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City Properties & Land Use Committee November 14, 2011, 7:00pm Bonifacio Senior Center 7 East 116th Street New York, NY 10035

Present: Beverly Alston, Hally Chu, Diane Collier, Jewel Jones, Keith Massey, Frances Mastrota, Israel Miranda, AJ Rosario McKoy, Carmen Villegas, Tasha Williams, Lee Chong, Lucian Reynolds, Theresa Richardson

Excused: Hans Desnoyers, Brodie Enoch, Lashawn Henry, Alvin Johnson, Xavier Santiago, Nina Saxon, Candy Vives-Vasquez

Absent: none

Guests: Shakira Perez, NYU
Richard Lobel, SLPC
Sky McCarthy, Columbia University

Meeting chaired by Committee Member Diane Collier in the absence of Land Use Chair Lashawn Henry. Meeting called to order at 7:05pm.

Presentations & Discussions

1. Presentation to support Zoning Variance Application: BSA Application 157-11-BZ

Richard Lobel of Sheldon Lobel, PC came before the committee to seek board support in a request of a zoning variance for his client, 1968 2nd Avenue Realty. The property is located on the northeast corner @ Second Avenue and 101st Street. On September 6, 2011, Department of Building filed objections on this site in regards to building inconsistencies with current zoning allowances.

In his presentation, Mr. Lobel stated that this BSA request will resolve DOB's issues. His client seeks two minor waivers to permit continued operation of the supermarket on the first floor and community facility offices on the second floor:

- 1) A waiver to permit the location of an existing loading berth within 30' of a residential district boundary. The premise is located partially within an R7-1 zoning district.

- 2) A waiver of the rear yard requirement to legalize the second story 25'X 20' portion. This is only required when permitted obstruction on a 1 story exceeding 23'.

Mr. Lobel's provided visual presentation of the property and building which was built in or around 1994. Since that time, the building has historically served the community with either small grocery stores and/or supermarket. An Associated supermarket currently occupies the space. The owner provided signed petitions of support to continue the supermarket operation.

Questions asked included location on loading berth (Frances Mastrota), and why the DOB raised objections at this time (Lee Chong). Mr. Lobel stated deed transferred in violation of zoning; and no grievances' had been filed since that time around 1995. Teresa Freeman testified that the location has had a food service provider and the existing loading berth since 1971. The store was known as Molly. Conclusively, the zoning compliance was not as stringent then as it is today for this building to continue to operate.

Mr. Lobel stated that the current owner initiated the process with DOB to initiate the zoning correction with BSA. Correction would not impede future buildings who then comply with the current zoning.

Committee members agreed upon the importance this location serves in providing food services for the neighborhood business (Metropolitan Hospital) and residential community.

Jewel Jones made the motion to approve the BSA application to request a variance of Sections 33-261 (minimum rear yard) and 36-683 (loading berth) in order to permit the continued operation of a Use Group 6 supermarket on the first floor of an existing two story and mezzanine building within anc1-5 R8A and R7A zoning district. Frances Mastrota seconds the motion. Motion approved unanimously.

2. Text Amendment to modify provisions of Zoning Resolution concerning the "E" (Environmental) designations

Department of City Planning proposed a city wide text amendment to Sections of the Zoning resolution to streamline and improve the zoning regulations governing Environmental ("E") designations. E designations are a mechanism for the city planning commission and city when adopting a zoning map change to ensure that potential impacts related to hazardous material air quality and noise on sites with the area being consider for rezoning are addressed prior to or during development of the site

This amendment is also necessary t reflect the role of the NYC Office of Environmental Remediation (OET) as successor to DEP for the purpose of administering the "E" designation program.

3. Budget Priorities

Committee talked about the line items City Properties will add to the CB11 Budget priorities. Committee agreed to submit from City Properties the statement “to add (5) more DOB inspectors in order to reduce response to community calls”.

New/Old Business

Discussion centered on Zoning Handbooks and additional zoning classes for committee members. Angel is to provide cost information for additional books. Diane will reach out to LaShawn Henry, Chair – Zoning/Land Use and MPO office to get zoning classes for board in February 13th or 20th 2012.

Announcements

Angel announced that Randall Island Sports Foundation and Sports Time will be presenting in December at both the Parks and Land Use Committees regarding planned expansion of Randall’s Island Tennis Center.

Adjournment

Motion to adjourn by Frances Mastrota and seconded by Keith Massey. Meeting ended 8:00 PM.