



CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD 10
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CICELY HARRIS
Chairperson

ANDREW LASSALLE
District Manager

Land Use Committee Minutes
Thursday, February 15, 2018 – 6:30 pm

Board Members present (9): Stanley Gleaton, Chair; Victoria Horsford; Keith Taylor; Kevin Bitterman; Michelle Booker; Karen Dixon; George Harrell; Karen Horry; John Lynch

Board Members Absent/Excused (4): Charles Powell; Danni Tyson; LaShanda Myers; Lisa Downing

The meeting was called to order at 6:35 pm.

I. Welcome/Introductions

- a. Introduction of board members followed by community members.

II. Presentations

A. Board of Standards and Appeals

Carlo Costanza, Executive Director & Jonathan Kirschenbaum, Project Manager

Board of Standards and Appeals

- An independent board that grants relief from the Zoning Resolution and other development codes.
- Prevents unconstitutional “takings” claims against the city.
- Allows reasonable development to occur on properties that would otherwise not develop.
- Considers and grants certain use and bulk waivers from the Zoning Resolution.

The Board has the authority to:

- Vary the regulations of the New York City Zoning Resolution;
- Modify the New York State Multiple Dwelling Law;
- Waive or Modify Fire Codes, Flood Regulations and Building Codes;
- Waive General City Law 35 and 36 (mapped streets);
- Interpret Appeals of the Zoning Resolution;
- Permit Vested Rights;
- Grant Special Permits as authorized by the Zoning Resolution
- Variance and Special Permits are reviewed by the Community Board.
- The Board is not subject to ULURP.
- The Board holds a hearing on complete applications.

Variances

- There are five required findings for a variance where an applicant must show:
 - Unique physical conditions;
 - Which hinders a reasonable return on development;
 - Will not alter the essential character of the neighborhood;
 - Is not a self-created hardship; and

- Will be the minimum relief necessary.

Special Permits

- Over 50 Special Permits for use and bulk waivers to:
 - Permit uses in districts where such uses are not permitted by the Zoning Resolution;
 - Modify parking regulations, including provisions for existing and new affordable and senior housing;
 - Increase height, floor area, and other bulk regulations.
- Many special permits require neighborhood character findings to be met.

Renewals and Extensions

- Many approved applications for use waivers are given a specified term to operate.
- Prior to the expiration of the term the property owner must come to the Board to request an extension to continue the use.
- Applicants are asked to clean up their sites and provide landscaping.
- BSA can make non-conforming uses better neighbors.

General City Law waivers

- The BSA grants permission to developers to:
 - Build in the bed of a mapped street but unbuilt street (GCL 35); and
 - Build on a lot where the street giving access to the property is not on the Map of the City of New York and where there is inadequate frontage giving onto such street as required by the NYC Building Code Section 502.1(GCL 36).
- GCL waivers require FDNY, DEP, and DOT sign-off. Enables subdivision of a lot.

Appeals

- The BSA can hear and decide appeals to DOB (or other agency) interpretations of the Zoning Resolution or other development codes.
- Application for appeals must be made within 30 days of the agency's decision.

Vested Rights

- Application to renew lawfully issued building permits subsequent to an amendment of the Zoning Resolution.
- Rights may be vested pursuant to ZR Section 11-31 et seq. (completed foundations as-of-right; BSA 11-331 completed excavation and substantial foundations) or under the Common Law.
- The right to Vest under the Common Law is based on whether substantial construction has been completed and substantial expenditures made by the date of the zoning amendment.

Review Process

- Application filing with BSA and with local Community Board, Borough President, City Councilmember, City Planning Commission and Department of Buildings.
- 60-day window for Community Board to hold hearings, issue Recommendation.
- Assignment to BSA planner for review who issues a Notice of Comments.
- Notice of Hearing to Neighbors, Community Board, Borough President and City Council.
- Hearings with testimony by the applicant and its consultants, and by the Public.
- Closure of the Hearing and Vote.

Community Board Recommendations

Variances and Special Permits

- Recommendations are most helpful when they speak directly to the findings:
 - Neighborhood character and impacts;
 - Unique conditions;
 - Other developments in the area;
 - Real estate prices/comparables

Amendments and Extensions

- Recommendations are most helpful when they speak to:
 - Neighborhood character and impacts; and
 - Compliance with conditions of previous approval(s).

Website:

<http://www1.nyc.gov/site/bsa/index.page>

B. Balton Commons

263-267 West 126th Street, New York, NY

Development Team

- Lemor Realty Corp. - Harlem-Based M/WBE Affordable Housing Developer
- Apex Building Company, Inc. - Harlem-Based M/WBE Affordable Housing Developer & General Contractor
- Silicon Harlem -Harlem-Based organization focused on technology & innovation leadership & education
- Design Team -Aufgang Architects, Bright Power Sustainability Consultants

Existing Zoning

- R7-2 w/ C2-4 Overlay
- Max Height of 85 feet
- Max FAR of 6.5
- With Community Facility included

Overview

- 7-story (75 feet)
- Approximately 37 units
- 100% Affordable Housing
- 4,500 sf of commercial space
- 1,300 sf of community facility space
- 1,200 sf of retail space ▪ Active Design ▪ Streetscape Activation
- Passive House features

Unit Mix

- 11 - Studio
- 12 - 1-Bedroom
- 11 - 2-Bedrooms
- 3 - 3-Bedrooms
- Affordability Mix ▪ Range between 30% and 90% of AMI

Residential Amenities ▪ Building ▪ Gym & outdoor activity space ▪ Rooftop with resident focused programing ▪ Laundry ▪ Bike parking ▪ In-Unit ▪ Dishwasher ▪ Mini-splits (Heat & AC) ▪ Terraces (some units)

Activate the streetscape

- Multi-use ground floor ▪ Complementary uses ▪ Local businesses

Incubator / Co-Working Space ▪ Silicon Harlem - STEM focused ▪ Great demand from local entrepreneurs ▪ Community Facility ▪ Apps Youth Leadership Academy (AYLA) ▪ Tech-based program for local HS students ▪ Focus on 21st Century careers ▪ Retail ▪ Harlem-based Coffee Shop / Café use

III. Business:

Balton Commons

[7] Yes

[1] No

[0] Abstain

[1] Recusal for Conflict of Interest

Meeting adjourned 8:36 PM.