

**Special Natural Area District Working Group Interim Report  
Land Use Committee, Community Board #8  
December 2015**

**Special Natural Area District (“SNAD”) Working Group Members:**

- Rosemary Ginty
- Bob Bender
- James Rather
- Arlene Feldmeier (former board member)

**Formation and Purpose**

The SNAD Working Group was created by the Land Use Committee in Spring 2015 as a result of an increasing sentiment among community board members and members of the community that the SNAD ordinance was not adequately protecting key areas of the community, along with increasing evidence that the existing SNAD regulations have not been applied in a manner that reflects the intent of the code. The Working Group was formed to elicit public opinion on this issue from institutions and community groups in addition to community board members and to report back with findings and/or recommendations.

**History**

Article X, Section 5 of the Zoning Resolution sets forth requirements for areas designated as Special Natural Area Districts. As constituent parts of the Zoning Resolution, these regulations are citywide; however, there are two principal SNAD districts in the city: one in Staten Island; and one within CB8.

SNAD was adopted by the NYC Planning Commission in 1974 in order to preserve areas of critical environmental sensitivity and to safeguard areas of outstanding and unspoiled natural habitat. SNAD review is triggered by proposed development and enlargements within designated areas. There are three categories of review: certifications; authorizations and special permits. The SNAD regulations were amended in 1977 to modify the procedures for special permits and authorizations.

In 2003 the CB8 adopted the 197a Plan entitled CD8 2000: A River to Reservoir Preservation Strategy, which contained the following recommendations concerning SNAD: create a Special Hillside Preservation District; limit visual impacts; lower FAR from 0.5 to 0.4; limit and vest community facility floor area to current owners; prohibit air rights transfers for residential development; increase comment period for SNAD authorizations from 30 days to 60 days; lower threshold of lot size for review from 40,000 SF.

SNAD controls development in close to 40% of the land area of CB8 and has allowed the community to review and comment on numerous development proposals. These regulations have played a key role in preserving the character of the community over the last 40 years, during which time there have been 53

certifications, 140 authorizations and 26 special permits. These applications do not necessarily stand as distinct projects since a single project usually involves a number of applications in each category.

### **Outreach to Stakeholders**

Members of the Working Group agreed that outreach to local community groups and institutions was necessary to solicit suggested changes to reflect the community's best interest. To this end, the Working Group contacted the following institutions :

Wave Hill, Horace Mann, Ittleson Center, Hebrew Home for the Aged, Riverdale Yacht Club, Frances Schervier Home, College of Mount St. Vincent, Conservative Synagogue Adath Israel, High Ridge House, Cardinal O'Connor Residence, Riverdale Country Day School, Ethical Culture Fieldston School, Yeshiva of Telshe Alumni, Christ Church, Salanter Akiba Riverdale Academy (SAR) and Riverdale YM-YMHA.

In addition the following community groups were contacted:

Fieldston Property Owners Association, Friends of Spuyten Duyvil, Delafield Estates Homeowners Corp, Riverdale Nature Preservancy, Riverdale Spuyten Duyvil Coalition, Alderbrook Association, Riverdale Community Coalition, Along the Hudson Homeowners Association, and Save Riverdale Park.

Lastly members of CB8 were asked to provide their thoughts, input and suggestions.

Of the above entities, responses have been received from the Fieldston Property Owners Association, Ittleson Center, Hebrew Home, and Wave Hill. Letters were received from G.Oliver Koppell, Martin Zelnik, and Robert Fanuzzi. Along the Hudson Homeowners Association requested that a member of the Working Group speak at their summer meeting; Ms. Ginty met with this group to address their concerns.

### **Progress Report on Work Undertaken**

The Working Group met in May, June, August and November to discuss areas of most serious concern and possible changes to SNAD. Early in the process, the group agreed that the best use of its limited time was to focus on those elements in SNAD that CB8 members and the larger community felt were not sufficiently protecting the SNAD's natural features, as review and analysis of every section of SNAD is time-prohibitive. Working Group members agreed that this process presents the opportunity to reconfigure the SNAD review process to better serve the community and to regain the public trust that has been lost in recent years.

At these meetings, the Working Group discussed the sections of the SNAD regulations pertaining to botanic features - in particular tree credits. This includes questions regarding how the credits are calculated and administered in project reviews and language in the SNAD text that allows CPC to waive all tree replacement requirements if an applicant demonstrates that the site cannot be developed while meeting the tree replacement requirements in the code. The Group also discussed the important environmental issues associated with the Tier I and Tier II steep slope areas such as erosion, water runoff and non-porous paving.

## Introductory Thoughts

The Working Group has assembled the following broad goals for eventual implementation based on the experience of its members and community outreach. Given the scope of the assignment, the complexity of the SNAD regulations and a time factor, the Working Group wants to present the following four areas of concern for discussion. They are:

1. The regulation of trees and botanic features would benefit from significant upgrades to the manner in which their protection is reviewed. Existing trees of less than six-inch caliper on a site do not count when the Department of City Planning (“DCP”) evaluates an application for a SNAD site. Removal of trees of less than three-inch caliper is regulated by the Department of Buildings not DCP. At the same time, DCP counts trees of three-inch caliper (or greater) as appropriate to meet replacement requirements.

- It is recognized that smaller trees have value in retaining stormwater on site and in holding the surface together.
- The SNAD regulations allow for the possibility of removal of up to 49% of the trees on a site as long as the site continues to meet minimum SNAD regulations for number of trees for that size site. This standard may not be a significant consideration for a single-family home but it can be significant for an institution that is expanding its footprint. In addition to other environmental benefits, trees have a visual and aesthetic value that is not recognized in current SNAD regulations.
- It is unclear how the tree replanting is monitored, i.e., how much time the individual or institution has to plant replacement trees and how DCP inspects the site to confirm that replanting has taken place.

2. The preservation of drainage systems to avoid erosion, support natural absorption of storm water and avoid runoff would enhance the District and provide more protection to both botanic and natural resources.

- NYC Department of Environmental Protection is under a federal consent decree to introduce a Long-Term Control Plan to control stormwater runoff. A key question is whether SNAD regulations help or hinder the Long-Term Control Plan.
- SNAD regulations regulate tree caliper and tree credits, while the real issue for stormwater runoff is tree root radius. Tree roots are important for groundwater capture, soil retention, erosion and sedimentation control and runoff prevention.
- Stormwater runoff is crucial as it affects private property and undermines road surfaces in the SNAD district. The example discussed was West 254<sup>th</sup> Street west of Riverdale Avenue.

- To allow more groundwater capture, enhanced-wider and deeper tree pits should be considered within SNAD.
- SNAD Section 105-422 addresses changes to drainage and soil conditions; however, DCP does not appear to present or require findings. Issues are left to DOB self-certification. More needs to be done to document soil drainage effects and remediation as part of DCP's review. Impervious surfaces are the biggest contributor to run-off. SNAD's regulation of non-permeable surfaces is questionable.
- SNAD's definition of lot coverage does not include playing fields or playgrounds, which are often impervious surfaces. Suggestion was made to consider the inclusion of these surfaces as lot coverage in SNAD.

### 3. Community board review of certifications

The Working Group also wants to consider the referral of all actions impacting SNAD parcels to CB8. Currently, only Authorizations (actions requiring a discretionary review) are referred; Certifications (considered ministerial actions) are processed by DCP and DOB internally and are not referred to CB8. As a result, we do not currently have an accurate list for the total number of projects impacting the SNAD district since its founding, nor data on the nature of these projects.

### 4. A public forum for the affected SNAD community presenting the rules and regulations of the District

As a result of our outreach efforts, we recognize a need for better understanding for the residents of the affected area. Outreach to the general community with an informational session on the details of the District, its purpose, application, requirements and objectives. The District is now 40 years old and the Working Group believes that such a community forum would be valuable.

### **Conclusion**

This is an interim report to the Land Use Committee, which will also be sent to those groups and institutions originally contacted for comment. The Working Group will continue refinement of the goals and themes outlined here. It is anticipated that the Department of City Planning will make a presentation to the Land Use Committee of amendments it is developing to SNAD in the near future. A key goal of the Working Group remains to ensure that CB 8 and the community-at-large remain informed throughout the process.

### **Acknowledgements**

The Working Group would like to acknowledge those institutions, community groups and board members who provided their insights, the community board office for their work and to Juton Horstman of DCP who was attentive throughout.