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**The City of New York
Community Board 8 Manhattan
Zoning and Development Committee
Tuesday, June 29, 2021 - 6:30 PM
Conducted Remotely via Zoom**

Minutes

Present: Elizabeth Ashby, Gayle Baron, Michele Birnbaum, Alida Camp, Barbara Chocky, Anthony Cohn, Saundra I. Coleman, Rebecca Dangoor, Billy Freeland, Craig Lader, May Malik, Valerie Mason, Gregory J. Morris, Peter Patch, Rita Popper, Barry Schneider, Rami Sigal, Russell Squire, Marco Tamayo, Elaine Walsh, Shari Weiner

The meeting was called to order at 6:30.

Co-chair Anthony Cohn announced that representatives of the New York City Department of Buildings (Josh Adams) and the Department of City Planning (Tony Lechugua) were present and would be available to answer questions related to agenda items. Throughout the meeting, both left the impression that their respective agencies avoided issues, rather than confronting them; frequently insisting that their hands were tied and that the only vehicle for change is legislative, through the City Council.

Goddard-Riverside Safe Haven Zoning Issues

Co-chair Elizabeth Ashby began the meeting by asking Josh Adams under what use group the applicants and the DOB classified the Safe Haven, and why the DOB considered it an as of right use for that zone (C8-4). Since February, when the project first came to the attention of the Community Board, the Board has requested information on the use group claimed by the applicants for the project. Despite the best efforts of Councilman Ben Kallos and CB8, no information has been forthcoming.

Mr. Adams informed the Committee that the Borough Commissioner was reviewing the application, which currently is on hold, due to questions that arose relative to the proposed use for the building and the applicability of certain aspects of the Building Code:

1. The application proposed that the building will be used as a “rooming house”.
2. The filing representative clarified the potential use as a “homeless shelter”.
3. The Department of Buildings normally classifies shelters under UG 5, transient hotels, and requires documentation from the applicant, the Department of Homeless Services, and the Department of Housing Preservation and Development (HPD), to the effect that occupancy will be limited to 30 days.

Co-chair Cohn asked what classifications homeless facilities might be grouped under by the DOB and DCP, and whether or not the proposed building meets the DHS and HPD standards for such facilities. Mr. Adams replied that he did not know if the other agencies had weighed in on the project, but that the DOB generally considered homeless facilities to fall under UG 3 (which is not allowed in a

C8-4 zone), but that the DOB has approved homeless facilities as rooming houses (UG 5), in Manufacturing and Commercial Districts in the past. He indicated that the DOB would supply some comparable examples to the Committee.

A spirited discussion followed with all Board Members reiterating support for the Safe Haven, but concern for the haphazard application of the Zoning Resolution and the Building Code. Several questioned the eventual use of the property when the lease for the Safe Haven runs out. Mr. Adams responded as well as he could to the questions and comments. Mr. Lechugua, in contrast stated that the Department of City Planning had no position on the proper Zoning classification for the project, and had not been asked to take a position. He further stated that the interpretation of the Zoning Resolution was the province of the Department of Buildings, leaving some wondering what activities the Department of City Planning does engage in.

Notice of Zoning Lot Mergers

Several months ago, the Committee and the then-Board Chair, Alida Camp, formally requested that the relevant Community Board be informed by the Department of City Planning when zoning lot mergers were proposed. The Chair of City Planning responded that that was not within the scope of what they do, and denied the request. The co-chairs asked for an explanation of the decision. Mr. Lechugua was able to reiterate the inability of the DCP to fill that request and stated that the agency responsible for that information was the Department of Finance, and that, in fact, the best avenue to receiving that information was through legislation. Two bills are currently before the City Council to that effect.

Demolition Permits Issued Before New Building Plans Submitted to DOB.

Co-Chair Cohn asked Mr. Adams if it had ever been, to his knowledge, general policy at the DOB to hold permits for building demolition until new building plan had been submitted, to reduce the length of time that lots might stand vacant. Mr. Adams was not aware of such a policy in the past, and reminded the Board that a New Building permit could not be issued until a Demolition Permit had been signed off. The Department of Buildings saw nothing wrong with that state of affairs. Many commenters spoke to the particular dangers of vacant lots: increased crime due to lack of street presence, increased vermin activity, and a general air of depression. Many “developable” lots in CB8 have been vacant for years, and the accompanying loss of affordable housing (in the form of the tenement apartments demolished) and local retail and local services cannot be underestimated.

After Hours Permits and Notification to Community Boards

Mr. Adams spoke to one particular case of after-hours permits, 200 E 83rd, and stated that their permits were in order and not granted “willy-nilly”, as some questioners insisted. The issue, for CB8, is that these permits for work late at night and on weekends has an effect on the quality of life in the neighborhood, and the Community Board is supposed to be able to question the granting of those permits. Mr. Adams stated that in the case of 200 E 83rd Street, the applicant asked for longer hours than were granted. The feeling at the meeting was that a protest by the Community Board should at least require a conversation. The justification for the after-hours and weekend permits is usually that some general danger is associated with the activities proposed. This is not intended to be for continuous late and weekend work to maintain a schedule. The issue of notice to the Community Board was left unresolved.

Yorkville and Lenox Hill Special Zoning Districts

Mr. Lechugua insisted that there was no application yet for the special districts, although a pre-application has been filed. He further stated that the Department of City Planning was not in any way in favor of this proposal as it did not, in their view, further the citywide goal of increasing affordable housing. The Committee and Community disagree and the application will proceed in the coming months.

It was reported that the architect/planner, who is carrying out this undertaking, will resume work on the project in September. Volunteers will be needed in the future for tasks that will be determined when his work begins again. Several people agreed to help, including Michele Birnbaum and Marco Tamayo.

There being no other business, the meeting was adjourned at 9:12 PM.

Elizabeth Ashby and Anthony Cohn, Co-Chairs