

Community boards can't ignore guidelines

By THOMAS LA MANNA
Chairman
Community Board 1

Ms. Bernice Dietrich's remarks in a recent letter to the Advance regarding the proposed special permit for a pin-ball arcade at 1425 Forest Ave., while understandable, are also disappointing. Understandable because it obviously is a reflection of the frustration of a community beset with numerous difficult and complex problems. Disappointing because it fails to address the facts of the situation regarding the arcade and also because it fails to consider the legalities and technicalities that the community board was required to operate under.

A significant omission in Ms. Dietrich's letter is any reference to the guidelines for a special permit, guidelines the board must work under. As a responsible governmental entity it is incumbent upon the board not only to weigh community sentiment, but the legalities of the issue we are dealing with. Thus in the case of a variance we must address ourselves to the question of a hardship on the applicant in developing his property according to its present zoning.

In the matter of the site selection for human services, i.e. drug-youth programs, we must consider other factors, i.e., is there a need for the service? What are the long term consequences of not providing for such services? In effect therefore, community sentiment, while a most essential element in our consideration, is not the only consideration.

A case in point is the Willowbrook de-institutionalization program. Some of the same groups who are objecting to the arcade now also objected to Willowbrook locating its community service unit at the former Pantry Pride on Forest Ave. Here, too, the board was accused of "insensitivity" to the community when over the objections of certain groups the board recommended the site. In this case not only was the board swayed by the need to support de-institutionalization but also by the desire to comply with the Federal Court Consent Decree mandating de-institutionalization.

On the question of the special permit the board is required to consider the rather specific guidelines in Section 73.00 of the Zoning Resolution. Using these guidelines one would be hard pressed to reject this application. For example, Section 73.00 addresses the

question of impact on community facilities, i.e. schools. The applicant in this case agreed not to open before 3 p.m.; thereby minimizing the possible conflict with school attendance. The guidelines also raise the question of traffic impact, parking, etc. This issue was given considerable thought, as we, like Ms. Dietrich, agree that traffic is a problem in the area. Given the hours of operation of the arcade (3-9:30 p.m.) and clientele to be served (mostly adolescents) it was the board's feeling that traffic and parking would not be substantially affected. On this point I have also asked the Department of Traffic for its analysis and comment. Section 73.00 also addresses the question of compatibility with existing uses. In this regard it was the board's feeling that given the fact that the area is commercially zoned the arcade would not be out of character. Zoning in the area is C 4-s, which permits a wide variety of commercial enterprises.

Another matter Ms. Dietrich's letter fails to mention is the public hearing the board held on the matter, in particular what transpired at that hearing. The board's minutes reveal that approximately 40 area residents and merchants appeared. With perhaps three or four exceptions, those present appeared to support the application. In fact, the president of the civic association which now is leading the opposition to the arcade gave every indication that he personally supported it. The minutes indicate that he, as well as others, expressed the view that the arcade may in fact help relieve the problem of youths "hanging out" on street corners. It was also this same person who agreed to serve on an oversight committee to monitor the activities of the arcade, again indicating his support. Of course anyone has a right to change his position at a later date, but most assuredly, speaking as a community leader, his remarks had a significant influence on the board's Land Use Committee which had to make a recommendation immediately following the hearing.

I feel I also must address myself to Ms. Dietrich's criticism of the scheduling of our public hearing and board meeting. Again, what Ms. Dietrich fails to address is the fact that there are procedures and time schedules we must follow. The Uniform Land Use Review Procedures has rigid time limits to hold hearings and to take action. Together with the fact that we are dependent on community facilities to provide us with available free space we are somewhat constrained as to times and places of