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The City of New York Community Board 8 Manhattan

**Joint Public Hearing of the Housing Committee,
Zoning & Development Committee, and Health, Seniors
and Social Services Committee
Stanley Isaacs Neighborhood Center
415 East 93rd Street
Dining Room A & B
Wednesday, November 28, 2018, 6:30 p.m.**

Please note: The resolutions contained in the committee minutes are recommendations submitted by the committee chair to the Community Board. At the monthly full board meeting, the resolutions are discussed and voted upon by all members of Community Board 8 Manhattan.

CB8 members present: Elizabeth Ashby, Alida Camp, Barbara Chocky, Anthony Cohn, Alexandra Harrington, Ed Hartzog, Lorraine Johnson, Rebecca Lamorte, Sharon Pope-Marshall, Rita Popper, Peggy Price, David Rosenstein, Barbara Rudder, Bessie Schachter^, Kim Selway^, Tricia Shimamura, Lynne Strong-Shinozaki, Marco Tamayo, Elaine Walsh, Shari Weiner

Members of the Public: Stephanie Chan (Manhattan Borough President Gale Brewer's office), Hally Chu (Manhattan Borough President Gale Brewer's office), Luisa Lopez (Manhattan Borough President Gale Brewer's office) Abby Damsky (City Councilman Ben Kallos' office), George Janes, Pakhi Kane, Sara Kamillatos, Wilfredo Lopez (City Councilman Ben Kallos' office), Greg Morris, Barry Rehfel

Absent: David Liston

Unexcused Absence: Loraine Brown

^Public Member

Resolutions for Approval:

Item 1 – Unanimous

The Meeting was called to order at 6:36 p.m. by Community Board 8 Chair, Alida Camp, who presided over the hearing of the three committees.

1. Discussion of Fetner Properties' infill construction project at NYCHA Holmes Towers.

The chair introduced Greg Morris, President & Executive Director of the Isaacs Center, who made the point that this project will affect the public housing residents of Stanley Isaacs and Holmes Towers and it will affect the older residents, children and young adults who need a second or third chance. He stated that, up to now, he did not think the developer had been looking out for the public interest of these individuals.

Abby Damsky from Councilman Ben Kallos' office then made a brief statement on behalf of the Councilman who was invited to the meeting, but was unable to attend due to illness. Ms. Damsky noted

that the Councilman had serious concerns about the project, including those contained in a letter from George Janes, dated October 5, 2018, to the New York State Department of Environmental Conservation – Division of Environmental Remediation and, he would only support this project if it were 100% affordable.

The Chair noted that in addition to Councilman Kallos, the board had invited a representative from the Mayor's office, Fetner Properties and NYCHA and all of them had declined the invitation. However, she did point out that the Mayor had suggested another meeting in January – with the same participants – and perhaps, at that meeting, the questions and concerns raised at this meeting and others could be addressed. In the meantime, the meeting was turned over to George Janes, an urban planner of the firm, George M. Janes & Associates, who gave a short presentation of the contents of his aforementioned letter to the Department of Environmental Conservation (DEC). A copy of the letter is attached and available on the community board's website ---- www.cb8m.com.

In short, Mr. Janes wants the DEC to reject Fetner's Brownfield Cleanup Program application – all 6,400+ pages – because it does not follow New York City's zoning laws and is contrary to assertions made in its application, including that it is an “as-of-right” building.” Moreover, the infill building described in the application is contrary to “best practices” and New York City's *NextGen NYCHA* plan.

Indeed, before addressing the zoning issues, Mr. Janes pointed out that the area had been zoned for industrial use for many years and among the prior uses in the area were fuel storage which raised the question of leakage into the ground and the need for remediation.

The proposed building will be 501 feet tall with 339 new apartments of which 169 will be “affordable” (at 60% AMI). It will be built in an R8 zoning district that does not have a maximum building height, but does have setback provision for buildings as they get higher. This building would be required to be set back 20 feet from the street line at a height of 60 feet in order to comply with the requirements of the sky exposure plane. In order to build the building Fetner proposes, Mr. Janes asserts that the developer will need a mayoral zoning override, which is a discretionary action for projects typically much smaller than this one.

Mayor Bloomberg used a mayoral override for a micro apartment demonstration project during his tenure. Notwithstanding, the project would still have to undergo an environmental review but not ULURP. This particular mayoral override for Holmes Towers might be the biggest one for a private project. Moreover, at some point during the presentation and subsequent discussion, Mr. Janes admitted that it could take three mayoral overrides to complete this project.

Mr. Janes also pointed out that under ZQA in 2015 the city tried to change the spacing rule of Sec. 23-70 of the Zoning Resolution, from 60 feet to 40 feet. The result would make infill projects at NYCHA developments easier. Seeing this as a growth rule change the City Council took it out of the final bill, leaving the 60-foot rule still in effect. According to Mr. Janes this makes the project very vulnerable to an Article 78 proceeding.

He suggests that the city look at this project in a “holistic” fashion and re-design the area as a super block, including the Stanley Isaacs complex as part of the development. He believes that it is a wasted opportunity to view these projects as just real estate deals because NYCHA developments have some of the last reservoirs of unbuilt land in the city.

He pointed to a plan for the East River Houses in *NextGen NYCHA* that are only ten blocks north of the Holmes site. In that plan, there is a complete re-design of the entire complex, including new streets that are remapped and new residential buildings throughout the complex. By contrast, there is none of that for the Holmes project.

After Mr. Janes' presentation, the chair opened the meeting to questions from the public. The first one was a statement from Barry Rehfeld, who noted that the current elevation of the complex was 6 feet and that it was the lowest point in Manhattan and that with the impending effects of climate change the buildings will eventually be underwater. To that end, he wanted to know what the plan was to address this problem. Mr. Janes noted that the Red Hook Houses had a plan that evacuates the 1st floor of that complex and that they were talking about getting the mechanicals and people off the first floor.

Marco Tamayo noted that there was a pressing need for more affordable housing and less need for space devoted to community facilities, which the complex already had. In addition, he stated that the developer had not paid enough with respect to the capital need of the complex and its market value. He suggested the need for more density and affordability especially in light of the rapid loss vis-à-vis the creation of market rate apartments throughout the community district.

Sharon Pope raised several points including the possibility of legal action to stop the project – i.e., an Article 78 action. Her other suggestions included building a record through the environmental review process and possibly bringing in an urban planner to develop a whole new plan for the area, including Stanley Isaacs. She suggested starting over with MIH and noted that this should not be considered a “real estate deal” that was just disposing of excess land.

Barbara Chocky was particularly concerned about the possible need for three mayoral overrides for the project. Rita Popper suggested that the limit for affordability should be 100% AMI. In terms of opposing the project Lorraine Johnson noted that the air quality in the area was very bad and that could be the most successful way of attacking the proposal. Shari Weiner asked when the mayoral override could be applied. George Janes stated that based on case law the override can be used anytime for the public interest.

In terms of the environment, Alexandra Harrington noted the brownfield history of the area and suggested that the construction would be bad for the local residents' health and the learning outcomes of the children who attend the schools in close proximity to the project. Tricia Shimamura inquired about the timeline for the project. George Janes indicated that a draft scope of the environmental review should be coming.

Barbara Rudder expressed concerns about the construction of this project along with a new ramp for the nearby Marine Transfer Station. Elizabeth Ashby referred to a recent report by Comptroller Scott Stringer that showed more affordable units were lost (88,000) than built, from 2005 to 2017. To remedy this, she suggested only moving forward with 100% affordable units for projects like this one.

Rebecca Lamorte brought up the idea of a community land trust; however, Greg Morris stated the Mayor and the developer had not shown any interest for that idea, up to now. Peggy Price suggested that a resolution should be proposed opposing projects that use mayoral overrides. She stated that this issue could benefit from more press coverage – like the vendor issue at the Met. Elaine Walsh suggested that this deal was politically driven and not the product of rational decision-making. She suggested that state and federal officials need to be brought in and possibly DOI to look at the deal between the Mayor and the developer.

After further discussion, the following resolution was proposed:

WHEREAS the Housing Committee passed a resolution at its February 28 meeting resolving that, all new planned infill development in any and all NYCHA developments be 100% affordable and inclusive of households in the 30-60% AMI range; and,

WHEREAS the current infill project for Holmes Towers is still subject to review of Fetner Properties' Brownfield Cleanup Program application before the New York State Department of Environmental Conservation – Division of Environmental Remediation; and,

WHEREAS it appears that Fetner Properties' Brownfield application does not disclose the fact that the proposed building does not comply with the requirements of an R8 zoning district, specifically, that the proposed building at Holmes Towers will violate the sky exposure plane for the lot; and,

WHEREAS to construct the building described Fetner Properties' application the applicant will need to seek what is known as a mayoral zoning override and, such overrides are normally reserved for public projects and zoning waivers that are much smaller than what this project needs; and,

WHEREAS the proposed project at Holmes Towers appears to run counter to those outlined in the Mayor's *NextGen NYCHA* plan of 2015, specifically, treating the project at Holmes Towers as a real estate deal as opposed to a redesigned community like that proposed for East River Houses in East Harlem;

THEREFORE BE IT RESOLVED THAT Community Board 8 calls upon the Mayor to refrain from issuing a zoning override for this project; and,

BE IT FURTHER RESOLVED THAT Community Board 8 calls upon the City to follow its own land use process – i.e., ULURP – if it feels that a zoning change is necessary to effectuate the infill development of this site; and,

BE IT FURTHER RESOLVED THAT Community Board 8 calls upon the City to employ a complete redesign of the project – like that for the East River Houses – if it submits this project to the ULURP process.

After discussion, the Committee passed the Resolution 18-0-0 (Yes – Elizabeth Ashby, Alida Camp, Barbara Chocky, Anthony Cohn, Alexandra Harrington*, Ed Hartzog*, Lorraine Johnson*, Rebecca Lamorte*, Sharon Pope, Rita Popper*, Peggy Price*, David Rosenstein, Barbara Rudder, Tricia Shimamura, Lynne Shinozeki, Marco Tamayo, Elaine Walsh, Shari Weiner); 2-0-0 (Public Member – *Schachter, Selway*)

Old Business.

There was no old business.

New Business.

There was no new business and the meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Alida Camp, Chair, Community Board 8 and, the Joint Hearing – minutes prepared by Ed Hartzog, Co-Chair, Housing Committee