

COMMUNITY BOARD 12- MANHATTAN

LAND USE COMMITTEE

MEETING MINUTES

January 4, 2023

Committee Members Present

Wayne Benjamin, Chair
Tanya Bonner, Asst. Chair
Jim Berlin
Daniel Bonilla
James Bosley
Kimberly McCoy
Ayisha Oglivie
Steve Simon

Committee Members Absent

Board Members Present

Katherine Diaz

Public Member Present

Vivian Ducat

Public Member Absent

Staff: Paola Garcia

Guests: Olivia Olmos – Department of City Planning (DCP), Jose Turcios – DCP, Jamilah Sandoval - Office of Council Member Carmen de la Rosa, Andrew Pontecorvo, David Thom, Tine Byrsted, Nick Lyndon

1. **Call to Order.** The meeting was called to order at 7:03 PM. Land Use Committee (“Land Use” or the “Committee”) Chair Wayne Benjamin wished all a Happy New Year, introduced Committee members and welcomed guests.
2. **Update on Board of Standards and Appeals (“BSA”) Application for 22-38 Cumming Street Development Project.** Chair Benjamin updated the Committee on the status of the BSA application for 22-38 Cumming Street. He stated that he contacted BSA in late December to obtain an update on the status of the application and was advised that the last hearing was held on November 15, 2022, and the next hearing, which is scheduled for April 10 or 11, 2023, will be the final hearing. Prior to this evening’s meeting the chair provided the Committee with an email thread with BSA, which included links to the recording of the November 15th hearing and to the materials presented to BSA at the hearing. For the April 2023 hearing, BSA informed the applicants that they must provide BSA with documentation that includes revised engineering and financial calculations reflecting the site work that will need to be more extensive than originally envisioned by the applicants. The applicants contend that the extensive rock removal and subsequent re-filling that the site will require will significantly increase the scope of excavation and site work and the cost of the project. BSA also advised that the chair that the applicants may also submit modified design materials. All materials for the April 2023 hearing must be submitted to BSA by March 16, 2023. Additionally, the BSA Chair requested that the applicant give notice 20 days prior to the April meeting to both the members of the community living within a 400-foot radius of the site, as well as to CB12M. This notification is not usually required, but BSA specially requested that the applicant do so in response to community concerns about the project.

Chair Benjamin stated that the update provided at tonight’s meeting gives the Committee with notice of the April hearing well in advance of the 20 days requested by BSA and recommended that the applicant be invited to attend the March 2023 Land Use Committee to review the materials that they will submit to BSA later that month.

The current design for the Project includes 50 parking spaces; 66 are required if BSA does not agree to a zoning variance to allow reduced capacity. Committee Member Berlin discussed the parking configuration as presented in the current design, which he regards to be impractical. Chair Benjamin stated he will ask BSA to have the applicant elaborate on the functionality of the proposed parking facility.

The Committee and community residents present at the meeting also discussed the impact of extensive rock removal on the adjacent buildings (structural, vibrations, etc.) as well as the cost of the rock removal. Chair Benjamin stated that he requested that BSA forward to CB12M copies of the revised financial and engineering information the applicant submits to BSA in mid-March and that BSA agreed to the request. The Committee will be able to review the updated engineering and financial information in addition to any design changes.

- 3. Discussion of Strategies for Advancing CB12M's Zoning Initiatives.** Chair Benjamin stated that the intent of this discussion is for the Committee to explore how CB12M can more effectively advance the implementation of resolutions adopted pertaining to planning and zoning initiatives. He reminded that Committee that at the November 2022 Land Use meeting, Council Member Shaun Abreu asked how the Committee envisioned its zoning requests and the resolutions relating to zoning passed by CB12M becoming public policy. proceeding Would the Department of City Planning ("DCP") take the lead, or would an elected official such as a City Council Member or the Manhattan Borough President move CB12M's requested zoning action through the DCP process? Benjamin noted that after Manhattan Community Board 9 completed its 197-A study to articulate planning goals and objectives as a counter to Columbia's plans for the development of its Manhattanville Campus, Borough President Scott Stringer then took the lead in advancing a rezoning action based on the planning principles included in the 197-A plan. Since 197-A plans are advisory and do not have the force of law, the Borough President took the community's wishes to the next level. The chair offered another example, the designation of the Morningside Heights Historic District by the NYC Landmarks Preservation Commission, which enjoyed strong support from elected officials, including then Borough President Gale Brewer and former Council Member Mark Levine. The chair then posed the question to the Committee: should CB12M request that either Borough President Levine or Council Members Carmen de la Rosa and Abreu take the lead in advancing the rezoning actions requested in various resolutions adopted by CB12M, given DCP's failure to address the requests.

Committee Member Oglivie addressed the importance of follow-up and advocacy on resolutions adopted by CB12M and inquired about the extent of the Board's leadership's advocacy for CB12M's priorities. She further stressed the need to create a system to track the status of resolutions once they are adopted.

Assistant Chair Bonner stated there is a role for elected officials to play in supporting and advancing the Board's priorities, but we need to ensure that it is our priorities that are being advanced. She further stated that the District Manager should be more proactive in his follow-up on the subsequent steps taken by various government agencies and political leaders to the resolutions adopted by the Board.

Chair Benjamin stated that better use can be made of the monthly Borough Board Meetings if they are used as a forum for follow-up on the status of resolutions adopted by CB12M as well as to solicit support from the MBPO.

Community resident and former CB12M Board Chair Martin Collins recalled that it took the Department of Housing Preservation and Development ("HPD") five years to act on the resolution passed by CB12M concerning the rehabilitation of 2110 Amsterdam Avenue and 21 Arden Street and that the process of getting HPD to address the matter required persistent follow-up and advocacy by the Board and elected officials. He further stated that the championing of priorities must be done in an equitable manner.

Committee Member Berlin stated that a collaboration between CB12M and the elected officials sounded like a good idea.

Committee Member Simon stated the Manhattan Borough President's office is best positioned and has the capacity to advance CB12M's zoning requests and suggested that a sub-committee of the Board meet with the MBPO to discuss this matter, but that first we need to review and prioritize the various zoning-related resolutions adopted by the Board. He also agreed on the need to make better use of the Borough Board meetings and to establish a system to track the status of responses to resolutions., Simon suggested that CB12M consistently ask for a response three-to-four weeks after a resolution is sent to an agency.

Committee Member Ducat asked how CB12M might learn what other community boards are doing in terms of actions taken and resolutions passed, to explore what interests and concerns are held in common, and how we might work together.

Committee Member McCoy requested that copies of the zoning-related resolutions discussed at tonight's meeting be circulated to the Committee for review to aid in determining which to prioritize.

Assistant Chair Bonner suggested that we explore the actions that the Civic Engagement Commission is undertaking to assist community boards with planning initiatives, and how the CEC can help CB12M to advocate for its land use and planning priorities.

The Committee also discussed the need to ensure it has the support of the Executive Committee and the full Board as it develops a strategy for advancing zoning actions.

4. **Old Business:** None

5. **New Business:**

Committee Member Oglivie discussed her involvement with organizations examining real estate appraisal industry practices and social equity impacts of those practices, and inquired as to whether this is a matter the Committee could explore, and the ways in which CB12M might engage. Chair Benjamin recommended inviting representatives of the organizations to meet with the Committee to begin a dialogue.

Committee Member Ducat advised that an article about new developments relating to the cultural institutions located on Audubon Terrace will be published in the New York Times. The digital version is expected to be published on Friday and the print copy on Sunday.

Committee Member Simon provided further comment on the appraisal matter stating that appraised values impact real estate taxes and as a result rent levels. He further stated that rental properties are taxed at a higher rate than owner-occupied properties and since the residential buildings in Washington Heights and Inwood are largely rentals, this has a disproportionate impact on the rents paid by residents in our community.

Committee Member Bosley referenced an article in Patch concerning the installation of towers for 5G cellular service in Washington Heights and Inwood and inquired if CB12M has a role in reviewing the proposed installations, and if so, which Committee would be responsible for doing so. CB12M Chair Katherine Diaz stated the community board did not receive notice of the installations but is working to obtain more information. Committee Member Oglivie stated that she worked with Silicon Harlem on matters pertaining to broadband issues and that it may be a good resource to tap to assist with researching this matter.

Community Resident Tine Byrsted thanked the Committee for its dedication and hard work.

6. **Adjournment.** The meeting was adjourned at 8:42PM.

Respectfully submitted by Wayne Benjamin