



BRONX COMMUNITY BOARD NO. 8

5676 Riverdale Avenue, Suite 100 • Bronx, New York 10471-2194
Telephone: 718-884-3959 • Fax: 718-796-2763
E-Mail: bx08@cb.nyc.gov
Website: www.nyc.gov/bronxcb8
Follow us on [Facebook](#)

Rosemary Ginty, Chairperson

Ciara Gannon, District Manager

OFFICERS:

Vice Chairperson
Laura Spalter

Secretary
Lisa Daub

Treasurer
Rosalind Zavras

COMMITTEE CHAIRS:

Aging
Eric Dinowitz

Budget
David Gellman

Economic Development
Sergio Villaverde

**Education, Libraries &
Cultural Affairs**
Sylvia Alexander

Environment & Sanitation
Robert Fanuzzi

**Health, Hospitals &
Social Services**
Omar Murray

Housing
Daris B. Jackson

Land Use
Charles G. Moerdler

Law, Rules & Ethics
Martin Wolpoff

Parks & Recreation
Bob Bender

Public Safety
Margaret Donato

Traffic & Transportation
Dan Padernacht

Youth

WHEREAS, the Special Natural Area District (“SNAD”) was established in 1974, mapped in The Bronx in 1975 with the participation and involvement of the community, and has guided development while preserving areas of critical environmental sensitivity and unspoiled natural habitat for 40 years; and

WHEREAS, in the Spring of 2015, as a result of an increasing sentiment in the community at large and among members of Bronx Community Board 8 that SNAD regulations were not adequately protecting key areas of the community, the Land Use Committee of Bronx Community Board 8 formed a Working Group of four members (Working Group”) to meet with the Bronx Office of the Department of City Planning (“DCP”) and report back with findings and recommendations; and

WHEREAS, shortly thereafter, DCP independently began a review and revision of the SNAD regulations in large part for the purpose of (1) expanding the amount of development in the Staten Island SNAD that would be “as-of-right” for owners and developers and (2) alleviating the workload of the Staten Island DCP staff responsible for reviewing applications by owners and developers; and

WHEREAS, the Working Group held numerous meetings with the Bronx Office of DCP and issued three reports describing the progress of DCP’s proposed changes to the SNAD regulations and setting forth the Working Group’s concerns and recommendations in connection therewith; and

WHEREAS, at Land Use Committee meetings and in other public meetings, the Working Group and the Bronx Office of DCP made numerous presentations regarding the status of their efforts; and

WHEREAS, the Land Use Committee on September 5, 2017, and the full Community Board on September 13, 2017, adopted resolutions urging the separation of the Staten Island SNAD regulations from The Bronx SNAD regulations out of well-founded concern that any proposed text changes would be designed to provide solutions to problems that distinctly pertain to conditions and circumstances on Staten Island; in fact, while DCP was considering expanding the amount of “as of right” development in order to accommodate development and reduce DCP’s workload in Staten Island, in the Bronx, by contrast, community sentiment increasingly favored enhanced protection of the environment and natural areas, stepped-up enforcement of SNAD regulations, and preservation of public participation in Land Use matters via democratic institutions in the form of community boards and the public at large; and

WHEREAS, in or before 2018, DCP formulated, but did not disclose to the Working Group or the public, proposed amendments to the SNAD Zoning Text impacting Staten Island, the Bronx and the Ft. Totten area of Queens that would abolish SNAD in Bronx Community District 8 and create in its place a Special Natural Resource Area (“SNRD”), with such proposed changes subject to the city-wide ULURP process as a result of related changes to the Staten Island zoning map; and

WHEREAS, in or before 2018, DCP formulated, but did not disclose to the Working Group or the public, proposed amendments to the SNAD Zoning Text impacting Staten Island, the Bronx and the Ft. Totten area of Queens that would abolish SNAD in Bronx Community District 8 and create in its place a Special Natural Resource Area (“SNRD”), with such proposed changes subject to the city-wide ULURP process as a result of related changes to the Staten Island zoning map; and

WHEREAS, these proposed amendments to the Zoning Text would create four subdistricts, including a Riverdale-Fieldston subdistrict, through which the city-wide regulations applicable to the proposed Special Natural Resource Area would be implemented; and

WHEREAS, the five members of the New York City Council representing the proposed Special Natural Resource Area subdistricts jointly sent a letter to the Director of DCP formally asking that any proposed changes to the SNAD regulations be split into four separate amendments that would separately apply to each subdistrict and reflect the different circumstances present in diverse neighborhoods; and

WHEREAS, the City Planning Commission (“CPC”) certified the proposed changes to the SNAD (hereafter to be termed “SNRD”) Zoning Resolution (“SNAD proposal” or “proposed zoning text amendments”) on May 6, 2019, consisting of an approximately 200-page document replete with inter-related technical data, which began the ULURP process; and

WHEREAS, on May 8, 2019, the Land Use Committee of Staten Island Community Board 3 held a public hearing on the proposal and voted unanimously to disapprove; and

WHEREAS, on May 28, 2019 Staten Island Community Board 3 voted unanimously to disapprove the SNAD proposal and “strongly recommend[ed] that City Planning withdraw the entire proposed Special District amendment,” adding that Staten Island Community Boards 1 and 2 would follow suit, particularly in view of the fact that “... our elected officials have voiced their disapproval;” and

WHEREAS, the Land Use Committee of Bronx Community Board 8 timely published the required legal notice of its ULURP public hearing on the SNAD proposal, which hearing was held, as scheduled, on June 3, 2019; and

WHEREAS, not a single speaker at the June 3, 2019 public hearing spoke in favor of the CPC-certified SNAD proposal, although several participants, including the Working Group, noted that the proposal contained a number of elements that merited consideration; and

WHEREAS, at the June 3, 2019 public hearing, the representatives of DCP, in their 20-minute presentation and in the ensuing question and answer dialogue with the members of the Land Use Committee and the public, did not disclose or make any reference to the fact that DCP had committed to overhaul the proposed amendments to the zoning text following the Staten Island Community Board 3 unanimous rejection of the SNAD proposal, but concealed that relevant information from the Land Use Committee members who were scheduled to vote at that meeting; and

WHEREAS, the Land Use Committee of Bronx Community Board 8 was unable to vote on the proposal on June 3, 2019 due to the absence of a quorum; and

WHEREAS, on June 14, 2019, over a month after CPC formally certified the zoning text amendments (together with the mandated environmental impact statement) that had been years in the making, Bronx Community Board 8 received from DCP a copy of a letter dated June 10, 2019, from the Staten Island Borough Director of DCP confirming that DCP was “amending the proposal for the project ‘Staten Island/Bronx Special Districts Update’ by withdrawing the application for a zoning map amendment on Staten Island.” Any subsequent SNAD proposal would be subject to the requisite formal DCP and CPC notice and procedures; and

WHEREAS, on June 14, 2019, Bronx Community Board 8 was advised by the Bronx Office of DCP that notwithstanding the complete withdrawal of the Staten Island portion of the SNAD proposal, (1) the approximately 200 pages of the proposed zoning text amendments would be “revised in a future update to remove all applicability from (sic) Staten Island”; (2) the SNAD proposal with respect to the Bronx would continue “to move through the official ULURP public review process”; and (3) that Community Board 8 should proceed with its scheduled vote on the proposal in accordance with ULURP – all in the absence of any such revised proposed zoning text or formal CPC action reflecting the acknowledged dramatically changed circumstances; and

WHEREAS, notwithstanding the withdrawal of Staten Island from the zoning text amendments and zoning map of the SNRD zoning resolution, the Bronx DCP representative stated that the process remains governed by ULURP because, among other factors, a name change and concomitant map change would result from changing “Special Natural Area District” to “Special Natural Resource District,” and, accordingly, the current “time clock” governing the time within which the Community Board may act still applies; and

WHEREAS, (a) the provisions of the approximately 200-page proposed zoning text amendments certified by CPC on May 6, 2019 that relate to Staten Island are inexorably intertwined with those relating to the Bronx; (b) the proposed Riverdale-Fieldston subdistrict is now the only district contemplated under a zoning resolution text change that was authorized by the CPC on May 6, 2019 as city-wide, and remains subject to zoning map changes in a ULURP application pertaining solely to Staten Island that have subsequently been withdrawn; (c) the Bronx Office of DCP estimates that it will take several weeks, at a minimum, to formulate and secure formal approval of new proposed amended zoning text language; (d) the proposed text amendments certified by CPC on May 6, 2019 no longer reflect the SNAD proposal DCP has now stated publicly has been materially changed and is being presented in indefinite form to Bronx Community Board 8 for consideration; and (e) members of Bronx Community Board 8 are being directed by DCP to adhere to ULURP strictures that may well no longer be applicable given the withdrawal of the proposed Staten Island zoning map changes and to vote, as scheduled, on June 27, 2019, on whatever it is that is before them – non-existent zoning text amendments; and

WHEREAS, on June 19, 2019, the Chairs of Bronx Community Board 8 and of its Land Use Committee wrote a letter (copy attached) to Marisa Lago, Chair of the City Planning Commission and Director of DCP, requesting a prompt meeting with “City Planning Commission executive staff” for the purpose of obtaining clarification of the CPC’s position on the present circumstances; and

WHEREAS, by letter dated June 20, 2019 (copy attached), the Executive Director of DCP responded to Bronx Community Board 8’s June 19, 2019 letter, effectively stating that the members of Community Board 8 should review the approximately 200-pages of the May 6, 2019 CPC-certified zoning text amendments and figure out for themselves what the new text language would be when the zoning text changes pertaining to Staten Island are eliminated and the balance of the text is somehow rationalized;

*Serving the neighborhoods of Fieldston, Kingsbridge, Kingsbridge Heights,
Marble Hill, Riverdale, Spuyten Duyvil, and Van Cortlandt Village*

WHEREAS, the only justification offered for the foregoing refusal by the Executive Director of DCP even to convene a meeting with CPC executive staff to provide a measure of clarity for the Community Board – assuming such clarification were possible – was that there was a “lack of any modification to your [Bronx] geography”; and

WHEREAS, with the Board meeting of June 27, 2019 formally scheduled and the agenda, including a vote on the SNAD proposal, timely published in accordance with law, the officers of Bronx Community Board 8 have thus exhausted their remedies at this juncture for obtaining from either DCP or CPC timely clarification as to precisely what is before the Community Board for a vote in accordance with the purportedly continuing ULURP process; and

WHEREAS, Bronx Community Board 8 has made it clear that it continues to be prepared, without prejudice and as previously demonstrated, to work with DCP in good faith once the Bronx portion of the SNAD proposal certified by CPC on May 6, 2019 is similarly formally withdrawn and new proposed zoning text amendments specifically designed for the Bronx SNAD are developed and promulgated in accordance with the law.

THEREFORE, BE IT RESOLVED, that Bronx Community Board 8 recommends in the strongest terms that the proposed SNAD (or SNRD) zoning text amendments and accompanying proposed map change be withdrawn in their entirety forthwith; and

BE IT FURTHER RESOLVED, that Bronx Community Board 8 is forced to conclude under the circumstances presented that it does not have before it any intelligible zoning text amendments upon which any reasonably knowledgeable person could be expected to cast a rational or informed vote to approve or disapprove; and

BE IT FURTHER RESOLVED, that Bronx Community Board 8 is forced to conclude under the circumstances presented that the provisions of ULURP and other applicable laws requiring CPC and DCP to timely place before affected Community Boards for review and appropriate action any such proposed SNAD text and map changes have been and are being violated, and that the proposal to amend the SNAD regulations (whatever it now may be) and the recent CPC and DCP actions in connection therewith are a legal nullity; and

BE IT FURTHER RESOLVED, that the actions herein of DCP, are shameful and contrary to the spirit and language of The City Charter and applicable laws and regulations and raise serious questions.