

(Draft Minutes Pending Approval)

Land Use Committee

Bronx Community Board No. 8

March 2, 2020

Meeting held at: Riverdale Y, Teen Lounge
5625 Arlington Avenue
Bronx, New York 10471

Present:

Charles Moerdler (Chair)
Bob Bender
Robert Fanuzzi
David Gellman
Martin Gluck
Marvin Goodman
Dan Padernacht (Vice-Chair)
Tracy Pardo
Julie Reyes
Laura Spalter

Absent:

Sylvia Alexander
Eric Bell
Rosemary Ginty (ex-officio)
Donnell Loverett
Karen Pesce
Martin Wolpoff (Vice Chair)

The Chair opened the meeting at 7:35pm

1. Delafield Estates Application

Delafield Estates: DCP Application for Minor Modification of Large-Scale Residential Development at the Delafield Estates, 680 West 246th Street, Bronx, NY. The proposal includes the repositioning of the nineteen unbuilt house sites to allow for all new houses to be freestanding. No changes to the development's overall unit count, floor area, or lot coverage are proposed. Proposal includes two new curb cuts on Douglas Avenue and one on West 246th Street for driveways.

Chair Moerdler stated that this application by Delafield estates has been on the committee agenda for 6 months and adjourned at the request of the applicant and

neighbors who have objected to the application. This is the first report by the applicant to the Land Use Committee on this application.

Michael Goldblum, the current architect for Delafield Estates, introduced Abraham Talasazzan, the current developer of Delafield Estates. Talasazzan explained that all developers went bankrupt before him, that he purchased the property in Bankruptcy Court and that half of the property is abandoned. Mr. Talasazzan stated he has only has one vote in the Homeowner's Association. Spoke with community to do new plans.

Chair Moerdler stated that an application for Delafield Estates first appeared 30 years ago. At that time, Chair Moerdler was the one dissenting vote on the grounds it would fail financially, which is what occurred.

Chair Moerdler stated there is an issue that is overwhelming. Riverdale Sanitation Corporation ("RSC") has serious concerns about the application. Chair Moerdler stated that RSC, a non-profit entity, provides a critical service to the community.

By way of background, RSC is a private utility that provides the only sanitary service to all properties in Riverdale and Fieldston located between West 246th Street and West 252nd Streets on both sides of the Henry Hudson Parkway, from Iselin Avenue on the east, to Palisade Avenue on the west. For close to 70 years, RSC has operated and maintained approximately 20,000 linear feet of private sewer mains that serves 300 properties, 10 institutions and 4 major apartment buildings.

Mr. Goldblum gave the presentation for Delafield Estates. In 1980, a large scale development was approved for 33 houses plus gate house (residential) on Delafield Estate. The original Estate house was supposed to remain. Plan revised in 1987. That developer (Vilkis Plan) built 9 houses. Same plans exist today.

Mansion burned down and was replaced with 3 townhouse units. Original design had underground garage. That excavation was completed but garage never built. House sizes increased by 20,000 feet.

In 2006, next application was proposed to be built by private owner.

In 2012, next application presented to DCP. Repaving road. And simple improvements for completion. This was done in 2013.

Tallasazzan looked at creating detached single-family houses which is the application before us.

24 houses total. 15 houses have been built to date. Talasazzan will be building another 19 houses.

Total floor area of Vilkis Plan was 131,989 feet of total development. Proposed plan reduces total floor area to 111,652 square feet.

Vilkis Plan has 17.9% of impervious ground coverage. Proposed plan reduces that number to 13.5% paved area.

The site presently has 543 trees. There are 1580 tree credits which is a metric of how big the tree is according to DCP. Vilkis Plan has no new trees. Proposed plan has 147 new trees.

Homeowners Association comments: DCP stated each house with different tax lot was different zoning lot. Turned out that was not case. Entire development is one zoning lot. After speaking with homeowners, they moved location of houses in plans.

Concerns from neighbors:

- a. Private Sewer. Slight change that pushes impact away from private sewer. New length of pipe may address concern.
- b. Protect underground water culvert that runs from stream to Hudson River.
- c. Landscaping was issue. Neighbors would like to see as much green as possible.
- d. Driveway issue. Engaged with title company to do research on property. Surveyors did research to show that property is now drawn to center of road.

Tamaria Davis, AKRF Engineers, representing Delafield estates, discussed engineering issues. AKRF was hired to look at drainage, grading and storm sewer at West 246th Street. She stated they need to capture all rain within property. Still doing tests to determine size of retention tanks.

AKRF recommends pipe to be replaced on West 246th Street driveway side.

West 246th Street is mapped but privately owned by neighbors and by Delafield Estates. Sewer runs next to gully in the road. Water that falls off road goes into gully and then runs down hill.

Every house needs a drainage plan. Presently there is no drainage plan by Delafield Estates because there is no house. Golblum stating no water from houses will reach road because there will be drains at each location.

Golblum stated that 100% of water under DEP extreme conditions will be caught by retention tanks on Douglas Avenue side.

Rothkrug and Rothkrug, Land Use attorneys for developer, discussed ownership and property rights surrounding Delafield Estates. Rothkrug stated:

1. Douglas Avenue and West 246th are mapped streets.
2. New York City does not own beds of either streets. They are private streets. Public in general does not have right to use the street but all properties do have a private right to use the street. Original owner could retain rights to occupy the street. According to attorney, all deeds had easement to center line of West 246th Street. Based upon the fact that there is an easement that all owners have center line of street, all abutting owners can use the bed of the street.

Chair Moerdler asked if there is there an easement of gross for the public to traverse the street by adverse possession. Rothkrug stated that easement on street belongs to private owners only. Chair Moerdler asked if West 246th Street had ever been closed to the public.

Susan Morgenthau, representing RSC, stated that this is the first time RSC heard of new driveway. Sewer lines are 110 years. RSC recommended a bridge over culvert on West 246th Street which was rejected by AKRF. RSC also recommended the pipe be replaced on West 246th Street. Pipe serves a large amount of homes and large buildings on West 246th Street.

Susan Morgenthau submitted documents to the Committee which are attached to these minutes.

RSC engaged Leonard J. Strandberg and Associates, an engineering company, to advise RSC on the project. The Strandberg memorandum is attached to these minutes.

Sherida Paulsen, Architect, questioned how the application is a minor modification given its impact. Juton Horstman, of Department of City Planning, stated that it is a minor modification because there is no major bulk discretionary actions. He stated that an EAS was performed but it was below threshold for an EIS.

Ms. Paulsen raised several questions to the applicant. Ms. Paulsen submitted testimony to the Committee which are attached to these minutes.

David Greenfield, from the Riverdale Temple, stated that West 246th Street of 10 feet would be on side of temple. Is there compensation for the taking of this property? Juton Horstman to follow up on whether the street is to be widened.

Various others stated that there were concerns with project. DCP said 60 day review period begins today. Public review ends on April 30th.

2. **Update on Schervier Project**

Mr. Frankel appeared on behalf of Schervier. Mr. Frankel was individual who previously contacted Chair Moerdler. The Chair asked what Schervier has done about the trees that were cut down on the property. Schervier has a draft of a remediation plan. Arborist is Stephen Carlson. Schevier will plant several other trees. Plan will go to City Planning for evaluation.

Sura Jesselson stated that contrary to Schervier's representations, more than one tree was taken down. Ms. Jesselson stated that she had not received a copy of the remediation plan from Schervier. Chair Moerdler asked that Schervier provide the Board office and Ms. Jesseldon with a copy of the remediation plan. In addition, Chair Moerdler asked that Schervier meet with Ms. Jessolson.

Chair Moerdler stated that there are two issues. Did Schervier comply with SNAD and get a permit to remove the tree. The second issue is the removal of the tree.

Bob Bender asked for a commitment from Schervier that no further tree removal be done before doing remediation. Schervier represented that if they believe SNAD is implicated, they will go to DCP for permission.

3. **3893 Waldo Avenue**

Bob Bender, Chair of the Parks and Recreation Committee, stated that the Parks Department issued violation for not obtaining proper permit from interagency. Developer voluntarily has stopped work on the project. Trench that they are digging must be dug by hand because of the proximity to a magnolia tree.

Jeff Torkin, owner of the property, appeared before the committee. Mr. Torkin stated that no work is being done on the site. He applied for permits from DOT and DOB.

Mr. Torkin answered a query on the retaining wall located on the property. Mr. Torkin said that there are a series of retaining walls on the property. They go approximately 40-50 feet high. Likely the retaining wall was built by owner of house. One retainer wall within Dash right of way, in which the property is not built out. Builders Pavement Plan calls for 18 feet of restoration of roadbed. Street will be widened. Retaining wall is a field condition. 18 feet will be backfilled and sidewalk added to the front of property.

Aurora Armendi asked why there wasn't a record of the retaining wall on DOT annals. Ms. Armendi asked why Mr. Torkin didn't mention the retaining wall on application to DOB. She stated that Dash Place is 24 feet wide today.

4. **LPC Application: 4456 Tibbett Avenue submitted by Horace Mann School**

Michael Niemenen appeared on behalf of Horace Mann School. This is an application to make changes to the house located at 4566 Tibbett Avenue. Horace Mann states that they are not changing the house but restoring it.

Chair Moerdler asked if Horace Mann had spoken to FPOA and neighbors about the application. The answer was no. Chair Moerdler said to speak to them and come back next month. Horace Mann said they will speak to neighbors and go over plan. On for next meeting.

5. **2797 Webb Avenue**

Chair Moerdler stated that something must be done about this area. Moerdler would like an individualized look at a 197-a Amendment for portions of the area. Portions could be affordable housing. Portions could be to preserve homes of historic value.

Minutes for December unanimously approved

Meeting adjourned at 10:00pm.

**Charles Moerdler
Chair
Land Use Committee**

RIVERDALE SANITATION CORPORATION

c/o Robert E. Hill, Inc.
279 West 231st Street, Bronx, New York 10463
(718) 884-2200

March 2, 2020

Charles G. Moerdler, Chairman
Land Use Committee Community
Board # 8
5676 Riverdale Avenue
Bronx, New York 10471

Re: Delafield Estates
DCP Application

Dear Chairman Moerdler:

As you and your colleagues on the Land Use Committee know , Riverdale Sanitation Corporation ("RSC") is a private utility that provides the only sanitary sewer service to all properties in Riverdale and Fieldston located between West 246th and West 252nd Streets on both sides of the Henry Hudson Parkway, from Iselin Avenue on the east, to Palisade Avenue on the west. For close to 70 years RSC has operated, and maintained, approximately 20,000 linear feet of private sewer mains, serving 300 properties, 10 institutions, and 4 major apartment buildings. Without exaggeration, thousands depend upon our services for their health, safety and well-being.

As the sole provider of critical sanitation services in this area, RSC actively monitors proposed real estate construction projects in order to assure that new projects will not adversely affect the RSC infrastructure or disrupt service for RSC's existing clients. Given the importance of our services to this community we are as protective of our infrastructure as the Department of Environmental Protection is of its water and sewer mains, and we have been grateful for the public support provided, particularly by the DOB, for our critical efforts. RSC customers pay a large sewer tax on their quarterly New York City water bill, and thus contribute healthily to earn this support.

A portion of the RSC system, known as the Delafield Line, lies within an easement on the former Delafield estate adjacent to West 246th Street. Built of terracotta about 110 years ago, this pipe lies just three feet below the surface. The developer of the Delafield Estates has proposed to create a curb cut across the RSC easement in order to provide driveway access to West 246th Street for three additional homes. As designed, the curb cut would directly traverse RSC's sewer main, raising serious concerns for the integrity of this vulnerable line.

Working with a minimal, purely conceptual set of site plans that the Developer provided us in November, RSC retained Leonard J. Strandberg and Associates, Consulting Engineers and Land Surveyors, P.C. ("Strandberg") to prepare a preliminary civil engineering report to assess what impact this portion of the Delafield project, as proposed, would have on the RSC pipe, and recommend how best to protect RSC's sewer main both during and after construction.

In a report dated December 17th, 2019, our engineers outlined a program to construct the desired curb cut, prioritizing the protection of RSC's main, which if it were to collapse would disrupt sewer service to The Riverdale Temple and its nursery school, as well as 25 connected homes and one large apartment building.

Briefly, the Strandberg Report recommended the Developer bridge the RSC pipe at the curb cut area with a culvert system that would protect the RSC sewer main from collapse, provide manhole access and maintain the existing drainage. RSC submitted the Strandberg Report as an attachment to its February 2nd letter to this committee. Our letter outlined both our requirements for protecting the sewer line and a preliminary list of engineering scoping items which we pointed out might warrant additional consideration as this project evolves. RSC also provided these materials to the Developer, his architect, his engineers, AKRF, the Department of City Planning and Community Board 8.

It was not until February 21st that AKRF provided RSC with revised conceptual site plans which showed a reinterpreted curb cut design. As had been the case with the initial conceptual site plans, the February 21st plans did not include any drainage plans, grading plans, or inverts. Nor did they locate either gas utility lines or water mains in West 246th Street. Most disappointingly, the Developer and his team alarmingly watered down the original bridge/culvert system that RSC had suggested. Again, after a preliminary analysis of this new conceptual plan, Strandberg advised RSC that, for a variety of reasons, the new design would not adequately protect our pipe.

Not to be deterred, RSC has developed a second option detailed in Strandberg's February 28, 2020, letter, copy attached. Its recommendation is simple: as an alternative to a fully designed culvert, the Developer can replace approximately 100 feet of existing sewer pipe adjacent to the curb cut, encase that pipe entirely in concrete and provide a new manhole at a location to be determined. To assure uninterrupted service to the RSC properties serviced by this line, RSC asks that the Developer execute this work, under supervision by RSC, before any further approvals are granted, or construction of any sort begins in the immediate area. If the affected pipes were maintained by DEP or ConEdison no less would be required to protect the public welfare.

In closing, we note that during our review of the proposed Delafield project, RSC became aware Section 2-06, "Land Contour Work", 2019 NYC Department of Transportation Highway Rules which may apply to Developer's proposed work as it fronts West 246th Street. Runoff from the street bed, and also from the adjacent uplands which will be disturbed, is an

enormous concern to the integrity of **all** utility lines adjacent to this project, particularly RSC's sewer line. We ask that both the Developer, this committee, and the City Planning Commission carefully consider these rules as they review this project.

RSC respectfully requests the Committee combine this letter with our February 2nd letter and their respective attachments and that, together, they be treated as a single submission and, that the compliance requirements outlined be made a condition of any further consideration of the Delafield project.

Sincerely,

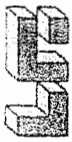
A handwritten signature in black ink that reads "Susan Morgenthau". The signature is written in a cursive, flowing style.

Susan Morgenthau, President
Riverdale Sanitation Corporation

Attachment: Strandberg Revised Letter

cc:

Rosemary Ginty, Chair, CB #8
Juton Horstman, DCP
Abraham Talassazan, Developer
Ciara Gannon, District Manager, CB #8



**LEONARD J. STRANDBERG AND ASSOCIATES,
Consulting Engineers and Land Surveyors, P.C.**

February 27, 2020

Susan Morgenthau, President
Riverdale Sanitation Corporation
917-975-0071

**Re: Updated Review and Comments to AKRF Drawing SCP-3 and SP-102.00
In connection with "Delafield Estates
Riverdale, Bronx, New York**

Dear Susan,

Although we understand that the AKRF Drawing(s), specifically SCP-3 is conceptual in design, we found the following items which concern us and require clarification:

1. The added soil weight associated with the proposed driveway above the existing Riverdale Sanitation Corporations (RSC's) 8" sanitary sewer, which lies within the swale area running parallel with W. 246th Street, would add unacceptable loads to the existing sewer pipe.
2. The RSC Sewer is shallow and could be dangerously impacted by newly imposed vibration loads from vehicular and construction traffic, as well. These new "loads" could have an adverse impact on the structural integrity of the pipe and its joints.
3. A trench drain is proposed at the base of the driveway entry – just before the W. 246th Street roadway. This trench drain is shown connected to an on-site (private) drywell. Runoff from private sites may not discharge into a street ROW and vice versa. This concept has runoff possibly flowing in two directions (and quite possibly from the Drywell to the trench drain) depending on the inverts of the pipes which are not shown.

In fact, if the private Drywell was inundated by a storm greater than what was the design premise, water would easily flow towards the trench drain and quite possibly flow into the swale running adjacent to W. 246th Street where the RSC Sewer lies. The added runoff from the driveway(s) do not appear in the infiltration calculations.

4. We are also concerned with added runoff reaching the swale via this new entry and/or from overflow from the pond(s). The existing RSC sewer manhole, located within the swale just north of the proposed driveway could be affected by added runoff within this area whereby runoff could enter the manhole. Because the RSC pipe has less than three feet of cover for a short distance and is therefore above the frost line, freezing groundwater could uplift the pipe and subject it to cracking or rupture.
5. We urge the designer to be aware of the 2019 NYC Department of Transportation Highway Rules Section 2-06 "Land Contour Work" which may apply to the proposed

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work adjacent to and along W. 246th Street.

6. This Drawing also depicts a 4" perforated drainage pipe located within the W. 246th Street ROW and also makes a connection "back" to the Drywells. This condition cannot occur and further brings to our attention that the Drywells could actually discharge flow into these pipes and further inundate the swale with groundwater upon which the RSC sewer lies.

As a side note, we do not believe that a Drywell can be utilized to accept both runoff and groundwater and is inconsistent with the Infiltration Calculations shown on this Drawing. The Calculations do not take into account groundwater flow from the 4" perforated pipes.

7. This same drawing does not show a drainage pipe size associated with the proposed culvert below the driveway and neither wing walls or other structures which would need to support the earth associated with the new driveway traversing the swale and the RSC Sewer.
8. Without a detailed Grading Plan and a Drainage Plan with inverts for the piping and structures, it is near impossible to provide a more thorough review of this (these) drawings.
9. In later drawings (dated 02/21/2020) we noticed that there will be a post and rail type fence system along the edge of the entry driveway. This post system would need to be well clear of the existing RSC Sewer. We are also concerned with possible undermining of the existing Sewer if posts are located within close proximity to the RSC Sewer.
10. This same drawing shows a curb wall supporting the driveway, which would lie within the existing swale area. The footing of this wall could superimpose loads towards or onto the RSC Sewer and are thus unacceptable.
11. A more formal Erosion and Sediment Control Plan should be submitted which will identify how sediment is being captured and contained prior to making its way towards the RSC Sewer manhole within the swale.

Based on the aforementioned, we recommend that the Owner replace the existing RSC 8" sanitary sewer with a new 8" ESVP Sewer completely encased in 4" of concrete all around, for an approximate length of 100' and provide a new manhole at a location to be determined.

This new manhole and existing manhole should be fitted with new watertight manhole frame & covers, to prevent any runoff from entering into the RSC System.

This new sewer/manhole system should adhere with the NYCDEP Rules and Regulations as well as the NYCDEP Standard Details for Construction.

A newly constructed sewer, as previously described will allow flexibility of design and provide the RSC with a comfort level during and after completion of the work.

Respectfully submitted,


Neil A. Strandberg,
Executive Director



Calvin G. Larson, P.E.
Chief Civil Engineer

**Leonard J. Strandberg and Associates,
Consulting Engineers and Land Surveyors, P.C.**



2 March 2020

Charles Moerdler, Chair
Bronx Community Board 8 Land Use Committee
5676 Riverdale Avenue, Suite 100
Bronx, New York 10471-2194

Dear Chair Moerdler,

My name is Sherida Paulsen, and I am here this evening representing a group of property owners whose parcels and homes are located across West 246th Street and Douglas Avenue from the Delafield Estates site; and two owners whose property is directly adjacent to the site. The neighbors retained me to assist them in developing a summary of concerns about the proposed modification of the master plan and to recommend possible solutions to these concerns. In addition to the neighbors' group, I have consulted with the Riverdale Sanitation Corporation president and legal counsel to understand how their concerns affect the proposal as well.

The initial presentation distributed for review in September 2010 raised a number of questions:

- How would the proposed modifications impact the water flow into West 246th Street and Douglas Avenue, and onto neighbor's properties;
- How would the proposed driveway locations impact the existing private sewer lines that service the neighbors' homes, Riverdale Temple, the Briar Hill apartment buildings and the cooperative apartments at West 239th Street;
- How will the proposed driveways address traffic safety questions for both streets to allow for safe turns into and out of the driveways for cars and emergency vehicles;
- How will the new buildings be integrated into the currently rustic character of the streetscape;
- And, who is responsible for the streets - meaning who owns these streets?

Michael Salzhauer and I met with the applicant's architect in October of last year and raised these issues, and asked for accurate updated survey plans and a title report to clarify the street ownership. We also presented an outline of a possible agreement to consider as a template for reaching consensus with the developer, RSC and Delafield Estates HA.

To date, we have received an updated presentation package provided to City Planning, an opinion letter regarding street ownership, and a draft engineering design of the proposed curb cuts. These materials do not provide enough information to form the basis of an agreement, which my clients would still like to obtain.

As we have reviewed materials and met with Juton Horstman of the DCP, we have questioned how this modification was judged to be minor? The initial approval for the master plan on this site was for a development that created limited impacts on adjacent streets, and required a widening of West 246th Street to address the increase in the number of cars and street configuration. The modifications now proposed require significant civil engineering work to assure that water will be managed as it flows down steep slopes, construction of a bridge or replacement of the sewer piping to protect the private system, and street and curb cut designs that will allow for safe vehicular circulation. These additions to the work approved in the 1980's appear more onerous than a simple minor modification.

These concerns and questions have not yet been addressed in a manner that provides for any sort of enforceable steps to assure that future development on this property will maintain or improve the current conditions of Delafield Estates. I have asked representatives of the neighbor group to add substance to the issues outlined above this evening, and further ask that the Land Use Committee and subsequently the Board include in any communication to the City Planning Commission recommendations to include these requirements in any approval or other determination adopted for these changes.

SHERIDA E. PAULSEN, FAIA
TIMOTHY WITZIG, AIA

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Sincerely,

Sherida E. Paulsen, FAIA