

# Community boards can't ignore guidelines

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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

meetings. Board members also like to have family outings on holiday weekends and given a choice would also have preferred a more convenient time. But in view of the above factors the 10 members of the Land Use Committee made themselves available that evening (May 29).

In reference to the question of notification of area residents and businessmen of the hearing I find it difficult to understand Ms. Dietrich's criticism. The board is only required to put a hearing notice in the City Record, which we did. But we also took out a paid announcement in the Advance, had it printed in the Community Board column in the Sunday Advance and distributed leaflets to local residents and merchants. Board members who live in the area also held community meetings to discuss the application.

Perhaps the most disturbing part of Ms. Dietrich's letter is the reference to the board "not paying attention to the taxpayers" and her reference to "feeling like we are living in Russia where the majority does not count." What more aptly describes the situation is not that the board failed to pay attention to the taxpayers (in fact at the full board meeting prior to our vote, I, as chairman, noted the number of opposition letters received and from what sources) but that on balance we felt we had to vote differently. There is a world of difference between ignoring someone and disagreeing with some one.

As we all know in this country we have a form of government commonly referred to as representative democracy. Both the majority and the minority viewpoint are given due consideration. Officials, be they elected or appointed, must consider all aspects of the issues before them, the sentiment of the majority, the rights of the individual applicant or service recipient or other minority viewpoint, and based on these considerations make a decision. Ordinarily the majority sentiment weighs most heavily and nine times out of 10 that is the way most elected or appointed officials vote. But to vote otherwise, where the situation warrants, for the type of reasons mentioned above doesn't make someone un-American as Ms. Dietrich's letter implies. In the last few years Community Board 1 has had many controversial issues before it. If we blindly voted the way the majority of those appearing at our public hearings wanted us to we would have rejected most, if not all, human service programs, senior housing proposals and

variances.

I hasten to point out that this latest criticism ironically is the antithesis of the usual criticism leveled at the board: that from builders and their associations, service agencies, health and social service professionals, etc., who often are critical of our overemphasis on the sentiment of the community and our insensitivity to the "special," "individual" or "long-range" needs of the district.

Ms. Dietrich argues that "an arcade, by its very nature, will bring undesirables into the neighborhood as has been demonstrated in every other area where they exist, whether they exist legally or illegally." She also states "invariably" there is "an exodus of reputable business and people following the establishment of arcades." It would seem that this is not an argument against this establishment per se but against all arcades present and future. What Ms. Dietrich should logically be asking for is a re-evaluation by the City Council of its action making such establishments legal. In view of the fact that they are now legal it seems to me somewhat unfair to direct one's criticism at those who are simply trying to work within the existing legal framework.

Before ending I think it also should be noted that on many of the peripheral issues Ms. Dietrich raises, i.e., the negative effects of OTB, lack of police patrol and youth and drug problems Board 1 has aggressively pursued positive solutions. Our Land Use chairman is vigorously following up on getting OTB to monitor and correct both their loitering and litter problems. As to police patrol services we are continuing to pressure the borough commander to increase foot patrolmen in all our North Shore neighborhoods. On the question of youth, the board has and continues to address ourselves to helping to provide legitimate and constructive youth activities, and in recognition of our efforts Board No. 1 recently received a grant from the New York Community Trust to be used for such purposes.

I hope this has clarified the board's position. It may or may not be the "right" decision — but it was an honest response to a difficult issue. As residents of the North Shore and members of numerous local civic and community organizations we are not indifferent to the needs and feelings of our neighbors and I am sure that as time goes on, although we may not always agree, we will continue to work together for the benefit of the entire community.

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