

**Bronx Community Board No. 8**  
**Minutes of the Land Use Committee**

Date: Monday, December 21, 2015

Location: SAR Academy, 655 West 254<sup>th</sup> Street, Bronx, NY

Present: Sylvia Alexander, Bob Bender, Anthony P. Creaney, Lenora Croft, Lisa Daub, Paul Ellis, Robert Fanuzzi, Noah Friedman, David Gellman, Rosemary Ginty, Marvin Goodman, Arturo Guzman, David Kornbluh, Charles Moerdler, Omar Murray, Joseph O'Brien, Daniel Padernacht, Robert Press, Georgia Santiago, Laura Spalter, Mary Yamagata, Herbert Young.

Absent: Leonel Baez, Margaret Donato, Manuel Felix, Philip Friedman, Steven Froot, Daniella Fuchs, Irving Ladimer, Rita Pochter Lowe, Sergio Marquez, Demetrius McCord, Amy Moore, Lamont Parker, Karen Pesce, Joyce Pilsner, James Rather, Julie Reyes, Amy Joy Robateau, Steven Sarao, I. William Stone, David Toledo, Sergio Villaverde, Martin Wolpoff.

Other Attendees: Scott Cabida, Peck Maul, Andrea Castano, Tony Mahler, Patrick McDonagh, Fravernu Schieve, Andrew Sandler, Leslie Chin, Olga Sharonova, Kelly Buford, Carol Martin, Ariel Weiner, Cristina Lang, Jose Rodriguez, Ian Srebnick, Amy Feltman, Dart Westphal, Kristin Hart, Jack Marth, Margaret Groarke, Juton Horstman, Bob Drake, Barbara Hoppmann.

Land Use Chair C. Moerdler called the meeting to order at 7:30pm.

1. R. Ginty presented an Interim Report by the Special Natural Area District (SNAD) Working Group. R. Ginty stated that while the Working Group was formed in the spring, time was a challenge due to the necessary review of ZQA and MIH proposals brought by the City Planning Commission. After outreach to community groups and institutions, the Working Group's interim report outlined several areas of concern for future discussion. Their work is not complete.

C. Moerdler stated that he, along with Chair Padernacht and Vice Chair R. Ginty, met with Carol Samol, Bronx Director of NYC Planning, who relayed that City Planning intends to introduce changes to the SNAD text. Samol offered broad descriptions of changes City Planning is contemplating, which would assist Staten Island with more as-of-right development. No application for changes to the SNAD text have been presented to the Community Board as of this date.

There are two major areas in the city where SNAD applies: Riverdale and Staten Island,

which have existed for 40 years. C. Moerdler said that Staten Island and Bronx are dissimilar and questioned why the two boroughs cannot be separated with respect to any SNAD text changes. B. Bender noted that there are more institutions in CB8 than in Staten Island. C. Moerdler noted that City Planning changes to the SNAD text would undermine our 197-a plan. C. Moerdler asked that Council Member Cohen's office look into why we should have one set of amendment for both districts.

2. Concerns were raised by residents on Spencer Terrace regarding the construction at 223-225 West 262<sup>nd</sup> Street. The development is on West 262<sup>nd</sup> between Huxley and Spencer Avenue. Some residents appeared at the meeting and conveyed that there are issues regarding power lines, gas lines, retaining wall, and access to construction site since the only egress to certain properties on Spencer Terrace. According to residents, DOB Commissioner Defoe said FDNY must approve access to site. Residents have the belief that the developer has exposed old gas and electric lines and filled them before inspectors got there. The residents state that Con Ed will not get involved until there is an emergency. The residents stated that the last time the developer uncovered gas lines, Con Ed shut the gas down to 7 homes on the street for three months. The residents fear that if there was another shut-off, it will be more than 20 families effected.

Developer Scott Galaida appeared. States the issues are not true. Con Ed takes care of gas lines. There is an existing foundation next to site. The developer spoke with homeowners after the last meeting. Said he made certain concessions at his own cost. C. Moerdler recommended that the developer and residents go outside to speak about the issues.

Approximately 30 minutes later, the parties reappeared. The parties stated they will continue dialogue amongst each other. Hopeful that they have made progress. Assurance from developer that there is no plan to touch the retaining wall. There is no plan to interfere with current utility lines. No gas lines touched until the spring. Agreed to send info back and forth so that the parties do not have to come back. The developer said that he will give heads-up on what is coming up.

3. Stagg Group - Request for Letter of No Objection for Department of Buildings Permit for early start time of 8:00 AM on Saturdays at the following construction project sites:  
- ~~6155 Broadway~~ (work to be done within enclosed building)  
5731 Broadway – Excavation/Foundation Stage.

4. Stagg Group - Update on pending construction at 5959 Broadway at West 242<sup>nd</sup> Street and Manhattan College

No representative of Stagg appeared at the meeting for either issue.

C. Moerdler stated that there is an ongoing issue with Stagg regarding the Fort Independence property which they purchased. The Fort Independence community is a fragile community. He stated the first time he saw the site he identified the retaining wall behind it as falling down. He recalled R. Ginty expressing doubt as to why the lot had an

R6/R6A zoning given its narrow, winding street and surrounding properties. He stated that the residents of the community are trying to persuade Stagg not to put entrance or cars on Cannon Place because the street is so narrow. Adolfo Carrion is pushing the project forward. Carrion had a meeting with residents in August. He hasn't met with the residents since and has not shown the residents their plans for the property. He hasn't shown them any changes that were requested by the community.

Stagg has two applications in front of Board. C. Moerdler moved to Disapprove without prejudice to reapplication for two reasons: (1) No representative appeared; and (2) Playing with a community does not work for the Community Board.

Vote is unanimous.

4. 640 West 238<sup>th</sup> Street issues. B. Press handed out drawings. B. Press asked where the materials and equipment will be stored for this building. A letter was referenced which was sent to DOB. Michael Goldblum, an architect for the developer, stated he is not handling the DOT issue. Developer said the DOT plan was approved B. Press said DOT did not approve. Press offered drawing from developer's application. Blackstone Avenue shows 70' mapped street. Press states it is 30'. Goldblum said they can show curb to curb. B. Press raised an issue about a non-working hydrant. B. Press also stated that the sidewalk is 5 feet wide. Goldblum says dimensions on the drawings use the property lines. B. Press stated that cement trucks are larger than demolition trucks. His concern is that trucks will knock down the hydrant. Community will be losing parking spaces.

Goldblum stated that there will be only one truck at a time bringing cement to the lot. Goldblum said street closing will not be for an entire day. B. Press would like to know about the DOT traffic plan. In addition, the worker's vehicles should be parked legally.

D. Padernacht was concerned about the street closure. He would like to see the traffic plan for cement deliveries and street closures. D. Padernacht stated that the FDNY needs to be able to put a ladder on each window of every building on that street in case of a fire. Goldblum will have the developer put in writing that FDNY will have notice about street closures on this project.

Motion by Gelman to have B. Press speak with developer about all issues brought before board.

In favor- Unanimous

D. Padernacht concerned about street closures. Would like to see traffic plan. FDNY needs to be able to put a ladder on the building in case of fire. Goldblum will have developer put in writing that FDNY will have notice about street closures on this project.

6. The committee heard Department of City Planning Application Nos. N 160094 ZAX / N 160095 ZAX, regarding the Galaida Residence, 4663 Palisade Avenue, which lies in

the Special Natural Area District. The applicant seeks the grant of authorizations for a modification of topographic features on Tier I sites and for modification of botanic environment and tree preservation and planting requirements to allow the construction of a vertical and horizontal enlargement of an existing 1,991 sf single-family residence.

Natural area filing for enlargement of square footage on Palisade Avenue between 246<sup>th</sup> and 247<sup>th</sup> Street. The property is in between a house on Palisade Avenue and a railroad cut for Metro North. There is a driveway shared by three houses on Palisade Avenue. House is being wrapped on both sides with two additions. Applicant claims that the impact on natural features are negligible. No trees will be killed. However, the critical root zones will be impacted. Applicant is not taking credit for tree roots impacted and does not believe that additions will kill any trees with roots in zone. There are two trees within the fence area. Some trees are assumed to die even if they don't think they will. They are not taking credit for these trees in the plan. They are adding one tree.

C. Moerdler asked about adding bushes on the line of the neighbor's property. R. Ginty asked about the caliber about trees with X's through them. Tree #3 is 36" tree. Tree #8 is 36" caliber. Tree #9 is 28" caliber. Tree #10 is 12" caliber. Tree #11 is new and will be a 3" caliber. The rule is any work at all within critical root zone, you must assume that the tree will die. You must minimize trees that you harm. You must ameliorate if you go below the minimum threshold for trees. B. Fanuzzi said trees must be preserved. They are critical to water run-off issues. Little trees will not do the job of larger trees for run-off. In order to ameliorate run-off, concrete patio will be removed and replaced to ground cover.

D. Padernacht asked about square footage and lot coverage. 1,991 square feet will become 3,538.44 square feet. Most additional square footage is the third floor attic. Lot coverage open space ratio requires 150% of floor area. The existing site requires 2900 sq. ft. of open space. The property has 10,000 square feet of open space right now. After the development, the lot coverage will be 3,538.44 square feet and there will be 9,503 sq. ft. of open space. There is 56% of natural surface existing. There will be 52% of natural surface after the development.

Distance to railroad is at least 119 feet.

Arielle Weiner lives across the street on Palisade. She asked about the construction timeline. The applicant answered that if the weather cooperates, it will start this winter. DOB requires hours of construction be 8am-5pm Monday through Friday.

The Equipment to build will be placed on site. C. Moerdler would like to have a written construction phasing plan for the trucks – how they will get there and where the applicant will park them. C. Moerdler states vehicles are preferred to come from South rather than North.

Applicant states that no heavy equipment will be used. There will be a bobcat but no heavy equipment. From the street down, you cannot allow a truck to go off of the

driveway because the sewer lines are located there. In addition, applicant can't get a dumpster on that lane because it is too small.

R. Ginty asked about large trees with X's. R. Ginty stated that vehicle will go near critical trees. Will there be barriers protecting the trees? The applicant said no and that he believes that trees will survive because they are on concrete portion and have survived to date. The applicant will be placing materials where it is paved.

B. Bender states they are barely within tree credit limit. No heavy vehicles will be represented on the site will be represented in the letter to the Board.

Vote is

In favor- Sylvia Alexander, Bob Bender, Anthony P. Creaney, Lenora Croft, Lisa Daub, Paul Ellis, Noah Friedman, David Gellman, Rosemary Ginty, Marvin Goodman, Arturo Guzman, David Kornbluh, Charles Moerdler, Omar Murray, Joseph O'Brien, Daniel Padernacht, Georgia Santiago, Laura Spalter, Mary Yamagata, Herbert Young.

Opposed- B. Press

Abstention: B. Fanuzzi