

*Pending Committee Approval*

**Bronx Community Board No. 8  
Land Use Committee Minutes  
Christ Church, 5040 Henry Hudson Parkway East  
December 5, 2019**

**Attendance:** Sylvia Alexander, Robert Bender, Robert Fanuzzi, Rosemary Ginty (Board Chair), Martin Gluck, Charles Moerdler (Committee Chair), Tracy Pardo, Laura Spalter, Martin Wolpoff

Guests: Thomas Bird, Hella Luisa Caplan, Aaron Friedman, Adir Greenfield, Nancy Gray, Juton Horstman, (DCP), Aryeh Jeselsohn, Sura Jeselsohn, Betty Klein, Amon Lichtine, Ron Minkoff, Lisa Sigel, Dovelet Shasha, Tom Winter

1. Meeting called to order at 7:40 PM, a quorum being present
2. 5278 Post Road – Chairman Moerdler reported that the application before BSA has been withdrawn.
3. 3 Alderbrook Road  
Presentation made by Tom Winter, architect for owners Adir and Esther Greenfield.
  - A. Seeking to add a two-story building extension to the rear of the current building (+2,000 sq ft.),
  - B. It was pointed out that a mapped street goes through the property,
  - C. On the four issues raised at the last JU meeting:
    - a. Neighbors have no objection. Chairman Moerdler spoke with Susan Murtaugh. The Greenfield's spoke with the immediate neighbors. They were also in contact with The Windsors.
    - b. Sewage - Chairman Moerdler spoke with Susan Morgenthau
    - c. Trees - Will be removing at least 2 trees – one for construction and one for disease (letter submitted from Almstead)
    - d. Storm water runoff – Submitted letter from Engineering Solutions. Will install dry well catch basins.
  - D. All construction staging will be on site. There will be no construction machines or materials staged on Alderbrook Road or West 247<sup>th</sup> St.

Motion to approve:

Yes (9): Sylvia Alexander, Robert Bender, Robert Fanuzzi, Rosemary Ginty (Board Chair), Martin Gluck, Charles Moerdler (Committee Chair), Tracy Pardo, Laura Spalter, M. Wolpoff

No: (0) Abstention (0)

4. Schervier: Removal of Trees at 714 W. 231<sup>st</sup> Street – Attorney Aaron Lipman, represented Schervier contractor Yosie Friedman who, as a consultant to Schervier contracted with Evergreen Landscaping and Maintenance. Inc.
  - a. Ms. Jeselsohn recounted her experience with Schervier leadership (David Katz), the workers from Evergreen Landscaping and Maintenance. Inc., and inspectors from the Department of Buildings.
  - b. Chairman Moerdler noted that Schervier was following a model that previously caused nursing home problems. That is, ownership of the nursing home and separate ownership for the real estate. He also noted that the contractor had its license revoked in Mt. Vernon.
  - c. Mr. Lipman felt that there were several issues:
    - i. The contract between Mr. Friedman and Evergreen called for cleaning out the extensive invasive underbrush but did not call for the felling of trees.
    - ii. There is issue over the number and condition of the trees. He felt the problem was in not requesting and obtaining permits to fell the trees. He purported that the condition of the trees made their removal necessary. The error was in not filing for and revising permits to remove the trees.
    - iii. Based on reports he heard from the Evergreen people, there were discrepancies between what the committee was hearing from eyewitnesses and Evergreen. Mostly he questioned eye witness account that the DOB inspector arrived, issued a summons and announced a stop work order to enable the sparing of the remaining tree. However, after he left, the tree was felled. The committee photographed the offered contract.
    - iv. Juton Horstman (DCP), reported that based on what he heard, it supported the eye witness accounts. He indicated that penalties, if imposed by the Department of City Planning, will include fines and tree restoration. Members of the committee questioned why Board 8 was not a party to the proposed process. They also called for maximum fines to be imposed.
    - v. Aaron Lipman said:
      - 1- He would return to Schervier/Evergreen to investigate,
      - 2- He will seek to learn why an unlicensed contractor was hired, why they violated the parameters of their contract and why a back hoe and chain saws were needed for clearing underbrush,
      - 3- Who and why Mr. Moerdler was contacted by someone representing himself as representing Schervier, sought counsel for a construction project,
      - 4- He would determine why SNAD regulations were ignored.
      - 5- Would work with DEP on restoration including tree calipers and other plantings
  - VI. The committee requested:
    1. Mr. Lipman return in January to report,
    2. Be provided with a copy of the actual invoice,
    3. That, as a minimum, Schervier include CB 8 in the plan for restoration.
5. Meeting adjourned at 9:35 PM. Next meeting 1/6/2020