

**BRONX COMMUNITY BOARD NO. 8**

**MINUTES OF THE LAND USE COMMITTEE MEETING  
HELD ON MARCH 30, 2015, AT MANHATTAN COLLEGE  
3825 CORLEAR AVENUE**

**PRESENT:** S. Alexander, B. Bender, A. Creaney, P. Ellis, R. Fanuzzi, D. Fuchs, R. Ginty, M. Goodman, M. Heller, M. Khury, D. Kornbluh, S. Marquez, C. G. Moerdler, J. O'Brien, D. Padernacht, K. Pesce, R. Press, L. Spalter, M. Wolpoff, H. Young

**STAFF:** P. Manning, Community Associate

**REPRESENTATIVES/GUESTS:** J. Demko - representing Assemblyman Jeffrey Dinowitz, A. Sandler- representing Councilman Andrew Cohen, J. Horstman - Department of City Planning, G. Torres – Department of Buildings, K. Argenti, R. Azar, E. Bell, K. Buford, L. Carrasco, K. Cockerham, J. Cordero, F. Deveaux, N. Fitzgerald, I. Fleming, S. Fleming, D. Gellman, M. Gonzalez, J. Grossman, A. Guzman, C. Hart, D. Hazard, L. Hernandez, P. McCarthy, P. Moerdler, G. Pichardo, C. Rosado, A. Sandler, M. Schelzo, O. Sharonova, R. Strugger, L. Thalblum, N. Thalblum, N. Torres, R. Sica, S. Zervades,

Chair Moerdler convened the meeting at 7:40 PM.

1. Jim Grossman extended appreciation to the Land Use Committee and Board for repeatedly placing Montefiore Hospital's development at 3741/55 Riverdale Avenue on its agenda. Montefiore has dropped plans to build on that site. However he asked that the Land Use Committee invite Simone Developers to present on their alternate use of the site.
2. **Stagg Group – Discussion concerning work at 3469 Cannon Place**

Before introducing former Borough President Adolfo Carrion, Chair Moerdler advised that the Board had heard from other community boards particularly 12 and 7 concerning complaints against Stagg developments in those communities. With respect to Stagg's meetings involvement with Community Board 8, he reviewed the record of agenda items and meetings no shows. Chair Moerdler informed that he had spoken to the commissioner of Housing Preservation and Development and had expressed his view of the inappropriateness of the 421-a application for the 5959 Broadway development. However, the 421-a for 3469 Cannon is an As of Right development.

Mr. Carrion reviewed his background in areas of planning that included his tenures at City Planning, City Council, and Community Board District Manager. He is now the Executive Vice President with Stagg. He discussed Stagg developments in different Bronx communities that now total 1,200 units of housing, which are mostly unsubsidized. Stagg has just built the Bedford Park Manor, which he described as a development of

high quality. Mr. Carrion discussed some of the controversies and challenges facing Stagg's developments. At this time there are three other projects being built in Board 8 along Broadway at 6155, 5959, and 5731 and they are modeled after Bedford Park Manor. Stagg worked with Bronx Community Board 7, and established relationships with community organizations. This practice is repeated in other communities. There is no design for 3469 Cannon as yet. There will be 120 units with a generous amount of parking on the west side of the building. The entry point of the residence will be on Cannon Place. They are now conducting site explorations, and will return to present to Land Use when more is known.

Chair Moerdler asked if Stagg would be willing to accept a restrictive covenant that would insure housing would be exclusively for 421-a or residential inhabitants at market rate and enforcement of that by community, community board, or Borough President. Mr. Carrion stated willingness to entertain acceptance of the covenant.

Chair Moerdler asked about the impact of construction on the Cannon Place wall. Mr. Carrion responded that the building will anchor wall and that the wall is self-sufficient. He further stated that the building will be built in front of the wall and will not affect its stability. Chair Moerdler asked that Stagg meet with community.

Chair Moerdler called upon the following speakers:

Kristin Hart, President of Fort Independence Park Neighborhood Association, queried Mr. Carrion regarding the plans. She discussed the work that had already proceeded without permits, and reviewed the four other unsuccessful attempts by others to develop on the property. The two zonings make development impractical coupled with narrow streets that are a problem. She suggested that the lot is unbuildable. She expressed hope that Stagg will be willing to work in partnership with looking at adjusting the size of the building. Mr. Carrion agreed to meet with the group before proceeding.

Karen Argenti circulated map detailing information related to Sewer Sheds and Combined Sewer Overflow (CSO) areas. She informed that Community Board 8 has the largest CSO in the entire City wherein the overflow discharges into the river. The lot for 3469 Cannon Place is situated right on top of the sewer shed as is the new projects and developments along Broadway. CSO's occur when there is over ½ inch of rain. In 2006 those discharges occurred 51 times according to reports on the internet. Other years are also listed. The CSO's are along Harlem River from Spuyten Duyvil to the area of Target at West 225<sup>th</sup> Street. She stated that this project and any new projects will be in the same the situation. To that end, FIPNA is asking Community Board 8 to consider a moratorium on new development. Additionally, she will request the annual CSO report from the Department of Environmental Protection.

Chair Moerdler advised that Ms. Argenti had sent him the CSO report earlier in the day and it had been communicated to the Water Board, which is the jurisdictional agency.

An inspection will be conducted within a few days. The problem may be the line leading to the sewer that is constricted, and if that is the case it could then turn into a permit requirement with stipulations for replacement of pipes by owners of 3469 Cannon Place.

Jeanette Cordero, Board Member of Fort Independence Co-op stated she doubts the lot's rock formation can withstand such construction. Also, she is concerned with the location of the parking garage and air quality as her apartment faces the lot.

Mrs. Lynch expressed concerns over safety with respect to traffic and kids at play, parking problems exacerbated by the one year street closure due to reconstruction of the Cannon Place wall; Diminished view; Disregard of neighborhood Historic Designation status.

Bob Drake passed around pictures of the property showing work activity with earth being moved around. He discussed the possibility of destabilizing the section of the wall where work had not been done when earth is moved from that area as well.

Buz Rodney spoke in opposition to the project, adding that if Stagg proceeds, he asked that they be a good neighbor.

Chair Moerdler summarized. Stagg will meet with community and return to Land Use following that meeting. He urged Stagg to take special care with its developments on Broadway by way of uplifting the area, in particular the area near Riverdale Manor Adult Home. He thanked Stagg for their courtesy and cooperation.

3. **Board of Standards and Appeals Calendar No. 33-15-BZ –**

Regarding 5510/30 Broadway, Bronx, for a special permit, pursuant to Section 73-36 of the New York City Zoning Resolution to permit a physical culture establishment (PCE) to be operated as Blink Fitness within portions of two new commercial buildings, currently under construction in a C4-4 zoning district (Zoning Map 1d).

Representative not present. Motion to layover was unanimously approved.

**Vote: 20 in favor, 0 opposed, 0 abstentions.**

S. Alexander, B. Bender, A. Creaney, P. Ellis, R. Fanuzzi, D. Fuchs, R. Ginty, M. Goodman, M. Heller, M. Khury, D. Kornbluh, S. Marquez, C. G. Moerdler, J. O'Brien, D. Padernacht, K. Pesce, R. Press, L. Spalter, M. Wolpoff, H. Young

4. **Landmarks Preservation Commission Docket No. 15-3796 –**

Regarding 331 West 250th Street, (aka 5001 Fieldston Road) Bronx, for window sash replacement. The proposed sash is wood with an exterior metal cladding.

Rick Azar presented drawings and pictures and explained that the poor condition of the windows necessitate the need for the replacement

Following discussion, Chair Moerdler called for a motion for a vote on the application.

**Vote: 20 in favor, 0 opposed, 0 abstentions.**

S. Alexander, B. Bender, A. Creaney, P. Ellis, R. Fanuzzi, D. Fuchs, R. Ginty, M. Goodman, M. Heller, M. Khury, D. Kornbluh, S. Marquez, C. G. Moerdler, J. O'Brien, D. Padernacht, K. Pesce, R. Press, L. Spalter, M. Wolpoff, H. Young

5. **421-a Application –**

3507 Fort Independence Street, Bronx, for a newly constructed six (6) story building with a total of fifty-two (52) residential Class A dwelling units.

Richard Sica presented. He distributed a fact sheet and map detailing the project description. The building will be rental units. It will be a six story building with 52 apartments and 26 parking spaces. The rents will be: 23 1 BR - \$1,150- \$1,350, 28 2 BR - \$1,375-\$1,600, 1 3 BR - \$1,700-\$1,900. Renting will begin within the next 2 – 3 weeks. There will be 26 parking spaces.

The Board members discussed the application. Some members of the community expressed opposition to the application.

6. **Landmarks Preservation Commission Docket No. 164012 –**

Regarding 350 West 246<sup>th</sup> Street, for replacement of steel casement windows with modern aluminum-clad double-paned wooden casements of the same color and a configuration as close to the originals as possible.

Bernard Stein presented drawings and pictures and explained that the poor condition of the windows necessitate the need for the replacement.

Following discussion, Chair Moerdler made a motion for a vote on the application.

**Vote: 20 in favor, 0 opposed, 0 abstentions.**

S. Alexander, B. Bender, A. Creaney, P. Ellis, R. Fanuzzi, D. Fuchs, R. Ginty, M. Goodman, M. Heller, M. Khury, D. Kornbluh, S. Marquez, C. G. Moerdler, J. O'Brien, D. Padernacht, K. Pesce, R. Press, L. Spalter, M. Wolpoff, H. Young

Meeting adjourned 9:20 PM.

Respectfully submitted,

Patricia Manning  
Community Associate