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CITY OF YONKERS

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Minutes of
The City of Yonkers Zoning Board
Via Virtual Meeting
June 15, 2021, 5:03 p.m.

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B E F O R E:

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

P R E S E N T:

- DAVE BARBUTI, Building Department
- ALAIN NATCHEV, Assistant Corporation
Counsel
- LEE ELLMAN, Planning Department
- ZACHARY NERSINGER, Planning Director

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1 THE CHAIRMAN: Okay. Ladies and
2 gentlemen, the Zoning Board of Appeals
3 Public Hearing for June 2021 is now in
4 session. Would the members introduce
5 themselves starting with Mr. Battista.

6 MR. BATTISTA: Ralph Battista.

7 THE CHAIRMAN: Ms. Kimball.

8 MS. KIMBALL: Wilson Kimball.

9 THE CHAIRMAN: Mr. Giorgio is not
10 here. Mr. Landsman.

11 MR. LANDSMAN: Jeffrey Landsman.

12 THE CHAIRMAN: Mr. Singh.

13 MR. SINGH: Harry Singh.

14 THE CHAIRMAN: Mr. Lopez.

15 MR. LOPEZ: Hector Lopez.

16 THE CHAIRMAN: Okay. And I'm Joseph
17 Cianciulli. I'm Chairman of the Board.

18 Also with us tonight is Mr. Alain
19 Natchev, the Corporation Counsel, that
20 represents the Board. Mr. Dave Barbuti,
21 the Deputy Building Commissioner. Okay.
22 And Deputy Commissioner Lee Ellman.

23 MR. LANDSMAN: Mr. Nersinger is here
24 also, Mr. Chairman.

25 THE CHAIRMAN: I was just going to

1 ask that question. Thank you for your
2 help, young man. How come you see it and I
3 don't?

4 MR. LANDSMAN: I know what I'm
5 doing.

6 THE CHAIRMAN: Don't talk. Don't
7 talk. Don't talk. You know what you're
8 doing there.

9 MR. LANDSMAN: Mr. Barbuti is not
10 here.

11 MR. KUNTZ: There is a David here.

12 THE CHAIRMAN: Yeah. I'm all right.

13 MR. KUNTZ: Not Mr. Barbuti though.

14 THE CHAIRMAN: I'm all right. Okay.

15 And then we have Mr. Zachary Nersinger.

16 He's the Planning Director.

17 Raise your hand so I can see you.

18 All right. You're right there. Good.

19 Thank you.

20 Okay. We'll have the Pledge of
21 Allegiance led by Mr. Landsman.

22 Mr. Landsman, Pledge of Allegiance,
23 please.

24 (Pledge of Allegiance.)

25 MR. LANDSMAN: Thank you.

1 THE CHAIRMAN: Thank you.

2 All right. We got a little problem
3 tonight, the minutes. We didn't get the
4 minutes back yet for the last meeting. So,
5 that puts us in a little bit of a problem.
6 We can do two cases tonight. I can, and
7 I'm just going to -- Mr. Natchev, I got two
8 cases here I can do. I think. One is
9 Elizabeth Place and one is 125 Orchard
10 Street. I can't do anything else, because,
11 you know.

12 MR. NATCHEV: The hearing's closed
13 on those two cases?

14 THE CHAIRMAN: Those two are closed,
15 yeah. And we didn't have any discussion
16 last month on them if I remember correctly.
17 Maybe just a little. I'll put them over.
18 I have no problem with that, but, you know.
19 You want to think about it for a minute and
20 call me?

21 MR. NATCHEV: No, I think, I think
22 with respect to those particular cases the
23 Board can make a decision.

24 THE CHAIRMAN: We can make a
25 decision?

1 MR. NATCHEV: Yes, sir.

2 THE CHAIRMAN: Thank you very much.

3 Okay. Just some rules. And not a
4 lot of talking, please. You know, there's
5 enough problems with this system the way it
6 is. It's a little bit difficult trying to
7 operate this thing and trying to be fair
8 with everything. I think we do a damn good
9 job, but it's a little difficult. So you
10 don't have to talk, you know. I usually
11 recognize everybody. Mr. Landsman helps me
12 with that. So we're going to leave it at
13 that.

14 The other thing is that as the
15 Chairman of the Board, I have the right to
16 take the cases, any decisions any way I
17 wish. So, that will be that.

18 Okay. All right. The first
19 decision, the first decision tonight is
20 going to be case 5724, it's an area
21 variance. Mr. Romano is the lawyer on
22 behalf of Orchard Street, LLC. It's 125
23 Orchard Street. Do I have a motion,
24 please?

25 MS. KIMBALL: Motion.

1 MR. LANDSMAN: Yes, Mr. Chairman.

2 THE CHAIRMAN: Mr. Landsman, go
3 ahead.

4 MR. LANDSMAN: One second.

5 THE CHAIRMAN: Go ahead,
6 Mr. Landsman.

7 MR. LANDSMAN: Yes, I'm pulling it
8 up. One second.

9 I make a motion to approve the
10 request for the area variances requested.
11 So that the conditions based on facts,
12 findings, information and testimony
13 presented to the Board at the public
14 hearing, site visits by members of the
15 Zoning Board and otherwise obtained.

16 The subject property in question is
17 located at the west side of Orchard street,
18 between Moquette Row south and Orchard
19 Place.

20 In making this determination, the
21 Zoning Board of Appeals shall take into
22 consideration the benefit to the applicant
23 and/or owner if the variance as granted as
24 weighed against the detriment to the
25 health, safety, and welfare of the

1 neighborhood or community by such a grant.

2 To grant an area variance, the Board
3 must be satisfied of the five points of
4 law.

5 Number one, whether undesirable
6 changes will be produced in the
7 neighborhood or a detriment to nearby
8 properties will be granting of the area
9 variance.

10 The Zoning Board has visited the site
11 multiple times and finds there is no
12 apparent detriment to the neighborhood in
13 granting the variances. The addition of
14 this residential building will fill a void
15 in the area for a need of apartments in the
16 area. The new building will replace a
17 vacant overgrown eyesore and dangerous
18 property.

19 Number two, whether the benefits
20 sought by the applicant or owner can be
21 achieved by some other method feasible for
22 the applicant owner to pursue other than
23 the area variance. The benefit sought
24 cannot be achieved by any other means. The
25 applicant needs relief on the front yard

1 setbacks due to the wall rock in the rear
2 of the property. The removal of the rock
3 would be cost prohibitive.

4 Whether the requested variance
5 substantial.

6 The variance request seems to be
7 substantial; however, it is the position of
8 the Board that the resulting effects of the
9 variance will be negligible.

10 Number four, whether the proposed
11 will have adverse effect on the physical
12 environmental conditions of the
13 neighborhood or district.

14 At the April 20th hearing the
15 applicant's attorney Mr. Andrew Romano
16 presented and amended plan of reducing the
17 building from six stories to fives stories.
18 This would only leave the project one
19 parking spot short of the required amount.

20 Whether the alleged difficulty is
21 self-created. The difficulty is not
22 self-created. The amount of rock wall in
23 the rear of the property creates the need
24 to move the building closer to the street.

25 The Board imposes the following

1 conditions:

2 All health, safety, fire, building,
3 environmental codes shall be adhered to all
4 times by the applicant or owner.

5 Number two, fire, smoke, carbon
6 monoxide detectors and a sprinkler system
7 shall be installed throughout the entire
8 building and hooked up to a 24-hour
9 monitoring system.

10 Number 3, security cameras shall be
11 placed in all side of the buildings.
12 Cameras to monitor the parking lot, lobby,
13 each apartment floor and entrances to the
14 building.

15 If any sidewalk or curbs directly in
16 front of the entire property needs
17 repairing or replacing as per City
18 Engineer, then the applicant and or owner
19 must make repairs or replace the building
20 before the building is occupied.

21 Spaces cannot be rented or used by
22 anyone except the tenant or visitors. All
23 apartments must receive parking space free
24 of charge.

25 All taxes or fines if needed owed

1 must be paid in full 60 days from today's
 2 date.

3 These conditions shall be listed on
 4 the C of O listed and the applicant or
 5 owner ten shall permit inspections at the
 6 discretion correct of the, Department of
 7 Buildings, City of Yonkers, once per year
 8 to determine the conditions are being met.

9 Should the applicant and/or owner
 10 not comply, breach of violate any
 11 conditions at any time, the area variance
 12 is hereby rescinded and the Zoning Board
 13 authorized the City of Yonkers Department
 14 of Housing and Building to take appropriate
 15 action.

16 Number eight, all expenses pen
 17 associated with these conditions shall be
 18 the responsibility of the applicant and/or
 19 owner.

20 Number nine, no business of any kind
 21 shall be operated from any area of the
 22 building as this could cause as short tan
 23 of park spaces.

24 Number ten, landscaping of trees and
 25 shrubs shall be placed around the exterior

1 of the building. Thank you.

2 THE CHAIRMAN: All right. Well, I
3 don't know what's going on. Is everybody
4 hearing that or what? Mr. Landsman.

5 MR. LANDSMAN: Yes.

6 THE CHAIRMAN: On number 10, you say
7 landscaping trees and shrubs shall be
8 placed around the exterior of the building.

9 MR. LANDSMAN: Yes.

10 THE CHAIRMAN: I'm going to add to
11 that, that's for the Planning Bureau.
12 Okay?

13 MR. LANDSMAN: What did you say,
14 approved by the Planning Bureau?

15 THE CHAIRMAN: Yeah. All right.
16 Then we're going to add something for the
17 children. There's gotta be a play area for
18 children. Shall be provided with
19 playground equipment. Is that okay with
20 you, Mr. Landsman?

21 MR. LANDSMAN: Sure.

22 THE CHAIRMAN: Okay. Do I have a
23 second on the motion?

24 MR. LOPEZ: Second.

25 THE CHAIRMAN: Okay. On the motion,

1 Mr. Battista.

2 MR. BATTISTA: For the motion.

3 THE CHAIRMAN: Ms. Kimball.

4 MS. KIMBALL: For the motion.

5 THE CHAIRMAN: Mr. Giorgio is
6 absent. Mr. Landsman.

7 MR. LANDSMAN: For the motion.

8 THE CHAIRMAN: Okay. Mr. Singh.

9 MR. SINGH: For the motion.

10 THE CHAIRMAN: Okay. Mr. Lopez.

11 MR. LOPEZ: For the motion.

12 THE CHAIRMAN: Chairman votes for
13 the motion, motion is carried six, one
14 absent.

15 All right. Now, the next case is
16 going to be -- it's an area variance. Case
17 5732. It's Mr. Badaly on behalf of 45
18 Elizabeth Place.

19 Do I have a motion, please?

20 MR. LANDSMAN: Yes, Mr. Chairman.

21 THE CHAIRMAN: Yes. Yes,
22 Mr. Landsman.

23 MR. LANDSMAN: I make a motion to
24 approve the request for an area variance
25 subject to conditions based on facts,

1 findings, information and testimony
2 presented to this Board at the Public
3 Hearing, site visits by members of the
4 Zoning Board and otherwise obtained.

5 The subject property in question is
6 an improved, undersized lot in a "T" zone.
7 It's located in the neighborhood of a
8 single two-family home and in the end of a
9 cul de sac on Elizabeth Place.

10 Number one, whether the undesirable
11 changes will be produced in the
12 neighborhood or a detriment to neighborhood
13 to nearby properties will be created by
14 granting of the area variance.

15 The Zoning Board visited the site
16 multiple times, finds there are no apparent
17 detriment to the neighbors in granting the
18 variance.

19 The existing house and porch have
20 existed since the 1960s at the current
21 location. As testified to this Board on
22 4/20/21, Mr. Shahin Badaly stated that they
23 were only looking to reconstruct an
24 existing retaining wall that is in very
25 poor condition. There will be no

1 undesirable change to the character of the
2 neighborhood if the variance is granted.

3 Number two, whether the benefit
4 sought by applicant or owner can be
5 achieved by some other method feasible for
6 the applicant or owner to pursue other than
7 the area variance.

8 The benefit sought cannot be
9 achieved by any other means. No land can
10 be required to obtain the setbacks needed
11 and the topography of the lot requires the
12 height variance requested.

13 Number three, whether the requested
14 variance is substantial. It is the
15 position of the Board that the variance
16 requested is not substantial when examined
17 to any negative effects upon the
18 surrounding for neighborhood. It also be
19 noted there no neighbors in opposition at
20 the public hearing.

21 Number four, whether the proposed
22 variance will have an adverse effect on the
23 physical, environmental conditions in
24 neighborhood district. Based on the above,
25 the granting of this variance will not

1 negative affect the health, safety, or
2 welfare of the neighborhood or larger
3 community.

4 The existing home's footprint will
5 not be changed. No environmental issue or
6 safety standards will be breached. The
7 granting of the required variance will in
8 no way have a negative effect on a
9 neighborhood or do nothing that no alter
10 quality of life.

11 Number five, whether the alleged
12 difficulty was self-created. The
13 difficulty was not self-created. Age and
14 weather conditions had deteriorated the
15 wall and porch; however, there are
16 conditions that will the need to be met for
17 the granting of the variance:

18 Number one, all health, safety, fire,
19 and building department environmental codes
20 shall be adhered to at all times by the
21 applicant or owner.

22 Number two, fire, smoke, and carbon
23 monoxide detector shall be installed
24 throughout the entire house.

25 Number three, that no business shall

1 operate from this property.

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

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

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

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

1 Number eight, all expenses
2 associated with these conditions shall be
3 the responsibility of the applicant and/or
4 owner.

5 Number nine, that the existing home
6 shall remain a one-family dwelling with no
7 in-law boarding house setup. Thank you.

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

10 MR. SINGH: Second.

11 THE CHAIRMAN: Okay. On the motion,
12 Mr. Battista.

13 MR. BATTISTA: For the motion.

14 THE CHAIRMAN: Ms. Wilson --

15 MS. KIMBALL: For the --

16 THE CHAIRMAN: I'm sorry,
17 Ms. Kimball.

18 MS. KIMBALL: For the motion,
19 Chairman.

20 THE CHAIRMAN: Okay. Thank you.
21 Mr. Giorgio is absent. Mr. Landsman.

22 MS. KIMBALL: For the motion.

23 THE CHAIRMAN: Mr. Singh.

24 MR. SINGH: For the motion.

25 THE CHAIRMAN: And Mr. Lopez.

1 MR. LOPEZ: For the motion.

2 THE CHAIRMAN: Okay. Chairman votes
3 for the motion. The motion is carried six,
4 one absent.

5 Okay. I'm going to make a motion
6 that we put over case 5660 and 5661. Do I
7 have a second on that?

8 MS. KIMBALL: Second.

9 THE CHAIRMAN: Everybody in favor
10 say aye.

11 (A chorus of ayes.)

12 THE CHAIRMAN: Anybody opposed?
13 Okay.

14 On case 5746, 17 Livingston Avenue.
15 Mr. Schofield, are you here?

16 MR. SCHOFIELD: Yes, I am,
17 Mr. Chairman.

18 THE CHAIRMAN: Okay. We asked you
19 to get some principal points to us. You
20 didn't get them to us. Okay? Remember I
21 gave you a little leeway last time? See I
22 don't have the minutes so I can't -- I'm
23 going by -- anyway, I can't find the
24 principal points. So you gotta get the
25 principal points to us. If you handed them

1 in, fine. Just call up Shannon and see if
2 you can get her to get them to us.

3 MR. SCHOFIELD: They were handed in
4 prior to the last meeting.

5 THE CHAIRMAN: Okay. Well, nobody's
6 got them. So I couldn't find mine. There
7 might be a problem. So call up Shannon in
8 the morning. You know Shannon, right?
9 She's the secretary to the Board. She's
10 the one that helps you out with it a little
11 bit. And tell her we gotta get the
12 minutes. We're not going to make a
13 decision on that tonight anyway. There
14 will be a decision coming next month.

15 MR. SCHOFIELD: Understood.

16 THE CHAIRMAN: You understand me?
17 Okay. Fine. Thank you. State your name
18 and address, please. Mr. Schofield, state
19 your name and address.

20 MR. SCHOFIELD: My name is Jake
21 Schofield. 17 Livingston Avenue, Yonkers,
22 New York.

23 THE CHAIRMAN: I'm going to make a
24 motion to put that case over. Do I have a
25 second?

1 MS. KIMBALL: Second.

2 THE CHAIRMAN: All right. On the
3 motion everybody in favor say aye?

4 (A chorus of ayes.)

5 THE CHAIRMAN: Anybody opposed?

6 Okay. That motion is put over.

7 Then we have 5749, improvement of
8 non-conforming use, 782 North Broadway,
9 Mr. Romano. Going to make a motion to put
10 that case over. Do I have a second?

11 MS. KIMBALL: Second.

12 THE CHAIRMAN: All right. Everybody
13 in favor say aye.

14 (A chorus of ayes.)

15 THE CHAIRMAN: Okay. That case is
16 over.

17 Mr. Romano, introduce yourself,
18 please.

19 MR. ROMANO: Andrew Romano, 55 Main
20 Street, Yonkers, New York, sir.

21 THE CHAIRMAN: Thank you.

22 Mr. Romano, we're going to make an
23 arrangement to go up and see that house.

24 MR. ROMANO: Yes, sir.

25 THE CHAIRMAN: So would you please

1 in the morning, or sometime, call Shannon
 2 and we'll make an arrangement for it. Is
 3 that okay? Thank you.

4 MR. ROMANO: Perfect, Mr. Chairman.

5 THE CHAIRMAN: Thank you. Okay. So
 6 that case is put over. Then we have a case
 7 on Mr. Abillama. It's 1969 Central Park
 8 Avenue. We're going to hear that tonight.
 9 Then we have the other one, 5716, an
 10 improvement of non-conforming use,
 11 Mr. Gibbons at 687 Nepperhan Avenue. We're
 12 going to hear that tonight. Mr. Maniglia,
 13 Mr. Veneruso's 2700 Central Park Avenue.

14 I'm going to make a motion on case
 15 5740, I'm going to make a motion to close
 16 that case tonight. That's the 316 North
 17 Broadway And 315 Palisade Avenue. All
 18 right. Is there anybody here tonight on
 19 that case? It's an area variance with
 20 Ms. Giris on North Broadway.

21 MS. GIRIS: I'm here, Mr. Chairman.

22 THE CHAIRMAN: I'm sorry. I know
 23 you're here, Ms. Giris. Yes, thank you.
 24 Okay. So I'm going to make a motion to
 25 close that case. And we'll have a decision

1 on that next time. Do I have a second on
2 my motion?

3 MS. KIMBALL: Second.

4 THE CHAIRMAN: Okay. Everybody in
5 favor say aye.

6 (A chorus of ayes.)

7 THE CHAIRMAN: Anybody opposed? All
8 right. That case is put over.

9 MS. GIRIS: Thank you, Mr. Chairman.
10 So there will be nothing further this
11 evening?

12 THE CHAIRMAN: There will be nothing
13 further this evening. No. Thank you.

14 MS. GIRIS: Thank you, sir. We'll
15 see you next month.

16 THE CHAIRMAN: Thank you.

17 MR. FERNANDEZ: Thank you, Chairman.

18 THE CHAIRMAN: Thank you. All
19 right. Then we got an improvement of a
20 non-conforming use of an area variance.
21 Ms. Porter, she sent us a letter today.
22 They want to take this case off the agenda.
23 It's 1222 Nepperhan Avenue. It's out near
24 Odell Avenue. It's in a bank building
25 there, Chase, JP Morgan Chase. I'm going a

1 motion to take that case off the agenda.

2 Do I have a second on that?

3 MR. LANDSMAN: Second.

4 THE CHAIRMAN: Everybody in favor
5 say aye.

6 (A chorus of ayes.)

7 THE CHAIRMAN: Anybody opposed?

8 Okay. So that case is off. Not going to
9 hear that. They bring it back, fine. Then
10 we have Mr. Steinmetz, 40 also 45 Hudson.
11 That's case 5743. Get some comments on
12 that tonight. One second, please.

13 Then we have 118 Kingsley Drive,
14 case 5744. Mr. Romano, I'm going to make a
15 motion to put that over. Do I have a
16 second?

17 MR. LANDSMAN: Second.

18 THE CHAIRMAN: Everybody in favor
19 say aye. Okay. Then we got a case with
20 Mr. Romano again on Croton Terrace -- I'm
21 sorry, 14 Orchard Street, case 5745.

22 You sent me something today,
23 Mr. Romano, you sent the Board something.
24 It was a little loose. I mean, you just
25 put down some stuff. I don't know where

1 you got that. But if you want to elaborate
2 on that, you can. You can mail me
3 something else. But I'm going to tell you
4 that --

5 (Noise interference.)

6 MR. ROMANO: Yes, sir.

7 THE CHAIRMAN: I'm going to make a
8 motion to put that over. Do we have a
9 second on that?

10 MR. SINGH: Second.

11 THE CHAIRMAN: Okay. Everybody in
12 the favor say aye.

13 (A chorus of ayes.)

14 THE CHAIRMAN: That case is put
15 over. Then we have Mr. Null at 15 Parkview
16 Avenue, case 5747. We're going to touch on
17 that tonight. And then we have a case at
18 212 Warburton Avenue, Mr. Romano, case
19 5748. Going to make a motion put it over.
20 Do I have a second?

21 MR. SINGH: Second.

22 THE CHAIRMAN: Everybody in favor
23 say aye.

24 (A chorus of ayes.)

25 THE CHAIRMAN: Now, Mr. Romano, the

1 day that we go see the North Broadway one,
2 we're going to go down and see that one.

3 Okay?

4 MR. ROMANO: Yes, sir.

5 THE CHAIRMAN: Thank you. So you'll
6 arrange both of them?

7 MR. ROMANO: Absolutely.

8 THE CHAIRMAN: Thank you.

9 Oh, Mr. Romano, I forgot to ask you,
10 how's Mrs. Romano?

11 MR. ROMANO: She's good. We're into
12 the last, we're into the last roundup so to
13 speak. So God willing in two months we'll
14 be fine. God willing.

15 THE CHAIRMAN: Wonderful.
16 Everything is going okay?

17 MR. ROMANO: Yeah, yeah. We're
18 two-thirds the way through and we're good
19 and I appreciate it. Very much so.

20 THE CHAIRMAN: Well, that's good.
21 I'll say another prayer for her when I go
22 to church on Sunday.

23 MR. ROMANO: Thank you, sir.

24 THE CHAIRMAN: You're welcome, sir.

25 Tonight we have, we have several new

1 cases. One is Mr. Veneruso and the other
 2 one is Randolph Carter. Then we have 155
 3 Warburton Avenue, Stephen Veneruso. Then
 4 we have Mr. Romano at 50 Vineyard. And
 5 Mr. Dibbini at 2 Stoneleigh Road. And then
 6 we have an area variance for Mr. Romano
 7 again at 44 Shelburne Road. So we're going
 8 to get into these, these are the new cases
 9 for tonight.

10 THE CHAIRMAN: Okay. Mr. Dibbini,
 11 we're going to do your case. It's an area
 12 variance, case 5753, James Dibbini, Esq. on
 13 behalf of Monique Abrams, owner, for an
 14 addition to an existing one-family dwelling
 15 --

16 (Audio issues.)

17 THE CHAIRMAN: -- Reference 43-27,
 18 Table, 43-3, required is 29.5, proposed is
 19 25.16, on premises known as 2 Stoneleigh
 20 Road, Block: 4961, Lot: 47 in an S-100
 21 Zone.

22 Mr. Dibbini, introduce yourself,
 23 please.

24 MR. DIBBINI: Good evening,
 25 Mr. Chairman, Ladies and Gentlemen of the

1 Zoning Board, my name is James Dibbini, 570
2 Yonkers Avenue Yonkers, New York. On
3 behalf of the applicant, Monique Abrams.

4 THE CHAIRMAN: Mr. Dibbini, has
5 everybody within the 200-foot radius been
6 notified, sir?

7 MR. DIBBINI: Yes, they have,
8 Mr. Chairman.

9 THE CHAIRMAN: Did anything come
10 back that was undeliverable?

11 MR. DIBBINI: No.

12 THE CHAIRMAN: No, okay.

13 Is there anybody here tonight on
14 this case? This case is on Stoneleigh
15 Avenue. It's between, its between
16 Deerhurst Road and Woods Hole Road. Is
17 there anybody here tonight?

18 Mr. Landsman, anybody here tonight?

19 MR. LANDSMAN: Yeah, is there
20 anybody here on this case tonight? Okay.
21 They can speak up after the case.

22 MR. KUNTZ: Anybody on the phone,
23 should press star six.

24 MR. LANDSMAN: Yeah. They all can
25 hear everything. You can proceed.

1 THE CHAIRMAN: Proceed, Mr. Dibbini.

2 MR. DIBBINI: Thank you,

3 Mr. Chairman.

4 As you indicated, the subject
5 premises is located at 2 Stoneleigh Road,
6 which is in the Beech Hill area. The
7 existing premises is in an S-100 Zone and
8 contains an older dated one-family colonial
9 home that was built in 1936. The applicant
10 Monique Abrams is seeking to update,
11 renovate, and extend her existing home as
12 many of her neighbors have done over the
13 recent years.

14 Ms. Abrams has her fiance both --
15 and her fiance both currently live in
16 Yonkers on Stoneleigh Road. They want to
17 update and extend the house to accommodate
18 their aging parents and be closer to their
19 son who is inflicted with Pierre Robin
20 Syndrome and does not drive. The variance
21 sought is limited to the front yard
22 setbacks in the amount of only 4.34 feet,
23 which the applicant feels considering the
24 overall project is minimal.

25 The following are the five points:

1 Point one, the benefit sought cannot
2 be achieved by any other means. The
3 applicant cannot update, renovate and
4 extend the desired one-family house without
5 the minor front yard setback variance.

6 Point two, granting a variance will
7 not change the character of the
8 neighborhood as the variance from the code
9 is minor and less than five feet variance
10 will not be noticeable. Permitting the
11 variance will allow a properly-sized home
12 in conformity with the neighborhood.

13 Point three, the requested variance
14 is not substantial when viewed in the
15 context of the entire application. The
16 neighbors have a comfortable buffer between
17 the houses and same will be maintained if
18 this variance is approved.

19 Point four, the variance will not
20 negatively impact the neighborhood as there
21 will be no significant noticeable change.
22 The new house will be beautifully designed
23 and constructed to complement the
24 neighbors', the neighbors' houses in the
25 neighborhood.

1 Point five, the difficulty was not
2 self-created. The applicant has purchased
3 the premises in the present condition as an
4 older colonial home with the intention to
5 update and expand the one-family home to a
6 more contemporary size and design. The
7 applicant was not aware that the large
8 parcel of the land that accompanied the
9 house under the current code would require
10 a slight variance of less than five feet.

11 I'll be happy to take any questions
12 the Board may have.

13 THE CHAIRMAN: How many kitchens are
14 in this house?

15 MR. DIBBINI: One, Mr. Chairman.

16 THE CHAIRMAN: How many, how many
17 electrical meters?

18 MR. DIBBINI: One.

19 THE CHAIRMAN: All right. We want
20 to get over and look at this thing. So
21 makes arrangements sometime about two or
22 three weeks from now.

23 MR. DIBBINI: Very good,
24 Mr. Chairman. I'll contact Shannon.

25 THE CHAIRMAN: Very good, please.

1 All right. We're going to go over to see
2 this and bring over a couple of members.

3 Okay. Any questions from the
4 Members?

5 All right. Is there anybody here
6 tonight in favor of this application? Is
7 there anybody here tonight in opposition to
8 this application?

9 MR. LANDSMAN: Anybody who wants to
10 talk, they can unmute themselves, or if
11 you're on the phone, you press star six.
12 Anybody to speak on this case.

13 Looks like nobody in attendance,
14 Mr. Chairman.

15 THE CHAIRMAN: Thank you. This case
16 is hereby closed. Reserve the right to
17 reopen it for any time whatsoever, anytime
18 whatsoever and that includes after the
19 decision is made. Thank you.

20 MR. DIBBINI: Thank you.

21 THE CHAIRMAN: All right.
22 Mr. Stephen Veneruso, are you here?

23 MR. S. VENERUSO: Yes, Mr. Chairman.

24 THE CHAIRMAN: Okay. We're going to
25 put your case on next. Okay? Just one

1 second. I dropped something. All right,
2 Mr. Veneruso, all right. One second.

3 Case 5751, non-conforming use.
4 Mr. Stephen Veneruso, Esq. on behalf of 155
5 Warburton Avenue Realty, LLC, that's
6 Limited Liability Corporation, owner, to
7 conversion of a building to a two-family
8 residence where change of the use of a
9 building to a non-conforming in a CM Zone
10 requires Zoning Board -- requires a Zoning
11 variance known on premises known as 155
12 Warburton Avenue, Block: 2099, Lot: 13 in a
13 CM zone.

14 Mr. Veneruso, introduce yourself.

15 MR. S. VENERUSO: Good
16 morning -- good evening, Mr. Chairman,
17 Members of the Board. My name is Stephen
18 Veneruso here on behalf of the applicant
19 155 Warburton Avenue Realty, 35 East Grassy
20 Sprain Road, Yonkers, New York.

21 THE CHAIRMAN: Okay. Mr. Veneruso,
22 did you notify everybody in a 200-foot
23 radius?

24 MR. S. VENERUSO: Yes, Mr. Chairman,
25 everyone has been notified.

1 THE CHAIRMAN: Did anything come
2 back?

3 MR. S. VENERUSO: We received one
4 letter back so far.

5 THE CHAIRMAN: Out of how many?

6 MR. S. VENERUSO: We submitted 16
7 letters, Your Honor.

8 THE CHAIRMAN. All right. Is there
9 anybody here tonight on this case? This
10 case is on Warburton Avenue between
11 Ashburton Avenue and Babcock Place. It's
12 more towards Ashburton Avenue. Is there
13 anybody here tonight on this case?

14 MR. LANDSMAN: Anybody can unmute
15 themselves. But everybody can hear right
16 now.

17 THE CHAIRMAN: Okay. Present your
18 case, Mr. Veneruso.

19 MR. S. VENERUSO: Thank you,
20 Mr. Chairman.

21 The proposed project that we
22 submitted to the Zoning Board here is an
23 interior/exterior alteration and conversion
24 of an existent vacant single-family
25 residence and we're seeking to have it

1 converted to a two-family residence which
2 is an un-permitted use in the district.
3 The existing building which was principally
4 built in 1890 as a residence comprised of
5 1,643 square feet of floor area. The
6 project is surrounding -- is surrounded to
7 a large extent by multi-family properties.
8 We have undertaken this project to try and
9 come up with an economically feasible use
10 for this property. I'm joined tonight on
11 the call by the project's architect,
12 Nicholas Faustini, Robert Sterling, who was
13 the appraisal -- appraiser who had
14 submitted an economic study and appraisal
15 of the property as its currently zoned,
16 could not be available tonight.

17 Originally this property was listed
18 as a three-family residence on the
19 certificate of occupancy and overtime it
20 has changed and been modified to the
21 one-family residence. The applicant was
22 before this Board previously seeking
23 approval for a three-family residence after
24 clients utilized this property as offices.
25 As stated in the principal points and also

1 the appraisal report, the use, proposed use
2 as offices simply was not economically
3 viable. The lack of onsite parking proved
4 to be a fatal detriment to this property
5 and ultimately it is why we're here tonight
6 seeking a use variance. The applicant is
7 anxious to revitalize this property and
8 restore it as it's been vacant for many
9 years now.

10 Turning to the points of law, the
11 variance necessary to enable the applicant
12 to conduct its business operations in a CM
13 Zone would require a use variance. The
14 applicant, one, cannot realize a reasonable
15 return on the property. As previously
16 stated, the applicant retained Robert
17 Sterling appraisal services to assess the
18 hardship and the value and financial return
19 of the property as it's currently zoned and
20 as it is proposed to be used and occupied
21 by the applicant if this Board grants the
22 variance.

23 The report essentially concludes
24 that the CM Zone is very restricted for
25 this, for this property based upon a number

1 of reasons including most significantly the
2 economics and the granting of the variance
3 would alleviate this hardship.

4 As I mentioned previously many of
5 the properties that surround this parcel
6 are multi-family and we are here tonight
7 seeking a variance for a two-family rather
8 than a three-family home as previously
9 sought.

10 Two, the alleged hardship relating
11 to the property is unique. Geographical
12 location of the property and the
13 surrounding community, economic factors
14 combined with the physical attributes of
15 the structure itself, render it unique, I
16 would submit to the Board. Under the
17 circumstances and despite the current
18 Zoning, the proposed use, we feel is ideal
19 and this parcel truly is suited to be a
20 residential structure. Assuming they were
21 economically feasible, which we feel they
22 are not, there are permitted uses within
23 the CM Zone; however, you know, we feel
24 that they cannot be utilized in an
25 economically feasible manner, which is why

1 we are seeking this use variance.

2 As I touched on, the uses that are
3 permitted are not suitable and the hardship
4 related to this property is unique. This
5 property as I mentioned on all -- on both
6 sides and on the property across the street
7 are surrounded by structures of similar
8 size and nature and they have been utilized
9 as multi-family dwellings.

10 Number three, the requested variance
11 will not alter the essential character of
12 the neighborhood. I would submit to the
13 Board that the proposed use will enable,
14 that would be enabled by the granting of
15 the variance. Would be a massive
16 improvement on this property, which has
17 long been vacant. And it will result in a
18 positive impact, not only on the parcel,
19 but on the character of the neighborhood.
20 The proposed use would preserve and bring
21 to life this structure. Going back to the
22 vacancy, it's my understanding this
23 property has been vacant for over 20 years.
24 While the applicant attempted to use this
25 space as offices, it proved economically

1 unviable.

2 The applicant would respectfully
3 submit, would respectfully propose that the
4 granting of this use variance would have a
5 positive impact on the local community and
6 contribute to the vitality of the Warburton
7 corridor.

8 As evidenced by the report that I
9 submitted to the Board from Robert
10 Sterling, the subject property is along the
11 westerly side of Warburton Avenue, one
12 property north of Ashburton. And every
13 improved property abutting, opposite, and
14 near the subject property is being used for
15 residential purposes, therefore we feel the
16 proposed residential two-family would not
17 alter the essential character of this
18 neighborhood.

19 And finally four, that the alleged
20 hardship was not self-created. The facts
21 supporting this application inclusive of
22 the report, confirmed that this hardship
23 was not self-created. This applicant
24 attempted in a sincere effort to utilize
25 this property as office space and is back

1 before this Board seeking a less intense
2 use as a two-family and it's a use that we
3 feel would be a benefit to the surrounding
4 community.

5 With that I'll be happy to answer
6 any questions, Mr. Chairman or the Board.

7 THE CHAIRMAN: All right. You gotta
8 give us a letter, an affidavit, signed by
9 your client that he's going to use this for
10 a two-family only and no businesses are
11 going to be in there. Okay? I need that.

12 MR. S. VENERUSO: Absolutely,
13 Mr. Chairman.

14 THE CHAIRMAN: Now, we got a little
15 problem here. In a report from the
16 Department of Housing and Buildings, they
17 say the vacant building fees are \$4,800,
18 and they're due.

19 MR. S. VENERUSO: Yes, Mr. Chairman.
20 I've been made aware of that and I've
21 advised my client. And he is ready to make
22 full and complete payment on those vacant
23 fees.

24 THE CHAIRMAN: So I tell you right
25 now, I'm going check. It ain't paid, I'll

1 put it over to Christmas.

2 MR. S. VENERUSO: Understood,
3 Mr. Chairman.

4 THE CHAIRMAN: I want it paid.

5 MR. S. VENERUSO: I'll have that
6 paid immediately.

7 THE CHAIRMAN: Okay. Make sure.
8 And you better, and you can send us a
9 receipt for that and say that you paid it.

10 MR. S. VENERUSO: Absolutely,
11 Mr. Chairman.

12 THE CHAIRMAN: I'll take your word
13 for it. It'll save me a little work by not
14 going down there.

15 All right. Is there any questions
16 for the Board?

17 MR. LANDSMAN: Yes, Mr. Chairman.

18 THE CHAIRMAN: Mr. Landsman.

19 MR. LANDSMAN: Yes. Mr. Veneruso, I
20 know that you're stating it's going to be a
21 two-family, but in going through the plans,
22 for a two-family your architect has put in
23 four levels of living space. That's, you
24 know, two-families, four levels, it looks
25 like it would be extra bedrooms all over.

1 They have a family room listed, they have a
2 den, they have a study. All these other
3 rooms could be used as bedrooms which will
4 hurt the parking situation with all these
5 people living there. Why do you need four
6 levels in a two-family house?

7 MR. S. VENERUSO: Yes, Mr. Landsman.
8 Well, first I want to see, I can't see from
9 the list that's on here if Mr. Faustini,
10 the architect is on this call or not?

11 Mr. Faustini? I don't know if he's
12 connected or not, or is muted. But to
13 answer your question, you know, the
14 structure is a large structure. It is a
15 very large home. And I believe that's why
16 the applicant had sought prior to our
17 involvement to turn this into, after it was
18 proved it was economically non-viable to be
19 office space, to convert it to a three-
20 family. It's truly, you know, it's a large
21 structure. It would be suited for a three-
22 family, but we are before the Board seeking
23 a two-family. So we're trying to fit, you
24 know, it's admittedly going to be a large
25 two-family structure with a lot of living

1 space for those two families.

2 As I mentioned, the property is
3 somewhat unique because of the lack of
4 onsite parking. And we're aware of that.
5 So while the space, we can't do anything
6 about how large this structure is, our
7 intention is fully to keep it as a
8 two-family residence. We will submit an
9 affidavit as the Chairman has requested,
10 that it will be a two-family residence.
11 Nothing but a two-family residence. No
12 businesses and not a three-family. But the
13 structure, if the Board has seen it or is
14 familiar with the structure, it's a large
15 home. So, you know, we're trying to work
16 within the vast expanse of the actual
17 footprint of the building while keeping in
18 mind that the parking limits us and, you
19 know, that's, it truly will limit it to a
20 two-family. Is what it should be.

21 MR. LANDSMAN: Right. But with all
22 those extra rooms in the basement, it's
23 going to lead to more people living there
24 and more cars, which the problem is with
25 the parking. And that issue. And then

1 also, you know, regarding, he tried, you
2 know, extensively with his office space.
3 Do you have any proof that he did file
4 anywhere to get tenants for office space
5 that what attempts were made aside from --

6 MR. S. VENERUSO: Yeah, so, aside
7 from the report that was issued, you know,
8 kind of determining the viability
9 economically the different uses, he did,
10 you know, advertise this in the newspaper.
11 And he has tried to, you know, market it
12 both via word of mouth as well as
13 newspaper. And that's something I can
14 certainly see if I can get a copy and
15 submit it to the Board. I'd be happy to do
16 that. You know, his intention was to
17 utilize this as office space. But as I'm
18 sure the Board can appreciate, if there's
19 no onsite parking, there's almost no use
20 for it in this area to be used as offices.
21 You know, the current demand of office
22 space, people want on-site parking, and
23 it's just not viable. So, you know, there
24 was advertising in the newspaper as well as
25 word of mouth. And ultimately the only

1 reason he's back before this Board is
2 because he was out of options to explore as
3 office space.

4 MR. LANDSMAN: Okay. So you
5 submitted proof that there was advertising
6 for that office space.

7 MR. S. VENERUSO: Absolutely,
8 Mr. Landsman, I'll see if I can track that
9 down and I will submit it to you.

10 MR. LANDSMAN: Okay. And really,
11 you know, that past due fee of \$4,800,
12 should have been paid before you came to
13 the Board for this applicant.

14 MR. S. VENERUSO: Understood. I'm
15 aware of the vacant fees now. And I've
16 advised my client. And I will make sure
17 that it's paid before prior to the next
18 meeting and submit evidence of same to
19 Shannon.

20 MR. LANDSMAN: Yeah.

21 MR. S. VENERUSO: Absolutely.

22 MR. LANDSMAN: Thank you. Thank
23 you.

24 THE CHAIRMAN: Any other questions?

25 MS. KIMBALL: Mr. Chairman.

1 THE CHAIRMAN: Yes, Ms. Kimball.

2 MS. KIMBALL: I drove by the
3 property today. I did not see any ZBA
4 signs giving notice to the public about
5 this meeting. So I have a question as to
6 whether the signage was actually put up,
7 because I could not find it at all on the
8 property and what that means actually for
9 public notice.

10 THE CHAIRMAN: Mr. Veneruso.

11 MR. S. VENERUSO: Mr. Chairman, I'm
12 unaware of that. I will call the client
13 and circle back to the Board. As far as I
14 know the sign was posted so I will look
15 into that further.

16 MR. LANDSMAN: Mr. Chairman, I was
17 there Saturday also. The sign was not
18 posted on Saturday.

19 THE CHAIRMAN: All right. Here's
20 what we're going to do, Mr. Veneruso. You
21 put a sign up there and tell them that
22 you're going to come to the -- that they
23 can come to the next hearing. And send out
24 the notices again advertising the hearing.
25 Okay?

1 MR. S. VENERUSO: Understood.

2 THE CHAIRMAN: I'm going to see if I
3 can do this. So, you gotta do that and
4 we'll see you next month, okay -- well, I
5 gotta see. Is there anybody -- are you
6 finished, sir?

7 MR. S. VENERUSO: Yes, Mr. Chairman.

8 THE CHAIRMAN: Thank you.

9 Is there anybody here tonight in
10 favor of this application? Is there
11 anybody here tonight in opposition?

12 MR. LANDSMAN: Is there anybody that
13 wants to speak, you can unmute yourself or
14 if you're on the phone, star six. Anybody
15 that wants to talk on this motion. It
16 looks like nobody is in attendance.

17 THE CHAIRMAN: Okay. So
18 Mr. Veneruso, you're going to come back
19 next month. You're going to re-advertise
20 this and put the sign up. And we'll see
21 what we can do. See what's going on there.

22 This fellow in Bronxville, I'm
23 impressed. He did a good job to be honest
24 with you. Okay?

25 MR. S. VENERUSO: Thank you,

1 Mr. Chairman.

2 THE CHAIRMAN: You're welcome.

3 This case is hereby continued until
4 next month. Thank you.

5 MR. S. VENERUSO: Thank you.

6 THE CHAIRMAN: Mr. Romano, which
7 case do you want to take?

8 MR. ROMANO: I guess, 50 Vineyard
9 first, sir.

10 THE CHAIRMAN: Okay. Next case is
11 5752. It's an area variance, Mr. Romano,
12 on behalf of AR Consulting Engineer
13 Professional Corporation, owner, to
14 construct a new two-family dwelling having:
15 - Insufficient front yard, Section
16 43-27, Table 43-3, required is 20 feet,
17 proposed is 9 feet,

18 On premises known as 50 Vineyard
19 Avenue, Block: 2078, Lot: 12, in an A Zone.

20 Mr. Romano.

21 MR. ROMANO: Yes, sir.

22 THE CHAIRMAN: Has everybody within
23 a 200-foot radius been notified, sir?

24 MR. ROMANO: Yes, sir.

25 THE CHAIRMAN: Has anything come

1 back?

2 MR. ROMANO: No, sir.

3 THE CHAIRMAN: Nothing came back.

4 MR. ROMANO: No, sir.

5 THE CHAIRMAN: Okay. Is there
6 anybody here tonight on this case? This
7 case is on Vineyard Avenue. Directly in
8 front of Loehr Place. And it's across
9 from, it's across from Loehr Place and it's
10 on the corner of Myrtle and Vineyard
11 Avenue. Anybody here tonight on this case?

12 Mr. Landsman --

13 QAZI ABDUL RASSAK: Hi, name my name
14 is -- yes, my name is Qazi Abdul Razzak.
15 I'm the owner and --

16 THE CHAIRMAN: Hold on. Hold on.
17 Would you tell your client to be quiet?

18 MR. LANDSMAN: No, he -- that's,
19 that's the -- oh, yeah, the owner. Okay.

20 THE CHAIRMAN: Mr. Romano, control,
21 please.

22 MR. ROMANO: Yes, sir. I'll tell
23 him when I finish, if there's any questions
24 for the Board, then I will ask him to be
25 introduced with your permission,

1 Mr. Chairman.

2 THE CHAIRMAN: Okay. In the
3 meantime present your case, Mr. Romano.

4 MR. ROMANO: Yes, sir.

5 Andrew Romano, 55 Main Street,
6 Yonkers, New York on behalf of the
7 applicant AR Consulting Engineer, P.C.

8 My client is the owner of a vacant
9 lot located at 50 Vineyard Avenue in
10 Yonkers, New York. What my client proposes
11 to do in an "A" zone, lesser use is to put
12 up a two-family adjoining house. One house
13 and an adjoining another one-family house.
14 The houses, the front of the house will be
15 on Myrtle and the side will be on Vineyard.

16 The issue here is it's really a
17 technical issue because we essentially made
18 and met every Zoning Board requirement;
19 however, there's kind of a glitch in the
20 Code. And the glitch in the code
21 indicates, as I said in my principal
22 points, that in an "A" Zone if I go a
23 little -- if I go to a one or two-family
24 house as what we're doing here, apparently
25 the front-yard setback requirement has to

1 comply with a one-or-two-family zone versus
2 if I had an "A" zone, I would be fine.

3 Now, the objection here is 9 feet. And I
4 know the Board has been out there. And you
5 can see that the buildings that are next to
6 the vacant lot are even closer than 9 feet
7 to the property line.

8 So we asked for an opinion of why
9 the one or two-families that are
10 constructed in "A" Zone are different than
11 multi-families. And we haven't -- it just
12 is that glitch in the code, that little
13 quirk in the code. So essentially what
14 we're asking to do, is we're essentially
15 asking to build the houses, two adjoining
16 one-family houses, and to allow us, because
17 of this unusual aspect of the code to allow
18 to us to have 9 feet versus 20 feet. And
19 that actually is more than what is already
20 out there for the properties, the
21 commercial properties, the small buildings
22 that front on Vineyard. This is actually a
23 lesser use than the little apartment houses
24 in the area.

25 We're trying to, these are nice

1 houses, we're trying to maintain the size
2 of the houses. And the plans they are
3 very, they're very nice, they're not small,
4 they're not bungalows and we would like to
5 have the ability to use this land. It's a
6 lesser use than a multi-family house. And
7 we'd like to just put two houses on here.

8 Now, the hardship, we don't believe
9 is self-created, but it's really based on
10 the fact that there's this little quirk in
11 the code that really hurts one and
12 two-family houses to be built in "A" Zones
13 versus multi-families, which is not the
14 case here. And that's what we're -- that's
15 the only issue we really have before the
16 Board. Other than that, we're in
17 character. There's no physical. No
18 environmental effect or impact on the area.
19 It's just this little quick quirk that
20 hurts us.

21 But my client is on for any
22 questions. He is an architect and he can
23 answer anything as well, sir, and members
24 of the Board.

25 THE CHAIRMAN: Well, your principal

1 points --

2 MR. ROMANO: Yeah, they're good.

3 THE CHAIRMAN: They're what?

4 MR. ROMANO: They're there. I
5 believe you have them.

6 THE CHAIRMAN: Did you say something
7 to me, they're good?

8 MR. ROMANO: No, they're good in
9 terms of analysis of why we have this
10 problem between multi-families and one or
11 twos. It doesn't make sense to me. But
12 that's the code and we're bound to it.

13 THE CHAIRMAN: Well, you should
14 change the code then. Okay?

15 MR. ROMANO: Well, I'm trying to,
16 I'm trying to go to the legislature to
17 change this aspect of the code, but we
18 haven't really got to that point yet.

19 THE CHAIRMAN: Okay. All right.
20 Why don't you put the, why don't you put
21 the, turn it the other way and have the,
22 have the backing out --

23 MR. ROMANO: I could --

24 THE CHAIRMAN: Wait a minute. I
25 don't want to hear your client. Listen to

1 me for a minute. Okay?

2 MR. ROMANO: Yes, sir.

3 THE CHAIRMAN: All right. The
 4 Deputy Planning Commissioner, he thinks
 5 that, if the steep portion of Myrtle Street
 6 will be a traffic accident waiting to
 7 happen for any car backing out of the
 8 garage. There's a small setback means that
 9 there will be no space for parking in the
 10 driveway. While there are two-garage
 11 spaces in each unit, the Board is well
 12 aware that such space is often and often is
 13 an illusion just -- just securing it when
 14 there is a need to store anything in a
 15 garage. And I agree with him on that.

16 MR. ROMANO: Mr. Chairman, we meet
 17 code for parking and we meet code for
 18 driveways --

19 (Simultaneous speakers.)

20 MR. ROMANO: We meet code for
 21 everything on this site. If there is a
 22 suggestion, that there's an issue --

23 THE CHAIRMAN: I tell you what. Go
 24 to the Building Department, get your
 25 permit, and leave us alone. Okay? You

1 can't do it, can you?

2 MR. ROMANO: No, I can't, because --

3 THE CHAIRMAN: You can't do it. So
4 we're trying to help you.

5 MR. ROMANO: I understand.

6 THE CHAIRMAN: But you go do what
7 you want to do. Okay?

8 MR. ROMANO: No, sir.

9 THE CHAIRMAN: Because I'm telling
10 you right now, I'm looking at the Planning
11 Commissioner's advice here. And he thinks
12 you should back out onto Vineyard.

13 MR. ROMANO: Okay.

14 THE CHAIRMAN: Is that a
15 possibility?

16 MR. ROMANO: If I can ask my client,
17 Mr. Chairman. With your permission. And I
18 will -- obviously, I'm going to have to go
19 see the -- you said the Deputy
20 Commissioner, Mr. Chairman?

21 THE CHAIRMAN: That's Mr. Ellman.
22 And believe me, I take Mr. Ellman very
23 seriously. I think he's very good at what
24 he does. Maybe people don't like him.
25 Some people don't like me either.

1 MR. ROMANO: I wouldn't know,
2 Mr. Chairman.

3 THE CHAIRMAN: You can put two
4 houses anyway you want. That's what you're
5 basically what you're saying. Give you a
6 chance to answer the question, answer the
7 question.

8 MR. ROMANO: Well, I --

9 THE CHAIRMAN: You want to talk to
10 your -- you know, he says another issue is
11 the potential for accessory apartment to be
12 placed in the basement, a recreational
13 area.

14 MR. ROMANO: We --

15 THE CHAIRMAN: Recreation, you know.

16 MR. ROMANO: Well, we don't have no
17 intent for that obviously. That would not
18 be right.

19 THE CHAIRMAN: Believe me when I
20 tell you. Nobody has any intention. You
21 want me to go to some, through old
22 variances and you'll go around and see what
23 happens? You'd be surprised.

24 MR. ROMANO: Well, I agree with your
25 position on that, Mr. Chairman. Having

1 doing this for God knows how long.

2 THE CHAIRMAN: I know. You've been
3 here 40 years with me.

4 MR. ROMANO: I know. It's like
5 we're the last of the old timers.

6 THE CHAIRMAN: Yeah, no, I'm not an
7 old timer yet. Okay? Don't forget the ice
8 cream.

9 MR. ROMANO: Yes, sir.

10 THE CHAIRMAN: All right. Answer
11 the question. Talk to your client. Going
12 to give you a couple of minutes. Go ahead.

13 MR. ROMANO: Can I put him on now,
14 Mr. Chairman?

15 THE CHAIRMAN: I don't care what you
16 do.

17 MR. ROMANO: It would be helpful.

18 THE CHAIRMAN: You want him on?

19 MR. ROMANO: Please, please, with
20 your permission.

21 THE CHAIRMAN: Yeah, sure. Where is
22 your client? Is your client an attorney?

23 MR. ROMANO: He's an engineer.

24 THE CHAIRMAN: That doesn't answer
25 the question. The question is --

1 MR. ROMANO: He's not an attorney.

2 No, sir, he's not an attorney.

3 THE CHAIRMAN: Okay. all right. I
4 want to see the gentleman raise his right
5 hand, please.

6 MR. ROMANO: Where is he? Where is
7 he? He's here somewhere.

8 THE CHAIRMAN: Okay.

9 MR. KUNTZ: Is it Qazi?

10 MR. ROMANO: There you go.

11 THE CHAIRMAN: Where is the
12 gentleman? Okay.

13 MR. ROMANO: Right there.

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

16 QAZI ABDUL RASSAK: I'm engineer,
17 sir.

18 THE CHAIRMAN: All right. The
19 question was, are you an attorney, sir?

20 QAZI ABDUL RASSAK: No, sir.

21 THE CHAIRMAN: No attorney. Okay.
22 Raise your right hand, please. Do you
23 solemnly swear to tell the truth, the whole
24 truth, nothing but the truth so help you
25 God?

1 QAZI ABDUL RASSAK: Yes.

2 THE CHAIRMAN: Okay. State your
3 name and your address. You can put your
4 hand down. State your name and your
5 address.

6 QAZI ABDUL RASSAK: My name is Qazi
7 Abdul Razzak. Address 27 McFadden Circle,
8 Yonkers, New York 10701.

9 THE CHAIRMAN: Okay. Thank you.
10 Now, can you turn these houses around?
11 Mr. Commissioner Ellman, he says it might
12 be better off backing out on to Vineyard
13 instead of backing out into Myrtle. Can
14 you turn these houses around? And if you
15 can't, you gotta explain to me why you
16 can't.

17 QAZI ABDUL RASSAK: I have the more
18 printout on Myrtle, on Vineyard. That's
19 why. If I make it two-family house on the
20 Myrtle, Vineyard, then I will have the
21 width of the house will be very less. If
22 I, if I don't have to do any side, you
23 know, if I don't have to do any setbacks,
24 then I can make it. But otherwise if I
25 leave the, follow the setbacks, the house

1 will be very little. The length of the
 2 house will become very less. Because there
 3 is 75 feet and this Myrtle is 100 feet.

4 THE CHAIRMAN: Okay. Commissioner
 5 Ellman, could you look into this or you
 6 want to give me a comment now?

7 MR. ELLMAN: Thank you,
 8 Mr. Chairman. I would always prefer that
 9 the design professionals show the Board a
 10 plan of why or why they cannot do the, do
 11 -- take an alternate approach. I believe
 12 it's up to them to show the Board even in,
 13 even in a sketch whether or not it can
 14 work.

15 THE CHAIRMAN: You heard what he
 16 said, sir?

17 Okay. Mr. Romano, I'm going to give
 18 your client a chance to see what he can do
 19 to turn these houses around and back out on
 20 Vineyard. And then you'd have a little
 21 driveway.

22 MR. ROMANO: We'll set up an
 23 appointment with the Commissioner,
 24 Mr. Chairman. That's fine.

25 THE CHAIRMAN: Commissioner Ellman,

1 is that okay with you?

2 MR. ELLMAN: Yes, that's fine.

3 Again, I am not going to sit with them and
4 design the project for them. They should
5 take the time, show, show -- and it's not
6 me. It's show the Board whether or not it
7 can work. If it can't work, well, then
8 they've proven their case. They just need
9 to put some time into it and explain it to
10 the Board on paper.

11 THE CHAIRMAN: We're going to do
12 that, Mr. Romano. We're not going to have
13 you meet with Mr. Ellman right now, because
14 he's not going to design your case. I
15 know--

16 (Simultaneous speakers.)

17 THE CHAIRMAN: I know, I know
18 there's a few people around here that go in
19 and try to get the Building Department or
20 Mr. Ellman to do the job. You and your
21 client are going to do the job.

22 MR. ROMANO: I agree, Mr. Chairman.
23 But it should be understood that I have no
24 variance for this. But apparently the
25 issue is perhaps some type of traffic

1 issue. So we will look into the traffic
2 issue to see if the matter can be resolved
3 and then go see Mr. Ellman what with what
4 we propose and then submit to the Board.

5 THE CHAIRMAN: Okay. But if you
6 don't need a variance, you're okay then.
7 If you turn these houses around, you might
8 not need a variance, I don't know.

9 MR. ROMANO: It's a good point,
10 Mr. Chairman.

11 THE CHAIRMAN: Yeah. Well, you
12 brought it up.

13 MR. ROMANO: I know.

14 THE CHAIRMAN: So you can go do what
15 you want to do. This case is hereby
16 continued until next month. And you'll
17 leave the signs up, change the dates, and
18 send out new notices.

19 MR. ROMANO: Yes, sir.

20 THE CHAIRMAN: Okay. Any other
21 questions of the Board?

22 Okay. Do you have anything else to
23 say to me, Mr. Romano, or your client?

24 MR. ROMANO: No, sir. We know what
25 we have to do, Mr. Chairman. Thank you.

1 THE CHAIRMAN: All right. Very
2 good. This case is hereby --

3 MR. LANDSMAN: Mr. Chairman, we have
4 to see if anybody is here on this case,
5 that want to speak.

6 THE CHAIRMAN: Is anybody here
7 tonight on this case? On the corner of
8 Vineyard.

9 MR. LANDSMAN: If anybody wants to
10 speak, you could unmute yourself if you're
11 for or against it.

12 Mr. Abillama, you're sharing your
13 screen.

14 MR. KUNTZ: Mr. Chairman, you want
15 me to take Mr. Abillama's screen off?

16 THE CHAIRMAN: Absolutely. Now.
17 You're interfering with a case here.

18 MR. LANDSMAN: Is there anybody that
19 wants to speak on this case, on the corner
20 of Myrtle and Vineyard?

21 THE CHAIRMAN: All right.
22 Mr. Landsman. All right. It's over. Come
23 back next month. This gentleman and
24 Mr. Romano, see if they can solve the
25 problem. If they can't, then we'll go

1 ahead with the variance.

2 MR. LANDSMAN: Okay.

3 MR. ROMANO: Yes, sir.

4 THE CHAIRMAN: Thank you. So it's
5 continued. Thank you.

6 Mr. Romano, do you have anymore
7 tonight?

8 MR. ROMANO: The last one on the
9 calendar, Mr. Chairman.

10 THE CHAIRMAN: Which one is that?

11 MR. ROMANO: It's 44 Shelburne Road.

12 THE CHAIRMAN: All right. I'm going
13 to do that.

14 MR. ROMANO: Yes, sir.

15 THE CHAIRMAN: One second,
16 Mr. Romano.

17 The next case, 5754. It's
18 Mr. Romano, it's an area variance, on
19 behalf of Leonard Winstanley, owner, to
20 apportion adjoining lot, having;

21 - Insufficient lot with proposed at
22 56, required 50 foot, proposed is 42.45
23 feet, Reference Yonkers Zoning Ordinance
24 43-27 -- on premises known 44-54, 44 and 54
25 is in parenthesis, I see that a lot, on

1 Block: 3208, Lot: 56 in an S-50 Zone.

2 Mr. Romano, has everybody within the
3 200-foot radius been notified, sir?

4 MR. ROMANO: Yes, sir, Mr. Chairman.

5 THE CHAIRMAN: Did anything come
6 back that was undeliverable?

7 MR. ROMANO: One, Mr. Chairman.

8 THE CHAIRMAN: Okay. That's okay.

9 Is there anybody here tonight on
10 this case? This case is up on Shelburne
11 Road. It's --

12 UNIDENTIFIED SPEAKER: Yes.

13 THE CHAIRMAN: -- between, between
14 Middleboro Drive and Stockbridge. Is there
15 anybody here?

16 ZUZANNA GOLEC: Yes. Yes. We are.
17 A couple of residents, yes.

18 PUBLIC SPEAKER: Yes.

19 THE CHAIRMAN: Okay. Fine. Okay.
20 Thank you. I'll get to you in a little
21 while.

22 Mr. Romano, present your case
23 please,

24 MR. ROMANO: Mr. Chairman, I'm here
25 on behalf of Leonard Winstanley, owner, of

1 44 Shelburne Road. What my client seeks to
2 propose, he has an oversized lot. And he
3 seeks to apportion off a part of the lot on
4 the left side of the property which is
5 vacant. And to create a buildable lot for
6 a one-family house to be put on that lot.
7 He filed for the apportionment. The
8 apportionment was issued and then according
9 to the Building Department, it was
10 determined that there is a front yard lot
11 width which is insufficient. Requires 50,
12 and proposed is 42.45, which is about seven
13 and-a-half feet shy of code.

14 THE CHAIRMAN: What do you mean by
15 a--

16 MR. ROMANO: It should be noted.

17 THE CHAIRMAN: What do you mean by a
18 front yard? It's the whole length, it's
19 the whole width of the --

20 MR. ROMANO: Front yard, yes, sir.

21 THE CHAIRMAN: Yeah. So, go ahead.
22 Okay.

23 MR. ROMANO: Right. So what my
24 client seeks to do is to apportion off that
25 to create a buildable lot for the potential

1 to construct a one-family house in the
2 future. As I said the only variance is the
3 front yard. He meets the size of the lot,
4 he meets the rear, he meets the dimensions
5 of the lot. It should be noted that the
6 rear lot even goes bigger. And I know the
7 Board has the area map. As you can see
8 that there are many different-sized lots in
9 the area. Some even smaller than my
10 client.

11 We attempted on several occasions to
12 try to change the lot to make it comply
13 more with the Zoning Code, but this was the
14 best option that we had proposed. Meaning
15 just the front yard variance with about
16 seven and-a-half feet shy of code.

17 The premises with this buildable
18 lot, would remain in character of the
19 neighborhood. It would be a one-family
20 dwelling of course. It would not be
21 anymore. Of course if a house is
22 constructed there, it would comply with all
23 dimensions as well. We don't believe there
24 would be any adverse physical environmental
25 impact on the area. It would be a

1 one-family dwelling. And we complied with
2 all building, housing, off-street parking
3 as well as maintain air, light, and
4 greenery. We think the hardship may be
5 determined to be self-created. But it's
6 really, based on the existing lot size
7 which is extensive and it's just something
8 my client does really not have ability to
9 control anymore. And he would like to have
10 the ability to apportion this off to make
11 it a one-family lot, sir. Thank you.

12 THE CHAIRMAN: Thank you.

13 Are there any questions from the
14 Board? Okay. Is there anybody here
15 tonight in favor of this application?

16 MR. LANDSMAN: Does anybody want to
17 speak for this case? They can unmute
18 yourselves. Anybody for it?

19 ZUZANNA GOLEC: I am against it.

20 THE CHAIRMAN: Okay. Was --

21 MR. LANDSMAN: SO we're going to get
22 to you.

23 THE CHAIRMAN: THE question was, are
24 you for it? You're not for it. I'll get
25 to you in a little while. Please. Don't

1 get like Mr. Landsman over here. Very
2 anxious. You know.

3 All right. Go ahead. Anybody here
4 tonight against this application?
5 Mr. Landsman?

6 MR. LANDSMAN: Okay. We have
7 Ms. Golec.

8 ZUZANNA GOLEC: Yes, I am.

9 THE CHAIRMAN: Ask the, ask the rest
10 of the people if anybody here against it.

11 MR. LANDSMAN: Are there any other
12 people that would like to speak against
13 this applicant?

14 PAUL HRITZ: Yes.

15 MR. LANDSMAN: Okay. Who was that?

16 PUBLIC SPEAKER: My name is Paul
17 Hritz speaking --

18 MR. LANDSMAN: Okay.

19 PAUL HRITZ: -- under Campos.

20 MR. LANDSMAN: Okay. Anybody else?

21 All right. we'll start with
22 Ms. Golec first.

23 MR. KUNTZ: There are three callers,
24 Jeffrey.

25 MR. LANDSMAN: Okay. We'll start

1 with Ms. Golec.

2 ZUZANNA GOLEC: May I speak?

3 THE CHAIRMAN: Yes, I got to --

4 ZUZANNA GOLEC: Okay. So good
5 evening --

6 THE CHAIRMAN: I gotta ask you a
7 question, please. Gotta ask you a
8 question. Are you an attorney, madam?

9 ZUZANNA GOLEC: I'm not.

10 THE CHAIRMAN: Raise your right
11 hand, please. Do you solemnly swear to
12 tell the truth, the whole truth, nothing
13 but the truth so help you God?

14 ZUZANNA GOLEC: I do.

15 THE CHAIRMAN: State your name and
16 address, please.

17 ZUZANNA GOLEC: My name is Zuzanna
18 Golec. I live on 51 Shelburne Road, which
19 is more or less in front of the house of
20 Mr. Winstanley.

21 THE CHAIRMAN: Proceed, madam.

22 ZUZANNA GOLEC: Okay. So we believe
23 that this is not a good idea to build a
24 house in that spot because it's not enough
25 room. It will completely change and affect

1 the quality of life and the property view
2 on that little street. It is a small and
3 narrow street going up the hill. When
4 there are two parked cars parked on both
5 sides, it's very hard to pass, to go
6 through. So adding more houses will create
7 more traffic and more inconvenience for the
8 people who live around.

9 Next thing, besides the parking is
10 that the quality of life and the value of
11 the property. We bought the houses, both
12 my husband and myself, we are teachers.
13 And many teachers here and also some people
14 are who retired who did not come tonight
15 but they give me their signature and their
16 names to quote, they are also opposed. So
17 we have people from the house on the 47
18 Shelburne Road --

19 (Audio disruption.)

20 ZUZANNA GOLEC: -- 57 Shelburne Road
21 and 21 Middleboro. So, at least three and
22 there are other people who are behind me
23 who are against the case too. They are
24 immediate neighbors of that spot. It is a
25 very narrow small spot which actually adds

1 the charm to the neighborhood. And it's
2 definitely too narrow to be used to build a
3 family house. It will just -- the house
4 will be just squeezed between other houses
5 and it will create this, you know, the
6 narrowness of everything. So, it's not a
7 good idea to build it.

8 Also it's the bedrock. So in order
9 to build there anything at all, you have to
10 make a lot of effort to take the rock out,
11 will create a hazard and it will change
12 the, you know, create the, the, I mean the
13 noise.

14 And people who live on that street,
15 they are very attached to it. We like it.
16 It's a nice small community. A lot of
17 people know each other and spend time
18 together. It's the quality of life. And
19 we decided to stay here because it's so
20 close to the City and it has a very unique
21 charm of North Yonkers. This project will
22 completely change the character of this
23 street and undermine the quality of our
24 life. We don't need it. And they house
25 itself of Mr. Leonard Winstanley, it's

1 charming with its little green space which
2 we all need and in our time when we do need
3 environmental, you know, beauty and, and
4 fresh Earth, that's all we need. We don't
5 need another house. We have plenty of
6 houses for sale in our neighborhood. All
7 we need to do is maintain the neighborhood
8 the way it is and leave it that way. So we
9 strongly oppose the case. Thank you.

10 THE CHAIRMAN: Are there any
11 questions of this lady?

12 Where do you live, ma'am, right next
13 door to the empty lot?

14 ZUZANNA GOLEC: I'm living in front
15 of it on a diagonal not face-to-face, but
16 diagonally, at 51 Shelburne Road.

17 THE CHAIRMAN: Okay. There's a
18 house being built there right now. Being
19 renovated. Is that where you live or you
20 live next to that?

21 ZUZANNA GOLEC: Not next to it.
22 Down to that house.

23 THE CHAIRMAN: So, that house that's
24 being built now across from
25 Mr. Winstanley's, you don't live near that.

1 You live near --

2 ZUZANNA GOLEC: I live, I live on
3 that, on that side where the new house was
4 added. Yes.

5 THE CHAIRMAN: Okay. Because I was
6 looking at that house. That's a big house,
7 I think, isn't it?

8 ZUZANNA GOLEC: That's not what we
9 wished for. That this was a huge lot and
10 we knew the previous owner, Ms. Majore(ph)
11 before she died -- well, her six children
12 decided to divide the lot into three parts
13 and it was allowed by, I guess, the City of
14 Yonkers. But it was coming because it was
15 the original lot. All the houses at that
16 time when they were built in 1954 in the
17 1950s, the beginning of it, had a nice lot
18 next to it and sooner or later the house
19 was built next to it. But this lot was
20 really big. So it was not divided into
21 two, but it was divided in three. You
22 know. But this lot we talk about it's
23 much, much smaller. It's not comparable
24 even to the lot where the new house was
25 built. Besides the new house already is

1 too big for that neighborhood. So we
2 already see the process, which is going
3 against the neighborhood unfortunately. We
4 don't want to add to that.

5 THE CHAIRMAN: Okay. Thank you.

6 Mr. Romano, how many square feet in
7 that lot?

8 MR. ROMANO: How many what, sir?

9 THE CHAIRMAN: Square feet.

10 MR. ROMANO: On the proposed lot,
11 Mr. Chairman?

12 THE CHAIRMAN: Yes, sir.

13 MR. ROMANO: The proposed lot would
14 have 5,498 square feet.

15 THE CHAIRMAN: Okay.

16 MR. ROMANO: We would exceed --

17 THE CHAIRMAN: All right. I didn't
18 ask you that. Just asked you the question.

19 MR. ROMANO: Yes, sir.

20 THE CHAIRMAN: Listen to the
21 question. So this is in an S-50 Zone. So
22 it has enough square feet in the lot.
23 Okay. All right. Once, if this happens,
24 and I'm not saying it is or isn't, how many
25 square feet would be in Mr. Winstanley's

1 lot?

2 MR. ROMANO: Mr. Winstanley's lot,
3 sir, would be 7,943.

4 THE CHAIRMAN: Okay. All right.
5 Thank you.

6 Is there anybody else here to speak
7 against this application?

8 MR. LANDSMAN: Is somebody on the
9 Bianca Campos line?

10 PAUL HRITZ: Yes.

11 MR. LANDSMAN: What's your name,
12 sir?

13 PAUL HRITZ: Paul Hritz.

14 MR. LANDSMAN: Paul Hritz,
15 Mr. Chairman.

16 THE CHAIRMAN: Okay. Yes, sir. Can
17 I see you, please? Where are you, sir?

18 PAUL HRITZ: That's me.

19 MR. LANDSMAN: Can you pull up the
20 screen?

21 MR. KUNTZ: Do you have a phone?

22 MR. LANDSMAN: Okay. He's there.
23 He's there.

24 THE CHAIRMAN: Raise your hand,
25 please. Okay. Thank you. Are you an

1 attorney, sir?

2 PAUL HRITZ: No, I'm not.

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

7 PAUL HRITZ: Yes, sir.

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

10 PAUL HRITZ: Paul Hritz. 56
11 Shelburne Road, Yonkers, New York.

12 MR. ROMANO: What address he said?

13 PAUL HRITZ: 56 Shelburne Road.

14 THE CHAIRMAN: Go ahead, sir.
15 Continue.

16 PAUL HRITZ: Good evening,
17 Mr. Chairman and the Board Members. I live
18 next door to the proposed lot. I agree
19 with everything Mrs. Golec says. The
20 neighborhood is a beautiful neighborhood
21 without anymore buildings being built.
22 They built one across the street. There's
23 a lot of noise, there's a lot of trucks
24 driving up here. I have three children
25 that are trying to ride their bikes here.

1 And it's become a nuisance. They're
2 drilling the rock in the bed that goes
3 throughout the neighborhood through my
4 backyard and to Mr. Winstanley's backyard
5 as well. So, the, the -- when they in
6 '014, I see they disapproved this. Because
7 the lot wasn't big enough for a
8 single-family house to be built. So, I
9 don't understand why --

10 THE CHAIRMAN: Who disapproved it?
11 Who disapproved it?

12 PAUL HRITZ: I see it here something
13 that was sent to me from Building
14 Application Review disapproved 1/22/2014.
15 Application for permit or revision, et
16 cetera, on above location has been reviewed
17 and examination of your drawings,
18 applications required that corrections be
19 made prior to approval of the plans,
20 amendments, applications, et cetera, since
21 they do not conform with the laws, rules,
22 and regulations, for the following reasons.
23 Violation, G-0-4 something, you know, and
24 other legal jargon. And insufficient lot
25 width proposed lot 56 required, 50 feet

1 proposed 42.45, Reference Yonkers Zoning
2 Ordinance 43-27, Table 43-43 --

3 THE CHAIRMAN: All right.

4 PAUL HRITZ: -- I don't know what
5 this means. But it says to me that they
6 couldn't get this to go through then.

7 THE CHAIRMAN: Well, I'll tell you
8 what it means, okay. It means that they
9 went down to the Building Department or
10 somebody went down to the Building
11 Department maybe somebody representing
12 Mr. Winstanley and tried to get a permit.
13 Which is perfectly legal.

14 PAUL HRITZ: Absolutely.

15 THE CHAIRMAN: And the Building
16 Department said to them, you can't get a
17 permit to build something due to the fact
18 that you don't have enough footage on the
19 property. That's what they did.

20 PAUL HRITZ: Okay.

21 THE CHAIRMAN: Proceed.

22 PAUL HRITZ: You know, the
23 neighborhood is quiet. And as Mrs. Golec
24 told us before, it's a narrow street.
25 There's cars parked on both sides. Now, we

1 have trucks all over the place. Nobody can
2 do anything. The kids can't play. And
3 that's not why we moved into this
4 neighborhood. This neighborhood was a
5 beautiful quiet street. And now we have
6 construction going on, now we're going to
7 get more construction going on and it's
8 unfortunate, you know.

9 THE CHAIRMAN: Where are you going
10 to get more construction going on?

11 PAUL HRITZ: Excuse me, sir?

12 THE CHAIRMAN: Where are you going
13 to get more construction going on?

14 PAUL HRITZ: Next door. If they
15 approve this.

16 THE CHAIRMAN: We haven't made a
17 decision yet, sir.

18 PAUL HRITZ: Well, I'm concerned.
19 You know. I have three young children and
20 I get, I'm upset about this.

21 THE CHAIRMAN: Okay.

22 PAUL HRITZ: I appreciate you guys
23 listening and if there's somewhere that we
24 can --

25 THE CHAIRMAN: Sir, first off, we're

1 not "you guys." We're Ladies and Gentlemen
2 or Members of the Zoning Board. It's not
3 guys.

4 PAUL HRITZ: Excuse me.

5 THE CHAIRMAN: This is a different
6 situation with Joe Cianciulli. Believe me
7 when I tell ya. Believe me. Okay. Do you
8 have anything else to say, sir?

9 PAUL HRITZ: I'll thank you.

10 THE CHAIRMAN: Okay. Thank you very
11 much. Is there anybody else here tonight
12 to speak against this application?

13 MR. LANDSMAN: Is there anybody on
14 the phone? You can press star six to speak
15 if you're on the phone. Anybody else here
16 to speak against this case?

17 THE CHAIRMAN: Do it again,
18 Mr. Landsman.

19 MR. LANDSMAN: Okay. Anybody else
20 to speak against this motion, case? If
21 you're on the phone, press star six to be
22 unmuted. Last chance. No, I don't think
23 anybody else is here.

24 THE CHAIRMAN: Okay. Mr. Romano,
25 would you like to sum up, please?

1 MR. ROMANO: No, that's all right,
2 Mr. Chairman, no, thank you at this time.

3 THE CHAIRMAN: Okay. All right.
4 This case is hereby closed. Reserve the
5 right to reopen for any reason whatsoever,
6 anytime whatsoever and that includes after
7 the variance -- the decision, excuse me, is
8 made. Thank you.

9 MR. ROMANO: Mr. Chairman, may I ask
10 one question?

11 THE CHAIRMAN: I closed the hearing.
12 What do you want to know?

13 MR. ROMANO: No, we had that -- are
14 we doing continued hearings tonight or is
15 this it?

16 THE CHAIRMAN: This is it. I closed
17 the hearing on this.

18 MR. ROMANO: No, but I mean we have
19 another one at 687 Nepperhan and I didn't
20 know if we were doing continued hearings or
21 not. That's all I asked.

22 THE CHAIRMAN: I'm going to take up
23 Mr. Gibbons' in a few minutes.

24 MR. ROMANO: Okay. Thank you,
25 Mr. Chairman.

1 THE CHAIRMAN: I gave you a little
2 break here tonight to put them first.
3 Okay?

4 MR. ROMANO: I appreciate that, but
5 I'm going to stay for Mr. Gibbons too,
6 Mr. Chairman.

7 THE CHAIRMAN: Okay.

8 All right. The next case is 5716,
9 improvement to a non-conforming use,
10 Gibbons Engineering, PC, Professional
11 Corporation, on behalf of 687 Nepperhan
12 Avenue Corp. owner, for second floor
13 interior alterations including the removal
14 of the stairs and closing of the stair
15 opening, whereas:

16 - Improvement to a non-conforming
17 use requires Zoning Board of Appeals
18 approval per Section 43-21G, residences in
19 an industrial zone;

20 on premises known as 687 Nepperhan
21 Avenue, Block: 2420, Lot: 12 in an "I"
22 Zone.

23 Mr. Gibbons, are you there?

24 MR. GIBBONS: Yes, Mr. Chairman, I'm
25 here.

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

5 MR. GIBBONS: I do.

6 THE CHAIRMAN: State your name and
7 address.

8 MR. GIBBONS: James Gibbons,
9 Professional Engineer, One Central Avenue
10 in Tarrytown, New York.

11 THE CHAIRMAN: All right. Proceed,
12 sir. Oh, has everybody within a 200-foot
13 radius been notified, sir?

14 MR. GIBBONS: Yes, Mr. Chairman,
15 yes.

16 MR. ROMANO: Yes.

17 THE CHAIRMAN: Did anything come
18 back?

19 MR. GIBBONS: Andrew, do you know
20 that question?

21 THE CHAIRMAN: No Andrew. It's
22 Mr. Romano.

23 MR. GIBBONS: I'm sorry,
24 Mr. Chairman.

25 THE CHAIRMAN: Good.

1 MR. ROMANO: I did the mailing and I
2 received no returns back.

3 THE CHAIRMAN: Now what are you,
4 assisting Mr. Gibbons?

5 MR. ROMANO: Yes, yes, sir. With
6 your permission.

7 THE CHAIRMAN: Well.

8 MR. ROMANO: Sometimes I'm helpful,
9 Mr. Chairman.

10 THE CHAIRMAN: We get --
11 (Poor audio quality) --

12 THE CHAIRMAN: -- to answer the
13 question. But I'm sure if I do,
14 Mr. Natchev can defend me.

15 Proceed, Mr. Gibbons.

16 MR. GIBBONS: Thank you,
17 Mr. Chairman. So we were before the Board
18 last year requesting that we can put back a
19 two apartment, two apartments on the second
20 floor of this location. We had revised the
21 plans, and resubmitted to the Building
22 Department to reduce the necessary
23 variances. So we're back here tonight just
24 requesting the improvement for a
25 non-conforming use by essentially putting

1 the apartments back the way they were.
2 Mr. Romano does have the principal points
3 if the Board would like to hear that. But
4 we, we are coming back from speaking with
5 the Board about this case from last year
6 with a more simple request.

7 THE CHAIRMAN: All right. I got the
8 principal points. Let me ask you a
9 question: What are you going to do with
10 the first floor?

11 MR. GIBBONS: The first floor is,
12 it's with the Building Department. We
13 filed an application to make it a
14 woodworking shop for the owner of the
15 building. And it's basically a light
16 industrial use in conformance with the
17 Zone.

18 THE CHAIRMAN: Well, I'm interested
19 in that too because we're going to take the
20 whole thing up. I mean, the two apartments
21 on top of a woodworking thing. Where do
22 you stand, where do you stand -- is the
23 woodworking guy in there now?

24 MR. GIBBONS: No, it's a, it's
25 vacant. There's an application submitted.

1 But I believe Mr. Leyden is present at this
2 Zoning Board Meeting as well. If you'd
3 like to ask him questions as well.

4 THE CHAIRMAN: All right. Let's get
5 going with the second, you're going to have
6 two apartments. What is the square footage
7 of each apartment?

8 MR. GIBBONS: Roughly about 1,000,
9 1,250 per apartment. 1,250 square feet per
10 apartment.

11 THE CHAIRMAN: How many exits you
12 got to get in and out of this thing?

13 MR. GIBBONS: There's one exit to go
14 down to the frontage at Nepperhan Avenue.

15 THE CHAIRMAN: In the front or in
16 the back?

17 MR. GIBBONS: In the front,
18 Mr. Chairman.

19 THE CHAIRMAN: There's one exit from
20 each apartment to get from the second floor
21 down to the, down to the ground?

22 MR. GIBBONS: Yes, there's --

23 THE CHAIRMAN: That's not going to
24 go into the woodworking shop. It's going
25 to go directly to the door to get out,

1 right?

2 MR. GIBBONS: Directly to the
3 street, Mr. Chairman.

4 THE CHAIRMAN: Where's the
5 woodworking guy going to get out?

6 MR. GIBBONS: The woodworking shop
7 has another entrance on the left side of
8 the building towards the front.

9 THE CHAIRMAN: Yeah, I know where it
10 is.

11 MR. GIBBONS: Sorry. I didn't hear
12 you.

13 THE CHAIRMAN: It's on the south
14 side.

15 MR. GIBBONS: On the south side,
16 sir, yes.

17 THE CHAIRMAN: In the back in the
18 rear.

19 MR. GIBBONS: There's also a rear
20 exit for the wood shop as well.

21 THE CHAIRMAN: Once again, we're
22 going to have come down there. So you make
23 arrangements. Okay?

24 MR. GIBBONS: Yes, Mr. Chairman.

25 THE CHAIRMAN: Talk to Shannon. And

1 we'll come down there. Not next week.
2 Maybe the week after. I'm going to be away
3 for a little while so, but I'll be back.

4 MR. GIBBONS: Yes, Mr. Chairman.

5 THE CHAIRMAN: Like Arnold
6 Schwarzenegger said, he said, I'll be back,
7 so.

8 Yes, Mr. Romano.

9 MR. ROMANO: I didn't say anything.
10 I'm out of this one. I'm innocent here.
11 Even though I do love Arnold
12 Schwarzenegger. I especially liked him in
13 Terminator 2.

14 THE CHAIRMAN: Okay. All right.
15 You're going to have -- what are you going
16 to have for fire protection here?

17 MR. GIBBONS: We're going to have
18 the necessary smoke, carbon monoxide
19 detectors, fire extinguishers and type "X"
20 sheetrock. In the latest objections,
21 Mr. Chairman, the fire department did
22 request us to either show more details in
23 the first floor application for fire
24 blocking or sprinklers. So we're going to
25 address that comment with that application.

1 THE CHAIRMAN: All right. I'll tell
2 you what, I might address it. Okay. Be
3 prepared I might address it because I think
4 a sprinkler system should go in there. You
5 got people living upstairs. And you got a
6 guy downstairs or, excuse me, a man
7 downstairs doing woodworking work.

8 MR. GIBBONS: I understand.

9 THE CHAIRMAN: We're going to take
10 that up. And talk to the other Board
11 Members.

12 Mr. Romano, on the sheet I have in
13 front of me, sir, there's a \$300 stop work
14 order fee due and \$3,675.20 legalization
15 fee due. That's a total of \$3,975.20.
16 What are you going to do about that?

17 MR. ROMANO: I believe I will
18 resolve that before the next meeting,
19 Mr. Chairman, and find out what the heck
20 they're talking about.

21 THE CHAIRMAN: All right. I'll tell
22 you what it is. The next meeting is in
23 July.

24 MR. ROMANO: Yes, sir.

25 THE CHAIRMAN: Have it solved or

1 I'll solve it for you.

2 MR. ROMANO: I'll solve it,
3 Mr. Chairman.

4 THE CHAIRMAN: You know this thing
5 is going nowhere unless that's paid. You
6 know it.

7 MR. ROMANO: I totally understand,
8 Mr. Chairman.

9 THE CHAIRMAN: This is the City's
10 money, and you better get it paid.

11 MR. ROMANO: Yes.

12 THE CHAIRMAN: This is going
13 nowhere. Like I said to the last
14 gentleman, I'll put it off to December
15 2025.

16 MR. ROMANO: No, you don't want to
17 do that, Mr. Chairman.

18 THE CHAIRMAN: I might.

19 MR. ROMANO: I hope we're all
20 around.

21 THE CHAIRMAN: Get the money.

22 MR. ROMANO: Yes, sir.

23 MR. GIBBONS: Mr. Chairman.

24 THE CHAIRMAN: Yes.

25 MR. GIBBONS: If I may.

1 THE CHAIRMAN: Yes.

2 MR. GIBBONS: I believe the Leydens
3 paid those fees. And I will put the
4 receipts together.

5 THE CHAIRMAN: Fine.

6 MR. GIBBONS: To show that they were
7 paid, but that was a point that we talked
8 about with them several months ago. So
9 I'll get the receipts for the Board and
10 forward those over to Shannon right away.

11 THE CHAIRMAN: Fine. That's very
12 good. That's what I like to hear.

13 Is there anybody here tonight in
14 favor of this application?

15 MR. LANDSMAN: The Board may have
16 some questions first.

17 THE CHAIRMAN: All right. Does
18 anybody on the Board have a question?

19 MR. LANDSMAN: Mr. Landsman.

20 THE CHAIRMAN: All right. I'll
21 recognize you. Go ahead.

22 MR. LANDSMAN: Okay. Mr. Gibbons,
23 so we visited this building last year,
24 myself, the Chairman, maybe somebody else.
25 Has anything changed in this application

1 now to last year that you're doing
2 differently than we saw last year?

3 MR. GIBBONS: It's going to look the
4 same but we are putting the walls upstairs
5 in the second floor apartment. Back where
6 they were. And we're trying to keep that
7 apartment the way it was prior to last
8 year's presentation to the Zoning Board of
9 Appeals.

10 MR. LANDSMAN: Okay. Thank you.

11 MR. GIBBONS: Thank you.

12 THE CHAIRMAN: I gotta say one
13 thing, we spoke to Mr. Gibbons when we were
14 down there, I believe, I believe
15 Ms. Kimball was with us. And we asked him
16 to get that container out of there and he
17 did get it out and he cleaned up the lot
18 next door. So you gotta give him credit
19 for that. Okay, Mr. Landsman, I'm glad --

20 MR. LANDSMAN: I did. I give him
21 all the credit. No problem.

22 THE CHAIRMAN: Yeah. Okay. Are
23 there any other questions of the Board?

24 Is anybody here tonight to speak in
25 favor of this application?

1 MR. LANDSMAN: Anybody wants to
2 speak for this applicant, you could unmute
3 yourself now. Anybody at all?

4 MR. KUNTZ: There are a few people
5 that are on phone calls.

6 MR. LANDSMAN: Okay. Anybody on the
7 phone press star six, if you want to speak,
8 in favor of this applicant.

9 THE CHAIRMAN: Or against it too.

10 MR. LANDSMAN: Didn't get to that
11 yet. All right. Now, you can ask if
12 anybody here against them.

13 THE CHAIRMAN: Nobody?

14 MR. LANDSMAN: Anybody here to speak
15 against this application? Anybody here at
16 all to speak. If you're on the phone, it's
17 star six and you'll be un-muted. Okay.
18 Looks like nobody is in attendance for this
19 application.

20 THE CHAIRMAN: Okay. Mr. Romano, do
21 you have anything to say to me?

22 MR. ROMANO: No, sir, except thank
23 you very much for the opportunity to help
24 Mr. Gibbons tonight, Mr. Chairman, and
25 Members of the Board.

1 THE CHAIRMAN: I don't know if you
2 helped him or not.

3 Mr. Gibbons, do you have anything to
4 say to me? Mr. Gibbons, you have anything
5 to say to me?

6 MR. GIBBONS: No more, I have no
7 more information, Mr. Chairman. Thank you
8 very much.

9 THE CHAIRMAN: You're welcome.

10 This case is hereby closed. Reserve
11 the right to reopen it for any reason
12 whatsoever, anytime whatsoever, and that
13 includes after the decision is made.

14 Thank you, Mr. Gibbons. Thank you,
15 Mr. Romano.

16 MR. GIBBONS: Thank you,
17 Mr. Chairman and Board Members. Thank you.

18 MR. ROMANO: Thank you, all.

19 THE CHAIRMAN: Okay. Mr. Veneruso,
20 are you there? Mr. James Veneruso, are you
21 there?

22 MR. S. VENERUSO: Mr. Chairman, this
23 is Stephen Veneruso, he is here. He just
24 stepped out for one moment.

25 THE CHAIRMAN: Why'd he step out? I

1 call, he should be available.

2 MR. S. VENERUSO: He'll be out in
3 one minute, Mr. Chairman. He just stepped
4 out.

5 THE CHAIRMAN: Leave him alone.
6 Leave him alone. I know him very well. I
7 can tease him.

8 MR. ACCINELLI: Mr. Chairman.

9 THE CHAIRMAN: Oh, no, you're not
10 getting involved in this, are you?

11 MR. ACCINELLI: No, I just -- if
12 it's with respect to case 5736, I'm
13 actually handling that matter this evening.
14 If that's what, the reason why you're
15 looking for Jim Veneruso.

16 THE CHAIRMAN: What's the number of
17 that?

18 MR. ACCINELLI: Case 5736.

19 THE CHAIRMAN: You're handling this?

20 MR. ACCINELLI: I am, Mr. Chairman.

21 THE CHAIRMAN: But why didn't I know
22 about this? What's going on here? My God,
23 you guys are here all the time. You should
24 know me. All right. I'm going to give you
25 a break.

1 MR. ACCINELLI: Thank you,
2 Mr. Chairman.

3 THE CHAIRMAN: Actually, I should
4 take a vote of the whole Board.

5 Next case is 5736 an area variance,
6 James Veneruso, Esq., which will be handled
7 by Steven Accinelli on behalf of, of 26
8 West 5th Street, LLC, Limited Liability
9 Corporation contract vendee, to construct a
10 new four story --

11 What's going on over here, boys?

12 -- to construct a new 24-unit
13 residential rental apartment building with
14 on-site parking, having:

15 - Exceeded maximum permitted floor
16 area ratio, Section 43-27, Table 43-3,
17 required is 1.25, proposed is 1.79;

18 - Insufficient side yard, Section
19 43-27, Table 43-3, required is 12 on one
20 side 25 on the other side, and proposed is
21 four foot on one side where the 12 was
22 supposed to be, an 8-foot on the other side
23 where the 25 is supposed to be;

24 - Insufficient front yard 43-27,
25 Table 43-3, required 15, proposed 5 foot.

1 All right;

2 - Insufficient rear yard Section
 3 43-27, Table 43-3, required is 25 foot,
 4 proposed is 1.5;

5 - Exceeding maximum permitted building
 6 coverage under 43-27, Table 43-3, required
 7 is 40 percent, proposed is 84.42 percent;
 8 on premises known as 83-94 Vineyard Avenue,
 9 Block: 2170, Lot: 84, and 78 and 82, in an
 10 "M" Zone.

11 There's a little problem here.
 12 Introduce yourself, Mr. Accinelli.

13 MR. ACCINELLI: Good evening,
 14 Mr. Chairman, Members of the Board. Steven
 15 Accinelli, for Veneruso, Curto, Schwartz,
 16 and Curto on behalf of the applicant.

17 THE CHAIRMAN: All right. One
 18 second, please. The Board has been advised
 19 by Deputy Commissioner Ellman that he feels
 20 that because this is up the street in
 21 back, which is Vineyard's in the front and
 22 the street in the back is Ridge Avenue. In
 23 the agenda that we have here does not
 24 mention Ridge Avenue. Anyone reading the
 25 agenda would have no idea that this is a

1 variance pending on Ridge Avenue. And I
2 gotta tell you something, on Ridge Avenue
3 is where you're going to enter and exit.
4 So, you know, this is -- he's got some
5 other problems here too. But that's one of
6 the important ones.

7 Commissioner Ellman, talk to me for
8 a minute. Okay?

9 MR. ELLMAN: Sure. So aside from my
10 comment about the building, I just noted
11 that, as you said, the agenda doesn't
12 mention Ridge. Last month unfortunately
13 the case was not, not mailed correctly.
14 You know, I don't know if signs were put up
15 on the Ridge Avenue side. So that anyone
16 in that area would know about the
17 development. I mean, while I'm not on the
18 Board nor am I your attorney, I don't see
19 any reason why the Board might not begin to
20 discuss this item and make sure that the
21 agenda is corrected for next month and
22 signs go up on both sides of the property.
23 I mean, that way the Board can begin to
24 sink its teeth into the matter and the
25 applicant wouldn't be put out, but the

1 community would also have their opportunity
2 to be able to comment at the next meeting
3 if they were not able to today.

4 THE CHAIRMAN: All right. And,
5 Mr. Accinelli, I'm going to give you a
6 choice here. You want to go on tonight,
7 you gotta come back next week with new
8 notices and everything? Or you want to put
9 it off to next week?

10 MR. ACCINELLI: Mr. Chairman, I'd
11 like to address that, a couple of things.
12 I don't know why the agenda is showing 24
13 units when the application as submitted to
14 the Zoning Board was 32. It was previously
15 24 units but we had submitted the amended
16 application to the City revising the
17 application to go from 24 to 32. So, that
18 I don't know why the agenda still reads 34.

19 In addition, we updated the radius
20 map and the property owner list and we, in
21 fact, did mail notices to all of the folks
22 on Ridge Hill, on Ridge Avenue rather. So
23 we mailed out 85 notices, Mr. Chairman, and
24 we only got seven back. So, I wanted the
25 Board to be aware that we did mail the

1 notices to the folks up on Ridge Avenue.
2 And they were 85 notices that were mailed
3 out in total with seven returns. And we
4 would of course, I'll make sure that
5 there's a sign posted on Ridge Avenue for
6 next month, Mr. Chairman, of course.

7 THE CHAIRMAN: Hold on a second. I,
8 you know, it's been very tough like I said
9 before doing it this way on the, you know,
10 virtual thing, whatever you call it. It's
11 been okay. We've got a lot work done.
12 But, you know, sometimes things are missed.

13 Yeah, we have new principal points.
14 I see it. It's 32 not 24. It looks
15 like --

16 (Poor audio connection.)

17 MR. ACCINELLI: Mr. Chairman, you're
18 breaking up, Mr. Chairman.

19 (Continued audio issues.)

20 THE CHAIRMAN: I said who usually
21 takes this information to the Building
22 Department, you?

23 MR. ACCINELLI: I hand delivered
24 this application, Mr. Chairman. Shannon
25 wasn't in that day. I dropped it off with

1 someone else at the desk.

2 THE CHAIRMAN: All right. Just give
3 me a second, please. Yeah, you have Ridge
4 property, you got Ridge things here. Most
5 of it is Ridge properties. Milo. You got
6 an awful lot of it here. All right. All
7 right. Let's go with it. Okay. Come on.

8 MR. ACCINELLI: Thank you,
9 Mr. Chairman. May I proceed, Mr. Chairman?

10 THE CHAIRMAN: Yeah. Has everybody
11 within the 200-foot radius been notified?

12 MR. ACCINELLI: Yes, Mr. Chairman.

13 THE CHAIRMAN: And did anything come
14 back?

15 MR. ACCINELLI: There was seven,
16 seven returns, Mr. Chairman.

17 THE CHAIRMAN: Out of 85?

18 MR. ACCINELLI: Correct.

19 THE CHAIRMAN: Okay. Proceed.

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

22 THE CHAIRMAN: You're welcome.

23 MR. ACCINELLI: Mr. Chairman,
24 Members of the Board, this property is
25 located on Vineyard Avenue on its westerly

1 side and consists of a vacant overgrown and
 2 wooded site. The property now consists of
 3 25,600 square feet which is an increase
 4 from the 19,500 square feet pursuant to the
 5 original application. After --

6 THE CHAIRMAN: Where'd you get the
 7 extra property?

8 MR. ACCINELLI: The lot 85 to the
 9 south, Mr. Chairman.

10 THE CHAIRMAN: To the south?

11 MR. ACCINELLI: Correct.

12 THE CHAIRMAN: You got an apartment
 13 house over there.

14 MR. ACCINELLI: It's the lot just
 15 north adjacent lot to the north of the
 16 apartment house.

17 THE CHAIRMAN: Okay. Go ahead.

18 MR. ACCINELLI: The property will be
 19 developed with a four-story with a ground
 20 floor residential building containing 32
 21 rental housing units, 25 one-bedroom and
 22 seven two-bedroom. Elevator service will
 23 not be provided in the building. On-site
 24 parking for 47 cars, which is two in excess
 25 of that which is required by the code will

1 be provided on a new parking deck located
2 at the rear of the building which will be
3 accessible from Ridge Avenue which is a
4 parallel roadway located west and to the
5 rear of the property. Access to the
6 property is being provided through a
7 separate 25-foot wide lot which fronts on
8 Ridge Avenue and which forms part of this
9 application.

10 Since the prior submission, the
11 variance request related to FAR building
12 coverage and insufficient side yard have
13 been reduced and no additional variances
14 were triggered.

15 The ground floor of the building
16 will contain a mechanical space, laundry
17 area, and a grade level entrance to the
18 building from Vineyard Avenue. The first
19 floor will have a compactor room and seven
20 one-bedroom apartments and one two-bedroom
21 apartment. The second, third, and fourth
22 floor apartments will each have six
23 one-bedroom apartments and two-bedroom
24 apartments. All required on-site parking
25 will be provided via a parking deck located

1 in the rear of the property at the fourth
2 floor. The parking deck will also provide
3 the required handicapped access to the
4 building and satisfy the handicapped-
5 required apartments.

6 The property will provide for trash
7 removal by way of a container at space
8 located at the south end of the property.

9 With respect to the five-factor
10 test. One, whether the variances will
11 create an undesirable change in the
12 character of the neighborhood. We
13 respectfully submit that the variances will
14 not create an undesirable change in the
15 character of the neighborhood. And that
16 the development of the project and the
17 elimination of vacant and overgrown lots
18 and the associated improvements at the
19 property will be a welcome and significant
20 investment in the neighborhood and will
21 also improve the overall character and
22 desirability of the area.

23 The neighboring buildings to the
24 immediate north, south, and east which are
25 across the street, areas of the property

1 are a mix of single and multi-family
2 multi-story residential structures with a
3 four-story multiple dwelling located on
4 adjacent parcel of the property to the
5 south.

6 All properties in the community
7 including Ridge Avenue are relatively
8 closely knit and largely built to or very
9 close to their side and front property
10 lines.

11 The insufficient side and front
12 setbacks relative to the proposed building
13 structure from the perspective of use
14 physical activity at the property and
15 visibility to the neighbors and surrounding
16 community will not create an adverse change
17 and are compatible and consistent with
18 existing conditions on Vineyard Avenue and
19 Ridge Avenue.

20 To the rear of the property and
21 facing east towards the proposed building
22 and parking deck, exist the backyards and
23 rear parking areas of mostly multiple-
24 family dwellings that are typically three
25 stories in height which front on Ridge

1 Avenue and are situated at approximately a
2 beginning elevation of 158.

3 In addition, across a large portion
4 of the rear property lines of the
5 properties to the rear and to the south of
6 the proposed access drive to the property,
7 coming in off Ridge Avenue, exists a
8 retaining wall that is currently at
9 elevation 155 to 157 at the top of the
10 wall.

11 The applicant will construct a
12 retaining wall on its own property along
13 the rear property line at an elevation of
14 approximately 158 to the top of the wall.
15 As such the applicant's proposed retaining
16 wall will be at a height which is
17 consistent with that which already exists
18 off-site with respect to neighboring
19 properties in the rear.

20 In addition, the parking deck is at
21 an elevation of 150 at its highest point
22 and therefore will be below the existing
23 and proposed retaining walls relative to
24 the properties to the rear.

25 In addition, the distance from the

1 rear property line to the building
2 structure itself is approximately 62 feet,
3 and there is at least an additional 50 feet
4 between the existing building structure to
5 the west, which are on Ridge Avenue and the
6 rear property line of the property. As
7 such there's a significant distance
8 approximately 100 feet between the building
9 itself and the dwelling structures located
10 to the rear. The proposed building height
11 is 57 feet which is within the code and
12 exists at a roof top elevation of
13 approximately 161. These elevation points
14 are important to keep in mind when
15 considering the building and improvements,
16 location, layout, design elements, and
17 their impacts on the community and the
18 adjacent properties. The accessibility --
19 (Noise interference.)

20 MR. ACCINELLI: -- coverage while
21 substantial is -- and FAR, while
22 substantial, is respectfully submitted as
23 being largely caused by the parking deck as
24 opposed to living space and under the
25 circumstances and due to its location, will

1 not translate to a noticeable condition
2 from Vineyard Avenue and will not interfere
3 with use or operations of the properties
4 and viewsapes located in the rear -- on
5 -- and neither the building structure nor
6 the parking deck will adversely affect
7 Ridge Avenue properties, existing site
8 lines facing east.

9 Similarly the success of FAR will
10 also not translate to noticeable conditions
11 and thereby enable the applicant to achieve
12 the required density to finance and
13 successfully operate the property over the
14 long-term and provide sufficient on-site
15 parking for the proposed project.

16 Based upon the foregoing, we once
17 again respectfully submit that the
18 variances sought as part of this
19 application will not create an undesirable
20 change in the character of the
21 neighborhood, rather enable the creation of
22 a brand new residential structure that will
23 provide needed housing opportunities and be
24 an improvement to that which already
25 exists.

1 Number two, whether the benefit
2 sought by the applicant can be achieved by
3 some other method feasible for the
4 applicant to pursue other than the area
5 variances. The benefit sought by the
6 applicant cannot be achieved by any
7 alternate more feasible methods other than
8 the area variances. After carefully
9 analyzing feasible alternatives,
10 discussions with design representatives
11 has --

12 (Noise interference.)

13 -- over bulk and dimensional
14 concerns and in order for the applicant to
15 maximize the use of the available property
16 for the intended purposes and considering
17 the grade changes from Ridge Avenue to the
18 rear of the property, the applicant could
19 not configure or otherwise relocate the
20 position -- relocate or position the
21 proposed structure.

22 Dictated largely by the proposed
23 structure, appreciable elevation changes
24 from the front to rear and property usage
25 on all sides as well as the applicable

1 building code requirements, topography,
2 site conditions, and character of the
3 neighborhood, the applicant has quoted a
4 number of design and layout possibilities
5 in an attempt to achieve a desired result
6 while at the same time minimizing any
7 adverse impacts with respect to these
8 considerations. In doing so, the applicant
9 was able to eliminate the need for any
10 height and parking variances which were of
11 particular concern to City representatives.

12 The site has been investigated and
13 most of the lot has ledge rock and creating
14 parking area under the building itself was
15 judged as impossible thereby eliminating it
16 as an alternative.

17 The area variances sought are
18 necessary given these conditions in order
19 to maximize the use of the property, it was
20 determined that the proposed residential
21 building footprint and associated setbacks,
22 parking deck, coverage and density-related
23 conditions were necessary in order to
24 address the elevation changes and rock
25 conditions affecting the property and

1 accommodate the minimum number of units
2 necessary to create the required
3 feasibility and also provide all required
4 on-site parking and accessibility.

5 Three, whether the requested area
6 variances are minimal. While certain of
7 the requested variances are certainly not
8 minimal, we respectfully submit that the
9 requested variances under the circumstances
10 of this application should nevertheless be
11 considered as acceptable and mitigated
12 under the circumstances of this application
13 created by the unique characteristics of
14 the property involving its substantial
15 elevation change inability to create or
16 locate parking in a different manner due to
17 existing rock conditions and elevations.
18 And the fact that the proposed development
19 will be an improvement upon existing
20 conditions of not only the property, but
21 the entire neighborhood.

22 Most of all, most, if not all, of
23 the requested variances due to their nature
24 and location and associated impacts as
25 already explained to the Board, we

1 respectfully submit will go largely
2 un-noticed due to their location to the
3 general public. And are consistent with
4 prevailing conditions in the immediate area
5 and will have no adverse impact to the
6 general public, adjacent properties, and
7 the neighboring community.

8 Four, whether the proposed variances
9 will have an adverse effect or impact on
10 environmental conditions of the
11 neighborhood. The requested variances due
12 to their nature will not have an adverse
13 effect or impact on the environmental
14 conditions of the neighborhood. A review
15 of the adjacent properties, the surrounding
16 structures and existing property conditions
17 reveals that there will be minimal impact
18 to the surrounding areas and the project
19 will not adversely affect natural and
20 environmental characteristics, such as
21 water use, pollution, energy use, drainage
22 run-off and flooding nor create any noise,
23 light, odor, or other nuisance conditions.

24 Whether the alleged difficulty was
25 self-created. While it is possible that

1 the applicant had actual or constructive
2 knowledge of the Zoning Law prior to the
3 proposed development of the property, as
4 the Board is aware, the self-created
5 hardship rule is merely a consideration and
6 does not necessarily bar the granting of
7 the variances.

8 We respectfully submit that under
9 the circumstance of this application and
10 given the nature and type of the area
11 variances requested, especially given the
12 condition of the existing property and its
13 associated characteristics, the benefits to
14 the applicant and the community, if the
15 area variances are granted, outweigh any
16 detriment to the community. And we
17 therefore request that the Zoning Board of
18 Appeals approve this application and issue
19 a negative declaration as to SEQRA.

20 Mr. Chairman, here with me this
21 evening is the project architect, Thomas
22 Haynes. And with the Board's permission,
23 and should the Board wish, he would be able
24 to share the screen. And he could actually
25 walk the Board through visually the design

1 elements and physical characteristics of
2 the proposed structure.

3 THE CHAIRMAN: Well, you keep on
4 going back to the characteristics of the
5 property and, you know, this property once
6 again is a plain, you know, whatever you
7 want to call it. You can put just about
8 everything there within the legal
9 ramifications. This case is going to be
10 continued. You know that, Mr. Accinelli.

11 MR. ACCINELLI: Understood,
12 Mr. Chairman. And we, we have reviewed
13 planning, excuse me, Deputy Commissioner
14 Ellman's comments to the Planning Board and
15 I will be speaking with my client further,
16 and the architect further, to some of his
17 comments as well, particularly those
18 related to impacts on the four-story
19 building to the south.

20 THE CHAIRMAN: All right. What
21 we're going to do. I know Mr. Haynes.
22 He's a nice fellow. We're going to get out
23 there with Mr. Haynes. And you and I and
24 maybe one or two other members of the Board
25 and I'll see if he can get Mr. Ellman out

1 there, Commissioner Ellman, out there and
2 go on from there. Maybe. And maybe
3 Mr. Barbuti, if I can get him out. And
4 then we'll see what's going on over there.
5 See what you're talking about.

6 The width of the driveway up on
7 Ridge Avenue into the project, how wide is
8 that?

9 MR. ACCINELLI: 25 feet,
10 Mr. Chairman.

11 THE CHAIRMAN: 25 feet. Okay. I'm
12 particularly interested in that. Why
13 aren't you having elevators?

14 MR. ACCINELLI: For economic
15 purposes, Mr. Chairman, my client has
16 decided not to provide elevator service in
17 the building.

18 THE CHAIRMAN: Well, we're going to
19 have to see about that. You're getting 32
20 apartments here. You're using up all of
21 the space just about. All right. What
22 we're going to do here, Mr. Accinelli --

23 MR. NATCHEV: Mr. Chairman.
24 Mr. Chairman. Mr. Natchev.

25 THE CHAIRMAN: Yes, Mr. Natchev.

1 MR. NATCHEV: Just want to clear up
 2 two things. With respect to the notice. I
 3 happen to have the Zoning Board notice from
 4 the Veneruso Law Firm. And it has attached
 5 the Building Application Review. Only
 6 refers to Block 2170, Lot 84.
 7 Interestingly the Zoning Orders refers to
 8 the premises as Block 2170, Lot 78, 82, 84.
 9 85. If I may ask Mr. Accinelli,
 10 Mr. Chairman, I'd like to know if those are
 11 the lots for the subject of the contract
 12 who his client is contract vendee is before
 13 this Board?

14 MR. ACCINELLI: Yes, mister -- yes,
 15 Mr. Natchev, those are -- the lot, the lot
 16 on Ridge is lot 9, which was a typo that
 17 needs to be added in for next month. But
 18 80 -- 78, 82, 84, and 85 --

19 (Noise interference.)

20 MR. NATCHEV: The address on Ridge?

21 MR. ACCINELLI: I don't know the
 22 street address, Mr. Natchev.

23 MR. NATCHEV: Is it Block 2170, Lot
 24 9?

25 MR. ACCINELLI: Yes. I think it's

1 150 Ridge is the mailing address.

2 MR. NATCHEV: Okay. But you can
3 check on that. So for purposes -- Chairman
4 has already indicated he's going to
5 continue the hearing. We'll review whether
6 you've properly notified everyone within a
7 200-foot radius of all of those lots. As
8 to the Board, to the Chairman, for you to
9 accept this with the Zoning Board Clerk
10 with respect to that. And we also ask that
11 you make sure the Clerk corrects the agenda
12 for next month's Zoning Board Meeting to
13 identify the correct parking lots and
14 street addresses. And also to the
15 Chairman, I believe the Board needs to make
16 a motion of its intent to seek Lead Agency
17 under SEQRA for the Environmental Review of
18 this action.

19 THE CHAIRMAN: Okay. We're going to
20 take the Lead Agency here. All right.
21 We're going to put this case over to next
22 month, Mr. Accinelli. You're going to send
23 out new notices to everybody in the area.
24 Certify them. You're going to put the
25 signs up and one sign has gotta go up on

1 Ridge Avenue where the driveway is going to
2 be. Okay? And then in the meantime, get
3 ahold of Shannon in about two weeks. I'll
4 come over there with one or two members of
5 the Board. And see if we can get
6 Mr. Natchev out and Commissioner Ellman and
7 what have you, and try to move this thing
8 along for you a little bit. Okay?

9 MR. ACCINELLI: Understood,
10 Mr. Chairman. Thank you.

11 THE CHAIRMAN: You're welcome.
12 Okay, sir, this case is hereby --

13 MR. NATCHEV: Mr. Chairman.

14 THE CHAIRMAN: Yes.

15 MR. NATCHEV: You should to make
16 that motion on SEQRA first. The Lead
17 Agency.

18 THE CHAIRMAN: Right. Okay.

19 MR. NATCHEV: Of the intention to
20 seek Lead Agency.

21 THE CHAIRMAN: Lead Agency. Does
22 somebody have that? Ms. Kimball, do you
23 have that? I can't hear you.

24 MS. KIMBALL: I don't, Chairman.

25 THE CHAIRMAN: Okay.

1 MS. KIMBALL: I don't have that. I'm
2 sorry.

3 MR. NATCHEV: I don't think anybody
4 has -- it's just a motion before the Board
5 to seek -- notice of its intent to seek
6 Lead Agency. The reporter can take this
7 down and you can just make the motion.

8 THE CHAIRMAN: All right.

9 MR. NATCHEV: The Review under SEQRA
10 and to direct the Building Director to
11 circulate the appropriate notice to all
12 involved agencies.

13 THE CHAIRMAN: I had it and I don't
14 have it. All right.

15 Commissioner Ellman, you read it and
16 I'll okay it.

17 MR. NATCHEV: I just told it to you.

18 Did the reporter get that?

19 Ms. Reporter?

20 (Court reporter indicated
21 affirmatively.)

22 MS. KIMBALL: Lynnette.

23 MR. NATCHEV: Lynnette. Excuse me,
24 Lynnette. Actually, Lynnette's last name.

25 MS. KIMBALL: Ms. Morato.

1 THE CHAIRMAN: You put down that I
2 made that motion. And it's seconded by
3 Ms. Kimball. And everybody in favor say
4 aye.

5 (A chorus of ayes.)

6 THE CHAIRMAN: So we're all set with
7 that. Is that okay, Mr. Natchev?

8 MR. NATCHEV: That's fine.

9 THE CHAIRMAN: Is that okay with
10 you, Mr. Accinelli?

11 MR. ACCINELLI: Yes, Mr. Chairman.
12 Thank you.

13 THE CHAIRMAN: Good. Okay. So this
14 case is hereby continued until next month.
15 You have to send all new notices,
16 Mr. Accinelli. And I want the signs up.
17 Okay. Everybody in favor say aye. Okay.
18 So that's postponed. Thank you very much.

19 MR. ACCINELLI: Thank you.

20 THE CHAIRMAN: You're welcome, sir.
21 And, Mr. Accinelli, when you make the
22 arrangements for to us come out, bring your
23 father.

24 MR. ACCINELLI: Oh, okay. He likes
25 those.

1 THE CHAIRMAN: I like him. Does not
2 mean you're going to get everything. I'm
3 just saying.

4 MR. ACCINELLI: Understood.
5 Understood.

6 THE CHAIRMAN: Yeah. Yeah. Better
7 believe understood. Sometimes I say things
8 and I think, wow, what did I say. Wow.
9 Your father is a gentleman, that's for
10 sure.

11 MR. ACCINELLI: Thank you.

12 THE CHAIRMAN: Perfect gentleman.
13 All right.

14 The next case, I'm going to take
15 this one on Glenwood Avenue, case 5750, an
16 area variance, Randolph Carter RA, that's
17 Registered Architect, on behalf of the
18 Church of Jesus Christ of the Latter-Day
19 Saints, owner, for construction of a
20 church, having:

21 - Insufficient side yard, Section
22 43-27, Table 43-3, and 43-35.C, required is
23 50 foot, proposed is 25 foot.

24 - Insufficient front yard Section
25 43-27, Table 43-3, and 43-35 feet --

1 (Noise interference.)

2 THE CHAIRMAN: Who's talking?

3 MR. LANDSMAN: Mr. Accinelli has to
4 mute himself.

5 MR. KUNTZ: I'll mute him.

6 MR. LANDSMAN: Okay.

7 MR. KUNTZ: There you go.

8 THE CHAIRMAN: All right. And then
9 we have parking within five feet of all
10 property lines not permitted, reference
11 Yonkers Zoning Ordinance 43-44.A.9.b,
12 proposed is 4 foot and 4 foot on the north
13 side. 4 foot 4 inches on the north side.

14 -- Parking within 10 feet of the
15 building on the same lot is not permitted,
16 Reference Yonkers Zoning Ordinance
17 43-44.A.9.b, proposed is 6 foot.

18 - Parking on the side front yard not
19 permitted, Reference 43-138.A(2), Spaces is
20 one, two, three, 28, 29, 30, 27, 26, and
21 25.

22 - Parking within 10 feet of the
23 right-of-way of the public street not
24 permitted, Reference 43-134.A.4, proposed
25 is 3.5 foot on the south, south driveway.

1 Fences and walls, including, retaining
2 walls must not exceed 4 foot height in a
3 required front yard setback or in any other
4 required yard setback abutting a street in
5 6 feet is height within any other required
6 yard setback reference Yonkers Zoning
7 ordinance 43-41.D.3.a, proposed height is
8 unknown.

9 - Exceeding maximum permitted height
10 of a steeple height. Reference 43-35.C.6,
11 required is 48 foot maximum proposed is
12 height unknown;

13 On premises known as 201 Glenwood
14 Avenue also known as 176 Park Avenue,
15 Block: 2161, Lot: 39 in an MG zone.

16 Mr. Carter, are you here?

17 MR. CARTER: I am here.

18 THE CHAIRMAN: Would you -- are you
19 an attorney, sir?

20 MR. CARTER: Say again.

21 THE CHAIRMAN: Are you an attorney?

22 MR. CARTER: No, I am not.

23 THE CHAIRMAN: One second, please,
24 Would you raise your right hand, please.

25 Do you solemnly swear to tell the truth,

1 the whole truth, nothing but the truth so
2 help you God?

3 MR. CARTER: I do.

4 THE CHAIRMAN: State your name and
5 your address, please.

6 MR. CARTER: My name is Randolph L.
7 Carter, 2454 East Southern Avenue, suite
8 110, Mesa Arizona 85204.

9 THE CHAIRMAN: And your position
10 with the church?

11 MR. CARTER: I am not.

12 THE CHAIRMAN: No, your position
13 with the church?

14 MR. CARTER: No, I don't have a
15 position with the church.

16 THE CHAIRMAN: Okay. So you're
17 representing them as their, as their --
18 leader, correct?

19 MR. CARTER: That's correct.

20 THE CHAIRMAN: Okay. Was everybody
21 within the 200-foot radius notified, sir?

22 MR. CARTER: Yes, they have.

23 THE CHAIRMAN: Did anything come
24 back that was undeliverable?

25 MR. CARTER: One.

1 THE CHAIRMAN: One. Okay. All
2 right. Proceed, sir.

3 MR. CARTER: All right. Well, first
4 of all --

5 THE CHAIRMAN: Let me do one thing
6 first.

7 MR. CARTER: Yes, sir.

8 THE CHAIRMAN: Is there anybody here
9 tonight on this case? This case is on the
10 corner of Glenwood Avenue and Palisade
11 Avenue. It's eastside of Palisade Avenue
12 and south of Lake Avenue. Okay. Proceed,
13 sir.

14 PUBLIC SPEAKER: Yes. Yes.

15 THE CHAIRMAN: Okay. We'll get to
16 you, we'll get to you in a minute. Thank
17 you. All right. Go ahead, Mr. Carter.

18 MR. CARTER: All right. So thank
19 you, Mr. Chairman and Board Members. Good
20 afternoon from Arizona where it's 115
21 degrees right now outside. The property
22 that we are looking at originally had a
23 condemned building on it. The congregation
24 for Yonkers met at 488 South Broadway.
25 They've outgrown the building and this

1 appears to be the best solution for their,
2 for their growing population. The Yonkers
3 Ward is a part of a larger congregation,
4 the Westchester --

5 THE CHAIRMAN: What happened to
6 Mr. Carter?

7 MR. CARTER: Yes, sir. Yes. Could
8 you please state again, Mr. Chairman.

9 THE CHAIRMAN: I didn't hear you.
10 No, you know, I'm sorry. I think George is
11 trying to get it straightened it out.

12 Mr. Kuntz, are you trying to get it
13 straightened out?

14 MR. KUNTZ: Yes, Mr. Chairman, it's
15 your WiFi. Let it catch up. You should be
16 okay now though.

17 THE CHAIRMAN: How come it's always
18 blamed on me and not Landsman or somebody?

19 MR. KUNTZ: We can always blame it
20 on Mr. Landsman.

21 MR. CARTER: You're the Chairman,
22 Mr. Chairman.

23 THE CHAIRMAN: All right.

24 MR. CARTER: I'm just mentioning
25 that the Yonkers ward building is part of a

1 larger stake Westchester New York stake.
2 Membership of around 5,000. The Yonkers
3 congregation consists of about 230
4 individuals. And I'm sure at this point
5 since I am somewhat unfamiliar with the
6 workings of this particular Board in New
7 York, I'd like to go through the required
8 facts for the variance criteria.

9 Number one, whether the benefit can
10 be achieved by other means feasible to the
11 applicant. When the property was acquired
12 a couple of years ago, it was not known at
13 that time that the MG Zoning required a
14 different setback for places of worship.
15 And so due to the corner lot, the setbacks
16 on three sides, four places of worship,
17 there is not really, really for any kind of
18 a building except for a single-family
19 residence to be constructed. After all the
20 enhanced setbacks are put in place, there's
21 about 50 feet wide that you can work on.
22 If the building were put in that place,
23 there would also be no room and parking
24 would be prohibited because it would be in
25 the side setback. So for this reason, we

1 do not believe it is feasible for to us to
2 change the requested site plan.

3 The second is the setback along
4 Glenwood in that whole scenario definitely
5 would not be able to handle any parking
6 since the majority of the site would be in
7 the 50-foot setback. This would require
8 most of the congregants or worshippers to
9 park on the street or use public
10 transportation.

11 The second thing, undesirable change
12 in neighborhood character or to nearby
13 properties. A definite, no, on that,
14 Mr. chairman. Granting the variances will
15 not change the character. In fact, it
16 should enhance the neighborhood. The
17 church of Jesus Christ of Latter-Day Saints
18 is known for quality buildings
19 well-maintained, nicely landscaped, and
20 otherwise fitting into a neighborhood in
21 the most in the best manner in harmony with
22 all the neighbors. The average setback
23 along Glenwood and Park Avenue if you look
24 at the corner, and then go one block either
25 direction, the average is about 28 feet for

1 the setback. Our building steps back about
2 four to five feet from the actual edge
3 front of the steeple. So if you don't
4 count the steeple, we are 29 feet from the
5 property line. Although we do need to
6 request the 25-foot variance.

7 Parking in the setback is required
8 to allow for the Zoning Code required
9 parking. If you do the math, we require 31
10 spaces. And on-site we can have 32 spaces.
11 As you look at the, Board Members and
12 Mr. Chairman, on the site plan for this
13 project.

14 On the third item whether the
15 request is substantial. We believe that
16 the request is not substantial in any way.
17 We are only requesting the setbacks that
18 would be for a normal standard MG Zoning
19 which is 25 feet.

20 Number four whether the request --
21 (Noise interference.)

22 MR. CARTER: Excuse me, go ahead.

23 THE CHAIRMAN: No, go ahead, sir.

24 MR. CARTER: Okay. Number four,
25 whether the request will have adverse

1 physical or environmental effects. Again,
2 a definite, no. The church is the size of
3 many of the buildings along Park Avenue and
4 Glenwood. In fact, it's quite a bit
5 smaller than some of the apartment
6 complexes. And it will nestle into the
7 neighborhood and again be in harmony with
8 the surrounding properties whether they're
9 residences or commercial buildings that are
10 used -- converted houses for their
11 properties.

12 There will be no real noticeable
13 change to the neighborhood. There are no
14 environmental issues. The church is, like
15 I said, very good-looking, well-maintained
16 church is one of the most important parts
17 of the properties for the Church of Jesus
18 Christ of Latter-Day Saints.

19 Number five on whether the alleged
20 difficulty is self-created. We do not
21 believe it is self-created only in the
22 enhanced place of worship setbacks that are
23 in the Zoning Code. If this were a normal
24 MG Zoning regular building there would be
25 no problems at all in building that. So

1 this pre-setbacks required for the place of
 2 worship have created an almost unbuildable
 3 lot in the MG Zoning.

4 With that, I'd like to open up for
 5 any questions from Mr. chairman or from the
 6 Board Members.

7 THE CHAIRMAN: All right. How many
 8 people, how many congregants do you have?
 9 You said 230 or something?

10 MR. CARTER: About 230, yes.

11 THE CHAIRMAN: And that's what
 12 you're going to keep in that, pretty much
 13 around there?

14 MR. CARTER: If there is an
 15 enlargement in the number of members,
 16 another congregation will be created. They
 17 do not meet at the same times. They will
 18 stagger their meetings. So that the
 19 parking lot is never overwhelmed.

20 THE CHAIRMAN: All right. What
 21 about, besides church services, which
 22 usually happen either on Saturday afternoon
 23 or Sunday morning, what other kinds of
 24 things you're going to have here?

25 MR. CARTER: Basically that's it.

1 We do not have soup kitchens, indigent
2 housing, anything along that line. It is
3 used primarily on Sunday. Most likely in
4 the morning. There might be small
5 meetings. They, likely, clergy might meet
6 in the afternoon. But not including all
7 the rest of the congregants. There might
8 be a time during the week where the young
9 men or young women will meet. And that's
10 usually done inside the building. There's
11 very little action that happens outside.

12 THE CHAIRMAN: What are you talking
13 about outside, like, a picnic day or
14 something?

15 MR. CARTER: From time to time they
16 might. It's certainly not a usual thing.
17 And it's, of course, if that were to happen
18 and they were to use the parking lot, they
19 would certainly invite all the neighbors to
20 attend also.

21 THE CHAIRMAN: All right. Are there
22 any questions of the Board?

23 MS. KIMBALL: Mr. Chairman.

24 THE CHAIRMAN: Ms. Kimball.

25 MS. KIMBALL: Could we get some

1 clarity as to the height of the steeple and
2 why it is proposed to be higher than the
3 recommended or allowed height, please?

4 MR. CARTER: Mr. Chairman.

5 THE CHAIRMAN: Yes.

6 MR. CARTER: All right. The steeple
7 is representation of looking up to God.
8 And it's a major point of -- how I put this
9 -- it's on every building worldwide. It's,
10 it's important to, I think, not only to
11 those that live around that pass by the
12 streets to look at it. To that end, we, in
13 order to make it more --

14 (Noise interference.)

15 MS. KIMBALL: All right. Less
16 about, like, the fact that you need a
17 steeple and more about the height. Is that
18 the height that you have at every other
19 location around the world or is that a
20 standard height or I need to understand
21 that?

22 MR. CARTER: It is a standard
23 height. They do have prototype buildings
24 that they build quite a bit. This is a
25 custom building. We've tried to maintain

1 the same parameters that they would have on
2 one of their standard buildings. Now, this
3 steeple is a little shorter than their
4 normal ones, because their buildings are
5 quite a bit larger. They're between 16-
6 and 30,000 square feet. So that would
7 occasion a much larger steeple. This one
8 we have made proportional with the building
9 elevations. But, yes, it mimics the
10 buildings that are identifiable throughout
11 the world.

12 THE CHAIRMAN: Any other questions
13 of the Board? Mr. Landsman, do you want to
14 ask a question? I can't hear you.
15 Mr. Landsman?

16 MR. LANDSMAN: Okay. I'm sorry.
17 Mr. Carter.

18 MR. CARTER: Yes, sir.

19 MR. LANDSMAN: In your principal
20 points, I think I read that they will not
21 be renting out their catering halls for any
22 parties or anything else, for neighbors or
23 anything. What, what type of parties do
24 you plan on having for the members? What
25 will these rooms be used for?

1 MR. CARTER: From time to time there
2 may be a social that occurs in it.
3 Usually, oh, maybe once every two or three
4 months, they might do something together
5 inside. On rear occasions, they might go
6 outside, like, to do a barbecue or
7 something like that. But that is extremely
8 rare and maybe happens once a year or so.

9 MR. LANDSMAN: I mean would they be
10 having catering weddings in the place, to
11 get married there?

12 MR. CARTER: Well, they do, do that.
13 It's not meant for catering. It has a
14 serving area in it, but there's no cooking
15 appliances in the building only warming.

16 MR. LANDSMAN: You're saying that
17 somebody wants to get married there, they
18 want to cater a 150-people affair, it'll
19 bring a lot of people with parking
20 problems.

21 MR. CARTER: They would not be able
22 to fit into the building. This building is
23 designed for, there may be 230 members, but
24 actual active members that go a lot is less
25 than that. And if they wanted to do a

1 large wedding or some, a big funeral say,
2 they would use the Westchester Stake Center
3 to do that which is not too far away. This
4 is not intended for that kind of use.

5 MR. LANDSMAN: Okay. Thank you very
6 much.

7 THE CHAIRMAN: Any other questions
8 of this gentleman, on the Board? Okay. Is
9 there anybody here tonight to speak in
10 favor of this application? Mr. Landsman.

11 MR. LANDSMAN: Yeah, we have to seek
12 Lead Agency on this, Mr. Chairman?

13 THE CHAIRMAN: I don't know yet,
14 Mr. Landsman. That's not ready for that
15 yet.

16 MR. LANDSMAN: Yeah, okay. All
17 right.

18 Is there anybody here that wants to
19 speak in favor of this application? You
20 can unmute yourself. Okay. We have one so
21 far, a Ms. Brimlow.

22 THE CHAIRMAN: Are you an attorney,
23 madam?

24 TINA BRIMLOW: I'm sorry? No, no,
25 sir.

1 THE CHAIRMAN: You're not an
2 attorney. Raise your right hand, please.
3 Do you solemnly swear to tell the truth,
4 the whole truth, nothing but the truth so
5 help you God?

6 TINA BRIMLOW: Yes, sir.

7 THE CHAIRMAN: What did you say?

8 TINA BRIMLOW: Yes, sir.

9 THE CHAIRMAN: Yes, sir. Would you
10 state your name and address, please.

11 TINA BRIMLOW: My name Tina Brimlow.
12 I live at 39 Lennon Avenue, Yonkers, New
13 York 10701.

14 THE CHAIRMAN: Proceed, please.

15 TINA BRIMLOW: I had been a member
16 of the church for about three years. And
17 it is the best decision I ever made. The
18 church is one big family. We are
19 respectful to our neighbors. We have
20 church only on Sundays for two hours. We
21 might have meetings during the week, but
22 that lasts no more than an hour. We are
23 kind to our neighbors and we, we believe
24 we're going to be a good benefit to the
25 neighborhood.

1 THE CHAIRMAN: Thank you, madam.

2 Is there anybody else to speak in
3 favor? Anybody to speak in favor?

4 JAVIER OSORIO: Yes, sir, I'd like
5 to speak.

6 THE CHAIRMAN: Yes. Okay. Are you
7 an attorney, sir?

8 JAVIER OSORIO: No, sir.

9 THE CHAIRMAN: Raise your right
10 hand, please.

11 JAVIER OSORIO: Yeah.

12 THE CHAIRMAN: Do you solemnly swear
13 to tell the truth, the whole truth, nothing
14 but the truth so help you God?

15 JAVIER OSORIO: Yeah, Mr. Chairman.

16 THE CHAIRMAN: All right. Your name
17 and address, please.

18 JAVIER OSORIO: Yeah, my name is
19 Javier Osorio. And I live in 125 Vernon
20 Avenue in Yonkers, New York.

21 THE CHAIRMAN: Proceed, sir.

22 JAVIER OSORIO: I'm the Bishop of
23 this organization over here in Yonkers.
24 And I, I guarantee, you know, because we
25 are good neighbors. And also, the chapel,

1 the building, we don't rent to no --

2 (Noise interference.)

3 JAVIER OSORIO: And also, we don't
4 have, when, when people get married, we
5 never celebrate like regular people does.
6 So we are very, very quiet in that aspect.
7 And, and I guarantee we're going to be a
8 very good neighbors and we're going to help
9 the most we can to, to do things the right
10 way.

11 THE CHAIRMAN: All right. Any
12 questions of this gentleman? Okay. Is
13 there anybody else here to speak in favor
14 of this application? Okay. Is there --

15 REGIS SALOMON: Yes, Mr. Chairman.

16 MS. KIMBALL: I think Ms. Salomon
17 has her hand raised, Mr. Chairman.

18 THE CHAIRMAN: Yes. Are you an
19 attorney, ma'am?

20 REGIS SALOMON: No.

21 THE CHAIRMAN: Raise your right
22 hand, please. Do you solemnly swear to
23 tell the truth, the whole truth, nothing
24 but the truth, so help you God?

25 REGIS SALOMON: I do. Thank you for

1 the --

2 THE CHAIRMAN: You better to tell
3 the truth.

4 REGIS SALOMON: Thank you for the
5 opportunity --

6 THE CHAIRMAN: Okay.

7 REGIS SALOMON: -- Mr. Chairman and
8 Board Members. My name is Regis Salomon.
9 And I live at 76 Oak Street, Yonkers, New
10 York. I've been living in Yonkers area for
11 more than 26 years. I love the diversity
12 in the community people with different
13 background and different ethnicities.
14 Because of the wonderful people in this
15 community, I believe that having the chapel
16 of the Church of Jesus Christ of the Latter
17 Saints in Yonkers will be a great addition.
18 To bring everyone together, to beautify
19 Yonkers, and because of that we have in the
20 chapel means, it means having everybody
21 from different diversity come together for
22 a greater good of our community. You do
23 not need to be a member of the church to
24 participate in, in -- or even to volunteer
25 in project servicing the Yonkers community.

1 That's what we do. We serve the community
2 at large and to permit the construction of
3 the chapel will not only beautify but will
4 benefit the area of the location that is
5 Glenwood and Park Avenue. Yonkers is a
6 progressive town and I believe that we
7 would like to be part of the Yonkers
8 future. Thank you.

9 THE CHAIRMAN: Thank you. Is there
10 anybody else to speak in favor of this
11 application? Okay. Is there anybody here
12 to speak against this application?

13 YESENIA TOVAR: Yes.

14 PUBLIC SPEAKER: Yes, Mr. Chairman.

15 THE CHAIRMAN: Okay. Let's have
16 that lady, what was the lady? Where's the
17 lady?

18 YESENIA TOVAR: Yesenia Tovar?

19 THE CHAIRMAN: Yeah, where are you,
20 ma'am.

21 MR. KUNTZ: Can you raise your hand.

22 YESENIA TOVAR: I'm right here.

23 THE CHAIRMAN: Raise your hand,
24 please. Are you an attorney, madam?

25 YESENIA TOVAR: No, Chair.

1 THE CHAIRMAN: Raise your right
2 hand. Do you solemnly swear to tell the
3 truth, the whole truth, nothing but the
4 truth so help you God.

5 YESENIA TOVAR: I do.

6 THE CHAIRMAN: State your name and
7 your address, please.

8 YESENIA TOVAR: My name is Yesenia
9 Tovar and I reside 65 Waring Place,
10 Yonkers, New York 10703.

11 THE CHAIRMAN: Okay. Proceed,
12 please.

13 YESENIA TOVAR: Good afternoon,
14 Chair and Board Members of the Zoning
15 Board. My name is Yesenia Tovar and I am a
16 resident of 65 Waring Place for more than
17 17 years. We own the house that is two
18 blocks down on Glenwood. And I'm in
19 opposition as well as my whole family who
20 has been living here for 17 years. And the
21 reason is because the house adjacent to
22 where the proposed church wants, is going
23 to be built, there is a funeral home. And
24 in that funeral home, although they have a
25 large lot, parking is a disaster. We as

1 residents are not able to find parking. We
2 have to circle even on Sundays, because
3 they have Mass, they have funerals and we
4 have to sometimes double park. We have to
5 find parking down the street. Right now
6 Glenwood is a major highway, I mean not
7 highway, but road for police cars and
8 firefighters. Because there's so much
9 traffic, we're usually getting our cars
10 hit. So there's so much traffic going on.
11 Lake Avenue is literally down the block.
12 And that traffic is coming down to our
13 residence. And then we also have School 9
14 that's on Waring Place. So, although they
15 -- 230 people coming to church on a Sunday,
16 and occasionally during the week, that is a
17 cause for concern within our community.
18 Because we already have trouble, we are
19 already have spaces within in our house, we
20 have parking spots, but we also have other
21 people that need to park. And we can never
22 find parking. Parking is, is crazy. Not
23 only that, but we have one thing that I
24 wanted to add, I did hear, I believe
25 Mr. Carter say that the steeple had to be

1 done with the church, but on the South
2 Broadway church there's no steeple. So why
3 is that, why does there have to be --

4 (Audio interference.)

5 YESENIA TOVAR: -- on this property?
6 Like I said traffic is going to be, it's
7 going to be crazy. If there's 32 parking
8 spots that are going to be provided, there
9 would have to be seven people to car pool
10 in one car in order for those 230 people to
11 park in those 32 spots. So, I, I really,
12 like, I know so many people -- and another
13 thing I wanted to add. I believe that the
14 notices have to be resent. Because the
15 link that was provided within the notice
16 was missing a letter and if it weren't for
17 one of my neighbors who told me that I had
18 to put an "S" at the end of the link, then
19 I would have never been able to sign in.
20 So I believe that the notices have to be
21 sent, resent.

22 And also the sign for our, to notify
23 the neighborhood that a hearing was going
24 to be, it was pretty much almost down. So,
25 how are the residents even supposed to know

1 when the sign is practically almost on the
2 floor. So that's it. Thank you.

3 THE CHAIRMAN: You're welcome.

4 Is there anybody else here to speak
5 in opposition?

6 A. Yes.

7 THE CHAIRMAN: Yes. Raise your
8 hand, please, for a minute. I'll see where
9 you are. Is there somebody that wants to
10 speak? Okay, sir. Are you an attorney,
11 sir?

12 WAYNE ESANNASON: Yes, I am.

13 THE CHAIRMAN: You're an attorney.

14 WAYNE ESANNASON: Yes, I am.

15 THE CHAIRMAN: State your name and
16 address, please.

17 WAYNE ESANNASON: Sure. My name is
18 Wayne Esannason. My address is 700 White
19 Plains Road, Scarsdale, New York. And I
20 represent Mr. Kwaku Adeigbola, who resides
21 at 205 Glenwood Avenue, Yonkers, New York.

22 THE CHAIRMAN: We have your letter.

23 WAYNE ESANNASON: Okay. Very good,
24 Mr. Chairman. I would just point out,
25 Mr. Chairman, that my client's property is

1 the most adversely affected property as a
2 result of this particular proposed
3 development. Immediately adjacent to his
4 property they are constructing a parking
5 lot that consists of 32 parking spaces. In
6 addition to that, the proposed plan
7 provides for a refuge container to be
8 placed directly adjacent to his kitchen
9 window. So while he's cooking in his
10 kitchen, he must smell the refuge from this
11 particular facility.

12 In addition to that this plan fails
13 to take into consideration any impact that
14 this development has on abutting neighbors.
15 While they profess to be good neighbors or
16 want to be good neighbors, the proposed
17 plan does not provide for any screening or
18 any sort of mitigation for the neighbors
19 who abut this particular property or who
20 are within the general vicinity of the
21 development.

22 If I were to go forward -- and let
23 me just point out, that this is the first
24 time, I've reviewed this application,
25 Judge, in its entirety, I mean

1 Mr. Chairman, in its entirety. And in
2 reviewing this particular application,
3 there was nothing mentioned in the
4 application about the size of the
5 congregation and the need and necessity for
6 the requested variances. It's impossible
7 to determine whether or not a variance is
8 necessary if you don't know the statistics
9 or the numbers. There was nothing about
10 the size of the congregation, there was
11 nothing about the projected -- there was no
12 data with respect to projected growth. So
13 how is that we're supposed to assume that
14 this is a permissible plan when there's no
15 information about the size of the
16 congregation or the projected growth of
17 this particular facility.

18 Having said that, I would move on
19 to the five factors as to whether or not
20 they qualify or meet the requirements or
21 meet their burden, so to speak, for a
22 variance. In looking at whether or not the
23 benefit sought can be achieved by other
24 means feasible to the applicant. It,
25 again, in reviewing the application, it was

1 completely devoid of any information about
2 the size of the congregation and therefore
3 if you don't know the size of the
4 congregation, you can't ascertain what the
5 needs are or the necessity for a variance
6 can be.

7 In addition to that, they're
8 proposing to build a 6,800 square foot
9 facility. If the congregation exists of
10 five particular residents or five people,
11 well, why is a 6,800 square foot facility
12 necessary? Why is a 32-parking space
13 parking lot necessary? So the application
14 in itself is devoid of essential
15 information which enables us to determine
16 whether or not there's additional or
17 alternative means that are feasible to the
18 applicant.

19 Whether the granting of the
20 variance will create an undesirable change
21 in the neighborhood. I found it very
22 interesting that the applicant in its
23 application sought to take an average of
24 houses allegedly in that immediate area and
25 create an average to mitigate the fact that

1 the requested variances in most instances
2 are 50 percent. That in and of itself
3 without specific photographs or without
4 specific addresses as to where this
5 information came from, it's difficult for a
6 citizen or any other person to ascertain
7 whether or not there are more properties --
8 other properties that are more contiguous
9 to the subject property that would skew
10 the average number differently.

11 With respect to the steeple. It's
12 my understanding that the regulations
13 provide for a 48-foot steeple. This is
14 application has proposed a steeple of 65.7
15 feet, but that's just the height of the
16 ball. If you review the plan, the steeple
17 actually goes up higher. And that
18 information is devoid as to what that
19 additional footage or inches above and
20 beyond the ball is being requested by the
21 applicant.

22 Whether the requested variances
23 are substantial. Clearly a 50-foot -- a 50
24 percent variance is substantial in and of
25 itself on its face. And when you look at

1 the height of the steeple, I believe that
2 the percentage increased over what is
3 required is approximately 35 percent which
4 is also substantial.

5 In addition, he's proposing to
6 park parking vehicles within ten feet of
7 the building on the same lot which is not
8 only an aesthetic issue, but is also
9 potentially a safety issue.

10 With respect to the variance, will
11 have a physical effect on the, on the
12 environment. The applicant has not
13 completed a New York State SEQRA form. He
14 has not made any SEQRA determination. And
15 if even if it were a Type 2 Action that
16 declared that no further Environmental
17 Review was required, at least we would have
18 some indication as to what the
19 environmental impacts are or are not with
20 respect to this particular application. The
21 fact that he failed to provide any sort of
22 environmental information in and of itself,
23 in my opinion, renders this application
24 incomplete.

25 And whether the alleged difficulty

1 is self-created. Clearly absent the
2 information necessary and, again, if you
3 review the entire application on file,
4 there's nothing in there about the size of
5 the congregation or any data with respect
6 to its projected growth. Absent that
7 information, you have to assume that the
8 alleged difficulty is self-created.
9 Because there's no data or information to
10 suggest otherwise.

11 Now, I understand that this Board
12 does have the discretion that if were to go
13 forward and approve this particular
14 application, that this Board does have the
15 discretion to impose reasonable conditions.
16 And on behalf of my client I would just
17 respectfully request that this Board take
18 into consideration the impact that it has
19 on the surrounding neighbors particularly
20 my client who is located at 205, 205
21 Glenwood Avenue.

22 Evergreen screening is certainly a
23 viable option. If they were to plant
24 evergreen screens so that the parking is
25 not so much visible from his windows, that

1 would be a great benefit to him.

2 Relocation of the refuge
3 containers to an area that does not impact
4 an abutting neighbor or abutting home would
5 also beneficial to him.

6 And I believe, Judge, to that end
7 that my client's request be considered by
8 this Board and that I'm available to answer
9 any questions or concerns that this Board
10 may have.

11 THE CHAIRMAN: Well, there's going
12 to be 230 people there. He mentioned that
13 tonight. I agree. I see his stuff here.
14 But whether we can keep it at 230 or not,
15 we can keep it pretty much. We could put
16 something to say you can't have more than
17 230 people. It's very tough to police
18 that.

19 The Planning Commissioner has got
20 some ideas here. Yeah, he's very concerned
21 about why does the steeple have to be 20
22 feet higher than the 48 foot that's
23 permitted. 48 foot is much taller than the
24 ridge line of the church. Now, you're
25 going to add another 20 feet. Mr. Carter.

1 MR. KUNTZ: Mr. Carter, you're
2 muted.

3 MR. CARTER: Oh, I'm sorry. It's
4 only -- we can look at several different
5 ways of doing that steeple. As I mentioned
6 to Ms. Kimball that we tried to match in
7 with the icon, shall you say, of the LDS
8 Church and the steeples that they have. We
9 can look at perhaps doing another type of
10 steeple to bring it down. It won't look as
11 aesthetically pleasing, but maybe that's
12 not an important reason.

13 There are other things that were
14 also brought up. And, yes,
15 hedges, evergreen hedges can certainly be
16 put in. Refuse can be certainly changed.
17 Those are easy fixes.

18 THE CHAIRMAN: Well, we're going to
19 do that. And if we give this, these
20 variances, we're going to that anyway. I
21 know you're from Arizona, but believe me
22 when I tell you, we're very, very cautious
23 about it. I don't know if you checked on
24 this Board or not.

25 MR. CARTER: Oh, I have. Very much

1 so.

2 THE CHAIRMAN: Good. Okay. Good.
3 Then you know me and the Board. So, and
4 some of this stuff we just might give to
5 the Planning Board. So, we'll see what
6 happens.

7 The gentleman was just up, the
8 attorney for the neighbor. The neighbor's
9 got a very good point there by the way. So
10 we're going to check that out.

11 As far as the parking is concerned
12 and the funeral parlor. Yeah, I go to
13 funerals up there. And you're right.
14 There is, it is tough parking once in
15 awhile. I've never had to park down on
16 Waring, but I park down on Glenwood and I
17 have parked on Palisade. It's not easy.
18 Funeral parlors, it's a tough situation. I
19 had nothing to do with that funeral parlor
20 -- oh, yeah I put a bathroom in there. I
21 think we put a bathroom in there, so.

22 MR. CARTER: Mr. Chairman?

23 THE CHAIRMAN: Yes.

24 MR. CARTER: I have an answer to one
25 of the questions about the number of people

1 that go. The general percentage of actual
2 active members that attend is about 45
3 percent of that 230 individuals. So,
4 you're talking about 115 or less. And the
5 chapel is sized for about that same amount
6 of people. You can't fit 226 or 230 people
7 in that, in the chapel area. It's
8 impossible.

9 THE CHAIRMAN: In 6,800 square feet?

10 MR. CARTER: Well, there's
11 classrooms, restrooms. There's a serving
12 area. There's storage for tables and
13 chairs, and, you know, all of that kind of
14 stuff. There's a bishop's office with a
15 clerk. So, the actual sanctuary, if you
16 want to call it that, is only about 1,800
17 square feet. All the rest of it ancillary
18 stuff that is supportive for the members.

19 THE CHAIRMAN: Okay. Did you have a
20 question, sir? No, no, not you. There's
21 another -- the attorney, do you have a
22 question? Yes, sir.

23 WAYNE ESANNASON: Yes. Could he
24 repeat exactly how many members actually
25 attend of the 230?

1 MR. CARTER: About, about 45
2 percent. So that would be, say about 230
3 times 45. That's about 104'ish to 110, I
4 would think, consistently. Sunday after
5 Sunday.

6 WAYNE ESANNASON: Based upon that
7 you determined that a \$6,800 square foot
8 facility is actually necessary?

9 THE CHAIRMAN: Well, he's not doing
10 that. He's got about 1,800 footers for the
11 where you go to church. The rest of it is
12 the bishop's office and something with
13 chairs and something else. You know,
14 whatever it is.

15 MR. CARTER: We've got classrooms
16 and restrooms and stuff.

17 THE CHAIRMAN: Hold on. Hold on.

18 MR. CARTER: I'm sorry.

19 THE CHAIRMAN: Restrooms and stuff.
20 That's what it is. Maybe you want to have
21 a private meeting or something, they get a
22 room. You know. It's like, it's, like,
23 most like any other corporation. You know
24 you have one room here to meet in at. It's
25 very difficult to, to keep the amount of

1 people out of a church. Very difficult.

2 All right. Where is the gentleman?

3 Where's the Bishop? Where's the Bishop?

4 Did you want to speak, sir? Okay. All

5 right. Is there anybody there here to

6 speak? Go ahead?

7 JAVIER OSORIO: I'd let know, I'm

8 the Bishop in that congregation and I'm

9 every Sunday there. And I wish, I wish to

10 have at least 80 people in chapel. But

11 that is not the case. Every Sunday, we

12 have 65. The most 70. And I wish we could

13 get 100 people, but that's not the case.

14 Unfortunately. Thank you. Mr. Chairman.

15 THE CHAIRMAN: Thank you. Okay. Is

16 there anybody else here to speak in

17 opposition? Yes, sir. State your -- are

18 you an attorney, sir?

19 KWAKU ADEIGBOLA: No, I'm not.

20 THE CHAIRMAN: Raise your right

21 hand, please. Do you solemnly swear to

22 tell the truth, the whole truth, nothing

23 but the truth so help you God?

24 KWAKU ADEIGBOLA: Yes, I do.

25 THE CHAIRMAN: State your name and

1 address, please.

2 KWAKU ADEIGBOLA: My name is Kwaku
3 Adeigbola. I am the owner of --

4 THE CHAIRMAN: What's your address?

5 KWAKU ADEIGBOLA: 205 Glenwood
6 Avenue.

7 THE CHAIRMAN: Okay.

8 KWAKU ADEIGBOLA: Esannason is my
9 attorney. One additional thing to add is
10 the, I know the parking is a nightmare, but
11 we've literally had to call people, call in
12 non-emergency number to get cars pulled out
13 of driveway because parking is just so bad
14 on this block. It's a -- one of the only
15 thoroughfares going from the north to the
16 south side of Yonkers, like straight across
17 or east to west, sorry. East to west. And
18 getting through the street is just a
19 nightmare. A lot of times. The parking, I
20 don't know if we can deal with another 110
21 people coming on a weekly basis.

22 THE CHAIRMAN: I agree with you by
23 the way. It's a tough street.

24 KWAKU ADEIGBOLA: It is.

25 THE CHAIRMAN: Yeah, tough street.

1 You gotta move over. You gotta, you know.

2 KWAKU ADEIGBOLA: Yeah, you gotta
3 move over. I mean, fortunately we have a
4 driveway to park in. But when relatives
5 that come over, their cars have been
6 scratched, their cars have been dented.
7 It's a very tight block and you want to add
8 another 100 cars coming weekly, you know,
9 100 people coming weekly, you know, they're
10 not all going to fit in that lot. It's
11 just not going to happen.

12 THE CHAIRMAN: But you do have a bus
13 service up there.

14 KWAKU ADEIGBOLA: You do have -- we
15 have a bus service. Which is very nice.
16 And a lot of people you can see walking
17 down Glenwood from the bus stop. But that
18 still it still is one of the only through
19 streets and the traffic is just monumental
20 when you include on top of that emergency
21 vehicles because it's one of the main
22 routes for the fire and EMS.

23 THE CHAIRMAN: Yeah.

24 KWAKU ADEIGBOLA: It becomes very
25 problematic.

1 THE CHAIRMAN: Okay. Mr. Carter, do
2 you have anything else to say to me?

3 MR. CARTER: One last thing. I just
4 got attendance numbers which we talked
5 about. Those were pre-pandemic. So, right
6 now what the Bishop was saying during the
7 pandemic issues. And approximately 70
8 percent of those attending do use public
9 transportation. We do have 32 spaces on
10 there to meet the City of Yonkers parking
11 requirements and that's why they're there.

12 THE CHAIRMAN: Okay. Thank you.
13 Okay. This case is -- one comment, that's
14 all. Go ahead.

15 WAYNE ESANNASON: If this Board be
16 so inclined to impose reasonable
17 conditions, we would ask that you impose
18 the condition that they provide evergreen
19 screening in the form of arborvitae. Not
20 privet hedges where the leaves fall off in
21 the fall and the winter and it becomes
22 transparent. But they provide evergreen
23 screening. Not that they just install it
24 but that they also maintain it throughout
25 the existence of the granting of the

1 variances.

2 THE CHAIRMAN: Well, that's up to
3 the guy on top of you, Commissioner Ellman.
4 He's up there. I'll look at that. We'll
5 probably do that. I said, probably, now I
6 didn't say we're going to. But, you know,
7 careful what I say.

8 WAYNE ESANNASON: Thank you very
9 much, Mr. Chairman.

10 THE CHAIRMAN: Okay. This case --
11 thank you. Okay. This case is hereby
12 closed --

13 MR. LANDSMAN: Mr. Chairman, we need
14 to seek Lead Agency.

15 THE CHAIRMAN: Why don't you talk to
16 the Mayor and maybe he'll make you
17 Chairman? All right. We're going to take
18 Lead Agency.

19 MR. LANDSMAN: I have it. I can --
20 you want me to read it?

21 (Poor WiFi quality.)

22 MR. KUNTZ: The Chairman's Wi-Fi is
23 acting up.

24 THE CHAIRMAN: Alain?

25 MR. LANDSMAN: Would you like me to

1 read it? I have it.

2 THE CHAIRMAN: We're going to be the
3 Lead Agency. Okay? Jeff is making a
4 motion.

5 MR. LANDSMAN: I make a motion, I
6 make a motion to seek Lead Agency under
7 SEQRA and direct the Planning Director to
8 circulate the notice to all involved
9 agencies. Thank you.

10 THE CHAIRMAN: Ms. Kimball, are you
11 going to second that?

12 MS. KIMBALL: Second. Absolutely.

13 THE CHAIRMAN: Everybody in favor
14 say aye.

15 (A chorus of ayes.)

16 THE CHAIRMAN: Anybody opposed?
17 Okay. That's carried five, one absent --
18 two absent right now. I don't see
19 Mr. Lopez. Okay. Thank you. This case is
20 hereby closed. We reserve the right to
21 reopen for any reason whatsoever, anytime
22 whatsoever, and that includes after the
23 decision is made. Thank you.

24 All right. Mr. Null, we're going to
25 take your case now, sir.

1 MR. NULL: Mr. Chairman, can you
2 hear me?

3 THE CHAIRMAN: Yes, I can. Just let
4 me, let me do something first.

5 This case is an area variance.
6 Mr. Null on behalf of Parkview Equities,
7 owner, on 15 Parkview Avenue, Block: 5652,
8 Lot: 43 in an A Zone. Okay. Just one
9 second now. Okay. Mr. Null.

10 MR. NULL: Good evening,
11 Mr. Chairman, Members of the Board. Now
12 for the record my name is Mr. William Null.
13 I'm a member of the firm Cuddy and Feder.
14 And I'm here tonight on behalf of Parkview
15 Equities, LLC, which is the owner of the
16 property at 15 Parkview. With me tonight
17 --

18 THE CHAIRMAN: Now, has everybody
19 within the 200-foot radius been notified,
20 sir?

21 MR. NULL: Yes, sir. They've been
22 previously notified. As you may recall,
23 the hearing on this is closed last session.
24 But we did submit all necessary
25 documentation on that and we look forward

1 to be able to address several of the
2 questions that had come up at the last
3 session.

4 THE CHAIRMAN: What session? With
5 me?

6 MR. NULL: The last meeting,
7 Mr. Chairman.

8 THE CHAIRMAN: The last hearing.

9 MR. NULL: The last hearing.

10 THE CHAIRMAN: Yeah, well, what
11 changes are you going to make here now?
12 You got all this --

13 MR. NULL: We're not -- we're not,
14 Mr. Chairman, we're not making changes.
15 There were two outstanding questions. I'm
16 here tonight, by the way, with James
17 Butterfield, Stuart Lachs, and Mikayla
18 Beckwith from Perkins Eastman Architects.
19 As well as Gary Hirsh who's working with us
20 on this project.

21 There were two key questions that
22 were asked at the last hearing. And one
23 was what the sound impacts might be of the
24 HV -- of the ventilation equipment for the
25 garage. We submitted a response to that

1 question, a June third letter from
2 Chechin(ph) Engineering, which confirmed
3 that the acoustical levels would comply
4 with the Yonkers Noise Regulations.

5 We also were asked whether the HVAC
6 units on the roof of the building would be
7 visible from the street. And confirm that
8 they would not be and submitted plans to
9 the Board indicating the site lines.

10 We did indicate that they would not
11 -- that those units would not be visible
12 generally around any, from any other
13 adjacent buildings, but there were some
14 partial view from one upper level
15 apartment.

16 If you want we can go through those
17 documents, Mr. Chairman, at your
18 discretion.

19 THE CHAIRMAN: No. I've read your
20 stuff and I've seen the building several
21 times. I live over there someplace. So,
22 we'll continue the hearing right now and
23 see what we can do here. All right. So
24 answered those two questions. Okay. Is
25 there any other questions that you had to

1 answer?

2 MR. NULL: Not to my recollection,
3 Mr. Chairman.

4 THE CHAIRMAN: Okay. Are there any
5 questions of the Board? Okay. Is there
6 any questions -- is there anybody here in
7 favor of this application? This is over on
8 Parkview Avenue, Palmer Road right there.

9 MR. LANDSMAN: Anybody here to
10 speak, anybody here to speak in favor of
11 this application? Anybody at all?

12 THE CHAIRMAN: Tell them what
13 application is it is, Mr. Landsman.

14 MR. LANDSMAN: It's the corner of
15 Parkview. And I forgot. Palmer Road?

16 THE CHAIRMAN: Palmer Road, yeah.

17 MR. NULL: Garrett Place,
18 Mr. Landsman.

19 MR. LANDSMAN: Garrett Place, yes.
20 Anybody here to speak for this project?

21 THE CHAIRMAN: You find out if --

22 MR. LANDSMAN: Anybody on the
23 telephone, you can press star six.
24 Anybody?

25 Okay. Nobody in favor right now.

1 THE CHAIRMAN: All right. Ask if
2 anybody is opposed.

3 MR. LANDSMAN: All right. Anybody
4 against this project that would like to
5 speak? Anybody at all that wants to speak
6 against it?

7 THE CHAIRMAN: Ask Mr. Guma if he
8 wants to speak.

9 MR. LANDSMAN: He's right here.
10 He's not raising his hand or anything. Oh,
11 now he did. He raised it. Okay.
12 Mr. Guma, unmute yourself.

13 MR. GUMA: Yes, Mr. Chairman. Thank
14 you. We have no specific objections --

15 THE CHAIRMAN: Mr. Guma, hold on a
16 second, please. Raise your right hand,
17 please. Do you solemnly swear to tell the
18 truth, the whole truth, nothing so help you
19 God?

20 MR. GUMA: I do.

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

23 ALAN GUMA: My name is Alan Guma. I
24 live at 278 Bronxville road, Yonkers, New
25 York.

1 THE CHAIRMAN: Good. Proceed.
2 Proceed, please.

3 ALAN GUMA: We have -- I have no
4 specific objections now. Everything --
5 everything that we have been concerned with
6 about the building, we have stated to you
7 and to the Members of the Board, which I'm
8 sure you all have read carefully.

9 We do thank Mr. Null and his
10 architects for responding to many of those
11 concerns. The building that they now
12 propose is a much better building from the
13 standpoint point of the neighborhood than
14 the one that was originally proposed about
15 a year ago.

16 THE CHAIRMAN: Thank you, Mr. Guma.
17 Is there anybody else here to speak
18 in opposition or want to talk?

19 MR. LANDSMAN: Anybody else want to
20 speak? You can unmute yourself. If you're
21 on the phone, star six. Okay. That's it.

22 THE CHAIRMAN: That's it, right?

23 MR. LANDSMAN: Yes, nobody.

24 THE CHAIRMAN: Alain, do we have to
25 -- Mr. Natchev, do we have to make for the

1 environmental?

2 MR. NATCHEV: No, no --

3 THE CHAIRMAN: We did that. Yeah.

4 MR. NATCHEV: The Planning Board is
5 the Lead Agency for Environmental Review of
6 the application.

7 THE CHAIRMAN: Right. Okay. All
8 right. This case is hereby closed.
9 Reserve the right to reopen it for any
10 reason whatsoever, at any time whatsoever
11 and that includes after the decision is
12 made. Thank you.

13 MR. NULL: Thank you, Mr. Chairman
14 and Members of the Board. Have a good
15 evening.

16 THE CHAIRMAN: Thank you, Mr. Null.

17 I'm sorry. The next case will be
18 Mr. Steinmetz. It's going to be -- all
19 right. This is going to be a variance,
20 5743, David Steinmetz on behalf of Miroza
21 Tower, LLC, that's Limited Liability
22 Corporation, owner, on premises known as 40
23 also known as 44 Hudson Street, Block: 502
24 and Lot: 1.10 in a DWD Zone --

25 (Audio interruption.)

1 THE CHAIRMAN: All right.

2 Mr. Steinmetz. Proceed.

3 MR. STEINMETZ: Good evening. Thank
4 you, Mr. Chairman. Good evening,
5 Mr. Chairman, Members of the Board. David
6 Steinmetz from the Law Firm Zarin and
7 Steinmetz here this evening representing
8 Miroza Tower. I'm joined, Mr. Chairman,
9 just for the record by Mr. Jack Klein and
10 Mr. Chesky Friedman for my client as well
11 as our project consultant, Michael Fraggin.
12 Also on with me this evening is our project
13 architect, Mr. Murat, Mutlu, Mr. Craig
14 Peregoy, our traffic consultant and my
15 colleague, Mr. Sam Taterka.

16 I'm going to just briefly,
17 Mr. Chairman, review where we are in this
18 application and the merits and then go
19 through some specific details. The Board
20 will recall that we introduced this project
21 at your April meeting. We were not on the
22 May agenda. This is a mixed-use
23 residential project, as the Chair
24 indicated, 44 Hudson at the intersection of
25 Hudson and Hawthorne. The proposal is for

1 a 27-story residential tower in DMX Zoning
2 District. The project contemplates 267
3 rental units, rental apartment units with
4 2,000 square feet of retail square, retail
5 square footage at the ground level. The
6 site would have an on-site parking garage
7 containing approximately 222 parking
8 spaces. It would be a surface parking lot
9 around the corner containing 25 parking
10 spaces. And the balance of any required
11 parking would be secured by a fee-in-lieu.
12 In terms of written submissions, we
13 submitted our original letter of principal
14 points on March 29th. We supplemented that
15 since we last appeared before you on June
16 2nd. We're here tonight in connection with
17 primarily three variances. And I'm going
18 to explain why I said primarily. The first
19 variance is a height variance. In the
20 Zoning District in which we're located,
21 we're allowed 150 feet. The proposal is
22 for 296 feet. We are seeking a 146-foot
23 variance. In addition we are requesting a
24 parking lot around the corner on Buena
25 Vista.

1 Originally, Mr. Chairman and Members
2 of the Board, we had applied for 68-72
3 Buena Vista Avenue. As I indicated in my
4 June letter, at the time of writing my
5 letter we were in contract to purchase two
6 lots slightly closer to the subject
7 property. My client has now closed on
8 those lots and is now the owner of 56-60
9 Buena Vista. So we are going to be
10 modifying our surface parking lot request
11 to that property. I indicated that in my
12 cover letter we are working with the
13 building department to secure a formal
14 denial. And I simply indicate that we have
15 now reduced the distance of the area
16 variance required to get to that lot. It's
17 about 200 feet or 150 feet closer.

18 The third variance relates to the
19 number of stories in the parking garage.
20 As I highlighted in my most recent letter,
21 the Building Department since we appeared
22 before you in March has modified its denial
23 and indicated that they calculate our
24 five-story parking garage, which is five
25 stories based upon means of ingress and

1 egress, to technically constitute eight
2 stories because of a separation or height
3 difference between the lower level of the
4 ramp and the upper level of the ramp. And
5 I can defer to Mr. Barbuti to explain his
6 own interpretation.

7 While we don't -- while we think
8 it's capable of a different interpretation,
9 we're simply modifying our application to
10 request a variance to take into account
11 that the Building Department now considers
12 our five-story parking garage to
13 technically constitute eight.

14 Tonight most importantly, we really
15 want to address, Mr. Chairman and Members
16 of the Board, questions that came up at the
17 last session of the public hearing. Our
18 neighbors across the street at 35 Hudson
19 have specifically requested that we analyze
20 and explain some of the aesthetics and some
21 of the visual impacts on their co-op
22 building. We're very well aware that
23 you've received a host of written
24 communication from several of those
25 neighbors and our architect is going to

1 address that. Also, at the last meeting
2 you specifically requested that we prepare
3 a shadow study. Some of the comments our
4 neighbors relate to that. Mr. Mutlu is
5 going to address that.

6 And also at the request of the
7 Planning Department, Mr. Chairman, we were
8 asked to have our traffic consultant at
9 Dynamic Traffic, go back and reanalyze some
10 of the traffic based upon an ITE
11 categorization. All of that has been
12 resubmitted. We know it's late, but I want
13 to make sure that we touch on these issues.
14 So with your permission, Mr. Chairman, I'm
15 going to turn it over to Mr. Mutlu to go
16 through the visual presentation. He's got
17 a very brief PowerPoint that I think will
18 address a number of the concerns that were
19 raised by the neighbors. And I am aware
20 that the Chairman and several of the Board
21 Members have actually conducted a site
22 inspection. I know you're very familiar
23 with Hawthorne, with Hudson, with our
24 property, with the ShopRite and the loading
25 zone next to us and the various light

1 industrial uses that surround 35 Hudson.
2 Nonetheless, we want to still make this
3 aesthetic presentation to answer the
4 questions of the neighbors primarily
5 because our design team revised the parking
6 design to make it even more attractive than
7 it already was.

8 So with the Board's permission,
9 Mr. Chairman, I'd like to turn it over to
10 Mr. Mutlu.

11 THE CHAIRMAN: Wait a minute.
12 You're going too fast. Okay? Take it
13 easy. Okay?

14 MR. STEINMETZ: Certainly,
15 Mr. Chairman.

16 THE CHAIRMAN: I'll tell you who I
17 want, I'll tell you who I want you to
18 speak. Okay? All right. I'm concerned
19 about the neighbors at 35 Hudson Street.
20 What do you got to say about that?

21 MR. STEINMETZ: So, that's one of
22 the things that we'd like to do our visual
23 presentation. My primary response to you,
24 Mr. Chairman, verbally is the neighbors at
25 35 Hudson, as the Chair knows from

1 conducting the site inspection, presently
2 stare out at a rather less than attractive
3 retail loading zone associated with the
4 ShopRite. We actually believe that our
5 project will become the most attractive,
6 aesthetically pleasing, and functional
7 building on Hudson. So we're quite
8 confident that what my client is proposing,
9 is certainly not a detriment to the
10 surrounding community. It is a dramatic
11 improvement to the surrounding community.

12 In addition, Mr. Chairman, 35 Hudson
13 on one side has a bus depot repair
14 building. On the other side, I think it's
15 an automotive transmission repair facility.
16 So.

17 THE CHAIRMAN: I was down there.
18 Okay? And I know the area very well.

19 MR. STEINMETZ: So with all due
20 respect to our neighbors, and we have
21 attempted, at your specific request,
22 Mr. Chairman, we have copied our neighbors
23 on all submissions. We're sending them to
24 the co-op as you asked. We have every
25 intention of becoming a very good neighbor

1 to that co-op. And we're prepared to show
2 you that the shadow analysis reflects that
3 we are not having an adverse impact on
4 their building and the visual analysis
5 shows that they're going to be looking out
6 at a magnificently-designed building that
7 specifically takes into account the
8 questions they raised on the parking and
9 looking into our parking area. They will
10 not see the cars, but I will let the
11 architect explain that if you permit me.

12 THE CHAIRMAN: Well, why do you want
13 to make this thing double the size; up,
14 height? Why?

15 MR. STEINMETZ: So the primary
16 reason is in order to make this building
17 the emblematic design that we believe
18 downtown Yonkers deserves in order to
19 provide the affordable housing units that
20 the City of Yonkers wants, and in order to
21 amenitize this building like all of the
22 other highly-amenitized buildings that are
23 now going up in Yonkers, we need the, we
24 need larger or taller than the 15 stories
25 previously permitted. As you know,

1 Mr. Chairman, as the Board knows, this site
2 previously secured approval for 15
3 stories--

4 THE CHAIRMAN: Not from me.

5 MR. STEINMETZ: That project was not
6 built.

7 THE CHAIRMAN: Not from me.

8 MR. STEINMETZ: No, it did not. It
9 was not -- you're right. It was --

10 THE CHAIRMAN: Not this Board.

11 Another Board, fine, not from this Board.

12 MR. STEINMETZ: Absolutely correct,
13 Mr. Chairman.

14 THE CHAIRMAN: See, that's my
15 problem. Why do you want make it so big?
16 You just said to amenitize and some other
17 stuff, I don't understand this to be honest
18 with you.

19 MR. STEINMETZ: So my client wants
20 to make it --

21 THE CHAIRMAN: Wait. You bought
22 this property, you bought this property
23 knowing exactly what you can build there.
24 Exactly what you can build there. You
25 bought it for that reason. So now, you're

1 coming back and you want to double the
2 size. There isn't a building around that
3 size. That's going to stick out like that.

4 MR. STEINMETZ: So, Mr. Chairman, if
5 I may, Mr. Jack Klein, my client is on. I
6 would love to permit Mr. Klein to, to
7 bolster my comments as to specifically why
8 as Azorim and its LLC, Miroza Tower, sought
9 to not only purchase this property, but to
10 come in and build this at a height that we
11 believe is commensurate with all of the
12 other high end quality new developments
13 going on in the City.

14 THE CHAIRMAN: Yeah, well, I don't
15 see anything that high in the City. Okay?
16 All right. Put your gentleman. Put your
17 gentleman on. Whoever you want to put on.

18 MR. STEINMETZ: Thank you
19 Mr. Chairman.

20 Mr. Klein.

21 JACK KLEIN: Yeah, hi.

22 MR. STEINMETZ: I think you're going
23 to need be sworn first, Mr. Klein.

24 THE CHAIRMAN: Mr. Steinmetz, let me
25 run the meeting. Don't ever run the

1 meeting again, because I'll put it off to
2 December.

3 MR. STEINMETZ: I just didn't want
4 him to speak --

5 THE CHAIRMAN: I'll take care of
6 Mr. Klein. Mr. Klein knows me. I think I
7 met the gentleman down at this property.

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

10 THE CHAIRMAN: All right. So just
11 take it easy. Okay?

12 Mr. Klein, are you an attorney, sir?

13 JACK KLEIN: No, sir.

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

18 JACK KLEIN: I do.

19 THE CHAIRMAN: State your name and
20 address, sir.

21 JACK KLEIN: Jack Klein. I reside
22 at 1227 56th Street in Brooklyn, New York.

23 THE CHAIRMAN: Okay. Why do you
24 want this thing so high? It's almost
25 double.

1 JACK KLEIN: All right. So.
2 Mr. Chairman and the Members of the Board,
3 I actively, I'm involved in Yonkers and
4 actually fell in love with everything that
5 has transpired in Yonkers over the last
6 several years. I am a developer. I do
7 have an interest in other properties in
8 Yonkers primarily in Ridge Hill. This
9 property that was sitting dormant and just,
10 you know, weeds growing on it and sitting
11 empty in the specific area, came to my
12 attention. I saw it. And I think there's
13 a big opportunity. The original zoning for
14 15 stories and I believe it was 156 units,
15 would not be feasible based on the price we
16 paid. Like I said, there is a development,
17 RXR, which is a 25-story tower, not far from
18 this site. There's obviously some
19 beautiful developments, gorgeous
20 developments in downtown. And the nature
21 of this site, in order for us to actually
22 have a profit would need to be much higher
23 than the 15-story. I know it is a big
24 request on the variance. Other people in
25 the area --

1 (Poor audio connection.)

2 THE CHAIRMAN: I can't hear -- I'm
3 sorry, can't hear you.

4 MR. KUNTZ: You're having Wi-Fi
5 problems, Mr. Klein.

6 JACK KLEIN: A number that came up
7 -- do you hear me now?

8 MR. LANDSMAN: Yes.

9 MR. KUNTZ: We did lose you.

10 JACK KLEIN: Yeah, so I was saying,
11 I'm not sure where I got cut off --

12 (Poor audio connection.)

13 JACK KLEIN: -- cut off. But this
14 site was just sitting vacant for a while.
15 The price that we bought, we would not make
16 a profit at 15 stories. We were looking at
17 the project RXR, which is a 25-story tower
18 not that far from our site. And the
19 hope --

20 (Poor audio connection.)

21 THE CHAIRMAN: I can't hear.

22 JACK KLEIN: -- the profit --

23 MR. KUNTZ: Yeah. Mr. Klein, do you
24 have a phone? Every --

25 JACK KLEIN: Yes.

1 MR. KUNTZ: -- time you move your
2 phone, you're using up more bandwidth
3 believe it or not. Try to keep it stable.

4 JACK KLEIN: Okay. Yeah. Let me
5 just move -- just one second. Okay.
6 Sorry. Is now better?

7 MR. LANDSMAN: Yes.

8 MR. KUNTZ: Yes.

9 JACK KLEIN: Okay. Round three.
10 I'm a developer in Yonkers. I fell in love
11 with the City of Yonkers and this site that
12 was sitting at 44 Hudson --

13 (Poor audio connection.)

14 THE CHAIRMAN: There's something
15 wrong here.

16 JACK KLEIN: -- at the price --

17 MR. KUNTZ: Yeah. He's doing it
18 from his phone. Unfortunately.

19 THE CHAIRMAN: Well, Mr. Steinmetz,
20 why don't you put somebody else on and
21 we'll get back to Mr. Klein in a minute.

22 MR. KUNTZ: Do you have a computer
23 handy, Mr. Klein?

24 JACK KLEIN: No. No, I don't have
25 that, but I can call in if that's easier,

1 Mr. Chairman.

2 MR. KUNTZ: Actually, your phone
3 would be better if you just called in.

4 THE CHAIRMAN: I can hear you right
5 now, Mr. Klein.

6 MR. KUNTZ: We can hear you now
7 though.

8 JACK KLEIN: Okay. Sorry about
9 that, gentlemen.

10 THE CHAIRMAN: No problem.

11 JACK KLEIN: This site, I have other
12 sites in Yonkers. I fell in love with the
13 City of Yonkers. I think it's an amazing
14 city and up and coming and it's probably
15 already there on the map and there's a lot
16 of growth still to be had. This site 15
17 stories --

18 (Audio interference.)

19 JACK KLEIN: -- 156 units, price
20 that I paid would not be profitable. We
21 were, we were at looking at the project not
22 that far from us, that RXR which is a
23 25-story tower. We were hopeful and I say
24 hopeful to get something along those lines
25 to be able to make a profit. Bring

1 affordable units and, you know, to give us
 2 the will and the know-how to bring our
 3 expertise of development into this
 4 beautiful City of Yonkers.

5 So, we identified a lot that was
 6 sitting and just growing grass and not
 7 being bought and we believe in Yonkers. We
 8 invest our money. We continue to invest my
 9 money into the City of Yonkers. But in
 10 order to really be profitable and bring the
 11 affordable units and bring the beautiful
 12 project, we would need for it to be, you
 13 know, a variance of a higher height.

14 THE CHAIRMAN: Okay. Any questions
 15 of Mr. Klein? Okay. Thank you.

16 Mr. Steinmetz.

17 MR. STEINMETZ: Mr. Chairman, if the
 18 Board wishes, we are prepared to show the
 19 revised design and to address some of the
 20 aesthetic concerns of our neighbors, if you
 21 wish to see that.

22 THE CHAIRMAN: Mr. Steinmetz, I'm
 23 here for the night. Don't worry about it.

24 MR. STEINMETZ: Okay.

25 THE CHAIRMAN: I'm not leaving. I'm

1 here for the night.

2 MR. STEINMETZ: We genuinely
3 appreciate that. We will efficient if we
4 could have Mr. Mutlu address that, we would
5 appreciate that, Mr. Chairman.

6 THE CHAIRMAN: Anybody you want to
7 put on. Let's go.

8 MR. STEINMETZ: Thank you so much.

9 THE CHAIRMAN: Where is the
10 gentleman?

11 MURAT MUTLU: I'm here. This is
12 Murat Mutlu.

13 THE CHAIRMAN: Where is the
14 gentleman? Mr. Steinmetz?

15 MR. STEINMETZ: He's on the screen.

16 MURAT MUTLU: I'm here. Do you hear
17 me?

18 THE CHAIRMAN: Would you raise your
19 right hand, please, sir. The man is going
20 to speak. Okay.

21 MURAT MUTLU: Yeah --

22 THE CHAIRMAN: Do you solemnly swear
23 to tell the truth, the whole truth, nothing
24 but the truth so help you God?

25 MURAT MUTLU: Yes.

1 THE CHAIRMAN: State your name and
2 address, please.

3 MURAT MUTLU: Murat Mutlu. 225 West
4 36th Street, New York, New York.

5 THE CHAIRMAN: Okay, sir. Proceed,
6 please.

7 MURAT MUTLU: Okay. I would like to
8 share my screen.

9 THE CHAIRMAN: Go ahead.

10 (Screen shared.)

11 MURAT MUTLU: Can you see my screen?

12 THE CHAIRMAN: Yes.

13 MURAT MUTLU: Okay. As you're all
14 aware our project is located at 44 Hudson
15 Street. Which is at the intersection of
16 Hudson Street and Hawthorne Avenue. It
17 used to be a church that was demolished and
18 it's currently a vacant lot. We do have
19 ShopRite parking on one side and the
20 ShopRite loading area on the other side
21 that's adjacent to our property.

22 In Yonkers downtown, the skyline, is
23 not -- not -- used to having high-rise
24 buildings. So there are other projects As
25 Mr. Klein mentioned. There is a Sawyer

1 place that you see in skyline. It is
2 25-stories. And there are other projects
3 along the waterfront that's over 20 stories
4 as well. And there are other buildings in
5 the back skyline. There's the St. Casmir
6 apartments, that's over 25 stories.
7 There's Cromwell Towers, which is --
8 actually, not a 20-story tower, but it has
9 a high podium that makes it a very tall
10 building. And there are other buildings
11 that's on 220 Yonkers Avenue that's also in
12 the range of 25-story plus towers. So
13 there is a sort of a skyline with high-rise
14 buildings in Yonkers. So we don't agree
15 with the comment that this building will
16 stick out in the skyline or the City.

17 The project is located within a
18 quarter mile of the Yonkers Train Station.
19 And we are proposing an off-site parking
20 lot that is within 387 feet to our
21 property. And the project is the parking
22 entrance from Hudson Street and Hawthorne
23 Streets.

24 And this is sort of a parking lot
25 view from the, for the off-site parking

1 that accommodates 25 surface parking -- 25
2 parking spaces on the lot.

3 And this is a view from Hudson
4 Street with the podium being aligned with
5 the low rises and on the street and the
6 tower being setback and rising in the sky.

7 And we performed the shadow studies
8 for different times of the day and
9 different months. So, this page is 10 a.m.
10 shadow study for different seasons. So
11 fall, winter, and spring, and summer times.
12 So in the mornings, we made the study to
13 specifically highlight the impact on 35
14 Hudson Street or 35 Hudson Street building
15 is highlighted as also marked with the
16 text. So, there's no impact in the
17 mornings and also noontime there's zero
18 impact to 35 Hudson Street. But then when
19 it comes to afternoon, so the 2 p.m. study,
20 the shadow study has a detail to it and has
21 two-colored zones. So the darker shade
22 shows as of right 15 -- 150 feet height and
23 then the lighter color is the extension
24 that we're proposing over the, as the right
25 limit.

1 So if you look at the different
2 seasons, we're only as of -- the building
3 is already casting shadow to 35 Hudson
4 Street. So frankly there's, or I guess
5 factually we are not creating any sort of
6 extensive shadow over this neighbor that we
7 have across the street.

8 And there were comments based on
9 feedback from last time, last hearing, the
10 neighbors raised concern that they do not
11 want to look at a building at a parking
12 garage at the eye level. So we took that
13 into consideration and we designed a podium
14 that accommodates five levels of parking
15 that doesn't look like a parking garage.
16 So we clouded our parking levels with
17 glazed louvers filtration that will allow
18 air to come in, but still hide cars behind
19 this filtration. And it also blends in
20 with the rest of the tower that sort of,
21 that the glazing matches and the other
22 floors.

23 There is no exhaust to the street.
24 There is, there is air intake from the
25 facade. So there will be no exhaust

1 emission to the building exterior towards
2 Hudson Street or Hudson Avenue. So it will
3 be a roof exhaust. So the garage will be
4 mechanically ventilated.

5 And then we added some views from
6 Hudson street showing the relation between
7 the retail loading and our building. And
8 then we created this diagram to really
9 explain the condition. So 35 Hudson Street
10 building is sort of projected into these
11 images. 35 Hudson is at 55, 50 feet wide
12 building and half of it faces directly to
13 ShopRite and then half of it faces directly
14 to our building. And our building podium
15 which is about 50-foot height is, is --
16 their building is about 15 feet of their
17 section faces toward our podium and then
18 the other ten faces to the entire tower.
19 So, really their exposure to the tower is
20 only ten foot directly when looked at a
21 perpendicular angle.

22 And this is a diagram showing how
23 the facade is actually modified to address
24 the concerns of the neighbor. At the
25 podium level are the lobby store front is

1 extended. This level of parking is
2 completely concealed. And then these cars
3 are concealed with glazed louvers so that
4 shows how we're constructing the glazed
5 louvers. It's essentially glass panels
6 that's rotated at an angle that lets air in
7 between them and still provides sort of
8 conceal, like hiding the cars.

9 We do propose to comply with the
10 Yonkers Green Building Requirements with
11 highly efficient building and also low
12 emissions. There will be no gas and sort
13 of no -- like, we're limiting our exhaust
14 and emissions to our site to the neighbors
15 so I think that's the it factor we should
16 state that helps our case.

17 So the project is the -- while we
18 all believe it's going to be a landmark
19 architecturally and also functionally, it
20 will have a retail component on the corner
21 on the street, which will bring -- which
22 will be an amenity to the building and to
23 the community at that area. We are
24 considering sort of a coffee shop and it's
25 -- and a coffee shop, that would, you know,

1 that the neighbors and all the residents
2 can benefit from.

3 So, I guess if there are any
4 questions, I'll be happy to address them.

5 THE CHAIRMAN: Any questions of the
6 Board?

7 Okay. Mr. Steinmetz.

8 MR. STEINMETZ: Thank you,
9 Mr. Chairman. Mr. Mutlu, thank you for
10 your presentation.

11 Mr. Chairman, the reason we did that
12 presentation, was to explain and to
13 demonstrate why we don't think we're having
14 a detrimental impact on our closest
15 neighbor, 35 Hudson. We're very well aware
16 of the fact that they're actively
17 participating, as they have every right to.
18 But as we walk -- I walk the Board through
19 the five factors at the last meeting, and I
20 will simply summarize by saying we do not
21 think that the detriment to the surrounding
22 community exceeds the benefit to the
23 applicant. To the contrary, the benefit to
24 the applicant and the project of securing
25 the height variance and the distance

1 variance to the surface parking lot and the
2 number of stories that the Building
3 Department has calculated in the parking
4 garage, we believe the benefit of all of
5 those variances dramatically outweighs any
6 potentially impact.

7 The character of the neighborhood,
8 you can see right before you. While we
9 mean no disrespect to the neighboring
10 property owners, retail, light industrial,
11 and residential, this will be the most
12 attractive building in that area. So we
13 don't think that there's a negative
14 character impact.

15 In terms of Environmental Impact,
16 Mr. Chairman, we're prepared to submit
17 additional engineering data. We've already
18 submitted traffic detailed information. We
19 do not think we're having an adverse
20 environmental impact on the streets and the
21 surrounding area.

22 As my client indicated, this was a
23 vacant unkempt property prior to Azorim and
24 Miroza Tower purchasing it. And I would
25 state for the record, as I did in March, my

1 client actually is the largest
2 publicly-traded developer construction
3 company in the State of Israel. So this is
4 an entity Azorim that has tremendous
5 depths, financial capability, and expertise
6 to actually pull a project like this off
7 quite successfully.

8 My client does not believe that
9 there is a feasible alternative in order to
10 give the City what the City has asked for
11 in terms of affordables amenities and an
12 amazing design.

13 The number, there's no question it
14 is a substantial mathematical request;
15 however, the cases that I presented to the
16 Board in my March letter indicate that the
17 substantiality factor in a area variance
18 analysis is not one of pure math. It's
19 actually a requirement that the Board
20 balance and weigh the totality of factors
21 and surrounding circumstances but we think
22 when you balance that and you examine that,
23 the benefit again outweighs the detriment.

24 The self-created hardship as the
25 Board knows is not a dispositive factor.

1 There's no question and the Chair asked the
2 right question in our opinion. My client
3 bought the property knowing it was going to
4 go need to secure a variance. Nobody is
5 denying that. Nobody is disputing that.

6 So, Mr. Chairman, to kind of wrap up
7 our affirmative presentation, if the Board
8 has questions about traffic, Mr. Craig
9 Peregoy is with us this evening. I was
10 apprised by the Planning Department, that
11 the Traffic Commissioner has not completed
12 his analysis. We await any further
13 comments that he may have. But, again, I
14 highlighted in my June letter that our
15 traffic consultant has concluded that this
16 project would not have a significant
17 adverse environmental impact on the level
18 of service of key intersections. Why?
19 Because our residents are going to take the
20 short walk to the train station or leave at
21 varied times from this building. So we
22 will not have an a.m. or a p.m. adverse
23 impact to the level of service.

24 Mr. Chairman, procedurally in March
25 you designated your intent to declare

1 yourselves Lead Agency. Tonight we would
2 ask that you formulize and confirm that the
3 ZBA will be Lead Agency. And I would ask
4 on behalf of my client team, if there's any
5 other empirical data that the Board wants,
6 that the Planning Department wants, that
7 the Engineering or Traffic Departments
8 want, we're prepared to supply that. My
9 client is ready to answer questions and
10 wishes to proceed with the process in front
11 of the Board.

12 THE CHAIRMAN: All right. What
13 we're going to do here, number one, I don't
14 know if we're going to declare ourselves
15 Lead Agency right now. I'm going to talk
16 to my attorney about it. I'm going to talk
17 to the Deputy Planning Director. Also,
18 we're going to bring this back next month.
19 So, we're not going to close this hearing
20 tonight. There's too much involved here.

21 MR. STEINMETZ: Understood.

22 THE CHAIRMAN: There's a lot of
23 involved here. We might talk about the
24 traffic next month.

25 MR. STEINMETZ: Okay.

1 THE CHAIRMAN: Bring the gentleman
2 with you. Yeah. I don't know if you need
3 the gentleman that was just there, if you
4 want to bring him back. He's very nice.
5 It's okay with me. If you want to bring
6 Mr. Klein back. That's fine too. Doesn't
7 matter to me.

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

10 THE CHAIRMAN: But as of now, what
11 we're going to do is we're going to
12 continue this hearing to July. I don't
13 know what the date is in July. I don't
14 have my calendar in front of me. And I'm
15 afraid to touch this machine to find out,
16 because then we'll really have a problem.
17 It would be the third Tuesday in July.

18 MR. LANDSMAN: July 20th.

19 THE CHAIRMAN: Huh?

20 MR. LANDSMAN: July 20th.

21 THE CHAIRMAN: The 20th. Okay.
22 Very good. Thank you.

23 MR. LANDSMAN: Could Mr. Mutlu,
24 Mr. Mutlu take down the screen, please?

25 MURAT MUTLU: Sure. Sorry,

1 Mr. Landsman. Yes.

2 MR. LANDSMAN: Thank you.

3 THE CHAIRMAN: All right. So we're
4 going to do that. Are there any questions
5 -- first off, I'm just going to get into
6 something. Is there anybody here against
7 this application?

8 MR. LANDSMAN: Yeah, there's a few
9 people there to speak.

10 THE CHAIRMAN: All right. We're
11 going to take this young lady right here.
12 Are you an attorney, madam? Yes, ma'am.

13 MR. LANDSMAN: You're muted. You're
14 muted.

15 THE CHAIRMAN: You're muted.

16 MR. LANDSMAN: Ms. Bateman, unmute
17 us.

18 JUNE BATEMAN: Yes, hi. Hi. No,
19 I'm not an attorney.

20 THE CHAIRMAN: Okay. Raise your
21 right hand, please. Do you solemnly swear
22 to tell the truth, the whole truth, nothing
23 but the truth so help you God?

24 JUNE BATEMAN: I do.

25 THE CHAIRMAN: State your name and

1 address, please.

2 JUNE BATEMAN: My name is June Ann
3 Bateman and I live at 35 Hudson Street,
4 apartment 5A in Yonkers, New York.

5 THE CHAIRMAN: Okay. Go ahead,
6 ma'am. What do you have to say to me?

7 JUNE BATEMAN: Okay, well, the first
8 thing that occurred to me was that we're
9 having to pay for someone else's poor
10 judgment. And that seems completely
11 ridiculous and unfair. And it also seems
12 very, like, it's setting a very, very bad
13 precedent for a developer to come into
14 Yonkers or be part of Yonkers and to think
15 to be so disingenuous as to start acquiring
16 property knowing that he wants to make them
17 twice as big as they're legally able to be
18 according to Zoning. And for that to fall
19 on our heads. I mean we, in this building,
20 this is a lovely building. I don't like
21 being mischaracterized. The reason that
22 the lot across the street looked the way it
23 did was that someone purchased that land,
24 tore down a really beautiful church that
25 could've been anything. That could've been

1 re-purposed the way that other towns and
2 cities are re-purposing their beautiful old
3 architecture. Could a community center.
4 You know. Or any other kind of meeting
5 place. I, I resent that our neighborhood
6 is being characterized, you know, basically
7 as a slum by someone who seems to be a
8 predatory developer coming in here and
9 wanting to be build something, you know,
10 twice as tall. Definitely throwing our
11 building in shadow. And no matter what is
12 said about the parking facility, if those
13 are louvered glass or whatever they are, we
14 all know that carbon monoxide gets into the
15 atmosphere and it will be coming right for
16 us at our building. I mean, we're people
17 who are, you know, we're good citizens in
18 Yonkers. You know. We're community
19 involved and we're stakeholders here. And
20 for Mr. -- excuse me, for Mr. Klein to
21 characterize this neighborhood, it has its
22 own weird charm.

23 And, you know, we'd be glad to see
24 something going up across the street that
25 would maybe have some retail. And, you

1 know, involve the community. All I hear is
2 just another big building that's going to
3 be full of, you know, studios and
4 one-bedroom apartments, transient people.
5 Nobody who really becomes a stakeholder in
6 Yonkers. And, I mean, we all know because
7 we've seen all these big buildings going up
8 around Yonkers, but they're not always
9 successful. In fact, to the contrary.
10 What often has happened is that these
11 buildings go up, they're developed, and
12 then the management companies that come in
13 to run these buildings allow anybody to
14 live there. There's, you know, crime,
15 there's drugs. There are, you know,
16 frequent police raids.

17 We're involved with a group called
18 the Quality of Life Group in Yonkers. We
19 care about the quality of life. We don't
20 just care about, you know, over paying for
21 a lot and then making everyone around that
22 lot pay for our mistakes. So I have to say
23 I'm not impressed with what I've heard from
24 any of these people. I mean the fact that
25 it's going to be a green building and yet

1 be pumping carbon monoxide right at
2 everybody who lives in this building, to
3 me, is not a green building. I mean if you
4 need that much parking, build another
5 parking garage. You know.

6 The way the parking lot is actually
7 laid out is very strange. It seems to
8 suggest that it's almost like a, you know,
9 there's so few cars on every level in that
10 depiction of the parking garage, that it
11 seems to indicate that there has to be
12 more, there has to be more levels of
13 parking required.

14 I mean, we bought our apartments
15 here years ago, don't want to spend the
16 rest of our lives looking at a parking
17 garage. No matter what is said. No matter
18 how that glass is turned. We don't want to
19 look at that. And the fact that this
20 looming building is going to be towering
21 over us by, you know, all those stories is
22 just, you know, it's crazy.

23 And, you know, also aesthetically,
24 no. I spent a good part of my life as a
25 designer. My husband is a production

1 designer who has Emmys for his designs. We
2 think it's ugly. And we don't think that
3 it fits in with the neighborhood.

4 I've been a Board Member of Philipse
5 Manor Hall for years. I, you know, I care
6 about the history of Yonkers, which is very
7 long and very deep and we could be doing
8 things here that would ensure that people
9 would want to move here. Like spending
10 more energy on our walkable downtown and,
11 you know. I mean instead of all this
12 nonsense, you know, just patting someone's
13 mistakes with the sacrifice of our
14 neighborhood.

15 So thank you. I'll leave room for
16 other people. Thank you, Mr. Chairman, and
17 thank you, Board.

18 THE CHAIRMAN: Thank you. Is there
19 anybody else who would like to speak in
20 opposition?

21 MR. LANDSMAN: Yeah, we have
22 Mr. Capone.

23 THE CHAIRMAN: Where is Mr. Capone?

24 MR. LANDSMAN: He's raising his
25 hand. Unmute yourself, please.

1 TONY CAPONE: Hi, I'm Tony Capone.

2 THE CHAIRMAN: Where are you, sir?

3 MR. LANDSMAN: He's on the screen.

4 TONY CAPONE: I'm on the screen. Do
5 you see me? Hello?

6 THE CHAIRMAN: Wait a minute. Just
7 raise your hand, please.

8 MR. LANDSMAN: It is.

9 MR. KUNTZ: He's raise.

10 THE CHAIRMAN: All right. I don't
11 see you, sir.

12 TONY CAPONE: Maybe I'm on another
13 page.

14 THE CHAIRMAN: All right. All
15 right. I see you. All right. Raise your
16 right hand. Do you solemnly swear to tell
17 the truth, the whole truth, nothing but the
18 truth so help you God?

19 TONY CAPONE: Yes, I do.

20 THE CHAIRMAN: State your name and
21 address, please.

22 TONY CAPONE: My name is Tony
23 Capone. And I live at 35 Hudson Street,
24 Yonkers, New York Apartment 4A.

25 THE CHAIRMAN: Proceed, please.

1 TONY CAPONE: Thank you,
2 Mr. Chairman and the Board. I'm hearing
3 some echo. I don't know if anybody else is
4 but I'll continue. So I'm the President of
5 the Board for the co-op at 35 Hudson
6 Street. And I know a lot of my neighbors
7 are here as well and I am in opposition to
8 this plan of the Miroza Tower.

9 The things that I will echo that I
10 heard from June Batement. Please don't
11 characterize our neighborhood in this way
12 or how we view it. We know it is quirky.
13 I live directly across from the ShopRite.
14 Do I love that view? No, I don't love that
15 view. But I moved here knowing full well
16 what was on the street and I know that I
17 wanted light. And that's why I chose this
18 apartment and I've been in this building
19 for 15 years and been the President of the
20 Board for probably 12 of those 15 years.

21 I will reiterate, I sent an e-mail,
22 the things that concern me, increased
23 traffic. And it is not enough to just say
24 that, yes, you had somebody come and take a
25 look at the traffic. And I know that

1 that's going to be looked at again next
2 month. You need to understand this street.
3 It is not typical in any way. We have
4 18-wheelers who can barely maneuver to get
5 into the ShopRite loading dock. Add into
6 that the fact that you're going to have 200
7 and plus people parking spots, people
8 getting in, getting out. The noise
9 pollution will escalate. I guarantee. It
10 is the Wild West sometimes on this street.
11 We have worked tirelessly with the
12 ShopRite, with the bus station. Who I am
13 happy to say are our neighbors. With the
14 Amco. And we have gotten to a place where
15 we can manage it. Manage the situation.
16 If you're going to add 200-plus cars to
17 this, I don't care what you say about
18 people taking the train, I don't care what
19 you say about people walking instead of
20 using their cars, you're adding a lot of
21 traffic on a very small corner. You have a
22 very small lot of land for 30-plus, for 30
23 stories. So I'll start with that. And
24 the, and the traffic also increases noise
25 pollution. The beeping. When there is a

1 blockage. And I would also like to know
2 what would happen during the construction.
3 There's very little footprint. I know
4 you're going to have to come into Hudson
5 Street to increase your footprint for
6 construction. How are those 18-wheelers
7 and every bit of traffic and buses are
8 going to get through for the how many years
9 it's going to take to build this. That's
10 ridiculous to ask us to put up with that.
11 We have got the air pollution. The local
12 electric lines. We're on a grid right now
13 where we experience brown-outs sometimes.
14 How will that be fortified and make sure
15 we're not going compromised. For that
16 matter, how about the sewer system? We
17 know Yonkers is an old city. I have seen
18 grates in the sewer systems just absolutely
19 sink on that very corner because the
20 infrastructure is compromised.

21 Let me just take one quick look at
22 my notes before I yield my time.

23 Oh, yes, so the design as it stands
24 now, very nice see the louvers to see trees
25 on the street. We know that that's a plan.

1 As the plan evolves, will that stay? I can
2 tell you for a fact that the plans for this
3 building that we saw originally, what was
4 built or added on to the existing property,
5 is not what was promised. So I know that
6 during the course of a building process,
7 things will change and what we're looking
8 at today, may not be what we get. So I
9 would question that as well.

10 Also, just as a point, I'm really
11 not that stuck on it because we did get the
12 plans. But last meeting it was said out
13 loud that I would receive plans as
14 President of the Board. I never received a
15 communication. I left my address here.
16 Thankfully our neighbor John Davis did
17 proactively get the plans. So that they
18 could we could see them and has done a good
19 job in letting us know about that.

20 And in previous times, 66 Main, as
21 an example, those developers reached out to
22 us directly to let us know what was going
23 on. I remember having them here in our
24 building to explain how their building was
25 going to work. So, I would think just,

1 good, neighborly conduct would indicate
2 that you'd want to reach out to us directly
3 and let us what's going on. I don't feel
4 that we've received that from the
5 developers.

6 And then lastly, no, there's nothing
7 in this neighborhood that is that tall.
8 Look at the plans that you just showed us.
9 Eight stories for 66 Main. Five stories
10 for us --

11 (Brief audio interruption.)

12 TONY CAPONE: -- seven stories.
13 What you pointed out in some of the
14 buildings down by the waterfront, they're
15 down by the waterfront. Right. They're on
16 a different level and they aren't -- I
17 don't think as I count the stories, that
18 they're 25 stories. Some of the buildings
19 that you pointed out in the back, they're
20 in the back on other --

21 (Brief audio interruption.)

22 TONY CAPONE: -- the reason they
23 look taller is because they're on a hill.
24 So let's be real about what this design
25 looks like.

1 Thank you for very much for hearing
2 me out. I will yield my time to someone
3 else. Thank you so much.

4 THE CHAIRMAN: Thank you.
5 Mr. Steinmetz, get the gentleman's name and
6 phone number again and give him anything
7 you give to me, you give it to him. Okay?
8 I know you're very good at this. Believe
9 me. I can't hear you. You're blocked out.
10 Hit six. Look --

11 MR. STEINMETZ: Sorry.
12 Mr. Chairman, just very briefly. A point
13 of information, Mr. Capone --

14 THE CHAIRMAN: Hold on a second.
15 I'm telling you what to do. Okay. All
16 right. You get Mr. Capone's address. I
17 don't want -- you got his address. Send
18 him whatever you send me. Okay?

19 MR. STEINMETZ: Understood.

20 THE CHAIRMAN: I know you're very
21 good at this. You don't hide anything. I
22 know you.

23 MR. STEINMETZ: Thank you,
24 Mr. Chairman.

25 THE CHAIRMAN: Okay. Fine.

1 MR. STEINMETZ: Okay.

2 MR. LANDSMAN: Mr. Davis. Mr. Davis
3 wants to speak.

4 JOHN DAVIS: Thank you.

5 THE CHAIRMAN: Well, hold on a
6 second. Hold on a second, sir.

7 JOHN DAVIS: Yes, sir.

8 THE CHAIRMAN: Let me say something
9 to you, Mr. Davis.

10 JOHN DAVIS: Yes, sir.

11 THE CHAIRMAN: I had you before.

12 JOHN DAVIS: Yes, sir.

13 THE CHAIRMAN: I asked you to be
14 quiet. You kept -- you talked over me, and
15 talked over me, and talked over me. You do
16 that this time, I'm not going to let you
17 speak anymore. When I tell you to be
18 quiet, you be quiet. Everybody else pays
19 attention. You spoke, you spoke, you spoke
20 right over me. Made me feel like a fool.
21 I didn't like it. Who else wants to speak?
22 I'll get to you in a minute.

23 MR. LANDSMAN: Anybody else here to
24 speak? Yes, we have Ms. Heikin.

25 MR. KUNTZ: You have to unmute

1 yourself, ma'am.

2 THE CHAIRMAN: Wait a minute.

3 Where's the lady?

4 MR. LANDSMAN: She's right there.

5 She's raising her hand.

6 THE CHAIRMAN: Are you an attorney,
7 madam?

8 NC HEIKIN: No, I am not.

9 THE CHAIRMAN: Raise your right
10 hand, please.

11 THE CHAIRMAN: Do you solemnly swear
12 to tell the truth, the whole truth, nothing
13 but the truth so help you God?

14 NC HEIKIN: I do.

15 THE CHAIRMAN: State your name and
16 address, please.

17 NC HEIKIN: My name is NC Heikin.
18 My address is 35 Hudson Street, Yonkers,
19 New York.

20 THE CHAIRMAN: Proceed, please.

21 NC HEIKIN: Thank you, Mr. Chairman.

22 THE CHAIRMAN: You're welcome.

23 NC HEIKIN: I have to agree with my
24 neighbors, June Bateman, Tony Capone, and
25 doubtless when John Davis is permitted to

1 speak, he will also have very good points
2 to make. I have to agree that I was not
3 convinced by this presentation. I know
4 that in many proceedings when the, an
5 architect wants to show that everything is
6 going to be great, the architect or the
7 developers, let's say, hires somebody, an
8 expert to show that, you know, exactly what
9 they said is going to be the case. If we
10 are, if we could afford to hire our own
11 expert, we might very well produce a very
12 different traffic report. It defies common
13 sense to say that there will be no impact
14 on the traffic on our street given how much
15 traffic there already is on the street. I
16 have to agree that staring at, excuse
17 me, parked cars is less than desirable for
18 any of us. That the elevation of the
19 parking lot to five stories is, it feels
20 like an affront. And --

21 THE CHAIRMAN: Ms. Heikin, can you
22 please go to a new subject? We've heard
23 all this from the other people. We realize
24 that you're in favor of it, with the other
25 people. But I gotta move this hearing. I

1 have another hearing and I have some other
2 work to do.

3 NC HEIKIN: Okay. I do believe
4 that, that parking lot could be built in a
5 different fashion. That it is not
6 efficiently designed. That it has a lot of
7 ramps and things that make it very hard to
8 fit a lot of cars when there are these
9 mechanical devices where you can stack cars
10 and you can actually fit the same number of
11 cars in two floors. So I will move on from
12 the parking.

13 I'm sorry for Mr. Klein that he
14 overpaid for this lot. But I agree with
15 June, we do not need to be paying for it.
16 I also believe it does not -- it defies --
17 our own eyes will not lie that the shadows
18 are obscuring our building. And that when
19 the building was lower, that slightly
20 lighter shade of shadow did not obscure the
21 entire building for as long a time. So,
22 yes, there is a big impact by the shadow.
23 Not to mention that all of us will be
24 deprived completely of our view of anything
25 of the river of the street of anything.

1 I also don't see any green provided
2 for the street. I mean, there was green in
3 this lot. There was a church with a
4 garden. Now, there will be buildings and a
5 narrow sidewalk. No green anywhere. Maybe
6 for the residents on an elevated floor. Not
7 for anybody in the community.

8 And furthermore, if you look at the
9 renderings that you yourselves, excuse me,
10 the developers have sent of the view from
11 the river of this building, it is absurdly
12 high compared to the rest of Yonkers. It
13 does not fit in, in any way, shape, or
14 form. It's absolutely ridiculous.

15 Okay. I yield my time. Thank you
16 for listening to me, Mr. Chairman and
17 Members of the Board.

18 THE CHAIRMAN: Thank you, ma'am. Is
19 there anybody else to speak? Anybody else
20 to speak?

21 JOHN DAVIS: Yes, sir.

22 THE CHAIRMAN: Okay. I got you,
23 Mr. Davis. Listen to me, I've been here 52
24 years. I'm pretty smart. Okay? Give me a
25 break. You're not the only one that's

1 pretty smart. You want to speak, sir?

2 JOHN DAVIS: Yes, sir.

3 THE CHAIRMAN: I didn't talk to you.
4 Okay. Mr. Davis, are you an attorney?

5 JOHN DAVIS: No, sir, I'm not.

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

10 JOHN DAVIS: Yes, sir.

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

13 JOHN DAVIS: My name is John Davis.
14 I live at 35 Hudson Street, Apartment 5A,
15 Yonkers, New York 10701.

16 THE CHAIRMAN: Proceed, sir.

17 JOHN DAVIS: Mr. Chairman, I
18 sincerely apologize to you if I was rude or
19 if I was talking over you. I'm really
20 sorry. It's a terrible thing to do to be
21 rude like that. And I want to apologize
22 sincerely and with great sincerity.

23 Anyway, going right to the things
24 that alert me the most. The very lovely
25 renderings that we just saw presented,

1 they're appallingly inaccurate. They don't
2 show the five stories, they show three
3 stories. They're old renderings. They're
4 quite beautiful, but they're inaccurate and
5 they're seriously misleading. And that's
6 not right. That's not being honest.
7 That's being disingenuous. And to say too
8 that the parking garage isn't going to emit
9 any exhausts onto us right across the
10 street, disingenuous as well. In the same
11 way in saying it's going to be a 27-story
12 building, it really with the mechanicals on
13 top, will be up in the 30 stories building.
14 So the shadow studies, another thing
15 that's very disingenuous. They showed the
16 midday in the summertime and midday in the
17 other four seasons -- the other three
18 seasons rather. But they didn't show 1:00,
19 2:00, 3:00, 4, and 5. We figured that a
20 third, a third of the day, will be given
21 into shadow over our whole building. And
22 not just our building, Mr. Chairman, but
23 the whole rear of 66 Main Street. Those
24 are 75 other apartments, 75 other residents
25 that live here and they're going to go in

1 shadow for three quarters of the year for a
2 third of the day. No fault of their own.
3 They didn't move here to be in that. So,
4 for the developer and for the architect to
5 allude that this is just going to be a
6 nominal affect on us, is not right. It's
7 not be accurate.

8 And something else too. I have
9 developed, unfortunately, an inefficient
10 lung disease, because of our proximity next
11 to 9/11. So now I'm dealing with that. So
12 now we're going to be expected to live
13 across the street from a five-story parking
14 garage and how -- even though it's a, it's
15 sort of a shiny fortress look. And it's
16 not a very positive thing to think about.
17 That's basically all that I want to say.

18 Except for this one main thing that
19 in 2011 the Building Code we felt was
20 proper. We felt that was what we could
21 rely on and our town leaders would stand by
22 these things that took a lot of thought, a
23 lot of involvement by the local residents
24 and politicians from the Mayor on down.
25 And now that's being shoved aside because

1 of some hardships that some developer has.
2 You know, the hardships aren't going to be
3 his, it's going to be ours. It's going to
4 be twice the water demand, twice the
5 carting, twice the trash problem, twice the
6 parking garage emissions, the traffic
7 backup, cloaking our building in shadow for
8 one third of each day for three quarters of
9 the year. You know. That's not right.
10 That's not right. And that's what
11 aggravates me so.

12 Anyway, Mr. Chairman and Board, I,
13 again, I apologize for being rude and I'm
14 so sorry that you felt that way. Thank you
15 very much. And thanks for letting me
16 speak.

17 THE CHAIRMAN: Thank you. All
18 right. We're going to hold up now, of
19 course, it's getting late and I have
20 another hearing to go and some other
21 business we gotta do. So, what we're going
22 to do here, we're going to continue this
23 hearing to July.

24 Mr. Steinmetz, I want to leave the
25 signs up. And I want you to send new

1 notices certified mailed to everybody. And
2 we'll see you here in July. Okay. I'll
3 try to get you on first if I can. I don't
4 even know what I got to be honest with you.

5 MR. STEINMETZ: Understood.

6 THE CHAIRMAN: Things come as a
7 surprise to me. You know. Believe me when
8 I tell you sometimes I wonder.

9 And I want to thank you folks
10 showing you us around down there, you were
11 right, you were down there.

12 MR. STEINMETZ: Thank you,
13 Mr. Chairman. Thank you Members of the
14 Board. We'll see you in July.

15 THE CHAIRMAN: Thank you.

16 MR. STEINMETZ: Appreciate your
17 patience tonight. Thank you.

18 THE CHAIRMAN: No problem. Thank
19 you. The next case is an area variance,
20 5715, Tom Abillama, excuse me, Registered
21 Architect on behalf of 1969 Central Park
22 Avenue, LLC, owner, to construct a
23 self-storage center with retail on the
24 ground floor, having;

25 - Exceeding the maximum Floor Area

1 Ratio, reference 43-27, Table 43-3,
 2 required is 1.5, proposed is 2.13;
 3 - Exceeding the maximum building
 4 height reference 43-27, Table 43-3,
 5 required is 48, proposed is 73.14 feet;
 6 - Insufficient rear yard, Reference
 7 43-27, Table 43-3, required 25 feet,
 8 proposed zero feet;
 9 - Insufficient parking in the
 10 minimum side-front yard not permitted,
 11 Reference 43-133.A.3;
 12 - Parking in minimum front yard not
 13 permitted, Reference 43-133.A.3,
 14 - Insufficient retail store depth,
 15 Reference 43-36 M.(1), required is 60 feet,
 16 proposed is 28 feet. That's scaled.
 17 - Insufficient loading zone spaces
 18 for self-storage warehouse, Reference
 19 43-36.M(2), required is 7 for storage,
 20 proposed 2 for storage;
 21 - Parking within five feet of the
 22 property line not permitted, Reference
 23 43-44.B, proposed is zero feet. That's
 24 44.B.5 excuse me, proposed is zero feet;
 25 - Insufficient parking aisle width,

1 Reference 43-134.A.12, required is 24 feet,
2 proposed is 20 feet, scaled;

3 - The refuse area not permitted in
4 side front yard, Reference 43-42.C.(1);

5 - Exceeding the maximum height of
6 the retaining wall, building wall,
7 reference 43-41.D.3.a. Required is 6 feet,
8 proposed is 69 feet;

9 On premises known as 1969 Central Park
10 Avenue, Block: 4385, Lot: 206 in a BR Zone.
11 Mr. Abillama, was everybody within the 200
12 foot radius were notified, sir?

13 MR. ABILLAMA: Yes.

14 THE CHAIRMAN: Did we get any
15 returns?

16 MR. ABILLAMA: Yes we got --

17 MARK FONTE: Thirteen.

18 MR. ABILLAMA: Thirteen of them,
19 Back.

20 THE CHAIRMAN: Of how many?

21 MR. ABILLAMA: Of 25. 24, sorry.

22 THE CHAIRMAN: Thirteen returned out
23 of 25?

24 MR. ABILLAMA: Of 24.

25 THE CHAIRMAN: Twenty-four? That's

1 more than 50 percent. I don't know. I
2 don't know. All right. Gonna hold that.
3 I don't know what I'm going to do with
4 that. That's a little much to be honest
5 with you.

6 Somebody say something? I'm sorry
7 did I hear something? I thought somebody
8 said something.

9 Is there anybody on this case
10 tonight? This case is on Central Avenue
11 and Heights Drive. Is there anybody here
12 tonight on this case? Okay. Thank you.

13 Mr. Abillama, I'm sorry, I didn't
14 hear you.

15 MR. ABILLAMA: It's fine. How are
16 you?

17 THE CHAIRMAN: I'm fine. Thank you.
18 This case has been going on for a long
19 time. How long has it been going on for?

20 MR. ABILLAMA: It's been awhile.
21 It's been over three years now.

22 THE CHAIRMAN: How many years?

23 MR. ABILLAMA: Maybe over three
24 years.

25 THE CHAIRMAN: Over three years.

1 And more like five years maybe?

2 MR. ABILLAMA: Probably, yes,
3 probably. Yes.

4 THE CHAIRMAN: Probably, yes. So in
5 other words -- do me a favor. Okay?
6 Here's the situation. Okay? Tell me the
7 truth, don't lie to me, because I'll find
8 out. Believe me. I know. Okay? Just
9 tell me the truth. I think it's 5 years,
10 it might be a little more. The gentleman
11 next to you is the builder I think. Maybe
12 he knows.

13 MR. ABILLAMA: Right, I'm not --

14 MARK FONTE: Closer to five years,
15 Mr. Chairman.

16 THE CHAIRMAN: Okay. Now, you're
17 not an attorney, Mr. Abillama, am I
18 correct?

19 MR. ABILLAMA: Right.

20 THE CHAIRMAN: Raise your right
21 hand. Do you solemnly swear to tell the
22 truth, the whole truth, nothing but the
23 truth so help you God?

24 MR. ABILLAMA: I do.

25 THE CHAIRMAN: State your name and

1 address, please.

2 MR. ABILLAMA: I'm Tom Abillama,
3 architect, for 1955 Central Park Avenue in
4 Yonkers.

5 THE CHAIRMAN: Okay. Do you want to
6 speak, sir?

7 MARK FONTE: Yes.

8 THE CHAIRMAN: You're an attorney?
9 No. Raise your right hand, please. Do you
10 solemnly swear to tell the truth, the whole
11 truth, nothing but the truth so help you
12 God?

13 MARK FONTE: Yes.

14 THE CHAIRMAN: What is your name,
15 sir?

16 MARK FONTE: Mark Fonte.

17 THE CHAIRMAN: Mark Fonte. Your
18 address, please.

19 MARK FONTE: 1955 Central Park
20 avenue Yonkers 10710.

21 THE CHAIRMAN: Thank you. Okay. So
22 this case has been going on for about five
23 years. Now, we're back with this case
24 tonight. Is this case any different from
25 the case that we gave you originally?

1 MARK FONTE: Yes, Mr. Chairman.

2 THE CHAIRMAN: It's different. It's
 3 much different. Okay. So what I want to
 4 know in order to eliminate a lot of
 5 confusion is, in the next month, I want to
 6 know exactly what we gave you in the first
 7 case and what's the difference? In other
 8 words, if we gave you 350 rooms, and you
 9 want more than that, I want to know. You
 10 want less, I want to know. Actually, I
 11 want know. Okay? And believe me, I'm
 12 going to check it. So, you're going to
 13 give me that information, you're going to
 14 give the Board that information. And I
 15 want know compare it. Okay.

16 Now, what about this wall? Has that
 17 been solved?

18 MARK FONTE: So the biggest change,
 19 Mr. Chairman, of this case is that we're
 20 obviously dealing with DEP in the back.
 21 And they want a structured wall in order to
 22 make sure that there's safeguards in place.
 23 So actually instead of continuing the rock
 24 chipping up Heights Drive, we actually
 25 minimized, you know, ongoing disturbance

1 and scaled the project down and that's why
2 it's creating all these variances that we
3 need in order to really stop the excess
4 chipping going up Heights Drive and scale
5 it back down. We're also using the rear
6 yard, the rear of the building as our
7 retaining wall because it's so big to
8 support structurally the rear of the
9 building. Which is going to be the same
10 level as the rock in the rear.

11 THE CHAIRMAN: How many, how many
12 storage spaces are you going to have now?

13 MARK FONTE: We still intend on
14 doing the same amount of storage spaces.
15 Before I think it was 350 that we did last
16 time.

17 MR. ABILLAMA: Right.

18 THE CHAIRMAN: So you're going to
19 have 350?

20 MARK FONTE: Correct.

21 THE CHAIRMAN: Okay. And everything
22 else is pretty much the same?

23 MARK FONTE: Correct. We still have
24 retail in the basement building as required
25 by the new Zoning.

1 THE CHAIRMAN: Okay. So what you're
2 going to do is you're to get, what I asked
3 you before, that's important. The sooner
4 you get it to you us, the faster everything
5 goes. If you're going to hang around and
6 be lazy about it, then what can I tell you.

7 MARK FONTE: We want to do what you
8 want, Mr. Chairman.

9 THE CHAIRMAN: Huh?

10 MARK FONTE: We want to give you
11 exactly what you want as quickly as
12 possible.

13 THE CHAIRMAN: Okay. Fine. Any
14 questions of the board?

15 MR. LANDSMAN: I have one question.

16 THE CHAIRMAN: Yeah.

17 MR. LANDSMAN: Are you done with the
18 rock chipping over there or it still needs
19 to be taking place?

20 MARK FONTE: Again, we changed the
21 plans in order to modify the extensive rock
22 chipping and not go up Heights Drive
23 anymore. I would say 95 percent of rock
24 chipping done at the time. We just have to
25 clear up the side, not the rear yard, but

1 the side and we can start building this
2 building.

3 MR. LANDSMAN: Thank you.

4 THE CHAIRMAN: Do you own all that
5 equipment over there?

6 MARK FONTE: Do I own all -- no.

7 THE CHAIRMAN: No. Well, why don't
8 get some of that out. It's so ugly.

9 MARK FONTE: Okay. We've just been
10 waiting for the equipment to just to
11 continue and to build the building. That's
12 that why we have it stored there.

13 MS. KIMBALL: Mr. Chairman, can I
14 ask --

15 THE CHAIRMAN: Yes, Ms. Kimball.

16 MS. KIMBALL: Have we received
17 either DEC or DEP guidance on where they
18 are in this process?

19 THE CHAIRMAN: No, we haven't
20 received it yet. I think we're still
21 waiting on it. Have you heard anything,
22 Mr. Fonte, about that?

23 MARK FONTE: We got an e-mail back
24 from a representative today that they were
25 going to give us some comments on the wall.

1 I have not yet received it today.

2 THE CHAIRMAN: Okay. So.

3 MARK FONTE: I believe someone's on
4 from DEC representative is on this Zoom
5 call if --

6 THE CHAIRMAN: Okay. Fine. I don't
7 recognize anybody here. Is there anybody
8 here from the DEC, or the EPA, or anything?
9 No? Okay.

10 CRYSTAL RONCI: Yeah, hi, good
11 evening. Crystal Ronci is here from New
12 York City DEP.

13 THE CHAIRMAN: Just raise your hand,
14 please. Raise your hand, please.

15 CRYSTAL RONCI: Hi, there.

16 THE CHAIRMAN: Oh, okay. Are you an
17 attorney, madam?

18 CRYSTAL RONCI: I am not. I am not.

19 THE CHAIRMAN: This is about a case
20 on --

21 CRYSTAL RONCI: I am not.

22 THE CHAIRMAN: -- Central Avenue.
23 Is that what you're on?

24 CRYSTAL RONCI: Yes, I work for New
25 York City DEP.

1 THE CHAIRMAN: Oh, okay.

2 CRYSTAL RONCI: Crystal Ronci.

3 THE CHAIRMAN: Okay. Which I think
4 I seen another gentleman on that case with
5 the same last name. I don't know. I
6 thought I seen it. Okay. You want to get
7 that lady back on, please.

8 MR. LANDSMAN: She had a bad
9 connection.

10 MR. KUNTZ: Yeah, she had a bad
11 connection, Chairman.

12 THE CHAIRMAN: Yeah? All right.
13 I'd like to hear from her.

14 MR. KUNTZ: Crystal, if you want to
15 use your phone just to call in unless you
16 need to be seen, you'll get better
17 reception.

18 THE CHAIRMAN: Ms. Ronci? Ronci,
19 excuse me.

20 MR. KUNTZ: If she's still in bad
21 WiFi, there's a little yellow triangle in
22 the top, says her Wi-Fi is bad.

23 THE CHAIRMAN: Well, we can use that
24 lady because she's important here. Can you
25 get her in, George.

1 MR. KUNTZ: I don't know if she can
2 hear me and I don't have her phone number,
3 so.

4 THE CHAIRMAN: Okay.

5 MR. KUNTZ: If you do want to call
6 in, Crystal, I can give you the phone
7 number, we can do that.

8 THE CHAIRMAN: That's too bad.
9 Mr. Fonte, do you have any connection with
10 this lady? You can get her back on here or
11 anything?

12 MARK FONTE: I could quickly e-mail
13 her if you'd like. Maybe that will help.

14 THE CHAIRMAN: Maybe we can help her
15 get on.

16 MARK FONTE: Absolutely. Thank you.

17 MR. KUNTZ: What I will do is I will
18 send her the phone number by phone. Give
19 her a chat. Hopefully she can see the
20 chat.

21 CRYSTAL RONCI: Hello.

22 THE CHAIRMAN: Hello.

23 CRYSTAL RONCI: Yes, hi. I
24 apologize this is Crystal Ronci. I lost my
25 connection.

1 THE CHAIRMAN: That's okay. They
2 tell me at the last hearing I think in May
3 that I was the ruination of everything, so.
4 Madam, are you an attorney?

5 CRYSTAL RONCI: I am not.

6 THE CHAIRMAN. Okay. Would you
7 raise your right hand, please.

8 CRYSTAL RONCI: Yes.

9 THE CHAIRMAN: Do you solemnly swear
10 to tell the truth, the whole truth, nothing
11 but the truth so help you God?

12 CRYSTAL RONCI: I do.

13 THE CHAIRMAN: Okay. Ms. Kimball,
14 has some questions for you. Ms. Kimball?

15 MS. KIMBALL: Ms. Ronci, could you
16 tell us where this project is in process
17 with DEP?

18 CRYSTAL RONCI: Yes. So we
19 received, the DEP received new design
20 drawings on June 8th from Mr. Dahan(ph), I
21 believe, the engineer for Mr. Fonte. We,
22 the DEP, worked with a consulting firm with
23 structural expertise to provide some
24 comments for that. Which I actually
25 submitted to the Zoning Board through your

1 comments website this afternoon, after they
2 were received. And we will also provide
3 them to Mr. Fonte as well. So where it is
4 right now, we have a couple of questions on
5 the proposed design, because it's a little
6 bit different than the last time that we
7 reviewed it. Once that clarification comes
8 through, you know, we'll be happy to, to,
9 you know, move on with this process.

10 MS. KIMBALL: Okay. So they got you
11 something June 8th and you have responded
12 to them and so now they need to get back to
13 you, that's the state of play?

14 CRYSTAL RONCI: We will be sending
15 the comments over. We got them about 4:00
16 this afternoon. I was able to submit them
17 to the Zoning Board so that the Chairman
18 and your members would be able to see, you
19 know, some of the comments that we had.
20 Not extensive, but a few, a few concerns
21 about the, you know, the proposed building
22 along the west side to retain the rock and
23 the overburden as opposed to, you know, a
24 retaining wall which was initially in the
25 works. So, just some more clarification on

1 that design.

2 THE CHAIRMAN: Okay. Then you'll be
3 sending some information to us as you get
4 it; am I correct on that?

5 CRYSTAL RONCI: Yes, that's correct.

6 THE CHAIRMAN: Okay. Because we
7 want to get thing, we're trying to try to
8 get this wrapped up. I'm going to continue
9 this hearing tonight. I'm going to try to
10 get it wrapped up maybe around August. We
11 meet in August for decisions only. And if
12 you can get this thing working, it might be
13 beneficial to the DEC and to Mr. Fonte.

14 CRYSTAL RONCI: Yes, I understand
15 that. Thank you.

16 THE CHAIRMAN: Thank you very much
17 for your corporation. We really appreciate
18 it. Thank you. And you can get ahold of
19 Zoning Board through the Building
20 Department. There's a Mr. Dave Barbuti
21 over there. He's the Deputy. You can call
22 him and if he doesn't answer you, you call
23 me, and he'll answer you. Don't worry.

24 CRYSTAL RONCI: Thank you very much.
25 I appreciate it.

1 MARK FONTE: Thanks for coming on
2 the phone.

3 THE CHAIRMAN: Did I say something
4 wrong? All right. Okay. Thank you.

5 MARK FONTE: Thanks.

6 THE CHAIRMAN: Is there any, any
7 questions of the Board? Okay. Mr. Fonte
8 and mister -- I know your name.

9 MR. ABILLAMA: Abillama.

10 THE CHAIRMAN: I know. I know.
11 Believe me. Abillama. Mine's Cianciulli,
12 I know, don't worry. All right. Do you
13 gentlemen have anything else to say to us?

14 MARK FONTE: No.

15 THE CHAIRMAN: Okay. You know what
16 you gotta get us now. Right? We got DEC
17 working for you.

18 MARK FONTE: Yes, appreciate it.

19 THE CHAIRMAN: And other
20 information. Okay. Thank you.

21 Is there anybody here tonight in
22 favor of this application? Is there
23 anybody here tonight in opposition?

24 MR. LANDSMAN: Anybody here to speak
25 could star six if you're on the phone.

1 I don't think there's anybody here.

2 THE CHAIRMAN: Tell them, tell them
3 the case, Heights Drive and --

4 MR. LANDSMAN: Heights Drive and
5 Central Avenue. Anybody here on this case?
6 I don't see anybody.

7 THE CHAIRMAN: Thank you.

8 Mr. Abillama, do you have anything
9 else to say to me?

10 MR. ABILLAMA: Thank you.

11 THE CHAIRMAN: Okay. Mr. Fonte.

12 MARK FONTE: No, thank you,
13 Mr. Chairman.

14 THE CHAIRMAN: Thank you. This case
15 is hereby continued to the next month.
16 You'll have to send out the notices again.
17 Registered mail and leave the signs up.

18 MARK FONTE: Okay.

19 THE CHAIRMAN: Okay? You
20 understand? Okay. Thank you.

21 MARK FONTE: No problem.

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

24 We have some business gentlemen to
25 take care of, it has nothing to do with

1 these cases. So, going to be here for a
2 little while longer. Okay.

3 All right. We got a few things here
4 to take care of. There's a gentleman here,
5 what's your name, sir? What's the
6 gentleman, what's your name, sir?

7 MR. LANDSMAN: Who?

8 THE CHAIRMAN: There's a gentleman
9 right below you, Jeff.

10 MR. LANDSMAN: You're talking about
11 Mr. Nersinger?

12 MR. KUNTZ: There's Jim Veneruso,
13 Chairman. And there's also a caller number
14 6 and a caller number 20, we don't know who
15 they are.

16 THE CHAIRMAN: All right. I don't
17 see Jimmy.

18 MR. LANDSMAN: His picture is not
19 there.

20 THE CHAIRMAN: Wait a minute.

21 MR. KUNTZ: And there's a Tom
22 Abillama who's still on the call.

23 THE CHAIRMAN: There's Mr. Veneruso,
24 I know him. And this is your son, Jim, is
25 this Stephen?

1 (Muted.)

2 MR. KUNTZ: You're muted,

3 Mr. Veneruso.

4 MR. J. VENERUSO: Yes, Stephen is my
5 son.

6 THE CHAIRMAN: That's your son up
7 there?

8 MR. J. VENERUSO: Yeah --

9 MR. LANDSMAN: No, that's
10 Mr. Nersinger.

11 THE CHAIRMAN: Okay. All right.
12 All right. Jeff, take it easy, man.
13 You'll have a heart attack. That's the
14 thing, you don't have your pajamas on.

15 MR. NERSINGER: It's all good by me.

16 MR. LANDSMAN: I gotta go eat
17 dinner, let's speed it up.

18 THE CHAIRMAN: What did you say to
19 me?

20 MR. LANDSMAN: Come on.

21 THE CHAIRMAN: Believe me, I've been
22 trying to speed it up all night. It's not
23 easy.

24 All right. We got one here. The
25 Chase Bank, you know, that's all. Okay.

1 All right. I'll take Mr. Veneruso so we
2 can go to bed.

3 All right. We got a letter here
4 from Mr. Veneruso. Regarding 25 Torre
5 Place about removing the sprinkler system
6 Okay. (Reading letter) As you're aware,
7 our office represents the Applicant
8 Crannog, LLC, in connection with the
9 captioned matter. The purpose of the
10 letter is to request further
11 reconsideration, special condition number
12 two attached to and forming part of the
13 notice of approval dated April 10, 2019.
14 Okay. This condition states fire, smoke,
15 carbon monoxide detectors and sprinkler
16 system shall be installed and connected to
17 a 24-hour monitoring system prior to the
18 certificate of occupancy being issued.
19 Okay.

20 Specifically, we are requesting
21 removal sprinkler system requirement based
22 upon the following additional information,
23 and factors for the Board's consideration.

24 The imposition of the sprinkler
25 system already has or will continue to have

1 significant adverse economic impact on the
2 applicant's business such that if it were
3 to remain likely render the applicant's
4 business not sustainable at the current
5 location. More specifically, the applicant
6 which has a Yonkers business for over six
7 years, having taken over the business from
8 prior operator which operated at this
9 location for over 75 years. The applicant
10 purchased the business over six years ago
11 and employees approximately 65 workers, is
12 now being forced to pay \$27,000 per month
13 to store materials off-premises. This is
14 not suitable. All right.

15 The cost to the applicant for the
16 sprinkler system and the associated and
17 necessary HVAC system to support said
18 system will be approximately \$125,000 in
19 addition to the ongoing maintenance,
20 repairs, et cetera, cost. The ability to
21 utilize the powder-based system is not
22 possible under the circumstances.

23 We also the respectfully submit the
24 imposition of sprinkler system special
25 condition is not necessary or required for

1 the proposed structure under the
2 circumstance for the following reasons:

3 The proposed structure which
4 consists of steel-framed membrane is being
5 used for storage of non -- storage of
6 non-flammable building material only,
7 concrete mix, sheet rock, et cetera.

8 The applicant will maintain no
9 personal offices in the proposed structure.

10 Prior to the Board's approval and
11 part of the Yonkers Fire Department review
12 process, the applicant met with the Deputy
13 Chief, Deputy Fire Chief, who determined
14 that under the circumstances related to the
15 use of the proposed structure that
16 sprinkler system would not be necessary or
17 required. In addition, the applicant at
18 the Deputy Chief's request agreed to
19 utilize material with minimum of four-hour
20 fire rating. Okay. And then they go on,
21 what have you.

22 Okay. With the conditions in this
23 letter that are stated here and the
24 materials they're going to store, I'm going
25 to make a motion that we take out that

1 condition, number two, the sprinkler system
2 only not the carbon monoxide and, et
3 cetera. Going to make a motion to take it
4 out. Do I have a second?

5 MS. KIMBALL: Second.

6 THE CHAIRMAN: Second. Ms. Kimball.
7 Everybody in favor say aye.

8 (A chorus of ayes.)

9 THE CHAIRMAN: Anybody opposed? All
10 right. Five, two absent. You got your
11 way. Go ahead. Smile. You got your way.

12 MR. J. VENERUSO: Thank you,
13 Mr. Chairman. And thank you, Members of
14 the Board. Thank you.

15 THE CHAIRMAN: What's the matter?
16 You don't come over to the place in the
17 morning anymore?

18 MR. J. VENERUSO: I'll tell you why
19 when I see you. It's not you.

20 THE CHAIRMAN: I know who it is.

21 MR. J. VENERUSO: Yeah. I figured
22 you did. All right. Thank you.

23 Mr. Chairman. Thank you, Members of the
24 Board.

25 THE CHAIRMAN: Stay right here

1 because you got a couple of more.

2 This is one for 750 Central Park
3 Avenue in Yonkers, case number 5642. I'm
4 going to make a motion to give them a
5 one-year extension from June 18, 2021 to
6 June 18, 2022. Now, they sent us a check
7 for \$750. A \$750 check is from June 18th
8 to, to June 19th, June 18, 2019 to June 18,
9 2020. Now, they're going to owe. They're
10 going to owe. June 18, 2020 to June 18,
11 2021, \$750. They're going to owe June 18,
12 2021 to June 18, 2022. The extension I
13 just gave you. Another \$750 bucks. That's
14 \$1,500. You gotta let them get over there,
15 Mister -- where'd you go? Oh, he left me.
16 All right.

17 Mr. Barbuti, you'll call him
18 tomorrow on that case?

19 MR. BARBUTI: (Indicated.)

20 THE CHAIRMAN: You'll do it?

21 MR. BARBUTI: (Indicated.)

22 THE CHAIRMAN: Okay. Thank you. So
23 he owes \$1,500 on case 5642. He can call
24 me, if he wants to, I'll tell him again.

25 Then we got this case from Plant

1 Manor the Cliff House 1097 North Broadway.
2 They want an extension. They sent, they
3 didn't send any money in here. We gave him
4 this --

5 (Noise interruption.)

6 THE CHAIRMAN: All right. They say
7 they sent a check, I didn't get it.

8 Mr. Barbuti, check that one out, see
9 if we got the check. I'm going to give
10 them an extension from 6/16/21 to 6/16/22.
11 But they gotta pay the \$750. They said
12 they sent it in, but I don't know. That
13 would be Mr. Accinelli.

14 MR. BARBUTI: Okay.

15 THE CHAIRMAN: All right. Thank
16 you, sir. Then we got here case number
17 315, 316 Palisade Avenue. All right. All
18 right. We're accepting the Lead Agency on
19 that one. Okay. That's miss -- all right.
20 We did this State Environmental thing on
21 that one. Yeah. The Planning Board is not
22 going to take this up. So, we've had an
23 opportunity to review and submit
24 information and the Board concedes Lead
25 Agency to the Zoning Board. Okay. So

1 we're Lead Agency on that one. Case 5740.

2 And then we got an extension request
3 on 470 Nepperhan Avenue. I'm going to make
4 a, make a motion to give them a year's
5 extension on that. He's asking for two
6 years. I'm not going to give that. We're
7 going to give them a year from June 16,
8 2021 to June 15, 2022. They paid with
9 check 1002. Do I have a second?

10 MR. BATTISTA: Second.

11 THE CHAIRMAN: Everybody in favor
12 say aye. Okay. And then we got Milo down
13 on 450 Walnut Street. All right. I'm
14 going to make a motion to give them an
15 extension for one year. And they have to
16 pay, they have to pay for 5/15/2018 to
17 5/15/2019. 5/15/2019 to 5/15/2020. And
18 then from 5/15/2020 to 5/15/2021. That's
19 three \$750s. So, it's 15 -- it's \$2,250.
20 So I'm going to make a motion on that. Is
21 that okay with everybody? Do I have a
22 second?

23 MS. KIMBALL: (Indicated.)

24 THE CHAIRMAN: Everybody in favor
25 say aye.

1 (A chorus of ayes.)

2 THE CHAIRMAN: Okay. That seems to
3 be it. Anything else we got that anybody
4 knows of? No?

5 MR. KUNTZ: Mr. Chairman, yeah, I
6 have a friend of mine who lives across from
7 Central Avenue and what is it Heights
8 Street, which is that 5715 variance. And
9 they had their daughter graduate in 2015 in
10 June, and that's when the construction
11 started. All that rock breaking. In 2015
12 in June at least.

13 (Briefly off-the-record.)

14 MS. KIMBALL: Request to adjourn.

15 THE CHAIRMAN: Okay. Very good. So
16 we'll see you all next month. I'll see
17 soon. Thank you.

18 MR. NATCHEV: Did you finish the
19 motion?

20 THE CHAIRMAN: What motion?

21 MR. NATCHEV: To adjourn.

22 THE CHAIRMAN: Huh?

23 MR. NATCHEV: The motion to adjourn.
24 I don't recall anybody voting on it.

25 THE CHAIRMAN: Motion to adjourn?

1 MR. NATCHEV: Yes.

2 THE CHAIRMAN: Oh, Jesus. Okay. My
3 God, all of a sudden he's getting very
4 particular. I make a -- Ms. Wilson makes a
5 motion -- Ms. Kimball makes a motion to
6 adjourn. I second it. Everybody in favor
7 say aye?

8 (A chorus of ayes.)

9 THE CHAIRMAN: So do I. Okay. Very
10 good. Good night, everybody.

11 (Time Noted: 9:30 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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