

(Pending Committee Approval)

**Land Use Committee Minutes
September 1, 2020 at 7pm
Meeting held virtually via Zoom**

Attendance:

Committee Members

Charles Moerdler, Chair
Sylvia Alexander
Bob Bender
Paul Ellis

Bob Fanuzzi
Rosemary Ginty
David Gellman
Marvin Goodman
Daniel Padernacht
Julie Reyes
Laura Spalter (ex-officio)
Martin Wolpoff

Guests

Juton Horstman (Dept. of City Planning)
Patrick Hill (Council Member Cohen's Office)
Samuel Liedtka (Assembly Member Dinowitz's Office)
Borough Commissioner Rodney Gittens (Department of Buildings)
Eulis Jarratt (Community Affairs Rep, Department of Buildings)

Committee Chair Moerdler convened the meeting at 7:02 pm.

1) 7-15 Terrace View Ave

Chair Moerdler gave a report on 7-15 Terrace View Ave which is technically located in the borough of Manhattan but part of Bronx Community Board No. 8. There is a current proposal to develop a seven (7) story apartment building with over fifty (50) residential apartments. The developer appeared before the Boards of Standards and Appeals (BSA) on August 25th, 2020 and C. Moerdler testified in opposition to the project at the hearing. The BSA unanimously opposed the development based on technical concerns and asked the developer to meet with the Community Board to discuss parking. The developer asked for three months to prepare their responses to BSA and has not reached out to the Community Board Office at this time.

C. Moerdler shared concerns about parking and traffic that will overwhelm the surrounding narrow streets. The proposed height of this development would distort the character of the neighborhood. 7-15 Terrace View Ave. is currently zoned for manufacturing uses, not commercial or residential.

2) 635 West 246th Street

There were complaints received about unpermitted work taking place at 635 West 246th Street, which falls in the Special Natural Area District. C. Moerdler thanked Juton Horstman and Sherida Paulsen for their assistance in this matter. The applicant came before the Land Use Committee about three years ago for permission to build a building, but due to much opposition, the Land Use Committee disapproved the application unanimously. The Department of City Planning worked with the applicant on plans that were acceptable in SNAD, but the applicant then went to the Department of Buildings and plans were approved. C. Moerdler called upon the Bronx DOB Borough Commissioner Gittens to send inspectors to this site. DOB issued three ECB Class 1 violations followed by two ECB violations for failure to comply with approved drawings and failure to file a proper Certificate or application that was truthful. C. Moerdler will ask an attorney to appear at the ECB Hearings. There is currently a stop work order placed on this site. C. Moerdler expects the applicant to work with DCP on a restoration plan. However, at this time, there is no requirement for applicants within the SNAD to report back to the City Planning Commission or the Community Board once the application is filed. Often, Building Inspectors do not have adequate training or understanding of SNAD zoning requirements or details, therefore C. Moerdler asked the Land Use Committee to approve an expense budget request that asks that the Department of Buildings begin a program that would train Building Inspectors on the zoning resolution, particularly with SNAD. The committee approved this unanimously. C. Moerdler will present this proposed budget requests to the Executive Committee.

Juton Horstman reported that the applicant has reached out to him and Mr. Horstman is working on a comparable of the site. The scope of work is not clear at this time. The applicant must submit a full application for the restoration plan. There is no Community Board referral for this application. J. Horstman will report back to the committee on next steps.

C. Moerdler presented the following resolution and Rosemary Ginty seconded it. There was discussion on the resolution.

BE IT RESOLVED, that Bronx Community Board No. 8 requests that Council Member Andrew Cohen, Council Member Fernando Cabrera and Council Member Ydanis Rodriguez and any / all relevant Council Members seek the enactment by resolution or otherwise a measure that would require that where a plan of restoration is filed by an applicant who has not fully complied with the zoning resolution particularly with respect to restoration plans relating to SNAD and subdivisions, that the relevant Community Board be kept advised of those proceedings and be afforded an opportunity to submit comment and recommendations, if any.

Votes In Favor (11): Charles Moerdler, Sylvia Alexander, Bob Bender, Paul Ellis, Bob Fanuzzi, Rosemary Ginty, David Gellman, Marvin Goodman, Daniel Padernacht, Julie Reyes, Martin Wolpoff

Abstentions: 0

Opposed: 0

3) 3893 Waldo Ave

C. Moerdler reported that developer, Jeff Torkin, was invited with short notice and is unable to attend. The adjacent building, 3875 Waldo Ave Coop, has requested an independent asbestos study before the building is demolished and that application has been denied by Mr. Torkin. B. Fanuzzi has asked for the latest DEP reports on asbestos. C. Moerdler asked B. Fanuzzi to address this piece of the problem at the Environment & Sanitation Committee. The second concern from the adjacent building is the alleged encroachment of 15 feet onto a city owned street. C. Moerdler has asked for an independent property survey. The third concern is the integrity of the Dash Place retaining Wall and potential impacts on traffic. C. Moerdler asked D. Padernacht to address the retaining wall issue with the Traffic & Transportation Committee. D. Padernacht has requested the Builders Pavement Plans from DOB. C. Moerdler states that encroachment of city property falls under the Department of Citywide Administrative Services (DCAS) and Corporation Counsel. C. Moerdler will contact both agencies. Neighbors inquired about the appeal and challenge submitted for this development submitted over three months ago. The Borough Commissioner asked his staff to follow up on this appeal. Neighbors also addressed concerns about Brust Park. C. Moerdler referred this issue to R. Ginty, Chair of the Parks & Recreation Committee.

4) 2395 Palisade Ave

C. Moerdler referred to similar issues at 2395 Palisade Avenue. District Manager C. Gannon provided a summary of problems at this development, such as encroachment onto city property. DOB Commissioner has not heard of issues at 2395 Palisade Ave. There was discussion with community members about the lack of oversight at this development. Neighbors do not want a repeat of events to occur at the Waldo Ave. development.

5) After Hour Variances

C. Moerdler asked Borough Commissioner Gittens about issues occurring because of after hour construction work. The previous DOB Borough Commissioner approved automatic extensions of after hour variances. Commissioner Gittens will re assess this policy. Commissioner Gittens asks the committee to report any illegal work or complaints about after hour work so that they can file the complaints and address them individually.

6) Stagg Development at 5278 Post Road & 6375 Broadway

Borough Commissioner Gittens reported that plans for both properties have been disapproved at this time. The developer was invited to the meeting but did not attend and will be invited to the October Land Use Committee Meeting.

7) New Business

Jodie Colon shared with the committee that the 100 year old property located at 3111 Henry Hudson Parkway is for sale. It is located in SNAD and neighbors are concerned because it is zoned R-6A. There is an issue about Air rights which were purchased by a holding company. There is currently a land covenant for this area. J. Colon will send additional information about the history of this site and the covenant to C. Moerdler's attention. This will be placed on the October Land Use Committee Meeting Agenda.

C. Moerdler made a motion to end the meeting and B. Bender seconded. The meeting concluded at 8:35 pm.

Minutes submitted by C. Gannon, District Manager
Reviewed by: C. Moerdler, Chair Land Use Committee