

1 CITY OF YONKERS

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4 Minutes of
5 The City of Yonkers Zoning Board
6 January 19, 2020 - 5:08 p.m.
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11 B E F O R E:

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13
14 JOSEPH CIANCIULLI, Chairman
15 HARRY SINGH, Member
16 JEFFREY LANDSMAN, Member
17 HECTOR LOPEZ, Member
18 WILSON KIMBALL, Member
19 VINCENT GIORGIO, Member
20

21 P R E S E N T:

- 22 DAVE BARBUTI, Building Department
23 ALAIN NATCHEV, Assistant Corporation
24 Counsel
25 LEE ELLMAN, Planning Department

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1 Proceedings

2 THE CHAIRMAN: The Zoning Board of
3 Appeals public hearing for January 2021 is
4 now in session.

5 Would the members introduce
6 themselves starting with Ms. Kimball.

7 MS. KIMBALL: Wilson Kimball,
8 member. Present.

9 THE CHAIRMAN: Mr. Giorgio.

10 MR. GIORGIO: Vincent Giorgio.

11 THE CHAIRMAN: Mr. Landsman.

12 MR. LANDSMAN: Jeffrey Landsman.

13 THE CHAIRMAN: Mr. Singh.

14 MR. KUNTZ: You're going to have to
15 unmute yourself, Mr. Singh.

16 THE CHAIRMAN: Mr. Singh? You're
17 here, right?

18 MR. KUNTZ: Sorry, Mr. Singh --
19 there you go.

20 THE CHAIRMAN: Mr. Singh.

21 MR. SINGH: Yes, Harry Singh.

22 THE CHAIRMAN: Yeah, Okay.

23 MR. SINGH: Thank you.

24 THE CHAIRMAN: And, Mr. Lopez, are
25 you on the agenda yet? All right. We're

1 going to put him back. He should be here.

2 Okay. And I'm Joseph Cianciulli.

3 I'm Chairman of the Board.

4 We have with us tonight the
5 Corporation Counsel that represents the
6 Board, Mr. Alain Natchev. We have the
7 Deputy Building Commissioner David Barbuti.
8 And we have the Deputy Planning Director Lee
9 Ellman.

10 All right. We're going to take the
11 Pledge of Allegiance.

12 Mr. Landsman, lead us through the
13 Pledge of Allegiance, please.

14 (Pledge of Allegiance.)

15 THE CHAIRMAN: Thank you.

16 As Chairman of the Board, we don't
17 allow any talking. Okay. Unless you're
18 recognized, please talk then. And I got the
19 right to take the cases in any -- and the
20 decisions in any order that I wish.

21 Tonight we're going to have --
22 we're not going to have an answer on the
23 case 5660. That's 540 Nepperhan Avenue.
24 Lot 5661, that's 578 Nepperhan Avenue. I'm
25 going to make a motion to put those two

1 cases over. Do I have a second?

2 MR. LANDSMAN: Second.

3 THE CHAIRMAN: Everybody in favor
4 say aye.

5 (A chorus of ayes.)

6 THE CHAIRMAN: Okay. Anybody
7 opposed? Okay. So those two cases are
8 going over.

9 Then we got case, we're going to
10 have a decision on 5721. That's 873 McLean
11 Avenue. We, will have a decision on 5723.
12 That's 135 Ridgewood Avenue. We will not
13 have a decision on 5724. Mr. Romano asked
14 that, that be put over. That's 125 Orchard
15 Street. Mr. Romano also asked to put a
16 couple other over. So we'll take them in a
17 second. On case 5716, Mr. Romano asked for
18 that to be put over. That's 687 Nepperhan
19 Avenue. So we're going to put that over.
20 Mr. Romano also asked for 5725 to be put
21 over. So that's 10 St. Casmir Avenue. So,
22 on those three cases, I'll make a motion to
23 put them over. Do I have a second?

24 MR. LANDSMAN: Second.

25 THE CHAIRMAN: Okay. Everybody in

1 favor say aye?

2 (A chorus of ayes.)

3 THE COURT: Anybody opposed? Okay.
4 So, those are put over.

5 It's number 5715, this is 1969
6 Central Park Avenue. That's over there,
7 also the pizza place. Mr. Abillama's
8 secretary, I think it was, I don't know who
9 it was. Wrote us a letter asking us to put
10 it over. So I'm going to make a motion to
11 put 5715 over. That's 1969 Central Park
12 Avenue. Do I have a second?

13 MS. KIMBALL: Second.

14 THE CHAIRMAN: Everybody in favor
15 say aye.

16 (A chorus of ayes.)

17 THE CHAIRMAN: Okay. That's put
18 over. One second, please. All right. Then
19 we got, then we got -- all right. We have a
20 continued hearing, we have a continued
21 hearing tonight. It's 5727, it's
22 Mr. Maniglia on behalf of Ginsburg 70 Pier
23 Street. So we'll get to that in a few
24 minutes.

25 All right. The first decision

1 tonight -- one second, please. All right.
 2 We're going to take, the first decision
 3 tonight will be, it's 5723. It's an area
 4 variance. It's Mr. Curto. But Mr. Curto
 5 gave the case to Mr. Accinelli and
 6 Mr. Haynes on belief of 123 Ridgewood
 7 Avenue. Do I have a, do I have a motion,
 8 please?

9 MR. LANDSMAN: Yes, Mr. Chairman.

10 THE CHAIRMAN: Mr. Landsman, go
 11 ahead.

12 MR. LANDSMAN: Okay. I make a
 13 motion to approve the request for the area
 14 variance subject to conditions based on
 15 facts, findings, information and testimony
 16 presented to this Board at the public
 17 hearing, site visits by the members of the
 18 Zoning Board and otherwise obtained.

19 The subject property in question is
 20 an improved, undersized lot in an S 50 Zone.
 21 It's located in a neighborhood of single and
 22 two-family homes in East Yonkers. It's on
 23 the west side of Ridgewood Avenue between
 24 Sherwood and Villa Avenues.

25 Number one, whether undesirable

1 changes will be produced in the neighborhood
2 or a detriment to nearby properties will be
3 created by granting of the area variance.

4 The Zoning Board has visited the
5 site multiple times and finds there is no
6 apparent detriment to the neighbors in
7 granting this variance. The exterior of the
8 house will not change. There will be no
9 undesirable change to the character of the
10 neighborhood if the variance is granted.

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

16 The benefit sought cannot be
17 achieved by any other means. The house has
18 been completed and the basement space is
19 currently existing.

20 Number three, whether the requested
21 variance is substantial.

22 It is the position of the Board
23 that the variance requested appears to be
24 substantial as it is more than 10 percent.
25 It should be also noted that there were no

1 neighbors in opposition at the public
2 hearing.

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

7 Based on the above, the granting of
8 this variance will not adversely affect the
9 health, safety, or welfare of the
10 neighborhood or larger community.

11 The existing home's footprint will
12 not be changed. No environmental issues or
13 safety standards will be breached. The
14 granting of -- the granting of the requested
15 variance will in no way have a negative
16 effect on the neighborhood or do nothing to
17 negatively alter the quality of life.

18 Number five, whether the alleged
19 difficulty was self-created.

20 The difficulty is self-created. It
21 is clearly so on the part of the
22 architect/builder. As stated by Mr. Tom
23 Haynes, Jr. at the October 20, 2020 hearing,
24 they mistakenly changed the area below the
25 interior stairs leading down into the crawl

1 space area and into a room behind it. They
2 inadvertently designed it as a full height
3 space. A full height space. So the
4 accidental increase in height of the area
5 changed it from a crawl space, they would
6 not need to include the square footage to a
7 full height basement area. It created more
8 than 369 square feet in the house. However,
9 this factor, alone, does not prevent this
10 Board from granting the requested variance.

11 However, there are conditions that
12 will need to be met for the granting of the
13 variance.

14 Number one, all health, safety,
15 fire building and environmental codes shall
16 be adhered to at all times by the applicant
17 and/or owner.

18 Number two, fire, smoke and carbon
19 monoxide detectors shall be installed
20 throughout the entire existing home and
21 addition. All smoke, carbon and fire
22 detectors shall be hooked up to an outside
23 24 hour monitoring system.

24 Number 3, that no business shall
25 operate from this property.

1 Number four, as determined by the
 2 City of Yonkers Engineering Department, if
 3 any sidewalks or curbs need repairing or
 4 replacing in front of the dwellings, the
 5 owner or applicant must comply with their
 6 request before the Certificate of completion
 7 is issued.

8 Number five, all taxes and fines,
 9 if owed, must be paid in full 60 days from
 10 today's date.

11 Number six, these conditions shall
 12 be on the C of O and the applicant and/or
 13 property owner shall permit inspections at
 14 the discretion of the Department of Housing
 15 and Buildings, City of Yonkers, at least
 16 once per year to determine compliance of the
 17 conditions.

18 Number seven, should the applicant
 19 and/or property owner not comply with breach
 20 or violate any of these conditions at any
 21 time, the area variance is hereby rescinded
 22 and the Zoning Board authorizes the City of
 23 Yonkers Department of Housing and Buildings
 24 to take appropriate action.

25 Number eight, all expenses

1 associated with these conditions shall be
2 the responsibility of the applicant and/or
3 owner.

4 Number nine, that the existing
5 house shall remain a one-family dwelling
6 with one kitchen, with no in-law, or
7 boarding house set up.

8 Number ten, the existing basement
9 is to be used for storage only and not
10 living space.

11 Thank you.

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

14 MR. SINGH: Second.

15 THE CHAIRMAN: Okay. On the
16 motion. Ms. Kimball.

17 MS. KIMBALL: For the motion.

18 THE CHAIRMAN: Mr. Giorgio.

19 MR. GIORGIO: For the motion.

20 THE CHAIRMAN: Okay. Mr. Landsman.

21 MR. LANDSMAN: For the motion.

22 THE CHAIRMAN: Mr. Singh.

23 MR. SINGH: For the motion.

24 THE CHAIRMAN: Mr. Lopez, are you
25 there? Okay. Mr. Lopez is not there.

1 The Chairman votes for the motion.

2 The motion carries five, one absent. Okay.

3 The next case.

4 MR. HAYNES: Thank you,

5 Mr. Chairman.

6 THE CHAIRMAN: You're welcome, sir.

7 MR. HAYNES: And the rest of the

8 Board as well.

9 MR. LANDSMAN: Thank you.

10 THE CHAIRMAN: Thank you. Okay.

11 The next case is an area variance. It's

12 5721. Just one second. Just one second,

13 please. One second, please. Okay. The

14 case is 5721. It's an area variance. It's

15 James Dibbini on behalf of 873 also known as

16 875 McLean Avenue. Do I have a motion,

17 please?

18 MR. GIORGIO: Yes, Mr. Chairman.

19 THE CHAIRMAN: Okay. Mr. Giorgio,

20 one second.

21 George, some people want to hear

22 the motion that were on before. Whoever was

23 on it. I think the Councilman was on it and

24 a couple of the neighbors. I think. Can

25 you get them in?

1 MR. KUNTZ: Yeah, they're all in.
2 Some of them might be on phones though. If
3 you are on the phone and you're listening,
4 you hit star six you can unmute yourself.
5 There are some Councilmen or Councilwomen
6 that are on as well and they know how to
7 unmute themselves.

8 THE CHAIRMAN: Okay. Thank you.

9 Okay. Mr. Giorgio, you have a
10 motion, sir?

11 MR. GIORGIO: Yes, sir.

12 THE CHAIRMAN: Okay. Proceed,
13 please.

14 MR. GIORGIO: Case #5721, 873 also
15 known as 875 McLean Avenue, Block: 6233, Lot
16 5.13, Zone: B.

17 The subject property is a one-story
18 brick and block building with associated
19 asphalt parking located on the south side of
20 McLean Avenue between Harding and Kimball
21 Avenues. The site has historically been
22 used for retail purposes such as auto parts
23 and a pharmacy/convenience store. The
24 applicant purchased the property in
25 September of 2014 and has used the site as

1 an electrical supply business since
2 approximately 2015. The applicant is
3 seeking to construct a new ground floor
4 warehouse addition to re-configure and
5 re-configure parking in response to a
6 violation issued by the City Department
7 Housing and Buildings for outdoor storage of
8 equipment and supplies.

9 Mr. Chairman, I make a motion to
10 deny the requested area variances based on
11 facts, findings, information and the
12 testimony presented to this Board at the
13 public hearing, site visits by Members of
14 the Zoning Board of Appeals or otherwise
15 obtained. In denying these variances, the
16 Zoning Board of Appeals has taken into
17 account -- taken into consideration the
18 benefit to the applicant as weighed against
19 the detriment to the health, safety, and
20 welfare of the neighborhood and community.
21 Specifically, in making its determination
22 the Board has considered the following.

23 One, whether granting the requested
24 variances would result in an undesirable
25 change to the neighborhood character or a

1 detriment to nearby property. The Board is
2 intimately familiar with the McLean business
3 corridor and has visited the site and
4 surrounding area multiple times as part of
5 its consideration of this application. It
6 is the Board's finding that granting of the
7 proposed variances to facilitate the
8 construction of a warehouse addition would
9 permanently change the fundamental character
10 of the site and essential character of the
11 surrounding neighborhood, which largely
12 consists of residential and smaller
13 neighborhood retail and restaurant
14 establishments. Further, the proposed
15 addition would be located only five feet
16 from existing residential uses in the rear
17 and would be approximately ten feet taller
18 than the existing structure. The applicant
19 has not provided any analysis of impact
20 caused by its current occupancy of the
21 property, much less the undesirable changes
22 which would be caused by the approval of the
23 proposed variances to the neighboring
24 properties in terms of aesthetics, noise,
25 lighting, or other documented nuisance

1 conditions, nor has it proposed any
2 mitigation for current and potential
3 impacts. In fact, the applicant's submittal
4 does not mention neighboring properties at
5 all with regard to its principal points with
6 no attempt to address the numerous concerns
7 of the neighborhood.

8 The Board notes for the record that
9 several property owners in the neighborhood,
10 including those adjacent to the subject
11 property, have spoken at public hearing or
12 submitted letters and photographs to the
13 Board in opposition to the application,
14 citing changes to views, changes to the
15 fundamental character of the subject
16 property which current operations have
17 created a visual eyesore upon the
18 neighborhood along with current adverse
19 impacts to their safety and their property
20 values, in addition to the applicant's
21 apparent past disregard for building codes,
22 which is borne out by the existing
23 conditions at the site and associated
24 building code violations.

25 The Board believes that the

1 applicant's plan to reduce on-site parking
2 has the potential to stress already limited
3 public parking resources in the area both
4 now and also should the property change uses
5 in the future.

6 Two, whether the benefit sought by
7 the applicant can be achieved by other
8 feasible means. The applicant has not
9 submitted information to the Board to
10 indicate that any other means have been
11 considered. The statement in the applicant's
12 principal points that the proposed addition
13 is required to cure a building department
14 violation, one that was self-created, fails
15 to consider that other possible alternatives
16 to the proposed addition may exist, and is
17 not sufficient justification to meet the
18 applicant's burden under the five-point
19 zoning test. Based on testimony, letters
20 and photographs received in the record, it
21 is clear that the applicant's business has
22 substantially outgrown the location, all to
23 the substantial detriment of the surrounding
24 neighborhood.

25 Three, whether the requested

1 variances are substantial. The Board finds
2 that the proposed variances are grossly
3 substantial both numerically and in
4 potential impacts to neighborhood aesthetics
5 and character as noted. To summarize, the
6 proposed addition would be located only five
7 feet from the neighboring residential
8 properties, would be significantly taller
9 than the existing structure, and as such,
10 would likely result in aesthetic and other
11 nuisance impacts to adjacent properties.
12 The warehouse addition would change the
13 fundamental character of the property and,
14 more importantly, the essential character of
15 the general area, which largely consists of
16 residences and smaller scale retail and
17 restaurant establishments. The reduction in
18 on-site parking would put additional stress
19 on already limited on-street public parking
20 resources.

21 Four, whether the variances will
22 have negative affects to physical or
23 environmental conditions in the
24 neighborhood. The proposed variances will
25 only exacerbate the significant physical or

1 environmental impacts previously noted,
2 which as discussed, the Board finds to be
3 grossly substantial and will adversely
4 affect neighborhood property values.

5 Five, whether the alleged
6 difficulty is self-created. The hardship is
7 clearly self-created as the applicant only
8 recently purchased the property and should
9 have had actual or constructive knowledge of
10 the building code restrictions prior to
11 purchasing the property and establishing
12 open air storage on-site. Growth of the
13 business beyond the confines of the existing
14 structure is not sufficient justification to
15 violate building codes, create a nuisance in
16 the neighborhood, or to demonstrate that the
17 hardship is not self-created as suggested in
18 the applicant's principal points.

19 Thank you.

20 THE CHAIRMAN: You're welcome.
21 Second on the motion, please. Do I have a
22 second on the motion?

23 MS. KIMBALL: Mr. Chairman.

24 THE CHAIRMAN: Yes. Okay. On the
25 motion, Ms. Kimball.

1 MS. KIMBALL: For the motion.

2 THE CHAIRMAN: Mr. Giorgio?

3 MR. GIORGIO: For the motion.

4 THE CHAIRMAN: Mr. Landsman.

5 MR. LANDSMAN: For the motion.

6 THE CHAIRMAN: Mr. Singh.

7 MR. SINGH: For the motion.

8 THE CHAIRMAN: Mr. Lopez, are you
9 here? Mr. Lopez?

10 MR. LANDSMAN: No, he's not here.

11 MR. KUNTZ: He's not here.

12 THE CHAIRMAN: All right. The
13 Chairman votes for the motion. Motion is
14 carried five, one absent.

15 Okay. The next case. We took up,
16 that's all the motions we're going to have
17 tonight. We've got Mr. Maniglia's case on.
18 All right. Let me just get into one more
19 case here.

20 Okay. On this case, we have an
21 area variance, excuse me, it's a use
22 variance. Case 5729. We received a letter
23 from the owner of the property asking us to
24 reverse our decision on case 5722. Does
25 anybody want to bring this up? Okay.

1 Nobody brings it up. All right. The motion
2 stays as such. Thank you.

3 On new cases. We have a case here
4 5726, it's an area variance. It's
5 Mr. Thomas Lee. Now, they replaced Mr. Lee
6 or he's going to be here, I guess, with
7 Mr. Accinelli.

8 Mr. Accinelli, are you here?

9 Get him back on, please, George.

10 MR. KUNTZ: Yes. I'm trying to get
11 him. Hold on one second.

12 THE CHAIRMAN: All right.

13 MR. KUNTZ: Mr. Accinelli, you can
14 unmute yourself now.

15 MR. LANDSMAN: I don't, I don't see
16 him here.

17 THE CHAIRMAN: He's there. I
18 talked to him.

19 MR. KUNTZ: Unless he's a caller.
20 He might be a caller. But I don't see him
21 here either.

22 If you are a caller and you are
23 that person then you can just hit star six
24 to unmute yourself.

25 MR. LANDSMAN: Mr. Veneruso is here

1 though.

2 THE CHAIRMAN: I want
3 Mr. Accinelli. All right.

4 MR. LANDSMAN: He's not here.

5 THE CHAIRMAN: Mr. Veneruso, put
6 Mr. Veneruso on then.

7 UNIDENTIFIED VOICE: Hi, sorry.
8 This is Ray. I'm sorry.

9 THE CHAIRMAN: What'd you say?

10 MR. KUNTZ: I spoke to
11 Mr. Accinelli. He's getting back on.

12 All right. James Veneruso is
13 un-muted so he can speak. But waiting for
14 Accinelli to get back on.

15 MR. VENERUSO: I just spoke to him.
16 I called him on the cell phone. He's
17 getting on. That's my understanding.

18 THE CHAIRMAN: Mr. Accinelli, are
19 you here?

20 MR. KUNTZ: He's not here. He's
21 trying to get on with his cell phone,
22 Chairman.

23 MR. VENERUSO: You better get on.

24 MR. ACCINELLI: Trying to.

25 MR. VENERUSO: Okay.

1 MR. ACCINELLI: Trying.

2 MR. VENERUSO: All right. He's
3 trying to get on.

4 MR. KUNTZ: Does he have the phone
5 number?

6 MR. VENERUSO: Hold on. If he
7 does. I think he's on.

8 MR. LANDSMAN: Yeah, he's back.

9 MR. KUNTZ: You can speak,
10 Mr. Accinelli.

11 MR. ACCINELLI: Yes, Mr. Chairman.

12 THE CHAIRMAN: Why did you get off?
13 You knew you had a case coming up.

14 MR. ACCINELLI: That case was put
15 over, Mr. Chairman.

16 THE CHAIRMAN: Yeah, but you got
17 another one coming up here. Aren't you
18 representing 1050 Nepperhan Avenue, a
19 storage building?

20 MR. ACCINELLI: No.

21 THE CHAIRMAN: You sent me a set of
22 principal points, didn't you last month?

23 MR. ACCINELLI: Right. 10 --
24 right, 5726. That, that case was put over,
25 1050 Nepperhan Avenue.

1 THE CHAIRMAN: But wait a minute.
2 Okay. That case was put over to this month.
3 Now, I get a letter today from this guy,
4 Thomas Lee, JCT Development, wants to put it
5 over again. All right. I'm going to put
6 this case over. Okay. But I'm telling you
7 right now, if it doesn't come in February,
8 I'll hear it in December. Okay?

9 MR. ACCINELLI: Okay.

10 THE CHAIRMAN: This is the third
11 time it's been put over. I don't want to
12 put it over anymore. Do you understand what
13 I'm saying?

14 MR. ACCINELLI: Right. We're,
15 we're --

16 THE CHAIRMAN: You sent me a set of
17 principal points. Now, they're coming back
18 and they're saying they want to put it over
19 again. For more, for more -- I'll read the
20 thing here. He says, adjourning, we request
21 adjourning of the meeting. We are working
22 on the plans on retaining consulted --

23 (brief audio disruption) -- to the
24 scheduled Zoning Board of Appeals meeting
25 February 16th. We will again issue

1 another -- issue, issue new notices.
2 Registered letters, don't forget. And they
3 say that's it. They should, if I have any
4 questions, to call him. I'm not calling
5 him. You represent him. I'll call you.
6 You understand what I'm saying, right?

7 MR. ACCINELLI: Yes --

8 (Simultaneous speakers.)

9 THE CHAIRMAN: Everything has gone
10 out to the neighbors and everything. I
11 don't know if I got any neighbors on this
12 tonight, but it's not fair. So if they want
13 to put this thing over from February, they
14 better let everybody know a long time in
15 advance otherwise I'll hear it when I want
16 to hear it.

17 MR. ACCINELLI: Understood,
18 Mr. Chairman.

19 THE CHAIRMAN: Okay. I run the
20 show. So don't let anybody think that I
21 don't. Okay. I don't want that done. You
22 got people getting notices. I don't know if
23 they're on here or not. Lucky they don't
24 show up at City Hall if we were in City
25 Hall. So now I'm going to make a motion to

1 put this case over to February. New, new
2 registered letters. You handle it, please.

3 MR. ACCINELLI: Okay.

4 THE CHAIRMAN: New registered
5 letters, new signs and everything. Okay.

6 MR. ACCINELLI: Yes, Mr. Chairman.

7 THE CHAIRMAN: Thank you.

8 MR. ACCINELLI: Thank you.

9 THE CHAIRMAN: Okay. All the
10 members of the Board okay with that?

11 MR. LANDSMAN: Yeah.

12 THE CHAIRMAN: Okay. Thank you.

13 All right. Now, we got another
14 case. We have case #5728. It's an area
15 variance. Andrew Romano, Esq. on behalf of
16 Anthony Flower owner to construct a
17 one-story addition on the east side of
18 existing funeral home having:

19 Insufficient parking, Section
20 43-128, Table 43-4, required is 54 spaces
21 proposed is 38 spaces.

22 Parking within a minimum side-front
23 yard. That's Orient Street. Not permitted.
24 Section 43 -- 43-133(A)3.

25 And then no parking permitted within

1 10' foot of existing right-of-way. Section
2 43-134(A)3 on premises known as 722 Yonkers
3 Avenue, Block: 6102, Lot: 6, B Zone.

4 Mr. Romano, are you there, sir?

5 THE CHAIRMAN: Mr. Romano?

6 MR. KUNTZ: I do not see

7 Mr. Romano.

8 THE CHAIRMAN: Mr. Flower there?

9 MR. FERNANDEZ: I'm here, Chairman.
10 Joe Fernandez.

11 THE CHAIRMAN: Are you going to
12 represent Mr. Flower?

13 MR. FERNANDEZ: If no one else is
14 here, I would assume so. Yes, sir.

15 THE CHAIRMAN: Where is Mr. Romano?

16 MR. FERNANDEZ: I'm not sure. He
17 should have been here.

18 MR. LANDSMAN: There is one caller
19 that's listed as Andy. That might be him.

20 THE CHAIRMAN: Hey, take it easy.
21 Calm down. I'll do it. Not you. You're a
22 Member.

23 Mr. Fernandez, I'm going to give
24 you ten minutes. I'm going to take another
25 case in the meantime. See if you can get

1 Mr. Romano and come on back to me in about
2 10 or 15 minutes. Okay?

3 MR. FLOWER: Thank you, sir.

4 THE CHAIRMAN: You're welcome, sir.

5 All right. The next case is 5730,
6 it's an area variance. James J. Veneruso,
7 Esq. on behalf of 2700 central Park Avenue
8 Partners, LLC. LLC is Limited Liability
9 Corporation, owner, for new occupant,
10 proposed tenant City MD having:

11 Insufficient parking, Section
12 43-128, Table 43-4, required 206 spaces,
13 proposed 146 spaces.

14 Note: Reference previous Zoning
15 Board case 4409. I was here then. That was
16 when September 23, 1999, for special
17 conditions that required reconsideration for
18 a new tenant; On premises known as 2592
19 Central Park Avenue, Block: 4877, Lot#: 60
20 in a BR Zone.

21 Mr. Veneruso, state your name and
22 address, please.

23 MR. VENERUSO: Yes, Mr. Chairman.
24 James Veneruso, Veneruso, Curto, Schwartz,
25 and Curto. 35 East Grassy Sprain Road,

1 Yonkers, New York, for the applicant, 2700
2 Central Park Avenue Partners, LLC.

3 THE CHAIRMAN: Okay. One second,
4 please.

5 I'm going to take you next,
6 Mr. Maniglia. I forgot. I apologize to
7 you.

8 MR. MANIGLIA: No problem.

9 THE CHAIRMAN: One second, please.

10 Okay. Is there anybody here
11 tonight on this case? This case is on
12 Central Park Avenue. It's right on the
13 Greenburgh line. It's just before you get
14 into Greenburgh. Some of the property is in
15 the Town of Greenburgh.

16 We should put everybody on, George,
17 please.

18 MR. KUNTZ: Everybody, everybody is
19 on. It's just you might not be able to see
20 everybody because there's so many people.

21 THE CHAIRMAN: That's okay.

22 Is anybody here tonight on this
23 case? This case is on Central Park Avenue.
24 It's almost on the Greenburgh line.

25 Okay. Mr. Veneruso, present your

1 case, please.

2 MR. VENERUSO: Yes, Mr. Chairman.

3 THE CHAIRMAN: Has everybody
4 within -- has everybody within a 200-foot
5 radius been notified --

6 (Poor audio quality.)

7 MR. VENERUSO: -- Chairman.

8 THE CHAIRMAN: They have?

9 MR. VENERUSO: Yes.

10 THE CHAIRMAN: Has anybody --

11 (Simultaneous speakers.)

12 THE CHAIRMAN: How many did you
13 send out?

14 (Extra voices interrupting the
15 sound.)

16 THE CHAIRMAN: Mr. Veneruso, how
17 many notices did you send out?

18 MR. VENERUSO: Thirty-one.

19 THE CHAIRMAN: How many -- did
20 anything come back?

21 MR. VENERUSO: Yes, three.

22 THE CHAIRMAN: Okay. That's okay.
23 All right. Present your case,
24 please.

25 MR. VENERUSO: Yes, Mr. Chairman.

1 With me this evening is George Matthews.

2 George --

3 (Audio was interrupted.)

4 MR. VENERUSO: -- with Bruno --
 5 with Lawless and Mangione. Also from
 6 Lawless and Mangione is Joseph Riccuiti.
 7 He's a senior associate. And also one of
 8 the owner's reps Rafe Barofsky(ph).

9 This property is in a BR zone. The
 10 site, when you refer to the prior Zoning
 11 Board matter in 1999, at that point it was a
 12 Babies R Us was the tenant. It's a
 13 two-story commercial building. Applicant
 14 seeks a one variance, a parking variance.
 15 And the requirement when the matter was
 16 approved, I believe the, the code was the
 17 same requirement 206. The variance was
 18 granted for, allow for 146 spaces.

19 Now, Mr. Chairman, we received the,
 20 report from the Planning Bureau. And it's
 21 consistent with a conversation we had with
 22 Mr. Ellman. We're in the process of getting
 23 a parking study completed and we're hoping
 24 to have that very shortly. If we don't have
 25 it within the next two weeks, we'll forward

1 a letter to the Board requesting that the
2 matter be put over. We would agree with the
3 position Mr. Ellman has taken that a parking
4 report is required. Should be required.

5 MS. KIMBALL: The traffic
6 engineering study as well?

7 MR. VENERUSO: We haven't received
8 those comments yet. From traffic.

9 THE CHAIRMAN: All right. You're
10 going to need a traffic engineering study.
11 Okay?

12 MR. VENERUSO: Yes.

13 THE CHAIRMAN: Mr. Veneruso. Yes.
14 Ms. Kimball brought it up, but I agree with
15 her. You're going to need a traffic
16 engineering study. And you're going to need
17 a parking study. You know. I don't know
18 who you want to sit down with mister --
19 Deputy Commissioner Ellman or what. You
20 want to get your own. You said you have
21 Lawless in on this, so.

22 MR. VENERUSO: The applicant
23 finalized the -- getting the traffic parking
24 study. We will include a traffic study as
25 part of that retention.

1 THE CHAIRMAN: All right. We're
 2 going to need some more information. I got
 3 your principal points here. We're going to
 4 need some information on, on, like, how many
 5 people are going to employed there and stuff
 6 like that.

7 MR. VENERUSO: Mr. Chairman, if I
 8 may. We anticipated that the applicant has
 9 been dealing with City MD to obtain that
 10 information. And, again, I'm going to stay
 11 on top of that and make sure that we obtain
 12 that information.

13 THE CHAIRMAN: All right. So then
 14 you know what you gotta do now then. That's
 15 a couple of things you gotta do so far as.

16 MR. VENERUSO: Understood.

17 THE CHAIRMAN: How many, how many
 18 employees are going to be there and how many
 19 spaces you think you're going to take in a
 20 day. I know that's hard. Because this is a
 21 walk-in; am I correct?

22 MR. VENERUSO: That's our
 23 understanding, Mr. Chairman. Similar to the
 24 operation which is on, on South Central
 25 Avenue. We've also requested that

1 information as well.

2 THE CHAIRMAN: So in other words,
3 if you're sick, and you want to go there,
4 you walk in, they make you do the
5 appointment right there. It's like, like an
6 urgent care, am I correct?

7 MR. VENERUSO: That's correct.
8 That's correct.

9 THE CHAIRMAN: Yeah, but this is an
10 awful big building. That's going to be a
11 lot of urgent care there. They got a lot of
12 square feet here. How many square feet you
13 got in this building?

14 MR. VENERUSO: Square footage is
15 approximately 41,000 square feet.

16 THE CHAIRMAN: Yeah, I don't know
17 if there's an urgent care around that big.
18 There could be. But in the meantime. All
19 right. So that's the information you gotta
20 get for us. If you want to put somebody on
21 the stand, that's okay with me. Whatever
22 you want to do. You're only going to have
23 one exit and entrance -- you're going, all
24 your entrance and exits are going to be on
25 Central Park Avenue. They're not going to

1 be on the side street there, the last street
2 in Yonkers. Correct?

3 MR. VENERUSO: I, I believe
4 that -- (brief audio distortion) -- I'll ask
5 Mr. Matthews to confirm that.

6 THE CHAIRMAN: He can confirm it,
7 but I'm telling you right now you're not
8 going to have any exits --

9 UNIDENTIFIED VOICE: That is
10 correct.

11 THE CHAIRMAN: So whatever it is,
12 it's not going to be on the side street.
13 Tell that gentleman he can't speak without
14 me swearing him in.

15 MR. VENERUSO: Understood.

16 THE CHAIRMAN: You want him to
17 speak, it's up to you.

18 MR. VENERUSO: I don't know if he
19 can hear me. He hasn't reacted.

20 MR. KUNTZ: Is he on the phone?

21 MR. VENERUSO: Yeah, no, he's on
22 virtually.

23 THE CHAIRMAN: Do you want him to
24 speak, Mr. Veneruso?

25 MR. VENERUSO: Yes, Mr. Chairman.

1 THE CHAIRMAN: Okay.

2 MR. KUNTZ: All right. Do we know
3 -- okay. So if he's on a phone, they'll
4 have to -- he'll have to unmute himself.
5 And if you are listening right now, sir,
6 you'll have to press star six to unmute
7 yourself if you're on you're phone.

8 MR. MATTHEWS: I'm not, I'm on
9 virtual.

10 UNIDENTIFIED VOICE: Yes, hello.

11 THE CHAIRMAN: I can see the
12 gentleman. Yes, hello.

13 (Simultaneous speakers.)

14 THE CHAIRMAN: Are you an attorney,
15 sir?

16 MR. MATTHEWS: No, I'm not.

17 THE CHAIRMAN: Raise your right
18 hand, please. Do you solemnly swear to tell
19 the truth, the whole truth and nothing but
20 the truth so help you God?

21 MR. MATTHEWS: I do.

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

24 MR. MATTHEWS: George Matthews.
25 Lawless and Mangione. 480 North Broadway,

1 Yonkers, New York.

2 THE CHAIRMAN: How are you, Mr.
3 Matthews?

4 MR. MATTHEWS: Very good. How are
5 you, sir?

6 THE CHAIRMAN: Fine. There's not
7 going to be -- there's only going to be an
8 exit and entrance on Central Park Avenue; am
9 I correct?

10 MR. MATTHEWS: That is correct.

11 THE CHAIRMAN: Okay. All right.
12 That was the question. All right. Do you
13 want to add anything else to Mr. Veneruso's
14 comments?

15 MR. MATTHEWS: No, sir.

16 THE CHAIRMAN: Okay. George, let's
17 get Mr. Veneruso back on.

18 MR. KUNTZ: Okay. Mr. Veneruso,
19 can you unmute yourself, please?

20 MR. VENERUSO: Yeah.

21 MR. KUNTZ: There you go. Thank
22 you.

23 THE CHAIRMAN: Mr. Veneruso, I
24 forgot to ask you, how do you feel?

25 MR. VENERUSO: I feel very well,

1 Mr. Chairman. Thank you for asking.

2 THE COURT: Okay. Good. I'm glad
3 you feel well.

4 THE CHAIRMAN: And how does your
5 wife feel?

6 MR. VENERUSO: She's doing very
7 well, Mr. Chairman. She's pretty good.

8 THE CHAIRMAN: Good. I'm glad.

9 MR. VENERUSO: She'll feel better
10 when she can hug her grandchildren.

11 THE CHAIRMAN: Good. I'm glad. I
12 hope she feels better soon.

13 MR. VENERUSO: Thank you.

14 THE CHAIRMAN: Okay. Do you have
15 anything else to say to me, Mr. Veneruso?

16 MR. VENERUSO: I'm sorry,
17 Mr. Chairman, I didn't hear that.

18 THE CHAIRMAN: Do you have anything
19 else to say to the Board?

20 MR. VENERUSO: No. No,
21 Mr. Chairman.

22 THE CHAIRMAN: Okay. So you got
23 your homework to do now. You got a couple
24 of reports to get us --

25 MR. VENERUSO: Yes.

1 THE CHAIRMAN: And some
2 information.

3 MR. VENERUSO: Understood. Thank
4 you.

5 THE CHAIRMAN: All right. So is
6 there anybody here tonight to speak in favor
7 of this application? Anybody here tonight
8 to speak in opposition to this application?

9 MR. LANDSMAN: Mr. Chairman, the
10 Board may have some questions.

11 THE CHAIRMAN: Okay. Thank you for
12 telling me. Does the Board have any
13 questions? I'm sorry.

14 MR. LANDSMAN: I have one.

15 THE CHAIRMAN: All right.
16 Mr. Landsman, go ahead.

17 MR. LANDSMAN: Yes. Mr. Veneruso,
18 the applicant is taking the entire building?

19 MR. VENERUSO: If I may refer that
20 question to the applicant's rep who's on the
21 phone. Reef? Can you hear me, Reef?

22 MR. KUNTZ: What's his first name?

23 MR. BILDIRICI: Hi, sorry. Can you
24 hear me?

25 MR. VENERUSO: Yes.

1 THE CHAIRMAN: I'll take it. I'll
2 take it. Are you an attorney, sir?

3 MR. BILDIRICI: No, I'm not.

4 THE COURT: Raise your right hand,
5 please. Do you solemnly swear to tell the
6 truth, the whole truth, nothing but the
7 truth so help you God?

8 MR. BILDIRICI: Yes, I do.

9 THE CHAIRMAN: State your name and
10 address, please.

11 MR. BILDIRICI: Ray Bildirici, 1885
12 East 2nd Street, Brooklyn, New York 11223.

13 THE CHAIRMAN: Would you tell me
14 what your position in this case is, please?

15 MR. BILDIRICI: Owner's rep.

16 THE CHAIRMAN: Owner's rep. Okay.
17 All right. Mr. Veneruso, what did you want
18 -- what was that question? What was the
19 question I asked again? I forgot.

20 MR. VENERUSO: I think Mr. Landsman
21 asked the question as to if City MD was
22 going to occupy the entire premises.

23 THE CHAIRMAN: All right.
24 Mr. Landsman, ask the question again.

25 MR. LANDSMAN: I want to know if

1 the tenant, the applicant, the tenant, is
2 going to occupy this entire building?

3 MR. BILDIRICI: Yes.

4 MR. LANDSMAN: Both floors?

5 MR. BILDIRICI: Yes, both floors.

6 MR. LANDSMAN: Okay. And is it the
7 same services or any special services on a
8 different floor?

9 MR. BILDIRICI: Well, they're not a
10 hundred percent sure of their programming
11 yet.

12 MR. LANDSMAN: Are there going to
13 be overnight staying people here now?

14 MR. BILDIRICI: Over -- no, I don't
15 think so.

16 THE CHAIRMAN: All right. Let me
17 say something to you, sir. You have to
18 answer these questions. You just said you
19 don't think so. It's either yes or no. Ask
20 the question. You can get back to
21 Mr. Veneruso on it, but we're going to need
22 an answer. Because if you say you don't
23 think so, the next thing I know you're
24 overnight, then I got a problem here. Okay?
25 You understand what I'm saying?

1 MR. BILDIRICI: Okay.

2 THE CHAIRMAN: You gotta answer --

3 MR. BILDIRICI: I do. So --

4 THE CHAIRMAN: Okay. Go ahead.

5 MR. BILDIRICI: So let me, I'll get
6 back to Mr. Veneruso.

7 THE CHAIRMAN: Okay. Mr. Landsman,
8 what else did you want to ask this
9 gentleman?

10 MR. LANDSMAN: I think that's it.
11 Thank you.

12 THE CHAIRMAN: Do you have a
13 basement in this building?

14 MR. BILDIRICI: No.

15 THE CHAIRMAN: You have no basement
16 in the building. Okay. Fine.

17 MR. BILDIRICI: No basement.

18 THE CHAIRMAN: Is there any other
19 questions of this gentleman?

20 MR. GIORGIO: Mr. Chairman, it's
21 Mr. Giorgio. I just in general -- I just
22 think in general it would be helpful if we
23 could get, like, some kind of summary of the
24 range of types of services that are going to
25 be -- is it just urgent care, is it other

1 types of doctor visits? What's the range of
2 activities that's going to be going on, on
3 the site? That would be helpful.

4 THE CHAIRMAN: Mr. Veneruso?

5 MR. BILDIRICI: So I'll supply
6 those.

7 MR. VENERUSO: Thank you.

8 THE CHAIRMAN: You heard that,
9 Mr. Veneruso?

10 MR. VENERUSO: Yes, Mr. Chairman.

11 THE CHAIRMAN: The gentleman said
12 he's going to supply them. Okay. Very
13 good.

14 Any there any other questions from
15 the Board? Okay. Is there anybody here
16 tonight on this case? I said it before.
17 This case is on Central Park Avenue. Almost
18 in Greenburgh. In fact, some of the
19 property is in Greenburgh. Is anybody here
20 tonight on this case?

21 MR. LANDSMAN: If anybody wants to
22 speak on the case, they have to unmute
23 themselves and announce your name. Anybody
24 here for this case?

25 MR. KUNTZ: Again, if you have a

1 phone, you have to press star six.

2 THE CHAIRMAN: Okay. This case is
3 hereby continued to February.

4 Mr. Veneruso, change your signs and
5 send out newer ones. Send out new notices,
6 registered mail.

7 MR. VENERUSO: Yes, Mr. Chairman.

8 THE CHAIRMAN: Okay. This case is
9 hereby continued.

10 Thank You, Mr. Veneruso.

11 MR. VENERUSO: Thank You. And
12 thank you, Members of the Board. Thank you.

13 THE CHAIRMAN: Appreciate that
14 shocking call you did for me the other day.

15 MR. VENERUSO: You're welcome.

16 THE CHAIRMAN: Mr. Veneruso and I
17 know a gentleman that just passed on that
18 was shocking. All right. Thank you,
19 Mr. Veneruso. All right.

20 MR. VENERUSO: Thank you,
21 Mr. Chairman.

22 THE CHAIRMAN: You're welcome.

23 The next case we're going to take
24 up is Mr. Maniglia's case. Hold on one
25 second, please. One second, please. I'm

1 sorry. I must have lost that letter. All
2 right. We'll discuss it. All right.

3 This case is case 5727, area
4 variance, Mr. Maniglia on behalf of Ginsburg
5 Development 70 Pier Street. This case is
6 down on Ludlow Street. It takes up Pier
7 Street. The old Parking Authority building
8 and the parking lot next to it. There's a
9 gentleman here tonight from, I think, he
10 said the sugar house. Can we get him back
11 on? I had him --

12 MR. MAGGIOTTO: Sure.
13 Mr. Chairman.

14 THE CHAIRMAN: Yes.

15 MR. MAGGIOTTO: Yeah, this is Louis
16 Maggioto. I --

17 THE CHAIRMAN: Okay. Mr. Maggioto.
18 You gotta wait a minute.

19 MR. MAGGIOTTO: Sure.

20 THE CHAIRMAN: I just want make it,
21 I just want to make sure you're on the
22 thing. That's all I want to do.

23 MR. MAGGIOTTO: Thank you.

24 THE COURT: You're welcome.

25 Mr. Maniglia?

1 MR. MANIGLIA: Yes.

2 THE CHAIRMAN: Did everybody -- did
3 you send out new notices?

4 MR. MANIGLIA: Yes, Mr. Chairman.

5 THE CHAIRMAN: Did anything come
6 back as undeliverable?

7 MR. MANIGLIA: Two came back
8 undeliverable, Mr. Chairman.

9 THE CHAIRMAN: Okay. Okay. The
10 signs are up? Leave the signs up. You
11 know.

12 MR. MANIGLIA: Yes.

13 THE CHAIRMAN: Okay. Good. All
14 right.

15 Mr. Maniglia, go ahead. Please.

16 MR. MANIGLIA: So, Mr. Chairman, if
17 I may beg the Chair's indulgence, I have
18 three members of my team online with me here
19 this evening that I would like to unmute.

20 THE CHAIRMAN: Go ahead.

21 MR. MANIGLIA: Okay. So, Jim
22 Surdoval, my development partner, my
23 engineer Franz Loki, and Leo Torres.
24 Gentlemen, if you would all unmute. Leo
25 Torres is the chief architect at Ginsburg

1 Development, Mr. Chairman.

2 THE CHAIRMAN: I think -- I know
3 Mr. Surdoval was here the last time. And I
4 don't -- was Mr. Torres here the last time
5 too?

6 MR. MANIGLIA: I believe he was.
7 But he wasn't called upon to speak, sir.

8 THE CHAIRMAN: Okay. Thank you.
9 Go ahead, Mr. Maniglia.

10 MR. MANIGLIA: So we revised based
11 on our meeting in December, we revised our
12 site plan. And we've submitted that, I
13 believe, we submitted it on time. And then
14 the architectural were also submitted a few
15 days later. But we have not heard from the
16 Building Department in terms of another
17 letter of declination. If we were supposed
18 to get that or not. I'd like, I just want
19 to state that, I didn't receive that. So,
20 here we are. And, I would like Mr. Laki to
21 speak in terms of the changes he made to the
22 site plan. And then Mr. Torres to speak to
23 some of the changes in the architectural.

24 THE CHAIRMAN: Let me ask you a
25 question. You're trying to get something

1 from the Building Department; is that right?

2 MR. MANIGLIA: I believe we're
3 supposed to get another declination letter.
4 Unless I'm incorrect.

5 THE CHAIRMAN: I think you're
6 right. Mr. Barbuti? We're going to get him
7 a declination letter soon?

8 MR. BARBUTI: I'm just checking the
9 computer now, sir.

10 THE CHAIRMAN: Okay.

11 MR. BARBUTI: Application second
12 denial did go out on the 14th of January.
13 I'll get a copy to Mr. Maniglia. I
14 apologize. I thought that should have been
15 mailed out.

16 THE CHAIRMAN: All right. Well,
17 we're going to put this case over anyway.
18 But so to make sure he gets it, make sure
19 the Board Members get it, please.

20 MR. BARBUTI: Certainly.

21 THE CHAIRMAN: Thank you.

22 Okay. Mr. Maniglia, go ahead, sir.

23 MR. MANIGLIA: So I'd like to note
24 the changes that were made in the revisions.
25 And I call upon Franz Laki first to, to

1 elaborate on the changes that we made.

2 Franz, can you begin? If you --

3 THE CHAIRMAN: One second,
4 Mr. Maniglia.

5 MR. MANIGLIA: Yes, sir.

6 THE CHAIRMAN: You know you're
7 still under oath.

8 MR. MANIGLIA: Yes.

9 THE COURT: You know that, right?

10 MR. MANIGLIA: Yes, sir.

11 THE CHAIRMAN: I'll swear you in
12 again if you want me to, but you know you're
13 still under oath.

14 MR. MANIGLIA: I feel good with
15 last month's oath. I'm okay.

16 THE CHAIRMAN: I am too. I'm okay
17 with it. This gentleman, I want to swear
18 him in.

19 MR. MANIGLIA: Yes.

20 THE CHAIRMAN: What's his name?
21 Franz?

22 MR. MANIGLIA: Laki.

23 THE CHAIRMAN: All right. George,
24 can you get this gentleman on the --

25 MR. KUNTZ: Sure. Franz Laki is

1 off of mute. He should be able to speak.

2 Franz, you can speak.

3 FEMALE VOICE: Good evening.

4 THE CHAIRMAN: Are you on the, Are
5 you on, Mr. Laki? You're Ginsburg -- this
6 is the gentleman you want to speak,
7 Mr. Maniglia?

8 MR. MANIGLIA: Yes.

9 Franz, are you there?

10 MR. LAKI: Yes.

11 MR. MANIGLIA: Okay.

12 MR. LAKI: Yes, I'm here.

13 THE CHAIRMAN: Are you an attorney,
14 sir?

15 MR. LAKI: I am not.

16 THE CHAIRMAN: You're not an
17 attorney. Don't get uptight. Swear you in.
18 Raise your right hand. Yeah. Swear you in.
19 Raise your right hand. I see everything.
20 Do you solemnly swear to tell the truth, the
21 whole truth and nothing but the truth so
22 help you God?

23 MR. LAKI: I do.

24 THE CHAIRMAN: State your name and
25 your address. You can put your hand down.

1 MR. LAKI: Franz Laki. L-a-k-i.
2 12 S Maple Avenue, Pinebrook, New Jersey.

3 THE CHAIRMAN: Okay. Proceed, sir.
4 Thank you.

5 MR. LAKI: So the main changes for
6 this site plan was -- we had added some
7 dimensions for parking spaces. And some
8 information that may have been missing on
9 the last set of plans that were issued. As
10 well as we removed any reference to retail
11 within the building because all the retail
12 spaces are going to be amenity spaces. And
13 the zoning table on sheet S1 was updated to
14 reflect the applicable --

15 (Lost his audio feed.)

16 THE CHAIRMAN: Take your time.

17 MR. KUNTZ: We can't hear you. You
18 might have a problem with your WIFI, Franz.

19 THE CHAIRMAN: We didn't get the
20 last couple of words you said.

21 MR. LAKI: So the zoning table on
22 S1 was updated to reflect the applicable
23 codes since the, the retail was removed and
24 that zoning table should match the
25 anticipated building declination report.

1 THE CHAIRMAN: That's going to run
2 where the retail was, the gym and stuff like
3 that?

4 MR. LAKI: Yes.

5 THE CHAIRMAN: This is all going to
6 be for tenants --

7 (Simultaneous speakers.)

8 MR. LAKI: The space for the gym.

9 THE CHAIRMAN: Go ahead.

10 MR. LAKI: It's for the tenants.

11 THE CHAIRMAN: A gym and what else?

12 MR. LAKI: A gym, I believe, it
13 could be an office space. The architect
14 could speak more to that. But no retail.

15 THE CHAIRMAN: Okay. I'll let him
16 speak. No problem.

17 Does anyone have any questions from
18 the Board for this gentleman?

19 Do you have anything else to say to
20 me, sir?

21 MR. LAKI: Not at this time.

22 THE CHAIRMAN: Okay. Thank you
23 very much. Appreciate it.

24 MR. LAKI: Thank you.

25 THE CHAIRMAN: Mr. Maniglia?

1 MR. MANIGLIA: Yes, Mr. Chairman.

2 THE CHAIRMAN: This gentleman seems
3 to feel the architect should come on?

4 MR. MANIGLIA: Yes. That would be
5 Leo Torres, Mr. Chairman.

6 THE CHAIRMAN: Okay. Can I have
7 Mr. Torres on here, please?

8 MR. TORRES: Good evening,
9 Mr. Cianciulli, Chairman.

10 THE CHAIRMAN: Yes, okay.
11 Mr. Torres, are you an attorney?

12 MR. TORRES: I am not.

13 THE CHAIRMAN: Raise your right
14 hand, please. Do you solemnly swear to tell
15 the truth, the whole truth and nothing but
16 the truth so help you God?

17 MR. TORRES: I do, sir.

18 THE CHAIRMAN: State your name and
19 address, please.

20 MR. TORRES: My name is Leoncio
21 Torres. Leo for short. My office is at 100
22 Summit Lake Drive, Suite 235, Valhalla, New
23 York.

24 THE CHAIRMAN: Okay. So you're in
25 the Ginsburg office building up there.

1 MR. TORRES: Yes, sir.

2 THE CHAIRMAN: Okay. So very good.
3 Please, continue. What was that question we
4 had now?

5 MR. TORRES: What the retail space
6 is going to be used for?

7 THE CHAIRMAN: What is the retail
8 going to be used for?

9 MR. TORRES: So we're currently
10 proposing them for building amenities. So
11 specifically they would be a club, clubroom
12 facility. Which is essentially a common
13 space, you know, an amenity common space
14 sort of living room for the building
15 residents as well as the fitness center.

16 THE CHAIRMAN: That fitness center
17 is strictly for the residents; am I correct?

18 MR. TORRES: You are correct.

19 THE CHAIRMAN: Okay. So that's two
20 things. Now, is that all of the space here,
21 Mr. Torres? All the space is for the
22 fitness center and for the living room and
23 the card room, whatever you want to call it,
24 correct?

25 MR. TORRES: Yes, sir.

1 THE CHAIRMAN: Okay. Strictly for
2 tenants?

3 MR. TORRES: Correct. Yes, sir.

4 THE CHAIRMAN: Okay. Fine.

5 Any questions of this gentleman
6 from the Board? Okay. Thank you.

7 Mr. Maniglia, anybody else want to
8 speak?

9 MR. MANIGLIA: Yes, Mr. Chairman.
10 I would like Jim Surdoval to go over and
11 speak to some new information that he may
12 have regarding -- (poor audio connection) --
13 to speak to the meeting that we had,
14 Mr. Chairman, at your request. You said
15 that we had the plans with the community and
16 we had such a --

17 THE CHAIRMAN: We had Mr. Surdoval
18 on the last time. Does he have something
19 new to say to us?

20 MR. SURDOVAL: Yes, Mr. Chairman.
21 I was sworn in the last time as well. The
22 --

23 THE CHAIRMAN: All right.
24 Mr. Surdoval. Mr. Surdoval. One second,
25 please. Would you put Mr. Surdoval on,

1 George?

2 MR. KUNTZ: Yeah, Mr. Surdoval, you
3 can, you can unmute yourself if you're on
4 the phone.

5 MR. SURDOVAL: I am un-muted.

6 MR. KUNTZ: Okay. There you go.

7 THE CHAIRMAN: Mr. Surdoval, you
8 realize you're still under oath. You
9 realize that, don't you?

10 MR. SURDOVAL: Yes, I do realize
11 that.

12 THE CHAIRMAN: Okay. Fine.
13 Proceed, please.

14 MR. SURDOVAL: Yeah, I just want to
15 report, Mr. Chairman, to you and the Board
16 that GDC did hold a Zoom meeting with Ludlow
17 area residents. A two-hour meeting where we
18 discussed the project and, I think, I
19 narrowed are differences by mainly by
20 clarifying a lot of the variances that we
21 were seeking. I heard back from the
22 residents' representative today that the
23 most significant issue remaining with the
24 neighborhood is the issue of parking and
25 with regard to the parking variance. And

1 I'll let her speak to that. I assume she's
2 on the call. But we did have a very good
3 and productive two-hour session with the
4 neighborhood prior to, prior to this
5 meeting. I'd just like you to be aware of
6 that.

7 THE CHAIRMAN: Okay. Very well.
8 What was said?

9 MR. SURDOVAL: Well, what was, what
10 was said was we talked about the different
11 variances. We mentioned that the rear yard
12 variance was very unique in that the
13 property is on a slope. And in effect the
14 building currently acts as a retaining wall
15 to that slope. And the new building would
16 perform the same function. And the area of
17 the building where we would be at the zero
18 rear-yard setback would not be visible to
19 the building behind us. There were
20 representatives from the building on that
21 call as well.

22 We talked about the front-yard
23 setback request being consistent with many
24 of the buildings in the neighborhood. And
25 we discussed the side-yard setbacks as well.

1 One is against the Metro North property line
2 where the current building is also the
3 pre-existing condition. The other involves
4 the apartment building to the east. And we
5 had some discussions on that where only a
6 portion of the building there goes to the
7 zero setback on the side yard. So we
8 discussed those issues.

9 The issue, the parking issue
10 revolves around the TOD zone. Where one
11 space is needed for each residential unit.
12 And we are providing 35 spaces for 36 units
13 seeking a variance for one space. They
14 voiced concern that the TOD zoning might not
15 be sufficient. And we pointed out that we
16 are also going to be rehabilitating Abe Cohen
17 Plaza with numerous new spaces out in front.
18 Making the YPA parking permit lot bigger as
19 well as additional on-street parking
20 directly in front of the building that we
21 feel confident would be able to handle any
22 overflow parking from the spaces within the
23 building.

24 I pointed out that GDC would not
25 build and rent a market rate building where

1 our residents had to go hunt for parking
2 spaces. So we feel confident that the
3 spaces in the building and the new spaces
4 being created out front would be sufficient.

5 But I would say that was the most
6 prominent issue that was discussed and the
7 only issue that I received e-mail feedback
8 on today.

9 THE CHAIRMAN: That's going to be
10 market rentable, market rates, right?

11 MR. SURDOVAL: Yes, market rates.

12 THE CHAIRMAN: Yes.

13 MR. SURDOVAL: With one affordable
14 housing unit per the code.

15 THE CHAIRMAN: One affordable
16 housing unit or two?

17 MR. SURDOVAL: One.

18 THE CHAIRMAN: One. So one
19 affordable housing and the rest of them are
20 going to be market rate. Mr. Maniglia?

21 MR. MANIGLIA: Yes, Mr. Chairman.
22 That is correct.

23 THE CHAIRMAN: Thank you. Okay.
24 Mr. Maniglia, do you have anybody else that
25 you want to put on, sir?

1 MR. MANIGLIA: No, Mr. Chairman. I
2 think you have -- you may have some
3 community group members who wish to speak.

4 THE CHAIRMAN: Thank you.

5 Is there anybody here tonight that
6 wants to speak on this? This is the case of
7 70 Pier Street. Block: 146, Lot: 1.4 in an
8 M zone. Right now it's in an M zone. Is
9 there anybody here that wants to speak on
10 that?

11 MR. LANDSMAN: Mr. Chairman, some
12 Board Members may want to speak.

13 THE CHAIRMAN: All right. Board
14 Members. You're right, Mr. Landsman. Thank
15 you for helping me.

16 Any of the Board Members got
17 questions?

18 MR. LANDSMAN: I'd like to speak.

19 THE CHAIRMAN: Yes, sir.

20 MR. LANDSMAN: Yes, Mr. Surdoval,
21 you mentioned the parking spaces out front.
22 So are you talking -- are these parking
23 spaces out front on your property or are
24 they in the public parking in Abe Cohen
25 Plaza?

1 MR. SURDOVAL: No, they would be
2 public spaces in front of the, in front of
3 the property. They're currently 14 YPA
4 permitted parking spaces overnight in the
5 adjacent lot that we would be acquiring. We
6 would be replacing that with a larger lot
7 with additional permit spaces in front of
8 the property. As well as additional new
9 on-street parking, in front of the property
10 as well. So we're increasing the net
11 parking in front of the building but it is
12 public controlled by the YPA and the City of
13 Yonkers.

14 MR. LANDSMAN: So how many spaces
15 are there now for public use to take the
16 train?

17 MR. SURDOVAL: Currently that lot
18 is not used to take the train.
19 Interestingly enough. The permits that are
20 sold there are overnight for residents.
21 During the day you may only find two or
22 three parking spaces there. And the reason
23 that, that is not a desirable location for
24 commuters to have to drive to the station,
25 is that Ludlow has far fewer trains than

1 Yonkers Station. So the Yonkers Station
2 with the municipal parking lot draws the
3 commuters who need to drive. The vast, vast
4 majority of people who commute from Ludlow,
5 walk from the Ludlow neighborhood. So it is
6 not a prime commuter lot situation there and
7 we don't expect that to change as GDC will
8 be adding residents who will be walking to
9 the train and not additional commuter
10 parking.

11 MR. LANDSMAN: Thank you very much.

12 THE CHAIRMAN: Mr. Surdoval, the 35
13 spaces you're talking about, are going to be
14 for this apartment though. They're not
15 going to be for anybody.

16 MR. SURDOVAL: The 35 within the
17 building are exclusively for the residents.

18 THE CHAIRMAN: Okay.

19 MR. SURDOVAL: And there will be
20 additional public parking out front.

21 THE CHAIRMAN: Okay. That's fine.
22 Okay. Mr. Maniglia -- any there any other
23 questions of the Board? Okay.

24 Is there anybody here tonight to
25 speak in opposition to this case?

1 And the gentleman before, would you
2 put that gentleman on, please.

3 MR. MAGGIOTTO: Yeah. I think I'm
4 on.

5 THE CHAIRMAN: Yes, sir. What is
6 your name, sir?

7 MR. MAGGIOTTO: Yeah, I'd like to
8 speak, but I would defer to any neighborhood
9 people that want to talk before I speak, but
10 --

11 THE CHAIRMAN: Sir, sir. I'm the
12 Chairman of the Board. I run the hearing.
13 I want you to speak. What is your name,
14 sir?

15 MR. MAGGIOTTO: Sure. It's Louis
16 Maggiotto. I'm of counsel to the Law Firm
17 Nobile, Magarian and DiSalvo --

18 THE CHAIRMAN: Okay. Hold on a
19 second now.

20 MR. MAGGIOTTO: Sure.

21 THE CHAIRMAN: You're an attorney,
22 correct?

23 MR. MAGGIOTTO: Yes, Mr. Chairman.

24 THE CHAIRMAN: Okay. What is the
25 name, what is the name of your law firm?

1 Magarian.

2 MR. MAGGIOTTO: Yeah, Nobile.

3 THE CHAIRMAN: And the Magarian.

4 MR. MAGGIOTTO: Magarian and
5 DiSalvo.

6 THE CHAIRMAN: Yeah, I know them
7 very well.

8 MR. MAGGIOTTO: Thank you,
9 Mr. Chairman.

10 THE CHAIRMAN: Okay. State your
11 name and your address, sir.

12 MR. MAGGIOTTO: Sure. Louis
13 Maggiotto. Our law firm address is 111
14 Kraft Avenue, Bronxville, New York 10708.

15 THE CHAIRMAN: All right. Now, you
16 sent us a letter today; am I correct?

17 MR. MAGGIOTTO: Yes, I did,
18 Mr. Chairman. I --

19 THE CHAIRMAN: Wait a minute.

20 MR. MAGGIOTTO: I --

21 THE CHAIRMAN: Wait a minute.

22 MR. MAGGIOTTO: Yeah, go ahead.

23 THE CHAIRMAN: Did you send a copy
24 of that letter to Mr. Maniglia?

25 MR. MAGGIOTTO: I have not done

1 that yet, but I did call Mr. Surdoval and
2 told him that, of the position we'd be
3 taking. But I'd be happy to get this to
4 both of them after this meeting is over.

5 THE CHAIRMAN: Okay. You can send
6 it to -- it's a hearing, not a meeting. You
7 can send that to Mr. Maniglia. And you'll
8 share it with Mr. Surdoval.

9 MR. MAGGIOTTO: Okay.

10 THE CHAIRMAN: Please proceed, sir.

11 MR. MAGGIOTTO: All right. We -- I
12 don't want to, you know, the letter, I
13 respectfully ask that Mr. Chairman and the
14 Board review the letter. But the project by
15 itself, we don't really, we're not really
16 commenting on the merits of it. We just
17 object to the Zoning Board of Appeals
18 looking at this while you have a larger
19 neighborhood that's being considered for
20 re-zoning. Why, we ask, should you be
21 thinking of giving variances to this
22 building, which is part of this overall
23 study, when what happens here impacts the
24 whole, the whole neighborhood.

25 So, it's, legally, to consider the

1 variances that's sought by GDC, are what the
2 New York DEC calls segmentation. What
3 happens on Pier Street, that's the Ludlow
4 Station across from Abe Cohen Plaza. It's
5 inter-related to everything else. It's
6 being considered in the re-zoning proposal.
7 And legally and as a practical matter, ASR
8 thinks this is a bad idea. Let's wait until
9 the draft -- the Environmental Impact
10 Statement is done which will cover both this
11 project and all the other projects. And
12 you'll be able to better decide what goes
13 here.

14 You know, the inter-relationship
15 between what's going on at Pier Street and
16 the rest is, is that they're thinking of
17 making Pier Street two ways to help the
18 entire neighborhood. There's a lot of talk
19 about improving Ludlow Metro North Station
20 how it could be improved to help the whole
21 area in the re-zoning. And as you know, the
22 northbound entrance is right by this site
23 and then yet you walk from there to, up the
24 stairs over the bridge to go southbound.
25 You're hoping that the developer comes up

1 with an elevator to improve the access to
2 the southbound station. And, you know, the
3 improvement in the Abe Cohen Plaza, which is
4 right across the street, impacts the whole
5 project.

6 The memorandum accompanied the
7 letter from Nobile, Magarian, DiSalvo, goes
8 into more detail citing cases, legal cases,
9 why this is a bad idea.

10 Mr. Chairman, you're probably aware
11 of this, but the decision that you make,
12 that you and your Board make, is a
13 discretionary act which is subject to SEQR.
14 And we think this is unlawful segmentation
15 under SEQR.

16 THE CHAIRMAN: You represent the
17 sugar house; am I correct?

18 MR. MAGGIOTTO: Yes, Mr. Chairman.
19 The formal client name is American Sugar
20 Refining and, but, yes. We've been
21 representing them for the last ten years and
22 we understand that in Yonkers, it's referred
23 to as the sugar house.

24 THE CHAIRMAN: Okay. By the
25 way, since you represent them for the last

1 ten years, it's awful disturbing that you
2 send a letter to the Zoning Board of Appeals
3 on the day of the hearing, a couple of
4 pages, and expect us to digest this thing.
5 It's difficult. Believe me when I tell you.
6 You're an attorney. You know what I'm
7 talking about.

8 MR. MAGGIOTTO: Yeah, I apologize
9 for that, Mr. Chairman. I think you're
10 aware that, I'm not saying this as an excuse
11 what we did, but this was the first notice.
12 We didn't get a notice of the December
13 meeting. Should we have gotten a notice --

14 THE CHAIRMAN: If you're within the
15 200-foot radius, yes. If you're not, no.
16 Well, I guess you picked it up on a sign or
17 somebody called you. I have no idea.

18 MR. MAGGIOTTO: No, no, we got a
19 notice the second time around.

20 THE CHAIRMAN: Okay.

21 MR. MAGGIOTTO: We got a notice.

22 THE CHAIRMAN: All right. You got
23 the perfect right to speak. I got no
24 problem with that.

25 MR. MAGGIOTTO: Thanks.

1 THE CHAIRMAN: What we're going to
2 do is we're going to digest this letter.
3 And we're going to go on from there. And --

4 MR. MAGGIOTTO: Okay.

5 THE CHAIRMAN: -- I'm going to give
6 Mr. Maniglia a chance to get the letter and
7 he can answer it.

8 So, Maniglia, I'm giving you the
9 right to answer that letter. You know.

10 MR. MANIGLIA: Yes.

11 THE CHAIRMAN: And I want you to
12 answer it to the Zoning Board of Appeals.
13 If you want to. If you want to,
14 Mr. Maniglia. If you send it to the Zoning
15 Board, fine. Then you gotta send a copy to
16 this gentleman.

17 MR. MANIGLIA: Thank you,
18 Mr. Chairman. Will do.

19 MR. MAGGIOTTO: I will get --

20 THE CHAIRMAN: It's up to you.

21 MR. MANIGLIA: Thank you.

22 THE CHAIRMAN: Go ahead, sir.

23 MR. MAGGIOTTO: Thank you,
24 Mr. Chairman, for allowing me to speak.

25 THE CHAIRMAN: I'll allow anybody

1 to speak. Don't get me wrong.

2 MR. MAGGIOTTO: I, I I've been
3 before you a couple of times, and you're
4 always very fair.

5 THE CHAIRMAN: Well, I'm, I can
6 consider myself a very fair person. Very
7 strict, but very fair. I'll tell you that
8 much right now.

9 Okay. Is there anybody else
10 tonight that wants to speak on this case?
11 You said you had some neighborhood people
12 that want to speak. Anybody else wants to
13 speak on the case?

14 MR. LANDSMAN: Yeah, if you want to
15 speak, you'll have to unmute yourself.

16 MS. MONTGOMERY: There are several
17 of us who want to speak tonight.

18 THE CHAIRMAN: Fine. That's fine.

19 MS. MONTGOMERY: This is Ruth
20 Montgomery.

21 THE CHAIRMAN: Okay. Can you state
22 your name and address, please.

23 MS. MONTGOMERY: Ruth Montgomery, 7
24 Fairfield Place in Yonkers.

25 THE CHAIRMAN: All right. Did you

1 speak the last time, ma'am?

2 MS. MONTGOMERY: I did. And I'm
3 under oath still.

4 THE CHAIRMAN: Did I swear you in
5 the last time? Did I swear you in?

6 MS. MONTGOMERY: Yes.

7 THE CHAIRMAN: I did. And you know
8 you're still under oath?

9 MS. MONTGOMERY: Yes, I do.

10 THE CHAIRMAN: Okay. Proceed,
11 please.

12 MS. MONTGOMERY: Okay. I just, I
13 know there are a lot of people that have
14 individual opinions. I just wanted to speak
15 to the meeting that Mr. Surdoval
16 characterized and I largely agree with his
17 characterization. Many concerns were
18 allayed in the discussions that we had. But
19 there still remain a diverse set of opinions
20 about the project. Some are in line with
21 what ASR is saying. That, you know, we have
22 a draft EIS that we haven't seen yet. And,
23 you know, how will this fit in.

24 The side setback from one Sunnyside
25 is a concern, because the zero-foot setback

1 where the staircase is puts it only 14 feet
2 from the apartment windows of One Sunnyside.

3 Parking is, is a concern. I think
4 what Mr. Surdoval said is, it had 35 instead
5 of 36. As I understand it, the 36, what
6 they told me today was what the current
7 zoning would require. The actual master
8 planned proposal however, I believe, would
9 require 41 spaces, because the master plan
10 zoning, the parking requirements are one
11 space per unit plus point one -- an
12 additional point one for per bedroom. So,
13 it's actually, I believe, you know, six
14 spaces short. Not just one space short. If
15 you're comparing it to the overall master
16 plan that's currently still under
17 discussion.

18 Another aspect of the parking is
19 that part of the master, the draft EIS, is
20 they're doing a parking study of Ludlow
21 Park. Because while Mr. Surdoval said most
22 people commute by walking to the station,
23 that is correct. That is because they park
24 in the neighborhood and walk to the station.
25 So, park, on-street parking is a significant

1 concern. And the Planning Department
2 included a parking study of Ludlow Park as
3 part of the, the Environmental Impact Study.
4 We, because the draft Environmental Impact
5 Study has not been released to the public,
6 we don't know the results of that parking
7 study. And what the mitigation measures
8 that might be proposed as part of that.

9 So, I think there are, you will
10 definitely hear people in favor of moving
11 this ahead. But you're going to hear other
12 comments that are, that are, that are
13 expressed matters of concern that could
14 perhaps be worked through but remain a
15 concern.

16 THE CHAIRMAN: Thank you.

17 Are there any questions of this
18 lady from the Board?

19 Thank you, madam.

20 Is there anybody else here tonight
21 to speak in opposition?

22 MR. SCIASCIA: My name is Joel
23 Sciascia I'd like to speak on behalf of the
24 project. I'm with the neighborhood as well.

25 THE CHAIRMAN: Okay. We're going

1 to get to you right now. Are you an
2 attorney, sir?

3 MR. SCIASCIA: Yes, I am.

4 THE CHAIRMAN: Would you state your
5 name and your address, please.

6 MR. SCIASCIA: Joel Sciascia, One
7 Fairfield Road, Yonkers, New York 10705.

8 THE CHAIRMAN: All right. And
9 you're admitted to New York State Bar?

10 MR. SCIASCIA: That is correct,
11 sir.

12 THE CHAIRMAN: Okay, sir. Proceed.

13 MR. SCIASCIA: Certainly. So, I
14 would agree with my neighbor Ruth. More
15 correctly I guess answering Jeff's question
16 regarding the parking situation --

17 THE CHAIRMAN: Mr. Sciascia, excuse
18 me one second. I do not allow first names.

19 MR. SCIASCIA: Sorry.
20 Mr. Landsman.

21 THE CHAIRMAN: Don't call anybody
22 by their first name. Go ahead.

23 MR. SCIASCIA: Mr. Landsman's
24 question, I believe that he asked regarding
25 the parking. I've lived in the neighborhood

1 for quite a while since 2014 -- I'm sorry,
2 since 2004. And I've observed that people
3 park in our neighborhood and don't park in
4 the Abe Cohen Plaza, and use that, use
5 parking in the neighborhood for the train.
6 So, actually, if that permitting goes away,
7 then those spaces would be available and
8 might actually help the neighborhood.

9 I live in the house right by the
10 train station. And I've personally observed
11 the people that park in our neighborhood
12 from Park Hill that do take the train. So,
13 you know, actually there's a way to look at
14 it that, that by taking the permit and the
15 paying -- for the Abe Cohen Plaza, that it
16 actually might relieve the stress from the
17 neighborhood a little bit with regard to the
18 parking.

19 The other thing that has not come
20 up that I'm a little bit surprised about is
21 the safety aspect. It's surprising to me
22 how long this building has been sitting
23 vacant next to the train station and I can
24 tell you that when I have guests come to my
25 house who take the train into the City,

1 including my mother and other female members
2 of my family, they do not want to walk down
3 by Abe Cohen Plaza, because of the abandoned
4 building that's there and in my opinion it's
5 been abandoned for far too long. So despite
6 -- (extra voice interrupting the audio) --
7 despite the objection that was raised about
8 -- despite the objection that was raised by
9 the representative from the sugar company, I
10 would say that I would like to get a copy of
11 the letter that was referenced as well to
12 address the legality issues.

13 But I would say that speaking on
14 behalf of certain members of the community,
15 we'd like to see this project move forward
16 as quickly as possible. And not get caught
17 up in the delays that would take place with
18 the overall planning that's going on for the
19 neighborhood. Strictly from a safety matter
20 that there should be, you know, it would be
21 great for the neighborhood to have lights,
22 people, instead of the parked cars with
23 semi-nefarious things that go on in Abe
24 Cohen Plaza in the later hours of the
25 evening. So weighing the benefits of safety

1 in the neighborhood versus how does it fit
2 in with everything else, the safety should
3 far outweigh any further delay in my
4 opinion. That's all I have to say.

5 THE CHAIRMAN: Any questions for
6 this gentleman? Okay. We're going to take
7 a three-minute recess. So just, everybody
8 just hold on for a couple of minutes. About
9 three-minute recess. That's what we're
10 going to take. Thank you.

11 (Brief recess taken.)

12 THE CHAIRMAN: Does anybody else
13 here want to speak on this? It's 70 Pier
14 Street in Yonkers. Anybody else want to
15 speak in this case? Anybody from the
16 neighborhood?

17 Okay. Mr. Maniglia? All right.
18 Mr. Maniglia.

19 You want to put Mr. Maniglia on,
20 please?

21 MR. LANDSMAN: Yeah, he's muted.

22 MR. KUNTZ: Just unmute yourself,
23 Mr. Maniglia.

24 MR. MANIGLIA: Got it. Yes,
25 Mr. Chairman.

1 THE CHAIRMAN: Mr. Maniglia, this
2 case is going to be put over. It's going to
3 be continued. Like I said I'm going to give
4 a chance, if you want to, to answer that
5 letter from the gentleman at the sugar house
6 and we'll go on from there and we'll see
7 what's going on. And I'm going to talk to
8 -- I'll see what I want to do.

9 Is there any other questions from
10 the Board? Okay. I'm going to make a
11 motion to put this over. Do I have a
12 second?

13 MR. LANDSMAN: Second.

14 THE CHAIRMAN: Everybody in favor
15 say aye?

16 (A chorus of ayes.)

17 THE CHAIRMAN: Okay. The case is
18 put over to next month.

19 Thank you, Mr. Maniglia. Send out
20 new notices and put up those signs, please.

21 MR. MANIGLIA: Will do.

22 THE CHAIRMAN: Registered letters.

23 MR. MANIGLIA: Will do. Thank you,
24 Mr. Chairman. Thank you very much.

25 THE CHAIRMAN: Thank you. Thank

1 you.

2 All right. The next case for
3 tonight is 5731, it's a change of a
4 non-confirming use. It's Mr. Null, William
5 S. Null, Esq. on behalf of North Broadway,
6 LLC, that's Limited Liability Corporation,
7 501, owner to convert existing three --
8 three-unit multifamily and first floor
9 dental office back to a prior four-unit
10 multifamily use, whereas:

11 Change of a non-confirming use to
12 another non-conforming use requires approval
13 of Zoning Board of Appeals. That's
14 reference 43-21.F. Change from a medical
15 office to a multiple dwelling in an S-50
16 Zone on premises known as 501-503 North
17 Broadway, Block: 2141, Lot: 17 in an S-50
18 Zone.

19 MR. LANDSMAN: Mr. Chairman.

20 THE CHAIRMAN: Yes.

21 MR. LANDSMAN: I'm going to abstain
22 from this case, please.

23 THE CHAIRMAN: Okay. Mr. Null, are
24 you there?

25 MR. NULL: Yes, I am, Mr. Chairman.

1 Good evening, Mr. Chairman, Members of the
2 Board. My name is William Null.

3 THE CHAIRMAN: One second.

4 MR. NULL: Thank you.

5 THE CHAIRMAN: Your address,
6 please.

7 MR. NULL: I'm a partner at the
8 firm of Cuddy and Feder in White Plains at
9 445 Hamilton Avenue, 14th Floor.

10 THE CHAIRMAN: Thank you.

11 MR. NULL: Thank you.

12 THE CHAIRMAN: Thank you, sir. One
13 second, Mr. Null. Just one second, please.
14 Just give me one second to get something up
15 here. Just takes me a few minutes. I'm not
16 as quick as these other guys. You know.
17 I'm sorry. Just one second, Mr. Null,
18 please.

19 MR. NULL: Sure. Mr. Chairman.

20 THE CHAIRMAN: Thank you. Okay.
21 Mr. Null, Board Member Landsman has
22 abstained from this case. I just want to
23 let you know.

24 MR. NULL: Thank you very much.

25 THE CHAIRMAN: You're welcome.

1 Is anybody here tonight on this
2 case? It's on North Broadway on the corner
3 of Woodland place, Woodland place. Is there
4 anybody here tonight on this case?

5 MR. NULL: Yes, Mr. Chairman.

6 THE CHAIRMAN: You're here. Yes, I
7 know.

8 MR. NULL: Yes.

9 THE CHAIRMAN: Yeah. Is there
10 anybody else here on this case tonight?

11 Okay. Mr. Null, proceed, please.

12 MR. NULL: Mr. Chairman, this
13 building, predates the zoning ordinance in
14 the City of Yonkers. It's on property as
15 you correctly stated is at the northeast
16 corner of North Broadway and Woodland. And
17 it's classified in the S-50 single family
18 district.

19 In 1980, this Board granted a
20 variance to permit what was then a four-unit
21 multifamily building to be converted so that
22 the first floor could be used as a dental
23 office. The owner thereafter converted the
24 space to a dental office and operated his
25 dental practice there from 1981 or

1 thereabouts on. He's retired now. And he's
2 looking to convert the building back to a
3 four-unit multifamily building. And for
4 that reason we're before you as you noted
5 under sections 42.21.F and 43.144(K)3 to
6 change one non-conforming use to another
7 non-conforming use.

8 The building has a two-car garage
9 with space in front of the two-car garage
10 for two vehicles on the driveway. It also
11 has a one-car garage. We submitted, we have
12 issued the notice and the post the notice
13 and submitted proof of notice to the City to
14 the Zoning Board earlier this month.

15 THE CHAIRMAN: We have that,
16 Mr. Null. Get right into your case, please.
17 Don't worry about it.

18 MR. NULL: Okay.

19 THE CHAIRMAN: We got it.

20 MR. NULL: Thank you. So the owner
21 wishes, wishes to retire and to be able to
22 convert the building back to a four-family
23 use. We respectfully submit that there's --
24 that this is actually a less non-conforming
25 use than having the dental office in that

1 location and that there's adequate parking
2 provided to accommodate that change back.
3 And the building on the outside won't look
4 any different than it does now. There were
5 plans that were submitted that were part of
6 this application as well as photographs and
7 the survey. And I'm here to answer any
8 questions that anyone may have.

9 THE CHAIRMAN: Yes, one second,
10 please. How much parking is needed for a
11 dental office?

12 MR. NULL: Well, it would be
13 typically the dentist and an assistant. Not
14 counting the patients that would come in and
15 obviously have a turnover for that. So I
16 don't know what is actually required under
17 the zoning ordinance for that, but the
18 actual occupancy although in a different
19 time of day necessarily than the residents
20 would be parking overnight, is pretty
21 similar to a two-bedroom apartment.

22 THE CHAIRMAN: All right. So
23 you're going to have three units -- you're
24 going to have four units now. So they each
25 need a parking space. That's four spaces.

1 How many spaces do you have there?

2 MR. NULL: We have five with the
3 two-car garage, two spaces in front and a
4 one-car garage.

5 THE CHAIRMAN: So you have five
6 total spaces then?

7 MR. NULL: Correct.

8 THE CHAIRMAN: You don't have, the
9 other one-car garage, you don't have the
10 space in front of that, do you?

11 MR. NULL: No, it looks like it's
12 very close to the street, Mr. Chairman.

13 THE CHAIRMAN: Yeah. Yeah. I
14 think I agree with you. Is there anything
15 in the basement of this, of this house?

16 MR. NULL: I believe one of the
17 units is in the basement of the house. So
18 it's a three-story building with a lower
19 level that has a unit in it.

20 THE CHAIRMAN: So we have a unit in
21 the basement and we have a unit upstairs and
22 we have another unit upstairs. And we have,
23 and we have the, the dentist office. So the
24 dentist is going to be another unit. Okay.

25 MR. NULL: That's -- yes. And it's

1 going to be converted, I believe, to a
2 two-bedroom unit. We have plans that were
3 submitted that show the proposed layout for
4 that.

5 THE CHAIRMAN: Yeah. All right.
6 I'm coming back to New York. I'll probably
7 come back, try to get back -- I got the
8 shot. I gotta get the backup shot and then
9 I'll probably come back maybe next month
10 sometime. I'd like to get a look at this.
11 I'll give you a call. And it's okay to come
12 up and see it?

13 MR. NULL: I'm sure that we can
14 accommodate that with no problem,
15 Mr. Chairman.

16 THE CHAIRMAN: Okay. Thank you
17 very much. That's good. Then we'll take a
18 look at this. So you're saying -- how many
19 stories is this building? Is it three
20 stories? I think it's three stories.

21 MR. NULL: It's two stories with a
22 -- with a --

23 THE CHAIRMAN: With the basement.

24 MR. NULL: It's three stories
25 including the lower level. The lower level

1 is at grade. And then there's looks like a
 2 dormer sort of pop out on the top,
 3 Mr. Chairman.

4 THE CHAIRMAN: Yeah, I think it's a
 5 three-story building. It's been there for a
 6 long time. I think, before this dentist
 7 bought it, a man named Tartaglioni bought it
 8 I think, was an official with the city of
 9 Yonkers, I think.

10 MR. NULL: There are photos as
 11 Exhibit H to the application, Mr. Chairman.

12 THE CHAIRMAN: Yeah, looks like
 13 it's where the garages are.

14 MR. NULL: Right.

15 THE CHAIRMAN: There's a basement
 16 down there below the garages?

17 MR. NULL: I don't think it's below
 18 the garages. I think it's at the same level
 19 as the garages.

20 THE CHAIRMAN: Okay. So you got
 21 the basement there and then you got next
 22 door. Next door. And then you got the top
 23 story. What's in the top story?

24 MR. NULL: I'm not familiar with
 25 the layout, Mr. Chairman, I apologize.

1 THE CHAIRMAN: That's okay. No
 2 problem. No. You don't have to apologize.
 3 Okay. We're probably take a look at this
 4 then. I'll let you know when. I'll have
 5 the Secretary for the Board give you a call
 6 and you can arrange it, arrange it. We're
 7 going to try do this. I know a lot of
 8 people don't want to come out in this kind
 9 of situation. And I don't want to force
 10 anybody to come out in this kind of a
 11 situation. It's dangerous. I guess.

12 Okay. Are there any questions from
 13 the board? Okay.

14 Is there anybody here tonight to
 15 speak in favor of this application? Is
 16 there anybody here tonight to speak in
 17 opposition? It's on the corner of Woodland.
 18 It's a beautiful yellow brick house.

19 Everybody in a 200-foot radius was
 20 notified, right, Mr. Null?

21 MR. NULL: Yes, Mr. Chairman.

22 THE CHAIRMAN: Did anything come
 23 back that was undeliverable, sir?

24 MR. NULL: Not that I'm aware of,
 25 Mr. Chairman.

1 THE CHAIRMAN: No. Okay. Very
2 good. Okay. So this case is hereby closed.
3 I reserve the right to reopen it for any
4 reason whatsoever, any time whatsoever, and
5 then that concludes half the decision just
6 made.

7 Mr. Null, we will get ahold of you.
8 Probably won't be until mid February
9 sometime. Maybe right after the first of
10 the month probably.

11 MR. NULL: Okay. Thank you,
12 Mr. Chairman.

13 THE CHAIRMAN: And be safe, sir.
14 Okay?

15 MR. NULL: You too. Stay healthy,
16 everybody. Thanks very much.

17 THE CHAIRMAN: Great seeing you
18 again. This is a couple of cases you've had
19 here lately. My God almighty.

20 MR. NULL: It's good to see you,
21 Mr. Chairman, and all of your Members of the
22 Board. Have a good night.

23 THE CHAIRMAN: Good night, sir.
24 Thank you.

25 George, we're going to take up the

1 next case. It's 5728. I called this case
 2 before and Mr. Romano wasn't here. And I
 3 see he's back. And Mr. Fernandez was here,
 4 but I gave him the right to take it off for
 5 a couple of minutes. All right. Just want
 6 one second, please.

7 MR. KUNTZ: Chairman, Mr. Nortrud
 8 Spero. Has his hand up. I don't know if he
 9 still needs to speak. But I'm just letting
 10 you know.

11 UNIDENTIFIED VOICE: It's a miss.

12 MR. KUNTZ: Okay.

13 THE CHAIRMAN: That would have been
 14 on the Ludlow Street. I'm not going to open
 15 up the hearing now because Mr. Maniglia and
 16 them are gone. But that hearing has been
 17 continued to next month. If Ms. Spero wants
 18 to come back next month, I'll be glad to
 19 hear her. Thank you.

20 Okay. The next case is case 5728.
 21 It's an area variance. Andrew Romano, Esq.
 22 on behalf of Anthony Flower, owner, to
 23 construct a one-story addition to the east
 24 side of the existing funeral having:

25 Insufficient parking, Section 48 --

1 sorry, 43-128, Table: 43-4, requires 54
2 proposed, there's 38 spaces.

3 Parking within a minimum side-front
4 yard that's on Orient Street, not permitted,
5 Section 43-133(A)3.

6 And no parking permitted within 10'
7 of existing right-of-way, Section 43-143A(3)
8 on premises known as 722 Yonkers Avenue,
9 Block: 6102, Lot: 6 in B zone.

10 Mr. Romano, are you there?

11 MR. ROMANO: Yes, sir.

12 THE CHAIRMAN: Would you introduce
13 yourself, please.

14 MR. ROMANO: Andrew Romano, 55 Main
15 Street, Yonkers, New York on behalf of
16 Anthony Flower the owner of 714-722 Yonkers
17 Avenue.

18 THE CHAIRMAN: All right.
19 Mr. Romano, how's Mrs. Romano doing?

20 MR. ROMANO: She's, she's getting
21 stronger. I mean, chemo and COVID is not a
22 good combination, but she handled it. She's
23 home now so, weak, but getting stronger
24 every day, Mr. Chairman.

25 THE CHAIRMAN: Would you tell her

1 that, you tell her the Chairman of the Board
2 and the Zoning Board of Appeals and the City
3 officials who are with us tonight, wish her
4 all the luck in the world. Okay. Wish her
5 to come on back. Okay?

6 MR. ROMANO: Yes, sir.

7 THE CHAIRMAN: You make sure you do
8 that. Okay.

9 MR. ROMANO: Yes.

10 THE CHAIRMAN: Also, wish your
11 brother a lot of luck being the Judge,
12 elected Judge. I understand he got sworn in
13 the other day.

14 MR. ROMANO: Yeah, I heard that
15 too.

16 THE CHAIRMAN: Okay, sir. All
17 right. What's so funny?

18 MR. ROMANO: No, I was just
19 thinking of my mother and my father. You
20 know. And I just think, because, you know,
21 Mr. Chairman, you go back even longer than I
22 go back with my father. So I just think of
23 that and how proud he would be.

24 THE CHAIRMAN: Well, he certainly
25 would have been proud. And he should be

1 proud. Okay.

2 Mr. Romano, I think you sent, I
3 think I got your principal points here.

4 MR. ROMANO: Yes, sir.

5 THE CHAIRMAN: All right. We'll
6 start. Mr. Romano, has everybody within a
7 200-foot radius been notified?

8 MR. ROMANO: Yes, Mr. Chairman.

9 THE CHAIRMAN: Did anything come
10 back that wasn't deliverable?

11 MR. ROMANO: No, sir. Not at this
12 time. No.

13 THE CHAIRMAN: No, sir. Okay.

14 Is anybody here tonight on this
15 case? This is the Flower Funeral Home.
16 It's on the corner of Orient Avenue and
17 Yonkers Avenue. It's over near St. John's
18 Church. Is there anybody here tonight on
19 this case?

20 Okay. Proceed, Mr. Romano.

21 MR. ROMANO: I believe it's
22 Mr. Fernandez and Mr. Flower would be on.

23 THE CHAIRMAN: All right. If you
24 want to put them on the stand, that's up to
25 you.

1 MR. ROMANO: Yeah, I think if you
 2 unmute them and then I'll introduce them,
 3 because I know Mr. Fernandez wants to talk
 4 about the plans and --

5 (Simultaneous speakers.)

6 THE CHAIRMAN: All right.
 7 Mr. Romano, you go ahead. Proceed,
 8 Mr. Romano.

9 MR. ROMANO: Yes, sir.

10 Mr. Chairman, the premises we
 11 believe, it's an existing funeral parlor,
 12 we'd be putting a one-story 20 by 38 foot
 13 extension onto the easterly side of the
 14 structure. It would -- this would not
 15 deviate from the character of the actual
 16 existing site, or the neighborhood. The
 17 neighborhood, as the Board is aware,
 18 consists of many buildings similar in
 19 height. Actually many of them are even
 20 taller. Uses are funeral parlors, offices,
 21 apartment houses, retail and commercial
 22 usage. This is reflected on the photos area
 23 maps and site visits. It would be no
 24 physical environmental impact based on the
 25 construction of the addition. It would not

1 interfere with any of the neighboring
2 structures.

3 As the Board is aware the parking
4 on site where the funeral parlor is already
5 there, in addition the Board approved
6 several years ago the use of a vacant lot
7 further east which has the other parking
8 spaces and which actually the Board has
9 approved several of the variances proposed
10 tonight including the ten-foot parking
11 requirement. So essentially what we're
12 looking to do is reinstate what was done by
13 the Board previously and to allow us on the
14 addition.

15 We don't believe that the variance
16 is going to be reduced. We were trying to
17 keep the addition one-story, unlike the rest
18 of the structure which is two and-a-half
19 stories. And we're trying to keep it with
20 the same extension of the footprint of the
21 existing structure, which Mr. Fernandez can
22 address.

23 We're looking at it at 16 parking
24 spaces short. Which it is short and it may
25 be substantial. But I think the fact that

1 it's a funeral parlor, and I wrote in my
2 principal points, along with Mr. Flower's
3 permission, that the nature of the funeral
4 parlor under the current, it usually, we all
5 know is usually from 2 p.m. to 9 p.m. Which
6 would take out -- which would not impact the
7 businesses that are located in the area
8 until at least 2 p.m. We also understand in
9 the funeral business that everyone had
10 two-or-three-night wakes. Now, most of them
11 are one-night wakes which would further
12 reduce the impact on the area. We believe
13 there is parking on Yonkers Avenue and on
14 Orient Avenue, Orient Street, in the event
15 that there is parking needed.

16 We also have the fact that, which
17 Mr. Flower can address, that it's a room
18 that, and a structure, that would be used
19 not for additional funerals, but it would be
20 something more of a for services and the
21 need for people. Because of lot of people
22 apparently do not go to services anymore.
23 And they would like to use the existing
24 structure for services so they wouldn't have
25 to go to, say, churches or synagogues or

1 mosques. So we believe that even though it
 2 may be a -- origin, it's one that's based on
 3 the previous approval of the Board as well
 4 as the current application. We think that
 5 there'd be no -- it would improve the site.
 6 It would benefit the business.
 7 Substantially. And we don't believe there
 8 is any detriment to the community because
 9 the parking itself would really take impact
 10 over mid-afternoon to 9:00 at night which
 11 is, which is what it would be like.

12 And with your permission,
 13 Mr. Chairman, I would like to have
 14 Mr. Fernandez address the architectural
 15 thought behind the plans that have been
 16 provided to you.

17 THE CHAIRMAN: One second,
 18 Mr. Romano.

19 MR. ROMANO: Yes, sir.

20 THE CHAIRMAN: One second, please.

21 Okay. You want Mr. Fernandez to talk?

22 Sure.

23 MR. ROMANO: Please.

24 THE CHAIRMAN: Yes, no problem.

25 Mr. Fernandez?

1 MR. FERNANDEZ: Yes, sir.

2 THE CHAIRMAN: Would you put
3 Mr. Fernandez on George? Okay.

4 Mr. Fernandez, raise your right
5 hand, please. Do you solemnly swear --
6 raise your right hand. Do you solemnly
7 swear to tell the truth, the whole truth and
8 nothing but the truth so help you God?

9 MR. FERNANDEZ: I do.

10 THE CHAIRMAN: State your name and
11 address, please.

12 MR. FERNANDEZ: Joseph Fernandez.
13 575 White Plains Road, Eastchester New York.

14 THE CHAIRMAN: Proceed, sir.

15 MR. FERNANDEZ: Just a quick
16 clerical thing. Since our original
17 submission, the points of variances that we
18 were looking for in terms of parking, 50 are
19 required, not 54. And 31 were provided.
20 The previous side-front yard Orient, Orient
21 Street, Orient street, which was previously
22 approved by this Board back on July 15th of
23 2014 in case 5397, allowed us to keep the
24 parking the way we depicted it on that site
25 plan.

1 And last, but not least, no parking
2 permitted within the ten-feet of the
3 existing right-of-way had been eliminated
4 and we had re-configured a parking lot. And
5 that's why some of the numbers had changed
6 on that parking variance aspect.

7 THE CHAIRMAN: So you're saying now
8 you need 50 spaces instead of 51?

9 MR. FERNANDEZ: I have 50 instead
10 of 54.

11 THE CHAIRMAN: All right. And
12 you're furnishing 31 instead of 38?

13 MR. FERNANDEZ: Correct.

14 THE CHAIRMAN: So basically it's a
15 wash.

16 MR. FERNANDEZ: Yes. But, but it's
17 cleaned up the other two points for the
18 Board. One which was previously approved
19 and the other which was a shifting of spaces
20 in the parking lot.

21 THE CHAIRMAN: All right. You go
22 to the Building Department and you clarify
23 this with Mr. Barbuti.

24 MR. FERNANDEZ: Yes.

25 THE CHAIRMAN: Okay. And let them

1 change it. All right. Or write us a letter
2 telling that this is why you don't need two
3 of these variances. In other words, what
4 you're telling me is you don't need the
5 variance on Orient Street and you don't need
6 variance on Yonkers Avenue, correct?

7 MR. FERNANDEZ: Correct, sir.

8 THE CHAIRMAN: That's what you're
9 telling me.

10 MR. FERNANDEZ: Yes, sir.

11 THE CHAIRMAN: You go to the
12 Building Department and you let them tell
13 me.

14 MR. FERNANDEZ: No worries.

15 THE CHAIRMAN: Okay. You go there.
16 You can find out Mr. Barbuti's available and
17 Mr. Pici is available, Commissioner, and you
18 go on from there. Okay. Proceed, sir.

19 MR. FERNANDEZ: So, so as
20 Mr. Romano had stated, we looked to expand
21 one of the existing chapel areas to permit
22 folks to have an all-in-one service. Which
23 now cannot happen because of the size of the
24 rooms. It also created additional space
25 within the chapel area so that there could

1 be some distancing as well.

2 We, we personally do not feel that
3 it's a big addition to the existing
4 building. And I don't feel, personally,
5 that it might change how people come for
6 these gatherings that they haven't already
7 for the past 50 years. The addition will
8 basically just extend one chapel.

9 There is a basement, which the
10 facility could use for storage. Which would
11 be accessed from the back of the building.
12 And the aesthetics of the building, the new
13 addition, would match the existing building.
14 It's fairly simple addition with a gable
15 roof that just ties into the existing
16 structure.

17 THE CHAIRMAN: There's not going to
18 be no parking underneath this structure, new
19 structure, is there?

20 MR. FERNANDEZ: No, sir. No. No,
21 there was a previous application that spoke
22 to parking underneath the structure. But
23 it's not feasible due to the grading.

24 THE CHAIRMAN: Okay. How many
25 rooms, how many chapels does Mr. Flower have

1 there?

2 MR. ROMANO: Two.

3 MR. FERNANDEZ: Two. Two, sir.

4 THE CHAIRMAN: And where are they
5 now? When you go in the front room, off to
6 the left is where you want to put the new
7 addition off to the right? And go to the
8 right and off to the back, is that one
9 there?

10 MR. FERNANDEZ: Yes. So when you
11 come in the main door, the entrance there,
12 there's stairs that go upstairs and then to
13 the right there's a small chapel. And then
14 to the left there was a larger chapel, but
15 that's where we're going to add the
16 addition. Correct. On the parking lot
17 side.

18 THE CHAIRMAN: All right. Now,
19 when we walk in and we go to the right
20 there, we have Mr. Flower's office and then
21 behind that I think there was a chapel in
22 there also.

23 MR. FERNANDEZ: I think it's a
24 small, it's a small room. You could use it
25 as a chapel or a place to pray. Yes, you

1 could.

2 THE CHAIRMAN: So basically we have
3 three chapels. Okay. What about upstairs?
4 Is there going to be anything upstairs in
5 the way of chapels?

6 MR. FERNANDEZ: There will be no
7 change to the second floor.

8 THE CHAIRMAN: What's up there?

9 MR. FERNANDEZ: He stores, or he
10 displays caskets for folks to make a
11 decision.

12 THE CHAIRMAN: Okay. But there's
13 no chapels up there.

14 MR. ROMANO: No chapels.

15 MR. FERNANDEZ: No.

16 THE CHAIRMAN: There's going to be
17 no chapels up there, correct?

18 MR. FERNANDEZ: No, sir.

19 THE CHAIRMAN: Okay. All right.
20 That's fine. Okay. Are there any questions
21 from the Board?

22 Mr. Romano, what happened? You
23 okay?

24 MR. ROMANO: Yeah, they switched me
25 to another, they switched me to another --

1 oh, Jesus.

2 THE CHAIRMAN: I thought you fell
3 down.

4 MR. ROMANO: Yeah. All right.
5 We'll go back to -- sorry, Mr. Chairman.

6 THE CHAIRMAN: I thought you fell
7 down. I was thinking about maybe --

8 MR. ROMANO: Well, no, I'm --
9 (Simultaneous speakers.)

10 THE CHAIRMAN: Hope you didn't get
11 hurt. You know. What?

12 MR. ROMANO: Even at night I think
13 about you, Mr. Chairman.

14 THE CHAIRMAN: Yeah, I know you do.
15 Yeah. A lot of people think about me at
16 night. Thinking about how to hit me on the
17 head with something.

18 MR. ROMANO: Ooh, don't go there.
19 Don't go there.

20 THE CHAIRMAN: Okay. All right.
21 Are there any questions for
22 Mr. Fernandez? No, okay.

23 Mr. Fernandez, how's your daughter
24 making out?

25 MR. FERNANDEZ: Oh, very well.

1 Thank you for asking. She, she got a
2 full-time job St. Eugene's on Tuckahoe Road.

3 THE COURT: Wonderful. One of my
4 daughters went to school there. Wonderful.
5 Congratulations.

6 MR. FERNANDEZ: I'm very proud of
7 her.

8 THE CHAIRMAN: Yeah. Very nice.

9 Are there any questions for
10 Mr. Fernandez from the Board?

11 Okay. Mr. Romano?

12 MR. ROMANO: Yes, sir.

13 THE CHAIRMAN: Is there anything
14 else you want to say to me?

15 MR. ROMANO: No, sir, not at this
16 time. Unless Mr. Flower wants to talk. But
17 that's up to him. I think we've addressed
18 the questions of the Board hopefully.

19 THE CHAIRMAN: Okay. Are there any
20 questions from the Board, please?

21 All right. All right. This 50
22 spaces, Mr. Fernandez, are they -- you have
23 an additional lot. Are these 50 spaces
24 between those two lots, the one immediately
25 to the east of the funeral parlor, and then

1 on the other side down, down on -- yeah,
2 east of the other funeral parlor?

3 MR. FERNANDEZ: Yes, that's
4 correct. So, so, there's actually 31
5 spaces, Chairman. Around, around the prime
6 building. We have 17 spots including two
7 handicapped spots. And then we have the,
8 the balance, the 14 spots down at the lower
9 lot. The lower lot was re -- it was striped
10 to provide more parking there, but not as
11 per City standards. So when we got a survey
12 and we laid out the parking, it obviously
13 reduced the amount of spots that we had.

14 THE CHAIRMAN: How many, how many
15 feet from the funeral parlor to the farthest
16 east lot?

17 MR. FERNANDEZ: It is, it is, we
18 have it as approximately 200 feet.

19 THE CHAIRMAN: Approximately 200
20 feet? You're an architect. How many feet?

21 MR. FERNANDEZ: 212 feet, sir.

22 THE CHAIRMAN: 212 feet. All
23 right.

24 MR. FERNANDEZ: Yes, sir.

25 THE CHAIRMAN: Not approximately.

1 Mr. Fernandez -- don't give me the
2 approximate. I don't need the approximate.

3 MR. FERNANDEZ: I understand.

4 THE CHAIRMAN: Any questions of
5 Mr. Fernandez or Mr. Romano from the Board?

6 Okay. On this case, on case,
7 excuse me, 5728, Block: 6102, Lot: 6, 732 --
8 722 Yonkers Avenue, I make a motion that the
9 Zoning Board of Appeals pursuant to the New
10 York State Environmental Quality Review Act
11 declare its intention to seek lead agency
12 status for the purpose of environmental
13 review of this matter and direct the
14 Planning Director on behalf of this Board to
15 institute lead agency notification and
16 coordinate review with all other involved
17 agencies in this action. If no other
18 involved agency seeks to be lead agency
19 within 30 days of the affected date of
20 notice, the Zoning Board of Appeals shall
21 assume lead agency status for the purposes
22 of review of this matter.

23 Do I have a second on the motion?

24 MS. KIMBALL: Second.

25 THE CHAIRMAN: On the motion,

1 Ms. Kimball.

2 MS. KIMBALL: For the motion.

3 THE CHAIRMAN: Mr. Giorgio.

4 MR. GIORGIO: For the motion.

5 THE CHAIRMAN: Mr. Landsman.

6 Mr. Landsman?

7 MR. KUNTZ: You gotta unmute
8 yourself, Mr. Landsman.

9 MR. LANDSMAN: For the motion.

10 THE CHAIRMAN: All right. And
11 Mr. Singh.

12 MR. SINGH: For the motion.

13 THE CHAIRMAN: Okay. Mr. Lopez,
14 are you here yet? Okay.

15 Chairman votes for the motion. So
16 we're going to be the lead agency on that if
17 nobody else picks up on it. Okay.

18 Are there any other questions of
19 either Mr. Romano or Mr. Fernandez? Okay.

20 This case is hereby closed. We
21 reserve the right to reopen it for any
22 reason whatsoever, any time whatsoever, and
23 that includes after decision is made.

24 Thank you, gentlemen.

25 MR. ROMANO: Thank you.

1 MR. FERNANDEZ: Thank you.

2 THE CHAIRMAN: Okay. Let's see
3 what we got.

4 Alain? Alain? I forgot to --

5 MR. NATCHEV: Yes, Mr. Chairman.

6 THE CHAIRMAN: Yeah, I forgot to
7 put the lead agency on the case up there on
8 Central Park Avenue. You want me to put it
9 in there now?

10 MR. NATCHEV: Why don't you -- what
11 did you close the hearing? Or you continued
12 the hearing, right?

13 THE CHAIRMAN: Yeah.

14 MR. NATCHEV: Yeah. So just, just
15 have somebody make a motion, or you make a
16 motion to --

17 THE CHAIRMAN: All right.

18 MR. NATCHEV: -- to reconsider.

19 THE CHAIRMAN: Yeah. I'm going to
20 make a motion to open up the hearing on case
21 number 5730. That's 2592 Central Park
22 Avenue. Do I have a second?

23 MS. KIMBALL: Second.

24 THE CHAIRMAN: Thank you.

25 Everybody in favor say aye.

1 (A chorus of ayes.)

2 THE CHAIRMAN: Anybody opposed?

3 Okay.

4 I'm going to make a motion to case
5 5730. Block: 4877, Lot: 60, 2592 Central
6 Park Avenue, I make a motion that the Zoning
7 Board of Appeals pursuant to the New York
8 State Environmental Quality Review Act
9 declare its intention to seek lead agency
10 status for the purpose of environmental
11 review of this matter and direct the
12 Planning Director on behalf of this Board to
13 initiate lead agency notification and
14 coordination review with all other involved
15 agencies under this action. If no other
16 involved agency seeks the lead agency within
17 30 days of effective date of notice, the
18 Zoning Board of Appeals pursuant to the lead
19 agency status for the purpose of review of
20 this matter. Do you have a second?

21 MR. SINGH: Second.

22 THE CHAIRMAN: Okay. Everybody in
23 favor say aye.

24 (A chorus of ayes.)

25 THE CHAIRMAN: Anybody opposed?

1 Okay. So now that's that.

2 Alain, one other thing

3 the -- Alain?

4 MR. NATCHEV: Yes, yes,

5 Mr. Chairman.

6 THE CHAIRMAN: I closed the Flower

7 Funeral Home one. Should I have left it

8 open because of the lead agency?

9 MR. NATCHEV: Yes, you have to
10 leave it open.

11 THE CHAIRMAN: Okay. I'm going to
12 go back to Flower Funeral Parlor. I can do
13 that, right?

14 MR. NATCHEV: Yes, by motion.

15 THE CHAIRMAN: I know that.

16 MR. NATCHEV: Reopen it up.

17 THE CHAIRMAN: Yeah, I'm going to
18 make a motion there. Case #5728, Block:
19 6102, Lot: 6, case 722 -- I'm sorry, 722
20 Yonkers Avenue, I am going to make a motion
21 to reopen this case. Do I have a second?

22 MR. LANDSMAN: Second.

23 THE CHAIRMAN: Everybody in favor
24 say aye.

25 (A chorus of ayes.)

1 THE CHAIRMAN: Okay. All right.
2 I'm going to make a motion not to close that
3 case, because it's the lead agency. Do I
4 have second on that motion?

5 MR. LANDSMAN: Second.

6 THE CHAIRMAN: Okay. Everybody in
7 favor say aye.

8 (A chorus of ayes.)

9 THE CHAIRMAN: Anybody opposed?
10 Okay. Thank you. So that case is reopened.
11 So if you want to call Mr. Romano in the
12 morning, Mr. Natchev, that will be fine.

13 MR. NATCHEV: Yeah, I'll do that,
14 Mr. Chairman.

15 THE CHAIRMAN: Thank you.

16 Okay. What do we have? We have
17 something -- I think we took care of
18 everything last month.

19 MR. NATCHEV: Mr. Chairman, I
20 thought when we called at the beginning of
21 the meeting, I don't think you took up the
22 minutes from the December meeting, the
23 December hearing. Did they come in?

24 THE CHAIRMAN: Yes.

25 MR. NATCHEV: Have they been

1 approved --

2 THE CHAIRMAN: Yes.

3 MR. NATCHEV: I just missed that.
4 I missed that. Okay. A vote was taken on
5 that?

6 THE CHAIRMAN: Yeah, we took a vote
7 on that. Yeah.

8 MR. NATCHEV: Okay. Thank you.

9 THE CHAIRMAN: All right. Do we
10 have anymore for the agenda items?

11 Mr. Barbuti, Commissioner Barbuti,
12 do we have any of the off-the-agenda items?

13 MR. BARBUTI: I believe there are
14 five off-the-agenda items, which Shannon may
15 have included that in your packet.

16 THE CHAIRMAN: I didn't see it. I
17 got the agenda. I didn't see it. Maybe it
18 got a new agenda.

19 MS. KIMBALL: Yeah, 5056. Number
20 5056, Chairman, which is 301 Saw Mill River
21 Road.

22 THE CHAIRMAN: Yes, I got that one.
23 I got 5303. Which is -- is there anything
24 else on that?

25 MR. BARBUTI: There was 5623 was 90

1 aka 88 Clarendon Avenue. There was an
2 extension request.

3 THE CHAIRMAN: Yeah, I didn't -- I
4 got that. Let me just get something up
5 here.

6 MS. KIMBALL: Oh, yeah.

7 THE CHAIRMAN: Yeah, let me get the
8 agenda. I think I got -- I got the agenda.
9 But I thought I don't have -- I thought I
10 seen those on a level or two.

11 MS. KIMBALL: It's the Catholic
12 Slovak Club due to changed circumstances
13 resulting from the COVID-19 pandemic and
14 related impact upon future plan and
15 consideration, the applicant has not yet
16 begun construction or other work on the
17 premises. They would like a one-year
18 extension from the current January 2021
19 expiration.

20 THE CHAIRMAN: Yeah. I'm going to
21 take that up. Let me just look up something
22 for one minute. One second, please. Okay.
23 I got the one here. All right. 301 Saw
24 Mill River Road, that's an amended
25 condition. I think they wanted to, and then

1 the one on Central Park -- Mr. Landsman,
2 Central Park Avenue, don't they have a taco
3 place in there already. Taco?

4 MR. LANDSMAN: Central Park Avenue,
5 they currently went from a deli to a taco
6 place, yes. So they're currently open.

7 THE CHAIRMAN: All right. They
8 must have a CO. 301 Saw Mill River Road, I
9 forget what he wanted to do that with that.
10 I apologize.

11 Commissioner Barbuti, get me
12 something on 301 Saw River Road and send it
13 out to all, all the Members of the Board.

14 MR. BARBUTI: I will.

15 THE CHAIRMAN: Yeah, he wanted
16 something. The other one, Mr. Barbuti, 55
17 -- that is 5056. 5502 --

18 (Mr. Chairman lost connection.)

19 MR. LANDSMAN: Chairman, are you
20 okay? I think we lost him.

21 MR. KUNTZ: I think he does have
22 bad WiFi, to be honest. Not the greatest.

23 (Brief pause due to technical
24 issues.)

25 THE CHAIRMAN: Okay. Something

1 happened. Can everybody hear me?

2 MR. LANDSMAN: Yes, Mr. Chairman.

3 THE CHAIRMAN: All right. All
4 right. Mr. Barbuti, Commissioner Barbuti.

5 MR. BARBUTI: Yes, sir.

6 THE CHAIRMAN: This one on Central
7 Park Avenue, they have a taco restaurant
8 there. Check that out and see if they need
9 -- 5305.

10 MR. BARBUTI: Certainly.

11 THE CHAIRMAN: Okay. Then on case
12 5623. That's 90 also known as 88 Clarendon
13 -- that's the --

14 (Poor audio connection.)

15 THE CHAIRMAN: Ms. Wilson what is
16 that? Ms. Kimball, what is that? I forget.

17 MS. KIMBALL: It's the Catholic
18 Slovak Club and they would like a one-year
19 extension due to COVID.

20 THE CHAIRMAN: All right. Okay.
21 I'm going to make a motion for one-year
22 extension beginning today. They paid the
23 money?

24 MS. KIMBALL: Yes, it includes the
25 check for 750.

1 THE CHAIRMAN: Okay. I'm going to
2 make a motion we give them one-year
3 extension. Do I have a second?

4 MS. KIMBALL: Second.

5 THE CHAIRMAN: Everybody in favor
6 say aye.

7 (A chorus of ayes.)

8 THE CHAIRMAN: Okay. That's good.
9 That's one year from today.

10 Deputy Commissioner Barbuti, you
11 got that, right?

12 MR. BARBUTI: Yes, I do.

13 THE CHAIRMAN: And then 5571 is
14 1272, excuse me, 1282 McLean Avenue also
15 known as 838 Kimball Avenue. That's the gas
16 station on the corner. I'm going to make a
17 motion --

18 (Audio disruption.)

19 Do I have the second?

20 MR. LANDSMAN: Second.

21 THE CHAIRMAN: Everybody in favor
22 say aye.

23 (A chorus of ayes.)

24 THE CHAIRMAN: Anybody opposed?
25 Okay. Nobody opposed. Okay. Good. Then

1 that's one year from today. They paid the
2 money, correct?

3 MS. KIMBALL: Yes, it says there
4 was a check payable to the City enclosed
5 with the letter, Chairman.

6 THE CHAIRMAN: Thank you. Then we
7 got case 5657, 18, I'm sorry, 5567 and 5631,
8 18 Trinity Street -- Ms. Kimball?

9 (Court reporter interrupted due to
10 poor audio quality.)

11 MS. KIMBALL: That's St. Mary's
12 Syro, I'm going to mispronounce it,
13 Malankara Catholic Church.

14 THE CHAIRMAN: Yeah, that's the one
15 that's the Trinity Street, 18 Trinity
16 Street. I think that's got something to do
17 -- well, that's the church itself. Okay.
18 That's not the building next door. Whatever
19 they --

20 MS. KIMBALL: Yeah, I believe it's
21 the church itself.

22 THE CHAIRMAN: Okay.

23 MS. KIMBALL: There seems to be a
24 request for an extension for the accessory
25 gathering space addition for parishioners

1 and off-street parking.

2 THE CHAIRMAN: Yeah, I think you're
3 right in that sense. All right. I'm going
4 to make a motion that we put the extension
5 off for a year. Case 5567 and 5631. Do I
6 have a second?

7 MS. KIMBALL: Second.

8 THE CHAIRMAN: Everybody in favor
9 say aye.

10 (A chorus of ayes.)

11 THE CHAIRMAN: Okay. Anybody
12 opposed? All right.

13 MS. KIMBALL: I'm sorry, Chairman,
14 just to clarify. They also sent in a check.

15 THE CHAIRMAN: Yeah. Thank you.
16 Okay. Any other business?

17 MR. LANDSMAN: Yeah, Mr. Chairman,
18 I think Natchev could be right. I don't
19 think we approved the minutes.

20 THE CHAIRMAN: Okay. I'll make a
21 motion to approve the minutes of the
22 December meeting. I think I did it.
23 Because I had it down here. So I make a
24 motion. Do I have a second?

25 MS. KIMBALL: Second.

1 THE CHAIRMAN: Everybody in favor
2 say aye.

3 (A chorus of ayes.)

4 THE CHAIRMAN: Anybody opposed?
5 Okay. They're accepted. All right.

6 Any other business?

7 Okay. Everybody have a nice time
8 and have a safe New Year's. And I'll be up
9 there probably sometime in February. Okay.
10 Thank you, everybody. Good night.

11 MEMBERS: Good night, Mr. Chairman.

12 (Time Noted: 7:12 p.m.)

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CERTIFICATION

STATE OF NEW YORK)
) ss.
COUNTY OF WESTCHESTER)

I, LYNNETTE MORATO, a Court Reporter and Notary Public within and for the State of New York, do hereby certify:

That I reported the proceedings that are hereinbefore set forth, and that such transcript is a true and accurate record of said proceedings.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand.



LYNNETTE MORATO,
COURT REPORTER

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