



# RIVERDALE NATURE PRESERVANCY

July 22, 2015

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Riverdale Nature Preservancy comments on SNAD text amendment Working Group meeting one to NYC Department of City Planning

The Riverdale Nature Preservancy (the Preservancy) submits the following comments to the Bronx Borough Office of the NYC Department of City Planning, regarding the discussion at the first meeting of the Special Natural Area District (SNAD) zoning text amendment working group on May 27, 2015.

The Preservancy is encouraged that the NYC Department of City Planning (DCP) is taking an approach to natural feature preservation in the SNAD that is based upon current thinking in ecology and best practices in landscape design and maintenance.

The Preservancy supports the concept of prioritizing natural features to be protected based upon criteria, to be determined, that indicate:

- the relationship of features to their regional context
- how the features contribute to regional ecological functions and services
- how the features contribute to community character

The Preservancy asks the DCP to make available SNAD-wide maps of natural features, such as forested areas, steep slopes, intact biotic environments, etc., that show how individual tax and zoning lots relate to these regional systems of natural features.

We recognize and agree that a new scheme may not treat all natural features equally, for example, weed plant species or invasive species, such as Norway Maple, may not be protected as vigorously as they are under the current regulations. However, removal of invasive species must be countered with planting of suitable volume and type of plants.

We also support the development of new preservation criteria that are based on current research, and ask DCP to share with the community the rationale for the new criteria. For example, preservation of a very large tree might take precedence over preservation of several small trees. Under the current system, one very large tree might be assigned the same number of tree credits as a group of smaller trees, and the two would be considered equivalent. We would be interested in criteria that prioritize trees based on their ecological benefits. We also would be interested in criteria that prioritize natural features that cannot be immediately replaced.

The Preservancy supports:

- A comprehensive approach to the management of storm water through green infrastructure. We support the encouragement of best practices such as permeable paving and bioswales on the downsides of properties, however, we note that these practices can potentially add high costs to work undertaken by individual homeowners. We urge DCP to coordinate with NYC departments, such as DEP, which are piloting storm water management with rain barrels and other low-cost, low-maintenance methods. We suggest that DCP recommend threshold lot and development characteristics such as size, slope and lot coverage where different storm water management techniques would be most appropriate.
- Prioritization of protection of natural features over full build-out. The Preservancy has long held the view that a lower build-out level would further SNAD goals to preserve natural features. During the development of Community District 8's 197-a Plan, *CD 8 2000: A River to Reservoir Preservation Strategy*, which was adopted by the NY City Council on November 19, 2003, the Preservancy argued for reduction of the FAR in the R1 zoning districts of the SNAD to 0.4. At the time, the Preservancy's analysis showed a mean FAR in the R1-2 zoning district of 0.31. Developed lots zoned R1-2 and R2 (848 lots total) were shown to have a compliance rate of 77.7% with a proposed FAR of 0.4.
- Consideration of flexibility with the underlying zoning. The Preservancy board has observed that specific current and recent development projects may have benefitted from changes to yard, height and other requirements in the underlying zoning. The Preservancy questions whether flexibility in the underlying zoning should be undertaken without discretionary review.

We recognize that the emphasis on discretionary review requires DCP to counsel each applicant on a similar set of requirements and proposed solutions. This can seem inefficient and makes the process unpredictable from the standpoint of the applicant.

However, despite their flaws, current SNAD regulations and review practices seem to have maintained the proportion of tree canopy and open space in the SNAD over time. An examination of the SNAD using i-Tree, software from the USDA Forest Service that provides urban forestry analysis, shows that with a sample size of 150 points, in the nearly 20 years between 1995 and 2014, the proportions of land covered by trees, low vegetation, open ground (grass) and buildings have changed only a few percentage points each.

It is imperative that new SNAD regulations do not imperil existing resources, in the name of increased short-term efficiency and predictability, and consider long-term community sustainability and green cover as equal in value to development needs.

We are interested in hearing more about DCP's suggestion for the use of site typologies to organize and categorize natural features, with a goal of a streamlined process that bypasses DCP and allows much more development in the SNAD to be as-of-right. We look forward to a discussion of how to achieve a level of simplicity and specificity that still recognizes unique characteristics of lots and enables an evaluation of resources based upon their contributions to the ecosystem and to community character. We offer our expertise and advice on how to achieve this.

With respect to discretionary reviews, we are concerned that keying the size of the project to the intensity of review has the potential to miss important natural resources. The intensity of review might be better keyed to the presence and importance of resources on and adjacent to the site.

The Preservancy agrees that the procedural changes suggested by the working group would benefit the review process and ensure compliance with the new zoning regulations. The Preservancy would also like to point out the current potential for conflict of interest for arborists, who are currently allowed to both certify that a tree is diseased or a hazard, and remove the tree. In the recent past, there have been occurrences of arborists cutting down trees that should have been preserved.

The Preservancy feels strongly that homeowner education is vital to successful protection of resources. Currently, the burden on individual homeowners is large, as many lack information on the effects of SNAD regulations on private property.

Since 1986, the Preservancy has been the primary community organization focusing on implementation of the SNAD regulations in Riverdale. The Preservancy prepared a brochure outlining the changes to SNAD regulations when the City Planning Commission updated and strengthened the regulations in 2005. The brochure was distributed to the community board, local libraries, elected officials, homeowner associations and institutions. We request that after the text amendment process is completed, DCP prepare informational materials for members of the general public, i.e. property owners and tenants in the SNAD, as well as realtors, arborists and others operating in the SNAD. The Preservancy offers to work with DCP on distribution of the materials in the Riverdale SNAD. Furthermore, the Preservancy believes that information about SNAD regulations should be conveyed to property owners at the point of sale.

The Preservancy would like to revisit penalties for noncompliance with SNAD regulations as part of the work of the current working group.

We also request discussion of requirements for maintenance and survival of new plantings, and mitigation for non-survival.

The Preservancy thanks the DCP for undertaking this text amendment process. We look forward working with you.