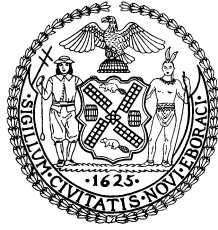


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**The City of New York
Community Board 8 Manhattan
Housing Committee
Stanley Isaacs Neighborhood Center
415 East 93rd Street
Dining Room A & B
Wednesday, February 27, 2019, 6:35 p.m.**

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.

Minutes

CB8 members present: Alida Camp, Barbara Chocky*, Anthony Cohn, Alexandra Harrington*, Ed Hartzog*, Lorraine Johnson*, Peggy Price*, Marco Tamayo

Members of the Public: Michael Bacal, A. Balz, D. Balz, Bob Barry (CMA), Albert Bencosme, Rose Bergin, Jean Carbone, Stephanie Chan (Manhattan Borough President Gale Brewer's office), Melanie Coespo-Perez, N. Cohen, Lisa Coleman, Michael Cuttilla, Mike Edison, Faith Fraser, R. Green, Christine Harrington, Brook Hirschfelder, Michael B. Hoffman, Pakhi Kane (Isaacs Center), Allison Krichman, George Lahoud, H. Lax, Terrence Lowenberg (Icon), Gerlind Lwowski, Harrison Manin, Patrick Bradley-Moore, Kristine Papp, Wendy Ravaschiere, Elsbeth Reimann, Barbara Rose, C. Rosenthal, Valerie Stahl, Mahaan Uttam, Stephen Williams

Unexcused Absence: Bessie Schachter^*

Excused Absence: Rebecca Lamorte*, Rita Popper*,

*Housing Committee member

^Public Member

The Meeting was called to order at 6:35 p.m. and the first item on the agenda was considered.

Resolutions for Approval:

Item 2: Request by 301 East 80th Realty, LLC for an After-Hours Variance at 301 East 80th Street, on the northeast corner of Second Avenue.

1. Update regarding the proposed Holmes Towers infill construction project.

As a result of the Joint meeting between the Housing Committee, Zoning & Development Committee and the Health, Seniors & Social Services Committee on January 30, the Borough President Gale Brewer sent a letter, dated February 20, to the Mayor, outlining her concerns regarding the Holmes Towers infill development.

While generally supportive of efforts to increase affordable housing throughout the City and additional sources of revenue for the New York City Housing Authority (“NYCHA”) – the borough president opposes the Mayor’s decision to pursue this development outside of the Uniform Land Use Review Procedure (“ULURP”). Specifically, Borough President Brewer notes that New York City Charter §197-c (a)(8) requires that “housing and urban renewal plans and projects pursuant to city, state and federal housing laws” to undergo ULURP.

In addition, the borough president opposes to the decision to apply zoning overrides to exempt the project from setback, minimum building spacing, and open space requirements of the Zoning Resolution (“ZR”). She notes that the decision is questionable given that the waivers sought are the same as those specifically allowed via City Planning Commission special permit for a Large Scale Residential Development pursuant to ZR §78-312.

Another issue involves the financial benefits to NYCHA. In particular, the administration is directing over \$60 million in public money – through LIHTC and City housing subsidies – to support a development that will only provide \$26.5 million in revenue to NYCHA for capital repairs. Only half of this money will go to the Holmes Towers, leaving a deficit of \$24 million in funding needed for repairs and maintenance at the Holmes Towers Development. The borough president wants a full public review that will allow a complete airing of the costs and benefits to the City as a whole and the surrounding community.

The borough president requests that NYCHA and Fetner Properties submit an application pursuant to Charter §197-c to facilitate the proposed development. If the administration does not proceed accordingly, she is prepared to challenge the “improper action” by pursuing appropriate legal remedies.

The board chair Alida Camp noted that Asphalt Green – a partner in the project – would make an appearance in May to further explain their role and involvement. Rose Bergin stated that the neighborhood needed the Community Board behind this and that Fetner Properties had been “rude and obnoxious” up until now.

Without the need for further discussion the agenda was moved and the second item considered.

2. Request by 301 East 80th Realty, LLC for an After-Hours Variance at 301 East 80th Street, on the northeast corner of Second Avenue.

Icon Realty Management is building two buildings on East 80th and 81st Streets between 1st and 2nd Avenues. Appearing before the Committee were Christopher Mesbah – President of CMA (the construction manager for the project) and Bob Barry – Vice President in Charge of Operations for CMA. Terrence Lowenberg – Principal, Icon Realty Management (the developer) was in the audience but did not participate in the presentation. Mr. Mesbah and Mr. Barry were joined later by their attorney; however, she did not make a formal appearance.

By way of background, Mr. Lowenberg, Mr. Barry and Mr. Mesbah made a presentation about this project at the Community Board office on February 28, 2018. The meeting was part of an outreach effort by Icon to the community - via the Community Board. In the spirit of fostering and continuing that dialogue that the Chair of the Board, Alida Camp and the Co-Chair of the Committee, Ed Hartzog, agreed to meet with Mr. Lowenberg, Mr. Mesbah and Mr. Barry at the board office January 8, to discuss this project, the AVHPs and a member of the community who was “complaining” about the project.

It was suggested that the applicant notify the immediate community about the upcoming meeting – re: the AVHP requests and seeking their comments. After consulting the calendar (which had already been set for the month) January 17 was suggested as a potential meeting date for the AVHP permit requests. The regular Housing Committee meeting for January was not possible because of the already scheduled joint meeting with Zoning & Development and Health, Seniors & Social Services. A location was secured and shortly thereafter the applicant sought a postponement of the meeting until now.

The developer is seeking three AVHPs – the first one is for after-hours heaters to help cure freshly poured concrete at the site(s). According to Mr. Barry, the heaters are essentially noiseless, but require someone to be on site to monitor them during the overnight hours. The permit request would last for approximately 45 days, depending on the weather. After some questioning, it was determined that freshly poured concrete requires a minimum 40 degree ambient air temperature in order to cure, without the need for heaters.

The second AVHP request is for pouring concrete past 6 p.m. – i.e., from approximately 6-9 p.m.

The third AVHP is for laying brick at the 81st Street location on Saturdays from 9 a.m. to 5 p.m. for the next five months.

Finally, either as part of the third AVHP or as a separate (fourth) AVHP, the developer would like to perform super structure work at the 80th Street location, past usual work hours.

Neither the developer, construction manager nor their attorney brought any paperwork or materials to the meeting. As such, it was very difficult to ascertain the precise nature and scope of each AVHP request.

The floor was opened for the public to speak as to their concerns or support for the application.

The first speaker resided at Continental Towers and expressed concerned about fixing any public safety or hazardous conditions. She also alleged that the applicant had been fined \$500,000 for tenant harassment.

Nancy Cohen spoke next – she noted that the applicant had had 120 cement trucks lined up on 2nd Avenue at 4 a.m. on a Saturday without notifying the community in advance. The applicant later admitted that this was a mistake, but that they were forced to do this because they were pouring 1,000 cubic yards of concrete that day and needed to have that many trucks to deliver all of the concrete in a timely manner – i.e., with no less than 15 minutes in between each truck. Ms. Cohen noted that she had “had it” with the applicant.

Brook Hirschfelder said that there was “no good will left” – they had “lived through the bedrock breaking and didn’t trust the developer at this point.”

Mike Edison said that he had sued Rite Aid and Icon and that a lot of the noise was attributable to the garbage trucks.

Another resident at 301 East 79th Street said that they didn’t think the developer “stuck to things as agreed to.”

Another member of the public wanted to know why they needed the variances – to expedite the project or catch-up on their schedule? Also, how long in advance did they know they were going to need them?

It was noted that Icon does not only operate on the Upper East Side – they are currently building a development down by the Holland Tunnel on Varick Street, which is a different neighborhood, accustomed to different noise tolerances. The UES is a quiet residential neighborhood – noise puts people on edge. The noise from this site can be heard from a block and a half away. This is all further compounded by the traffic flow on East 80th Street which is already getting extra traffic from 79th.

Alexandra Harrington expressed frustration at the lack of information being provided by the applicant – both in their answers and lack of documentation.

Marco Tamayo admonished the developer to protect the quality of life and that it was their choice – re: the way they were constructing the building that was creating these problems – e.g., the extremely large pour that necessitated 120 trucks.

Anthony Cohn disagreed with Marco on the concrete pour but was concerned about where the projects were now in terms of completion. At East 80th Street they were doing the cladding and may ask for a variance for that work as well as the interior work – meaning all interior work, not just painting. After further questioning it was determined that it was going to be another year at East 80th Street and another 2 years at East 81st Street.

Peggy Price noted that she had been hearing complaints about this project for months and hadn’t seen any benefit to the community. She wanted to know how the applicant was going to mitigate the noise.

Barbara Chocky stated that she had not heard any reasons to grant the variances.

Lorraine Johnson asked why would the community want more problems? They weren’t getting much respect from the applicant with the lack of preparation and paperwork – on top of the lack of “straight answers.”

Alida Camp wanted to know what the project would look like without the variances. Would it sit quiet until the weather warmed up? What was the community benefit?

The lawyer for the developer asked that the committee provide at least something for the after-hours heaters – at which point Lorraine Johnson made the following motion disapproving all of the AVHPs;

WHEREAS, the applicant has not provided an answer as to whether the AVHP requests are needed to expedite the project, catch-up with their building schedule or, are part of their overall plan; and,

WHEREAS, many members of the surrounding community expressed serious concerns about the applicant's past behavior and future likelihood of adhering to any agreement(s) to curtail or circumscribe activities,

THEREFORE, BE IT RESOLVED THAT Community Board 8 Manhattan disapproves of the After-Hours Variance Permit requests by Icon Development for the sites at 301 East 80th and East 81st Streets.

After a brief discussion, the Committee passed the Resolution 8-0-0 (Yes –Alida Camp, Barbara Chocky, Anthony Cohn, Alexandra Harrington*, Ed Hartzog*, Lorraine Johnson*, Peggy Price*, Marco Tamayo.

Old Business.

On the subject of Old Business Barbara Chocky brought up the issue of asset limits with respect to affordable housing applications. The Committee has been approached by a number of residents with inquiries related to income limits for applicants of affordable housing. AMI maximums are listed (which are usually too high) but applicants are not informed that there are asset maximums until late in the application process.

New Business.

There was no new business and the meeting was adjourned at 8:35 p.m.

Barbara Chocky & Ed Hartzog, **Co-Chairs**