

## BRONX COMMUNITY BOARD NO. 8

### MINUTES OF THE LAND USE COMMITTEE MEETING HELD ON APRIL 7, 2014 AT RIVERALE JEWISH CENTER, 3700 INDEPENDENCE AVENUE

#### **PRESENT CB8:**

C. G. Moerdler- Committee Chair, S. Alexander, S. Balicer, B. Bender, A. P. Creaney, L. Daub, M. Donato, R. Fanuzzi, R. Ginty, M. Goodman, M. Heller, M. Khury, D. Kornbluh, D. Lennon, A. Moore, D. Padernacht, L. Parker, J. Pilsner, R. Press, G. Santiago, G. Singleton, L. Spalter, M. Wolpoff, H. Young, M. Zegarra-Soja

N. Stent – CB8 District Manager

#### **GUESTS/COMMUNITY RESIDENTS:**

Councilman A. Cohen, John Sullivan-Sullivan Architects, Kevin Hartsey, Noel Hayes, Mathew Doherty, Dave Brown, Ethan Goodman, Martin Zelnik, Jennifer Klein, Penelope Wilson, James Linehan, Christina Coppola, David Blumenthal, Katie McCormack, Kerry Drake, Joe Esposito, Juan Cabrera, Laura Zhetto, C. Ramos, Pearl Moerdler, Nick Della Rocca, Jim Grossman, William Bruederlein

The meeting was called to order at 7:33 PM by Chairman Charles Moerdler.

The Chair went over the 3 items on the agenda starting with the Zoning Group Report & proposal that also included an update of the proposed 11 story medical facility. The chair thanked the working group for their hard work. He stated that the zoning group proposal did not focus on any one site, but looked at 300 properties for an update of the 10 year old 197A plan. He also stated that the Community Facilities Bonus was intended for Manhattan and not so much for the other boroughs, and outside of Manhattan it is being abused by developers.

Item #1 – CPC Application # N140331ZAX submitted by the Archdiocese of New York for enlargement or site alteration on a Tier II site or portion of a zoning lot having a steep slope or steep slope buffer and modification of botanic environment and tree preservation requirements to facilitate the Edward Cardinal Egan Pavilion, a 49,512 square foot enlargement of the existing John Cardinal O'Connor Residence for Retired Priests, on property located at 5655 Arlington Avenue (Block 5947, Lot 120 and Block 5952, Lot 120) within the Special Nature Area District (NA).

Item # 2 “Board of Standards and Appeals GCL 35 Application re: 5655 Arlington Avenue, (Block 5947, Lot 120 and Block 5952, Lot 120) seeking approval to build in the bed of a mapped City street, but unbuilt portion of Independence Avenue, pursuant to Section 35 of the General City Law.

Both items 1 and 2 were discussed together. The enlargement of the current property is to house an additional 46 priests who have reach the mandatory retirement age. The steep slope is by Palisade Avenue, and it was said that there are 3 separate undeveloped lots also on Palisade Avenue at the bottom of the full property. There will be a loss of 92 trees in total which some have already fallen due to recent storms, but all 92 will be replanted. There is to be a total of a 3 story 64,000 square foot extension with only 600 feet in the steep slope buffer area. The chair asked if this was the same presentation from a year ago, and was told yes.

As for the BSA part – Independence Avenue is a mapped private street which runs through the Archdiocese property, and they are asking to be able to build on the unmapped street that they own. Two questions as to a map of the replacement plantings, and if the extension was taller than the original building were answered by showing a map of where the trees were to be replanted and how tall the extension was (the same height line). The full property size is 8 acres of land with 70,000 square feet used to house 36 retired priests currently. To a question of any future sale of the site it was said that there are no plans to sell anything but maybe the 3 small lots on Palisade Avenue. This will not be a nursing home, and there will be no medical staff on hand only staff to cook and clean. Only parking for staff and any guests will be provided as the retired priests do not drive. Currently there are 46 parking spaces on site, and 16 more will be added for this extension.

The board chair asked about any future growth on the site where as Land Use Chair Moerdler spoke of the Archdiocese being asked for a master plan as other institutions in the community board have been asked and many have provided using the neighboring Mount Saint Vincent College as an example of having such a master plan.

The floor was then opened to the public for comment where as the one speaker reserved the right to comment afterwards. A continued dialogue of where trees were to be cut down and replanted continued, with the chair requesting that plantings be done on borders of neighboring properties. The total count of trees on the property was said to be 389. Discussion of the condition of the 6 foot wall on the north side was brought up with representatives of the Archdiocese saying that they would check into the condition of the wall.

Chair Moerdler stated that the board would appreciate notification when the 3 lots on Palisade Avenue at the bottom of the steep slope which are not part of this plan are to be sold. He then presented the resolution to the Land Use Committee which voted in favor with J. Pilsner abstaining, and R. Ginty abstaining for cause, and no objections.

The working group report was next. The chair thanked board member Phil Friedman for his time and effort in putting together the report also thanking those who also helped on the project. Handouts were distributed and the chair went over each page. He mentioned the plus & minus of rezoning stating that there are parking lots such as the Key Food and CVS lots and certain areas of the Johnson Avenue shopping district that are advantageous to build high rise buildings on. He went through the aspects of the rezoning process, and the time needed for the project.

The crux of this rezoning proposal is to add an “A” grade to restrict height to a certain limit. He went through several areas of the proposed rezoning R6 to R6A and R5 to R5A. He said that this is only the beginning of a long process by city planning, and the goals of this rezoning are. 1 – No drastic property rights changes to keep the area as low density. 2 – To preserve a central business district on Johnson and both parts of Riverdale Avenue. The chair mentioned the previous building boom as developers tried to lay foundations before the last rezoning plan the 197A. He said it is possible with the economy recovering this building boom may begin again in CB8. 3 – As not to be looked upon as spot zoning the hundreds of photo of the areas will be submitted to CPC. Councilman Andrew Cohen asked that parking requirements stay the same. The chair spoke about new large buildings with larger than needed parking garages that are used for commercial parking.

Questions came in about height, how this would protect the commercial districts, more mass transit needs, and the current medical facility demolition work done. Which were answered by the chair that the down zoning will help curb most of that except for the mass transit needs. The

question of supporting the rezoning of the commercial district was called and the vote all in favor except M. Heller and A. Moore against and D. Kornbluh abstaining.

The community facilities bonus to allow for a larger building was then discussed. The chair gave an example of a developer who had built more than he was allowed to build, and said that he would put a charter school in the extra space to obtain the community facilities bonus. The Giles Place construction was another example as the chair said the developer rattled off several community organizations that he was using to obtain the community facilities bonus, none of which had agreed. A third example of the proposed Stagg building on Broadway by West 242<sup>nd</sup> Street where the developer said he was going to use the community facilities bonus to build higher even though he did not have a community facility and even asked the chair if he knew one.

After much discussion including changing the 1961 CPC plan, and how just one community board can change the rule, the chair explained that Bronx CB8 is not the only board that feels this way and if other boards join in that the community facility bonus could be eliminated outside of Manhattan. The vote was called and was unanimous in favor.

The Montefiore report – The chair mentioned the new Klein-Dinowitz state law requiring that a proposed medical facility over 3 stories in height and/or over 30,000 square feet in size now go through a stringent community review process which would include the proposed 11 story medical facility for Oxford/Riverdale Avenues. When questioned if the process put in place by the new law will be too lengthy and stymie construction of such projects the chair said that the law could always be amended. He added that some projects such as this do not have to go through the ULURP process, but that is why the new law was put in place.

The meeting that was held at the Riverdale Jewish Center was adjourned at 9:45 PM.

Minutes submitted by Land Use Secretary Robert Press.