

DRAFT MINUTES PENDING APPROVAL

Bronx Community Board 8

**Land Use Committee**

October 17, 2019 – 7:00pm

Riverdale YM-YWHA

5625 Arlington Avenue, Bronx, New York 10471

**Committee Members Present:**

Charles Moerdler (Chair)

Bob Bender, Paul Ellis, Robert Fanuzzi,, David Gellman, Marvin Goodman, Donell Leverett, Dan Padernacht, Tracy Pardo, Julie Reyes, Laura Spalter, Martin Wolpoff

**Committee Members Absent:**

Sylvia Alexander, Martin Gluck, Karen Pesce, Carlos Wilcox

**Guests:**

Werner DeFoe, NYC Department of Buildings Bronx Borough Commissioner, Patrick Whaley - NYC DOB Intergovernmental Affairs, Toni Butler, Barbara Velez, Stephanie Coggins, Myra Joyce, Sharon Paige, Jennifer Klein, Steven Froot, Frederic Klein, Victoria Thomas. .

Chair Charles Moerdler called meeting to order at 7:32pm.

**1. Department of Buildings Update on Permits & After Hour Variances**

Werner DeFoe, NYC Department of Buildings Bronx Borough Commissioner, appeared at the meeting to discuss After Hours Permits for construction. The current policy in the Bronx is that AHPs are granted and automatically renewed within the online system. There are normally 3 renewals granted through the system. Commissioner DeFoe stated that DOB is transitioning to change the regulations as to how ASPs are approved. An After Hours Permit could be granted for several reasons including the type of work and traffic flow/safety.

Chair Moerdler stated that, from the Committee's perspective, the Board should be notified before the grant of an ASP or renewal thereof, so that the Board can alert DOB to issues from the community for particular sites.

Commissioner DeFoe stated that no weekend permits are granted outside of the hours of 10am and 6pm.

Patrick Whaley, NYC DOB, stated that the DOB is moving towards new initiatives to get notice about ASPs to community boards. On a weekly basis, DOB will be sending a list of all AHPs that are in the district. In addition, DOB is constructing an online map, updated daily, with specific locations and information where ASPs have been granted. Whaley stated that complaints arise when property owners work outside of the scope of their permits.

Whaley also stated that there will be a new enforcement unit from DOB focusing on ASP violations. It will be a six person unit, working nights and weekends, performing proactive inspections as well as responding to complaints.

DOB will report back to the committee at a future meeting with further updates.

## **2. 6161 Broadway: Update on Automotive Service Station**

No representative from the ownership appeared at the meeting. Chair Moerdler reported that there was a fire at the location, which was previously an automotive gas and service station. Chair Moerdler will follow up with DEP.

Residents stated that the owners of the service station were unnecessarily taking public parking spots for their own use. Dan Padernacht, Chair of the Traffic and Transportation Committee, stated that he would follow up on the issue.

## **3. SNAD Update**

The Special Natural Area District (SNAD) zoning text amendment, proposed by the Department of City Planning, is moving forward after being rejected by Bronx Community Board 8, rejected by the Bronx Borough President and approved by the City Planning Commission. There is no hearing date set for the New York City Council to hear the proposal.

## **4. Update: BSA Hearing: 5278 Post Road**

Bronx Community Board 8 has opposed the application by the developer of this property for several variances. Chair Moerdler's law firm, Stroock and Stroock, has appeared pro bono for Bronx Community Board 8 in opposing the application which is now pending at the Board of Standards and Appeals (BSA). A hearing date is scheduled for November 26, 2019 at the BSA to hear the application. Comments on the application are due prior to November 6, 2019.

The developer is seeking a variance based upon hardship due to the rock onsite. Applicant has stated that a new consultant will study the ground **after** BSA

approves the application. Developer has stated that it will reduce height on Broadway and take away the commercial use in the building. Developer will not provide details unless the application for variances are approved by BSA.

**5. Update: Villanova Heights - 5041, 5300, 5310 Grosvenor Ave. & 5041, 5030 & 5040 Goodridge Ave**

Chair Moerdler stated that the developer is attempting to turn portion of the property into a rehabilitation center, thereby bringing commercial enterprise to the area. Chair Moerdler has spoken to City Planning and there has been no movement yet by the developer.

Chair Moerdler also reported that the developer has been proceeding with plans without any interaction with the community or the Fieldston Property Owners Association.

**6. Old Business / New Business**

**A. Save the Brust Park Coalition**

Save the Brust Park Coalition (SBPC) has requested the NYC Parks Department to take over jurisdiction of West 242<sup>nd</sup> Street between Dash Place and Manhattan College Parkway. SBPC is seeking support from Bronx Community Board 8 for this initiative.

The following resolution was presented to the Committee:

**BE IT RESOLVED THAT,** Bronx Community Board 8 supports the letter sent to the NYC Parks Department from the elected officials within Bronx Community Board 8 which supports the application by Stewards of Brust Park, Waldo Avenue Board of Directors and the Coalition to Save Brust Park for the NYC Parks Department to take over jurisdiction of West 242<sup>nd</sup> Street between Manhattan College Parkway and Dash Place from the NYC Department of Transportation

In Favor: Bob Bender, Paul Ellis, Robert Fanuzzi,, Marvin Goodman, Donell Leverett, Charles Moerdler, Dan Padernacht, Tracy Pardo, Julie Reyes, Laura Spalter, Martin Wolpoff

Opposed:

Abstain: David Gellman

B. Discussion of Potential Rezoning of Kingsbridge Heights Area

Chair Moerdler stated that a number of small houses have been demolished in the Kingsbridge Heights area of the Community Board district to construct apartment buildings. Chair Moerdler sought a consensus of interest from the committee to move forward with a potential rezoning:

In Favor: Bob Bender, Paul Ellis, Robert Fanuzzi, David Gellman, Marvin Goodman, Donell Leverett, Charles Moerdler, Tracy Pardo, Julie Reyes, Laura Spalter, Martin Wolpoff

Opposed:

Abstain: Dan Padernacht,

Meeting was adjourned at 8:57pm.