

BRONX COMMUNITY BOARD NO. 8

**MINUTES OF THE LAND USE COMMITTEE MEETING
HELD ON MARCH 29, 2016 AT RIVERDALE PRESBYTERIAN CHURCH
4763 HENRY HUDSON PARKWAY WEST**

PRESENT

Community Board No. 8:

Committee Chair C. G. Moerdler, S. Alexander, B. Bender, A. P. Creaney, L. Croft, M. Donato, D. Gellman, R. Ginty, M. Goodman, M. Heller, J. O'Brien, D. Padernact, R. Press, A. J. Robateau, G. Santiago, L. Spalter, M. Wolpoff, H. Young

ABSENT

I. Baez, L. Daub, P. Ellis, R. Fanuzzi, M. Felix, N. Friedman, P. Friedman, S. Froot, D. Fuchs, A. Guzman, D. Kornbluh, I. Ladimer, R. Pochter Lowe, S. Marquez, D. McCord, A. Moore, O. Murray, L. Parker, K. Pesce, J. Pilsner, J. Rather, J. M. Reyes, S. Sarao, I. W. Stone, D. Toledo, S. Villaverde, M. Yamagata

Staff:

P. Manning, District Manager

Elected Officials Representatives:

C. Lang - Office of Senator Jeffrey Klein, A. Castano – Office of Assemblyman Jeffrey Dinowitz

Community Members:

(Full list of attendees is on file in Board Office)

Chair Moerdler convened the meeting at 7:40 PM.

1. Follow-up on tree preservation and restoration plan – Department of City Planning Application No. N 160150ZAX / N 160151 ZAX - Special Natura Area District (NA-2): 5264 Independence Avenue, Block 5942, Lot 285, Bronx, for 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 permit the construction of a single-family residence.

Tom Winter, architect presented. He advised that he returned to the drawing board to find more areas for shade trees. An arborist visited the site three times. Three trees being removed. Will plant red maple and chestnut oak in back of property near garage. (Moving garage) Adding a total of 32 trees that will be large shade trees. The side of property will be well planted. Found four locations for large shade trees.

Discussion:

Committee Chair Moerdler asked about the property's development - The property's construction had been stalled since 2013 and the footprint has been increased to 12,000 sq. ft. R. Ginty asked about status of plan with City Planning Commission - The plan is not approved yet.

Committee Chair Moerdler called for a vote on the application.

Vote: 16 in favor, 2 opposed, and 0 abstentions

In Favor –

S. Alexander, B. Bender, A. P. Creaney, L. Croft, M. Donato, D. Gellman, R. Ginty, M. Goodman, M. Heller, J. O’Brien, D. Padernacht, R. Press, A. J. Robateau, G. Santiago, L. Spalter, H. Young

Opposed –

C. G. Moerdler, M. Wolpoff

1. Follow-up development status and complaints concerning maintenance of property and sidewalk/street conditions around the site at 3741 & 3755 Riverdale Avenue / 3644 Oxford Avenue

The site was cleaned and is being maintained daily. Will work on water seepage problem this week of March 28, 2016.

Discussion:

R. Press asked about potential to sell property – representative advised he has no knowledge of this.

J. Grossman stated that he has knowledge that Simone Development had sent plans to the Department of Buildings on February 16, 2016, and they were rejected on March 3, 2016. He wants to know the reason for rejection.

I. Sugarman stated objection to the proposed building’s height of 14 stories, and questioned if the plans would now reduce height.

Committee Chair Moerdler advised the representative to go back to the developer and explain that Community Board 8 would like to know plans for site.

M. Gothelf, President of Property Association, property next to development site stated appreciation for clean-up. However tree in front of property still has the orange protective tapping around tree and it is an eyesore with garbage dumping. This will be corrected. Also whatever is built should be set back from street.

M. Heller objected to the representative not being able to respond to questions, and it was requested previously that a representative able to answer questions should be present to respond to the questions related to plans for the property.

R. Press questioned what could be built on the site under the new proposed rules of the Zoning for Quality an Affordability text amendment approved by NYC Council that could allow up to 16 stories. Committee Chair Moerdler responded that all would rely on “Affordable Housing Development.” Considering there are plans to sell, he strongly recommended meeting with the community.

3. Plans for three-story, 6 unit residential building g 3018 Corlear Avenue

The building will be demolished for new residential building. Working on meeting with the Department of Buildings in the next week. The units will be market rate; Building on full lot; 6 units, basement, laundry room, meter room. It is zoned R6-C1 overlay. R6 does not require side yard. The soil is very soft and this will add greatly to construction cost. Must dig down very deep for solid soil. The neighbors advised the Committee that there is a subbasement. The developer did borings for foundation and hit water. Committee Chair Moerdler suggested getting together with neighbors to assure no water problems. They should meet and advise the District Manager of any problems. The neighbors questioned re no parking. Committee Chair Moerdler informed there is nothing the Board can do. He warned the developers for their own interest to get reports and information on the land regarding the water table.

4. Board of Standards and Appeals Calendar No. 231-15-BZ – Proposed construction at 5278 Post Road for 9-story, 120 unit multiple dwelling with cellar community facility (doctors, 6074 sq. ft.) and sub-cellar retail pharmacy.

I. Raff presented. They have met with Broadway Alliance Coalition, Councilman Cohen, and Assemblyman Dinowitz. The application was filed at the Board of Standards and Appeals September 2015. Expect to file amendment. After Board's comments expects Board of Standards and Appeals (BSA) hearing within 10 weeks. Total lot size is 25,000 sq. ft. BSA variance will allow addition of 2 stories, making the building 9 stories. Discussed hardship with the rock outcropping. Stated building will not alter character of neighborhood. There will be 86 parking spaces. Jack Freeman advised 421-a Tax exemption has expired as of January 2016. Committee Chair Moerdler asked about Market Rate. The variance is for 5,000 sq. ft. on Broadway. Trying to provide pharmacy / community facility. Willing to attach stipulation of commercial use. The variance is to afford construction. L. Spalter asked about height on Post Road and how will developer deal with rock removal. Representative advised they will use chemical that will split rock. Construction time proposed is 20 months. Committee Chair Moerdler questioned whether or not they are seeking 421-a tax exemption, and why the claim of hardship for rock removal when it was always quite apparent that the rock was not unforeseen. Other Board members added comments about the rock's prominent long existence at that location.

Committee Chair Moerdler made a motion to disapprove the application.

Vote: 18 in favor to disapprove, 0 opposed, and 0 abstentions

In Favor to Disapprove -

C. G. Moerdler, S. Alexander, B. Bender, A. P. Creaney, L. Croft, M. Donato, D. Gellman, R. Ginty, M. Goodman, M. Heller, J. O'Brien, D. Padernacht, R. Press, A. J. Robateau, G. Santiago, L. Spalter, M. Wolpoff, H. Young

4. Complaints re construction/street problems at 640 West 238th Street –

Committee Chair Moerdler addressed the complaints stemming from activities with the construction project concerning blocking hydrants, street shutdowns, no posted flag person and other unsafe actions taking place at the site. He warned against threats being issued to Bob Press for reporting complaints. He stated this will not be tolerated. He asked for and received the word of the developer to follow Department of Buildings and other governing agencies' regulations with the construction of the building.

5. Department of City Planning Application Nos. N 160223 ZAX and N 160224 ZAX – Submitted by Philip Michael pursuant to Sections 105-421 and 105-425 of the Zoning Resolution, for 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 an in-ground pool in the backyard of an existing single-family residence located at 326 West 246th Street (Block 5809, Lot 505) within the Special Natural Area District (NA-2), within Community District 8, Borough of The Bronx.

The pool project has been approved by Landmarks Preservation Commission at staff level. The CPC application involves removing two trees. Have 49 tree credits. 29 trees on property. Fieldston Property Owners Association (FPOA) supports the project as does the immediate neighbors. FPOA support was sent to Community Board 8. Construction equipment will be confined onto property. Two Pea trees in back of property being removed. Disturbed natural area is 6%.

Committee Chair Moerdler called for motion on the application.

Vote: 18 in favor, 0 opposed, and 0 abstentions

In Favor –

C. G. Moerdler, S. Alexander, B. Bender, A. P. Creaney, L. Croft, M. Donato,
D. Gellman, R. Ginty, M. Goodman, M. Heller, J. O'Brien, D. Padernacht, R. Press, A. J. Robateau, G. Santiago, L. Spalter, M. Wolpoff, H. Young

Meeting adjourned 10:00 PM

Respectfully submitted,

Patricia Manning
District Manager

