

LAND USE COMMITTEE – MEETING MINUTES

December 6, 2017

Committee Members Present

Wayne Benjamin, Chair
Andrea Kornbluth, Asst. Chair
Anita Barberis
James Berlin
Isaiah Bing
Osi Kaminer
Angelina Ramirez
Steve Simon
Christopher Ventura

Committee Members Absent

Jonathan Reyes
Jay Mazur

Board Members Present

Isidro Medina
Sara Fisher

Public Member Present

Vivian Ducat

Staff: Ely Silvestre

Guests: Dana Gae Hanchard, Aaron Scott, Cheramie Mondesire, Deborah Cardona, Nina Bernstein, Bennett Melzak, Peter Psathas, Graham Ciraulo, Eli Gewirtz, Phil Simpson, Bianca Guerrero, Joshua Goldberg, K. Duran, Clifford Elkind, Johanna Garcia, Martia Gordon.

1. The meeting of the Land Use Committee (“Land Use” or the “Committee”) was called to order with quorum present at 7:09 PM. Chair Benjamin greeted guests and Committee members introduced themselves.
2. **Presentation: Scenic & Historic District Considerations for Inwood.**

Aaron Scott and Dana Gae Hanchard made a presentation concerning their recent applications to the Landmarks Preservation Commission (“LPC”) for consideration of scenic and historic districts in Inwood.

 - a. The original application was filed in March 2017, requesting scenic landmark designation for Inwood Hill Park, Isham Park Section I (including Memorial Circle and Bruce’s Garden), and Isham Park Section II (including the baseball fields), and historic district designation for the Park Terrace section of Inwood and the residential district between W. 215th Street and Dyckman Street, west of Broadway. A revised submission is planned for this month in response to the addition of the two residential districts to the Inwood NYC rezoning plan.
 - b. The applicants were inspired by the successful opposition to the proposed LG Tower in New Jersey that would have destroyed views of the Palisades from Fort Tryon Park and the Cloisters and set a dangerous precedent for development in the area. The LG fight was led by the Fort Tryon Park Trust and other organizations, and notably, was supported by the same elected officials who are now promoting rezoning and development in Inwood.
 - c. Inwood (and most of northern Manhattan above 155th Street) was designed and built with the topography and natural features of the area in mind, creating a natural sense of place. The area is bounded by scenic vistas, and the built structures complement the natural beauty without overshadowing it.
 - d. The applicants believe that the rezoning plan under consideration would lead to the wholesale destruction of the close-knit community, its landscapes, its library and its commerce. While the R7A designation proposed for the residential districts west of Broadway would offer some protection against encroaching development, historic district designation would provide greater assurances.
 - e. The oversized buildings planned for the “commercial U” (Dyckman Street, 207th Street and Broadway between those streets) would destroy existing commerce and replace the contiguous, contextual streetscape with discrete, walled-off neighborhoods. Traffic would be exacerbated on the University Heights and Broadway bridges, and North Cove, an important stop for migratory birds, would be decimated. The plan is more destructive than nurturing for the Inwood community.
 - f. Northern Manhattan’s parks are not only home to the borough’s last wooded mountains, they also have a very long history of human settlement. The Lenape people, for example, valued the area’s abundant springs and sacred spaces for generations. In the late 19th century, Reginald P. Bolton and later Andrew Haswell Green recognized the special nature of the area and the need for preservation. The current trails of Inwood Hill Park were built by unskilled laborers as a project of Franklin D. Roosevelt’s Work Projects Administration (“WPA”).

Comments and Questions:

- a. Chair Benjamin noted that the rendering of a proposed building in Fort George shown in the presentation was approved by the Board of Standards and Appeals (“BSA”) despite the objections of Community Board 12 (“CB12M”) and is unrelated to the proposed rezoning. For background, BSA variances are a form of relief that were created to prevent zoning from being contested as a regulatory taking.
- b. LPC’s response to the application asked for more research and indicated that evaluation would be delayed due to city priorities. Also, the LPC expressed some interest in individual buildings in the Park Terrace area rather than a full historic district.
- c. The question of whether Inwood Hill Park could be designated in conjunction with Fort Tryon Park as a continuous view shed was raised. This would also be consistent with a previous application for a Hudson River Greenway. It was pointed out that the parks themselves are protected and can only be alienated with New York State Legislature authorization. However, recent developments such as ~~the decision~~ the decision to put up a high-rise building on a portion of the Marx Brothers Playground on E. 96th Street while still providing the same square footage for the playground raise concerns about the protection of parklands.
- d. One of the reasons that the applicants decided to file an addendum is the potential for tall buildings on Dyckman Street, which could tower over the mountaintops of the parks. Chair Benjamin commented that a project calling for an 18-20 story building on Dyckman Street was previously deemed inappropriate by both CB12M and the Parks Department.
- e. It is important to preserve the neighborhood’s “breathability” and sense of place, but the LPC will look to evaluate using its own criteria. Thus, though sense of place is made up of more than just famous architects or famous residents, it could be useful to point out such historical continuities as the fact that some of the architects who designed the landmarked section of the Grand Concourse designed some of the buildings in Inwood.
- f. The response received from the LPC is in keeping with responses received in connection with other applications in Inwood and in the Audubon Park area. The LPC appears to be stalling uptown applications with various excuses. The reasons for this are unclear, but there is speculation that either the current administration is not landmark-friendly in general or the areas above 96th Street are being prioritized for Mandatory Inclusionary Housing (“MIH”) development.
- g. In any event, CB12M has been supportive of the various efforts to increase landmark and historic district designation in the district, including the recent designation of the Loew’s 175th Street Theater. The presenters were advised to coordinate with other local applicants for historic district designations, and to keep in touch with the Committee and other relevant committees such as Parks and Cultural Affairs so that CB12M can effectively support their efforts.

3. Discussion: Development Options for Former Rite-Aid Site.

Committee member Steve Simon raised the issue of the need to redevelop the triangular lot that is located at W. 162nd - 163rd Streets between St. Nicholas and Amsterdam Avenues. The lot is owned by John Catsimatidis, former mayoral candidate and owner of Gristedes Foods, and has been vacant for 10-15 years. The last occupant was a single-story Rite-Aid store that was demolished due to structural issues. A new chain-link fence has recently been erected around the site, but accumulated garbage is visible through the fence. Overall, the empty site is a blight on the neighborhood, and it is not doing the community any good in its present condition.

- a. The site is privately owned and the city can’t direct how it is used except through eminent domain. Committee member Simon suggested that CB12M should call on the owner to develop housing on the site under an affordable housing plan, or consider donating it to the city for affordable housing and/or a school.
- b. The WHEELS school on W. 182nd Street has no cafeteria, gym or auditorium facilities, and must bring children across the street to the I.S. 143 building every day. It was suggested that the site might be too noisy for a school, but as demonstrated by a recent application for a school located next to an elevated train line in Inwood, noise can be mitigated.
- c. Committee member Isaiah Bing reported that George Fernandez, former Chair of CB12M, met with Mr. Catsimatidis to discuss this issue several years ago. Though Mr. Catsimatidis seemed to have a positive outlook on developing the site, he said that vibrations from the subway line running under the site limited development possibilities. However, the MTA has recently indicated that it sees no impediment to building.
- d. Deborah Cardona, a community resident, mentioned that there is talk in her neighborhood of the 170th Street Gristedes possibly closing soon. She suggested that Mr. Catsimatidis could be holding onto the Rite-Aid site as a replacement site for the supermarket.
- e. The Committee will request that CB12M Chair Ally approach Mr. Catsimatidis about redeveloping the site without further delay.

4. Overview: Inwood Rezoning and Draft EIS – Review Process/Next Steps

- a. Chair Benjamin reviewed an outline of next steps related to the Inwood Rezoning. An outline of ~~these~~ ~~next~~~~these~~ ~~next~~ steps and supporting documents were distributed to the Committee and attendees (see attached).
- b. There are only two days per month on which the Department of City Planning (“DCP”) can certify a Uniform Land Use Review Procedure (“ULURP”) application to begin the formal review process. DCP had planned to certify the Inwood rezoning application on December 11, 2017, but after CB12M pointed out that it would lose review time to the holiday season, DCP agreed to certify it on January 16, 2018.
- c. The clock for CB12M’s portion of the ULURP review will start on January 25 and run through March 27.
- d. The proposed rezoning application, the draft Environmental Impact Statement (“EIS”), and the responses to comments submitted on the draft EIS scoping document will all be released on January 16. It is unclear whether the documents will be released in English and in Spanish. (The comment period for the EIS begins on January 16. It is important to consider ULURP and EIS comments in parallel to ensure that all deadlines are met.)
- e. CB12M recommended that the Economic Development Corporation (“NYCEDC”) prepare a Frequently Asked Questions document prior to the release that can be sent to district residents and stakeholders.
- f. In conjunction with the rezoning effort, the city is working on a comprehensive neighborhood investment plan. Like the District Statement of Needs that community boards prepare annually, this give the community and the community board an opportunity to contribute to the process.
 - i. Commitments made in other rezoned areas are listed on the DCP’s Commitments Tracker website, which will be updated as commitments are met.
 - ii. Commitments involve a variety of city agencies and are specific to each area – for example, in the Rockaways there is a concern with ‘Zombie homes’ (foreclosures that are not being maintained by the banks that own them), and there HPD will invest in a Zombie Homes Initiative.
- g. Each CB12M committee should comment on needs and deployment of investments. A public hearing will be set for February or March (the date of the General Meeting in March may be changed, as the deadline for submitting comments falls on the day of the scheduled meeting.) The hearing will be held by the Land Use Committee or jointly by several committees, and notice will be provided as required by law.
- h. Johanna Garcia, president of Community Education Council 6, said she recently received a report saying that 14 district schools are currently overcrowded. Despite the large potential influx of families, neither the rezoning plan nor the City Council’s 5-year capital plan mention any allocation for new seats. The agencies are well aware of this situation, so this should have been included in the plans. The onus should not be on the public to have all of the information.
 - i. It is not clear whether this issue was raised in the Youth and Education committee’s comments on the Draft EIS scoping document. The Committee will confirm and make sure that it is included in future comments.
- i. Ms. Cardona stated that there seems to be less emphasis on sustainability in recent development efforts. Chair Benjamin noted that CB12M recently passed a resolution to request a zoning change to protect rooftop sunlight for potential solar installations, and would like to see more attention to such issues.
- j. In response to another community resident’s concern about tenant harassment and displacement, Chair Benjamin suggested that community members also consider what should be requested to counter such issues.
- k. Ms. Cardona suggested that CB12M is dysfunctional and is serving the interests of the elected officials more than those of the community. A Committee member took issue with this comment.

5. Old/New Business

- a. Committee member Simon asked whether there has been an update on the status of the BSA application filed by HAP Associates some years ago for a building at 4452 Broadway. The Committee will ask District Manager Smith to request information from BSA.
- b. Community member Graham Ciraulo asked the Committee to consider a resolution calling upon the city to require that development on city-owned land be 100% affordable and that market-rate development not take place on city-owned land. This proposal was developed in response to the Bedford-Union Armory redevelopment project in Brooklyn, which will now be only 60% affordable. A similar proposal was made by another community member. The Committee will confer with the Housing and Human Services committee, where the proposal was originally made, to determine which committee should address this issue.

The meeting was adjourned at 9:05 PM.

Submitted by Andrea Kornbluth.