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STATE OF NEW YORK
CITY OF YONKERS

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Minutes of
The City of Yonkers Zoning Board
November 17, 2020 - 5:10 P.M.

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B E F O R E:

- JOSEPH CIANCIULLI, Chairman
- HARRY SINGH, Member
- JEFFREY LANDSMAN, Member
- HECTOR LOPEZ, Member
- WILSON KIMBALL, Member
- VINCENT GIORGIO, Member

P R E S E N T:

- DAVID BARBUTI, Building Department
- ALAIN NATCHEV, Assistant Corporation Counsel
- LEE ELLMAN, Planning Department

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Proceedings

THE CHAIRMAN: The Zoning Board of Appeals public hearing for November, 2020 is now in session. Would the members introduce themselves starting with Ms. Kimball.

MS. KIMBALL: Here.

THE CHAIRMAN: Introduce yourself, please.

MS. KIMBALL: Wilson Kimball, member of the Board.

THE CHAIRMAN: Mr. Giorgio.

MR. GIORGIO: Vincent Giorgio.

THE CHAIRMAN: Mr. Landsman.

MR. LANDSMAN: Jeffrey Landsman.

THE CHAIRMAN: Mr. Singh.

MR. SINGH: Here, Harry Singh.

THE CHAIRMAN: Hector, are you here? Mr. Lopez, are you here?

MR. KUNTZ: I do not see Mr. Lopez.

THE CHAIRMAN: Mr. Lopez, if you are here, say your name, please.

MR. LANDSMAN: He is not here.

MR. KUNTZ: He is not here, Mr.

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Proceedings

Chairman.

THE CHAIRMAN: Okay. Mr. Lopez is going to come in in a couple of seconds.

Also with us tonight is the Corporation Counsel who represents the Board, Mr. Alain Natchev, the Deputy Planning Commissioner, Lee Ellman, and Mr. Dave Barbuti who represents the Building Department.

MR. KUNTZ: Mr. Chairman, Hector Lopez is here.

THE CHAIRMAN: Mr. Lopez, will you introduce yourself, please.

MR. LOPEZ: Hector Lopez, Board member.

THE CHAIRMAN: Thank you. We are going to have the Pledge of Allegiance led by Mr. Landsman. Mr. Landsman, pledge of allegiance, please.

(Pledge of Allegiance.)

THE CHAIRMAN: Do I have a motion to accept the minutes of the last hearing?

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Proceedings

MS. KIMBALL: Second.

THE CHAIRMAN: Second on the motion?

MR. LANDSMAN: Second.

THE CHAIRMAN: Everybody in favor say aye.

(A chorus of ayes.)

THE CHAIRMAN: Anybody opposed? The motion is carried, six, one absent.

As Chairman of the Board I have the right to take the cases out of order and decisions out of order and tonight we have some decisions to make.

We will not have a case on 5660 and 5661, these are 540 Nepperhan Avenue and 578 Nepperhan Avenue. We will have a decision on 5714, that's the CVS on Culver Street. We will have a decision on 5719, that's 46 Normandy Road. We'll have a decision on 5720, that's 919 Nepperhan Avenue. We will not have a decision on 5721, that's 875 McLean Avenue. We will have a decision on 5722, that's 2 Ascot Road. We will

Proceedings

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2 not may have a decision on 5723, that's
3 123 Ridgewood Avenue. We will not have
4 a decision tonight on 5724. Mr. Romano
5 has asked to put it over, that is 125
6 Orchard Street. We will not have a
7 decision tonight on 5715, that's 1969
8 Central Park Avenue, waiting for some
9 more information, and Mr. Romano also
10 asked for 5716, we won't have a
11 decision on that tonight, that's 687
12 Nepperhan Avenue, so I am going to make
13 a motion to put over cases 5660, 5661,
14 5721, 5723, 5724, 5715, 5716. Do I
15 have a second, please?

16 MS. KIMBALL: Second.

17 THE CHAIRMAN: Everybody in favor
18 say aye.

19 (A chorus of ayes.)

20 THE CHAIRMAN: Anybody against?
21 Motion is carried, six, one vacant.
22 There is one public hearing that is
23 5725, St. Casimir's. We will get to
24 that in a little while, okay.

25 Case 5714, it is an area variance,

Proceedings

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2 it is the CVS is at 372 Riverdale
3 Avenue, also known as Culver Street.

4 MS. KIMBALL: Mr. Chairman.

5 THE CHAIRMAN: Ms. Kimball.

6 MS. KIMBALL: The subject property
7 is comprised of two adjacent lots
8 located on Riverdale Avenue and Culver
9 Street at the Northeast corner of
10 Riverdale Avenue and Culver Street. The
11 site includes the former Goodyear
12 Tire/used car dealership and a
13 non-occupied single-family residence.

14 Culver Park abuts the premises to
15 the east; multifamily housing abuts the
16 Premises to the north; and a gas
17 station is located across Culver Street
18 at the southeast corner of Riverdale
19 Avenue and Culver Street.

20 Mr. Chairman, I make a motion to
21 approve the requested variances based
22 on facts, findings, information, and
23 testimony presented to this Board at
24 the public hearing, site visits by
25 members of the Zoning Board of Appeals,

Proceedings

or otherwise obtained.

In approving this variance the Zoning Board of Appeals has taken into consideration the hardship faced by the applicant as weighed against the detriment to the health, safety, and welfare of the neighborhood and community.

Specifically, in making its determination the Board has considered the following:

One, whether the benefit sought by the applicant can be achieved by other feasible means.

The applicants previously proposed to include the one striped loading space but removed it in response to comments by the Yonkers City Engineer. It is not likely that the applicant can obviate the need for the requested variance through reconfiguring the site layout or other means.

Two, whether granting the requested variances would result in an

Proceedings

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2 undesirable change in neighborhood
3 character or a detriment to nearby
4 properties.

5 The applicant will not be
6 generating off-site loading or any
7 other operations which would differ if
8 the striped loading area was provided.
9 CVS's delivery schedule only includes a
10 mere two(2) trips a week by 50 tractor
11 trailers (WB-50). CVS's delivery
12 schedule for this location is not
13 expected to generate more than a single
14 trip per night.

15 The new CVS store is not proposed
16 to be a 24/7 location, and the
17 applicants are committed to limiting
18 these two tractor trailer trips to the
19 store's off-hours.

20 By limiting the delivery schedule
21 to off-hours when the store is closed
22 to the public, the applicant's intend
23 to ensure adequate site maneuverability
24 for the tractor trailers and safe
25 access for loading despite the lack of

Proceedings

a designated loading area.

Additionally, the CVS will provide local residents with easy and convenient access to everyday goods as well as pharmacy services.

Consequently, the new CVS will not provide an undesirable change in the neighborhood character or a detriment to nearby properties.

Three, whether the requested variance is substantial. The variance is not substantial with regard to potential impacts as noted.

To summarize, the applicant is amending its area variance request in relation to its revised site layout which now reflects no designated off-street loading spaces rather than the one off-street loading space previously proposed.

The fact that the applicants no longer propose any loading spaces does not make the requested relief more significant for the purposes of this

Proceedings

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2 Board's review since the area will
3 still be used for loading during
4 off-hours. Thus, the site will still
5 have adequate off-street loading space,
6 albeit not designated or delineated as
7 such.

8 Four, whether the variances will
9 have negative affects to physical or
10 environmental conditions in the
11 neighborhood.

12 The site is currently occupied by
13 a non-occupied single-family home and a
14 former Goodyear Tire/Used car
15 dealership. The car dealership site is
16 already built out such that the
17 proposed CVS store would not resolute
18 in any significant adverse changes to
19 the physical or environmental
20 conditions at the site or in the
21 general area when compared to the
22 existing conditions.

23 Five, whether the alleged
24 difficulty is self-created. The
25 hardship is self-created because the

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2 area variance relief is a function of
3 the configuration of the premises, but
4 the CVS store and associated parking
5 area were designed to minimize the
6 impacts to nearby properties and
7 maintain safe and efficient vehicular
8 and pedestrian circulation and access
9 as well as the Applicant's commitment
10 to addressing the City Engineer's
11 comments.

12 Although the hardship is
13 self-created, the self-created hardship
14 rule is only one consideration and does
15 not preclude the Board from granting
16 the request.

17 In granting this variance the
18 Board imposes the following conditions:

19 1. All fire, health,
20 environmental, safety, building and
21 zoning codes shall be adhered to at all
22 times;

23 2. Fire, smoke, and carbon
24 monoxide detectors and a fire sprinkler
25 system shall be installed in accordance

Proceedings

with New York State Code throughout the proposed building and connected to an outside 24-hour monitoring system;

3. Any taxes or fines, if owed, shall be paid within 60 days from today's date;

4. Deliveries to the site shall be limited to two trips a week of 50 tractor trailers (WB-50), the dimensions of which are noted on page four (4) of eight (8) in the amended application submitted by Cuddy & Feder, LLP, dated September 28, 2020 and noted in VHBs response to the Yonkers City Engineer's Comment two in a letter dated September 24, 2020.

5. Hours of Operation shall not be twenty-four (24) hours. The hours of operation will be within the hours of 6 a.m. to 12 a.m. Monday through Sunday;

6. These conditions shall be specified on the Certificate of Occupancy and the owner shall permit periodic inspections at the discretion

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of the City of Yonkers, Department of Housing and Buildings, at least once every calendar year to determine that the conditions are being satisfied;

7. This approval shall be immediately rescinded should the owner violate any of these conditions; and

8. All expenses associated with these conditions shall be the responsibility of the owner.

Thank you.

THE CHAIRMAN: Thank you. Do I have a second on the motion?

MR. LANDSMAN: Second.

THE CHAIRMAN: Mr. Landsman. On the motion, Ms. Kimball.

MS. KIMBALL: In favor.

THE CHAIRMAN: Mr. Giorgio.

MR. GIORGIO: For the motion.

THE CHAIRMAN: Mr. Landsman.

MR. LANDSMAN: For the motion.

THE CHAIRMAN: Mr. Singh.

MR. SINGH: For the motion.

THE CHAIRMAN: Mr. Lopez.

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MR. LOPEZ: For the motion.

THE CHAIRMAN: Thank you. The Chairman votes for the motion, the motion is carried, six, one vacant. Thank you.

The next case will be 5719. It is an area variance, 46 Normandy Road, Block: 2315, Lot: 5. Do I have a motion, please.

MR. LOPEZ: Yes.

THE CHAIRMAN: Mr. Lopez.

MR. LOPEZ: Mr. Chairman, I make a motion to approve the requested improvement to a non-conforming use, subject to conditions, based on facts, findings, information and testimony presented to this Board at the public hearing, site visits by members of the Zoning Board of Appeals, or otherwise obtained.

Section 43-21G of the Zoning Ordinance authorizes the Zoning Board to approve, or approve with modifications, limited changes to a

Proceedings

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2 non-conforming use or structure, as
3 appropriate, so that said use may
4 gradually be brought into greater
5 conformity with the code and that
6 adverse external effects of such
7 nonconforming uses may be reduced.

8 Specifically, the Board finds:

9 The retaining wall currently in
10 place is in need of serious repair due
11 to deterioration over the years such
12 that the wall may collapse if not
13 addressed along with the stairs in
14 front of the applicant's home.

15 The improvement of the
16 nonconforming use should alleviate a
17 current liability concern for the
18 applicant and the city at large.

19 In approving these variances, the
20 Board imposes the following conditions:

21 1. All fire, health,
22 environmental, safety, building and
23 zoning codes shall be adhered to at all
24 times.

25 2. The proposal submitted to the

Proceedings

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2 Board be adhered to. Any changes in
3 use shall come back to the Zoning Board
4 of Appeals for further consideration
5 and decision.

6 3. Any repairs or replacement
7 required by the City Engineer to the
8 sidewalks or curbs in front of the
9 property be repaired or replaced by the
10 owner and/or lessee prior to the
11 Certificate of Occupancy being issued.

12 4. This approval shall be
13 immediately rescinded should the owner
14 violate any of these conditions at any
15 time.

16 5. All expenses associated with
17 these conditions shall be the
18 responsibility of the owners.

19 THE CHAIRMAN: Thank you. Do I
20 have a second, please?

21 MR. SINGH: Second.

22 THE CHAIRMAN: On the motion, Ms.
23 Kimball.

24 MS. KIMBALL: For the motion.

25 THE CHAIRMAN: Mr. Giorgio.

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MR. GIORGIO: For the motion.

THE CHAIRMAN: Mr. Landsman.

MR. LANDSMAN: For the motion.

THE CHAIRMAN: Mr. Singh.

MR. SINGH: For the motion.

THE CHAIRMAN: Mr. Lopez.

MR. LOPEZ: For the motion.

THE CHAIRMAN: The Chairman votes for the motion, the motion is carried, six, one vacant.

The next case tonight is case 5720, an improvement to a nonconforming use at 919 Nepperhan Avenue, Block 3075: Lot 11 in an I Zone.

MR. SINGH: Yes, Mr. Chairman.

Mr. Chairman, this property is an existing one-family residence located in the I Zoning District. This property is located at the northwest corner of the intersection of Nepperhan Avenue and Roberts Avenue. The lot totals 3,800 square feet, it is 100 feet long and varies in width from 35 feet along Nepperhan Avenue to 41 feet at the rear

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of the lot.

The property is improved with a one-story, one-family residence which was constructed in 1927. The house contains three bedrooms and one bathroom and totals approximately 1,215 square feet on the Main floor. It has a full unfinished basement and an attic.

The owner is seeking to enlarge the residence by adding a second story, and by expanding the footprint of the first floor in order to add a thicker insulated wall around the house, creating a more energy-efficient structure. Therefore, the applicant is requesting the ZBA's approval of this proposed enlargement.

Section 43-21G of the Zoning Ordinance authorizes the Zoning Board to approve, or approve with modifications, changes to a non-conforming use or structure, as appropriate, so that said use may

Proceedings

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2 gradually be brought into greater
3 conformity with the code and that
4 adverse external effects of the
5 non-conforming use may be reduced.

6 This case is especially difficult
7 since it is clear that the zone in the
8 surrounding area contains many
9 two-story residential residences and
10 obviously should be changed to a
11 residential zone. However, the
12 applicant's proposed renovations will,
13 in the interim, improve the living
14 existing space, including from an
15 environmental standpoint.

16 As such, Mr. Chairman, I make a
17 motion to approve the requested
18 improvement of a non-conforming use
19 subject to conditions based on facts,
20 findings, information and testimony
21 presented to this Board at the public
22 hearing, site visits by members of the
23 Zoning Board of Appeals, or otherwise
24 obtained.

25 The proposed improvements will not

Proceedings

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2 change the character of the
3 neighborhood. The building adjacent to
4 this property is a three-story
5 multi-family residence and the
6 surrounding neighborhood contains many
7 two-story residences. As a result, the
8 addition of a second story to this
9 residence will be in keeping with the
10 surrounding neighborhood.

11 The existing home was built in
12 1927 with small bedrooms and closets.
13 Because of this, the only way to add
14 the larger Master Bedroom Suite and
15 added closet space is to add the second
16 story.

17 The location of the proposed
18 improvements (the side of the house) is
19 approximately 75 feet back from the
20 street and uphill by approximately 20
21 feet. As a result, it is well out of
22 the view corridors of the neighborhood.

23 This side of the property is also
24 highly vegetated with mature trees and
25 tall bushes which screens the area from

Proceedings

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2 the adjoining property. Accordingly,
3 the proposed improvements will not
4 adversely impact the neighborhood. Mr.
5 Chairman, in granting this Improvement
6 of a Non-Conforming use, the Board
7 imposes the following conditions:

8 1. All health, safety, fire,
9 building and environmental codes shall
10 always be adhered to by the applicant.

11 2. All curbs and/or sidewalks
12 abutting the property that needs
13 repairing or replacement as per the
14 City of Yonkers Department of
15 Engineering, then the repair or
16 replacements must be done before the
17 certificate of occupancy is issued.

18 3. That if any back real estate
19 taxes and or fines if owned, be paid in
20 full within 45 days of this hearing,
21 and proof must be submitted to this
22 Board.

23 4. These conditions shall be on
24 the certificate of occupancy, and the
25 applicant and/or property owner shall

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2 permit inspections at the discretion of
3 the City's Department of Housing and
4 Buildings, at least once every calendar
5 year, to determine that the conditions
6 are being satisfied.

7 5. There will be fire/carbon
8 monoxide and smoke detectors on the
9 premises.

10 6. The premises will be remaining
11 one family, and no boarding house setup
12 will be allowed.

13 7. Should the applicant and/or
14 property owner not comply with, breach,
15 or violate any of these conditions at
16 any time, this approval is hereby
17 rescinded. It authorizes the City's
18 Department of Housing and Buildings to
19 take appropriate action.

20 8. All expenses associated with
21 these conditions shall be the sole
22 responsibility of the applicant and/or
23 property owner.

24 Thank you, Mr. Chairman.

25 THE CHAIRMAN: Do I have a second

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on the motion?

MS. KIMBALL: Second.

THE CHAIRMAN: Ms. Kimball. On the motion, Ms. Kimball.

MS. KIMBALL: For the motion.

THE CHAIRMAN: Mr. Giorgio.

MR. GIORGIO: For the motion.

THE CHAIRMAN: Mr. Landsman.

MR. LANDSMAN: For the motion.

THE CHAIRMAN: Mr. Singh.

MR. SINGH: For the motion.

THE CHAIRMAN: Mr. Lopez.

MR. LOPEZ: For the motion.

THE CHAIRMAN: The Chairman votes for the motion, the motion is carried six, one vacant.

The next case is 5722, use and area variance at 2 Ascot Road, Block: 4315, Lot: 25; in an S 50 Zone. Do I have a motion, please?

MR. LANDSMAN: Yes, Mr. Chairman.

THE CHAIRMAN: Mr. Landsman.

MR. LANDSMAN: I make a motion to approve the request for area variance

Proceedings

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2 subject to conditions, based on facts,
3 findings, information and testimony
4 presented to this Board at the public
5 hearing, site visits by members of the
6 Zoning Board and otherwise obtained.

7 The subject property in question
8 is in a residential neighborhood of
9 single family homes in the neighborhood
10 of Westchester Hills. It is located on
11 the southeast corner of Ascot Road and
12 Remsen Road.

13 In making this determination, the
14 Zoning Board of Appeals shall take into
15 consideration the benefit to the
16 applicant and/or owner, if the variance
17 is granted, as weighed against the
18 detriment to the health, safety and
19 welfare of the neighborhood or
20 community by such grant.

21 In order to grant an area variance
22 the Board must be satisfied on five
23 points of law:

24 Number One, whether undesirable
25 changes will be produced in the

Proceedings

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2 neighborhood or a detriment to nearby
3 properties will be created by granting
4 of the area variance.

5 The Zoning Board has visited the
6 site multiple times and finds there is
7 no apparent detriment to neighbors in
8 granting this variance. The existing
9 garage and driveway seem to be
10 sufficient for the current occupants.
11 The fence along Remsen Road has existed
12 for many years and seems to blend in
13 with the surrounding area.

14 Number two, whether the benefit
15 sought by the applicant or owner can be
16 achieved by some other method feasible
17 for the applicant or owner to pursue
18 other than the area variance.

19 The benefit sought cannot be
20 achieved by any other means. The fence
21 can be taken down and a new one
22 installed to city codes, but that would
23 be quite an expense to the owner, so
24 the applicant is left with this
25 situation and he is now seeking to

Proceedings

remedy it.

Number three, Whether the requested variance is substantial. The variance is not substantial when viewed in the context of the requirement of the existing zone. The two sheds that do not meet the city required setbacks will be removed as stated by the owner at the October 20th, 2020 hearing.

Number four, whether the proposed variance will have an adverse effect on the physical or environmental conditions of the neighborhood or district.

There will be no adverse physical or environmental impact on the neighborhood. The applicants are proposing the legalization of an existing fence. This variance would do nothing to negatively alter the quality of life.

Number five, whether the alleged difficulty was self-created. The difficulty is self-created. It is

Proceedings

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2 clearly so on the part of the
3 applicant, but his self-created
4 hardship, standing alone, does not
5 preclude this Board from granting the
6 area variance.

7 Additionally, I make a motion to
8 deny the requested use variance. The
9 lower level kitchen that was previously
10 for in-law use is not to be
11 re-established pursuant to the current
12 Zoning Ordinance. The prior owner of
13 this home did not file the paperwork
14 and affidavits to continue the use, so
15 at that point it was no longer allowed.
16 No required proof was otherwise
17 submitted by the applicant to warrant a
18 use variance. However, there are
19 conditions that will need to be met for
20 the granting of the variance.

21 Number one. All health, safety,
22 fire, building and environmental codes
23 shall always be adhered to by the
24 applicant and/or owner.

25 Number two. Fire, smoke and

Proceedings

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2 carbon monoxide detectors shall be
3 installed throughout the dwelling.

4 Number three. No more than one
5 family shall live in the subject
6 property and only one kitchen is
7 permitted.

8 Number four. That no business
9 shall operate from these premises.

10 Number five. All taxes and fines,
11 if owed, must be paid in full 60 days
12 from today's date.

13 Number six. These conditions
14 shall be listed on the certificate of
15 occupancy and the applicant and/or
16 property owner shall permit inspections
17 at the discretion of the Department of
18 Housing and Buildings, City of Yonkers,
19 at least once per year to determine
20 that conditions are being met.

21 Number seven. Should the
22 applicant and/or property owner not
23 comply with, breach or violate any of
24 these conditions at any time, the area
25 variance is hereby rescinded and the

Proceedings

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2 Zoning Board authorizes the City of
3 Yonkers, Department of Housing and
4 Buildings, to take appropriate action.

5 Number eight. All expenses
6 associated with these conditions shall
7 be the responsibility of the applicant.

8 Number nine. The two sheds on the
9 property are to be removed.

10 Number ten. The lower level
11 kitchen is to be removed.

12 Thank You.

13 THE CHAIRMAN: Do I have a second
14 on the motion, please?

15 MS. KIMBALL: Second.

16 THE CHAIRMAN: On the motion, Ms.
17 Kimball.

18 MS. KIMBALL: For the motion.

19 THE CHAIRMAN: Mr. Giorgio.

20 MR. GIORGIO: For the motion.

21 THE CHAIRMAN: Mr. Landsman.

22 MR. LANDSMAN: For the motion.

23 THE CHAIRMAN: Mr. Singh.

24 MR. SINGH: For the motion.

25 THE CHAIRMAN: Mr. Lopez.

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MR. LOPEZ: For the motion.

THE CHAIRMAN: The Chairman votes for the motion, the motion is carried, six, one vacant. Okay.

Instead of going into this new case now, we have some other requests. I am going to go through those first and then we'll get into the one at St. Casimir's.

We have Case 5607, 72 Alexander Street. We are planning on construction in 2020. The pandemic delayed our contractors for starting this year. I would like to request an extension from the Zoning Board. It is my intent to begin construction in, 2021 and the fee, they put the fee in, I am going to make a motion we grant them a year's extension. I will do it from today, from November 17th 2020 to November 16, 2021. Do I have a second, please?

MS. KIMBALL: Second.

THE CHAIRMAN: Everybody in favor

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say aye.

(A chorus of ayes.)

THE CHAIRMAN: Anybody opposed?

Then we have one from Mr. Dibbini on Elm Street. He is asking for a one-year extension. He has put the money in. This is on Elm Street halfway up the hill there, I believe.

I am going to make a motion to give him a year's extension from today's date. Do I have a second, please?

MS. KIMBALL: Second.

THE CHAIRMAN: Everybody in favor say aye.

(A chorus of ayes.)

THE CHAIRMAN: That's case number 5182.

Mr. Romano, I see you are here. Would you introduce yourself, please.

MR. ROMANO: I am sorry, I apologize.

THE CHAIRMAN: Would you introduce yourself, please.

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MR. ROMANO: Andrew Romano, 55 Main Street, Yonkers, New York on behalf of the applicant, St. Casimir Realty.

THE CHAIRMAN: I have something else to ask you first.

MR. ROMANO: Yes, sir.

THE CHAIRMAN: There was two cases that you wanted us to forget about and one was on Central Park Avenue, the fellow who wanted the deli.

MR. ROMANO: Right.

THE CHAIRMAN: One, I believe, was on Nepperhan Avenue. I can't remember now, it was last month.

MR. ROMANO: Yes.

THE CHAIRMAN: We told you to go to the Building Department and find out if that's okay with them.

MR. ROMANO: Yes, sir.

THE CHAIRMAN: I don't know if they need to be reheard or what.

MR. ROMANO: I contacted the architect, Mr. Frank Costa and I

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understand he is making the necessary inquiry into the Building Department, Mr. Chairman.

THE CHAIRMAN: There is two cases now?

MR. ROMANO: Yes, sir.

THE CHAIRMAN: Okay. The next case is Mr. Romano for tonight, this is case number 5725, a non-conforming use land area variance, Mr. Andrew Romano on behalf of St. Casimir Realty LLC, that is a Limited Liability Corporation, for interior alterations to convert a warehouse to a men's shelter, whereas:

Change of a nonconforming use to another non-conforming use (43-21B(3));

Insufficient rear yard, Section 43-27, Table 43-3 (Required 10' (Residential use), proposed 0'-0" (Residential use) on premises known as 10 St. Casimir Avenue, BLock: 2040, Lot: 16, Zone: I.

Mr. Romano, would you introduce

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yourself, please.

MR. ROMANO: Andrew Romano, 55 Main Street, Yonkers, New York, on behalf of the applicant and proposed tenants, sir.

THE CHAIRMAN: Thank you. Mr. Romano, has everybody within the 200 foot zone been notified, sir?

MR. ROMANO: Yes, sir, they have.

THE CHAIRMAN: Did any come back that was undelivered?

MR. ROMANO: I have not received anything to date, Mr. Chairman.

THE CHAIRMAN: Is there anybody here tonight on this case? This case is on the corner of Elm Street and St. Casimir Avenue and Columbus Avenue, comes down a little bit in there also, so Columbus Place, excuse me. It is the old police headquarters.

Anybody that is on this case please indicate yourself so we can unmute you.

MR. KUNTZ: If you press your

Proceedings

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2 space bar you can unmute us or on a
3 phone, star six.

4 A VOICE FROM THE AUDIENCE: YWCA
5 Yonkers.

6 THE CHAIRMAN: We are going to
7 give you a chance in a little while. I
8 see Mr. Gibbons is here.

9 MR. GIBBONS: Yes, Mr. Chairman,
10 thank you, James Gibbons representing
11 St. Casimir.

12 THE CHAIRMAN: Mr. Romano,
13 proceed, please.

14 MR. ROMANO: On behalf of St.
15 Casimir's Realty, LLC, we have proposed
16 to put in this location-- it has been
17 empty and located where the old Police
18 Department was at St. Casimir's.

19 The YWCA, Young Womens Christian
20 Association located a couple of blocks
21 away would like to reconstruct the
22 inside only, no exterior alterations at
23 all, construct a men's shelter,
24 approximately 60 persons if necessary.

25 The proposal, Mr. Chairman, Mr.

Proceedings

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2 Gibbons is the architect and the YWCA
3 is here also concerning how it is to be
4 constructed.

5 What we are doing is, we are
6 changing mostly from a non-confirming
7 use. I believe under the standard for
8 the non-conforming use this would be
9 more appropriate for the area with
10 appropriate safeguards as the code
11 requests. We base this on the fact
12 this would be a residence shelter, and
13 looking at the neighborhood, there are
14 no other warehouses around and is
15 mostly apartment houses around, some
16 retail space, so we believe this is
17 appropriate based on what is existing
18 in the area.

19 The area variance in this matter
20 is because of the change of use from
21 the warehouse to the shelter. It is an
22 existing structure, and the only
23 variance would be on the rear yard
24 because apparently we are not changing
25 anything, not adding, it is existing,

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2 so the impact of leaving something the
3 way it is when is di minimus, we have
4 no complaints on the structure itself,
5 we have no complaints on any problems
6 with the structure. We believe that
7 this would solve problems for homeless
8 people in the area.

9 We believe this is something that
10 is a needed service for the community.
11 The YWCA, as the Board is aware, is a
12 not-for-profit, is very familiar with
13 this, and with your permission I will
14 introduce the YWCA for an explanation.

15 What I would like to do, Mr.
16 Chairman, if there is no questions, put
17 Mr. Gibbons on, give you a little
18 analysis of what the proposal is on the
19 inside, with your permission.

20 THE CHAIRMAN: I have a question
21 for you. What is the rear yard, is
22 that where Sal's Pizzeria is?

23 MR. ROMANO: Yes, Sal Pellegrino,
24 I believe it back-ends on Sal's, but
25 don't forget, between Sal-- and this is

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that driveway that goes in the back.

THE CHAIRMAN: Is that the backyard that you are presenting?

MR. ROMANO: Yes, sir. Yes, sir.

MR. PELLEGRINO: John Pellegrino is here.

THE CHAIRMAN: What did you say?

MR. PELLEGRINO: I am listening in on this meeting from Sal's Pizzeria.

THE CHAIRMAN: I didn't recognize you.

MR. PELLEGRINO: I am sorry, Mr. Chairman.

THE CHAIRMAN: Mr. Romano, are you talking about where the zero feet is, that's the yard that starts at Sal's Pizzeria?

MR. ROMANO: Yes, sir.

THE CHAIRMAN: That back there is not yours at all.

MR. PELLEGRINO: No, sir.

THE CHAIRMAN: We have the backyard solved.

MR. ROMANO: There is no

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entranceway in the back

THE CHAIRMAN: There is at the back of that shopping center up on Nepperhan Avenue.

MR. ROMANO: Yes, but Mr. Gibbons talks, when he speak to the entrances and exits, will be on St. Casimir, it will not be at that location, sir.

THE CHAIRMAN: We will get to that. I didn't recognize Mr. Gibbons yet.

MR. ROMANO: Absolutely.

THE CHAIRMAN: Good. Okay. Now, it is 60 residents?

MR. ROMANO: Yes.

THE CHAIRMAN: That is a tough word.

MR. ROMANO: It is up to 60. Let's say up to 60, Mr. Chairman.

THE CHAIRMAN: So we can take away this word approximately and we can say up to 60.

MR. ROMANO: Yes, sir. Let's leave it at that. That's fair.

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THE COURT: Who is going to know that there is 60 in there, do you have a person there at night?

MR. ROMANO: Yes, sir. If you want I can introduce the YWCA.

THE CHAIRMAN: I don't want to be introduced yet, I want you to do your homework, okay, I want you to tell me. There will be people there at all times 24 hours a day?

MR. ROMANO: Yes, sir.

THE CHAIRMAN: That will be operating this residence, am I correct?

MR. ROMANO: Yes, sir, you are correct.

THE CHAIRMAN: Will there be security there, sir?

MR. ROMANO: Yes, sir.

THE CHAIRMAN: There will be security there?

MR. ROMANO: Yes, sir.

THE CHAIRMAN: Any members of the Board have any questions for Mr. Romano?

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MR. LANDSMAN: I have a question.

THE CHAIRMAN: Mr. Landsman.

MR. LANDSMAN: Yes. So the entrance to this shelter will be on St. Casimir?

MR. ROMANO: Yes, sir.

MR. LANDSMAN: So the back of the building where we are talking about when you come in from Nepperhan, that is the back of the building?

MR. ROMANO: Yes.

THE CHAIRMAN: And there is no entrance there after this?

MR. ROMANO: I don't have any entrance there, no. If Mr. Gibbons can talk, if there is an emergency entrance, but no entrance.

MR. LANDSMAN: This is not using the whole building. Upstairs is apartments?

MR. ROMANO: There is a proposal on the table above the shelter. We have been asked if the YWCA would want to make it into apartments. That is

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2 something that is still speculative at
3 best. We don't know if we are really
4 zoned for that. We believe it is a
5 work/live unit area and not just
6 apartments and I think we would have
7 great difficulty without a use variance
8 to get the apartments. This would be
9 the first step to get the shelter in,
10 and then we would have to figure out if
11 we have the money and we have the
12 wherewithal and the ability to change
13 the use. It would be a use variance,
14 so that's difficult, but it is
15 something that has been discussed but
16 nothing has been finalized at any
17 stretch of the imagination.

18 MR. LANDSMAN: Let's say you get
19 these apartments, where will the
20 entrance be for those apartments?

21 THE CHAIRMAN: Hold on a second.
22 That is not in discussion here.

23 MR. LANDSMAN: Okay.

24 THE CHAIRMAN: Mr. Landsman and
25 members of the Board, that will be

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discussed, I am sure.

Mr. Romano, who is this company,
St. Casimir's LLC?

MR. ROMANO: The principal is
D'Agostino Tome. He purchased it from
the city a few years ago and it has
been lying dormant since then. We have
met with the Mayor's Office.

THE CHAIRMAN: You didn't answer
the question. The question is_-- here
is the question. Let me put it this
way. Does the YWCA have something to
do with the project?

MR. ROMANO: The YWCA will be the
tenant for the shelter, yes.

THE CHAIRMAN: What?

MR. ROMANO: The YWCA will be the
tenant for the shelter. I attached it
onto the principal points.

THE CHAIRMAN: I don't see it.
The YWCA will be the tenant for Mr.
Tome, am I correct?

MR. ROMANO: That is correct, yes.

THE CHAIRMAN: Now, is this going

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to be for men, women or both?

MR. ROMANO: Just for men.

THE CHAIRMAN: Just for men?

MR. ROMANO: Yes, sir.

THE CHAIRMAN: Okay, fine. Any other questions of the Board?

MS. KIMBALL: Mr. Chairman, Mr. Romano, has your client caught up on his behind fees, fines and other findings from the Building Department for dumping in the backyard?

MR. ROMANO: We resolved every issue with the Building Department about a year ago when we met with the Mayor. We paid, I believe, over \$15,000. However, there is a dispute about \$3,000 in fees because they claim that we put garbage across the street on, I believe, Columbus, so we are disputing that with the PVB, so that is up in the air at this point.

MS. KIMBALL: Thank you.

MR. ROMANO: You are welcome.

THE CHAIRMAN: How much is owed,

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20 grand?

MR. ROMANO: Fifteen grand but now they want another three and I am like come on, guys.

THE CHAIRMAN: It is \$18,000.

MR. ROMANO: It will be eventually, yes, sir.

THE CHAIRMAN: Mr. Barbuti, would you look into that, please, and give the Board a summation of where this is with the PVB, Parking Violations Bureau? Why would it be with the PVB?

MR. BARBUTI: Consumer Protection.

MR. ROMANO: We don't own the road anyway. I don't want to get into it because I will get upset.

THE CHAIRMAN: I agree with you. If it is there, you are responsible for it. I am not saying you did but Mr. Barbuti is going to look into that, is that okay with you, Ms. Kimball?

MS. KIMBALL: Yes.

THE CHAIRMAN: Okay. Go ahead, Mr. Romano.

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MR. ROMANO: If there is no other questions, I would like to introduce Mr. Gibbons, with your permission.

THE CHAIRMAN: To talk about what?

MR. ROMANO: What he is doing interiorly, interiorly to the structure. Very brief, Mr. Chairman.

THE CHAIRMAN: Raise your right hand, Mr. Gibbons. Do you solemnly swear to tell the truth, the whole truth and nothing but the truth so help you God?

MR. GIBBONS: I do.

THE CHAIRMAN: Your name and address.

MR. GIBBONS: James Gibbons, 1 Central Avenue, Tarrytown, New York.

THE CHAIRMAN: What are you going to do with this building, Mr. Gibbons?

MR. GIBBONS: Mr. Chairman, we are going to put a 60 cot men's shelter in the basement with access from St. Casimir's, and then we are going to create a day program to provide

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services to our clients on the first floor.

THE CHAIRMAN: To your clients. Your clients pay money?

MR. GIBBONS: No, sir, this is part of a governmental service for them.

THE CHAIRMAN: Go ahead.

MR. GIBBONS: So the first floor will have a small portion available which is a day program and there will be offices within that area for staff, a kitchen and a few bathrooms, rooms for Covid compliance, but the whole purpose and most of the activity will take place in the basement with direct access, ADA access from St. Casimir Avenue.

Thank you. That is all I have to say unless the Board has questions.

THE CHAIRMAN: Let me say this much. We are going to be coming down there to see this place. We want full access, okay, Mr. Romano?

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MR. GIBBONS: Yes, Mr. Chairman.

MR. ROMANO: Yes.

THE CHAIRMAN: We want Mr. Gibbons there. We want him to show us exactly what he is talking about.

MR. GIBBONS: I didn't hear your last sentence.

THE CHAIRMAN: How much square feet is in the basement?

MR. GIBBONS: We are not using all of it but we have about 4,500 square feet for use for the cots, a bathroom area, two storage rooms and a heated room and it is all wide open facing the St. Casimir area.

THE CHAIRMAN: That is where the beds are going to be?

MR. GIBBONS: Cots are placed every night out by staff. They are put away during the day, and while the facility will be accessible with the day program 24/7, the homeless people generally leave during the morning hours, so it is a break down and set up

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every single day by staff.

THE CHAIRMAN: Wouldn't you have something for homeless people to do, maybe a classroom for lunch or something? What are we talking about here, bringing homeless people to an area, let them sleep. You are going to feed them, right? Do you feed them?

MR. GIBBONS: Yes, sir.

THE CHAIRMAN: Okay. Isn't there something like an educational thing, a carpentry class or electrical class or something like that? I mean, you know, it doesn't seem comfortable to me that you are sending people out into the street. What are they going to do?

MR. GIBBONS: The option is for the homeless to go, but Charlie Knight, who is our YWCA representative, she is on this call, she can explain the services that are also going to be provided.

THE CHAIRMAN: Okay, we'll get to that person in a minute.

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MR. GIBBONS: Thank you, Mr. Chairman.

THE CHAIRMAN: Is there any questions of Mr. Gibbons? Mr. Romano? Anybody else? Sir, unmute yourself? Anybody else, sir?

MR. ROMANO: Charlie Knight and she may have someone who will run the shelter. If it is all right to introduce her, Mr. Chairman, she is very experienced in this area.

THE CHAIRMAN: I am glad. Thank you. Ms. Knight, are you there.

MS. KNIGHT: Yes, I am. My name is Charlie Knight.

THE CHAIRMAN: Are you an attorney?

MS. KNIGHT: No, I am not.

THE CHAIRMAN: You solemnly swear two tell the truth, the whole truth and nothing but the truth so help you God?

MS. KNIGHT: Yes, I do.

THE CHAIRMAN: Name and address, please.

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MS. KNIGHT: Charlie Knight, 87 South Broadway, Yonkers, New York.

THE CHAIRMAN: Proceed, please.

MS. KNIGHT: We currently have a drop-in shelter for men. That is a temporary shelter. I just want to answer some of your questions.

We do not put the men outside in the morning. We work with them during the day. We have managers. Some are people with substance abuse, people with mental health issues. We connect them with a therapist. We connect them with substance abuse counseling.

There are men that do work and they believe in their work. The ones that remain, we do not put them out, we work with them. We provide management. We refer them for training. We do work readiness training helping with development skills. We refer them out for development and no, we don't put anybody out in the morning.

THE CHAIRMAN: Okay. So, in other

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words, you do try to get them help and try to get them jobs and work ability and things like that, am I correct?

MS. KNIGHT: Yes, absolutely.

THE CHAIRMAN: What is the address of the place on Palisade Avenue?

MS. KNIGHT: 68 Palisade Avenue.

THE CHAIRMAN: Mr. Romano.

MR. ROMANO: I believe 68 Palisade, Mr. Chairman.

THE CHAIRMAN: 68.

MR. ROMANO: Right at the corner. Right across from Hudson Street.

THE CHAIRMAN: I know, I know. There used to be an A & P, so you are going around the corner.

The day we come down to St. Casimir's, we are going to see 68 Palisade, and make arrangements with the young lady that we just spoke and invite her too.

MR. ROMANO: Yes, sir.

THE CHAIRMAN: Is that okay with you, Ms. Knight?

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MS. KNIGHT: Yes.

THE CHAIRMAN: Any questions from the Board of Ms. Knight? Okay. Mr. Romano, do you have anybody else you want to put on?

MR. ROMANO: I don't think so. I think we are pretty much done at this point unless Charlie has anybody, but I would say no at this point, Mr. Chairman.

THE CHAIRMAN: Nobody else who wants to speak? Okay, thank you.

Is there anybody here tonight that's in favor of this application, St. Casimir's Street? Anybody here tonight that is in favor of this application?

MR. LANDSMAN: Anybody wants to talk and you are in favor you can unmute yourself now.

MR. KUNTZ: If you have a phone you have to press star 6.

THE CHAIRMAN: Anybody here tonight that is in favor of this

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2 application? Is there anybody here
3 tonight that is in opposition to this
4 application?

5 MR. PELLEGRINO: I am, Mr.
6 Chairman.

7 MR. LANDSMAN: Is that Mr.
8 Pellegrino?

9 MR. PELLEGRINO: Yes.

10 MR. LANDSMAN: Mr. Chairman, you
11 have Mr. Pellegrino.

12 THE CHAIRMAN: Mr. Pellegrino, are
13 you an attorney, sir?

14 MR. PELLEGRINO: No, I am not.

15 THE CHAIRMAN: Would you raise
16 your right hand, please. You solemnly
17 swear to tell the truth, the whole
18 truth and nothing but the truth so help
19 you God?

20 MR. PELLEGRINO: I do, Mr.
21 Chairman.

22 THE CHAIRMAN: State your name and
23 your address, please.

24 MR. PELLEGRINO: John Pellegrino,
25 21 Blackberry Hill Road, Katonah, New

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THE CHAIRMAN: Proceed, Mr. Pellegrino.

MR. PELLEGRINO: Excuse me, sir?

THE CHAIRMAN: Proceed.

MR. PELLEGRINO: I am in opposition. I feel I need more information. I am part owner of 209 Nepperhan which is Sal's Pizzeria and I am questioning the backyard use. There is no backyard there, and I also have a question about the building itself, 10 St. Casimir's.

I understand it was the old police station. The reason why the Police Department moved out was because of asbestos. The building was unsafe. I don't know if that's been rectified, and I am concerned about safety.

There is a lot of residents in the area, a lot of apartment buildings with kids and safety seems to be a big issue, so those are some of my concerns and I would just like some more

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information on this project.

THE CHAIRMAN: Okay. What I am going to do, Mr. Pellegrino, number one, if there is asbestos in the building, nothing will be in the building that's not allowed in the building. I mean if there is asbestos in there, it will be taken out, that's for sure, because under the rules and regulations today they watch that pretty carefully, but every motion that we pass we put down that they are to obey all these rules.

Number two, I am going to ask Mr. Gibbons to make sure any information that I get goes to Mr. Pellegrino. You heard his address.

What is your zip code, Mr. Pellegrino?

MR. PELLEGRINO: 10536, Mr. Chairman.

THE CHAIRMAN: So anything that comes out, mail it to him. In fact, mail him a set of plans, the plans that

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I got right here in front of me, mail him the principal points that Mr. Romano gave me, okay?

MR. GIBBONS: Yes, Mr. Chairman.

THE CHAIRMAN: Mr. Pellegrino, call the Building Department tomorrow and ask for Mr. Barbuti and he is going to take your phone number, unless you want to give it to us now because he can hear you. The reason for that is, he is going to call you when we go to look at these buildings and you are welcome to come with us.

Do you have a problem with that, Mr. Romano?

MR. ROMANO: No problem, Mr. Chairman, no problem.

THE CHAIRMAN: Thank you. Mr. Pellegrino, if you want to give Mr. Barbuti your number now or call him in the morning.

MR. PELLEGRINO: I will give it to him now.

THE CHAIRMAN: Go ahead.

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MR. PELLEGRINO: XXX XXX-XXXX.

That's my cell.

THE CHAIRMAN: Did you get it, Mr. Barbuti?

MR. BARBUTI: What was the last two numbers?

MR. PELLEGRINO: XX.

MR. BARBUTI: Thank you.

THE CHAIRMAN: Thank you. Mr. Gibbons. The asbestos and everything, this whole building is going to be cleaned out, am I correct, of everything?

MR. GIBBONS: Yes, sir, I will confirm that.

THE CHAIRMAN: Go ahead.

MR. GIBBONS: I will confirm with the other work that was done which is not related to the shelter and our work as well to make sure there are no in environmental hazards and report back.

THE CHAIRMAN: Thank you. Is there anybody else here tonight to speak in opposition? Mr. Landsman,

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open everybody up. I can't hear you, Mr. Landsman.

MR. LANDSMAN: Anybody else want to speak against this applicant? You could speak now, anybody? I don't see anybody else, Mr. Chairman.

THE CHAIRMAN: Announce it again.

MR. LANDSMAN: Anybody that wants to speak against this application here? Anybody want to speak?

THE CHAIRMAN: Unmute everybody. Is there anybody here tonight on this application, St. Casimir's Street and Elm Street that want to speak in opposition, say yes.

MR. KUNTZ: I can't unmute everyone. There is a button on the bottom of their screen. All they have to do is press unmute and they can speak, or if they have a phone, just press star 6. Everybody has that capability on this line right now.

THE CHAIRMAN: Is there anybody that wants to speak in opposition to

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this case? Anybody want to speak in opposition?

MR. KUNTZ: No one is answering.

THE CHAIRMAN: Would you like to sum up?

MR. ROMANO: No, that's all right, Mr. Chairman, we are pretty good. We'll just call tomorrow and make the arrangements.

THE CHAIRMAN: We are going to put this case over. We are not going to close it tonight. There is some information that has to be gotten in this case so I will make a motion that this case be put over to the next month. Do I have a second on that?

MR. LANDSMAN: Second.

THE CHAIRMAN: Everybody in favor say aye.

(A chorus of ayes.)

THE CHAIRMAN: Anybody opposed? Okay, this case is put over, Mr. Romano. You have some work to do.

MR. ROMANO: Thank you. Have a

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good and safe Thanksgiving.

THE CHAIRMAN: Thank you very much.

MR. ROMANO: You are welcome. Unmute everybody except for the city staff.

MR. KUNTZ: You want me to let everybody leave except for the members?

THE CHAIRMAN: Members and the city staff, that would be Alan and Dave.

I wish all the members a very nice Thanksgiving, and we all got a lot to be thankful for and we should just think about our family and having a nice Thanksgiving and I hope everybody enjoys themselves and we'll talk next month. Next month the Chairman will be announcing probably where we are going to go eat after the hearing and we will go on from there. Happy Thanksgiving, everybody.

(Time noted: 6:20 p.m.)

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