique physical conditions" has not been met because the entire development including space for parking has been accommodated in their plans and has been already constructed;

WHEREAS, the necessary Board of Standards and Appeals finding of "practical difficulties and unnecessary hardships" has not been met because the building and space for parking has been accommodated in spite of "the rock outcroppings and exceptional topographical conditions" cited in their application;

WHEREAS, the necessary Board of Standards and Appeals finding that any variance is "the minimum necessary to afford relief" has not been met because prior plans approved by the Department of Buildings showed parking stackers sufficient to meet the zoning requirements;

WHEREAS, the applicant stated that the costs of brownfield remediation was a reason for their inability to provide parking as required in the zoning resolution while not acknowledging that the brownfield remediation was necessary to build the residential uses planned on the site;

WHEREAS, the necessary Board of Standards and Appeals finding that the variance will “not alter the essential character of the neighborhood” and “will not be detrimental to the public welfare” has not been met by the applicant because by not supplying the parking required in the zoning resolution they have created a critical problem for the surrounding community that already is suffering from a serious lack of street parking spaces;

WHEREAS, the applicant used as a rationale to eliminate parking on the site, a proposed zoning text from the Department of City Planning, which is now 30 days into the 6-month ULURP process and is therefore not the current zoning law;

RESOLVED, that Community Board 8 disapproves of the application to the Board of Standards & Appeals by 6469 Broadway Housing Development Fund Company, Inc. for a waiver of the full number of parking spaces required in connection with its development at 6469 Broadway.

IN FAVOR:

Vote: In Favor: 37 Opposed: 0 Abstentions: 0

In favor: S. Alexander, B. Bender, A. P. Creaney, Lenora Croft, L. Daub, M. Donato, R. Fanuzzi, Arlene Garbett Feldmeier, S. Froot, D. Fuchs, M. Galvin, D. Gellman, R. Ginty, M. Goodman, A. Guzman, M. Heller, D. Kornbluh, I. Ladimer, R. Pochter Lowe, D. McCord, C. G. Moerdler, O. Murray, J. O'Brien, D. Padernacht, L. Parker, K. Pesce, R. Press, J. Rather, J. Reyes, Amy Joy Robateau, S. Sarao, L. Spalter, I. W. Stone, S. Villaverde, M. Wolpoff, M. Yamagata, H. Young

B. Budget – R. Press

- R. Press will pass on the City's response to the budget requests as soon as it is received.

C. Economic Development - S. Villaverde

- Refer to minutes. They will discuss traffic issues along Broadway at their next committee meeting.

D. Education – S. Alexander

- Refer to minutes. The next Education meeting is on November 24, 2015.

E. Environment & Sanitation – D. McCord

- Demetrius McCord distributed an online survey to collect information on stormwater impact in CB8.

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

- Refer to minutes. The next meeting is on Monday, November 16.
- Bon Secours is now in talks with various potential for-profit entities that may acquire Bon Secours Healthy Communities initiatives. If this happens the Healthy Communities initiative may no longer be funded. The liaison for the Healthy Community initiative is running the program until he is notified otherwise, and has requested \$100,000 of funding from Bon Secours for activities in our community.

G. Housing – J. Reyes is presenting on behalf of P. Ellis

- The committee minutes are forthcoming.
- The Chair is unable to attend the meeting tonight due to a family event.
- The Committee had a meeting on October 8 on Mitchell Lama Housing.
- The Committee held a Housing Court forum on October 26. Guest panel speakers were Judge Marion Doherty and legal aid and landlord representatives. J. Reyes thanked the staff for their help and the board members for putting the forum together.
- There will be a planning meeting on November 23 for the December 9 meeting on Affordable Housing. The December 9 meeting will be part of a series of three forums which are designed to present information about affordable housing. The December 9 meeting will focus on the basic levels of understanding of affordable housing (i.e., how affordable housing is defined and conceived).
- P. Ellis asked to let the members know that he made a proposal at the Executive Committee to form a joint working group of the Land Use Committee and Housing Committees in which he and the Land Use Chair would designate members to explore and propose action on various steps to support the preservation and construction of affordable housing in our district. Paul has decided not to move forward with this joint working group based on an exchange following the executive committee meeting with various members and the Land Use Chair who were concerned about this issue. Paul will continue to move forward to put attention on the issue of affordable housing through a working group on affordable housing in the Housing Committee. R. Ginty suggested to add the forum on December 9 to the monthly newsletter and J. Reyes would like to reach the public through social media.

H. Law, Rules and Ethics – M. Wolpoff

- A letter was written to the Conflict of Interest board on the use of abstaining from a vote.

I. Libraries and Cultural Affairs – M. Goodman

- All are invited to attend the committee meeting on November 12. It will be a walk thru at the Derfner Judaic museum. It features works by nine contemporary artists, some by artists working in The Bronx.

J. Parks & Recreation – B. Bender

- Please refer to minutes.
- The next meeting is on November 18. There will be a presentation by the Parks Department on the Putnam Trail.

K. Public Safety – J. O'Brien

J. O'Brien presented the following resolution approved by the Public Safety Committee on October 15, 2015:

WHEREAS Palace of Japan, 3505 Johnson Avenue, appeared at the October 15, 2015 meeting of Bronx Community Board 8's Public Safety Committee in support of its beer/wine license renewal, and police of the 50th precinct report no problems with this establishment, the committee voted unanimously to renew this license. THEREFORE, BE IT RESOLVED that Bronx Community Board 8 recommends renewal of this license.

Vote: In Favor: 37 Opposed: 0 Abstention: 0

In favor: S. Alexander, B. Bender, A. P. Creaney, Lenora Croft, L. Daub, M. Donato, R. Fanuzzi, Arlene Garbett Feldmeier, S. Froot, D. Fuchs, M. Galvin, D. Gellman, R. Ginty, M. Goodman, A. Guzman, M. Heller, D. Kornbluh, I. Ladimer, R. Pochter Lowe, D. McCord, C. G. Moerdler, O. Murray, J. O'Brien, D. Padernacht, L. Parker, K. Pesce, R. Press, J. Rather, J. Reyes, Amy Joy Robateau, S. Sarao, L. Spalter, I. W. Stone, S. Villaverde, M. Wolpoff, M. Yamagata, H. Young

- Fenwicks and Chi Lau, 432 West 238 Street will be asked to return to the Public Safety Committee to discuss their renewal application. The meeting is scheduled for November 19.

L. Traffic & Transportation – M. Heller

- The Traffic & Transportation meeting in November will be held jointly with Councilman Cohen.
- The committee will discuss proposals to move some bus stops at the December meeting.
- A greenstreet/bioswell is being developed at Riverdale Avenue and West 236 Street. This was started by Councilman Koppell.

M. Aging – L. Daub

L. Daub brought forward a resolution voted on by the Aging Committee. The resolution was amended and then brought to a vote:

WHEREAS, Bronx Community District 8 is currently home to **one of the largest populations of adults over age 60 in NYC**, including a concentration of adults over age 85, owing to its relative affordability, safety, transportation options, and bucolic character, which supports the preference to age-in-place and in a multi-generational community;

WHEREAS, although the proposed Zoning for Quality & Affordability (ZQA) has the laudable stated goal of preserving and creating affordable housing, including independent affordable housing for seniors, the reality is that the ZQA may spur **unchecked clustering of developments** causing saturation that is detrimental to the current affordability and desirability of this and other districts and is contrary to urban planning best practices for livable communities;

WHEREAS, although well designed housing can uplift residents and strengthen social connections, the proposed ZQA and Mandatory Inclusionary Housing (MIH) permit **sponsors/developers to determine the apartment size and design** for independent affordable housing for seniors so as to ensure a reasonable financial return, with the result that the units can be less than the 400 sq ft allowed for the smallest of all other NYC studio units, with the exception of new micro-apartments (containing 9+ ft ceilings and a multitude of common areas) that are competitively designed for residents who work and entertain outside of the home and who can pull-down beds and climb up to storage lofts;

WHEREAS, the proposed ZQA does not include requirements for **universal design and technologies** specific to both senior and non-senior-specific housing that would ensure living spaces that are conducive to aging in place without the need to modify dwellings or to relocate seniors and next generation senior residents to age-segregated senior housing or long-term care facilities;

WHEREAS, although research links healthy aging to staying active and socializing, the proposed ZQA limits mobility by eliminating **parking** space requirements near subways, incorporating the assumption that stairs are easy for all to climb or that elevators are available at all subway stations, and it greatly reduces parking outside of the “transit zone,” which together will make transit difficult for residents, visitors, caregivers, medical personnel, building staff, and neighbors;

WHEREAS, although the **perspective of older adults** is vital to effective planning for a livable multi-generational community, under the proposed ZQA developers may or may not consider important factors including but not limited to (1) whether the location of buildings ensures that senior housing is walk-able to everyday shopping, parks and other community life venues, and provides access to a choice of transportation options, bus shelters, benches, safe streets and crossings, and (2) whether a building will be a healthy, life-affirming built environment with green space, light, inviting community space, and humanely sized, well-designed and technology-enabled living unit space;

BE IT HEREBY RESOLVED, that Bronx Community Board 8 believes that sustainable affordable housing goals are best served through preservation and maintenance, and supplemented by permanently affordable and thoughtfully designed development that is compatible with or enhances the character and livability of the specific community and that serves the broad needs as voiced by its residents.

Vote: In Favor: 37 Opposed: None Abstention: 1

In favor: Sylvia Alexander, B. Bender, Anthony Creaney, Lenora Croft, L. Daub, M. Donato, A.G. Feldmeier, P. Friedman, S. Froot, D. Fuchs, M. Galvin, D. Gellman, R. Ginty, M. Goodman, A. Guzman, M. Heller, D. Kornbluh, I. Ladimer, R. Pochter Lowe, D. McCord, C. Moerdler, O. Murray, J. O'Brien, D. Padernacht, L. Parker, K. Pesce, R. Press, J. Rather, J. Reyes, A. J. Robateau, S. Sarao, L. Spalter, I.W. Stone, S. Villaverde, M. Wolpoff, M. Yamagata, H. Young

Abstention: R. Fanuzzi

N. Youth – L. Parker

- The Youth Committee met today to choose the NY Yankee Youth Leadership award winners. They did not have a quorum so Chair Padernacht decided to send the information of the nominee's to the board for a vote this evening since there is a deadline to submit the winners to the New York Yankee's by November 20, 2015. After discussion Chairman Padernacht proposed to form a committee to decide on the winners immediately following the board meeting this evening. The committee would consist of L. Parker, D. Fuchs and D. McCord. This was brought to a vote:

Vote: In Favor: 38 Opposed: None Abstention: 0

In favor: Sylvia Alexander, B. Bender, Anthony Creaney, Lenora Croft, L. Daub, M. Donato, R. Fanuzzi, A.G. Feldmeier, P. Friedman, S. Froot, D. Fuchs, M Galvin, D. Gellman, R. Ginty, M. Goodman, A. Guzman, M. Heller, D. Kornbluh, I. Ladimer, R. Pochter Lowe, D. McCord, C. Moerdler, O. Murray, J. O'Brien, D. Padernacht, L. Parker, K. Pesce, R. Press, J. Rather, J. Reyes, A. J. Robateau, S. Sarao, L. Spalter, I.W. Stone, S. Villaverde, M. Wolpoff, M. Yamagata, H. Young

O. Approval of Board Meeting Minutes of October 13, 2015

- The minutes were approved by a vote of 38 in favor, 0 abstentions, and 0 opposed

Vote: In Favor: 38 Opposed: None Abstention: 0

In favor: Sylvia Alexander, B. Bender, Anthony Creaney, Lenora Croft, L. Daub, M. Donato, R. Fanuzzi, A.G. Feldmeier, P. Friedman, S. Froot, D. Fuchs, M Galvin, D. Gellman, R. Ginty, M. Goodman, A. Guzman, M. Heller, D. Kornbluh, I. Ladimer, R. Pochter Lowe, D. McCord, C. Moerdler, O. Murray, J. O'Brien, D. Padernacht, L. Parker, K. Pesce, R. Press, J. Rather, J. Reyes, A. J. Robateau, S. Sarao, L. Spalter, I.W. Stone, S. Villaverde, M. Wolpoff, M. Yamagata, H. Young

P. Discussion of Executive Committee Meeting Minutes

1. No comments

Submitted by,

Diane Bay
Community Associate