

BRONX COMMUNITY BOARD NO. 8

**MINUTES OF MEETING HELD ON OCTOBER 11, 2011
AT AMALGAMATED HOUSES, VLADEK HALL
74 VAN COURTLANDT PARK SOUTH**

PRESENT: R. Abbott, S. Alexander, S. Balicer, R. Bender, A. Cohen, B. Contant, E. Corcino, T. Durham, R. Fanuzzi, B. Fettman, D. Kirksey-Floyd, S. Froot, R. Ginty, M. Ginzburg, M. Goodman, N. Graham, M. Heller, I. Ladimer, R. Pochter Lowe, D. McShane, P. Mullen, D. Padernacht, L. Parker, K. Pesce, A. Piscitelli, R. Press, J. Reyes, P. Reyes, X. Sanchez, G. Santiago, L. Spalter, A. A. Spett, S. Villaverde, M. Wolpoff

ABSENT: D. Bowden, S. Catechis, A. P. Creaney, A. G. Feldmeier, P. Friedman, C. Hanley, M. Khury, G. O. Koppell, T. Lim, S. Marquez, C. Moerdler, A. Moore, J. M. Pilsner, I. W. Stone, H. Young

STAFF: N. Stent – District Manager
D. Bay – Community Associate
P. Manning – Community Associate

GUESTS: J. Dinowitz – Assemblyman
J. DeSio - rep. Bronx Borough President Ruben Diaz, Jr.
J. Doyle – rep. State Senator Jeffrey Klein
T. Edwards – rep. Councilman Ydanis Rodriguez
R. Fedderman – rep. Congressman Eliot Engel
R. Martos – Assemblyman Jeffrey Dinowitz' Office
A. Sandler – Councilman G. Oliver Koppell's Office
J. Sonett – rep. State Senator Adriano Espaillat
J. Urena – rep. State Senator Gustavo Rivera
F. Abdul-Nabi
R. Chen
L. Degidon
J. Disla
T. Edwards
P. Ellis
G. Feliciano
R. Fornes III
A. Gary
M. Gary
K. Hart - FIPNA
P. Lennon
L. Manning
V. Scelzo – Urban Trail Conference Inc.
T. Shelton - KRVDC
C. M. Vega
T. Wang
D. Westphal
A. Wisnieski – Riverdale Press

Chairman called the meeting to order at 7:35 PM.

1. Gallery Session

- A. Kristin Hart, Fort Independence Park Neighborhood Association (FIPNA) advised that FIPNA has been awarded a \$2500 matching grant from the National Trust for Historic Places. FIPNA will use this money to hire a historic consultant who will do a

complete historic survey of their community. FIPNA is pursuing placement on the National Register of Historic Places. Donations are needed to fulfill the requirement of the match grant. Flyers were provided with further information for donations.

- B. Linda Manning announced the event for the Riverdale Arts Festival on October 25th at West 256th Street between Delafield and Mosholu Avenues, and on the grounds of Riverdale Neighborhood House.
- C. Victor Scelzo, representing himself and the Walkers and Riverdale Hiking Club, referenced a recent article in the Riverdale Review concerning the proposed paving of the Putnam Trail in Van Cortlandt Park. He related safety concerns for bikers and runners on the paved trail.
- D. Dart Westphal expressed concern with proposed BJ's site on Broadway and the implication of traffic problems. He noted that the construction is "as of right," however he asked that the Board look into the proposal and check traffic plan.

2. **PUBLIC HEARING: Capital & Expense Budget Requests for Fiscal Year 2013**

Chairman deferred to Budget Chairman Contant to convene the public hearing on the Board's Budget Priorities for FY 2013.

B. Contant discussed the Capital and Expense Budget requests which had been submitted for review by the Executive Board Committee and the full Board. Following discussion, revisions were recommended and accepted.

Chairman called for a vote on the **attached** revised FY 2013 Capital and Expense Budget Priorities.

Vote: 34 In Favor, 0 Opposed, and 0 Abstentions

In Favor –

R. Abbott, S. Alexander, S. Balicer, R. Bender, A. Cohen, B. Contant, E. Corcino, T. Durham, R. Fanuzzi, B. Fettman, D. Kirksey-Floyd, S. Froot, R. Ginty, M. Ginzburg, M. Goodman, N. Graham, M. Heller, I. Ladimer, R. Pochter Lowe, D. McShane, P. Mullen, D. Padernacht, L. Parker, K. Pesce, A. Piscitelli, R. Press, J. Reyes, P. Reyes, X. Sanchez, G. Santiago, L. Spalter, A. A. Spett, S. Villaverde, M. Wolpoff

Hearing from no other speakers, the public hearing was closed.

Chairman Fanuzzi thanked the Budget Chairman for a job well done.

3. Approval of Regular Board Meeting Minutes of September 14, 2011

The minutes were unanimously approved.

4. Discussion of Executive Board Meeting Minutes of October 5, 2011

S. Alexander made a correction to the Health, Hospitals and Social Services Committee report to reflect that the concerns at PS 51 were with the levels of TCE (trichloroethylene) not PCB.

The minutes were accepted as corrected.

5. Report from the Office of the Borough President

- Borough President Diaz' "Well Being" survey for the Bronx continues. Community Boards 8 and 10 showed a strong response. Submissions from zip code 10463 had the highest response.
- There has been a staff change with the departure of Jessie Mojica, Education Director. He is now working at the Department of Education. Borough President Diaz has hired Monica Major who currently represents the Bronx as its appointee to the Panel for Educational Policy, and is the new Director of Education and Youth Services.
- The Bronx Overall Economic Development Corporation (BOEDC) has released a "request for expressions of interest" (RFEI) seeking written proposals for the development of a new hotel/conference center in the vicinity of Yankee Stadium. The need was listed as a priority in Borough President Diaz' 2011 State of the Borough address.
- Bronx Borough President Diaz invites bicycling enthusiasts to join him for the 17th Annual Tour de Bronx bicycling event on October 23rd. Registration can be done at www.tourdebronx.org.
- Borough President Diaz and News 12 The Bronx will present the 9th Annual Bronx Diva Talk, in honor of Domestic Violence Awareness Month, on October 12th, at 6:30 PM, at Pregones Theatre, 571 Walton Avenue.
- Bronx Borough President Diaz, in conjunction with the NYS Restaurant Association will present "Savor the Bronx!" the borough's first restaurant week from November 1st to November 13th.
- The annual Italian American Heritage night event will be held on October 20th at Enrico Fermi Cultural Center, Belmont Library, 610 East 186th Street at 5:30 PM. RSVP 718-590-3989.

6. Chairman's Report

- Chairman Fanuzzi thanked Amalgamated Houses for graciously hosting the Board meeting and for their ongoing support.
- Congratulated Board Member Sergio Villaverde on his promotion to the rank of Commander with the United States Coast Guard Reserve.
- Love Your Block grants are being accepted by the Citizens Committee for New York City through November 8, 2011. The Board office has disseminated the grant information package to constituents, local community based organizations and institutions alike. For more information call 212-822-9566 or send email to sshah@citizensnyc.org. Chairman encouraged groups and organizations to apply.

7. Chairman invited Assemblyman Dinowitz to address the Board.

Assemblyman Dinowitz announced he will co-sponsor a Town Hall Meeting to meet and greet your elected officials on October 23rd at the Amalgamated Houses, Vladek Hall at 1:30 PM and host a forum on environmental issues on October 25th at Conservative Synagogue of Riverdale, 475 West 250th Street at 7:30 PM. He also announced his annual flu shots program was commencing; discussed the neglect of maintenance in the area leading up to the Van Cortlandt Mansion and its historical value and need for continued maintenance; and noted the State budget deficit for 2012 is growing.

8. Committee Reports –

A. Parks and Recreation – B. Bender

1. B. Bender made motion from the floor to amend the Board's agenda to present a resolution regarding the Committee's empowerment to act for the full Board at a public hearing concerning the issue of proposed ice skating rink in Van Cortlandt Park. The motion was carried unanimously by a vote of 34 in favor, 0 opposed, and 0 abstentions.

In Favor –

R. Abbott, S. Alexander, S. Balicer, R. Bender, A. Cohen, B. Contant, E. Corcino, T. Durham, R. Fanuzzi, B. Fettman, D. Kirksey-Floyd, S. Froot, R. Ginty, M. Ginzburg, M. Goodman, N. Graham, M. Heller, I. Ladimer, R. Pochter Lowe, D. McShane, P. Mullen, D. Padernacht, L. Parker, K. Pesce, A. Piscitelli, R. Press, J. Reyes, P. Reyes, X. Sanchez, G. Santiago, L. Spalter, A. A. Spett, S. Villaverde, M. Wolpoff

Discussion ensued. S. Villaverde made a friendly motion for an amendment that he later withdrew. The resolution on the floor was amended as follows:

WHEREAS, Bronx Community Board No. 8 (the Board), Parks and Recreation Committee has held several public meetings to discuss the NYC Department of Parks and Recreation (Parks Department) proposal to install a skating rink within Van Cortlandt Park; and

WHEREAS, the Parks Department may certify a proposal for the installation of the skating rink prior to the date of a full Board meeting; and

WHEREAS, the Franchise and Concessions Review Committee (FCRC), which has scheduled a meeting on November 7th to hear public testimony on proposals, possibly including the proposal for the Van Cortlandt Park ice skating rink; Now Therefore,

BE IT RESOLVED, that the Board under Bylaws, Article VII, Section 2 authorizes the Parks and Recreation Committee to hold a public hearing which will be held on November 1, 2011 before the scheduled FCRC hearing date in order to determine the Board's position on this matter; and

BE IT RESOLVED that the Board empowers the Parks & Recreation Committee to represent the full Board in any written or oral testimony, including the drafting of any resolution on the matter, all of which are based on the majority opinion of the Parks & Recreation Committee members in attendance at that meeting; and

BE IT FURTHER RESOLVED, that for the Parks & Recreation Committee meeting, all Bronx Community Board No. 8 members shall be invited and all members in attendance shall be given voting privileges on this issue as members of the Parks & Recreation Committee.

The amended resolution passed by a vote of 34 in favor, 0 opposed, and 0 abstentions.

In Favor –

R. Abbott, S. Alexander, S. Balicer, R. Bender, A. Cohen, B. Contant, E. Corcino, T. Durham, R. Fanuzzi, B. Fettman, D. Kirksey-Floyd, S. Froot, R. Ginty, M. Ginzburg, M. Goodman, N. Graham, M. Heller, I. Ladimer, R. Pochter Lowe, D. McShane, P. Mullen, D. Padernacht, L. Parker, K. Pesce, A. Piscitelli, R. Press, J. Reyes, P. Reyes, X. Sanchez, G. Santiago, L. Spalter, A. A. Spett, S. Villaverde, M. Wolpoff

2. Reported that a letter of support on the application for Historic designation for the Bell Tower Memorial had been requested. The Board offered no objection.
3. The Mayor's Million Trees Planting project will hold a tree planting event of 6000 trees in Van Cortlandt Park, meeting at Kelly Field on October 22nd from 9:00 AM to 1:00 PM; and at Raoul Wallenberg Park on October 23rd. Volunteers are needed.
4. The next meeting of the Parks and Recreation Committee will be held at Schervier Apartments due to an agenda item dealing with Seton Park. The date is October 26th, at 7:00 PM.

B. Public Safety – reported by G. Santiago

1. Motion for the following resolution to be added to the Board's agenda was approved by a vote of 31 in favor 0 opposed and 0 abstentions:

In Favor –

R. Abbott, S. Alexander, S. Balicer, R. Bender, A. Cohen, B. Contant, E. Corcino, T. Durham, R. Fanuzzi, B. Fettman, D. Kirksey-Floyd, S. Froot, R. Ginty, M. Ginzburg, M. Goodman, N. Graham, M. Heller, R. Pochter Lowe, D. McShane, P. Mullen, D. Padernacht, L. Parker, K. Pesce, A. Piscitelli, R. Press, P. Reyes, X. Sanchez, G. Santiago, L. Spalter, A. A. Spett, M. Wolpoff

WHEREAS, the Dubai Lounge has conducted a business inappropriate to a residential neighborhood; and

WHEREAS, this business, which opens at 11:00 p.m. on Thursdays, Fridays, Saturdays, and Sundays causes noise and disturbance late into the night and early morning; and

WHEREAS, the owners have failed to respond to complaints from the community and the community board about noise, disturbance and inappropriate activity, and the owners have not corrected problems although they promised to do so;

NOW THEREFORE, BE IT RESOLVED, that Bronx Community Board No. 8, recommends against renewing the liquor license for the Dubai Lounge
Discussion ensued.

The resolution was approved by a vote 32 in favor, 0 opposed, and 2 abstentions

In Favor –

R. Abbott, S. Alexander, S. Balicer, R. Bender, A. Cohen, B. Contant, E. Corcino, T. Durham, R. Fanuzzi, B. Fettman, S. Froot, R. Ginty, M. Ginzburg, M. Goodman, N. Graham, M. Heller, I. Ladimer, R. Pochter Lowe, D. McShane, P.

Mullen, D. Padernacht, L. Parker, K. Pesce, A. Piscitelli, R. Press, P. Reyes, X. Sanchez, G. Santiago, L. Spalter, A. A. Spett, S. Villaverde, M. Wolpoff

Abstentions –

D. Kirksey-Floyd, J. Reyes

2. An additional resolution for Liquor Licenses was presented. R. Ginty corrected the vote to exclude her name as she was not in attendance at the Public Safety Committee meeting. Discussion. The resolution was amended as follows:

RESOLVED, Bronx Community Board No. 8 recommends the following **RENEWAL APPLICATIONS** for liquor licenses:

1. 3509 Johnson Avenue Corp. – 3509 Johnson Avenue
2. 17A Knolls Crescent Corp. – 17A Knolls Crescent
3. Land & Sea Restaurant – 5535 Broadway
4. KBBQ Restaurant – 119 West Kingsbridge Road

The amended resolution was approved by a vote of 34 in favor, 0 opposed and 0 abstentions

In Favor –

R. Abbott, S. Alexander, S. Balicer, R. Bender, A. Cohen, B. Contant, E. Corcino, T. Durham, R. Fanuzzi, B. Fettman, D. Kirksey-Floyd, S. Froot, R. Ginty, M. Ginzburg, M. Goodman, N. Graham, M. Heller, R. Pochter Lowe, D. McShane, P. Mullen, D. Padernacht, L. Parker, K. Pesce, A. Piscitelli, R. Press, P. Reyes, X. Sanchez, G. Santiago, L. Spalter, A. A. Spett, M. Wolpoff

C. Traffic and Transportation – D. Padernacht

1. The work by the Department of Transportation at West 230th Street and Broadway has begun.
2. Arlington Avenue and West 256th residents are reviewing area for greater traffic safety.
3. The Committee will look at the proposal for muni-meters with regard to the additional space issue.

D. Youth – A. Cohen

Refer to minutes for report.

E. Aging – K. Pesce

1. Jewish Home Life Care will hold its groundbreaking on University Avenue for 72 low income senior apartments on October 27th.
2. The Committee will hold its next meeting on October 25th and there will be a guest speaker from Brandy Orange of Grandparent Resource Program, DFTA.

F. Budget – B. Contant

No additional report.

G. Education – S. Alexander

1. Refer to minutes for full report.
2. Will attend the Open House for community leaders at the Riverdale Kingsbridge Academy on October 17th.
3. Issued a reminder for the Borough President's Bronx Education Summit coming up on October 15th at Lehman College.
4. The Committee will hold its next meeting on October 25th at the new Kingsbridge Library, 291 West 231st Street, at 7:00 PM.

H. Economic Development – S. Villaverde

1. The Committee meeting went well.
2. Discussed the upcoming event of the Riverdale Festival of the Arts being held on October 23rd.
3. The Committee will hold its next meeting on November 3rd at the Kingsbridge Library, 291 West 231st Street. The meeting will start at 7:00 PM with a free Business Census Workshop tailored to businesses in the area. The regular meeting will follow.

I. Environment and Sanitation - R. Ginty

1. Refer to minutes for full report.
2. Committee discussed goals for year.
3. Looking toward spring to initiate clean-up project.
4. Thanked B. Abbott for reaching out to Wave Hill for education on invasive species.
5. The Department of Sanitation "Adopt a Public Space Recycling Receptacle" will be an agenda item with a speaker at the next committee meeting on November 16th, at the Board Office, at 7:00 PM.

J. Health, Hospitals and Social Services – S. Froot

1. Referred to minutes.
2. A parent representing a group from the closed PS 51 attended meeting to discuss the TCE problem at the school.
3. There is continuing dialog with FDNY EMS regarding the site of a restocking/decontamination station in Community Board No. 8.
4. Pushing for health screening vans, will have one at Riverdale Festival of the Arts.
5. Schervier's Healthy Eating program discussed.
6. The Committee will meet on October 17th, at St. Stephen's Church, 146 West 228th Street, at 7:30 PM. There will be a presentation from Bronx Health REACH; and a representative from Jacobi Hospital will present on their asthma study that investigates the effects of indoor allergens on people with asthma.

K. Housing – T. Durham

1. A Rodent Management training is being offered on November 2nd.
2. The Smoke Free Partnership presented on smoke free apartments.
3. The heating fuel change over will be discussed at the next Committee meeting on October 24th, Board Office, at 7:30 PM.

L. Land Use

1. D. Padernacht made a motion to amend the Board's agenda to add resolutions concerning the development at 3333 Giles Place.

The motion was passed by a vote of 33 in favor, 0 opposed and 1 abstention with cause.

In Favor –

R. Abbott, S. Alexander, S. Balicer, R. Bender, A. Cohen, B. Contant, E. Corcino, T. Durham, R. Fanuzzi, B. Fettman, D. Kirksey-Floyd, S. Froot, R. Ginty, M. Ginzburg, M. Goodman, N. Graham, M. Heller, I. Ladimer, R. Pochter Lowe, D. McShane, P. Mullen, L. Parker, K. Pesce, A. Piscitelli, R. Press, J. Reyes, P. Reyes, X. Sanchez, G. Santiago, L. Spalter, A. A. Spett, S. Villaverde, M. Wolpoff

Abstention with Cause –

D. Padernacht

2. D. Padernacht reviewed the history of the Board of Standards and Appeals (BSA) applications for development at 3333 Giles Place and the issue of Common Law Vested Rights.

D. Padernacht made full disclosure that he is representing Fort Independence Park Association (FIPNA) pro bono in an Article 78 proceeding to challenge the BSA decision which granted the owner of Giles Place common law vested rights. There is an appearance on October 24th in which FIPNA is seeking a preliminary injunction to stay any building permits until the Court has ruled upon the appeal.

D. Padernacht proposed a resolution for the Board's reaffirmation of the Board's position. Discussion ensued and the resolution was amended as follows:

WHEREAS, on August 16, 2011, the NYC Board of Standards and Appeals (BSA) determined in a resolution that GRA V, LLC, the owner of the property known as 3333 Giles Place, located in Bronx Community Board No. 8, has qualified for common law vested rights; and

WHEREAS, the Bronx Community Board No. 8 appeared before the BSA in opposition to the owner's application for common law vested rights; and

THEREFORE, BE IT RESOLVED, that Bronx Community Board No. 8, reaffirms its resolution dated March 8, 2011 and reaffirms its opposition to the granting of common law vested rights to GRA V, LLC.

Vote: 33 in favor, 0 opposed, and 1 abstention with cause

In Favor –

R. Abbott, S. Alexander, S. Balicer, R. Bender, A. Cohen, B. Contant, E. Corcino, T. Durham, R. Fanuzzi, B. Fettman, D. Kirksey-Floyd, S. Froot, R. Ginty, M. Ginzburg, M. Goodman, N. Graham, M. Heller, I. Ladimer, R. Pochter Lowe, D. McShane, P. Mullen, L. Parker, K. Pesce, A. Piscitelli, R. Press, J. Reyes, P. Reyes, X. Sanchez, G. Santiago, L. Spalter, A. A. Spett, S. Villaverde, M. Wolpoff

Abstention with Cause –

D. Padernacht

1. D. Padernacht further proposed a resolution to authorize the Land Use Committee to submit an Amicus Brief in the matter of FIPNA v. Srinivasan. Discussion ensued. The following resolution was adopted which stipulated that such action was pending approval by the Law, Rules and Ethic Committee:

WHEREAS, on August 16, 2011, the NYC Board of Standards and Appeals (BSA) determined in a resolution that GRA V, LLC, the owner of the property known as 3333 Giles Place, located in Bronx Community Board 8, has qualified for common law vested rights; and

WHEREAS, Bronx Community Board No. 8 appeared before the BSA in opposition to the owner's application for common law vested rights; and

WHEREAS, the Fort Independence Park Neighborhood Association (FIPNA) filed an Article 78 proceeding in Bronx County Supreme Court, captioned FIPNA v. Srinivasan, appealing the BSA determination and seeking an Order annulling the determination that GRA V, LLC has established common law vesting rights;

NOW THEREFORE, BE IT RESOLVED, that the Bronx Community Board 8's Land Use Committee be authorized to submit an Amicus Brief in the matter of FIPNA v. Srinivasan in order to express its opposition to the granting of common law vested rights to GRA V, LLC at 3333 Giles Place, pending the approval of the Chairman of the Law, Rules and Ethics Committee.

Vote: 30 in favor, 3 opposed, and 1 abstention with cause

In Favor –

R. Abbott, S. Alexander, S. Balicer, R. Bender, A. Cohen, B. Contant, E. Corcino, T. Durham, R. Fanuzzi, B. Fettman, S. Froot, R. Ginty, M. Ginzburg, M. Goodman, N. Graham, M. Heller, I. Ladimer, R. Pochter Lowe, D. McShane, P. Mullen, L. Parker, K. Pesce, A. Piscitelli, R. Press, J. Reyes, P. Reyes, X. Sanchez, G. Santiago, L. Spalter, M. Wolpoff

Opposed –

S. Villaverde, A. A. Spett, D. Kirksey Floyd

Abstention with Cause –

D. Padernacht

M. Law, Rules and Ethics – I. Ladimer

1. Referred to the minutes. The Nominating Committee was discussed.
2. Committee membership will be discussed.
3. Citizenship and civic education will be discussed.
4. The next meeting will be held on October 27th, at the Board Office, at 7:30 PM.

N. Libraries and Cultural Affairs – R. Abbott

The Committee will hold its first meeting November 10th.

Meeting adjourned 10:45 PM.

Respectfully submitted,

Patricia Manning
Community Associate