

**Bronx Community Board 8 Land Use Committee Meeting
Draft Minutes - Pending Committee Approval
February 5, 2018 at
Conservative Synagogue, 475 West 250 Street, Taub Room, Lower Level**

Community Board No. 8 Land Use Committee Members:

Present: S. Alexander, E. Bell, B. Bender, E. Dinowitz, M. Donato, P. Ellis, D. Escano, D. Fuchs, R. Ginty, M. Goodman, M. Joyce, C.G. Moerdler, T. Moran, D. Padernacht, K. Pesce, A. J. Robateau, G. Santiago, R. Zavras

Absent: L. Daub, R. Fanuzzi, S. Froot, D. Gellman, M. Gluck, J. Gomez, D.B. Jackson, I. Ladimer, R. Pochter-Lowe, O. Murray, L. Parker, J.M. Reyes, D. Santiago, J. Santiago, S. Sarao, J. Townes, S. Villaverde, M. Wolpoff, M. Yamagata, H. Young

Staff: Lydia Hernandez

Chair of Land Use Committee, C. Moerdler called the meeting to order at 7:30 p.m.

C. Moerdler announced that agenda items:

- #1 - 3061 Scenic Place – update on construction being done on property;
- #4 - 3436 Kingsbridge Avenue - New six (6) story thirty-nine (39) dwelling apartment building with community space;
Have been postponed.

Item #2: 5221 Arlington Avenue – Application N 180147 ZAX – for the grant of an authorization for a modification of topographic features on a Tier 1 site to allow an enlargement to an existing single-family residence located at 5221 Arlington Avenue, Block: 5942/Lots: 165, 225, 227, within the Special Natural Area District, within Community District 8, Borough of The Bronx.

- o Hal Dorfman made presentation stating the application is for a vertical enlargement of the existing attic to a 2nd floor and building an enclosure in the back for a new staircase for the house.
- o C. Moerdler: Did you acquire additional property to build the enclosure?
 - For the staircase it is beyond the existing footprint of the house but it does not encroach any of the side yards under the R1 zoning.
- o The house is being enlarged using the non-compliance section 54-3-13, which allows you to vertically enlarge a house that is on an existing lot.
- o The purpose of the enlargement is to create more living space by moving the bedrooms to the second floor. The construction is within the footprints of the house.
- o C. Moerdler: Did you notify the neighbors of this application?
 - The community board sent the meeting notice to neighbors.
- o C. Moerdler stated that the community board requires that the neighbors are notified of an application so that they have an opportunity to give their feedback or ask any questions they may have regarding the project.
- o C. Moerdler: Have you heard from your neighbors?
 - Joana, property owner, stated that she spoke to a neighbor who was pleased to hear about the changes to the home.
- o C. Moerdler requested that the property owner undertake getting in touch with the Board Office after the owner has contacted the neighbors to tell them about the application and what will be done on the property and the neighbors take on the plans.
- o B. Bender: What will happen to the trees on the property?

- No trees will be removed from the property. The trees will be protected from construction.
- B. Bender: Will the drainage on the site be affected?
 - The drainage on the property will not be affected.
- D. Fuchs stated that as a neighbor, she does not have an issue with this project. The owners are very community minded and wishes the project goes well.
- B. Press stated that we are looking at more development. We have a project that people are opposed because it is going higher and it is blocking views.

C. Moerdler submitted the following resolution:

WHEREAS, at the Land Use Committee meeting of Bronx Community Board No. 8, the property owner(s) agree to contact the neighbors to request that they advise the Board of their position on the construction the applicant is requesting to do on their property;

WHEREAS, the property owner(s) will provide the Community Board with whatever statements of position their neighbors communicated to them before the Board meeting scheduled for Tuesday, February 13;

RESOLVED, Bronx Community Board No. 8 approves Application Department of City Planning application N 180147 ZAX for 5221 Arlington Avenue – for the grant of an authorization for a modification of topographic features on a Tier 1 site to allow an enlargement to an existing single-family residence located at 5221 Arlington Avenue, Block: 5942/Lots: 165, 225, 227, within the Special Natural Area District, within Community District 8, Borough of The Bronx.

NOTE: there was no quorum present.

Vote:

In favor: 18

S. Alexander, E. Bell, B. Bender, E. Dinowitz, M. Donato, P. Ellis, D. Escano, D. Fuchs, M. Goodman, M. Joyce, C.G. Moerdler, T. Moran, D. Padernacht, K. Pesce, A.J. Robateau, G. Santiago, L. Spalter, R. Zavras

Opposed: 0

Abstained: 1

R. Ginty

Item #3 - 5297 Independence Avenue (Block 5939, Lot 410) within the Special Natural Area District (NA-2), within Community District 8, Borough of The Bronx: Application (N 180136 ZAX and N 180137 ZAX) and the related drawings submitted by Daniel Wiener pursuant to Sections 105-422 and 105-425 of the Zoning Resolution, for the grant of authorizations for a modification of topographic features on a Tier II site and for modification of botanic environment and tree preservation and planting requirements to allow for site alterations to an existing single-family residence located at 5297 Independence Avenue (Block 5939, Lot 410) within the Special Natural Area District (NA-2), within Community District 8, Borough of the Bronx.

Presentation:

- The project consist of putting in a screened in porch in the back of the property over an existing paved area; install a small gym in the back of the property; build a small area of brick paving for children to play in and expanding a section of the driveway for a parking spot.
- Following the comments of the last meeting: the new drawings include the dimensions for the areas involved in the construction and indication of where there will be no driving and where the paving area will be.
- C. Moerdler: How do you show the area where the construction cars will be in while construction is going on?
 - There is enough space in the driveway for the construction cars.
- What will you do with the area that is roped off?
 - That area will consist of plantings appropriate to the area.
- C. Moerdler suggested that the open area on West 254 Street be closed in.
- R. Ginty stated that the plans should show significant planting in that area; the roped area cannot remain open; the child play area appears to be a driveway to be used for cars. Plans must show that the area will not be used for a driveway.
- C. Moerdler asked that the plans be revised to indicate the demarcation lines and enclosing of the area on West 254 Street side.
- B. Bender: Are you expanding the current parking?
 - Yes, we are expanding a small area in the corner on Independence Avenue
- D. Padernacht: When will the shed be taken down? Will the shed be used during the construction?
 - The shed will be taken down when a permit is issued to take it down. The shed is not needed and will not be used during the construction.
- R. Ginty asked Juton Horstman, representative from City Planning: How does City Planning, view side drawings for an application that depict something different from the original application?
 - The initial application is reviewed and sent out. Revisions to drawings are viewed as they are submitted with a revised application.
- Juton stated that the application for this project has to be resubmitted as a revised application.
- C. Moerdler: Will we have to wait for City Planning to view the application?
 - Juton responded that the revision of the application does not restart the timespan that is given to the Board to vote or making a recommendation.
- L. Spalter: Will there be any plantings to collect run-off water?
 - There will be plantings that will collect run-off water.

C. Moerdler submitted the following resolution:

WHEREAS, at the Land Use Committee meeting of February 5th Bronx Community Board No. 8, Chair C. Moerdler requested that the applicant submit to the Board, no later than Monday, February 12, in writing a plan that would be part of the application showing the West 254th Street physical demarcation of the property line either by bushes, other perennial plantings of sufficient size and height or by a fence or other barrier;

WHEREAS, the property owner will execute a letter, executed in front of a notary, that the current open area on West 254th Street will not be used as a drive way nor will any other driveway be maintained or permitted with access to West 254th Street and deliver it to the Community Board before the next Board meeting scheduled for Tuesday, February 13;

WHEREAS, property owner agrees to file with the Board the above-mentioned writings on or before February 112, 2018 and, further, agrees to remove the shed on the property 30 days after the issuance of the first exterior construction permit and not later than 60 days from February 13, 2018, whichever date is earlier is issued;

RESOLVED, the Land Use Committee of Bronx Community Board No. 8 approves on condition that the above represented filings will be timely and accurately made Application (N 180136 ZAX and N 180137 ZAX) and the related drawings submitted by Daniel Wiener pursuant to Sections 105-422 and 105-425 of the Zoning Resolution, for the grant of authorizations for a modification of topographic features on a Tier II site and for modification of botanic environment and tree preservation and planting requirements to allow for site alterations to an existing single-family residence located at 5297 Independence Avenue (Block 5939, Lot 410) within the Special Natural Area District (NA-2), within Community District 8, Borough of the Bronx.

NOTE: there was no quorum present.

Vote:

In favor: 15

S. Alexander, B. Bender, E. Dinowitz, M. Donato, P. Ellis, D. Escano, D. Fuchs, M. Goodman, M. Joyce, C.G. Moerdler, T. Moran, K. Pesce, G. Santiago, L. Spalter; R. Zavras

Opposed: 3

E. Bell, A.J. Robateau, R. Ginty

Abstained: 1

D. Padernacht

Item #5 - 5959 Broadway – 421a Application for Partial Tax Exemption

- C. Moerdler: What are the premises intended to be used for?
 - Kathleen Bradshaw, Stagg representative stated that the building is 6-stories. The building will have 72 residential units, commercial space on the first floor and a community facility on the second floor.
- Is this intended to be either an institutional use or homeless shelter?
 - The community facility will be a school. There is still no tenant listed for the commercial floor yet.
 - The residential units will be 80% market rate / 20% affordable.
- Could Stagg provide the Community Board some written assurance that this will not be flipped over to a homeless facility?
 - At the current time it will not be a homeless shelter. This unit is not meant for a homeless shelter.
 - There will be no broker's fee for anybody refereed by the Community Board.
- Does the project propose to have any HPD financing?
 - No, it is all privately funded.
- R. Ginty: Is there parking?
 - There are 36 spaces.
- The building seems almost complete. Did marketing for the apartments begin yet? Are you renting now?

- Apartments are not being rented yet. We are still waiting for HPD to give us the final approval and issue the Certificate of Occupancy before we can begin the marketing of the apartments.
- E. Bell: Were sound proofing measures taken in the construction of the building?
 - The construction of the building has met requirements for sound barrier levels.
- In regards to the commercial space, are you doing anything different than other buildings in the area in order to not have the space unoccupied for a long period of time?
 - There is interest in the commercial space but no lease has been signed yet. The commercial space is still being advertised as being for rent.
- T. Moran: When will the school open? What grades will the school have?
 - The school will be on the second floor. A charter school anticipated to be open in September 2018, but grades are unknown.
- P. Ellis: What is the mix of apartments? What are the average sizes of the apartments?
 - There are 14 studios, 55 1-bedrooms and 3 2-bedrooms.
 - The average size of the apartments is 500 sq. ft.
 - The 1 bedrooms range from 550 sq. ft., 571 sq. ft. 580 sq. ft.; 2-bedroom is 643 sq. ft.; the studios are 528 sq. ft.
- C. Moerdler: Is there an apartment designated for the superintendent?
 - There is no designated apartment for the superintendent.
- K. Pesce: What do you anticipate the market rate will be for a studio?
 - The rents have not been set for the apartments yet. The rent will be within the HPD allowed rent.
- C. Moerdler: What percent of the AMI's are affordable? What will be the AMI rent? Has the interior work been completed yet?
 - 80% of the AMI's are affordable. The rent for the AMI will be about \$1,292.00. The apartments are not complete yet.
- E. Dinowitz: Do you know which Charter organization the school is associated with? Will the school cater to people from the neighborhood? Will it cater to homeless children?
 - Do not know what Charter organization the school is associated with. The school is for all children and it is not designated for one particular group of children.
- M. Goodman: How many classroom will the school have? How will the children be kept separated from the residents?
 - The school will have 7 to 8 classrooms. The charter school has its own entrance dedication to the school.
- E. Bell: Where is the entrance to the school?
 - The entrance to the school is on the West 242 Street side.
- C. Moerdler mentioned that the entrance to the school is at an exit point for mass transit. Will that be a negative or positive factor for the kids arriving and exiting the school?
 - The school organization helped with the layout of the school and will have supervision for the children coming in and exiting the school.
- S. Alexander: Most charter schools start with 1 or 2 grades and then grow. Is there any provisions that the school may take over more property in the building? Will the school be there for 1 or 2 years? Will they be able to take over the commercial area?
 - The school will not take up more space than the space on the second floor designated for community space. The school taking over the commercial space has not been discussed.
- L. Spalter: Has the traffic pattern been taken into consideration with a school being placed in a heavily congested area?
 - The school organization has taken the traffic and traffic pattern into consideration.
- B. Bender: What is the process from this point on even if we disapprove this applications? If the project were to change in some material way, would the 421a be withdrawn?

- C. Moerdler: It has been practice that 421a applications are virtually automatically approved. If the project does not have a significant adverse impact the application will go through.
- R. Ginty: In the homeless shelter on Broadway, the 421a application had to be reconfigured because the use and the finances behind it changed dramatically. Hotels and homeless shelters are allowed to get 421a.
- Resident: In terms of the parking, Broadway is very congested. Will the parking spaces be for the tenants or for the school? Based on the size of the apartments, will Manhattan College be solicited to rent the apartments?
 - The parking spaces are for the residents, not for the charter school employees. Stagg will not solicit Manhattan College to rent the apartments.
- B. Press: Is this a rent stabilized building? As far of the school, there are 3 bars next door, will there be problem with the tenants or the school?
 - With a 421a application, the building becomes rent stabilized.
 - C. Moerdler: When the bars apply for the SLA application, the application may be burdened by the fact that the school is there.
- D. Escano: Are the kitchens full size kitchens or kitchenettes because they are described on the plans as kitchenettes?
 - They are kitchenettes, the refrigerator will be 36" or 42".

C. Moerdler submitted the following resolution:

WHEREAS, at the Land Use Committee meeting of Bronx Community Board No. 8, Chair C. Moerdler requested that the applicant submit to the Board, by Friday, February 9, a written statement of what the intended purpose of the property will be for the foreseeable future or the next 3 years, whichever date is later, and the applicant's representative said that would be taken under advisement; and after full discussion by the Committee, on motion duly made and seconded;

RESOLVED, Bronx Community Board No. 8 DENIES the 421a Application for Partial Tax Exemption for 5959 Broadway.

NOTE: there was no quorum present.

Vote:

In favor: 17

S. Alexander, B. Bender, E. Dinowitz, M. Donato, P. Ellis, D. Escano, D. Fuchs, R. Ginty, M. Goodman, M. Joyce, T. Moran, D. Padernacht, K. Pesce, A.J. Robateau, G. Santiago, L. Spalter; R. Zavras

Opposed: 1

E. Bell

Abstained: 1

C.G. Moerdler

Chair, C. Moerdler, adjourned the meeting at 8:45 p.m.

Submitted by,
Lydia Hernandez
Community Associate