



CITY PLANNING COMMISSION

February 6, 2002/Calendar No. 7

C 020012 PPX

IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the disposition* of one (1) city-owned property located at 1223 Harding Park (Block 3441, Lot 41), pursuant to zoning, Borough of The Bronx, Community District 9.

*197-d(b)2 eligible

The application for the disposition of city-owned property was filed by the Department of Citywide Administrative Services (DCAS), Division of Real Estate Services (DRES) on July 10, 2001.

BACKGROUND

The Department of Citywide Administrative Services proposes the disposition of one (1) vacant city-owned property, pursuant to zoning, in the Classon Point section of Community District 9, Borough of The Bronx.

1223 Harding Park (Block 3441, Lot 41) is a 1,845 square foot (41 feet by 45 feet) vacant and fenced city-owned lot, located in an R3-2 zoning district. It has street frontage on Bronx River Avenue between Gildersleeve and Cornell avenues. The lot is situated between privately-owned, one-and two-family homes. There are no other vacant city-owned properties on the block. The surrounding area is predominantly characterized by one- family homes.

ENVIRONMENTAL REVIEW

This application (C 020012 PPX) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead agency is the Department of Citywide Administrative Services.

This application was determined to be a Type II action which requires no further environmental review.

UNIFORM LAND USE REVIEW

This application (C 020012 PPX) was certified as complete by the Department of City Planning on September 10, 2001, and was duly referred to Community Board 9 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 9 held a public hearing on this application on October 25, 2001, and on that same date, by a vote of 17 to 0 with 1 abstention, adopted a resolution recommending disapproval of the application with the following conditions:

At this public hearing, it was brought to our attention that apparently, the previous owner of this property owed city taxes on this property and the City of New York

ceased the property as in-rem, in 1988. Also, members of the Harding Park Homeowners Association informed us that there is a lien on this property for approximately \$19,000.00 in Homeowners Association dues. According to the Harding Park Homeowners Association by-laws, that was written and approved by the City of New York, it states that each property owner is required to pay a fee of \$19.00 per month, if not a lien, will be placed on the property, including 18% interest per year and any legal fees incurred. Therefore, according to the Harding Park Homeowners Association the amount due to them is approximately \$19,000.00 after 13 years of non-payment.

The City of New York, as the current owner since 1988, is responsible for this amount that is due to the Harding Park Homeowners Association, therefore, at this time, we do not support the disposition of this property until an agreement is made between the City of New York and Harding Park Association.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation disapproving the application on December 17, 2001 with the following comments:

When considering this matter Bronx Community Board 9 voted to ask that the Department of Citywide Administrative Services withdraw this application from being considered for disposition pursuant to zoning and that the Harding Park Association be given the right of first purchase of the site. This request is made based on a substantial sum of money owed to the community's association by the site's previous owners. I concur with this position.

I therefore recommend this application not be approved, the property withdrawn from disposition and that the Department of Citywide Administrative Services provide the Harding Park Association the option of purchasing the site.

City Planning Commission Public Hearing

On December 19, 2001 (Calendar No. 1), the City Planning Commission scheduled January 9, 2002 for a public hearing on this application (C 020012 PPX). The hearing was duly held on January 9,

2002 (Calendar No. 10). There was one speaker in favor of the application and none in opposition. A representative from DCAS/DRES was available to answer questions.

The Commission wanted to know if there was a possibility of land use restrictions on the property, as well as whether an attempt was made by DCAS/DRES to reach out to the Harding Park Homeowner's Association to discuss the disposition of this parcel. The Commission also asked about the lien on the property and mentioned the Homeowner's Association claim that the City owed monies to the association. The DRES representative stated that at this time, the Law Department has tentatively determined that the City does not owe any monies to the association. However, he stated that they would note that there is a lien on the property in the auction booklet. The representative agreed to respond to the Commission's concerns in writing.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the disposition of this city-owned property is appropriate.

The site proposed for disposition is a vacant, rectangular-shaped lot, approximately 1,845 square feet in area, located in an R3-2 zoning district. This fenced lot, with street frontage on Bronx River Avenue, is situated between privately-owned, one-and two-family homes.

The Commission is aware that both Community Board 9 and the Bronx Borough President submitted

unfavorable recommendations regarding this application citing the Harding Park Homeowner's Association assertion that it had a lien against the property for non-payment of homeowner's association dues by the previous owner. In their recommendation, Community Board 9 requested that an agreement be reached on this matter between the City and the Harding Park Homeowner's Association before any disposition is considered. As part of his recommendation, the Bronx Borough President requested that DCAS/DRES withdraw the application and allow the Harding Park Homeowner's Association the option of purchasing the site.

In a letter to the Department dated January 31, 2002, DCAS stated:

At the January 9, 2002 public hearing, the City Planning Commission raised several issues regarding the proposed disposition of Bronx, Block 3441, Lot 41.

This property was acquired by the City of New York through an in rem action in 1988. As surplus property, DCAS is required to sell property at public auction, subject to ULURP approval. The City Charter does not authorize DCAS to conduct a direct sale to the Harding Park Homeowners Association, as was suggested. Based on the concerns expressed, DCAS has contacted the Harding Park Homeowners Association and discussed the sales policy and methods to be notified about upcoming auctions.

Additionally, in a letter to the president of the Harding Park Homeowner's Association dated January 31, 2002, DCAS stated that:

Regarding the issue of the lien, DCAS has discussed this issue with the New York City Law Department and have been advised that the City of New York is not responsible for the Harding Park Homeowners Association dues owed prior to the in-rem taking, nor during City ownership.

The Commission believes that the disposition of this property should be restricted at first attempt,

for accessory, extension or enlargement uses only. If unsuccessful, then disposition will be pursuant to zoning. The parcel is unique in that it is part of a development of one-family bungalows which are governed by a homeowner's association. The Commission believes that based on this consideration, the Homeowner's Association should be given first consideration in acquiring the property because it is more likely the property will be maintained, thereby preventing blight within this community.

RESOLUTION

RESOLVED, by the City Planning Commission pursuant to Section 197-c of the New York City Charter, that the disposition of one (1) city-owned property located at 1223 Harding park (Block 3441, Lot 41), shall be restricted at first attempt for accessory, extension or enlargement of uses. Subsequent attempts, if necessary, shall be pursuant to zoning, Borough of The Bronx, Community District 9, proposed in an application by the Department of Citywide Administrative Services, dated July 10, 2001, is approved with the following condition:

Block 3441, Lot 41 be sold at first attempt, for accessory, extension or enlargement uses only. If unsuccessful, then disposition will be pursuant to zoning.

The above resolution (C 020012 PPX), duly adopted by the City Planning Commission on February 6, 2002 (Calendar No. 7), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, A.I.C.P., Chair
JOSEPH B. ROSE, Vice Chair
IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,
ALEXANDER GARVIN, MARILYN G. GELBER, JANE D. GOL,
WILLIAM J. GRINKER, KENNETH J. KNUCKLES, ESQ.,
JOHN MEROLO, Commissioners

Community Board
Recommendation

CITY PLANNING COMMISSION
22 Pease Street, New York, NY 10007
FAX # (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2F at the above address.
2. Send a copy of the completed form with any attachments to the applicant's representative as indicated on the notice of certification, one copy to the Borough President, and one copy to the School Board, when applicable.

APPLICATION # C 020012 PPK

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by the Department of City-wide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the designation of ~~the~~ 1967 city-owned property located at 1723 Tunnahull Park (Block 3441, Lot 41), pursuant to zoning

COMMUNITY BOARD NO. 3
BOROUGH BRONX

BOROUGH BOARD BRONX

DATE OF PUBLIC HEARING 10/25/01 LOCATION 1967 TUNNAHULL AV. BR. NY
WAS QUORUM PRESENT? YES NO A quorum meeting requires a quorum of 2/3 of the appointed members of the board, but in no event fewer than seven (7) members.

DATE 10/25/01 LOCATION 1967 TUNNAHULL AV. BR. NY 10472

RECOMMENDATION

APPROVE APPROVE WITH MODIFICATIONS/CONDITIONS
 DISAPPROVE DISAPPROVE WITH MODIFICATIONS/CONDITIONS

EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (attach additional sheets if necessary)

See ATTACHED LETTER

VOTING
IN FAVOR 17 AGAINST 0 ABSTAINING 1

TOTAL MEMBERS APPOINTED TO BOARD 33

[Signature]
COMMUNITY BOARD OFFICER

DATE 11/13/01 TITLE Chairman



COMMUNITY BOARD NUMBER 9

1967 TURNBULL AVENUE, SUITE 7
BRONX, NEW YORK 10473

T (718) 823-3034

FAX 1 (718) 823-6461

FERNANDO FERRER
BOROUGH PRESIDENT
Eugene Vega
CHAIRPERSON

FRANCISCO M. GONZALEZ
DIRECTOR

BARZING

BRONX RIVER

CASTLE HILL

CLASON POINT

HARDING PARK

PALECHESTER

PARK STATION

ROSELAND

UNIONPORT

November 13, 2001

Ms. Punima Kapur, Director
Bronx Department of City Planning
1 Fordham Plaza, Room 502
Bronx, NY 10458

RE: ULURP#C020012PPX

Dear Ms. Kapur:

We are responding to ULURP application # C 020012PPX, the disposition of a city owned property located at 1223 Harding Park (Block 3441, Lot 41). On Thursday, October 25, 2001, Community Board 9 held a public hearing to discuss this application with our members and those of the community present.

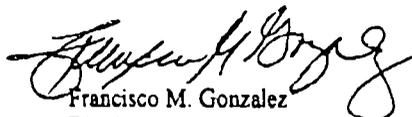
After hearing testimonies from residents of the community, concerning monies that are owed on the property to the Harding Park Homeowners Association, the membership of Community Board 9 voted to deny the application. The application is denied due to the fact that according to documentation presented to us at the public hearing, there is a lien on the aforementioned property by the Harding Park Homeowners Association against the City of New York, as the current owner, therefore it is our sentiments that this issue be resolved prior to a disposition of this property.

At this public hearing, it was brought to our attention that apparently, the previous owner of this property owed city taxes on this property and the City of New York ceased the property as in-rein, in 1988. Also, members of the Harding Park Homeowners Association informed us that there is a lien on this property for approximately \$19,000.00 in Homeowners Association dues. According to the Harding Park Homeowners Association by-laws, that was written and approved by the City of New York, it states that each property owner is required to pay a fee of \$ 19.00 per month, if not a lien, will be placed on the property, including 18% interest per year and any legal fees incurred. Therefore, according to the Harding Park Homeowners Association the amount due to them is approximately \$ 19,000.00 after 13 years of non-payment.

The City of New York, as the current owner since 1988, is responsible for this amount that is due to the Harding Park Homeowners Association, therefore, at this time, we do not support the disposition of this property until an agreement is made between the City of New York and the Harding Park Association.

Should you have any questions pertaining to this matter, please do not hesitate to contact us at 718-823-3034.

Sincerely,



Francisco M. Gonzalez
District Manager

FMG:j

Cc: Kristi Knecht, Department of Citywide Administrative Services
Harding Park Homeowners Association

**Borough President
Recommendation**

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX # (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

APPLICATION # C 020012 PPK
DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the disposition of one city-owned property located at 223 Harding Park (Block 3441, Lot 41), pursuant to zoning.

COMMUNITY BOARD NO. 9

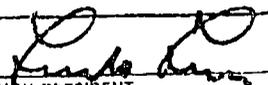
BOROUGH THE BRONX

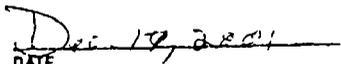
RECOMMENDATION

- APPROVE
- APPROVE WITH MODIFICATIONS/CONDITIONS (List below)
- DISAPPROVE

EXPLANATION OF RECOMMENDATION - MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

PLEASE SEE ATTACHMENT FOR BOROUGH PRESIDENT'S RECOMMENDATION


BOROUGH PRESIDENT


DATE

BRONX BOROUGH PRESIDENT'S RECOMMENDATION
ULURP APPLICATION NO: C 020012 PPX

BACKGROUND

This application has been submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the disposition of one city owned property located at 1223 Harding Park (Block 3441, Lot 41) pursuant to zoning. The site is located in Bronx Community District 9 and is zoned R3-2. This site is also located within Harding Park, a privately managed property owners association.

Block 3441, Lot 41 is on the east side of Harding Park, approximately one hundred feet south of the Gildersleeve Avenue-Harding Park intersection. It is secured by fencing and clean. Lot 41 has a frontage of 41 feet and totals 1,845 square feet. Residential development is typified by modest size one family homes on landscaped lots. There is no commercial development within a 1/2 mile radius of the site. The west side of Harding Park is undeveloped property boarding the Bronx River. Consisting of trees and brush, this area is clean.

ENVIRONMENTAL REVIEW AND ULURP CERTIFICATION

This application has been reviewed pursuant to SEQRA and CEQR and received a Type II Designation. The City Planning Commission certified this application as complete on September 10, 2001.

COMMUNITY BOARD PUBLIC HEARING

Bronx Community Board 9 conducted a public hearing on this matter on October 25, 2001. The board recommended that this application not be approved. The vote taken was -0- in favor of disposition, 17 against disposition and 1 abstaining.

BRONX BOROUGH PRESIDENT'S PUBLIC HEARING

The Borough President conducted a public hearing on this application on November 29, 2001. There were no speakers present at the hearing provided comment on this application and the hearing was closed.

BOROUGH PRESIDENT'S RECOMMENDATION

When considering this matter Bronx Community Board 9 voted to ask that the Department of Citywide Administrative Services withdraw this application from being considered for disposition pursuant to zoning and that the Harding Park Association be given the right of first purchase of the site. This request is made based on a substantial sum of money owed to the community's association by the site's previous owners. I concur with this position.

I therefore recommend this application not be approved, the property withdrawn from disposition and that the Department of Citywide Administrative Services provide the Harding Park Association the option of purchasing the site.

**Notification of
Community/Borough Board
Public Hearing**

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX # (212) 720-3356

INSTRUCTIONS

1. Return this completed form to the Calendar Information Office, City Planning Commission, Room 25 at the above address at least fourteen (14) days before the scheduled hearing date.
2. Send one copy to the applicant's representative at the address listed below at least (10) days before the scheduled hearing date.

APPLICATION # C 020220 HAM

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for
 - a) the designation of 2161 & 2193/57 Eighth Avenue, and 300, 306/308, 310, 312, 314, 316 and 318 W. 117th Street (Block 1943, Lots 32, 33, 36, 37, 39-43 and 127), as an Urban Development Action Area,
 - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property except 306/308 and 312 W 117th Street (Block 1943 Lots 37 and 40) to a developer selected by HPD,

to facilitate construction of approximately 96 units of housing with ground floor retail and community facility space.

APPLICANT _____
 Dept. of Housing Pres. & Development
 100 Gold Street
 New York, NY 10038

APPLICANT'S REPRESENTATIVE _____
 Evan Kashentzen
 HPD
 New York

COMMUNITY BOARD NO. 10
BOROUGH BOARD OF Manhattan

BOROUGH Manhattan

DETAILS OF PUBLIC HEARING

DATE January 3, 2002 **TIME** 6:00 PM
LOCATION Harlem YMCA, Little Theater
180 West 135th Street, NYC, NY 10027

STANLEY GLEASON
COMMUNITY/BOROUGH BOARD OFFICER
2/7/02
DATE

Chairman
TITLE