

1 CITY OF YONKERS

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4 Minutes of  
5 The City of Yonkers Zoning Board  
6 Via Virtual Meeting  
7 May 18, 2021 - 4:01 p.m.

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11 B E F O R E:

12  
13 JOSEPH CIANCIULLI, Chairman

14 HARRY SINGH, Member

15 JEFFREY LANDSMAN, Member

16 HECTOR LOPEZ, Member

17 WILSON KIMBALL, Member

18 VINCENT GIORGIO, Member

19 RALPH BATTISTA, Member

20  
21 P R E S E N T:

22 DAVE BARBUTI, Building Department

23 ALAIN NATCHEV, Assistant Corporation

24 Counsel

25 LEE ELLMAN, Planning Department

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1 THE CHAIRMAN: Okay. We are going  
2 to start the hearing.

3 The Zoning Board of Appeals Public  
4 Hearing for May 2021 is now in session.

5 Would the members introduce  
6 themselves, please, starting with  
7 Mr. Battista.

8 MR. BATTISTA: Ralph Battista.

9 THE CHAIRMAN: Ms. Wilson --  
10 Ms. Kimball, excuse me. I'm sorry.

11 MS. KIMBALL: Wilson Kimball.

12 THE CHAIRMAN: All right.  
13 Mr. Giorgio. Mr. Giorgio told me he was  
14 going to be a few minutes late tonight.  
15 It's okay. Mr. Landsman.

16 MR. LANDSMAN: Jeffrey Landsman.

17 THE CHAIRMAN: Mr. Singh.

18 MR. SINGH: Harry Singh.

19 THE CHAIRMAN: Mr. Lopez. All  
20 right. Mr. Lopez, I think he informed me  
21 he was going to be a little late tonight  
22 also.

23 My name is Joseph Cianciulli. I'm  
24 Chairman of the Board. We're going to have  
25 the Pledge of Allegiance led by

1 Mr. Landsman. Would everybody please raise  
2 their right hand.

3 Pledge of Allegiance, Mr. Landsman.  
4 (Pledge of Allegiance.)

5 MR. LANDSMAN: Thank you.

6 THE CHAIRMAN: You broke up, but I'm  
7 going to accept it. It's okay.

8 All right. Do I have a motion to  
9 accept the minutes of the April hearing?

10 MS. KIMBALL: Motion.

11 THE CHAIRMAN: Motion by  
12 Ms. Kimball. Do I have a second?

13 MR. LANDSMAN: Second.

14 THE CHAIRMAN: Who seconded it?  
15 Mr. Landsman? Okay. All right. Everybody  
16 in favor say aye. Anybody opposed?

17 (A chorus of ayes.)

18 THE CHAIRMAN: All right. That's  
19 carried 5, 2 absent. Okay.

20 Also, with us tonight is the Deputy  
21 Planning Director Commissioner Lee Ellman,  
22 and Mr. Alain Natchev from Corporation  
23 Counsel's office who represents this Board.  
24 And, and Mr. Deputy Building Commissioner  
25 of Building and Housing, David Barbuti.

1 Okay.

2 Do we have the planning -- the.  
3 Commissioner Ellman, do we have Jeffrey  
4 here tonight?

5 MR. ELLMAN: I'm sorry,  
6 Mr. Nersinger is still --

7 THE CHAIRMAN: He's ill? Okay.

8 MR. ELLMAN: -- for Mr. Nersinger?

9 THE CHAIRMAN: Who?

10 MR. ELLMAN: I'm sorry, what is it  
11 you're looking for, Mr. Chairman?

12 THE CHAIRMAN: I just wanted him to  
13 introduce himself, that's all.

14 MR. ELLMAN: I didn't catch it.

15 THE CHAIRMAN: And he's absent.

16 MR. ELLMAN: Who?

17 THE CHAIRMAN: I just wanted him to  
18 introduce himself.

19 MR. ELLMAN: No, he's --

20 (Audio disruption.)

21 THE CHAIRMAN: He's not here, right?

22 MR. ELLMAN: He's not here, yes.

23 THE CHAIRMAN: Okay. Thank you.

24 All right. Now, as Chairman of the  
25 Board -- oh, one more second. I'm sorry.

1 Can I have a moment of silence for  
2 Mr. Calvi. Now, Mr. Calvi is the Mayor,  
3 Mayor Spano's father-in-law. And Mary  
4 Calvi, it's her father. And I've met him  
5 several times. He was a perfect gentleman  
6 with me all the time and from what I  
7 understand, he was a perfect gentleman all  
8 the time. So we're going have a moment of  
9 silence for Mr. Calvi.

10 (Moment of silence.)

11 THE CHAIRMAN: Thank you.

12 Okay. Now, we're going to go have,  
13 as Chairman of the Board, I have the right  
14 to take the cases and the decisions in any  
15 order I wish to take them. Going to let  
16 you know about that. Also, we don't allow  
17 any talking. I mean, if you want to talk,  
18 please don't talk. Disturbing -- it's hard  
19 enough running one of these meetings like  
20 this anyway. And if you talk, it just  
21 interrupts everything and it just prolongs  
22 it and prolongs it. We don't need that  
23 tonight. I'll recognize you. You know.  
24 I'll ask for recognition when your case  
25 comes up or something like that. During

1 decision time, we don't allow any anybody  
2 ask any questions after the decisions are  
3 made. Okay.

4 Case tonight, 5660 and 5661, those  
5 are both on Nepperhan Avenue. I'm going to  
6 make a motion to put them over. Do I have  
7 a second?

8 MS. KIMBALL: Second.

9 THE CHAIRMAN: Everybody in favor  
10 say aye?

11 (A chorus of ayes.)

12 THE CHAIRMAN: All right. So,  
13 that's 5, 2 absent.

14 All right. Now, we're going to have  
15 case 5724. That's 125 Orchard Street. I'm  
16 going to make a motion to put it over. Do  
17 I have a second?

18 MR. LANDSMAN: (Indicated.)

19 THE CHAIRMAN: Mr. Landsman, okay.  
20 Everybody in favor say aye.

21 (A chorus of ayes.)

22 THE CHAIRMAN: Okay. Anybody not in  
23 favor? Okay. So that's carried 5-2, two  
24 absent.

25 We will have a decision tonight on



1 case 5728. We'll a decision on case,  
2 that's 722 Yonkers Avenue. We'll have a  
3 decision on 5733. That is 330 Warburton  
4 Avenue. We'll have a decision on 5738,  
5 that's Inverness Road. We'll have a  
6 decision on 5739, that's Margaret Avenue.  
7 And we'll have a decision on 5742. That's  
8 62 William street. We'll have continued  
9 hearings tonight. One of the continued  
10 hearings tonight will be 1969 Central Park  
11 Avenue. That's on the corner of Heights  
12 Drive. We just -- Mr. Gibbons here?

13 Mr. Gibbons? All right. Mr. Romano, are  
14 you here?

15 MR. ROMANO: Yes, sir, I am here.

16 THE CHAIRMAN: Would you introduce  
17 yourself, please.

18 MR. ROMANO: Andrew Romano, 55 Main  
19 Street, Yonkers, New York, for Mr. Gibbons  
20 in case number 5716. 687 Nepperhan Corp.

21 THE CHAIRMAN: Thank you. First  
22 off, Mr. Romano, I'd like to know, how is  
23 Mrs. Romano feeling?

24 MR. ROMANO: She's all right.  
25 We're, we finished everything we had to do

1       except the radiation.   So we're okay at  
2       this point.

3               THE CHAIRMAN:   Very good.   I wish  
4       her a lot of luck.   I say prayers for her  
5       every Sunday.   In the meantime, the Board  
6       wishes her a lot of luck and good health.

7               MR. ROMANO:   Thank you.   Thank you  
8       very, very much.

9               THE CHAIRMAN:   Now, get back to this  
10       case here, Mr. Romano.   What's Mr. Gibbons  
11       doing with this or what are you doing with  
12       this?

13              MR. ROMANO:   No, we're waiting as I  
14       think Commissioner Deputy Commissioner  
15       Barbuti will tell you just finishing off  
16       the new letter.   That should eliminate the  
17       use variance.   And then I'd like to send  
18       out new mailings like we agreed to and put  
19       it on for the June meeting with your  
20       permission.

21              THE CHAIRMAN:   Yes, you got  
22       permission to put it on for the June  
23       meeting.   I'm going to make a motion to put  
24       this over to June.   Do I have a second?  
25       Ms. Kimball, do you second it?

1 MS. KIMBALL: I did.

2 THE CHAIRMAN: Okay. Everybody in  
3 favor say aye?

4 (A chorus of ayes.)

5 THE CHAIRMAN: Okay. That's going  
6 to go to June.

7 All right. Now, Pier Street, 70  
8 Pier Street, 5727 has been put over by the  
9 Mr. Maniglia from the Ginsburg Development.  
10 Also put over is Mr. Veneruso at 2592 and  
11 2700 Central Park Avenue. Okay. We'll  
12 have a -- we're going have a decision on,  
13 on, we're going have a continued hearing on  
14 45 Elizabeth Place. 316 North Broadway and  
15 315 Palisade Avenue. And, now, got a  
16 letter just a couple of minutes ago that  
17 the bank at 1222 Nepperhan Avenue. That's  
18 over there just south of Odell Avenue, they  
19 want to put it over. So I'm going to make  
20 a motion to put that case over. Okay. Do  
21 I have a second? Okay. Everybody in favor  
22 say aye.

23 (A chorus of ayes).

24 THE CHAIRMAN: Okay. That case is  
25 put over.

1 (Court reporter interrupted due to  
2 connection issues.)

3 THE CHAIRMAN: All right. This 44  
4 Hudson Street, I'm going to make a motion  
5 to put that over. They asked to put it  
6 over for next month. Okay. Do I have a  
7 second?

8 MS. KIMBALL: Second.

9 THE CHAIRMAN: Everybody in favor  
10 that see aye.

11 (A chorus of ayes.)

12 THE CHAIRMAN: That's put over 5-2.

13 Now, we have new hearings tonight.  
14 Mr. Veneruso again. He wants to put over,  
15 5736. That's up here 83-94 Vineyard  
16 Avenue. I'm going to make a motion that we  
17 put this case over until next month. Do I  
18 have a second?

19 MR. LANDSMAN: Second.

20 THE CHAIRMAN: Everybody in favor  
21 say aye?

22 (A chorus of ayes.)

23 THE CHAIRMAN: All right. Is  
24 Mr. Lopez here now? No. Is Mr. Giorgio  
25 here now?

1 MR. GIORGIO: I am, Mr. Chairman.

2 THE CHAIRMAN: Okay. Good. State  
3 your name please, Mr. Giorgio.

4 MR. GIORGIO: Vincent Giorgio.

5 THE CHAIRMAN: Thank you. We will  
6 hear the case of 5744, 118 Kingsley Drive.  
7 We'll hear the case at 14 Orchard street,  
8 5745. And that's being presented by  
9 Mr. Romano.

10 Mr. Romano?

11 MR. ROMANO: Yes, sir.

12 THE CHAIRMAN: I don't know this is  
13 in a MG Zone. I think this is in a CM  
14 Zone.

15 MR. ROMANO: The one in Croton,  
16 5745, Mr. Chairman?

17 THE CHAIRMAN: Yeah, the one that --

18 MR. ROMANO: Yeah, I'm just going by  
19 what I read but I'll abide by whatever the  
20 requirement is, Mr. Chairman.

21 THE CHAIRMAN: All right. Just  
22 going to straighten this out now.

23 Deputy Commissioner Ellman, it's in  
24 the CM Zone?

25 MR. ELLMAN: Yes, it is.

1 THE CHAIRMAN: Okay. That's fine.  
2 Wait a minute, Mr. Romano. Go ahead,  
3 Deputy Commissioner.

4 MR. ELLMAN: I was just going to say  
5 that the principal in the agenda both talk  
6 about it as an MG Zone. The architect did  
7 seem to get it right on their plans  
8 however.

9 MR. ROMANO: Well, so we move to  
10 amend, Mr. Chairman, with your permission.  
11 Because everything else is the same.

12 THE CHAIRMAN: So you're going to  
13 put this case under a CM Zone?

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

15 THE CHAIRMAN: All right. I'll  
16 accept that.

17 MR. ROMANO: Thank you,  
18 Mr. chairman.

19 THE CHAIRMAN: We're going to have  
20 a, we're going to have -- we're going to  
21 hear a case of 5746, 17 Livingston Avenue.

22 Is Mr. Schofield here? Is  
23 Mr. Schofield here?

24 MR. KUNTZ: Schofield? Do you know  
25 his first name, Chairman?

1 MR. SCHOFIELD: Yes, I am.

2 MR. LANDSMAN: He's here. He's  
3 here.

4 THE CHAIRMAN: Okay.

5 MR. SCHOFIELD: I'm here,  
6 Mr. Chairman.

7 THE CHAIRMAN: Mr. Schofield, are  
8 you an attorney?

9 MR. SCHOFIELD: No, no, I'm the  
10 homeowner.

11 THE CHAIRMAN: That's okay.

12 MR. SCHOFIELD: I'm not. I'm the  
13 homeowner.

14 THE CHAIRMAN: Raise your right  
15 hand. I'm going to swear you in. Do you  
16 solemnly swear to tell the truth --

17 MR. SCHOFIELD: All right.

18 THE CHAIRMAN: -- the whole truth,  
19 nothing but the truth so help you God? Did  
20 you hear me? Do you solemnly swear to tell  
21 the truth, the whole truth, nothing but the  
22 truth so help you God? Mr. Schofield?

23 MR. SCHOFIELD: Yes. Yes.

24 MR. LANDSMAN: The screen froze.  
25 The screen froze.

1 MR. KUNTZ: He just can't. He's  
2 having a Wi-Fi issue.

3 MR. SCHOFIELD: Can you hear me now?

4 MR. KUNTZ: We can hear you now.

5 THE CHAIRMAN: I just swore you in.  
6 You're okay with that?

7 MR. SCHOFIELD: Yes.

8 THE CHAIRMAN: Okay. Number one,  
9 you didn't clear -- it's not funny. This  
10 is a very serious situation. I'm going  
11 tell you something, I put my life into  
12 this.

13 MR. SCHOFIELD: I'm not joking  
14 around.

15 THE CHAIRMAN: You didn't -- don't.  
16 You didn't give us the principal points.  
17 There's no principal points in your, in  
18 your presentation to the Board.

19 MR. SCHOFIELD: I submitted them to  
20 Ms. Shannon about a week ago.

21 THE CHAIRMAN: All right. I'll  
22 check my papers again then we'll hear the  
23 case. Okay. Thank you.

24 All right. Then we're going to hear  
25 a case tonight on 15 Parkview Avenue.



1 That's Mr. Null. And that's case 5747.  
2 We're going to hear a case tonight, 5748,  
3 212 Warburton Avenue. Then we're going to  
4 hear a case 5749 at 782 North Broadway.  
5 That's Mr. Romano.

6 Mr. Landsman, would you check that  
7 case and see if there's principal points  
8 there? I have a little too much to do here  
9 right now.

10 MR. LANDSMAN: Yes, I'll go back. I  
11 think they were in there. I will check.

12 THE CHAIRMAN: Would you check it  
13 now please for me.

14 MR. LANDSMAN: Yeah.

15 THE CHAIRMAN: So, Mr. Lopez, are  
16 you here? Mr. Lopez, just e-mailed me  
17 saying he was going to be here in a few  
18 minutes, so, we'll just leave the decisions  
19 alone for a couple of minutes.

20 MR. KUNTZ: Yeah, Mr. Lopez is not  
21 in yet.

22 THE CHAIRMAN: Is that Mr. Lopez  
23 now?

24 MR. KUNTZ: No, it is not. It is  
25 Rose Mann.

1 THE CHAIRMAN: All right. So we'll  
2 leave it for a couple of minutes until  
3 Mr. Lopez gets here. All right. Then I'm  
4 going to start with the new hearings here.

5 MR. LANDSMAN: All right.  
6 Mr. Chairman, I do have the principal  
7 points. They were e-mailed to the Board  
8 Members from Shannon. I can tell you the  
9 date. Give me one second. May 14th, May  
10 14th they were sent to the Board.

11 THE CHAIRMAN: Okay. Then I didn't  
12 get them. Do me a favor there,  
13 Mr. Landsman, e-mail me them now. Okay?

14 MR. LANDSMAN: Oh, right now.  
15 Certainly.

16 THE CHAIRMAN: Okay. You're okay  
17 there, Mr. Schofield. We're going to hear  
18 the case.

19 All right. The first case we're  
20 going to do tonight is case 5732.

21 Mr. Badaly, are you here?

22 MR. BADALY: Yes, I am.

23 THE CHAIRMAN: You're here. Okay.  
24 Would you state -- this is at 45 Elizabeth  
25 Place, Block: 3075, Lot: 104 in a "T"

1 Zone. State your name and address, please.

2 MR. BADALY: Shahin Badaly. I'm  
3 located at 2 Wilson Place in Mount Vernon,  
4 New York 10550.

5 THE CHAIRMAN: Thank you. Now, I  
6 swore you in the last time; am I correct in  
7 that? I swore you in; am I correct?

8 MR. KUNTZ: Mr. Badaly.

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

14 MR. LANDSMAN: You're on mute.  
15 Mr. Badaly, unmute yourself, Mr. Badaly.

16 MR. KUNTZ: He's not --

17 MR. BADALY: I do.

18 MR. KUNTZ: There you go.

19 THE CHAIRMAN: Okay. Is there  
20 anybody here tonight on this case? This  
21 case is on Elizabeth Place. It's off of  
22 Nepperhan Avenue. Just south of Roberts  
23 Avenue and just north of Old Nepperhan  
24 Avenue. Is there anybody here on this  
25 case?

1           Now, we heard your case the last  
2 time. Do you have anything else to say to  
3 us?

4           MR. BADALY: No, sir. I believe our  
5 case was complete and if the Board does  
6 have any questions for us, we are here to  
7 answer them, please.

8           THE CHAIRMAN: All right. I was  
9 supposed to meet with you. I didn't make  
10 it. We had a problem. So, I'm going to  
11 call you, we're going to have you -- I want  
12 you to call the Building Department on  
13 Friday. And I'm going to talk to Shannon  
14 tomorrow, the secretary to the Board, and  
15 I'm going to have her set up an appointment  
16 to come over there and see the premises.

17           MR. BADALY: Yes, sir.

18           THE CHAIRMAN: Are you --

19           MR. BADALY: I do want to make you  
20 are aware, the certificate of occupancy  
21 currently shows a kitchen in the basement.  
22 And I can provide you a copy of that  
23 certificate if necessary as well.

24           THE CHAIRMAN: Say that again.

25           MR. BADALY: Sorry. I know there

1 was a lot of background noise. I do know  
2 that it is a point of contention for the  
3 Board. And I do want to make the Board  
4 aware that there is a legal kitchen. It's  
5 a summer kitchen in the basement and it is  
6 on the certificate of occupancy.

7 THE CHAIRMAN: How many kitchens you  
8 got in the place?

9 MR. BADALY: It has two kitchens,  
10 but it is a one-family dwelling.

11 THE CHAIRMAN: But there is two  
12 kitchens?

13 MR. BADALY: Correct.

14 THE CHAIRMAN: Okay. That's fine.  
15 We'll get into that. Don't worry about it.  
16 We'll take a look at it. We'll see what's  
17 going on.

18 Any questions of the Board?

19 MR. BADALY: Thank you.

20 THE CHAIRMAN: You're welcome.

21 Any questions of the Board?

22 Okay. Is there anybody here tonight  
23 to speak on this case, speak in favor of  
24 it? Anybody to speak in opposition?

25 All right. Do you want to say

1 anything else to me, sir?

2 MR. BADALY: No, thank you. Thank  
3 you. We will schedule the appointment  
4 immediately on Friday.

5 THE CHAIRMAN: Yeah. Thank you.

6 MR. BADALY: Thanks.

7 THE CHAIRMAN: Okay. This case is  
8 hereby -- this case is hereby --

9 (Simultaneous speakers.)

10 MR. KUNTZ: Chairman, there are some  
11 people on their phone. I'll let them know  
12 that they have to press star 6 in order to  
13 unmute themselves if you want to speak.

14 THE CHAIRMAN: They want to speak on  
15 this case?

16 MR. KUNTZ: On this case.

17 THE CHAIRMAN: Okay. Let them  
18 speak.

19 MR. LANDSMAN: Yeah, Mr. Chairman,  
20 Mr. Lopez is here now.

21 THE CHAIRMAN: Thank you. Introduce  
22 yourself, Mr. Lopez.

23 MR. LANDSMAN: You're on mute.  
24 Mr. Lopez, unmute.

25 THE CHAIRMAN: All right.

1 Mr. Lopez, introduce yourself.

2 MR. LOPEZ: Hector Lopez, Board  
3 Member.

4 THE CHAIRMAN: Thank you. Okay.

5 Mr. Kuntz, put somebody on. Who do  
6 you want to put on the phone that's going  
7 to talk against this Elizabeth Place?

8 MR. KUNTZ: Chairman, no one is  
9 pressing star 6, so we can only assume that  
10 they don't want to speak.

11 THE CHAIRMAN: Okay. All right.  
12 This case is hereby closed. Reserve the  
13 right to reopen it for any reason  
14 whatsoever, anytime whatsoever, and that  
15 includes after decision is made.

16 Thank you, Mr. Badaly.

17 MR. BADALY: Thank you. Take care.

18 THE CHAIRMAN: Okay. Next case is  
19 5740. It's an area variance. It's -- it's  
20 Janet Giris, Esq. It's on, it's between  
21 316 North Broadway and 315 Palisade Avenue,  
22 Lot: 2155. That's a block. Lot is 5916 in  
23 an "M" Zone.

24 Ms. Giris, are you here --

25 Ms. Giris, are you here?

1 MS. GIRIS: Yes, Mr. Chairman, I'm  
2 here. Thank you.

3 THE CHAIRMAN: Okay. Introduce  
4 yourself, please.

5 MS. GIRIS: Good evening. My name  
6 is Janet Giris. I'm a partner with  
7 DelBello, Donnellan, Weingarten, Wise, and  
8 Wiederkehr of White Plains here this  
9 evening on behalf of the applicant.

10 THE CHAIRMAN: Thank you.

11 Is there anybody here tonight on  
12 this case? This case is, is up on North  
13 Broadway. It goes between North Broadway  
14 and -- it goes between North Broadway and  
15 Palisade Avenue. Is anybody here tonight  
16 on this case? You want to check it out,  
17 please --

18 MR. KUNTZ: Again, anyone who's on  
19 their phone, you have to press star 6 to  
20 unmute yourselves.

21 MR. LANDSMAN: They're not going to  
22 talk right now. They can all hear you,  
23 Mr. Chairman.

24 THE CHAIRMAN: Okay. Thank you.

25 Ms. Giris, has everybody within a



1 200-foot radius been notified?

2 MS. GIRIS: Yes, Mr. Chairman.

3 THE CHAIRMAN: Did anything come  
4 back?

5 MS. GIRIS: Not that I'm aware of,  
6 Mr. Chairman. And in addition you asked  
7 that we locate, management for the other  
8 co-op. We did that as well, Mr. Chairman.

9 THE CHAIRMAN: Thank you.

10 All right. Proceed, Ms. Giris.

11 MS. GIRIS: Thank you, Mr. Chairman  
12 and Members of the Board. Good evening and  
13 thank you for having me this evening. When  
14 we were before you last month, we presented  
15 our application to the Board. We are  
16 seeking area variances in connection with  
17 the redevelopment of the property at 316  
18 North Broadway and 315 Palisade Avenue.  
19 The proposed project is a seven-story  
20 apartment building containing 60 units.  
21 And, again, we needed several area  
22 variances in connection with the reduction  
23 of the side yard for the parking lot. It's  
24 one side and both sides. And area  
25 variances with regard to the proposed

1 retaining walls on the property. The  
2 height of those retaining walls and in  
3 addition a variance for allowing the  
4 loading space within the front yard.

5 We answered questions of the Board  
6 and, and of the community at last month's  
7 meeting. We provided some additional  
8 information just to demonstrate to the  
9 Board that the benefits to the applicant,  
10 if the variances are granted, considered  
11 against the detriment to the community.  
12 That the benefits to the applicant outweigh  
13 any detriments to the community.

14 Mr. Chairman, if I could share my  
15 screen I can go through some of those  
16 materials with you.

17 THE CHAIRMAN: Sure. Sure. Go  
18 ahead.

19 MS. GIRIS: All right. Hopefully,  
20 hopefully I'll get the right thing up  
21 there. Okay. So, I think I've got the  
22 right thing. So you can see 316 North  
23 Broadway and 315 Palisade Avenue, this is  
24 what the proposed building will look like.  
25 And we've added a few, a few drawings to

1 show you. So this, this is a proposed  
2 rendering from the front of the building.  
3 And we included this rendering to  
4 demonstrate to you that the loading area  
5 which is located in the front of the  
6 building, isn't visible from North Broadway  
7 when you're looking straight at the  
8 building.

9 One of the things that we wanted to  
10 include for the Board, was this montage of  
11 silhouette developments in the area  
12 surrounding the property. So, what you see  
13 here in red is the proposed property. I  
14 know that there were some comments from a  
15 few of the neighbors that this building is  
16 not of a size or similar to other  
17 developments in the community. So we  
18 wanted to show you that, in fact, there are  
19 many buildings that surround this one that  
20 show that what is being proposed on this  
21 property is consistent with the development  
22 in this area.

23 And one of the things that I wanted  
24 to present to the Board is just the fact  
25 that, but for the height of these retaining

1 walls and, and the side yard setback with  
2 regard to the parking, in terms of bulk --  
3 this, this building complies with the  
4 zoning regulations and is consistent again  
5 with what exists in the surrounding area.

6 This is another view of the front of  
7 the building. We wanted to just  
8 demonstrate to you how that loading area in  
9 the front would be buffered by landscaping  
10 and the proposed wall. And so you won't be  
11 able to see that from the front of the  
12 building.

13 And, again, this is if you're  
14 looking into the site. This, demonstrates  
15 the height of one the retaining walls and  
16 the variance that we're seeking for that  
17 retaining wall. I think Mr. Giorgio had a  
18 couple of questions about the retaining  
19 walls last month. So I wanted to include  
20 this to just to give you an idea of what  
21 that would look like.

22 And then similarly here, same thing  
23 with the retaining wall in this portion of  
24 the site. I think Mr. Landsman had a  
25 question about that as well last month. So

1 we wanted to include this to just  
2 demonstrate what it was going to look like.

3 And then I wanted to explain to the  
4 Board that we've got, this is the parking  
5 area that's to the rear. I wanted to show  
6 you that, although there is parking and we  
7 are seeking a reduction in the required  
8 side yards, that those side yards would be  
9 buffered with landscape plantings on both  
10 sides.

11 I wanted to mention to you that if  
12 you look and see this two-story frame  
13 structure here. The owner of that home  
14 appeared before you last month. Indicated  
15 his support for the project. I think he's  
16 going to be trying to be here this evening.  
17 I don't know if he is. But he indicated  
18 his support for the project. On the other  
19 side is Ukrainian Cultural Center. And  
20 what you see immediately adjacent to what  
21 we are proposing is their parking area  
22 which is fully paved right to the property  
23 line and there's no buffer on their side of  
24 the property line. So in terms of  
25 detriment, what we're proposing here

1 doesn't provide any detriment.

2           And we wanted to just give you an  
3 idea of what that parking area would look  
4 like. I know that there were some concerns  
5 of the community where they thought there  
6 was going to be very big parking structure  
7 here. As we mentioned to the Board last  
8 month, that parking structure is going to  
9 be completely below grade. So you're  
10 arriving at the parking area for this  
11 property on Palisade, this is what you  
12 would see. You would arrive into the  
13 parking area. And then you could go down  
14 into the structure. But, again, it's  
15 intended to be nicely landscaped, as you  
16 can see and buffered from the adjoining  
17 properties.

18           And then I wanted to show you as  
19 well there was some concerns raised about  
20 the height of the retaining walls. And,  
21 you know, what we did was we provided you a  
22 cover letter where we talked about the fact  
23 that the Zoning Ordinance is not really,  
24 you know, the Zoning Ordinance is not  
25 designed to deal with properties that are

1 already sloped. It's really designed for,  
2 for preventing the creation of slopes. But  
3 doesn't exist. Doesn't really address  
4 existing topography in this portion of the  
5 City.

6 So, retaining walls like the ones  
7 that we are proposing are prevalent  
8 throughout the many of the different  
9 properties. Particularly, in the  
10 surrounding area. So what we did was we  
11 provided to, and this was all in your  
12 packages this evening. But I just wanted  
13 to share it with you. And this is another  
14 little montage that again shows properties  
15 in the surrounding area immediately  
16 adjacent to this site which shows retaining  
17 walls, you know, again down here in excess  
18 of 25 feet. Over here slopes from 6 feet  
19 to 9 feet in height. And then at the  
20 corner of High Street and it's  
21 approximately 12 feet in height. Again,  
22 the view through 300 North Broadway with  
23 retaining walls in excess of 20 feet and  
24 then again over here in excess of 25 feet.  
25 And so these type of walls are prevalent

1 throughout this neighborhood. And so what  
2 we're proposing here is completely  
3 consistent with the character of the  
4 neighborhood.

5 And then so this last page, I just  
6 wanted to summarize the requested variances  
7 for you as I mentioned earlier. The sides  
8 yards are going to be planted with  
9 landscaped buffers to minimize the impact  
10 to both of the neighboring property owners.

11 Again, the loading area will be  
12 completely screened by the topographical  
13 features of the site as well as some  
14 landscaping.

15 And then again with the retaining  
16 walls, they are necessary in order to  
17 construct on this property which, you know,  
18 as I mentioned to you last month, there's  
19 approximately 54 feet in elevation change  
20 from Palisade to North Broadway.

21 So, again, those, that information  
22 was provided to you along with a cover  
23 letter. I know that there was a petition  
24 that was submitted by some, some members of  
25 the community. We took a look at that



1 letter in the petition. We determined that  
2 although it purports to be signed by a  
3 bunch of neighbors, almost all of them  
4 reside over one mile away. And a lot of  
5 the information that was contained in that  
6 letter just grossly overstates the  
7 potential impacts of the project.

8 So we wanted to at least respond to  
9 the Board with regard of that and we wanted  
10 to provide this additional supplemental  
11 information to you.

12 And that's all I have, Mr. Chairman,  
13 here to answer any questions. Joining me  
14 this evening, our project architect, Joe  
15 Fernandez, as well.

16 MR. KUNTZ: Mr. Chairman, can you  
17 unmute yourself?

18 THE CHAIRMAN: Yeah. Okay?

19 MR. KUNTZ: Thank you.

20 THE CHAIRMAN: Okay. Are there any  
21 questions of the Board?

22 Okay. Is there anybody here tonight  
23 in favor of this application?

24 MR. LANDSMAN: I have a question,  
25 Mr. Chairman.

1 THE CHAIRMAN: Who's that? Who's  
2 talking?

3 MR. LANDSMAN: Mr. Landsman.

4 THE CHAIRMAN: Yes, Mr. Landsman.

5 MR. LANDSMAN: Yeah, for Ms. Giris.

6 Is it possible to put the screen  
7 back up again and show that rear view of  
8 the parking lot? Ms. Giris?

9 MS. GIRIS: Yes, hold on one sec.  
10 This view?

11 MR. LANDSMAN: There's nothing  
12 coming up.

13 MR. KUNTZ: It will come up.

14 MR. LANDSMAN: Okay.

15 MS. GIRIS: Hopefully I'm sharing  
16 the right screen.

17 MR. KUNTZ: It takes a few seconds.

18 MR. LANDSMAN: Okay. There's  
19 nothing yet.

20 MR. KUNTZ: We don't see it yet,  
21 Janet, Ms. Giris.

22 MS. GIRIS: Oh, hold on.

23 MR. LANDSMAN: Yeah, that's it.  
24 Thank you. So, to the left is where you  
25 drive down, and I can see that. So the

1 area on top, that's all surface level  
2 parking that's going to be?

3 MS. GIRIS: Yeah, that's surface  
4 level parking. The rendering, you can't  
5 see the striping of the parking on the  
6 rendering.

7 MR. LANDSMAN: Right.

8 MS. GIRIS: But what I can show you  
9 is -- make this a little bit smaller. And  
10 this is, this is like the opposite view so  
11 you can see Palisade here. But this is the  
12 surface parking on the top.

13 MR. LANDSMAN: All right. So, I  
14 guess this will get to my question from  
15 last month on the handicap parking spots.  
16 So where would they be on this drawing?

17 MS. GIRIS: So there are handicap  
18 parking spaces right here.

19 MR. LANDSMAN: Those two that are  
20 shaded?

21 MS. GIRIS: One, two, three, four,  
22 that's the aisle between.

23 MR. LANDSMAN: Oh, Okay. Okay.  
24 Four spots. Okay. And the image to the  
25 right, that's, that's -- how do you get to

1 the building from there?

2 MS. GIRIS: So there's a bridge that  
3 goes across.

4 MR. LANDSMAN: Okay.

5 MS. GIRIS: Into the building.

6 MR. LANDSMAN: There's no stairs on  
7 that bridge?

8 MS. GIRIS: Not at this level.

9 Mr. Fernandez, can confirm that. But at  
10 this level you take the bridge and you go  
11 right across and into the building.

12 MR. LANDSMAN: Okay. Thank you very  
13 much.

14 THE CHAIRMAN: Is there anybody else  
15 here tonight in favor of this application?

16 Is there anybody --

17 MR. LANDSMAN: Is there anybody else  
18 who wants to speak for this application?

19 If your on the phone you have to press star  
20 6. Is that it?

21 MR. KUNTZ: That's it. Star 6.

22 MR. LANDSMAN: Star 6, if you want  
23 to talk in favor.

24 THE CHAIRMAN: All right. Is there  
25 anybody here tonight that wants to speak in

1 opposition?

2 MARK OVERTON: Yes.

3 THE CHAIRMAN: Go ahead,  
4 Mr. Landsman.

5 MR. LANDSMAN: Okay. Hold on.

6 Mr. Chairman, we've got a  
7 Mr. Overton would like to speak first.

8 THE CHAIRMAN: Okay. Mr. Overton,  
9 are you an attorney?

10 MARK OVERTON: I am not.

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

15 MARK OVERTON: I do.

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

18 MARK OVERTON: My name is Mark  
19 Overton, I live at 293 North Broadway  
20 directly across from the site, proposed  
21 site.

22 THE CHAIRMAN: Proceed, please.

23 MARK OVERTON: Mr. Chairman, thank  
24 you for your time. This is in regard to  
25 the variance relating to the retaining

1 walls. And something I brought up at the  
2 last meeting. And I'd like to address the  
3 issue of the underground water source that  
4 exits above ground 365 days a year downhill  
5 to the west, down the driveway to the North  
6 Broadway along the existing driveway. It's  
7 come to my attention that the City of  
8 Yonkers in the last couple of years has  
9 issued more than a dozen violations for ice  
10 and snow from that water source.

11 Over the years there have been many  
12 attempts to stop it. At least people  
13 coming and looking at it and it seems as  
14 though it is to no avail. It's also come  
15 to my attention that the City has tested  
16 this water and confirmed that it is not  
17 Yonkers City water.

18 The fact that something of this  
19 historic nature does not seem to be  
20 addressed in the application or the  
21 proposed drawings, leads me to believe that  
22 this hasn't been addressed anywhere.  
23 Whether or not it's being hidden, I don't  
24 know.

25 I would think that it's imperative

1 to do a geological or a hydrological survey  
2 to determine how this issue would be dealt  
3 with and any remediation be addressed  
4 through capture and control or somehow  
5 diverting it to the City's sewer system.

6 In spite of the appeal for higher  
7 retaining walls, I think that the  
8 uncertainty of the source of the water is a  
9 major concern for the increased height of  
10 the walls as water and ice could undermine  
11 them.

12 Thank you for your time,  
13 Mr. Chairman.

14 THE CHAIRMAN: You're welcome, sir.

15 Any questions of this gentleman from  
16 the Board?

17 Okay. Is there anybody else here  
18 that wants to speak against this, this  
19 property?

20 MR. LANDSMAN: Anybody here on the  
21 phone, if you press star 6, you'll be able  
22 to talk. Anybody else want to speak on  
23 this project? I don't see anybody else.

24 THE CHAIRMAN: Okay. Ms. Giris, do  
25 you have anything else to say?

1 MS. GIRIS: Thank you, Mr. Chairman.

2 Just with regard to Mr. Overton's  
3 comments. As you know, the storm water  
4 management of a project like this is  
5 something that's developed over the course  
6 of the Site Plan Review process. In order  
7 for us to be able to get to that process,  
8 we need to get through this Board first.  
9 So if there is, in fact, a water issue, it  
10 will be something that will be addressed  
11 during that site plan review process.

12 And I've got nothing further,  
13 Mr. Chairman. You have everything from us  
14 in writing which is all part of your record  
15 and we respectfully request that you vote  
16 in favor of the application.

17 THE CHAIRMAN: Okay. What you're  
18 going to do, Ms. Giris, is that you're  
19 going to call the Building Department on  
20 Friday and speak to Shannon, our secretary.  
21 And you're going to set up an appointment  
22 for us to come up there sometime. I was  
23 supposed to do it, and I didn't do it. But  
24 I'm going to do it now. So, we'd  
25 appreciate it if Mr. Fernandez will be



1 there to go over this with us and anybody  
2 else that can be of service to us. Is that  
3 okay with you?

4 MS. GIRIS: Certainly, Mr. Chairman.

5 THE CHAIRMAN: So you'll call  
6 Shannon on, on Friday and we'll go on.  
7 She'll call me and we'll line it up. Thank  
8 you very much. This case is hereby  
9 closed--

10 MR. NATCHEV: Mr. Chairman.

11 Mr. Chairman. Alain Natchev.

12 THE CHAIRMAN: What's going on?

13 MR. NATCHEV: Mr. Natchev. Yes.

14 THE CHAIRMAN: Who?

15 MR. NATCHEV: The Board needs to --  
16 this is Mr. Natchev. Natchev.

17 THE CHAIRMAN: Who's talking to me?

18 MR. LANDSMAN: Mr. Natchev is  
19 talking to you. You're breaking up.

20 MR. NATCHEV: This is Mr. Natchev.

21 MR. KUNTZ: Your WiFi is a little  
22 off.

23 MR. NATCHEV: Yeah. Can you hear  
24 me, Joe?

25 THE CHAIRMAN: Yes.

1 MR. NATCHEV: Mr. Chairman.

2 THE CHAIRMAN: Yes.

3 MR. NATCHEV: The Board needs to  
4 make a motion of its intent to assume Lead  
5 Agency status for SEQRA purposes. I  
6 believe Mr. Giorgio has a motion ready.

7 THE CHAIRMAN: Mr. Giorgio. Go  
8 ahead.

9 MR. GIORGIO: Case number 5740, 316  
10 North Broadway and 315 Palisade Avenue,  
11 Block: 2155, Lots: 59 & 16, Zone: M.

12 Mr. Chairman, I make a motion that  
13 the Zoning Board of Appeals pursuant to the  
14 New York State Environmental Quality Review  
15 Act declare its intention to seek Lead  
16 Agency status for the purposes of the  
17 Environmental Review of this matter and  
18 direct the Planning Director on behalf of  
19 this Board to initiate Lead Agency  
20 notification and coordinate a review with  
21 all other involved agencies in this action.  
22 If no other involved agency seeks to be  
23 Lead Agency within 30 days of the effective  
24 date of notice, the Zoning Board of Appeals  
25 shall assume Lead Agency status for the

1 purpose of review of this matter. Thank  
2 you.

3 THE CHAIRMAN: Do I have a second?

4 MR. LANDSMAN: Second.

5 THE CHAIRMAN: Hey, Deb, close that  
6 door, will you?

7 Do I have a second?

8 MS. KIMBALL: Second.

9 THE CHAIRMAN: Okay. On the motion.  
10 Mr. Battista. Mr. Battista?

11 MR. BATTISTA: For the motion.

12 THE CHAIRMAN: Mr. Giorgio.

13 MR. GIORGIO: For the motion.

14 THE CHAIRMAN: Okay. Mr. Landsman.

15 MR. LANDSMAN: For the motion.

16 THE CHAIRMAN: All right.

17 Mr. Singh. Mr. Singh?

18 MR. SINGH: (Indicated.)

19 THE CHAIRMAN: For the motion.

20 Okay. Mr. Lopez.

21 MR. LOPEZ: For the motion.

22 THE CHAIRMAN. Chairman votes for  
23 the motion. Motion is carried 7-0. Okay.  
24 So we're going to be Lead Agency on that if  
25 nobody else wants to do it. Okay.

1 MS. GIRIS: Thank you, Mr. Chairman.

2 THE CHAIRMAN: You're welcome. All  
3 right. Now, I said when everybody gets  
4 here, we'll have the decisions. Okay.

5 The first decision tonight will be  
6 -- one second, please. I'm sorry. The  
7 first decision tonight will be on case  
8 5728. That's on 722 Yonkers Avenue,  
9 Block: 6102, Lot: 6 in a "B" Zone. Do I  
10 have a motion, please?

11 MR. GIORGIO: Yes, Mr. Chairman.

12 THE CHAIRMAN: Mr. Giorgio.

13 MR. GIORGIO: Case #5728, Area  
14 Variance, Andrew Romano, Esq., on behalf of  
15 Anthony Flower, owner, to construct a  
16 one-story addition on east side of existing  
17 funeral home having:

18 - Insufficient parking, Section  
19 43-128, Table 43-4 (required 54 spaces,  
20 proposed 38);

21 - Parking within minimum side-front  
22 yard (Orient Street) not permitted, Section  
23 43-133(A)(3)

24 On premises known as 722 Yonkers Ave,  
25 Block 6102, Lot 6, Zone B.

1           The subject property is an existing  
2 2.5-story funeral parlor which the  
3 applicant has owned since September 2013.  
4 The applicant seeks to construct a new  
5 one-story, 20ft x 38ft addition on the  
6 easterly side of the premises to be used in  
7 conjunction with the existing funeral home.  
8 Based on the revised Building Application  
9 Review dated February 16, 2021, the  
10 applicant is seeking a variance for  
11 insufficient parking and parking within the  
12 minimum side-front yard on Orient Street.

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

1 considered the following:

2 One, whether granting the requested  
3 variances would result in an undesirable  
4 change in neighborhood character or a  
5 detriment to nearby properties. The Board  
6 has visited the site multiple times and  
7 finds that the proposed action would likely  
8 result in parking impacts in the  
9 neighborhood. It is clear from observation,  
10 and corroborated by the Planning Director's  
11 comments, that there are already parking  
12 shortages at this facility and the  
13 submitted materials do not include any  
14 professional studies or proof to the  
15 contrary. Taking into account the site's  
16 location on a NYS arterial, its proximity  
17 to entrances and exits from the Cross  
18 County Parkway, and the paucity of parking  
19 on Yonkers Avenue it is not possible to  
20 visualize where excess parking will be  
21 accommodated. It's also noted for the  
22 record that the City Engineer in his  
23 comments to the Board dated January 13,  
24 2021 indicated that it was their  
25 professional opinion that granting the

1 variance would result in parking impacts on  
2 local roadways, particularly on Orient  
3 Street. It should be further noted that  
4 while the applicant provides a total of 38  
5 proposed spaces, 14 of these spaces are  
6 located in the accessory lot which is  
7 located more than 200 feet from the main  
8 property.

9 Two, whether the benefit sought by  
10 the applicant can be achieved by other  
11 feasible means. The applicant has not  
12 submitted information to the Board to  
13 indicate that any other means have been  
14 considered. The applicant has also not  
15 presented sufficient information as to why  
16 the existing operations are inadequate or  
17 whether the three existing rooms which  
18 currently may be used for chapels can be  
19 re-configured within the existing structure  
20 so as to create one larger room for a  
21 chapel as sought by the applicant.

22 Three, whether the requested  
23 Variances are substantial. The Board finds  
24 that the proposed variance is substantial  
25 both numerically and in potential impacts

1 to neighborhood as previously noted. To  
2 summarize, It is clear from observation and  
3 reports from the City Planning Director and  
4 City Engineer, that there are already  
5 existing parking shortages at this facility  
6 and within the surrounding neighborhood,  
7 whereby the applicant's proposal will  
8 create an adverse effect on parking and  
9 traffic conditions in the area. The  
10 applicant's submitted materials do not  
11 include any professional studies or any  
12 other relevant evidence at all to rebut  
13 this finding. Taking into account the  
14 site's location on a severely congested NYS  
15 arterial, its proximity to entrances and  
16 exits from the Cross County Parkway, and  
17 the paucity of available parking on Yonkers  
18 Avenue, it is not possible to visualize  
19 where excess parking will be accommodated.

20 Four, whether the variances will  
21 have negative affects to physical or  
22 environmental conditions in the  
23 neighborhood. The proposed variances will  
24 have those negative physical or  
25 environmental impacts to the surrounding



1 neighborhood as previously stated.

2 Five, whether the alleged difficulty  
3 is self-created. The hardship is clearly  
4 self-created as the applicant purchased the  
5 property in 2013 and could have had actual  
6 or constructive knowledge of the building  
7 code restrictions and operational  
8 requirements prior to purchase.

9 Thank you.

10 THE CHAIRMAN: You're welcome. Do I  
11 have a second on the motion?

12 MR. SINGH: Second.

13 THE CHAIRMAN: On the motion,  
14 Mr. Battista. On the motion, Mr. Battista.

15 MR. BATTISTA: (Indicated.)

16 MR. LANDSMAN: You're muted.

17 THE CHAIRMAN: For the motion?

18 Okay.

19 Ms. Kimball.

20 MS. KIMBALL: For the motion.

21 THE CHAIRMAN: Mr. Giorgio.

22 MR. GIORGIO: For the motion.

23 THE CHAIRMAN: Mr. Landsman.

24 MR. LANDSMAN: For the motion.

25 THE CHAIRMAN: Mr. Singh.

1 MR. SINGH: For the motion.

2 THE CHAIRMAN: And Mr. Lopez.

3 MR. LOPEZ: For the motion.

4 THE CHAIRMAN: Okay. Chairman votes  
5 the motion. Motion is carried 7-0.

6 The next, the next case is 5733.  
7 It's Mr. Romano on behalf of 383 Warburton  
8 Avenue, Block: 2121, Lot: 21 in an "M"  
9 Zone. Do I have a motion, please?

10 MS. KIMBALL: Yes, Mr. Chairman.

11 THE CHAIRMAN: All right. Yes,  
12 Ms. Kimball.

13 MS. KIMBALL: Number 5733, Area  
14 Variance, Andrew Romano, Esq., on behalf of  
15 383 Warburton Associates, LP for  
16 construction of a new parking lot to be  
17 used in conjunction with an existing  
18 apartment building having infringed on:  
19 parking within 10 feet of a building on the  
20 same lot is not permitted, Section 43-44  
21 A.9.B (parking within 10 feet of a building  
22 on the same lot is not permitted, proposed  
23 4'-8"); the requirement that fences must  
24 not exceed 4 feet in height in a required  
25 front yard setback or in any other required

1 yard setback abutting a street and 6 feet  
2 in height within any other required yard  
3 setback, section 43-41.D.3.a (6' proposed  
4 in front yard setback); the requirement  
5 that the developer provide dimension from  
6 the first (1st) parking space to front  
7 property line (parking not permitted in  
8 front yard/ 10' to front property line) on  
9 premises known as 383 Warburton Avenue,  
10 Block 2121, Lot 23, Zone M.

11 The subject property is a vacant lot  
12 purchased from the City of Yonkers ("COY")  
13 on March 29, 2018. The applicant seeks to  
14 construct a new parking lot containing ten  
15 (10) parking spaces to serve an adjacent 61  
16 -unit apartment building which the  
17 applicant has owned since September 1 ,  
18 1989. The subject property is on the  
19 Northwest corner of Warburton Avenue and  
20 Glenwood Avenue within walking distance of  
21 the Glenwood train station.

22 Mr. Chairman, I make a motion to  
23 approve the requested variances based on  
24 facts, findings, information, and testimony  
25 presented to this Board at the public

1 hearing, site visits by members of the  
2 Zoning Board of Appeals, or otherwise  
3 obtained. In approving this variance the  
4 Zoning Board of Appeals has taken into  
5 consideration the hardship faced by the  
6 applicant as weighed against the detriment  
7 to the health, safety, and welfare of the  
8 neighborhood and community. Specifically,  
9 in making its determination the Board has  
10 considered the following:

11 One, whether the benefit sought by  
12 the applicant can be achieved by other  
13 feasible means. The applicant owns the  
14 adjacent 61 -unit apartment building which  
15 does not currently provide on site parking  
16 as an amenity for its tenants. Parking in  
17 Yonkers in this neighborhood and for  
18 buildings of this age is generally confined  
19 to street parking. Street parking within  
20 walking distance of a Metro-North train  
21 station can be challenging to find.  
22 Providing off-street parking as an amenity  
23 to tenants can not be provided by other  
24 feasible means.

25 Two, whether granting the requested

1 variances would result in an undesirable  
2 change in neighborhood character or a  
3 detriment to nearby properties. The  
4 applicant is going to improve the  
5 neighborhood by cleaning up an overgrown  
6 lot, creating a parking lot for the use of  
7 their tenants and easing parking challenges  
8 for their neighbors. The proposed parking  
9 lot is consistent with the character of the  
10 neighborhood because the area has apartment  
11 buildings, commercial space and retail uses  
12 all of which rely on proximate parking.  
13 There would be no detriment to nearby  
14 properties which themselves suffer from a  
15 lack of parking. Instead, the proposed  
16 parking lot would potentially free-up more  
17 on-street parking for other tenants and  
18 businesses to utilize.

19 Three, whether the requested  
20 variance is substantial. The variance is  
21 not substantial with regard to potential  
22 impacts as noted. To summarize, the  
23 Applicant is creating a parking lot in a  
24 formally vacant and overgrown lot for their  
25 tenants to use. The entrance and exit of

1 the parking lot will be on Warburton  
2 Avenue. Granting the variance would allow  
3 for the applicant to maximize the lot size  
4 and the number of vehicles it could  
5 accommodate thus, easing on street parking  
6 challenges and providing an amenity to the  
7 applicants' tenants. A six (6) foot fence  
8 provides privacy and security.

9 Four, whether the variances will  
10 have negative affects to physical or  
11 environmental conditions in the  
12 neighborhood. The variances will not have  
13 negative affects on the physical or  
14 environmental conditions in the  
15 neighborhood. Instead, as noted, granting  
16 the variances will provide an amenity to  
17 tenants, and ease the challenge of on-site  
18 parking in a neighborhood that struggles to  
19 accommodate other tenants, consumers, and  
20 commuters.

21 Five, whether the alleged difficulty  
22 is self-created. The hardship is self-  
23 created because the area variance relief is  
24 a function of the configuration of the  
25 parking lot, but the parking area was

1 designed to minimize the impacts to nearby  
2 properties and maintain safe and efficient  
3 vehicular and pedestrian circulation.

4 Although the hardship is self-created, the  
5 self-created hardship rule is only one  
6 consideration and does not preclude the  
7 Board from granting the request.

8 In granting this variance the Board  
9 imposes the following conditions:

10 1. All fire, health, environmental  
11 safety --

12 THE CHAIRMAN: George.

13 -- building and zoning codes shall  
14 be adhered to at all times.

15 2. Any taxes or fines, if owed,  
16 should be paid within 60 days from today's  
17 date.

18 3. All parking spots will be  
19 provided of the adjacent building through a  
20 first come/first serve basis.

21 4. There will be no public,  
22 non-tenant parking.

23 5. Lighting should conform to the  
24 foot candle requirements in the zoning  
25 ordinance and have full cut off fixtures.

1           6.   Garbage pick-up is restricted to  
2   8:30 a.m. to 4:30 p.m. Monday through  
3   Friday.

4           7.   The entrance gate will slide  
5   back and forth parallel to Warburton Avenue  
6   and not open into or onto the sidewalk or  
7   street.

8           8.   These conditions shall be  
9   specified on the Certificate of Occupancy  
10   and the owner shall permit periodic  
11   inspection of the direction -- sorry -- at  
12   the discretion of the City of Yonkers  
13   Department of Housing and Buildings at  
14   least once every calendar year to determine  
15   that conditions are being satisfied.

16          9.   This approval shall be immediately  
17   rescinded should the owner violate any of  
18   these conditions.

19          10.  All expenses associated with  
20   these conditions shall be the  
21   responsibility of the owner.

22           THE CHAIRMAN:  Ms. Kimball, this is  
23   Chairman Cianciulli.  Can I add something  
24   to this?

25           MS. KIMBALL:  Yes, of course,



1 Chairman.

2 THE CHAIRMAN: Can I add something  
3 to this?

4 MS. KIMBALL: Of course.

5 THE CHAIRMAN: I'd like to say any  
6 -- thank you -- any repairs to the  
7 sidewalks or the curbs directly in front of  
8 this piece of property, will be the  
9 responsibility of the applicant and/or the  
10 owner to repair these sidewalks and curbs  
11 as per the City Engineer before the CO is  
12 issued. I want to emphasize that. This is  
13 going to be used for a parking lot only.  
14 Not for nothing else. No repairs or  
15 anything. Okay?

16 MS. KIMBALL: Yes.

17 THE CHAIRMAN: Ms. Kimball. Thank  
18 you. Thank you.

19 Do I have a second on the motion?

20 MR. SINGH: Second.

21 THE CHAIRMAN: Do I have a second?

22 MR. SINGH: Second.

23 THE CHAIRMAN: All right. On the  
24 motion. Thank you. Mr. Battista.

25 MR. BATTISTA: For the motion.

1 THE CHAIRMAN: Okay. Ms. Kimball.

2 MS. KIMBALL: For the motion.

3 THE CHAIRMAN: Okay. Mr. Giorgio.

4 MR. GIORGIO: For the motion.

5 THE CHAIRMAN: Mr. Landsman.

6 MR. LANDSMAN: For the motion.

7 THE CHAIRMAN: And, Mr. Singh.

8 MR. SINGH: For the motion.

9 THE CHAIRMAN: And, Mr. Lopez.

10 MR. LOPEZ: For the motion.

11 THE CHAIRMAN: Chairman votes for  
12 the motion. Motion is carried 7-0.

13 All right. The next case is 5738,  
14 12 Inverness Road, Block: 4965, Lot: 72 in  
15 an "M" Zone.

16 Do I have a motion, please?

17 MR. GIORGIO: Yes, Mr. Chairman.

18 THE CHAIRMAN: Yes, Mr. Giorgio.

19 MR. GIORGIO: Yes. Case number  
20 5738, Area Variance, James G. Dibbini,  
21 Esq., on behalf of 12 Inverness LLC, owner,  
22 to construct a new one-family dwelling,  
23 whereas:

24 - Violation of the Side Setback  
25 Plane on right side (south) of house,

1 Section 43-34.H. 1 , and  
2 - Insufficient side yard setback,  
3 Section 43-27, Table 43-3 (required 20ft,  
4 40 ft total, proposed 12.66 ft/32.66 ft  
5 total)

6 On premises known as 12 Inverness  
7 Road, Block 4965, Lot 72, Zone S-200.

8 The subject property is a vacant lot  
9 located in the Beach Hill area of Yonkers  
10 and was previously developed with a  
11 one-story, one-family residence. The  
12 applicant is seeking to construct a 2.5  
13 story, one-family residence on the lot.

14 Mr. Chairman, I make a motion to  
15 approve the requested area variances,  
16 subject to conditions, based on facts,  
17 findings, information, and testimony  
18 presented to this Board at the public  
19 hearing, site visits by members of the  
20 Zoning Board of Appeals, or otherwise  
21 obtained. In approving these variances the  
22 Zoning Board of Appeals has taken into  
23 consideration the hardship faced by the  
24 applicant as weighed against the detriment  
25 to the health, safety, and welfare of the

1 neighborhood and community. Specifically,  
2 the Board finds:

3 One, that granting the requested  
4 variances would not result in an  
5 undesirable change in neighborhood  
6 character or a detriment to nearby  
7 properties. The single family use of the  
8 property is consistent with the surrounding  
9 neighborhood and also previous use of the  
10 site. The proposed side setbacks are  
11 similar to that of the previous house and  
12 are also similar to other homes in the  
13 area.

14 Two, that the requested Variances  
15 are not substantial. The requested  
16 variances are not substantial when viewed  
17 in the context of the application as a  
18 whole. As noted, the property will remain  
19 single family residential use and will  
20 maintain setbacks similar to the pervious  
21 structure and those in the surrounding  
22 neighborhood.

23 Three, that the benefit sought  
24 cannot be achieved by other feasible means.  
25 The applicant cannot build the desired one

1 family home without the minor requested  
2 variances.

3 Four, that the variances will not  
4 have negative impact to physical or  
5 environmental conditions in the  
6 neighborhood as the proposal would not  
7 result in any significant changes to  
8 conditions at the site when compared to the  
9 previous residential use.

10 Five, that the alleged difficulty is  
11 self created in that the applicant only  
12 recently purchased the property and could  
13 have had actual or constructive knowledge  
14 of the zoning code restrictions prior to  
15 purchase, however, the self-created  
16 hardship test is merely one consideration  
17 and does not preclude the Board from  
18 granting the request.

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

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

24 2. The property is to be used as  
25 one-family home with one kitchen. No

1 second family boarding house set ups or  
2 in-law setups are allowed.

3 3. Any repairs or replacement  
4 required by the City Engineers to the curbs  
5 in front of the property on Inverness Road  
6 shall be repaired and replaced by the  
7 applicant prior to the certificate of  
8 occupancy being issued;

9 4. These conditions shall be  
10 specified on the certificate of occupancy  
11 and the owner shall periodic inspections at  
12 the discretion of the City of Yonkers,  
13 Department of Housing and Building at least  
14 once every calendar year to determine the  
15 condition are being satisfied;

16 5. The approval shall be  
17 immediately rescinded should the owner  
18 violate any condition at any time and;

19 6. All expenses associated with these  
20 conditions shall be the responsibility of  
21 owner. Thank you.

22 MR. LANDSMAN: Mr. Chairman, you're  
23 muted.

24 MR. KUNTZ: Mr. Chairman, can you  
25 unmute yourself?

1 THE CHAIRMAN: Mr. Giorgio.

2 Mr. Giorgio?

3 MR. GIORGIO: Yes, Mr. Chairman.

4 THE CHAIRMAN: Would you repeat that  
5 condition about the one-family, please?

6 MR. GIORGIO: Certainly.

7 The property is to be used as a  
8 one-family home with one kitchen, no second  
9 family, boarding house setup, or in-law  
10 setups are allowed.

11 THE CHAIRMAN: Thank you. Do I have  
12 second on this motion, please?

13 MR. LANDSMAN: Second.

14 THE CHAIRMAN: Do I have a second?

15 MR. LANDSMAN: Second.

16 THE CHAIRMAN: Thank you. On the  
17 motion, Mr. Battista.

18 MR. BATTISTA: For the motion.

19 THE CHAIRMAN: Mr. Battista?

20 MR. BATTISTA: For the motion.

21 THE CHAIRMAN: And, Ms. Kimball.

22 MS. KIMBALL: For the motion.

23 THE CHAIRMAN: Mr. Giorgio.

24 MR. GIORGIO: For the motion.

25 THE CHAIRMAN: Okay. Mr. Giorgio?

1 MR. GIORGIO: For the motion.  
2 THE CHAIRMAN: Mr. Landsman.  
3 MR. LANDSMAN: For the motion.  
4 THE CHAIRMAN: Mr. Singh.  
5 MR. SINGH: For the motion.  
6 THE CHAIRMAN: Mr. Singh?  
7 MR. SINGH: For the motion.  
8 THE CHAIRMAN: Okay. Mr. Landsman.  
9 MR. LANDSMAN: For the motion.  
10 THE CHAIRMAN: All right.

11 Mr. Landsman.

12 MR. LANDSMAN: For the motion.  
13 THE CHAIRMAN: Okay. And I'm for,  
14 okay, the Chairman is for the motion, all  
15 7-0. Thank you.

16 Okay. The next case is 5739, it's  
17 an area variance at 56 Margaret Avenue, 182  
18 Crestwood Avenue. Do I have a motion on  
19 this?

20 MR. LANDSMAN: Yes, Mr. Chairman.

21 THE CHAIRMAN: Who?

22 MR. LANDSMAN: Yes, Mr. Chairman.

23 THE CHAIRMAN: Mr. Landsman?

24 MR. LANDSMAN: Yes, sir.

25 THE CHAIRMAN: All right. You have



1 a motion, go ahead.

2 MR. LANDSMAN: I make a motion to  
3 approve the request for an area variance  
4 subject to conditions, based on facts,  
5 findings, information and testimony  
6 presented to this Board at the public  
7 hearing, site visits by members of the  
8 Zoning Board and otherwise obtained.

9 The subject property in question is  
10 an improved, lot in an S50 Zone. Its  
11 located in The Crestwood neighborhood of  
12 Yonkers which is almost exclusively single  
13 family homes. Its on the North East corner  
14 of Margaret Ave and Crestwood Ave.

15 Number One, Whether undesirable  
16 changes will be produced in the  
17 neighborhood or a detriment to nearby  
18 properties will be created by granting of  
19 the area variance.

20 The Zoning Board has visited the  
21 site multiple times and finds there is no  
22 apparent detriment to neighbors in granting  
23 this variance. The existing house has stood  
24 on that corner since 1926.

25 Number two, Whether the benefit

1 sought by the applicant or owner can be  
2 achieved by some other method feasible for  
3 the applicant or owner to pursue other than  
4 the area variance.

5 The benefit sought cannot be  
6 achieved by any other means. No adjacent  
7 land is available to purchase so the  
8 setbacks can be made conforming.

9 Number three, Whether the requested  
10 variance is substantial.

11 It is the position of the Board that  
12 the variance requested appears not to be  
13 substantial. should also be noted that  
14 there were no neighbors in opposition at  
15 the public hearing.

16 Number four, Whether the proposed  
17 variance will have an adverse effect on the  
18 physical or environmental conditions of the  
19 neighborhood or district.

20 Based on the above, the granting  
21 this variance will not adversely affect the  
22 health, safety or welfare of the  
23 neighborhood or larger community. The  
24 existing setbacks will not change. The  
25 porch which already exists, it will just be

1 enclosed. The existing home's footprint  
2 will not be changed. No environmental  
3 issues or safety standards which will be  
4 breached. The granting of the requested  
5 variance will in no way have a negative  
6 effect on the neighborhood or do nothing to  
7 negatively alter the quality of life.

8           Number five, Whether the alleged  
9 difficulty was self-created. The  
10 difficulty is self-created. It is clearly  
11 so, on the part of the owner/applicant. As  
12 stated by Mr. Ed D'Amore at the April 21 St  
13 2021 hearing. This enclosure is minor,  
14 because of the slope of the driveway -- the  
15 slope of the sidewalk going up, the  
16 driveway of the house next door, goes  
17 another 7 feet higher. So our peak of the  
18 roof is only 7 feet above that, driveway.  
19 However, there are conditions that will  
20 need to be met for the granting of the  
21 variance.

22           Number one, all health, safety,  
23 fire, building and environmental codes  
24 shall be adhered to at all times by the  
25 applicant and/or owner.

1           Number two, fire, smoke and carbon  
2 monoxide detectors shall be installed  
3 throughout the entire existing home and  
4 addition. All smoke, carbon and fire  
5 detectors shall be hooked up to an outside  
6 24 hr monitoring system.

7           Number three, that no business shall  
8 operate from this property.

9           Number four, As determined by the  
10 City of Yonkers Engineering Dept, if any  
11 sidewalks or curbs need repairing or  
12 replacing in front of the dwellings, the  
13 owner or applicant must comply with their  
14 request , before the Certificate of  
15 completion is issued.

16           Number five, all taxes and fines, if  
17 owed, must be paid in full 60 days from  
18 today's date.

19           Number six, these conditions shall  
20 be listed on the C of O and the applicant  
21 and/or property owner shall permit  
22 inspections at the discretion of the  
23 Department of Housing and Buildings, City  
24 of Yonkers, at least once per year to  
25 determine compliance of the conditions.

1           Number seven, should the applicant  
2           and/or property owner not comply with,  
3           breach or violate any of these conditions  
4           at any time, the area variance is hereby  
5           rescinded, and the Zoning Board authorizes  
6           the City of Yonkers Department of Housing  
7           and Buildings to take appropriate action.

8           Number eight, all expenses  
9           associated with these conditions shall be  
10          the responsibility of the applicant and/or  
11          owner.

12          Number Nine, that the existing home  
13          shall remain a one-family dwelling with one  
14          kitchen, with no in-law or boarding house  
15          set-up.

16          Thank you.

17          THE CHAIRMAN: Do I have a second on  
18          the motion?

19          MS. KIMBALL: Second.

20          THE CHAIRMAN: Somebody going to  
21          second it?

22          MS. KIMBALL: Second.

23          THE CHAIRMAN: Ms. Kimball. Okay.  
24          On the motion, Mr. Battista.

25          MR. BATTISTA: For the motion.

1 THE CHAIRMAN: Mr. Battista, on the  
2 motion.

3 MR. BATTISTA: For the motion.

4 THE CHAIRMAN: Ms. Kimball.

5 MS. KIMBALL: For the motion.

6 THE CHAIRMAN: Mr. Giorgio.

7 MR. GIORGIO: For the motion.

8 THE CHAIRMAN: Okay. Mr. Giorgio?

9 MR. GIORGIO: For the motion.

10 THE CHAIRMAN: Okay. Mr. Landsman.

11 MR. LANDSMAN: For the motion.

12 THE CHAIRMAN: Mr. Landsman.

13 MR. LANDSMAN: For the motion.

14 THE CHAIRMAN: Mr. Singh?

15 MR. SINGH: For the motion.

16 THE CHAIRMAN: Mr. Singh?

17 MR. SINGH: For the motion,

18 Mr. Chairman. For the motion.

19 THE CHAIRMAN: Thank you.

20 Mr. Lopez.

21 MR. LOPEZ: For the motion.

22 THE CHAIRMAN: Thank you.

23 Chairman votes for the motion.

24 Motion is carried 7-0.

25 We've got the last decision tonight.

1 And that's 5742, an improvement to the lot  
2 non-confirming use. Mr. Romano. At 62  
3 William Street, Block: 444, Lot: 30, in an  
4 "M" Zone. Do I have a motion, please?

5 MR. SINGH: Yes, Mr. Chairman.

6 THE CHAIRMAN: Mr. Singh.

7 MR. SINGH: Case number 5742,  
8 Improvement to Non-Conforming Use, Andrew  
9 Romano, Esq. on behalf of Claudio Herrera  
10 Ramirez, owner, to legalize barrier  
11 fence/wall between adjoining properties  
12 whereas: Improvement to non-conforming use  
13 requires Zoning Board Appeals, Reference  
14 43-21.G, Note: A two-family row house is a  
15 non-conforming use, patio and playground in  
16 rear yard;

17 On premises known as 62 William  
18 Street, Lot: 444, Lot: 30, M Zone.

19 THE CHAIRMAN: Hold on a second.

20 George, we gotta get something  
21 better than this. What's going on here?  
22 You want to get everybody off and let Harry  
23 read the motion?

24 MR. KUNTZ: Chairman, everyone --

25 THE CHAIRMAN: Would that be any

1 better?

2 MR. KUNTZ: The only ones that are  
3 on right now are Hector and you. They're  
4 the only ones -- everyone else is muted.

5 THE CHAIRMAN: All right. Go ahead,  
6 Mr. Singh. Come on.

7 MR. SINGH: Okay. Mr. Chairman.

8 As such, Mr. Chairman, I make a  
9 motion to improve requested improvement to  
10 a non-conforming use --

11 THE CHAIRMAN: Forget about -- start  
12 with "as such."

13 MR. SINGH: Okay. As such,  
14 Mr. Chairman, I make a motion to approve  
15 the requested improvement to a  
16 non-conforming use subject to conditions  
17 based on fact, findings, information, and  
18 testimony provided to this Board at public  
19 hearing, site visits by members of the  
20 Zoning Board of Appeals or otherwise  
21 obtained.

22 The premises are a legal two-family  
23 row house located in an "M" Zone that the  
24 applicant has owned since March 2020. The  
25 applicant seeks to do an exterior



1 alteration to legalize his northern side  
2 yard fence located between the properties.  
3 However, due to this being an improvement  
4 to a non-conforming use, the alteration  
5 requires Zoning Board Appeals approval.

6 To grant an improvement to a  
7 non-conforming use pursuant to Section  
8 43-21 G of the Zoning ordinance, the  
9 proposed improvements must be shown to  
10 mitigate any existing adverse effect of the  
11 current non-conforming use of the property  
12 to the Board. Finds that the proposed  
13 improvement will accomplish such purpose  
14 pursuant to the Zoning Ordinance.

15 Number one, the premises will remain  
16 similar in use and character with the  
17 surrounding areas which consists of  
18 one-family, two-family and small  
19 multi-family dwellings as reflected in the  
20 area maps, photos, and site visits.

21 Number two, there will be no  
22 increase in occupancy as a result of  
23 exterior alteration or any reduction in  
24 air, light, and greenery as plans reflect.  
25 Additionally, the fence will provide

1 security and safety for the children's use  
2 the premises backyard.

3 Number three, the premises will meet  
4 all building, housing, environmental,  
5 parking, and safety codes and will improve  
6 this dwelling by grant of Zoning Board of  
7 appeals. The improvements will also be  
8 benefit for the surrounding neighborhood by  
9 bringing the premises up to current housing  
10 and building codes.

11 Number four, the proposed  
12 improvements will not have an adverse or  
13 impact on the environmental characteristics  
14 such as water use, pollution, and energy  
15 use, drainage, run-off, and flooding nor  
16 create any noise, light, or odor or visual  
17 or other nuisance conditions impacting the  
18 physical and environmental conditions of  
19 the neighborhood.

20 Mr. Chairman, in granting this  
21 request for improvement to a non-conforming  
22 the Board imposes the following conditions:

23 Number one, all health, safety,  
24 fire, building, and environmental codes  
25 shall always be adhered to by that

1 applicant.

2 Number two, all curbs and sidewalk  
3 abutting the property that needs repairing  
4 or replacement as per the City Of Yonkers,  
5 Zoning Board -- sorry -- City of Yonkers  
6 Department of Engineering, then the repair  
7 or replacement must be done before the  
8 certificate of occupancy is issued.

9 Number three, if back real estate  
10 taxes or fines if owed to be paid in full  
11 within 60 days of this hearing, and proof  
12 must be submitted to this Board.

13 Number four, these conditions shall  
14 be on the certificate of occupancy and the  
15 applicant and/or property owner shall  
16 permit inspections at the discretion of the  
17 City's Department of Housing and Building  
18 at least once every calendar year to  
19 determine that the conditions are being  
20 satisfied.

21 Number five, there will be a fire,  
22 carbon monoxide and smoke detectors on the  
23 premises hooked up outside 24-hour  
24 monitoring system such as ADT before the  
25 certificate of occupancy is issued.

1           Number six, should the applicant  
2           and/or property owner not comply with  
3           breach or violate any of these conditions  
4           at any time, the approval of these  
5           variances is hereby rescinded. It  
6           authorizes the City's Department of Housing  
7           and Building to take appropriate action.

8           Number seven, all expenses  
9           associated with these conditions shall be  
10          sole responsibility of the applicant and/or  
11          property owner.

12          Number eight, after Zoning Board of  
13          Appeals approval, Site Plan Review by the  
14          Planning Board is required.

15          Number nine, the driveway apron and  
16          curb in front of driveway will need to be  
17          replaced.

18          Thank you, Mr. Chairman.

19          THE CHAIRMAN: You're welcome.

20          Do I have a second on the motion?

21          MS. KIMBALL: Second.

22          THE CHAIRMAN: Ms. Kimball, thank  
23          you.

24          On the motion, Mr. Battista.

25          MR. BATTISTA: For the motion.

1 THE CHAIRMAN: Ms. Kimball.

2 MS. KIMBALL: For the motion.

3 THE CHAIRMAN: Mr. Giorgio.

4 MR. GIORGIO: For the motion.

5 THE CHAIRMAN: Okay. Mr. Landsman.

6 MR. LANDSMAN: For the motion.

7 THE CHAIRMAN: Mr. Singh.

8 MR. SINGH: For the motion.

9 THE CHAIRMAN: Mr. Lopez.

10 MR. LOPEZ: For the motion.

11 THE CHAIRMAN: The Chairman votes  
12 for the motion. The motion is carried 7-0.

13 That's all the decisions we're going  
14 to have tonight. Now, we're going to get  
15 into the cases.

16 MR. KUNTZ: Jeffrey Landsman, can  
17 you look at my chat, please.

18 MR. LANDSMAN: Yes.

19 THE CHAIRMAN: What did you say?

20 MR. KUNTZ: Chairman, I sent a chat  
21 to Jeffrey Landsman. There are people that  
22 are on the chat that would like to speak  
23 about certain --

24 MR. LANDSMAN: Yeah. Mr. Chairman,  
25 there are people here that they say they

1 missed the opportunity to speak on the case  
2 that was North Broadway and Palisade  
3 Avenue. They said they didn't get the  
4 opportunity.

5 THE CHAIRMAN: We certainly gave  
6 everybody --

7 MR. LANDSMAN: You know, there may  
8 have been difficulty with unhooking their  
9 phones up through the --

10 MR. KUNTZ: Or they didn't --

11 THE CHAIRMAN: We certainly -- we  
12 certainly gave everybody an opportunity. I  
13 said it three -- I asked two or three  
14 times.

15 MR. LANDSMAN: I did ask everybody,  
16 yeah. Right.

17 THE CHAIRMAN: I mean they're  
18 welcome to send anything they want to say  
19 in writing to the Board. They can do that.  
20 But I'm not going to open up the case,  
21 number one, just not going to open up.  
22 Ms. Giris is not here. So --

23 MR. LANDSMAN: There is, somebody  
24 give us the e-mail address, who to send  
25 those to. Does somebody, Mr. Natchev have

1 that maybe? Who to send the e-mail to and  
2 tell the people?

3 MR. KUNTZ: Yeah, Ms. Wilson --  
4 Wilson Kimball sent some information of  
5 where to send it. And I can send it to the  
6 general, to everyone on this call.

7 MR. LANDSMAN: Okay. So we're going  
8 to put the e-mail address in the chat of  
9 where to send any comments or on the case  
10 on North Broadway and Palisade Avenue. So,  
11 everyone check the chat that has any  
12 questions they want to submit. Thank you.

13 THE CHAIRMAN: Okay.

14 MR. KUNTZ: Thank you.

15 THE CHAIRMAN: We're okay, Alain?

16 MR. NATCHEV: Well, Mr. Chairman, I  
17 don't think we closed it -- did you close  
18 that case?

19 THE CHAIRMAN: Yes. Yeah.

20 MR. NATCHEV: Because -- all right.  
21 Well, the Board always has the option to  
22 reopen the case at the next, next month's  
23 meeting. Since especially you just noticed  
24 the Board's intent to be Lead Agency for  
25 SEQRA purposes. So the Board can't make a

1 decision until, until you conclude the  
2 Environmental Review --

3 THE CHAIRMAN: Right.

4 MR. NATCHEV: -- to close the  
5 matter.

6 THE CHAIRMAN: Right. So if I, so  
7 if I closed the case, I'm going to take  
8 that back. I'm going to leave the case  
9 open, because we're the lead agency for  
10 now.

11 MR. NATCHEV: Yeah, well, as you  
12 always state, Mr. Chairman, you say you  
13 reserve the right to reopen the case.  
14 Because the Board can always reopen the  
15 case.

16 THE CHAIRMAN: Okay. Very good.

17 MR. NATCHEV: So, if you choose to  
18 do that, I would make a motion now to  
19 reopen the case. So, that it'll, you know,  
20 so that you can give the directive for  
21 Ms. Giris to send proper notices if that's  
22 what the Board's intention is.

23 THE CHAIRMAN: No, I think we'll  
24 leave it the way it is. And because if  
25 case someone wants to write a letter, let



1       them write a letter. That's all I can say.

2               MR. NATCHEV: It's up to the Board,  
3       Mr. Chairman.

4               THE CHAIRMAN: Yeah.

5               MR. KUNTZ: Mr. Chairman.

6               THE CHAIRMAN: Yes.

7               MR. KUNTZ: I'm sending out the  
8       e-mail address that they can send if they  
9       have comments. ZBApublic@yonkersny.gov

10              THE CHAIRMAN: Okay. Court  
11       reporter, go back and see if I closed the  
12       case or what I done. Okay. We'll wait a  
13       couple of minutes.

14              COURT REPORTER: Well, Chairman,  
15       I've been in and out with the WiFi, so I  
16       don't if --

17              MS. KIMBALL: Chairman, I actually  
18       took notes and I have it that you closed  
19       it. This is Ms. Kimball.

20              MR. GIORGIO: This is Mr. Giorgio.  
21       I believe what happened was you went to  
22       close the case and then Mr. Natchev  
23       reminded you that we didn't do the Lead  
24       agency and I'm not sure if you then closed  
25       the case after the Lead Agency was written,

1 but you sort of --

2 THE CHAIRMAN: All right. Then I'm  
3 going to make a motion to open the case for  
4 the Lead Agency. Do I have a second,  
5 Ms. Kimball?

6 MS. KIMBALL: Second, yes.

7 THE CHAIRMAN: All right. Everybody  
8 in favor say aye?

9 (A chorus of ayes.)

10 THE CHAIRMAN: Anybody opposed? No.  
11 Okay. All right. Now, we got the Lead  
12 Agency in. So at the next hearing, we'll  
13 probably have a decision on this. Make  
14 sure the word "probably" is in there.

15 All right. We gotta get going on  
16 these cases here now.

17 We're going to take a five-minute  
18 recess. Thank you.

19 (Brief recess.)

20 THE CHAIRMAN: All right. We're  
21 going to open up this case here for a  
22 minute. We're going to get --  
23 Mr. Landsman, make sure you get some  
24 neighbors on this. Okay?

25 MR. LANDSMAN: Yes.

1 MR. KUNTZ: Chairman, we can't hear  
2 you speaking, but you're not muted, so.

3 THE CHAIRMAN: Who's that?

4 MR. LANDSMAN: You want to take some  
5 questions now?

6 THE CHAIRMAN: Yeah. All right.  
7 We're going to open up this case. Is that  
8 all right with all the Board Members?

9 MR. KUNTZ: Chairman, we can't hear  
10 you.

11 MR. LANDSMAN: We hear him.

12 MS. KIMBALL: Yup, I hear him.

13 MR. LANDSMAN: Now he muted himself.  
14 Mr. Chairman, you're muted. Unmute  
15 yourself.

16 MR. KUNTZ: Yeah, you have to unmute  
17 yourself, Chairman.

18 MR. NATCHEV: Mr. Chairman, you can  
19 reopen a hearing --

20 (Simultaneous speaking.)

21 MR. KUNTZ: So you are unmuted, but  
22 you -- we still can't hear you. So maybe  
23 the speaker is, or the microphone is set  
24 too low?

25 THE CHAIRMAN: All right. Let me --

1 hold on. Can everybody hear me?

2 (Chorus of yeses.)

3 THE CHAIRMAN: All right. That's  
4 it. All right. Mr. Landsman, see--

5 MR. NATCHEV: Mr. Chairman, first,  
6 you need to make the motion to reopen the  
7 case. And have it be unanimous.

8 THE CHAIRMAN: Going to make a  
9 motion to reopen that case. Do I have  
10 second?

11 MS. KIMBALL: Second.

12 THE CHAIRMAN: Everybody in favor  
13 say aye?

14 (A chorus of ayes.)

15 THE CHAIRMAN: Anybody opposed?  
16 Okay. Case is reopened.

17 MR. LANDSMAN: We have a Mr. Dilanna  
18 would like to speak, I believe. Okay.  
19 Mr. Chairman, Mr. Dilanna.

20 THE CHAIRMAN: All right. Where is  
21 that gentleman? Raise your right hand,  
22 please. Okay. We're going to swear you  
23 in, sir. Are you ready?

24 PAOLO DILANNA: Yes.

25 THE CHAIRMAN: Do you solemnly swear

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

3 PAOLO DILANNA: I do. I do.

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

6 PAOLO DILANNA: My name is Paolo  
7 Dilanna, I live at 293 North Broadway.

8 THE CHAIRMAN: Okay.

9 PAOLO DILANNA: Which is across the  
10 street from the 316 lot.

11 THE CHAIRMAN: Okay. Proceed, sir.

12 PAOLO DILANNA: Thank you very much.  
13 So I've been living here for ten years.  
14 The first thing I'm going to just say is  
15 that, that whole complex is across the  
16 street from me. It's a beautiful mansion.  
17 It was built a hundred years ago. It's a  
18 solid, it's got, it's got a stone base to  
19 it. It is historic. And there is no  
20 reason whatsoever that, that should be torn  
21 down to build a apartment complex. So I'm  
22 completely one hundred percent opposed to  
23 this idea. There's no need for it. This  
24 is a purely profit-driven project by the  
25 developers that bought this for the pure

1 purpose of, of profit. That's all. It is  
2 not serving the public. And it is not  
3 serving us. That's the first thing I'd  
4 like to say.

5 Now, secondly, it is right across  
6 the street from us. Everyone who has a  
7 window view of this North Broadway. All  
8 right. It has beautiful sunlight in the  
9 morning where the sun rises. In fact, I'm  
10 going to show you right now. You can see  
11 from my window. All right. That's the  
12 building that we're talking about. If an  
13 apartment complex goes up that's higher  
14 than three stories, it blocks our sunlight.  
15 And we're talking about 20 or 30 residents  
16 here that get affected by that.

17 Number two, parking on North  
18 Broadway is already completely full. You  
19 cannot get a space on North Broadway unless  
20 you sit out and wait. So what's going to  
21 happen? They're going to build up a  
22 complex. They're going to tear this down,  
23 put up a big complex and they're going to  
24 complain, the developers are going to  
25 complain, that they've got their own

1 parking structure. But it's not going to  
2 be adequate. And what's going to happen,  
3 all their friends who come to visit, and  
4 all the people who live in that complex,  
5 are going to be looking on North Broadway  
6 to park. And there's just going to be a  
7 big disaster. So I'm completely against  
8 that for that second reason of parking.

9 Thirdly, there's apparently a lot of  
10 water that true comes down from there. I  
11 know this is an area that's got a lot of  
12 streams and rivers. And that whole  
13 situation, I know it's been brought up  
14 before, but that's a whole other ball game  
15 that would have to be addressed.

16 That's just a few things I'd like to  
17 say. But I'm 100 percent opposed to this.  
18 And I think it's wrong and I think that we  
19 have to stop developers from buying out our  
20 land, and our public, you know, it's our  
21 neighbors that get affected and they do it  
22 for profit. And it's not to benefit us.

23 That's all I have to say.

24 THE CHAIRMAN: Thank you.

25 PAOLO DILANNA: Thank you.

1 THE CHAIRMAN: Thank you.

2 Does anybody else want to speak in  
3 opposition on this, on this case?

4 MR. LANDSMAN: I think we have a  
5 Ms. Diaz, Mr. Chairman.

6 LINETTE DIAZ: Here.

7 THE CHAIRMAN: Are you an attorney,  
8 madam? Are you an attorney?

9 MR. KUNTZ: You have to unmute  
10 yourself.

11 THE CHAIRMAN: Ms. Diaz, are you an  
12 attorney? Ms. Diaz, are you an attorney?

13 LINETTE DIAZ: Yes.

14 THE CHAIRMAN: You an attorney?

15 LINETTE DIAZ: No. No, I'm a  
16 resident of 324 North Broadway.

17 THE CHAIRMAN: Are you an attorney,  
18 Ms. Diaz?

19 LINETTE DIAZ: No.

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 LINETTE DIAZ: I do.

25 THE CHAIRMAN: State your name and



1 your address, please.

2 LINETTE DIAZ: Linette Diaz, 324  
3 North Broadway.

4 THE CHAIRMAN: Proceed, please.

5 LINETTE DIAZ: I'm a tenant of the  
6 building that they are trying to knock  
7 down. My family has been living here for  
8 over 22 years. I've been living here for  
9 over seven. I don't understand what is the  
10 reason for this, because our apartments are  
11 gorgeous. They are well-sustained. They  
12 are capable of being fixed. And since just  
13 -- they just simply just decided to take  
14 this down to -- and then realize just  
15 money. Like these people have no idea or  
16 concept of what the real Yonkers has been.  
17 I've been living here for 25 years in  
18 Yonkers myself. It would just be taking  
19 away one of our historical values by  
20 building a building in front of here. Not  
21 to mention we are literally, like, the last  
22 before, you know, before condos, there's no  
23 other further buildings past this one on  
24 this side of Yonkers as well.

25 Everything is functional in this

1 building. We have fireplaces. I have two  
2 floors. We have bathrooms. There's  
3 nothing wrong other than this water that's  
4 on the side, which the developer that  
5 bought the property was told, had told us  
6 they were supposed to fix all this up prior  
7 to them buying this property. Because they  
8 just bought it a year and-a-half ago. And  
9 they have done absolutely nothing. They  
10 just sit literally just been sitting on it  
11 trying build a building on it just to throw  
12 us out. Needless to say, you know, I've  
13 literally --

14 THE CHAIRMAN: Okay.

15 LINETTE DIAZ: -- my whole family  
16 has grown up here. It's just kind of  
17 nonsense and it's just such a family  
18 oriented, it's a historical architecture,  
19 it would just be taking Yonkers away from  
20 what it's known for the buildings that they  
21 are, that they have. It was basically a  
22 mansion that was turned into eight  
23 apartments. And instead of them just  
24 fixing the apartments, they decide to knock  
25 it down and then just throw a seven-

1 building or a seven-floor building in it.  
2 And to just block all that, the beauty that  
3 is it is. I just, I just feel so, I'm  
4 heartbroken.

5 THE CHAIRMAN: Okay. Any questions  
6 of this lady? Thank you, madam.

7 Is there anybody else -- is  
8 Ms. Giris here? Ms. Giris, is that you?

9 MR. LANDSMAN: Yeah, she's here.

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

11 THE CHAIRMAN: All right. You know  
12 what I did, Ms. Giris. So you're here, so  
13 now you can hear this. I reserve the right  
14 -- anybody else here to speak in  
15 opposition?

16 MR. LANDSMAN: Is there anybody else  
17 here that didn't get to speak and wants to  
18 speak now? This is the last time. Anybody  
19 on the phone, press star 6. Anybody else?

20 I think that's it, Mr. Chairman.

21 FERNANDO BARBOSO: Hello?

22 MR. LANDSMAN: I don't see anybody  
23 else. Wait. We got somebody. Anybody  
24 else?

25 KASTURI MOHANTY: We were on the

1 agenda for 1969 Central Park Avenue --

2 THE CHAIRMAN: Ma'am, ma'am,

3 KASTURI MOHANTY: -- you're asking  
4 about the next matter --

5 THE CHAIRMAN: Madam, I'll take it  
6 when I get ready to take it. Okay?

7 KASTURI MOHANTY: Oh, okay.

8 THE CHAIRMAN: I run the show, you  
9 don't run the show.

10 MR. LANDSMAN: Is there anybody else  
11 here that wants to speak?

12 FERNANDO BARBOSO: Yeah, I'm here  
13 for the project.

14 MR. LANDSMAN: Okay. We have  
15 somebody here for the project. Mr. Barbosa  
16 would like to speak for the project.

17 THE CHAIRMAN: Okay. Where is  
18 Mr. Barbosa?

19 MR. LANDSMAN: He's here.

20 THE CHAIRMAN: Are you an attorney,  
21 sir?

22 FERNANDO BARBOSO: No, I'm not.

23 THE CHAIRMAN: Raise your right  
24 hand, please. Do you solemnly swear to  
25 tell the truth, the whole truth, nothing

1 but the truth so help you God?

2 FERNANDO BARBOSO: Yes, I do.

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

5 FERNANDO BARBOSO: Sure. It's  
6 Fernando Barbosa, 323 Palisade Avenue,  
7 Yonkers, New York 10701 -- 3.

8 MR. ELLMAN: You need to get closer  
9 to your microphone, sir. We can't hear  
10 you.

11 FERNANDO BARBOSO: Can you hear me  
12 now?

13 MR. ELLMAN: Yes.

14 FERNANDO BARBOSO: Okay. So, I'm  
15 adjacent neighbor. Adjacent to the  
16 proposed development site. It's been  
17 vacant for ten years. It's full of  
18 garbage. It's full of littering. It's  
19 been abandoned. It's a sore eye for the  
20 neighborhood. There's buildings all around  
21 that neighborhood. So I don't know what  
22 everyone is saying that all the buildings  
23 are historic around that neighborhood.  
24 Just because it's a brick building built  
25 many years ago, doesn't mean it's a

1 historic building. I think this new  
2 project would help beautify the  
3 neighborhood. It would make that segment  
4 of the street look much better. It would  
5 help surrounding neighbors to, you know, to  
6 have a neighbor that's not overgrown weeds,  
7 garbage, debris. They take dogs to do  
8 their necessities there.

9           And in terms of all that push back  
10 predicated on retaining walls. There's  
11 retaining walls all over the neighborhood.  
12 And I'm sure the engineering department  
13 engineers when they build the building,  
14 they're going to make sure the retaining  
15 walls being built will be adequate and  
16 will, you know, comply with Yonkers  
17 Building Codes in terms of construction.  
18 So I think the project would be good for  
19 the neighborhood. I'm in strong support of  
20 the project.

21           THE CHAIRMAN: Thank you. Is there  
22 anybody else to speak on this project?

23           Ms. Giris, I'm going to give you a  
24 chance to speak again. Just introduce  
25 yourself, please.

1 MS. GIRIS: Thank you, Mr. Chairman.  
2 Janet Giris with DelBello, Donnellan,  
3 Weingarten, Wise, and Wiederkehr on behalf  
4 of the application.

5 THE CHAIRMAN: Proceed, please.

6 MS. GIRIS: So, Mr. Chairman, I  
7 joined back again a little bit late. You  
8 know, I have nothing further to add other  
9 than the fact that our application  
10 materials speak for themselves. You know.  
11 Again, we've met the test for area  
12 variances and all that is contained in the  
13 materials. We hope you consider that and  
14 vote in favor of the project. Thank you.

15 THE CHAIRMAN: You're welcome.

16 All right. This case is hereby  
17 continued, because we're the Lead Agency.  
18 Or we might be the Lead Agency. We don't  
19 know yet. So we'll have it on the agenda  
20 for next month.

21 And, Ms. Giris, send out new notices  
22 up, please. And leave the signs up.  
23 Change the dates.

24 MS. GIRIS: Thank you, Mr. Chairman.  
25 It's necessary to re-notice, sir?

1 THE CHAIRMAN: Yeah, re-notice.  
2 Yeah. I'll tell you what, you don't have  
3 to send a registered mail. You can send a  
4 regular mail. I trust you, so.

5 MS. GIRIS: Thank you, Mr. Chairman.

6 THE CHAIRMAN: Okay?

7 MS. GIRIS: Yeah. Thank you.

8 THE CHAIRMAN: Okay. Good. All  
9 right. So that's that for that case.

10 All right. Now, the next case I'm  
11 going to take -- for the young lady that  
12 was butted in a couple of minutes ago. At  
13 the beginning of the hearing, I said that  
14 as Chairman of the Board, I have the right  
15 to take the cases any which way I want.  
16 And that includes the decisions. I'll get  
17 to your case. Okay? I'll get to your  
18 case. Don't worry about it. But first I  
19 might do something else.

20 All right. The next case is  
21 Mr. Romano. Case 5744 on behalf of Martin  
22 J. Loftus, owner, to legalize side-yard  
23 family room, having:

24 - Insufficient side yard Section  
25 43-27, Table 43-3, 8.0' is required,



1 provided is 1.6'.)

2 - Rear concrete patio located closer  
3 than 3'-0" to the south property line, and  
4 that's per section 43-41.A(2), 2.0'  
5 provided.

6 This is on premises known as 118  
7 Kingsley Drive, Block: 4412, Lot: 54 in an  
8 S-60 Zone.

9 Mr. Romano, are you ready?

10 MR. ROMANO: Yes, sir.

11 THE CHAIRMAN: Proceed, please.

12 MR. ROMANO: Mr. Chairman, here of  
13 behalf of Martin Loftus the owner of 118  
14 Kingsley Drive --

15 THE CHAIRMAN: Mr. Romano,  
16 Mr. Romano, I gotta ask you a question  
17 first. I'm sorry.

18 MR. ROMANO: Yes, sir.

19 THE CHAIRMAN: Has everybody --

20 MR. ROMANO: Oh, yes, sir.

21 THE CHAIRMAN: Please, Mr. Romano.  
22 Has everybody within a 200' radius been  
23 notified, sir?

24 MR. ROMANO: Yes, sir.

25 UNIDENTIFIED SPEAKER: That's not

1 true.

2 THE CHAIRMAN: Did anything come  
3 back?

4 MR. ROMANO: No, sir.

5 THE CHAIRMAN: Don't butt into this  
6 case whoever said that. I'll handle it.  
7 He's telling me everybody has been  
8 notified.

9 Did anything come back, Mr. Romano?

10 MR. ROMANO: Not at this time, sir.

11 THE CHAIRMAN: What do you mean this  
12 time. Don't tell me this time. Don't give  
13 me that answer.

14 MR. ROMANO: I didn't -- I received  
15 nothing, Mr. Chairman.

16 THE CHAIRMAN: Thank you. That's  
17 your answer.

18 MR. ROMANO: Yes, sir.

19 THE CHAIRMAN: Yeah. Proceed,  
20 Mr. Romano.

21 MR. ROMANO: Yes, sir.

22 Mr. Chairman, my premises -- my  
23 applicant is Junior, the premises is an  
24 existing one-family house located in S-60  
25 Zone --

1 THE CHAIRMAN: Mr. Romano, can I ask  
2 you a question?

3 MR. ROMANO: Yes, sir.

4 THE CHAIRMAN: Can we take a five-  
5 minute break?

6 MR. ROMANO: Yes, sir.

7 THE CHAIRMAN: I drank too much Coca  
8 Cola. Be right back.

9 (Brief recess.)

10 THE CHAIRMAN: I'm sorry. Go ahead,  
11 Mr. Romano, please proceed. Mr. Romano,  
12 proceed.

13 MR. LANDSMAN: He's on mute.

14 MR. KUNTZ: You're on mute again.

15 MR. ROMANO: I got it. We good?

16 MR. KUNTZ: We can hear you,  
17 Mr. Romano.

18 MR. ROMANO: Okay. Thank you very  
19 much.

20 Mr. Chairman, Members of the Board,  
21 Mr. Loftus' family has owned the premises  
22 that's located in an S-60 Zone since 1979.  
23 The applicant seeks to legalize a small  
24 one-story addition family room on the left  
25 side of the premises, which is short of

1 side yard code. Meets rear yard, meets  
2 front yard, meets height, meets every code  
3 except for the fact that it was built out  
4 approximately 2.9' more than it should have  
5 on that side.

6 So what my client did was, knowing  
7 that if all the neighbors signed, get an  
8 administrative variance, had three of the  
9 neighbors sign but the fourth neighbor did  
10 not. So we're one neighbor shy of approval  
11 without the Zoning Board showing the  
12 diminutive nature of the variance. So  
13 we're here before the Board to attempt to  
14 legalize this structure that's there. I  
15 know my client is on tonight as well as  
16 Mr. Costa who is the architect on the --  
17 engineer on the premises.

18 The structure was approved little  
19 bit smaller, of course, back in 1981. So,  
20 what the contractor apparently did was  
21 build out a little bit more. So he  
22 violated, he violated the setback that was  
23 previously approved with permission of the  
24 neighbor back in 1981.

25 We have posted, we have placed a

1 fence as a buffer. We have had no windows  
2 on the side that faces the neighbor's  
3 house. The neighbor has a driveway there.  
4 So there's no structure there. So there is  
5 air and light as a result of the driveway.  
6 We cannot obviate the variance because we  
7 can't acquire land from the neighbor  
8 obviously. Apparently, the neighbor and my  
9 client have some animosity and which is  
10 really the reason why we're here tonight.

11 The premises with the addition would  
12 be in character aligned with the area. It  
13 existed before, so it's just slightly  
14 larger 2.9' and still would remain a  
15 one-family dwelling. There would be no  
16 additional occupancy as reflected in the  
17 area maps, photos, and site visit.

18 A lot will comply with lot standard  
19 coverages indicating it will not be  
20 overbuilt. We don't believe there will be  
21 any adverse physical environmental impact  
22 on the area. The dwelling will remain a  
23 one-family in an S-60 Zone and it will  
24 comply with building, housing, safety,  
25 environmental and parking codes as well as

1 retain proper air, light, greenery except  
2 for the small section of the family room  
3 that has now been built into a setback 2.9'  
4 further.

5 We believe the hardship may be  
6 self-created but we think in balancing the  
7 factors, five factors in the area variance  
8 and understanding, that if the neighbor had  
9 signed off, I would not be before the  
10 Board. We think that is minimal. We think  
11 the impact to the neighbor to avoid us  
12 taking us down that three feet, would be  
13 expensive as the Board is aware. We don't  
14 think there's any detriment to the  
15 surrounding area. If there is, it's  
16 minimal in nature.

17 And I do have Mr. Costa as well as  
18 my client here, Mr. Chairman. Thank you.

19 MR. LANDSMAN: Mr. Chairman, you're  
20 muted. Still muted.

21 MR. KUNTZ: You're still muted,  
22 Mr. Chairman.

23 THE CHAIRMAN: Okay. Mr. Romano,  
24 your administrative relief forms are from  
25 November 2019.

1 MR. ROMANO: Yes, sir.

2 THE CHAIRMAN: Yeah. So, that's  
3 2019. This is 2021.

4 MR. ROMANO: That's correct, sir.

5 THE CHAIRMAN: When did you start  
6 building this structure?

7 MR. ROMANO: I can put Mr. Costa on  
8 with your permission, Mr. Chairman, to help  
9 me in that timeline.

10 THE CHAIRMAN: Okay. Put him on.  
11 Mr. Costa.

12 STEVEN COSTA: Good evening -- yes,  
13 Mr. Chairman.

14 THE CHAIRMAN: Yes. Number one, how  
15 do you feel? You feel okay now?

16 STEVEN COSTA: I'm doing well.  
17 Thank you for asking.

18 THE CHAIRMAN: Good. You're not an  
19 attorney, are you?

20 STEVEN COSTA: I am not.

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

25 STEVEN COSTA: I do.

1 THE CHAIRMAN: Okay. Mr. Costa,  
2 when did you start building this?

3 STEVEN COSTA: Mr. Chairman, I was  
4 contacted to do construction drawings in  
5 October of 2019. At that time, a stop work  
6 order was issued, and then I did the  
7 drawings to obtain building permits. That  
8 was in October of 2019.

9 THE CHAIRMAN: All right. So, when  
10 did you start building this extension?

11 STEVEN COSTA: I think the owner  
12 would know better. When I came on the  
13 project in 2019 of October, the building,  
14 the structure was already constructed.

15 THE CHAIRMAN: How -- it's 1 foot 6  
16 inches from the neighbor's property. Was  
17 it out that far?

18 STEVEN COSTA: The original, no.  
19 And from what I can tell in the City  
20 records, there was a 9 foot by 20 foot  
21 addition that was approved in 1981. It is  
22 now 11 feet 9 inches. So, there's an  
23 additional 2 foot 9 inches to the side yard  
24 that is reduced.

25 THE CHAIRMAN: Okay. Thank you.



1 Mr. Romano.

2 MR. ROMANO: Yes, sir.

3 THE CHAIRMAN: You realize that I've  
4 been out there, and all the members have  
5 been out there. Were you issued a stop  
6 work order on this?

7 MR. ROMANO: I understand that  
8 because the construction did not comply  
9 with the original plan, that a stop work  
10 order was issued and we stopped.

11 THE CHAIRMAN: When? When?

12 MR. ROMANO: I'll ask my client,  
13 Mr. Chairman. I believe she's on.  
14 Ms. O'Hanlon, with your permission.

15 THE CHAIRMAN: You can put her on.  
16 Put whoever you want on. No first names  
17 now.

18 MR. ROMANO: Miss -- Ms. O'Hanlon.

19 MARGARET O'HANLON: Yes.

20 THE CHAIRMAN: All right. Are you  
21 an attorney, madam?

22 MARGARET O'HANLON: No, sir.

23 THE CHAIRMAN: Raise your right  
24 hand. Do you solemnly swear to tell the  
25 truth, the whole truth, nothing but the

1 truth so help you God?

2 MARGARET O'HANLON: Yes, I do.

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

5 MARGARET O'HANLON: 12 Beverly Road,  
6 Cortlandt Manor, New York 10567.

7 THE CHAIRMAN: What is your  
8 connection to this piece of property now,  
9 because you live upstate?

10 MARGARET O'HANLON: It's a, it's  
11 been in our family. It's my parents' home.  
12 It's now my brother's home. This is my  
13 brother here beside me, Marty.

14 THE CHAIRMAN: Okay. Is Mr. Loftus  
15 going to speak?

16 MARTIN LOFTUS: Yeah.

17 MARGARET O'HANLON: He can, yes.

18 THE CHAIRMAN: It's up to him, not  
19 me.

20 MARGARET O'HANLON: Yeah.

21 MARTIN LOFTUS: Yeah, I can talk.

22 THE CHAIRMAN: He's gonna speak?

23 Okay. Raise your right -- are you an

24 attorney, sir? Mr. Loftus are you an

25 attorney?

1 MARTIN LOFTUS: No.

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

6 MARTIN LOFTUS: I do.

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

9 MARTIN LOFTUS: Martin Loftus, 118  
10 Kingsley Drive, Yonkers New York 10710.

11 THE CHAIRMAN: Thank you. When did  
12 you start building this extension?

13 MARGARET O'HANLON: He -- I will, I  
14 will answer. The extension we started  
15 renovating I guess it was April or May of  
16 2019. It was somewhere around August or  
17 September that they went to replace the  
18 wood and stuff in that room.

19 THE CHAIRMAN: What was there  
20 before?

21 MARGARET O'HANLON: The family room.

22 THE CHAIRMAN: It was a family room.  
23 And how far out did it come from the house?

24 MARGARET O'HANLON: It is actually  
25 as wide as it was 40 years ago. We

1 followed the footprint to it. It just, on  
2 the plans said it was 9 feet. So it was  
3 exactly to that. It matched up with the  
4 fence in the backyard and all that.

5 THE CHAIRMAN: So this is exactly  
6 where it is today is where it was then?

7 MARGARET O'HANLON: Yes. Except the  
8 plans, when we pulled the plans from back  
9 then and the old variance, it then said it  
10 was 9 by 20. And I don't know what  
11 happened 40 years ago, but it's not any  
12 wider than it already was.

13 THE CHAIRMAN: It's awfully close to  
14 the neighbor to the south piece of the  
15 property. I'll be honest with you. Very  
16 close. Did you get a stop work order?

17 MARGARET O'HANLON: For that room?  
18 Yes.

19 THE CHAIRMAN: You did. When did  
20 you get the stop work order?

21 MARGARET O'HANLON: June of 2020?

22 THE CHAIRMAN: Is that what you're  
23 telling me?

24 MARGARET O'HANLON: For that side  
25 room, we got a stop work order. We got a

1 permit in the beginning. Because of COVID  
2 everything got backed up, obviously, as you  
3 know. So, we got a stop work order for the  
4 work on the house September of 2019. And  
5 then we got a, we got a permit signed in  
6 June, and then they came back out. Looked  
7 at it. And gave us a stop work order on  
8 that room, but we could continue to finish  
9 the rest of the house.

10 THE CHAIRMAN: Deputy Barbuti, are  
11 you there?

12 MR. BARBUTI: Yes, Mr. Chairman.

13 THE CHAIRMAN: Thank you. I'd like  
14 you to give the Board a rundown of what's  
15 going on here. Okay?

16 MR. BARBUTI: So, I see in the -- so  
17 I have my other computer on. So, I see in  
18 the computer a building permit was filed  
19 for January 23rd of 2020. I believe there  
20 were a few go arounds of denials that went  
21 out. And a permit was issued on that room  
22 as an interior renovation. Bear with me  
23 one second. So, I actually did the  
24 planning review at the time. So, June 4,  
25 2021, a permit was issued -- actually, of

1 '20 it was issued. And it was to legalize  
 2 interior renovations, an above-ground pool,  
 3 and shed in an existing one-family  
 4 dwelling. But we never issued permit to  
 5 knock that down and reconstruct. I think  
 6 it was after the fact that the, when the  
 7 inspector went out noticed that a new  
 8 foundation was constructed.

9 THE CHAIRMAN: Well, then in other  
 10 words, from what I can see, this new  
 11 extension or this extension, is supposed to  
 12 be 8 feet, right?

13 MR. BARBUTI: I believe it was 9  
 14 feet.

15 THE CHAIRMAN: 9 feet. Now, it's 1  
 16 foot 6 inches.

17 MR. BARBUTI: Correct.

18 STEVEN COSTA: Excuse me,  
 19 Mr. Chairman.

20 THE CHAIRMAN: Who's this?

21 STEVEN COSTA: Steve Costa.

22 THE CHAIRMAN: Oh, yes, Mr. Costa.

23 STEVEN COSTA: Okay. So from what I  
 24 can see legally in papers on the City,  
 25 there was an approved 9 foot by 20 foot

1 addition in the side yard. Which would  
2 have left a side-yard setback of 4.33 feet.  
3 That's what's with a 9-foot-wide addition.  
4 The 11-foot-9-inch addition leaves a side  
5 yard of 1.6 feet. So the side yard was  
6 never supposed to be 8 feet. Again, that  
7 addition was under a permit in 1961 with  
8 the adjacent neighbor giving authorization  
9 for the side-yard reduction.

10 THE CHAIRMAN: 1961 or '81?

11 STEVEN COSTA: Oh, excuse me.  
12 You're correct, 1981.

13 THE CHAIRMAN: Yeah.

14 STEVEN COSTA: The application  
15 number 66672.

16 THE CHAIRMAN: Well, here it is 40  
17 years later. You know.

18 STEVEN COSTA: Right.

19 THE CHAIRMAN: Gotta be kidding me  
20 here.

21 MS. KIMBALL: Mr. Chairman. This is  
22 --

23 THE CHAIRMAN: Yes, Ms. Kimball.  
24 Yes, Ms. Kimball.

25 MS. KIMBALL: I'm looking at the

1 plans that were dated October of '19. And  
2 it very clearly says that there is a side  
3 lot of 8 feet required, the proposed is 1.6  
4 and there is a required variance on the  
5 very, on the document submitted to us. And  
6 that was in 2019.

7 THE CHAIRMAN: Correct.

8 MS. KIMBALL: So clearly people knew  
9 they needed a variance to get this built.

10 THE CHAIRMAN: Correct. This is on  
11 Mr. Costa's plan.

12 MS. KIMBALL: Right. So in 2019  
13 there was knowledge and notification.

14 THE CHAIRMAN: Yeah.

15 MS. KIMBALL: That a variance was  
16 required.

17 THE CHAIRMAN: I seen that. All  
18 right. Let's see if we can get into  
19 something here. Is there any questions of  
20 the Board?

21 MR. LANDSMAN: I have a question.

22 THE CHAIRMAN: Who's that?

23 MR. LANDSMAN: Mr. Landsman.

24 THE CHAIRMAN: Go ahead.

25 MR. LANDSMAN: So it was a permit



1 issued supposedly for an interior  
2 renovation. So how did the outside get  
3 expanded if they had an interior renovation  
4 going on? I don't know who wants to answer  
5 that.

6 STEVEN COSTA: I will take that.  
7 Well, the whole house was reconstructed  
8 inside; kitchens, bathrooms, bedrooms,  
9 everything was re-configured. So, it was a  
10 major interior renovation. And like I  
11 said, when I got there, the footprint was  
12 existing. So, I wasn't aware that this  
13 addition didn't meet the previous approval.

14 MR. LANDSMAN: Right. So, and when  
15 you look at the house, it seems this  
16 addition is on the driveway here, correct?  
17 When you drive by, it's on the driveway.

18 STEVEN COSTA: There was a driveway  
19 in front of this addition.

20 MR. LANDSMAN: Right. But the  
21 driveway, you know, I believe it's not  
22 allowed for a driveway to be in front of  
23 the house as built.

24 STEVEN COSTA: In this situation the  
25 property is big enough so that driveway

1 could be removed and parking be provided on  
2 the north side of the structure because  
3 there's a side-yard setback on the north  
4 side of 29 feet.

5 MR. LANDSMAN: Well, I mean, no one  
6 -- has anybody proposed that? Or, I mean,  
7 just coming up with that now?

8 STEVEN COSTA: The parking was never  
9 mentioned or it was never an issue.

10 MR. LANDSMAN: I know a little bit  
11 about the codes. I know you can't park in  
12 front of the house. You know. You come  
13 home, you could drive right into the family  
14 room by accident. Okay. For now, that's  
15 it.

16 THE CHAIRMAN: Okay. Is there  
17 anybody else in favor of this --  
18 Mr. Romano, do you have anything else to  
19 say to me, sir? Mr. Romano?

20 MR. LANDSMAN: He's on mute. You're  
21 on mute.

22 MR. KUNTZ: You have to unmute  
23 yourself, Mr. Romano.

24 MR. ROMANO: I'm sorry. Not at this  
25 time, Mr. Chairman. Sorry.

1 THE CHAIRMAN: Okay. Is there  
2 anybody here tonight to speak in favor of  
3 this application? It's on Kingsley Avenue,  
4 it's off Heights Drive.

5 MR. LANDSMAN: All right. Is there  
6 anybody that wants to speak on this case  
7 that's in favor of it? If you raise your  
8 hand or if you're on the phone, just press  
9 star 6, and you'll be able to speak.  
10 Anybody who wants to speak in favor, in  
11 favor of -- I have Ms. Mann,  
12 Mr. Cianciulli. I believe she wants to  
13 speak. Ms. Mann.

14 MR. KUNTZ: Ms. Mann, you can unmute  
15 yourself, please. Ms. Mann? Rose?

16 UNIDENTIFIED SPEAKER WITH MS. MANN:  
17 You can talk now.

18 THE CHAIRMAN: Ms. Mann, are you an  
19 attorney?

20 UNIDENTIFIED MALE SPEAKER WITH MS.  
21 MANN: Are you an attorney?

22 ROSE MANN: No, I am not.

23 THE CHAIRMAN: Raise your right hand  
24 please.

25 UNIDENTIFIED MALE SPEAKER WITH MS.

1 MANN: Raise your right hand.

2 THE CHAIRMAN: Do you solemnly swear  
3 to tell the truth, the whole truth and  
4 nothing but the truth so help you God?

5 ROSE MANN: Yes, I do.

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

8 ROSE MANN: My name is Rose Mann.  
9 And I live at 125 Kingsley Drive in  
10 Yonkers.

11 THE CHAIRMAN: Okay. Proceed,  
12 ma'am. What would you like to say?

13 ROSE MANN: Well, what --

14 UNIDENTIFIED MALE SPEAKER WITH MS.  
15 MANN: What do you want to say?

16 ROSE MANN: Oh, well, we know the  
17 family. They're very nice people. And  
18 they've had some many problems with the  
19 people next door. The man that lives there  
20 can't park his car in his garage, because  
21 he can't get out of his car to open the  
22 garage door. And the other people next  
23 door have been adding everything on. So  
24 many things on without permits.  
25 Because, well, Mr. Loftus used to have

1 lunch with the Mayor. So, he was allowed  
2 to do anything that he wanted.

3 THE CHAIRMAN: I'll be honest with  
4 you, I know the Mayor very well. And I  
5 tell you the truth, I don't think the Mayor  
6 would tell anybody to go do anything  
7 without a permit, ma'am. Believe me when I  
8 tell you. My name Joe Cianciulli, in case  
9 you want to spread it around. And I know  
10 the Mayor really well. And I doubt if he  
11 would tell somebody to go ahead and do  
12 something without a permit.

13 UNIDENTIFIED MALE SPEAKER WITH MS.  
14 MANN: Oh, he did.

15 ROSE MANN: He did.

16 THE CHAIRMAN: Well, I don't think  
17 he did. Okay. And I don't want to hear  
18 that kind of talk. We're talking about  
19 talking about -- the variance. Go ahead.

20 ROSE MANN: What did he say?

21 UNIDENTIFIED MALE SPEAKER WITH MS.

22 MANN: He said, no. Go ahead and keep  
23 talking.

24 ROSE MANN: No, I don't -- I don't  
25 know what else to say.

1 UNIDENTIFIED MALE SPEAKER WITH MS.

2 MANN: All right.

3 THE CHAIRMAN: You can talk,  
4 Ms. Mann. Ms. Mann, you can talk.

5 ROSE MANN: Thank you. He's -- he's  
6 such a good person. And I hate to see him  
7 aggravated every single day. He did get  
8 just a little bit of property back now, but  
9 it was minor.

10 THE CHAIRMAN: Okay. Any questions,  
11 Ms. Mann?

12 ROSE MANN: Well, I think he should  
13 have a plaque in front of his house. His  
14 house was the first house built on top of  
15 that mountain. And that's why his house is  
16 sideways, because there weren't any streets  
17 or sidewalks in at the time.

18 THE CHAIRMAN: Okay. Is there any  
19 other questions of Ms. Mann? Okay.

20 ROSE MANN: Thank you.

21 THE CHAIRMAN: Thank you, Ms. Mann.  
22 Is there anybody else here tonight  
23 to speak in opposition? Is there anybody  
24 to speak in opposition to this case?

25 MINE KARADENIZ: Hi. My name is

1 Mine.

2 THE CHAIRMAN: Okay. Hold a second,  
3 ma'am. Are you an attorney?

4 MINE KARADENIZ: No.

5 THE CHAIRMAN: All right. You know  
6 this case is on Kingsley Avenue. You're  
7 going to talk about this case, right?

8 MINE KARADENIZ: Yes.

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

13 MINE KARADENIZ: Yes.

14 THE CHAIRMAN: Okay. Proceed,  
15 ma'am. Talk.

16 (Audio interference.)

17 MINE KARADENIZ: Hello, Mr. Chairman  
18 -- I will actually just read what has  
19 happened this, I have been having problems  
20 with this for two years. After returning  
21 from being abroad for a few months in 2019,  
22 I was really shocked to see this small  
23 extension next door to me expanded so much  
24 larger than it was before in length and  
25 height without my permission and with no

1 permit. They worked on my driveway to  
2 build this extension. It's this extension  
3 actually has the biggest impact on my  
4 property. It's adjacent to my driveway and  
5 it's on the edge of my property. And they  
6 did it with no proper permit and it's  
7 costing a lot of money to the City. It  
8 blocks the entire view. I just can't see,  
9 I can't see anywhere from my window. It's  
10 south of -- (audio interference) property  
11 while on my property the neighborhood and  
12 it's a serious fire hazard because there's  
13 no, there's no track for entrance for fire  
14 there's no -- and it's literally on my  
15 driveway. Outline.

16 And between the extension and my  
17 actual house, the driveway is less than 9  
18 feet. I mean it's very unsafe. And it  
19 sets the precedent to other people they can  
20 do whatever they want. They don't have to  
21 follow the Yonkers Law. Everybody has to  
22 follow the Yonkers Law. And it makes it  
23 sound like anybody can -- (audio  
24 interference) -- we have everybody is  
25 following the Zoning Laws and regulations.



1 And this is not supposed to happened. And  
2 I've been aggravated for two years now.  
3 And I'm really sick of it. I hope we  
4 resolve this issue tonight.

5 Thank so you much for having me.  
6 Thank you.

7 MR. LANDSMAN: Mr. Chairman, I don't  
8 think you asked this lady her name for the  
9 record. I think we skipped that. You're  
10 on mute.

11 MINE KARADENIZ: Hi, name is name is  
12 Mine Karadeniz. And I'm the homeowner of  
13 122 Kingsley Drive.

14 MR. LANDSMAN: Mr. Chairman, you're  
15 muted. You're muted.

16 THE CHAIRMAN: Sorry. When I'm  
17 looking at your house, this extension,  
18 you're on the south side of the house,  
19 right?

20 MINE KARADENIZ: Yes.

21 THE CHAIRMAN: Okay. Thank you.  
22 When did this happen? Did you call the  
23 Building Department or anything?

24 MINE KARADENIZ: I did. If you  
25 realize the first stop work order was

1 issued in September. I came back from  
2 Turkey, I'm Turkish. In September 2nd or  
3 3rd. That was when we ran to City Hall and  
4 that's when the stop work order was  
5 actually given. I was away for two months.

6 THE CHAIRMAN: So this was built  
7 when you were away?

8 MINE KARADENIZ: Yes.

9 THE CHAIRMAN: Was it always that  
10 big or --

11 MINE KARADENIZ: No. No, it was  
12 not -- I have sent a previous picture. It  
13 was, that was a fence there. It was maybe  
14 4 inches taller than my fence. You could  
15 see it had a flat roof. And I don't know  
16 how they lived in there because they said  
17 it was a family room, because it was very  
18 short. I consider it storage maybe. And  
19 now it's maybe 6 feet taller. And height  
20 wise and wider maybe 3, 4 feet wider. It  
21 is a lot of bigger. It covers my whole  
22 living room view. I cannot even see the  
23 street.

24 THE CHAIRMAN: All right. Do you  
25 have a picture of this building before?

1 MINE KARADENIZ: I did actually  
2 upload it to the, to the -- if you would be  
3 able to see the submission papers, there is  
4 a picture that was how it was before.

5 MR. KUNTZ: Chairman, do you want  
6 her to share it?

7 THE CHAIRMAN: Yes.

8 MR. KUNTZ: Can you share that,  
9 Ms. Mine?

10 MINE KARADENIZ: And this is how it  
11 looks now.

12 MR. KUNTZ: Do you know how to, do  
13 you have it uploaded?

14 MINE KARADENIZ: I did. I don't  
15 know how to share. I'm just going to ask  
16 my daughter to help. Can you help me?

17 MS. KIMBALL: Perhaps she can send  
18 it to the [zbapublic@yonkersny.gov](mailto:zbapublic@yonkersny.gov).

19 MR. KUNTZ: Yeah, send it to me  
20 right now and I can share it for you if you  
21 want.

22 MINE KARADENIZ: Okay.

23 MR. KUNTZ: It's my name is  
24 [George.kuntz@yonkersny.gov](mailto:George.kuntz@yonkersny.gov).

25 UNIDENTIFIED MALE SPEAKER: You can

1 see it live on Google Earth right now.

2 MR. KUNTZ: What's the number?

3 We'll bring it up Google Earth.

4 STEVEN COSTA: Mr. Chairman.

5 THE CHAIRMAN: Yes.

6 STEVEN COSTA: It's Steve Costa.

7 THE CHAIRMAN: Yes.

8 STEVEN COSTA: The City records of  
9 Parcel Viewer has many photos all around  
10 the structure. And from above, so you can  
11 actually see the footprint from above.  
12 They have very clear photos if you were to  
13 look at the City records on the Parcel  
14 Viewer.

15 THE CHAIRMAN: All right. I'll get  
16 to that in a little while. Right now  
17 Mr. Costa, I want this lady to get this  
18 out.

19 STEVEN COSTA: Absolutely.

20 MINE KARADENIZ: Could you repeat  
21 the e-mail, because I have the picture  
22 right now.

23 MR. KUNTZ: Yeah, it's  
24 George.kuntz@yonkersny.gov.

25 MINE KARADENIZ: Send. And this is,

1 is the new one.

2 THE CHAIRMAN: Going to put that up,  
3 George?

4 MR. KUNTZ: Yeah, I'm putting it up.  
5 As soon as I get it.

6 THE CHAIRMAN: All right. We're  
7 going to proceed for a little while. I  
8 don't want to slow up, so.

9 Do you have anything else to say to  
10 us, madam?

11 MINE KARADENIZ: No, thank you.  
12 Thank you for having me.

13 THE CHAIRMAN: Okay. Mr. Landsman,  
14 see if anybody else here is against this,  
15 please.

16 MR. LANDSMAN: Do any of the Board  
17 Members want to speak on this before we go  
18 to the public? Okay.

19 MS. KIMBALL: I'm sorry. I'm sorry,  
20 Mr. Landsman.

21 MR. LANDSMAN: Yes.

22 MS. KIMBALL: I visited the site and  
23 I'm confused as to why there's a fence now  
24 in the middle of what looks like a  
25 driveway? Could somebody explain that to

1 me?

2 (Audio interference.)

3 MR. LANDSMAN: Okay. Well, there's  
4 a picture there.

5 MR. KUNTZ: All right. So, this  
6 must be the -- can everybody see my mouse?

7 MR. LANDSMAN: Yes.

8 MR. KUNTZ: All right. I believe,  
9 is this what you're talking about, Mine?

10 (Audio interference.)

11 MR. LANDSMAN: Michael Curto, I  
12 think it's your computer. Could you --

13 MR. KUNTZ: Yeah, there's somebody  
14 on the --

15 MR. LANDSMAN: Okay. Okay. So that  
16 looks like the house with the previous  
17 addition.

18 STEVEN COSTA: Correct.

19 (Court reporter requested  
20 clarification.)

21 STEVEN COSTA: And, again, if, not  
22 now, but if you look at the Parcel Viewer,  
23 the City has some fantastic photos  
24 especially from above looking down at both  
25 properties.

1 MR. KUNTZ: So this, right now, can  
2 everyone see 118 Kingsley Drive?

3 STEVEN COSTA: Yes.

4 MR. KUNTZ: There's a fence right  
5 there.

6 MS. KIMBALL: Mr. Kuntz, there's  
7 like another view from the side where you  
8 can actually see, like, a car and space  
9 between the two buildings. I just sent it  
10 to you.

11 MR. KUNTZ: Okay.

12 MS. KIMBALL: But it's from the same  
13 Google Earth. I mean I think it's helpful.

14 MR. KUNTZ: Okay. Let me see if I  
15 can get it. Is this is one you just send  
16 me, Ms. Kimball? That one? Can everybody  
17 see that?

18 MR. LANDSMAN: Yes.

19 STEVEN COSTA: Yes.

20 MR. KUNTZ: All right. So that's  
21 the side picture. Does that help?

22 MS. KIMBALL: Thank you, Mr. Kuntz.

23 MR. LANDSMAN: Yeah, it's very  
24 clear.

25 MR. KUNTZ: You want to see IMO(ph)

1 as well? You're muted, Chairman.

2 THE CHAIRMAN: What'd you say,  
3 Mr. Costa?

4 STEVEN COSTA: I didn't,  
5 Mr. Chairman.

6 MR. KUNTZ: No, I asked, Chairman,  
7 if you would like to see IMO pictures.

8 THE CHAIRMAN: Well, no, I'm okay  
9 with this tonight. I have to move this  
10 hearing a little bit. I'm fine with it  
11 right now.

12 Are there, Mr. Landsman, is there  
13 anybody else here to speak in opposition?

14 MR. LANDSMAN: I'm going to check.

15 Mr. Kuntz, could do you have, do you  
16 have the current picture to put up also  
17 now?

18 MR. KUNTZ: The current picture?

19 (Audio interference.)

20 MR. LANDSMAN: The current on the  
21 addition that's there now to show --

22 MINE KARADENIZ: I e-mailed it to  
23 you.

24 MR. KUNTZ: I'm just wondering where  
25 I could -- you want me to go want to go to



1 Google Earth?

2 MINE KARADENIZ: I just e-mailed it  
3 to you.

4 MR. KUNTZ: Okay. Hold on one  
5 second. I'll put it up for you.

6 MR. LANDSMAN: Ms. Karadeniz --  
7 yeah, you got it.

8 MR. KUNTZ: Unfortunately, it's --  
9 yeah. Well, you had a good idea. If you  
10 bend your head.

11 MR. LANDSMAN: Yeah, yeah. Well,  
12 you could see it's a lot higher because the  
13 windows are covered and they was way below  
14 that on the other windows. Okay. Thank  
15 you.

16 (Continued audio interference.)

17 THE CHAIRMAN: Okay. Is there --

18 MR. LANDSMAN: Yeah, we're going to  
19 see if anybody want to -- Mr. Kuntz, take  
20 this down, please, so I can see the  
21 participants.

22 MR. KUNTZ: Sure.

23 MR. LANDSMAN: Okay. Thank you.  
24 Anybody else here to speak? We have  
25 Mr. Merante is with us tonight. He'd like

1 to speak.

2 THE CHAIRMAN: Okay. Where are you?  
3 Mr. Merante.

4 DOUG MANN: Yeah, my name is Doug  
5 Mann.

6 MR. LANDSMAN: We'll get to you in  
7 one second.

8 THE CHAIRMAN: Hold on a second.  
9 Anybody -- quiet. quiet. Just a moment.

10 MR. LANDSMAN: Mr. Curto, you have  
11 to mute.

12 MR. KUNTZ: Yeah, hold on one  
13 second. Everyone, I'm going to mute  
14 everyone for a second.

15 MR. LANDSMAN: Okay.

16 MR. KUNTZ: Chairman, if you would  
17 like to unmute yourself, you can unmute  
18 yourself.

19 THE CHAIRMAN: All right.  
20 Mr. Merante, raise your right hand.

21 MR. LANDSMAN: Mr. Merante, you're  
22 on mute. You have to unmute. Okay.

23 THE CHAIRMAN: Do you swear to tell  
24 the truth, the whole truth, nothing but the  
25 truth so help you God?

1 MR. MERANTE: I do.

2 THE CHAIRMAN: State your name and  
3 your address, please.

4 MR. MERANTE: Anthony Merante, 46  
5 Davenport Road, Yonkers, New York.

6 THE CHAIRMAN: Let the record  
7 reflect that you're the Councilman for this  
8 area; am I correct?

9 MR. MERANTE: That is correct,  
10 Mr. Chairman.

11 THE CHAIRMAN: Proceed, please.

12 MR. MERANTE: Yes, Mr. Chairman. I  
13 was called to this location to take a look  
14 at this construction. And was really  
15 disturbed by the fact that this house, and  
16 standing in Mine's driveway, it just  
17 basically overwhelms their house. It's  
18 only one foot away from, from their  
19 driveway. I don't believe that this is --  
20 and considering that the individuals who  
21 own the home have defied multiple stop work  
22 orders, again, they don't care about the  
23 way their house is situated on top of this  
24 individual's home.

25 It is not a fair situation. If it

1 was built, it was reconstructed as the old  
2 construction, I would have no problem with  
3 it. But I think the construction as it is  
4 now is not acceptable and I oppose any  
5 additional movement on this on, on this  
6 property. And I ask that you revoke any  
7 permits and have the house, have that place  
8 brought back to its original size.

9 Thank you, Mr. Chairman.

10 THE CHAIRMAN: Okay. Thank you.

11 Any questions?

12 Okay. Mr. Landsman, anybody else?

13 MR. KUNTZ: You have to unmute  
14 yourself.

15 MR. CURTO: Mr. Landsman, it's Mike  
16 Curto. I'd like to talk on behalf of the  
17 of 122 Kingsley Drive.

18 THE CHAIRMAN: Mr. Curto, where are  
19 you?

20 MR. LANDSMAN: He's there.

21 MR. CURTO: Can you hear me?

22 THE CHAIRMAN: I can hear you.

23 Mr. Curto.

24 MR. CURTO: Yes.

25 THE CHAIRMAN: Mr. Curto.

1 Mr. Curto. Chairman Cianciulli. Okay. I  
2 know you're an attorney; am I correct?

3 MR. CURTO: Yes.

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

6 MR. CURTO: Michael Curto, 35 East  
7 Grassy Sprain Road, Yonkers, New York.  
8 Veneruso, Curto, Schwartz and Curto.

9 THE CHAIRMAN: All right. Proceed,  
10 sir.

11 MR. CURTO: -- Mine Karadeniz, who  
12 is the owner of 122 Kingsley Drive who we  
13 heard from a little bit earlier today.

14 So, I was at the premises the other  
15 day. And 122 Kingsley is directly next  
16 door to the subject property. We oppose  
17 the variance with all respects and  
18 respectfully request that it be denied.  
19 The new extension is much higher than the  
20 pre-existing extension, closer to the  
21 property line, and is a completely  
22 different type of structure than what  
23 pre-existed.

24 As I had indicated, the setback has  
25 not been met. In fact, the size of the

1 structure makes it even look it as a closer  
2 in proximity to 122's driveway. I was told  
3 that pictures were downloaded to your site  
4 so that you can view those photos. And I  
5 have also some photos I can e-mail them in  
6 if need be.

7 I just wanted to give you one idea  
8 of what we're talking about. If you look  
9 at this photo. That's the driveway of --  
10 that's the house next to my client's  
11 driveway. It actually almost adjoins the  
12 fence. And the structure and height is  
13 much larger than what was previously built.

14 This is not a minor improvement.  
15 This is a major improvement that the permit  
16 that was issued was completely ignored.  
17 And once the owner of 122 Kingsley went  
18 away for two months, construction began,  
19 and construction got concluded. And when  
20 they came back, they saw a monstrosity in  
21 their driveway, or next to their driveway.

22 If the addition was built as it was,  
23 we wouldn't have a problem. But that's not  
24 what happened. The building permit was  
25 issued. It was ignored. Stop work orders

1 were issued and now we're here dealing this  
2 situation.

3 In addition, it does not fit into  
4 the rest of the neighborhood. What they  
5 essentially did is took a little family  
6 room and made it major living space. Once  
7 we -- once the Board reviews the photos or  
8 visits the property, the viewings will  
9 speak for themselves.

10 Frankly, I was blown away. When I  
11 went there, it's like nothing I've seen  
12 before. I've never seen an addition  
13 constructed like that so close to a  
14 person's property in complete, in complete  
15 disregard for the requirements of what was  
16 supposed to be built.

17 In all do respect, Mr. Romano has  
18 not hit the five points necessary to obtain  
19 the variance and the fact that this  
20 structure was built is essentially a slap  
21 in the face to my client, the people in the  
22 neighborhood, and the City of Yonkers.  
23 Because if a precedence is set for this,  
24 people should just expand their additions  
25 or the size of their houses and ignore

1 permits. And that's something, we can't  
2 have that.

3 It is respectfully requested that  
4 the Board deny this application and the  
5 applicant should not be -- (audio  
6 interference) -- the intentional disregard  
7 for the Building Codes of the City of  
8 Yonkers. And, again, we would hope the  
9 Board and Chairman get an opportunity to  
10 look at this addition, extension, and see  
11 for themselves what I'm talking about.

12 That's all I have to say at this  
13 point. Thank you, Chairman. Thank you,  
14 Board.

15 MR. KUNTZ: Michael, just letting  
16 you -- excuse me -- Mr. Curto, I'm just  
17 letting you know that you're on twice. We  
18 see you on two different videos. So you  
19 have to close one. I'm going to close out  
20 one of you. So you don't get echo.

21 MR. LANDSMAN: That's why we got the  
22 echo.

23 Mr. Chairman, you're on mute.

24 THE CHAIRMAN: Yeah. Mr. Curto, I  
25 don't know, you've never been before this



1 Board, have you?

2 MR. CURTO: No.

3 MR. LANDSMAN: Chairman froze.

4 MR. KUNTZ: Yeah, the Chairman is  
5 having difficulty with Wi-Fi. That's all.

6 Mr. Curto, can you unmute yourself?  
7 You have the other application on, so you  
8 have to unmute your other video.

9 MR. CURTO: Can I close it out?

10 MR. KUNTZ: No, you're still on.

11 MR. LANDSMAN: He's on twice now.

12 MR. KUNTZ: Right. I know. He's on  
13 twice. That's the problem.

14 MR. CURTO: I think I just fixed it.

15 MR. KUNTZ: There you go. Good job.

16 MR. LANDSMAN: So we're waiting,  
17 we're waiting for the Chairman.

18 MR. KUNTZ: We're waiting for --  
19 yeah. The Chairman is having some Wi-Fi  
20 issues, so.

21 MR. LANDSMAN: While we're waiting,  
22 anybody else waiting to speak on this case?

23 WILLIAM WICOFF: Yes.

24 MR. LANDSMAN: Who's that?

25 WILLIAM WICOFF: William -- yes.

1 MR. LANDSMAN: Okay. We'll get to  
2 you.

3 DOUGLAS MANN: My name is Douglas  
4 Mann.

5 MR. LANDSMAN: Okay. As soon as we  
6 get the Chairman back, sir.

7 MR. KUNTZ: Going to put the  
8 Chairman on the speaker phone, so you can  
9 hear the Chairman.

10 Chairman? Chairman?

11 (Mr. Kuntz conversed with Chairman  
12 on cell phone.)

13 MR. LANDSMAN: George, mute  
14 yourself.

15 MR. KUNTZ: Just did.

16 (Brief pause.)

17 MR. KUNTZ: All right. The Chairman  
18 is going to call in. He's going to dial in  
19 from a phone. Evidently the Wi-Fi is not  
20 working well in Florida.

21 Mr. Landsman, do we need anything  
22 else on the screen to share?

23 MR. LANDSMAN: No, when the Chairman  
24 comes back I think Mr. Curto will finish  
25 speaking as soon as the Chairman comes back

1 and then we'll go to the next person.

2 MR. KUNTZ: All right. Mr. Curto,  
3 you only have one open so, only one screen  
4 open so that's a good thing.

5 MR. CURTO: Okay. Yeah, sorry about  
6 that.

7 MR. KUNTZ: Yeah.

8 MR. LANDSMAN: Yeah, that was all  
9 the feedback before.

10 MR. KUNTZ: Yeah, the whole time  
11 there was a lot of feedback.

12 (Chairman rejoined meeting.)

13 MR. LANDSMAN: Mr. Chairman, you  
14 here?

15 THE CHAIRMAN: Hello?

16 MR. KUNTZ: Yeah, hi. Mr. Chairman?

17 THE CHAIRMAN: Yes.

18 MR. KUNTZ: Okay. All right. So we  
19 can hear you.

20 THE CHAIRMAN: Okay. I was --

21 MR. LANDSMAN: So we're going to let  
22 Mr. Curto finish, Mr. Chairman, now?

23 THE CHAIRMAN: I think Mr. Curto was  
24 finished.

25 MR. CURTO: Yes, Chairman, you are

1 correct.

2 MR. LANDSMAN: Okay. I have now a  
3 Mr. Wicoff, Wicoff, would like to speak  
4 next.

5 WILLIAM WICOFF: Yes, sir.

6 MR. LANDSMAN: Mr. Wicoff, are you  
7 here?

8 WILLIAM WICOFF: Yes, I am.

9 MR. LANDSMAN: Okay.

10 THE CHAIRMAN: Give me a second,  
11 please. We should be able to solve this  
12 problem.

13 MR. KUNTZ: You have the floor,  
14 Mr. Wicoff.

15 WILLIAM WICOFF: Thank you. My name  
16 is William Wicoff. I reside at 82 Round  
17 Hill Drive, Yonkers --

18 MR. LANDSMAN: But the Chairman has  
19 to swear him in. Just wait a second.

20 MR. KUNTZ: Mr. Chairman.

21 THE CHAIRMAN: What case, what case  
22 is he on?

23 MS. KIMBALL: Mr. Wicoff, are you an  
24 attorney?

25 WILLIAM WICOFF: No.

1 THE CHAIRMAN: You're not an  
2 attorney. Raise your right hand, please.

3 WILLIAM WICOFF: Yes, sir.

4 THE CHAIRMAN: Do you solemnly swear  
5 to tell the truth, the whole truth, nothing  
6 but the truth so help you God?

7 WILLIAM WICOFF: Yes, I do.

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

10 WILLIAM WICOFF: Thank you. William  
11 Wicoff, 82 Round Hill Drive, Yonkers, New  
12 York.

13 THE CHAIRMAN: Proceed, sir.

14 WILLIAM WICOFF: Thank you. I just  
15 wanted to state that over the years, I was  
16 the President of the Bronxville Heights  
17 Civic Association, PTA, extremely active in  
18 our community. I know these homes since  
19 1972 when I moved in here. This is, if you  
20 -- and I walk extensively through our  
21 neighborhood. If you walk through our  
22 neighborhood, you will not see another  
23 house this close to a property line that  
24 they are trying to request this variance  
25 for. This is really an insult, a disaster,

1 for the people that live next door to them.

2           Roughly 20 years ago, I wanted to do  
3 an extension on my own home at 82 Round  
4 Hill. The existing home was 3 feet from  
5 the property line. But I was told I could  
6 not continue because of the zone change. I  
7 had to bring it in 3 feet, in other words  
8 make it 6 feet from the property line. I  
9 went along with what the City Zoning Laws  
10 were. Permits were issued. And everything  
11 was done. I didn't go ahead and build an  
12 extension on the back of my house and then  
13 request a variance change. That's exactly  
14 what these people did. They knew what they  
15 were doing from day one. And they went in.  
16 They figured, okay, let's just build it,  
17 we'll get it through.

18           So, at this time, at this time, I  
19 can only suggest to you that -- to deny the  
20 request for the variance. They have  
21 another choice they can do. If this family  
22 room means so much to them, they can build  
23 it on the north side of the house. They  
24 have extensive land on the north side of  
25 the house and they can build the extension

1       there.  It's very simple.  They went ahead  
2       and built it and now they want the change.  
3       And I only, my thoughts to the Chairman and  
4       to the Members of the Board, I don't think  
5       it's right to request this variance as it  
6       will affect our neighborhood.

7               Thank you very much and I appreciate  
8       your time.

9               THE CHAIRMAN:  Thank you.

10              George, you can hear me?

11              MR. KUNTZ:  Yes, we can.

12              THE CHAIRMAN:  Okay.  All right.  Is  
13       there anybody else here tonight to speak in  
14       opposition?  Okay.

15              Mr. Romano, you want to sum up?

16              MR. ROMANO:  Mr. Chairman, if I can  
17       respond briefly, and have my client respond  
18       briefly with your permission?

19              THE CHAIRMAN:  Yes.

20              MR. ROMANO:  Number one, the  
21       extension was there.  It was built out  
22       approximately 2.9 feet more than it should  
23       have.  All right.  The height is legal.  
24       The length is legal.  The only difference  
25       is when apparently it was built many, many

1 years ago, whoever screwed up, screwed it  
2 up and added the extra 2.9 feet. To be  
3 told, and there's no window on that side.  
4 To be told that the view is different, I  
5 find disingenuous because the view, whether  
6 it's another 2.9 feet, you're still looking  
7 into the room. So that, I believe, is not  
8 an issue.

9 It should be noted that the fence  
10 that was put up, was put up on my client's  
11 property. The people who next door, the  
12 individual lived next door, without a  
13 problem without my client -- used our  
14 property for their driveway many years  
15 without be an objection. So, essentially  
16 we were good neighbors. We attempted to  
17 get a administrative variance signed. My  
18 client was willing to remove the fence to  
19 allow a better access to the driveway.  
20 They did not want that. They, we tried to  
21 get, they wanted the roof to be lower.  
22 They won't respond to our request for that  
23 either. So, we were willing to remove the  
24 fence even though it's our property where  
25 the fence is to allow the better access.



1 We were willing to reduce the size of the  
2 roof, even though it's legal, legal below  
3 legal line, that did not take place either.  
4 The question is if the Board decides to  
5 remove the 2.9 feet off the addition, that  
6 is the Board's prerogative to do so. But  
7 it won't change the view. It won't change  
8 the structure that much and we're just  
9 trying to be good neighbors which we tried  
10 to do, but unfortunately it didn't go  
11 anywhere. So I apologize for that.

12 And with your permission, my client  
13 would like to speak on the stop work order.  
14 But being told that my client didn't abide  
15 by the stop work order, is just untrue.  
16 And I would like for her to speak to that  
17 with your permission, Mr. Chairman. They  
18 make it seem like we're such bad people.

19 MS. KIMBALL: Mr. Romano, I would  
20 like to find out from you since apparently  
21 the next door neighbor has been using your  
22 client's property open and notoriously for  
23 a very long time whether it exceeds 25  
24 years.

25 MR. ROMANO: No, that client, the

1 neighbors have not been there 25 years. And  
2 there's been no action taken. And  
3 apparently they understood that they were  
4 using our land or else they would've  
5 objected and brought some type of adverse  
6 possession lawsuit. That did not take  
7 place. So, but we were willing to give it  
8 to them anyway. To let them use it with a  
9 boundary line agreement. But that did not  
10 take place. So I'm sorry. We were  
11 bending, we're trying to be good neighbors.  
12 Every neighbor in the area where the  
13 administrative variance was signed off on  
14 this. So to be told that we're bad people  
15 and bad neighbors is obviously not true.

16 THE CHAIRMAN: Mr. Romano, look.  
17 I'm not going to hear -- what we're going  
18 to do here is we're going to make a  
19 decision on this. Okay?

20 MR. ROMANO: Yes, sir.

21 THE CHAIRMAN: So what we're going  
22 to do is -- and I've been over there.

23 And, Mr. Curto, obviously you don't  
24 know this Board. Every member of this  
25 Board has been over there. I've been over

1     there four or five times. I know the  
2     property. Okay.

3             MARGARET O'HANLON: Mr. Chairman,  
4     can I say something please?

5             THE CHAIRMAN: One second, please.  
6     Not while I'm talking.

7             MARGARET O'HANLON: No, I just.

8             THE CHAIRMAN: No, no, I'll get to  
9     you soon. Don't worry.

10            All right. So, Mr. Romano, you're  
11     finished with me, right?

12            MR. ROMANO: Yes, sir.

13            THE CHAIRMAN: Okay. All right.  
14     Madam, go ahead.

15            MR. LANDSMAN: You're muted. You're  
16     muted.

17            MR. KUNTZ: You have to unmute  
18     yourself. You can press the space bar if  
19     you'd like.

20            MARGARET O'HANLON: I got it. Thank  
21     you. I got it.

22            THE CHAIRMAN: Just introduce  
23     yourself again.

24            MARGARET O'HANLON: Yes, Margaret  
25     O'Hanlon and Marty Loftus.

1           My brother Marty, we've lived there  
2 for 41 years. We've had this, the third  
3 set of neighbors. They've been there five,  
4 possibly six years. I told them and, okay,  
5 maybe it came out cross before when she  
6 said it is longer and, yes, it is higher.  
7 But it is not wider than it was. And I  
8 have before and after pictures as well to  
9 show that where it butts up against the  
10 fence, that's my property -- that's our  
11 property. And from the front of the room  
12 out, from the corner of that front room,  
13 4.3 of that going back, the property line  
14 goes on an angle, is our property. Our  
15 fence is just inside the property line.  
16 And I have pictures to show where the room  
17 comes. The room before was the hedge came  
18 up to the room and this addition is the  
19 same. And I have pictures of both of  
20 those. I have the same thing. Where you  
21 showed the room before going into that  
22 driveway, that was still my property. And  
23 if you saw that line, I put that up. We  
24 put that up to show where the property line  
25 was. So that part of the driveway has been

1       ours.

2               I'm still friends with the people  
3 they bought the house from. We've never  
4 had a problem before. And that family room  
5 which it was a TV room and it led out to  
6 the backyard, has been there since 1981 or  
7 '82. And we didn't make it wider. Yes, we  
8 made it longer and higher because we  
9 brought the floor up even with the kitchen.  
10 There was a step and-a-half down from the  
11 kitchen to that floor and we brought it up  
12 even so that Marty could walk straight in.

13               THE CHAIRMAN: Okay. Thank you.

14               MARGARET O'HANLON: And I have, I  
15 have those pictures. And I'll send them if  
16 you would like them.

17               THE CHAIRMAN: Yeah, send --

18               MARGARET O'HANLON: -- back.

19               THE CHAIRMAN: Send them to the  
20 Building Department attention Zoning Board.  
21 Send them to the Building Department.

22               MARGARET O'HANLON: When do you want  
23 me to send them now or --

24               THE CHAIRMAN: Yeah, if you want to  
25 send them now. Tomorrow is okay.

1 MARGARET O'HANLON: Okay. Just send  
2 them to the Zoning Board?

3 THE CHAIRMAN: Just send them to the  
4 building --

5 MR. KUNTZ: We gave the --

6 MARGARET O'HANLON: Oh, yeah. I  
7 offered, and I went to them to sign a  
8 paper. And, yeah, we didn't -- once we got  
9 a stop work order, we didn't do any work in  
10 that house. Then the pandemic hit. We  
11 didn't do any work in that house until we  
12 got a permit. And then we didn't get,  
13 until August from Mr. Haddock(ph) to --  
14 with the plumbing and everything came in to  
15 work on the house. But every time that  
16 they thought we were working on the house  
17 without approval, which we never did, we  
18 followed the stop work order. They would  
19 call the police on us. And the cops kept  
20 saying, they have a permit. Which we did.  
21 We didn't -- and, yes, was a mistake made  
22 in the beginning? Yes, I didn't follow-up  
23 with the contractor and thought permits had  
24 been filed. And for that, I am sorry.  
25 This was not trying to do anything behind

1 anybody's back. And that room, the  
2 footprint of how wide that room is, was  
3 followed. It's just higher and longer.

4 THE CHAIRMAN: Okay.

5 MARGARET O'HANLON: -- that you  
6 showed in that picture --

7 THE CHAIRMAN: We're starting, we're  
8 starting to repeat ourselves now. I get  
9 it. I get it. You can send those  
10 pictures, you can send those pictures.  
11 That's fine.

12 Mr. Landsman, see if there's anybody  
13 else --

14 MR. LANDSMAN: Is there anybody else  
15 waiting to speak on this matter? Anybody  
16 else? This is your last chance. Okay. I  
17 don't --

18 THE CHAIRMAN: Okay. This case is  
19 hereby -- --

20 MR. LANDSMAN: Wait. Ms. Karadeniz  
21 wants to speak again.

22 THE CHAIRMAN: You're the last one.

23 MINE KARADENIZ: Yes, thank you,  
24 Mr. Chairman.

25 THE CHAIRMAN: Yes.

1 MINE KARADENIZ: I have pictures and  
2 e-mails to Mr. Larry Donahue(ph) and  
3 Mr. Haddock. Many times I have kept all  
4 the pictures that they violated the stop  
5 work order three times.

6 THE CHAIRMAN: Okay. What I'm going  
7 to do --

8 MINE KARADENIZ: I have all the  
9 proof that I have kept.

10 THE CHAIRMAN: Okay. What I'm going  
11 to do, I'm going to talk to Mr. Barbuti.  
12 Not tonight. Maybe tomorrow. See what he  
13 has. Okay? All right. This case is  
14 hereby closed. Reserve the right to reopen  
15 it for any reason whatsoever at any time  
16 whatsoever and that includes after the  
17 decision is made. Thank you.

18 MR. ROMANO: Thank you, all.

19 MR. CURTO: Thank you.

20 THE CHAIRMAN: You're welcome. All  
21 right. Mr. Romano. Mr. Romano.

22 MR. KUNTZ: You're muted.

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

24 THE CHAIRMAN: You have three cases  
25 here tonight.



1 MR. ROMANO: Yes, sir.

2 THE CHAIRMAN: You have 782 North  
3 Broadway, you have 212 Warburton Avenue,  
4 and you have Orchard street.

5 MR. ROMANO: Yes, sir.

6 THE CHAIRMAN: Which one do you want  
7 to take?

8 MR. ROMANO: I guess maybe we should  
9 just take it from the top, Mr. Chairman,  
10 with your permission.

11 THE CHAIRMAN: Well. All right. 14  
12 Orchard Street.

13 MR. ROMANO: Yes, sir.

14 THE CHAIRMAN: It's an area  
15 variance. Mr. Romano on behalf of Croton  
16 Terrace Enterprises, Inc. for owner for  
17 construction of a new warehouse containing  
18 construction material and supplies having:

19 - Insufficient lot area, Section  
20 43-27, 43-3, required is 10,000 Square  
21 feet. You got 6,000 square feet.

22 - Insufficient lot width, Section  
23 43-27, Table 43-3, requires 100', you got  
24 50'.

25 - Insufficient side yard Section

1 43-3, Table 43-3 required 16', proposed is  
2 0'.

3 - Insufficient side front yard

4 43-27, Table 43-3, required is 20' proposed  
5 is 0'.

6 - Insufficient front yard setback

7 43-20, Table 43-3, requires 20' proposed is  
8 6'.

9 - Insufficient loading, section

10 43-128, Table 43-4, required is 1' proposed  
11 0'.

12 - Parking within 5 feet of all  
13 property lines not permitted, Yonkers  
14 Reference Zoning Ordinance 43-44.A.9.b.

15 - Parking within 10 feet of a  
16 building on the same lot is not permitted,  
17 Reference Zoning Ordinance 43.44.A.9.b.

18 - Exceeding the maximum permitted  
19 building coverage, Section 43-27, Table  
20 43-3 maximum allowed is 50%, provided is  
21 64.0% --

22 (Simultaneous speakers.)

23 THE CHAIRMAN: Mr. Romano, be quiet.

24 MR. ROMANO: Yes, sir.

25 THE CHAIRMAN: -- fences and walls

1 including retaining walls must not exceed 4  
2 feet in height in a required front yard  
3 setback or in any required yard setback  
4 abutting a street and 6 feet in height  
5 within any other required yard setback,  
6 Reference Yonkers Zoning Ordinance  
7 43-41.D.3.a.

8 And then we got the last one:

9 - Show loading truck maneuvering and  
10 turn around with storage layout shown on  
11 plans.

12 Vehicles must pull forward onto the  
13 sidewalks and roadways:

14 Premises known as 14 Orchard Street,  
15 Block: 2076, Lot: 17 in an MG zone. It's  
16 more to the CM Zone, but we're going to  
17 hear it anyway.

18 Go ahead. Mr. Romano, identify  
19 yourself, please.

20 MR. KUNTZ: You're muted,  
21 Mr. Romano.

22 MR. ROMANO: Mr. Chairman, Andrew  
23 Romano, 55 Main Street, Yonkers, New York  
24 on behalf of Croton Terrace Enterprises  
25 owner of 14 Orchard Street, Yonkers, New

1 York, sir.

2 THE CHAIRMAN: All right. Go ahead.  
3 Is there anybody here tonight on this case?  
4 Mr. Landsman? Mr. Landsman?

5 MR. LANDSMAN: Yes, they can all  
6 hear us. We'll check in after the case if  
7 they want to speak. They're all okay.

8 MR. KUNTZ: Yeah, there's only two  
9 callers.

10 THE CHAIRMAN: Proceed, Mr. Romano.

11 MR. ROMANO: Mr. Chairman, Members  
12 of the Board, my client is the owner of a  
13 vacant lot that's approximately 125 by 50  
14 feet, vacant, located in a CM Zone. The  
15 fact that it's in a CM Zone, the minimum  
16 requirement is 10,000 square feet. And we  
17 only have approximately 6,000 square feet.

18 My client purchased this in August  
19 2018. My client is a construction man.  
20 What he seeks to do is to build a one-story  
21 warehouse. I put two, but it's actually  
22 one-story with an office to be used  
23 strictly for the storage of equipment and  
24 supplies for the construction business.  
25 We're not going to meet people there.

1 We're not going to run a business out of  
2 there except for supplies in an office.  
3 All the construction work my client does is  
4 off-site.

5 What we tried to do in the various  
6 iterations and amendments to the plan is to  
7 eliminate some of the variances such as  
8 parking. Parking will be inside the  
9 structure. There will be no outside  
10 parking. We don't require a loading space.  
11 So, we don't need a loading. We're not  
12 parking outside. But I can't overcome the  
13 fact that it's a small lot.

14 Now, going out to the area, there's  
15 other people with construction lots.  
16 There's other people with supplies. And to  
17 be very honest with you, it's very messy.  
18 This structure will be quite the  
19 improvement to the property. In fact it  
20 would better not only this property, but  
21 the other properties that are located  
22 around the property.

23 Now, my client is on tonight. My  
24 architect is on tonight as well. We  
25 believe the use is permitted, but we just

1 have a small lot. And if we can't use this  
2 lot for something, doesn't matter what you  
3 use in a CM Zone we have a problem, because  
4 we don't have 10,000 square feet. So what  
5 we tried to do is minimize the impact with  
6 parking inside by making the structure  
7 smaller and by using everything, the work  
8 to be done off-site.

9 So, all these things we believe  
10 would reduce traffic basically to nothing  
11 and the structure itself, I don't know if  
12 the Board has pictures of it, it would be  
13 really a great improvement to the area.

14 Yes, is it a hardship? Absolutely  
15 it's a hardship. But it's one that's  
16 really created because of the use of the  
17 lot is so small. We can't do anything.  
18 Would it be in character of the  
19 neighborhood? Absolutely. In fact, with  
20 this structure it would improve the  
21 neighborhood. I'm sure the Board has been  
22 out there and they know exactly what I'm  
23 talking about.

24 We cannot, we tried to obtain around  
25 the area, we cannot do so. The area in the

1 CM Zone is used by many other people in the  
2 area. We believe any physical impact,  
3 environmental impact? No environmental  
4 impact. We're not changing anything.  
5 We're not adding any type of equipment  
6 there or any oil tanks or any oil or  
7 anything of nature.

8 Now, I do have the architect here  
9 and my client is on as well for any  
10 questions for the Board. Thank you, all.

11 THE CHAIRMAN: Well, this is a plain  
12 piece of paper. You can build anything --  
13 you can build something a little smaller  
14 here.

15 MR. ROMANO: Well, we did look at  
16 everything. We actually had plans that  
17 were a lot larger. But this is --

18 THE CHAIRMAN: Yeah, hey, don't hand  
19 me that nonsense. Okay?

20 MR. ROMANO: We did, if you look,  
21 Mr. Chairman, if you look --

22 THE CHAIRMAN: I've heard that many  
23 a times. Don't tell me that nonsense.  
24 Okay?

25 MR. ROMANO: Well, I'll be more than

1 happy, Mr. Chairman. But we have revised  
2 this plan three or four times to reduce the  
3 impact --

4 THE CHAIRMAN: Maybe you can revise  
5 it a little smaller.

6 MR. ROMANO: Well, I can ask the  
7 client now, Mr. Chairman, with your  
8 permission.

9 THE CHAIRMAN: Yeah, you're like  
10 some of these people that come before this  
11 Board and say, well, you know, we could  
12 have built this but we didn't do that, we  
13 did this. Yeah. This is what you're  
14 building. Okay?

15 MR. ROMANO: Mr. Chairman, I've been  
16 coming to this Board for 40 years.

17 THE CHAIRMAN: No, you haven't.

18 MR. ROMANO: Yeah, I have. I used  
19 to come here when I was 17, which makes it  
20 a lot more than 40.

21 THE CHAIRMAN: You haven't  
22 aggravated me for 40 years.

23 MR. ROMANO: No, but I remember the  
24 ice cream. That's what I do remember,  
25 Mr. Chairman. It's a whole different



1 story. But I do have the architect here,  
2 if you want to ask him, Mr. Chairman.

3 THE CHAIRMAN: Ask who what?

4 MR. ROMANO: The architect if he  
5 can, see if he can build it smaller.

6 THE CHAIRMAN: Don't tell me an  
7 architect is going to tell me he can't  
8 build it smaller.

9 MR. ROMANO: No, he can. We've  
10 revised this plan three or four times.  
11 Please. Let me put him on. It can't hurt.

12 THE CHAIRMAN: Okay.

13 MR. ROMANO: Yeah, he's with me,  
14 Mr. Chairman. I'm swapping seats.

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

17 ROLANDO GOLDSTEIN: No, yes. No,  
18 sir.

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

23 ROLANDO GOLDSTEIN: I do.

24 THE CHAIRMAN: State your name and  
25 address, please.

1           ROLANDO GOLDSTEIN: Yeah. Rolando  
2 Goldstein. 475 Bronxville Road, Yonkers,  
3 New York.

4           THE CHAIRMAN: All right. Now,  
5 you're going to tell me why you can't build  
6 this any smaller.

7           ROLANDO GOLDSTEIN: Like, we tried  
8 to make it smaller, but it's not going to  
9 work for the client. Like, it's not going  
10 to fit all the vehicles that he needs to  
11 park there that what he needs, the use that  
12 he needs. And, so, we need to reduce 50  
13 feet width that we need. I tried to make  
14 work with the setbacks, but the setbacks  
15 are very constrained. Because we need to  
16 meet 20 feet on the front and 16 feet on  
17 the side. So, only 14 feet by 75 feet. So  
18 that is, you know, useful for our  
19 warehouse. And they were trying to make it  
20 smaller, but it's not working for the use  
21 of a warehouse. It's going to be too  
22 expensive for no, no square footage that he  
23 needs. There would be parking underneath.  
24 Like, a basement. Trying to minimize the  
25 impact in the area. And, and that's why

1 we're trying to do, like, like 25 feet. So  
2 it's going to be same height up to the  
3 houses that are near where the same line 6  
4 feet recess from the property line. And we  
5 are most of the same footprint that we have  
6 on the building that we have on the other  
7 corner in front. That this red building, a  
8 brick building that this mostly the entire  
9 -- it's an old building, entire property.

10 So I don't think that we impact in  
11 the area. We did, like, renders trying to  
12 clarify at the end a representation the  
13 eight, four hundred. Trying to show that  
14 it's similar, the building around. We try  
15 not to do windows. Try do skylights so we  
16 don't have any noise or impact on the  
17 neighbors. The problem here is like all  
18 these houses around and we're forced to do  
19 the commercial because it's a CM Zoning.  
20 The --

21 MR. LANDSMAN: You're muted,  
22 Mr. Chairman.

23 MR. KUNTZ: Yeah, please unmute.  
24 Unmute yourself, Mr. Chairman.

25 THE CHAIRMAN: I did.

1 MR. KUNTZ: There you go. You're  
2 good.

3 THE CHAIRMAN: Is this going to have  
4 a basement, sir?

5 ROLANDO GOLDSTEIN: Only for  
6 parking.

7 THE CHAIRMAN: Huh?

8 ROLANDO GOLDSTEIN: Only for the  
9 parking.

10 THE CHAIRMAN: It's going to have a  
11 basement for parking?

12 ROLANDO GOLDSTEIN: It's going to  
13 have, like, it's, like, a garage. We have  
14 like --

15 MR. ROMANO: No.

16 ROLANDO GOLDSTEIN: -- it's a  
17 basement. It's floor, yeah, it's a ground  
18 floor. But this, like, some street goes in  
19 a slope. So that's where we are. And also  
20 we are level with Orchard Street and that  
21 give us the height of 7 feet high where you  
22 have access from Chanfrau Place. So we can  
23 park the cars inside the building, below  
24 the building. Only for the parking. You  
25 can see on the section, yeah. You can see

1 the section --

2 THE CHAIRMAN: Answer the question.  
3 How many floors; one or two? How many  
4 floors, sir?

5 ROLANDO GOLDSTEIN: One floor.

6 THE CHAIRMAN: Huh? One floor?

7 ROLANDO GOLDSTEIN: One floor. And  
8 the parking below. Parking below because  
9 we are level from --

10 THE CHAIRMAN: You're not level.  
11 You got two floors then. You got one for  
12 parking and one for your equipment and your  
13 supplies; am I correct?

14 ROLANDO GOLDSTEIN: Below. Yeah.

15 THE CHAIRMAN: Huh? Am I correct?

16 ROLANDO GOLDSTEIN: Correct.

17 THE CHAIRMAN: That's a simple  
18 question. Okay.

19 Any questions of this gentleman?

20 MR. LANDSMAN: I have a question for  
21 Mr. Romano.

22 MR. ROMANO: Yes, sir.

23 MR. LANDSMAN: Yeah, you say that  
24 they're not going to run a business out of  
25 there, but yet they're putting in an

1 office. Why you putting in an office?

2 MR. ROMANO: Administratively.

3 That's just for people to come in for my  
4 guy to do his bills, for my guy to do his  
5 invoices.

6 MR. LANDSMAN: So you're running, so  
7 you are running a business then?

8 MR. ROMANO: No, it's not -- the  
9 issue is not the business, the issue is am  
10 I going to work on premises, construction?  
11 For instance, like, am I going to have saws  
12 or chains or plumbing, fixtures? No. It's  
13 just to go in the morning, pick up the  
14 equipment and leave. So the idea was, I  
15 didn't think, and we all agree, that we  
16 cannot do construction on-site. All we can  
17 do is park the cars, pick up the equipment,  
18 and leave. And then we come back at night,  
19 we lock the door and leave. So, the idea  
20 is to minimize the impact which is what  
21 we've done on many other variances as well.  
22 Especially where we have lots on the floor.  
23 Because our idea is we don't want to jam up  
24 traffic. We don't want to see clients  
25 there. That would cause problem with

1 traffic. So no clients. No work. Except  
2 for the office which is my client only.  
3 And I think he has two other employees as  
4 well.

5 So it's very limited on what we're  
6 doing there, because it's only 6,000 square  
7 feet. It's very small. So we don't want  
8 to have an impact on the area -- no  
9 traffic, no foot traffic, no customers.  
10 Really no noise. And we make the parking  
11 inside. So we've done everything, we  
12 believe, on all the iterations of the plan  
13 to make a less impact on the area. We've  
14 really utilize the premises well with this  
15 plan.

16 MR. LANDSMAN: Thank you.

17 MR. ROMANO: You're welcome, sir.

18 THE CHAIRMAN: You call 6,000 square  
19 feet, you call 6,000 square feet small?

20 MR. ROMANO: In a CM Zone you need  
21 10,000. It's a little bit more than 60  
22 percent. That's -- in a CM Zone, doesn't  
23 allow us to use the lot. In fact, in other  
24 CM Zones that I know, and I know the  
25 Board's aware, you have a lot of vacant

1 commercial lots because no one wants to  
2 build on a lot that's less than 10,000  
3 square feet.

4 Here we have a guy that wants to  
5 work in Yonkers, live in Yonkers, and take  
6 his shot at doing this, and we're willing  
7 to take that chance on this lot. But if  
8 you go to the area, vacant commercial on a  
9 CM Zone is not unusual. And we're trying  
10 to avoid the vacancy here.

11 THE CHAIRMAN: All right.  
12 Mr. Romano, who's your client? What's the  
13 name of this company?

14 MR. ROMANO: It's Croton --

15 THE CHAIRMAN: Yeah. All right.  
16 And where does he live?

17 MR. ROMANO: He's here,  
18 Mr. Chairman. I believe he's on.

19 Noel, are you on?

20 MR. CHAIRMAN: It's up to you. I  
21 don't want him. You want to put him on,  
22 put him on.

23 MR. ROMANO: No, I just --

24 THE CHAIRMAN: Somebody is going to  
25 answer my question. You or him. I don't



1 care.

2 MR. ROMANO: All right. Well, I  
3 would answer the one that I have. Which is  
4 Croton, the name of the company --

5 THE CHAIRMAN: I think I got the  
6 name of the company. I got the name of the  
7 company, Mr. Romano.

8 MR. ROMANO: Then you want the name  
9 of his contracting business?

10 THE CHAIRMAN: What's the name of  
11 his contracting business?

12 MR. ROMANO: Okay. It's Hillview.  
13 Hillview Construction. H-i-l-l-v-i-e-w,  
14 Construction.

15 THE CHAIRMAN: All right.

16 MR. ROMANO: Done this for many  
17 years and he's taking his shot.

18 THE CHAIRMAN: What's his name, sir?

19 MR. ROMANO: His name is Noel,  
20 N-o-e-l, last name is --

21 THE CHAIRMAN: Yeah, okay. I see  
22 his last name.

23 MR. ROMANO: N-o-r-m-a-y-i-e.

24 THE CHAIRMAN: Okay. All right.  
25 Mr. Romano.

1 MR. ROMANO: Yes, sir.

2 THE CHAIRMAN: One second, please.  
3 Just want to see something for one second.  
4 One second, please Mr. Romano.

5 MR. ROMANO: Yes, sir.

6 THE CHAIRMAN: I'm sorry. Just one  
7 second, please.

8 MR. ROMANO: Take your time, sir.

9 THE CHAIRMAN: Oh, I'm gonna.

10 MR. ROMANO: I know. I know for a  
11 long time, yes, sir.

12 THE CHAIRMAN: And as I get older,  
13 you know.

14 MR. ROMANO: Well, yeah. Yeah, I  
15 won't even. You know.

16 THE CHAIRMAN: Yeah. Are there any  
17 questions of the board?

18 MR. BATTISTA: Actually,  
19 Mr. Chairman --

20 THE CHAIRMAN: Is there anybody here  
21 tonight in favor of this application?

22 MR. BATTISTA: Mr. Chairman --

23 MR. LANDSMAN: Mr. Battista wants to  
24 speak.

25 THE CHAIRMAN: Oh, Mr. Battista,

1     yes, sir.

2             MR. BATTISTA:   Mr. Romano, what --  
3     two questions, what type of construction  
4     equipment will they be having there?  And  
5     what hours of access are they going to need  
6     to the space?

7             MR. ROMANO:   The access to the space  
8     on the plan, it's set -- I'm getting the  
9     plan.  I'm sorry.  The access of the plan  
10    is from the gate that is located on Orchard  
11    Street coming in.  The type of construction  
12    is -- he pours concrete, so he would have  
13    concrete equipment in there.  Probably  
14    frames, things of that nature.

15            MR. BATTISTA:   So he'll have  
16    concrete trucks, and then also, like, I  
17    said not -- what time would he start  
18    accessing the building in the morning; 6:00  
19    o'clock, 5:00 o'clock, 4:00 o'clock?

20            MR. ROMANO:   My understanding from  
21    him is that he's probably in at 6 and he's  
22    on the road before 9 and then come back  
23    from 4 to 5.  And this would be five days a  
24    week.

25            MR. BATTISTA:   Thank you.

1 MR. ROMANO: You're welcome.

2 THE CHAIRMAN: Mr. Romano, where is  
3 his yard now?

4 MR. ROMANO: Another yard?

5 THE CHAIRMAN: Where is his yard  
6 now?

7 MR. ROMANO: I'm sorry, sir?

8 THE CHAIRMAN: Where is his place of  
9 business now?

10 MR. ROMANO: I'll put him on. I  
11 don't know the address, but I'll ask if  
12 Noel can come on. Noel? Is there a Noel  
13 on? No?

14 MR. LANDSMAN: He's here. He's  
15 gotta unmute.

16 MR. ROMANO: All right. So someone  
17 has to --

18 MR. KUNTZ: He's gotta unmute  
19 himself.

20 MR. ROMANO: All right. If he could  
21 do that, that would be great. Noah, unmute  
22 yourself.

23 NOAH NORMAYLE: Yes, can you hear  
24 me?

25 MR. ROMANO: There you go. Wow.

1 He's as bad as me.

2 THE CHAIRMAN: Okay. All right.

3 Are you an attorney, sir?

4 NOAH NORMAYLE: No.

5 THE CHAIRMAN: No?

6 NOAH NORMAYLE: No.

7 THE CHAIRMAN: Raise your right  
8 hand, please. Raise your right hand.

9 MR. KUNTZ: We can't see him. He  
10 doesn't have good Wi-Fi, it looks like.

11 MR. ROMANO: All right. Noah, raise  
12 your right hand. They gotta swear you in.

13 NOAH NORMAYLE: Yeah, I got it.

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

17 NOAH NORMAYLE: I do.

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

20 NOAH NORMAYLE: Noah Normayle, 79  
21 Maple Street, Scarsdale.

22 (Court reporter requested  
23 clarification.)

24 NOAH NORMAYLE: 79 Maple Street,  
25 Scarsdale.

1 THE CHAIRMAN: Okay. Sir, where is  
2 your shop now and your yard now?

3 NOAH NORMAYLE: My shop, I have one  
4 place at 135 Oak Street, Yonkers. I have a  
5 warehouse there. But it's just too small  
6 to fit my equipment. The question before,  
7 why -- I don't have any concrete trucks.

8 THE CHAIRMAN: What's your -- please  
9 answer my question. What's the address of  
10 your shop now?

11 NOAH NORMAYLE: 135 Oak, O-a-k, Oak  
12 Street, Yonkers.

13 THE CHAIRMAN: All right. That's  
14 your address now. Okay.

15 NOAH NORMAYLE: Yes.

16 THE CHAIRMAN: Do you have any other  
17 addresses?

18 NOAH NORMAYLE: No.

19 THE CHAIRMAN: Okay. Thank you.

20 All right. Mr. Romano, do you have  
21 anything -- any questions of the Board?

22 Okay. Is there anybody here tonight  
23 to speak in favor of this? Is there  
24 anybody here tonight to speak in  
25 opposition?

1 MR. LANDSMAN: Is there anybody here  
2 on this case that wants to speak? Anybody  
3 on the phone, press star 6.

4 Looks like nobody for this case,  
5 Mr. Chairman.

6 THE CHAIRMAN: Okay. All right.  
7 Then, Mr. Romano, you want to sum up or I'm  
8 going to close this case?

9 MR. ROMANO: No, close the case,  
10 Mr. Chairman. I'm sorry.

11 THE CHAIRMAN: Yeah, yeah. All  
12 right. This case is hereby closed.  
13 Reserve the right to reopen it for any  
14 reason whatsoever, anytime whatsoever, and  
15 that includes after decision is made.

16 Thank you, Mr. Romano.

17 MR. ROMANO: You're welcome, sir.

18 THE CHAIRMAN: Now, I'm going to  
19 take some other cases, Mr. Romano.

20 MR. ROMANO: Yes, sir.

21 THE CHAIRMAN: Gave you enough  
22 break.

23 MR. ROMANO: I agree with that as  
24 always.

25 MR. GIORGIO: Mr. Chairman.

1 THE CHAIRMAN: Yeah.

2 MR. GIORGIO: Mr. Giorgio.

3 THE CHAIRMAN: Who?

4 MR. GIORGIO: It's Mr. Giorgio. I  
5 think you need to do the Lead Agency notice  
6 on this one as well.

7 THE CHAIRMAN: Oh, I'm sorry. Yes,  
8 I apologize. You're right.

9 Mr. Giorgio, would you bring up the  
10 Lead Agency on this, please.

11 MR. GIORGIO: All right.

12 THE CHAIRMAN: I'm going to --

13 MR. GIORGIO: Do you need to reopen  
14 the case?

15 THE CHAIRMAN: Yeah, I'm going to  
16 the reopen the case.

17 MR. NATCHEV: Yes.

18 THE CHAIRMAN: I'm going to reopen  
19 the case. Do I have a second to reopen it?

20 MR. LANDSMAN: Yeah, reopen it.

21 MS. KIMBALL: Second.

22 THE CHAIRMAN: Everybody say, aye.  
23 Okay. The case is reopened. Lead agency,  
24 Mr. Giorgio.

25 MR. GIORGIO: Case number 5745, on



1 14 Orchard Street, Block: 2076, Lot: 17.

2 I make a motion that the Zoning  
3 Board of Appeals pursuant to the New York  
4 State Environmental Quality Review Act  
5 declare its intention to seek Lead Agency  
6 status for the purpose of the Environmental  
7 Review of this matter and direct the  
8 Planning Director on behalf of this Board  
9 to initiate Lead Agency notification and  
10 coordinate and review all other involved  
11 agencies in this action. If no other  
12 involved agency seeks to be Lead Agency  
13 within 30 days of the effective date of  
14 notice, the ZBA shall assume Lead Agency  
15 status for the purpose of review of this  
16 matter. Thank you.

17 THE CHAIRMAN: Do I have a second?

18 MS. KIMBALL: Second.

19 THE CHAIRMAN: Ms. Kimball.

20 Everybody in favor say aye.

21 (A chorus of ayes.)

22 THE CHAIRMAN: Okay. Good. All  
23 right. So we're the Lead Agency. Thank  
24 you. All right. So this case is  
25 continued.

1           Okay. Now, the next case that we're  
2 going to do. 5746 Jacob Schofield, owner,  
3 on behalf of himself to convert a  
4 single-family to a two-family dwelling  
5 having:

6           - Insufficient Lot Area, Reference  
7 43-27, Table 43-3, required 5,000 square  
8 feet, proposed 4998.4 square feet. Wow.

9           - Insufficient Lot Area per family,  
10 Reference 43-27, Table 43-3, required 2500  
11 Square feet, proposed 2499 square feet.

12           On premises known as 17 Livingston  
13 Avenue, Block: 163, Lot: 54 in an "M" Zone.

14           Mr. Schofield, are you here?

15           JACOB SCHOFIELD: Yes, I am.

16           THE CHAIRMAN: All right. I swore  
17 you in before, right?

18           JACOB SCHOFIELD: Correct.

19           THE CHAIRMAN: You know that? Okay?  
20 Okay. All right. Present your case, sir.

21           JACOB SCHOFIELD: Sure. I'll keep  
22 it brief. And I apologize if it's too  
23 brief, but --

24           THE CHAIRMAN: Listen to me. I'm  
25 here all night. I don't care what anybody

1 else thinks. Okay? I said it before.  
2 Don't worry about it. Present your case  
3 because in case you lose, that's where you  
4 go to get your information. Go to court.  
5 So present your case. Go ahead.

6 JACOB SCHOFIELD: Got it. I  
7 appreciate it, Mr. Chairman. And I  
8 appreciate everyone on the Board's time.

9 So I'm the homeowner of 17  
10 Livingston Av. And I am applying to  
11 convert this current one-family dwelling to  
12 a two-family dwelling. I have lived here  
13 four years now. This house has been in my  
14 family for, since like the '60s. My uncle  
15 lived here prior to me. And, yeah, simply  
16 I'm trying to restore the house and  
17 rehabilitate it. It's a historic house.  
18 1895. Trying to keep in character with the  
19 neighborhood. I have sufficient parking  
20 for the two residences that are proposed.  
21 Four spaces in the back. There's plenty of  
22 room for that. The neighborhood is zoned  
23 for two families and more, I believe. My  
24 neighbors, most of my neighbors, I think  
25 all but two houses on the block, are

1 current multifamilies. Many of which are  
2 on smaller lots. I cannot achieve this  
3 means by any other form other than buying  
4 one and-a-half square feet from my  
5 neighbors. I don't think it would cause  
6 any undesirable changes to the neighborhood  
7 or character. As I said, the neighborhood  
8 is currently multifamilies. I don't think  
9 it's a substantial request at all. It's a  
10 foot and-a-half square feet that I'm  
11 missing. And I don't think there'll be any  
12 adverse physical or environmental effects.  
13 And this difficulty is actually quite the  
14 contrary to being self-created. The City  
15 of Yonkers currently has my lot size as  
16 5,000 square feet, which is why I started  
17 this process. It wasn't until a survey was  
18 done using metrics that are beyond my  
19 knowledge according to the Westchester  
20 County that plot size was augmented to the  
21 current 4,998 square feet.

22 And I have notified all of my  
23 neighbors, followed all of the procedures.  
24 So far I haven't heard any complaints.

25 Yeah, that's all I have to say. So

1 thank you again for your time this evening.

2 THE CHAIRMAN: You're welcome. Is  
3 there anybody -- this is a -- this is going  
4 to be a two-family house, right?

5 JACOB SCHOFIELD: Correct.

6 THE CHAIRMAN: All right. It's  
7 going to have two Kitchens.

8 JACOB SCHOFIELD: Correct.

9 THE CHAIRMAN: Okay. And it's not  
10 going to be an in-law, it's not going to be  
11 a -- well, it could be an in-law you could  
12 use that for one of your families, but --

13 JACOB SCHOFIELD: Hopefully.

14 THE CHAIRMAN: -- it's not to be a  
15 boarding house or anything?

16 JACOB SCHOFIELD: No.

17 THE CHAIRMAN: No. Okay. Very  
18 good.

19 Any questions of the Board?

20 MR. LANDSMAN: Yeah. Mr. Landsman.

21 THE CHAIRMAN: Yeah, what do you  
22 want?

23 MR. LANDSMAN: What's in the  
24 basement currently in this house?

25 JACOB SCHOFIELD: It's an unfinished

1 basement.

2 MR. LANDSMAN: And it's going to  
3 remain that way?

4 JACOB SCHOFIELD: Yes.

5 MR. LANDSMAN: Okay. Thank you.

6 THE CHAIRMAN: He's in an "M" Zone,  
7 you know?

8 MR. LANDSMAN: Okay.

9 THE CHAIRMAN: All right. Okay.  
10 Tell you. Any other questions of the Board?

11 Okay. Is there anybody here tonight  
12 to speak in favor of this application?

13 Is there anybody here tonight to  
14 speak against this application?

15 MR. LANDSMAN: Nobody.

16 THE CHAIRMAN: Going to cut you some  
17 slack, pal.

18 This case is hereby -- believe me.  
19 You have no idea. You're okay. I really  
20 feel bad for you. I mean eight square,  
21 whatever it is, how many square feet, I've  
22 had these before.

23 All right. This case is hereby  
24 closed. We reserve the right to reopen it  
25 for any reason whatsoever, anytime

1       whatsoever, and that includes after the  
2       decision is made.   Good night.

3               JACOB SCHOFIELD:   Appreciate it.  
4       Thank you.

5               THE CHAIRMAN:   You're welcome.

6               Sorry.   I just want to get some  
7       things in.

8               All right.   The next case is 5715.  
9       This is a case that we've had now for quite  
10      a while.   It's over at Central Park Avenue  
11      and Heights Drive.   It's an area variance.  
12      It's Tom Abillama, Registered Architect on  
13      behalf of 1969 Central Park Avenue, LLC.  
14      That's Limited Liability Corporation.  
15      They're the owner.   On premises known as  
16      1969 Central Park Avenue, Block: 4385,  
17      Lot: 206 in a BR Zone.

18              Mr. Abillama, are you here?

19              KASTURI MOHANTY:   Yes, I'm -- hi.

20      This is --

21              MR. GIORGIO:   Mr. Chairman, before  
22      you start.   Before you start -- Mr. Giorgio  
23      -- I just want to put on the record that I  
24      recuse myself on this case.

25              THE CHAIRMAN:   Okay.

1 MR. GIORGIO: My house is an  
2 adjacent property.

3 THE CHAIRMAN: Oh, yes. You're  
4 going to abstain. Thank you.

5 MR. NATCHEV: George? Mr. Chairman?

6 THE CHAIRMAN: Yes.

7 MR. NATCHEV: I think since a Board  
8 Member recused himself, he should be put in  
9 the lobby.

10 THE CHAIRMAN: Who? Oh, okay.  
11 George, put Mr. Giorgio in the lobby,  
12 please.

13 MR. KUNTZ: Sorry to do this to you,  
14 Mr. Giorgio, but.

15 MR. GIORGIO: Sure, I understand.

16 MR. NATCHEV: We'll retrieve you.  
17 We'll get you back.

18 MR. GIORGIO: Bring me back.

19 MR. KUNTZ: We'll bring you back.

20 THE CHAIRMAN: Maybe. Mr. Abillama.

21 MR. KUNTZ: You will not be able to  
22 hear or see anything in the next few  
23 minutes, Mr. Giorgio.

24 THE CHAIRMAN: Okay. All right.

25 KASTURI MOHANTY: May I speak?



1 THE CHAIRMAN: Not yet, ma'am. I  
2 didn't call for you. You and I got a  
3 problem. You know. You're jumping all  
4 over. You don't like the way I took the  
5 cases. You know, really. I've been here  
6 52 years. I think I know what I'm doing.

7 Okay. The lady is muted, would you  
8 unmute her, please.

9 MR. KUNTZ: I muted that lady.  
10 Sorry, ma'am.

11 THE CHAIRMAN: All right. All  
12 right. Where is, where is --

13 MR. LANDSMAN: Miss, you have to  
14 unmute yourself.

15 THE CHAIRMAN: Just one second,  
16 please. Just gotta to do something here  
17 for one minute. All right.

18 Mr. Abillama, are you here?

19 MR. KUNTZ: Mr. Abillama.

20 MR. LANDSMAN: Mr. Abillama, you  
21 have to unmute yourself.

22 TOM ABILLAMA: Good evening. Tom  
23 Abillama. Good evening.

24 THE CHAIRMAN: And your address,  
25 sir?

1 TOM ABILLAMA: Yes.

2 THE CHAIRMAN: Your address, please.

3 TOM ABILLAMA: Tom Abillama.

4 KASTURI MOHANTY: 19 --

5 TOM ABILLAMA: 1955 Central Avenue.

6 Good evening.

7 THE CHAIRMAN: Yonkers, New York,  
8 correct?

9 TOM ABILLAMA: Sorry?

10 THE CHAIRMAN: Yonkers, New York.

11 TOM ABILLAMA: 1955 --

12 KASTURI MOHANTY: Yes, Yonkers, New  
13 York.

14 TOM ABILLAMA: Yonkers.

15 THE CHAIRMAN: Madam, you can't  
16 speak without me swearing you in. You want  
17 me to swear you in, I'll swear you in.

18 KASTURI MOHANTY: Tom would like to  
19 represent -- Tom would like me to represent  
20 him, sir.

21 THE CHAIRMAN: All right. Raise  
22 your right -- are you an attorney, madam?

23 KASTURI MOHANTY: No, I'm not.

24 THE CHAIRMAN: Raise your right  
25 hand, please. Do you solemnly swear to

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

3 KASTURI MOHANTY: I do.

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

6 KASTURI MOHANTY: Kasturi Mohanty,  
7 1955 Central Park Avenue, Yonkers, New  
8 York.

9 THE CHAIRMAN: All right. Now, what  
10 are you going to do? Are you an -- are you  
11 going to represent Mr. Abillama?

12 TOM ABILLAMA: Yes.

13 KASTURI MOHANTY: Yes, sir.

14 THE CHAIRMAN: You are. Okay. Put  
15 your hand down. You're okay, ma'am.  
16 Proceed, madam. Proceed, madam.

17 KASTURI MOHANTY: Thank you.

18 THE CHAIRMAN: You're welcome.

19 KASTURI MOHANTY: Good evening,  
20 Mr. Chairman and Members of the Board. I'm  
21 Kasturi Mohanty representing Tom Abillama,  
22 Architects.

23 So we are presenting a storage  
24 facility that is, has the retail area on  
25 the first floor and five floors of storage.

1 It's on the rear, it's 276 feet 9 inch long  
2 and it's about 63 feet deep. And the  
3 building is against a red, a rock ledge,  
4 which is about 70 feet high from the paved  
5 area. The parking area. So, we would like  
6 to present the building to be on the  
7 property line on the rear so the rear wall  
8 of the building acts as a retaining wall  
9 for the rock ledge that's existing. And we  
10 would like to make the height of the  
11 building about 73 feet, which is beyond the  
12 maximum allowed. So we are here to ask for  
13 a variance for building height. And also  
14 for the rear yard and the side yard.  
15 Because we are on the property line. And  
16 we also have, we also have floor area ratio  
17 that is about 2.13, which is more than 1.5  
18 allowed for this area. I mean for this --  
19 in this zone. And the parking in the  
20 minimum side front yard is also not in  
21 compliance. There is a couple of other  
22 issues, like, the insufficient retail  
23 storage depth. Because we are providing a  
24 Starbucks, which is a drive-through  
25 facility. And our first floor height is 19

1 -- from first to second floor is 19 feet  
2 high. So that we can have the loading  
3 space under that and the drive-through to  
4 be minimum, yeah, on the rear of the  
5 building to go behind. And be able to  
6 provide a clear space that is required of  
7 14 feet 6 inches. So, that's why we need  
8 the building height variance and, and each  
9 floor is 10 foot high of the storage  
10 facility. It's a concrete structure and we  
11 need that structurally to provide the  
12 minimum height inside.

13 So, and the retaining walls in the  
14 front are 4 feet which is allowed. But on  
15 the side because of the rock ledge, we have  
16 to provide retaining wall that is 17 feet  
17 to 41 feet high. Which is on the under 6  
18 feet allowed. So we're here for a, we're  
19 requesting a variance for all the elements  
20 that are not in compliance.

21 Do you have anything to add?

22 (Ms. Mohanty and Mr. Abillama  
23 briefly conferred.)

24 Okay. So there is also a refuse  
25 area in the side front yard, which is not

1 visible, because of the retaining wall  
2 being 17 feet high there.

3 THE CHAIRMAN: Well, what we're  
4 going to do, from what I understand, we're  
5 here tonight to talk about the wall you're  
6 going to build. That's what we're here  
7 tonight to talk about the wall you're going  
8 to build.

9 We gave you permission for this  
10 building about maybe three years ago, maybe  
11 four years ago. I forget. So what you go  
12 from us then is what you got. But I'm  
13 under the impression that you're here  
14 tonight to continue on this wall. Because  
15 of something to do with the aqueduct; am I  
16 right in that?

17 TOM ABILLAMA: Yes.

18 KASTURI MOHANTY: That's correct.

19 THE CHAIRMAN: Okay. Good. So we  
20 got that straight. So anything to do with  
21 the Starbucks or anything like that, you  
22 might have to come back to the Board. I  
23 don't know. That's not up to me. That's  
24 going to be up to Deputy Commissioner  
25 Barbuti and Commissioner Mr. Vincent Pici.

1 So you're going to have to go in there and  
2 see if they'll give you more variances.  
3 I'm telling you that right now. I'm here  
4 tonight with this Board to talk about the  
5 wall. So you want to talk about the wall,  
6 please.

7 (Ms. Mohanty and Mr. Abillama  
8 briefly conferred.)

9 KASTURI MOHANTY: One moment.

10 TOM ABILLAMA: One moment,  
11 Mr. Chairman.

12 THE CHAIRMAN: Okay. Yeah, you want  
13 to talk about it without me listening? Go  
14 ahead. Do what you gotta do.

15 TOM ABILLAMA: How are you? Well,  
16 what we're doing right now is to look into  
17 changing the plans that, changing the  
18 house, the plans that are providing for the  
19 existing structure in the back of the  
20 project right now. And we'd like to see  
21 how it it's going to go later on when we  
22 like to go on after this.

23 THE CHAIRMAN: Well, I'm telling you  
24 right now, you're not getting nothing out  
25 of this Board. Maybe you'll get the wall.

1 We gotta make a decision on that.

2 TOM ABILLAMA: Okay.

3 THE CHAIRMAN: Not getting any  
4 changes in the building or anything like  
5 that. That's up to the Building  
6 Department. You might not need that as a  
7 variance, I don't know.

8 TOM ABILLAMA: Sure.

9 THE CHAIRMAN: You have to talk to  
10 the Building Department. But as far as I'm  
11 concerned, we're talking about the wall.  
12 You want to talk about the wall, talk about  
13 the wall.

14 TOM ABILLAMA: Okay. All right.  
15 Well, we're going to -- we can wait until  
16 --

17 THE CHAIRMAN: Okay.

18 TOM ABILLAMA: We can decide what's  
19 going on then at this time.

20 THE CHAIRMAN: All right. Because  
21 the wall, we got some, the DEC hasn't given  
22 us an answer yet on it.

23 TOM ABILLAMA: Right, because --

24 THE CHAIRMAN: You know that. I  
25 think you're a little bit premature, but



1 that's beside the point.

2 TOM ABILLAMA: Right.

3 THE CHAIRMAN: So we're just going  
4 do nothing. We're going to do, we're just  
5 going to postpone this case. We'll just  
6 continue it. You know. I'll see if  
7 there's anybody here tonight on it to give  
8 them -- I see you. Don't worry about it.  
9 Okay? Leave your hand down for a minute.

10 TOM ABILLAMA: Thank you.

11 THE CHAIRMAN: Okay?

12 KASTURI MOHANTY: Thank you.

13 THE CHAIRMAN: You're welcome,  
14 madam. I appreciate it. Is there anybody  
15 here tonight on this case that wants to  
16 talk about it?

17 Yes, sir. Are you an attorney, sir?

18 MARK FONTE: No, Mr. Chairman.

19 THE CHAIRMAN: What's your name,  
20 sir?

21 MARK FONTE: Mark Fonte.

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

1 MARK FONTE: Yes, I do.

2 THE CHAIRMAN: State your name and  
3 address, please.

4 MARK FONTE: Mark Fonte, 1955  
5 Central Park Avenue, Yonkers, New York.

6 THE CHAIRMAN: You're the owner of  
7 the property, am I correct, sir?

8 MARK FONTE: I'm the owner of the  
9 property, correct.

10 THE CHAIRMAN: Yes. Proceed,  
11 please.

12 MARK FONTE: So, these plans were  
13 developed with the intention of solving the  
14 problem with DEP with the Aqueduct. They  
15 requested that we collaborate on the wall,  
16 make sure the wall was sturdy was enough.  
17 So we developed these plans so the  
18 building, the rear of the building is  
19 actually going to be retaining wall. We  
20 already put the new plans in with DOB.  
21 They gave us the denial letter. And that's  
22 why we're here in front of you for these  
23 variances based on what they gave us.

24 DEP is already aware of these plans.  
25 They've reviewed them. They'd like to come

1 back -- we want to go back to them with  
2 actually the structural integrity of the  
3 wall. At that point they'll give us the  
4 nod, if they're okay with the structure.  
5 And at that point we can go forward with  
6 the plans. We can't do that unless we get  
7 our variances and we get our Planning Board  
8 approval, so --

9 THE CHAIRMAN: Like I said -- I  
10 think, I think Mr. Fonte we gave you this  
11 about three years ago, maybe four years  
12 ago, I forget how long it was.

13 MARK FONTE: Yes, you did give it to  
14 me, Mr. Chairman. I appreciate that. But  
15 right now the plans have changed. They  
16 actually have, they want the retaining wall  
17 to be in the back larger. They don't want  
18 to us break anymore rock going up Heights  
19 Drive. So we had to, we were forced to  
20 adhere to what they wanted. We were told  
21 by the City we had to adhere to what they  
22 wanted. They wanted us to reduce the  
23 building and the footprint we have now.  
24 Push the building to the back in order for  
25 it to be a strong wall in the back. And

1 not continue the rock chipping up Heights  
2 Drive. That's why we amended the plans, we  
3 changed the plans and we're here now to try  
4 to get this variance approved and move this  
5 project forward.

6 THE CHAIRMAN: I don't think that's  
7 the way you advertised it. This has been  
8 continued, continued, continued, continued.  
9 I put it off at least six or eight months  
10 maybe longer.

11 MARK FONTE: Yes, and we were  
12 waiting for DEP. They wanted to do an  
13 investigation. They wanted to --

14 THE CHAIRMAN: Yeah, I --

15 MARK FONTE: They issued us a  
16 letter. I'm sure you have a copy of it.  
17 Saying that we were not, we were, you know,  
18 they thought maybe we had damaged the  
19 Aqueduct. They went through a whole  
20 investigation which took several months.  
21 We've been waiting patiently. They  
22 determined that we didn't do any damage to  
23 the aqueduct. But they said they would  
24 work with us in order for us to -- to get  
25 these plans approved. They wanted to be

1 part of the process and we were more than  
2 happy to do that. So we drew up these  
3 plans. We shared with them. They haven't  
4 had any objections. Now, at this point we  
5 went to DOB. Got our denial letter. And  
6 now we're in front of you seeking these  
7 variances at this moment.

8 THE CHAIRMAN: Well, I tell ya the  
9 truth, I think you're going to have to  
10 re-advertise this with these variances on  
11 it.

12 MARK FONTE: Okay.

13 THE CHAIRMAN: It's going to take a  
14 little more time, I'm going to tell you. I  
15 mean, look, like I said, we passed it. You  
16 know, we gave you almost basically what you  
17 wanted. Tried to. What we thought was  
18 fair. And now it's gotta to be  
19 re-advertised. That's the way it's going  
20 to be. I'll bring it back next month.  
21 I'll put it on next month. But you're  
22 going to have re-advertise it with the  
23 Building. You gotta go to the Building  
24 Department and you're going to have to get  
25 new, new rejection letter.

1           MARK FONTE:   This is a new rejection  
2 letter, Mr. Chairman.

3           (Simultaneous speakers.)

4           THE CHAIRMAN:   Where's the --

5           MARK FONTE:   This is a rejection  
6 letter with these new plans.

7           THE CHAIRMAN:   Yeah, but where's  
8 your rejection letter from the Building  
9 Department?

10          MARK FONTE:   We have the rejection  
11 letter.   We can send it to you right now,  
12 Mr. Chairman.

13          THE CHAIRMAN:   No.   Hold on.

14          MARK FONTE:   That's why we're here  
15 tonight.   We got a rejection letter last  
16 month from the Building Department.   I  
17 believe it was on 4/20.

18          Tom, if you can e-mail him the  
19 rejection letter.

20          THE CHAIRMAN:   Hold on a second,  
21 please.   I didn't ask you to do that.

22          MARK FONTE:   All right.   I'm sorry.

23          THE CHAIRMAN:   Mr. Barbuti, did we  
24 get a rejection letter, sir?

25          MR. BARBUTI:   So I see

1 Mr. Longobardi did a Plan Review on I  
2 believe it's 4/20/2021. And I believe he's  
3 citing several variances other than the  
4 retaining wall. And I can only suspect  
5 it's because we've exceeded the three years  
6 for the Zoning approval. I'd have to speak  
7 to Mr. Longobardi and get back to you  
8 though.

9 THE CHAIRMAN: Okay. You get back  
10 to me. And, Mr. Fonte, if you want to call  
11 Mr. Barbuti tomorrow. If he's available,  
12 I'm sure he'll talk to you. See if you can  
13 straighten out.

14 MARK FONTE: Absolutely. Thank you,  
15 Mr. Chairman.

16 THE CHAIRMAN: Okay. But as of now  
17 it's going to come back with all new  
18 rejections. So we'll see. Try to work it  
19 out.

20 MARK FONTE: Thank you.

21 THE CHAIRMAN: Good luck. Thank  
22 you.

23 Is there, Mr. Landsman, would you  
24 see if there's anybody here in opposition?  
25 Mr. Landsman? Can't hear you.

1 MR. LANDSMAN: I have a question I'd  
2 like to ask Mr. Fonte.

3 THE CHAIRMAN: Before you do that,  
4 before you do that, is there anybody here  
5 in opposition?

6 MR. LANDSMAN: I don't know. Let me  
7 ask. Anybody here on this case tonight to  
8 speak against it? Anybody here on this  
9 case?

10 THE CHAIRMAN: Okay. You want to  
11 ask Mr. Fonte something, go ahead.

12 MR. LANDSMAN: Yeah, on the letter  
13 that we all received from the EPA on  
14 February 16th, you spoke about that letter.  
15 So towards the bottom of the letter, they  
16 did give a laundry list of items that they  
17 want to receive information on from, you  
18 know, your architect or you. Has that, all  
19 those items been addressed with the EPA?

20 Can't hear. You're muted. You're  
21 muted.

22 MR. KUNTZ: Unmute yourself.

23 MR. LANDSMAN: Can't hear.

24 MARK FONTE: We, we -- can you hear  
25 me now?



1 MR. LANDSMAN: Yes.

2 MARK FONTE: So we have had several  
3 conversations with them. We have -- our  
4 engineer's been interacting with their  
5 engineer. They're willing and able to move  
6 forward with this. We've been talking to  
7 them. This is not done in the blind. But  
8 we have been complying. The City's  
9 different offices have always been talking  
10 also. Yes. We have been talking.

11 MR. LANDSMAN: Well, but I think  
12 don't we need a letter from them saying  
13 that you answered all their rejections --

14 MARK FONTE: Well --

15 MR. LANDSMAN: We can't -- we can't  
16 go ahead until they give approval, I think.

17 MARK FONTE: They want, they want a  
18 design this on the wall, a structural  
19 decision. Their fear is the wall, the  
20 integrity of the wall to make sure that it  
21 doesn't collapse or something happen. So  
22 their main concern is the integrity of the  
23 wall. Once we get our approvals, our  
24 engineer is going to finish drafting a  
25 wall, we'll share it, it'll be a condition

1 of our approvals. We'll share it with  
 2 them. Then at that point we'll get a  
 3 letter from them saying they approved the  
 4 drawing, the structural integrity from the  
 5 engineer -- its integrity of the drawings,  
 6 then at that point we can go forward. But  
 7 --

8 (Poor audio quality.)

9 MR. LANDSMAN: All right.

10 MARK FONTE: They're going to be  
 11 handling the whole process.

12 MR. LANDSMAN: Right. All right. I  
 13 mean they had an issue they wanted a  
 14 vibration monitoring plan. They wanted  
 15 something with the --

16 THE CHAIRMAN: All right. Hey,  
 17 Mr. Landsman, this is all stuff they got a  
 18 get.

19 MR. LANDSMAN: Okay. Very good.

20 MARK FONTE: Correct. And just so  
 21 part of that, part of the negotiation with  
 22 them is that we're not going to be doing  
 23 anymore rock chipping up Heights Drive. So  
 24 a lot of the problems get solved  
 25 immediately because we're not doing anymore

1 of that work. So the vibration monitor and  
 2 all that stuff goes away because we're not  
 3 going to be doing that. Again, we scaled  
 4 down the project to almost the foot print  
 5 we have now. Because we really at this  
 6 point, we just want to get the job done. We  
 7 don't want to wait any longer.

8 MR. LANDSMAN: All right. Thank  
 9 you.

10 THE CHAIRMAN: Are you okay now,  
 11 Mr. Landsman?

12 MR. LANDSMAN: Yeah, I guess for the  
 13 moment, yes.

14 THE CHAIRMAN: Okay. Is there  
 15 anybody in opposition, Mr. Landsman?

16 MR. LANDSMAN: Anybody want to speak  
 17 against this project? Is there anybody  
 18 here tonight to speak?

19 THE CHAIRMAN: All right. This case  
 20 is hereby continued until next month. New  
 21 notices will be sent out. If you can do it  
 22 next month, but as of now, if you can, I'll  
 23 put it on for next month. Thank you.

24 MARK FONTE: Thank you, Chairman.

25 THE CHAIRMAN: Thank you. You're

1 welcome.

2 KASTURI MOHANTY: Thank you. Thank  
3 you.

4 THE CHAIRMAN: All right. Where are  
5 you, Mr. Romano? Mr. Romano?

6 MR. ROMANO: Yes, sir, I'm here.

7 THE CHAIRMAN: Yeah. Okay. Let's  
8 go with this one. Case 5749, it's on  
9 Roberts Avenue, near Roberts Avenue.

10 MR. LANDSMAN: Could you bring  
11 Mr. Giorgio back into the room?

12 THE CHAIRMAN: Yes.

13 MR. KUNTZ: Mr. Giorgio, you can  
14 take yourself off of mute.

15 MR. GIORGIO: Thank you.

16 MR. KUNTZ: You're welcome.

17 THE CHAIRMAN: All right. Let's get  
18 going. Here we go. Case 5749, an  
19 improvement to a non-conforming use.

20 Mr. Romano on behalf of CSAR Holding, LLC.,  
21 Owner, for a complete -- complete  
22 renovation of a structure including the use  
23 of basement for habitable space, whereas:

24 - Improvement to a non-conforming  
25 use requires Zoning Board of Appeals

1 approval, Reference Yonkers Zoning Board  
2 43-21.G, conversion of basement into  
3 habitable space;

4 On premises known as 782 North  
5 Broadway, Block: 3021, Lot: 5 in an S-50  
6 Zone.

7 Mr. Romano, has everybody within the  
8 200-foot radius been notified, sir?

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

10 THE CHAIRMAN: Did anything come  
11 back?

12 MR. ROMANO: No, sir.

13 THE CHAIRMAN: Okay. Is there  
14 anybody here tonight on this case?

15 Mr. Landsman, is there anybody on this  
16 case?

17 MR. LANDSMAN: I don't know.

18 Anybody here on this case tonight?

19 MR. ROMANO: Just my client I  
20 understand.

21 MR. LANDSMAN: Yeah. Right now I  
22 don't see anybody.

23 MR. ROMANO: Okay.

24 THE CHAIRMAN: Okay. All right.

25 That's okay then. Okay. Mr. Romano

1 present your case.

2 MR. ROMANO: Yes, sir.

3 Mr. Chairman, I'm here on behalf of CSAR  
4 Holding, LLC., who is the owner of 782  
5 North Broadway.

6 My client purchased this property,  
7 two-family dwelling, at a foreclosure on  
8 January 10, 2020. It's on a 25-foot by  
9 125-foot lot. My client seeks, because  
10 it's in severe need of restoration, he  
11 seeks to restore what was there. But he  
12 also because he has to expend a lot of  
13 money, well, over 225,000, he would like to  
14 ability to use the basement, which  
15 previously was unused. He would like to  
16 use it to construct a laundry room and a  
17 couple of bedrooms. The reason for the  
18 bedrooms was because it's much more  
19 marketable for him to try to make back the  
20 money that they had. So that's what we're  
21 really trying to do.

22 The plans of course, if -- will be  
23 up to code. It has enough parking. It has  
24 all the proper, it will not change the  
25 exterior. Obviously. So we're just doing

1 interior altercations. It is a building  
2 that is in severe need of repair and the  
3 approval would definitely help out the  
4 neighborhood as well as improving the  
5 structure itself.

6 We don't believe there are any  
7 adverse physical environmental impact. It  
8 would still be this two-family residence.  
9 There are some beautiful stain glass  
10 windows there too, which I like. They're  
11 going to stay because they're really nice.  
12 The only change, as I said, would be to  
13 actually use the basement for two bedrooms,  
14 a bath and a laundry room. And the  
15 rationale of that is to justify the expense  
16 that we're doing.

17 My client is available to speak as  
18 to this. And I know he's been before the  
19 Board several times before to renovate  
20 buildings because that's what he does best  
21 in the City of Yonkers.

22 Same setbacks, same air and light,  
23 same parking, and if there's any questions  
24 of the Board or my client, be more than  
25 happy to address them. Thank you.

1 MR. LANDSMAN: Mr. Chairman, you're  
2 muted.

3 THE CHAIRMAN: What's your client's  
4 name?

5 MR. ROMANO: Jack Bhatti,  
6 B-h-a-t-t-i. He's been before the Board  
7 several times and you know his quality of  
8 work.

9 THE CHAIRMAN: When's he been before  
10 the Board?

11 MR. ROMANO: Well, we did -- you  
12 approved 28 Dunbar last month. He's been  
13 before the Board of 125 Orchard. There was  
14 another one, I believe, last year, so.

15 (Simultaneous speakers.)

16 THE CHAIRMAN: We didn't make a  
17 decision on that 125 Orchard.

18 MR. ROMANO: I know. I know. I  
19 know. But he's been before the Board.

20 THE CHAIRMAN: He was -- wait. Time  
21 out. He was the guy over there on Dunbar  
22 last time?

23 MR. ROMANO: Yes, sir. He'd like to  
24 speak to the Board, if it's possible,  
25 Mr. Chairman.



1 THE CHAIRMAN: Not yet.

2 MR. ROMANO: Yes, sir.

3 THE CHAIRMAN: All right. You got  
4 three stories here, four stories really.  
5 So, you're going to put -- what's going to  
6 be -- this sounds like it's going to be a  
7 boarding house. Okay?

8 MR. ROMANO: No, no, no.

9 THE CHAIRMAN: No, no, no. I know.  
10 This is an S-50 Zone. Okay?

11 MR. ROMANO: That is correct.

12 THE CHAIRMAN: But you got two  
13 families, which I'm going to let -- by the  
14 way I can bring this back down to S-50, you  
15 know. We have the right to do that.

16 MR. ROMANO: That would make this,  
17 wow, that would be a large family.

18 THE CHAIRMAN: Oh, boy. It would be  
19 a large family. I don't think you'd like  
20 that, would you? No.

21 MR. ROMANO: No, sir, I wouldn't  
22 like that at all.

23 THE CHAIRMAN: No, I know you  
24 wouldn't. So, anyway, but I have a heart  
25 too. You know. Some people think I don't,

1 but I do.

2 MR. ROMANO: Well, they're mistaken,  
3 Mr. Chairman.

4 THE CHAIRMAN: Yeah. Good. All  
5 right. I'm a little annoyed here. I gotta  
6 find out. You're going to go in the  
7 basement. Is there going to be a kitchen  
8 in the basement?

9 MR. ROMANO: No.

10 THE CHAIRMAN: Is there a bathroom  
11 down there?

12 MR. ROMANO: Yes, there is a  
13 bathroom. Yes, sir.

14 THE CHAIRMAN: All right. Then  
15 who's going to be on the first floor?

16 MR. ROMANO: Oh, that's going to be  
17 an independent -- that the apartment on the  
18 first floor will be used in conjunction  
19 with the apartment, the bedrooms in the  
20 basement. The second floor will be a  
21 separate entity. Two kitchens only. But  
22 the bathroom in the basement is going to --  
23 if you're going to have bedrooms you might  
24 as well have bathrooms. I figure if kids  
25 are going to use it, you know.

1 THE CHAIRMAN: I don't understand  
2 that. How big is this, the first floor?

3 MR. ROMANO: The first floor and the  
4 basement will be together. One apartment.

5 THE CHAIRMAN: You keep on avoiding  
6 my questions. I don't let it happen. You  
7 know that. How big is the first floor?  
8 How many square feet?

9 MR. ROMANO: All right. I'll put on  
10 Mr. Bhatti, please, with your permission.

11 THE CHAIRMAN: Okay. You can.

12 MR. ROMANO: The architect is on  
13 too. But maybe Jack and the architect, if  
14 they can come on, please.

15 THE CHAIRMAN: Go ahead.

16 MR. ROMANO: Jack?

17 JACK BHATTI: Yes.

18 MR. ROMANO: Jack, you on?

19 JACK BHATTI: Yes, I am.

20 THE CHAIRMAN: Okay. Put this  
21 gentleman through, please.

22 MR. ROMANO: Jack, please answer the  
23 Chairman's question.

24 JACK BHATTI: I'm sorry, I didn't  
25 hear him.

1           Yes, Mr. Chairman.

2           THE CHAIRMAN: Yeah. Are you an  
3 attorney? Are you an attorney?

4           JACK BHATTI: No, sir.

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

9           JACK BHATTI: Yes, I do, sir.

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

12          JACK BHATTI: Jack Bhatti, 409  
13 Palisade Avenue, Yonkers, New York 10702.

14          THE CHAIRMAN: All right. Why do  
15 you need, why do you need two, two bedrooms  
16 in the basement when -- let's start with  
17 this. How many square feet in the first  
18 floor? Not the basement, the first floor.

19          JACK BHATTI: The first floor, not  
20 including the foyer just the apartment  
21 itself.

22          THE CHAIRMAN: Yeah.

23          JACK BHATTI: Is about a thousand  
24 square feet. And it has only two bedrooms.

25          THE CHAIRMAN: Okay. Has two

1 bedrooms. Okay. The basement, how many  
2 square feet is that?

3 JACK BHATTI: Total is 1,018 square  
4 feet.

5 THE CHAIRMAN: So they mirror, they  
6 mirror each other, right?

7 JACK BHATTI: I'm sorry?

8 THE CHAIRMAN: They mirror each  
9 other? They're almost the same?

10 JACK BHATTI: The top floor or the  
11 basement?

12 THE CHAIRMAN: The basement and the  
13 first floor. You want to combine them so  
14 you have one room, one apartment there; am  
15 I correct?

16 JACK BHATTI: Right. What we  
17 request is to make a duplex apartment.  
18 Yes, Mr. Chairman.

19 THE CHAIRMAN: All right. Now what  
20 about the second floor? What's going to be  
21 on the second floor?

22 JACK BHATTI: The second floor is  
23 independent apartment itself, which is a  
24 three-bedroom.

25 THE CHAIRMAN: One kitchen?

1 JACK BHATTI: One kitchen. Yes.

2 THE CHAIRMAN: There's no kitchen --

3 JACK BHATTI: The attic is just a  
4 storage space.

5 THE CHAIRMAN: There's no kitchen in  
6 the basement.

7 JACK BHATTI: No, no, not at all.  
8 We, we just put a bathroom because of the  
9 two bedroom. If there's a family of four  
10 people, then you only have one bathroom,  
11 that doesn't, you know, accommodate. So,  
12 that's the reason we put a bathroom in the  
13 basement.

14 THE CHAIRMAN: All right. The top  
15 floor, you said it was a what, it was a  
16 storage area?

17 JACK BHATTI: The attic is just a  
18 storage area. Yes, Mr. Chairman.

19 THE CHAIRMAN: How many square feet?

20 JACK BHATTI: The attic?

21 THE CHAIRMAN: Yeah.

22 MR. ROMANO: 500?

23 JACK BHATTI: The total attic is  
24 1,080 square feet as well.

25 THE CHAIRMAN: My God, you gotta

1 kitchen up there?

2 JACK BHATTI: No, no, no. Actually,  
3 the roof, the way it is, the joists are  
4 hanging low, there's no way you can even  
5 make a habitable space.

6 THE CHAIRMAN: Okay. Any questions  
7 of this gentleman from the Board?

8 All right. Mr. Landsman, see if  
9 anybody is --

10 MR. LANDSMAN: Anybody here, anybody  
11 hear to speak against this case? Anybody  
12 here to speak --

13 MS. KIMBALL: Can I ask a question,  
14 Mr. chairman?

15 MR. LANDSMAN: Sure.

16 THE CHAIRMAN: Yes, you can,  
17 Ms. Kimball, yes.

18 MS. KIMBALL: Is there a secondary  
19 egress from the basement?

20 MR. ROMANO: That's a good question.

21 JACK BHATTI: Yes, there is.

22 MS. KIMBALL: Okay. There's one in  
23 the back, where is the other one?

24 (Simultaneous speakers.)

25 JACK BHATTI: -- egress windows.

1 THE CHAIRMAN: You talking about a  
2 secondary windows?

3 JACK BHATTI: No, we're putting  
4 egress windows in the bedrooms as well.

5 THE CHAIRMAN: Well, you gotta do  
6 that by law. But you got a secondary  
7 entrance down there? You got a secondary  
8 -- you got two entrances and exits down in  
9 the basement?

10 MR. ROMANO: I don't think so.

11 JACK BHATTI: No, there's only one  
12 exit.

13 THE CHAIRMAN: One. Okay. All  
14 right. Tell you what you do, Mr. Romano.

15 MR. ROMANO: Yes, sir.

16 THE CHAIRMAN: You call Shannon on  
17 Friday and set up an appointment. I'm  
18 coming up there with a couple of people and  
19 I want this, the gentleman I'm talking to  
20 now.

21 MR. ROMANO: Yes, sir.

22 THE CHAIRMAN: Okay?

23 MS. KIMBALL: I'd like to see it,  
24 Mr. Chairman.

25 THE CHAIRMAN: Yes, ma'am. Yes,



1 Ms. Kimball.

2 MS. KIMBALL: I'd like to see it  
3 when you go?

4 THE CHAIRMAN: Oh, yeah. I'm taking  
5 you.

6 MS. KIMBALL: I'd love to see this  
7 walk-in closet that's 10 feet by 13.

8 MR. ROMANO: Oh, that's nice.

9 THE CHAIRMAN: Listen. Romano, you  
10 know, the next case you got. You know I  
11 can take it or I can put it behind  
12 Mr. Null.

13 MR. ROMANO: No, that's all right.

14 THE CHAIRMAN: So you keep your  
15 mouth shut.

16 MR. ROMANO: Yes, sir.

17 THE CHAIRMAN: Pretend you're in  
18 front of a Supreme Court Judge. Okay?

19 MR. ROMANO: Yes, sir.

20 THE CHAIRMAN: Yeah.

21 MR. ROMANO: You're better than  
22 them, Mr. Chairman.

23 THE CHAIRMAN: Yeah, sure.

24 MR. ROMANO: Trust me.

25 THE CHAIRMAN: Flattery will get you

1 nowhere. Believe me.

2 All right. Any other questions of  
3 the Board?

4 MR. LANDSMAN: Is there anybody here  
5 to speak in favor of this application?  
6 Anybody else here to talk?

7 I don't think there's anybody here  
8 on it.

9 THE CHAIRMAN: Mr. Romano, you want  
10 to sum up?

11 MR. ROMANO: No, that's all right.  
12 No, thank you, Mr. Chairman. I'll call up  
13 Shannon Friday and we'll schedule something  
14 next week your permission.

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

20 MR. ROMANO: Thank you.

21 JACK BHATTI: Thank you,  
22 Mr. Chairman.

23 THE CHAIRMAN: You're welcome.

24 All right. Mr. Romano, let's go to  
25 this one over near Lamartine Avenue. Okay?

1 MR. ROMANO: Okay.

2 THE CHAIRMAN: Case 5748, Mr. Romano  
 3 on behalf of Smerlin Cuello. If I  
 4 pronounce that wrong, I apologize. He's  
 5 the owner to legalize existing second floor  
 6 addition on the rear of a three-family  
 7 dwelling, having:

8 - Exceeding the maximum permitted  
 9 floor area ratio, Section 43-27, Table  
 10 43-3, required is 1.25, proposed 1.54.  
 11 That's the floor area ratio, ladies and  
 12 gentlemen.

13 - Insufficient side yard, Section  
 14 43-27, Table 43-3, required is 25 proposed  
 15 is 6 foot 4 inches. Second-floor bedroom  
 16 and bathroom are not previously approved on  
 17 the previously approved plans.

18 - Insufficient rear yard -- we went  
 19 through that already. Insufficient side  
 20 rear yard, Section 43-27, Table 43-3,  
 21 43-33.K, required is 10 foot 6 and 22.3  
 22 feet, proposed is 4 foot and 16.1 foot.  
 23 Second-floor bedroom and bathroom not on  
 24 previously-approved plans.

25 - Exceeding the maximum permitted

1 building coverage, Section 43-27, Table  
2 43-3 requires 40 percent, proposed is 46 --  
3 sorry, 47.6 percent:

4 On premises known as 212 Warburton  
5 Avenue, Block: 2097, Lot: 60 in an M Zone.

6 Mr. Romano, has everybody within the  
7 200-foot radius been notified, sir?

8 MR. ROMANO: Yes, Mr. Chairman.

9 THE CHAIRMAN: Did you get anything  
10 back, sir?

11 MR. ROMANO: No, sir.

12 THE CHAIRMAN: Okay. Mr. Landsman,  
13 would you see if anybody is here on this  
14 case, please?

15 MR. LANDSMAN: Yeah. Is there  
16 anybody here on this case on Warburton  
17 Avenue? I don't think so.

18 THE CHAIRMAN: Proceed, Mr. Romano.

19 MR. ROMANO: Mr. Chairman, I am the  
20 attorney for Smerlin Cuello, who is the  
21 owner of 212 Warburton Avenue. He  
22 purchased the property in 2016. It's a  
23 legal three-family dwelling that he bought  
24 when the CO was issued. The premises was  
25 the subject of a Zoning matter back in

1 August of 2002. That converted the  
2 premises from a boarding house and  
3 apartments to a three-family house. The  
4 premises were constructed. My client  
5 bought the premises in 2016. He was told  
6 and he discovered that the rear  
7 second-floor addition on the same footprint  
8 as the first floor which contains a bedroom  
9 and a bathroom, no increase in apartments  
10 at all, apparently was never part of the  
11 plan. The original plan. I pulled the  
12 Zoning Board case to see if there was some  
13 type of confusion because a CO was issued  
14 and it just missed this. So, it's been  
15 there. And if you look at it you'll see  
16 that it's been, it's just like everything  
17 else in the property. So, I thought maybe  
18 the plan at the Zoning Board did not  
19 connect with the plan that's in the  
20 Building department. But I couldn't find  
21 anything to show that the second floor  
22 addition was legal. So as a result my  
23 client filed plans and received an  
24 objection. I looked at some of the  
25 variances exceeding permit building,

1 exceeding maximum being code, it's about  
2 differential 7.6 percent, the maximum  
3 permitted floor radio is, is .29 percent.  
4 What our mitigate there -- it's not an  
5 apartment, nothing like that, I don't know  
6 how this happened. But it did. What we're  
7 trying to do is to legalize the existing  
8 bedroom and existing bath that's been there  
9 without a complaint. No one's complained  
10 about this accident since it was  
11 constructed back in 2003 after the Zoning  
12 Board last case. This premises, of course,  
13 would be in character of the neighborhood  
14 because there's several one, two small  
15 apartment houses in the area. The variance  
16 cannot be obviated. We cannot, you know,  
17 because they're on-site existing, it's  
18 very, very expensive and unnecessary to  
19 remove based on the fact that it's been  
20 used for almost 20 years now without one  
21 complaint.

22 It's a permitted use. It's an "M"  
23 zone. It is a permitted use. And it will  
24 comply with all Zoning, Housing, Safety  
25 Environmental codes. It will retain the

1 same off-street parking as used before and  
2 the addition is built on the same -- we, we  
3 don't know how this occurred. We're trying  
4 to correct something on the record, which  
5 this is really why we're here.

6 The hardship, yeah, it may be  
7 self-created, but it's something that  
8 happened unbeknownst to my client and we're  
9 just trying to correct something that's  
10 been there without a problem for 20 years  
11 and my client is on. Any questions, he'd  
12 really appreciate it, Mr. Chairman, and  
13 Members of the Board.

14 (Audio interference.)

15 THE CHAIRMAN: When did your client  
16 when did your client, when did your client  
17 buy this property?

18 MR. ROMANO: 2016.

19 THE CHAIRMAN: Who did he buy it  
20 from, the City?

21 MR. ROMANO: No, he didn't buy --  
22 no. Straight up sale.

23 THE CHAIRMAN: Okay. What did he  
24 pay for the property? Because you're  
25 talking about --

1 MR. ROMANO: I'll put him on, I'm  
2 sure he can answer with your permission,  
3 Mr. Chairman.

4 THE CHAIRMAN: We're talking about,  
5 we're talking about money here. So I want  
6 to know what he paid for this property.

7 MR. ROMANO: Absolutely, I agree.

8 SMERLIN CUELLO: Yeah, hello?

9 MR. ROMANO: There he is. He's  
10 there, Mr. Chairman.

11 THE CHAIRMAN: Are you an attorney?

12 SMERLIN CUELLO: No, sir.

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

17 SMERLIN CUELLO: Yes, I do.

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

20 SMERLIN CUELLO: My name is Smerlin  
21 Cuello. I live at 212 Warburton Avenue,  
22 Yonkers, New York 10701.

23 THE CHAIRMAN: Okay. All right.  
24 Were you the person that applied for the  
25 variances?



1           SMERLIN CUELLO: My engineer was the  
2 person that apply for the variances.

3           THE CHAIRMAN: Did you own the  
4 property when you applied for the  
5 variances?

6           MR. ROMANO: What year,  
7 Mr. Chairman?

8           THE CHAIRMAN: I didn't ask you that  
9 question. I asked the gentleman that.  
10 Were you the owner of the property when you  
11 applied for the variances?

12          SMERLIN CUELLO: For these  
13 variances, yes.

14          THE CHAIRMAN: Okay. So then you  
15 know what's going on. Okay. All right.  
16 Did you owe any back taxes? Did you pay  
17 the back taxes thing, or you still owed  
18 back taxes, or what?

19          SMERLIN CUELLO: I, I, I'm on a  
20 payment plan. Paying by month. The back  
21 taxes that I owe them.

22          THE CHAIRMAN: You paid the back  
23 taxes?

24          SMERLIN CUELLO: Yeah.

25          MR. ROMANO: No, he's on, he's on a

1 plan, Mr. Chairman.

2 THE CHAIRMAN: Mr. Romano.

3 MR. ROMANO: I'm trying to be  
4 helpful, Mr. Chairman.

5 THE CHAIRMAN: You're out of order.  
6 I'll ask the question, he'll answer them.

7 MR. ROMANO: Yes, sir.

8 THE CHAIRMAN: I'm not out to kill  
9 the guy. Believe me. Okay?

10 MR. ROMANO: No, no, I know -- okay.

11 THE CHAIRMAN: Quiet now. Just be  
12 quiet now, okay?

13 MR. ROMANO: Yes, sir.

14 THE CHAIRMAN: We had this case and  
15 I wanted to see if all of the -- I know all  
16 of these conditions aren't taken care of.  
17 I'm sure he had something about, about the  
18 sidewalks being repaired.

19 Did you repair the sidewalk?

20 SMERLIN CUELLO: No, no, I don't  
21 repair the sidewalk.

22 THE CHAIRMAN: No. Okay. So in  
23 order words, he went in there under the  
24 variance and didn't do too much. Okay.  
25 And I guess he started doing some work and

1 he got caught, I guess, I don't know.  
2 That's what it seems like. All right. I  
3 thought I had copy of the variances,  
4 Mr. Romano.

5 MR. ROMANO: It's on the CO,  
6 Mr. Chairman. You have a copy of CO. A  
7 list of variances that was approved in  
8 August 22, 2002, 1 through 7.

9 THE CHAIRMAN: I got it.

10 MR. ROMANO: Okay.

11 THE CHAIRMAN: So the taxes weren't  
12 paid. Okay. It's another one.

13 Did you put in smoke alarms and  
14 everything, et cetera?

15 SMERLIN CUELLO: If I do what?

16 THE CHAIRMAN: Did you put in smoke  
17 alarms and everything?

18 SMERLIN CUELLO: I didn't get you.

19 THE CHAIRMAN: Did you put in smoke  
20 alarms?

21 SMERLIN CUELLO: Yeah, yeah, yeah.  
22 I do, I do all the smoke alarms, the exit  
23 lights. I do. What it was? Hold on one  
24 second. I'm going to send them to you.

25 MR. ROMANO: Carbon monoxide.

1           SMERLIN CUELLO: Carbon monoxide.  
2       Because they do it, and I upgrade, I do an  
3       upgrade on all the electrical system in the  
4       house in the 2018, I guess. And I got the  
5       compliance certificate.

6           THE CHAIRMAN: Okay. How many  
7       kitchens you got in that house?

8           SMERLIN CUELLO: How many kitchens?  
9       Three kitchens.

10          THE CHAIRMAN: Okay. Any questions  
11       from the Board?

12          MS. KIMBALL: I have a question,  
13       Mr. Chairman.

14          THE CHAIRMAN: Yes, Ms. Kimball.

15          MS. KIMBALL: Mr. Romano, you said  
16       this is 20 years. But I'm looking at  
17       something from 2006 that indicates these  
18       things existed. So we're talking -- are  
19       you talking about some kind of different  
20       document or the 2002 document? I see the  
21       2006 document, is there --

22          MR. ROMANO: There's actually one  
23       even before that -- even before -- there's  
24       actually two variances on this property.  
25       The one that I was looking at when I pulled

1 the card, it indicated it was approved back  
2 in two thousand -- ZBA approved August 22,  
3 2002, that's dated on the CO. So that's  
4 probably where I got it from.

5 MS. KIMBALL: Yeah. This actually  
6 has a C of O of 2006 with the improvement.

7 MR. ROMANO: All right. Well, he  
8 had to be -- yes, because it does take --  
9 But my client didn't own it until 2016.

10 MS. KIMBALL: Right. Got it. And  
11 can you explain this taxes in a payment  
12 plan? My understanding is only the City  
13 Council can approve a payment plan for back  
14 taxes.

15 MR. ROMANO: Well, no, Ms. Temple  
16 who's been very productive in collecting  
17 taxes, all out due with the permission,  
18 permission of the Council, obviously, you  
19 pay 25 percent up front and then you pay  
20 the other 75 percent on a monthly basis  
21 over a two-year period of time. So I've  
22 done about 30 or 40 of them of the citizens  
23 to allow them to catch up. So, that's the  
24 way that works. She's on the fifth floor  
25 of City Hall. And she does very well. She

1 works out things which is greatly  
2 appreciated. We're not waiving taxes.  
3 We're just getting a payment plan Kim.

4 MS. KIMBALL: Got it.

5 THE CHAIRMAN: All right. You'll  
6 give us what they owe in writing now.

7 MR. ROMANO: What's that?

8 THE CHAIRMAN: You'll submit that to  
9 the Board, what they still owe in writing  
10 in taxes.

11 MR. ROMANO: Yes, sir, that's fair.  
12 Very good.

13 THE CHAIRMAN: Any other questions  
14 of the Board? Okay. Is there anybody here  
15 tonight to speak in, in favor of this  
16 application?

17 Is there anybody here tonight to  
18 speak in opposition?

19 All right. Mr. Romano, do you know  
20 want to sum up?

21 MR. ROMANO: No, that's all right  
22 Mr. Chairman. I appreciate your time.

23 MR. NATCHEV: Mr. Chairman.

24 THE CHAIRMAN: Mr. Giorgio, we got  
25 the --

1 MR. NATCHEV: Yes.

2 THE CHAIRMAN: -- environmental.

3 You want to say it, please.

4 MR. GIORGIO: Thank you,

5 Mr. Chairman.

6 Case number 5748, Block: 2907,

7 Lot: 60, 212 Warburton Avenue.

8 I make a motion that the Zoning  
9 Board of Appeals pursuant to New York State  
10 Environmental Quality Review Act declare  
11 its intention to seek Lead Agency status  
12 for the purpose -- purposes of the  
13 Environmental Review of this matter. And  
14 direct the Planning Director on behalf of  
15 this Board to initiate lead agency  
16 notification and coordinate a review with  
17 all other involved agencies in this action.  
18 If no other involved agency seeks to be  
19 Lead Agency within 30 days of the effective  
20 date of notice, the ZBA shall assume Lead  
21 Agency status for the purposes of review of  
22 this matter. Thank you.

23 THE CHAIRMAN: Do I have a second on  
24 it?

25 MS. KIMBALL: Second.

1 THE CHAIRMAN: Okay. Everybody in  
2 favor say aye?

3 (A chorus of ayes.)

4 THE CHAIRMAN: Anybody opposed?  
5 Okay. That's carried 7-0. So this case is  
6 continued then.

7 Mr. Romano, we're finished with you  
8 tonight; am I correct? Mr. Romano, we're  
9 finished, I think.

10 MR. ROMANO: Yes, sir. Yes, sir.  
11 You are finished with me tonight.

12 THE CHAIRMAN: All right. Okay.

13 MR. ROMANO: Thank you, everyone.  
14 Have a good evening. God bless you all.

15 SMERLIN CUELLO: Thank you.

16 THE CHAIRMAN: You're welcome.

17 Okay. Now, we're going to get to  
18 Mr. Null.

19 The next case is 5747, an area  
20 variance by William S. Null, Esq. On behalf  
21 of Parkview Equities, LLC., Limited  
22 Liability Corporation, owner, for  
23 reconstruction of a multifamily residential  
24 apartment building, having:

25 - Exceeded the maximum permitted



1 height, Section 43-27, Table 43-3, required  
2 is 75 feet, 80 feet is proposed.

3 - Insufficient side yard, Section  
4 43-27, Table 43-3, required 16, one side  
5 proposed, it's 10.75 on one side.

6 MR. NULL: Good evening,  
7 Mr. Chairman. Sorry.

8 THE CHAIRMAN: I'm still going.

9 - Insufficient front yard, Section  
10 43-27, Table 43-3, required is 20 foot,  
11 proposed is 1 foot.

12 - Insufficient rear yard, Section  
13 43-27, Table 43-3, required 25 feet,  
14 proposed 2.7 feet.

15 - Insufficient front yard, Section  
16 43-27, Table 43-3, required 25 feet,  
17 proposed 5 feet.

18 - Exceeding the maximum permitted  
19 building coverage, Section 43-27, Table  
20 43-3, required 40 percent proposed 66.6  
21 percent.

22 - After the Zoning Board of Appeals,  
23 Site Plan approval by the Planning Board  
24 will be required,

25 On premises known as 15 Park Avenue,

1 Block: 5652, Lot: 43 in "A" Zone.

2 Mr. Null, would you introduce  
3 yourself, please.

4 MR. NULL: Yes, good evening,  
5 Mr. Chairman. My name is William Null.  
6 I'm a partner at the firm of Cuddy and  
7 Feder. We're representing Parkview, LLC.  
8 And with me tonight is Gary Hirsch, who is  
9 a consultant on the project. James  
10 Butterfield and Stuart Lachs who are with  
11 Perkins Eastman Architects. Keith Beaver  
12 who is with the Didona Associates Landscape  
13 Architects. We very much appreciate your  
14 time and consideration tonight in  
15 connection with 15 Parkview Avenue.

16 I know the Board is familiar with  
17 this site and the building --

18 THE CHAIRMAN: I just gotta do one  
19 thing first, Mr. Null.

20 Is there anybody here --

21 MR. NULL: Sure.

22 THE CHAIRMAN: Yes, thank you.

23 Is there anybody here tonight on  
24 this case? This case is over in Parkview  
25 Avenue and Garrett Place. It's just west

1 of the Bronx River Parkway. We had this  
2 case at least two or three times before.  
3 At least I think. All right. So is there  
4 anybody here tonight on this case?

5 MR. LANDSMAN: They'll all on.  
6 Mr. Chairman, there's a couple of people  
7 here.

8 THE CHAIRMAN: Okay. Make sure they  
9 can listen.

10 MR. LANDSMAN: They hear it.

11 THE CHAIRMAN: Thank you, Mr. Null.  
12 Would you proceed, please.

13 MR. NULL: Yes, thank you,  
14 Mr. Chairman.

15 This site is the location of a  
16 building that was built around late 1920s,  
17 which was substantially destroyed with a  
18 fire that occurred March 12, 2019. The  
19 roof, the 6th, 5th floor and e-line(ph) of  
20 the building were all destroyed.

21 Mitigation and remediation of the building  
22 has taken place so asbestos has been  
23 removed and the application has been made  
24 for a demolition permit.

25 Since we were last before you on a

1 different design for this building, for a  
2 replacement building, Mr. Chairman, Members  
3 of the Board, the Landmarks Preservation  
4 Board has decided that this building is not  
5 worthy of -- does not merit historic  
6 designation and that it is substantiative  
7 decision of significance.

8 At this point, I want to compare the  
9 existing building which, when it was in  
10 existence fully, had 65 apartments in it  
11 and approximately 28 parking spaces in a  
12 below-building garage area. What's  
13 proposed now is to build a 60-unit building  
14 with 60 parking spaces in a garage below  
15 the building. The 60 spaces will conform  
16 to the requirements of the Zoning Ordinance  
17 because of the distance that the building  
18 is cited from the nearest train station  
19 that's been verified.

20 This application is in the  
21 alternative, Mr. Chair, Members of the  
22 Board. We're in the first instance  
23 requesting interpretation that the  
24 replacement of the existing building with a  
25 building that is substantially the same

1 dimensionally. Constitutes a  
2 reconstruction of the building and does not  
3 require variances other than for one  
4 component of this building which is  
5 approximately 100 foot, square foot,  
6 elevator lobby on the rooftop. It stands  
7 no taller than the bulkhead for the  
8 elevator. But because the Zoning Ordinance  
9 does not exempt the elevator itself from  
10 the height limitations, would require a 4  
11 or 5 foot variance because it exceeds the  
12 75-foot permitted height of the building  
13 and would stand 80 feet tall.  
14 Approximately. Otherwise in the  
15 alternative is to grant variances to enable  
16 the same, this building, to essentially sit  
17 on the footprint and in the same general  
18 height and mass as the existing building.  
19 And I can walk you through those.

20           The existing lot area obviously  
21 remains the same. The front yard setback  
22 on the existing building is 4.9 feet. And  
23 what we're proposing is 5 feet. Which is  
24 actually a foot greater setback. But the  
25 Ordinance requires a 25-foot setback, and

1 therefore a 20-foot variance is required.

2 I apologize, are you getting  
3 feedback? I don't think it's from me but  
4 --

5 MR. LANDSMAN: It's the Chairman.

6 MR. KUNTZ: It's the Chairman.

7 MR. NULL: Okay.

8 MR. KUNTZ: Sometimes I have to mute  
9 you on occasion, but.

10 MR. NULL: Okay. I just wanted to  
11 -- thank you.

12 MR. KUNTZ: Yeah. I'm going to mute  
13 you. Is that okay, Chairman?

14 THE CHAIRMAN: What is it? Because  
15 I'm eating peanuts?

16 MR. KUNTZ: No, I don't know what --  
17 Chairman, I don't know what it's from, but  
18 it's from your microphone.

19 THE CHAIRMAN: I think this guy  
20 Landsman --

21 MR. NULL: If I may continue.

22 The rear-yard setback for the  
23 existing building is 2.7 feet. And what  
24 we're proposing is 2.7 feet. Yet because  
25 the Zoning ordinance requires 25 feet,

1 there's a 22.3 foot variance that's being  
2 requested.

3 The side-yard setback under the  
4 ordinance requires 16 feet on one side and  
5 32 feet on the other. The existing  
6 building has one foot on one side, and 9.6  
7 feet on the other. We're proposing 1 foot  
8 on one side and 11.75 feet on the other.  
9 So we're actually increasing the setback on  
10 one side by about two feet. A little bit  
11 more. But because as I said the Ordinance  
12 requires 16 feet and 32 feet, there's a  
13 variance required of 15 feet on one side  
14 and 20.2 feet on the other.

15 Both floor area, or apartment, we  
16 satisfied. We're approximately the same as  
17 the existing building gross floor area for  
18 the building. The existing building is  
19 88,532 square feet and we're proposing a  
20 building that's somewhat smaller, 82,164  
21 square feet.

22 Building area and coverage. The  
23 existing building is 68.5 percent. We're  
24 proposing a little bit less, 66.6 percent.  
25 But the Ordinance doesn't allow greater

1 than 40 percent. And therefore it's a 26.6  
2 percent variance.

3 The maximum height permitted in this  
4 district given the width of the street is  
5 six stories or 75 feet. And the building  
6 will be 6 stories and 70 feet except for  
7 that one area of the roof top elevator that  
8 I mentioned before. It would require an  
9 additional five feet approximately for a  
10 variance. So, that's only 100 square feet.

11 The floor area ratio for the  
12 existing building is 3.07 and what we're  
13 proposing is 2.85, which will conform to  
14 the Zoning Ordinance. It has a maximum FAR  
15 of 3.0. And with regard to parking spaces  
16 which is the last item, the required number  
17 for the existing building would have been  
18 64 or 65 spaces. And only 28 were  
19 provided. We're having 60 apartments where  
20 60 spaces are required and therefore would  
21 be compliant with regard to parking itself.

22 We've been very careful in trying to  
23 work with the existing character of the  
24 community. We have had dialogue with the  
25 residents in the neighborhood. And we've



1 responded to comments that they've made.  
2 I'm sure they will speak for themselves and  
3 I don't even attempt to do so for anybody.  
4 But I wanted to let the Board know that we  
5 did have those communications and in Zoom  
6 meetings where we were able to show them  
7 plans and renderings and provide them with  
8 copies of those plans as well.

9 At this point, I think the best way  
10 to approach this is for me to ask the  
11 architects James Butterfield and Stuart  
12 Lachs to show you the plans.

13 If I may, Mr. Chairman? If that's  
14 acceptable to you.

15 THE CHAIRMAN: Well, you can hear  
16 me, right, Mr. Null?

17 MR. NULL: Yes, sir.

18 THE CHAIRMAN: I stopped eating  
19 peanuts. My wife gives me peanuts and  
20 she's drinking soup over here and some  
21 other stuff. Probably a steak. But I'm  
22 used to that. So, that's it. I'm  
23 finished. I tell you what. Why don't we  
24 leave that for a few minutes. Okay? Why  
25 don't we get the public involved here for a

1 minute. Is that okay with you, Mr. Null?

2 MR. NULL: You're the Chairman, sir.

3 THE CHAIRMAN: Thank you. Well,  
4 wait a minute. Let me ask you, who did you  
5 want to put on? What were they going to  
6 talk about?

7 MR. NULL: What I was hoping was  
8 that we could show the, the visuals for the  
9 architecture on the building, Mr. Chairman.  
10 So that the Board Members could see how the  
11 house building appears at this, as  
12 proposed, and as compared to the existing  
13 building. Of course, they've not seen it  
14 other than what we submitted with the  
15 application.

16 THE CHAIRMAN: Well, I know on May  
17 12th, the Planning Board adopted a  
18 resolution to issue a Notice of Intent to  
19 be the Lead Agency for SEQRA for review of  
20 this matter.

21 MR. NULL: Yes, sir.

22 THE CHAIRMAN: And as an involved  
23 agency, the Zoning Board of Appeals  
24 consents to the Planning Board assuming the  
25 Lead Agency to establish Environmental

1 Review in this matter.

2 So, I'm going to --

3 MR. NATCHEV: Mr. Chairman, it's  
4 Mr. Natchev here.

5 THE CHAIRMAN: Yeah, I'm going to --

6 MR. NATCHEV: You have to make a  
7 motion on that.

8 THE CHAIRMAN: I'm going to make a  
9 motion on it. Yeah. I'm making a motion  
10 on that. Do I have a second on it?

11 MS. KIMBALL: Second.

12 THE CHAIRMAN: Ms. Kimball. Okay.  
13 Everybody in favor say aye.

14 (A chorus of ayes.)

15 THE CHAIRMAN: Anybody opposed?  
16 Okay. So that's done right now.

17 MR. NULL: Thank you, Mr. Chairman  
18 and Members of the Board.

19 THE CHAIRMAN: Okay. So we're not  
20 going to get involved with, we're not going  
21 to get involved with the, with some of the  
22 items here. I know people are talking  
23 about rules in the building and stuff like  
24 that trees. Not going to get involved in  
25 that. That's going to be for the Planning

1 Board. That's their -- that's their job,  
2 not mine, not ours. Excuse me.

3 So, if you want to put somebody on  
4 to talk about the variances, the variances,  
5 no problem. If you're not going to talk  
6 about the variance, then we're not going to  
7 have it.

8 MR. NULL: Mr. Chairman, what we can  
9 do is to limit the slides that we show you.  
10 And I think it's important that of the 11  
11 buildings surrounding the existing building  
12 in the site of the proposed building, every  
13 one of them is non-conforming in some  
14 component at least. Every one of them is  
15 non-conforming with regard to the parking.  
16 Many of them as was laid out in the  
17 application, are non-conforming with regard  
18 to side-yard setbacks for coverage or both.  
19 And what we're proposing is to replace this  
20 building essentially in the same footprint.  
21 So we have a, we have a PowerPoint that  
22 shows the existing footprint. We can go  
23 quickly through and not dwell on any other  
24 details.

25 THE CHAIRMAN: All right. I'm going

1 to let you present it, but if I tell you to  
2 be quiet, you're going to be quiet on it.  
3 You can start now. Go ahead.

4 MR. NULL: Thank you sir.

5 THE CHAIRMAN: You're welcome.

6 MR. NULL: Mr. Butterfield, will you  
7 please or Mr. Lachs, will you please pull  
8 them up.

9 THE CHAIRMAN: Mr. Butterfield, are  
10 you an attorney?

11 JAMES BUTTERFIELD: I am not.

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

16 JAMES BUTTERFIELD: I do.

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

19 JAMES BUTTERFIELD: James  
20 Butterfield, 141 Beach Avenue, Mamaroneck,  
21 New York.

22 THE CHAIRMAN: Proceed, please.

23 JAMES BUTTERFIELD: Stuart?

24 MR. NULL: What I would like to do,  
25 James, and Mr. Butterfield, and Mr. Lachs,

1 is to move forward where we can show  
2 comparison of the existing site. There we  
3 go.

4 THE CHAIRMAN: Mr. Null, is  
5 Mr. Lachs going to talk?

6 MR. NULL: He may speak.  
7 Mr. Butterfield and Mr. Lachs, is Mr. Lachs  
8 going to speak? If he is, he needs to be  
9 sworn in.

10 THE CHAIRMAN: All right. Let me  
11 swear him in. Put him up.

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

13 THE CHAIRMAN: Mr. Lachs?

14 MR. KUNTZ: Can you unshare the  
15 document and Mr. Lachs will come up?

16 THE CHAIRMAN: That's all right.  
17 I'll swear him in. Mr. Lachs, where are  
18 you, sir? Okay. Do you solemnly swear to  
19 tell the truth, the whole truth, nothing  
20 but the truth so help you God?

21 STUART LACHS: I do.

22 THE CHAIRMAN: You're muted.

23 MR. KUNTZ: You're muted.

24 STUART LACHS: Yes, sir, I do.

25 THE CHAIRMAN: State your name and

1 your address, please.

2 STUART LACHS: Stuart Lachs,  
3 L-a-c-h-s, with Perkins Eastman, 677  
4 Washington Boulevard, Stamford, Connecticut  
5 06901.

6 THE CHAIRMAN: Proceed, please. You  
7 and Mr. Butterfield, go ahead.

8 STUART LACHS: Okay. Thank you,  
9 sir. I'm going to re-share.

10 MR. KUNTZ: That's fine.

11 STUART LACHS: Now, if that's up.

12 MR. NULL: Yes, we can see it.

13 STUART LACHS: So as Mr. Null made  
14 reference to, this is a plan of the  
15 neighborhood, Parkview Avenue at the bottom  
16 and Garrett Place. This is our site. The  
17 red outline represents the existing  
18 footprint and then the lightly shaded is  
19 the setbacks. The dark-shaded areas are  
20 where the existing building exceeds the  
21 current setbacks. Highlighted in similar  
22 the buildings, around notice neighborhood  
23 where they extend into the existing  
24 setbacks.

25 MR. NULL: Most of these buildings

1 also exceed coverage, and as I said exceed  
2 -- do not have sufficient parking.

3 Everyone does not sufficient parking.

4 Okay. Mr. Lachs, can you move the  
5 screen?

6 STUART LACHS: Yes.

7 MR. NULL: Thank you.

8 STUART LACHS: This is existing the  
9 footprint. And the redline represents the  
10 existing building and the round black lines  
11 represent the proposed building.

12 MR. NULL: So as you can see the  
13 footprint for the proposed building it's  
14 within the footprint of the existing  
15 building. Could you switch slides, please.

16 STUART LACHS: Yes.

17 MR. NULL: We can skip this.

18 STUART LACHS: Okay. This is an  
19 enlarged plan again showing the comparison.

20 MR. NULL: The only item here,  
21 Mr. Chairman, if I may, is to indicate that  
22 the driveway for the existing building is  
23 in currently is to the south of this, of a  
24 wall in the area where the landscaping is  
25 where Mr. Lachs is circling his cursor.



1 And what has been done is that the driveway  
2 is moved north and that gives us a large  
3 landscaped area on the southerly side that  
4 we believe improves the street came over  
5 what was otherwise a paved area that  
6 descended into the lower garage and had a  
7 large retaining wall.

8 Okay, Mr. Lachs, thank you.

9 This just shows how the parking is  
10 underneath the building. And we've got five  
11 stories of residential above it. We can  
12 change to the next.

13 And you're familiar with existing  
14 building, Board Members, we won't dwell on  
15 that given the hour.

16 THE CHAIRMAN: You can talk what you  
17 want. Don't worry.

18 MR. NULL: Okay. Go ahead to the  
19 next slide. This is a proposed building  
20 from a similar view. And the details of  
21 the building, obviously, designed to  
22 comport with the character of the  
23 neighborhood including the courtyard cutout  
24 that we have on Garret Place.

25 STUART LACHS: Mr. Butterfield is

1 available, if you wish, sir, to elaborate  
2 on that.

3 MR. NULL: Yeah, that would be good.  
4 Thank you.

5 JAMES BUTTERFIELD: I would like to  
6 note that the design strategy for the field  
7 building really has been to understand the  
8 character of the neighborhood and find  
9 amassing strategy that's consistent with  
10 what was there. And also articulations in  
11 the massing and the brick detailing in the  
12 pedestrian realm, to be very compatible  
13 with, not just with the existing building,  
14 but the entire neighborhood complex.

15 THE CHAIRMAN: Mr. Null, that's it?

16 MR. NULL: Yes.

17 THE CHAIRMAN: Thank you. Thank  
18 you. Are there any questions of Mr. Null  
19 or these two gentlemen of the Board? You  
20 can take this off.

21 MS. KIMBALL: Is it rental or --

22 THE CHAIRMAN: What'd you say?

23 MS. KIMBALL: Is this rental  
24 property, Mr. Null, or is it ownership?

25 MR. NULL: These will be rentals as

1 were the prior, as the prior existing  
 2 building.

3 MS. KIMBALL: Okay.

4 THE CHAIRMAN: Okay. Are there any  
 5 other questions of the Board?

6 All right. Mr. Null, you want to  
 7 sum up with something?

8 MR. NULL: Yes, thank you.

9 As set out in the principal points,  
 10 either way the, the proposed building is  
 11 the sole way in which we can provide the  
 12 necessary area and does not constitute an  
 13 undesirable change in the character of the  
 14 neighborhood or a detriment to nearby  
 15 properties. It's actually consistent with  
 16 the existing, what was the existing  
 17 building in mass scale and, and height.  
 18 It's actually less dense and it provides  
 19 sufficient parking to comply with the  
 20 Zoning Ordinance. So it addresses what is  
 21 a significant issue in the community, which  
 22 is an absence of adequate parking on the  
 23 street.

24 The benefit sought by the applicant  
 25 cannot be achieved by method

1 feasible -- other than an area variance  
2 because under the existing Zoning  
3 Ordinance, we would have only about 50  
4 units, which would not be sufficient to  
5 finance moving forward with a replacement  
6 for this building.

7 The requested area variance is not  
8 substantial as I noted. We're actually  
9 complying with the dimensions, et cetera,  
10 of the existing building in our effort to  
11 replace and reconstruct it.

12 And the proposed variance do not  
13 have an adverse effect or impact from the  
14 physical or environmental conditions in the  
15 neighborhood. It'll actually replace that  
16 building in the same dimensions as, as the  
17 prior buildings, but provide sufficient  
18 parking unlike what had been applied  
19 before.

20 This difficulty certainly was not  
21 self-created. It was the result of an act  
22 of a fire in March of 2019. And we've  
23 moved along to remediate and go forward  
24 with the design of the building in a way  
25 that we think is consistent with the

1 character of the community.

2 We do submit that, that what we're  
3 proposing would constitute and should  
4 constitute re-construction, but whether or  
5 not this Board chooses to agree with us, we  
6 believe that we've more than amply  
7 satisfied the requirements for the area  
8 variance as requested.

9 Thank you, Mr. Chairman.

10 MR. LANDSMAN: You're on mute.  
11 You're on mute.

12 THE CHAIRMAN: Thank you, Mr. Null.  
13 Is there anybody here tonight to  
14 speak in favor of this application?

15 Is there anybody here tonight to  
16 speak in opposition?

17 MR. LANDSMAN: We have a Mr. Guma.

18 THE CHAIRMAN: Mr. Guma. Are you an  
19 attorney, sir?

20 MR. LANDSMAN: You're on mute. You  
21 have to unmute.

22 ALAN GUMA: No, I'm not,  
23 Mr. Chairman.

24 THE CHAIRMAN: Raise your right  
25 hand. Do you solemnly swear to tell the

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

3 ALAN GUMA: I do.

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

6 ALAN GUMA: My name is Alan Guma. I  
7 live at 270 Bronxville Road, Yonkers, New  
8 York.

9 THE CHAIRMAN: That was good.

10 ALAN GUMA: I'm President of the  
11 Garrett Park Neighborhood Association which  
12 represents 13 cooperative buildings in the  
13 area and approximately 1,000 Yonkers  
14 residents.

15 From the very beginning, our  
16 objective has been to preserve the  
17 architectural character of our  
18 neighborhood. And as the members, you and  
19 Members of the Board know, the first  
20 renderings that were presented clearly did  
21 not preserve the architectural character of  
22 the neighborhood. But as Mr. Null  
23 indicated, we've had communications with  
24 him and his architects. And they have  
25 addressed many of the concerns that we have

1 presented them. So, that we commend  
2 Mr. Null, Parkview Equities and the firm of  
3 Perkins Eastman in their efforts to now  
4 design a building that is much more keeping  
5 with our neighborhood.

6 There are however still a few  
7 remaining areas that we would like to see  
8 addressed that would make the building even  
9 more appropriate for our neighborhood. And  
10 with your permission, Mr. Chairman, I would  
11 like to ask Mr. Mark Silberblatt, a member  
12 of our board to address this further and  
13 then to ask two young architects and  
14 residents of our neighborhood, Rebecca  
15 Mikulay and Americ Baldrin(ph) to  
16 specifically detail those remaining issues.

17 Thank you, Mr. Chairman.

18 MR. LANDSMAN: You're on mute,  
19 Mr. Chairman.

20 MR. KUNTZ: Chairman.

21 THE CHAIRMAN: Yeah, like I said  
22 when we started this hearing tonight, with  
23 your part here. The Planning Board is  
24 going to take up anything --

25 (Noise interference.)

1           THE CHAIRMAN: The Planning Board is  
2 going to take up the architectural stuff.  
3 So if they're going to talk about trees and  
4 stuff like that, I'm not going to allow it.  
5 We've heard this before. I got your  
6 letter. We're going to talk about the  
7 variance. The height variance, the side  
8 yard. I will talk about the parking,  
9 because we're going to make sure parking is  
10 sufficient. Been on the parking since the  
11 first day. So that's what we're going to  
12 talk about. So if those gentlemen want to  
13 talk about that, I got no problem. But if  
14 you're going to talk to grooves in the  
15 building and stuff like that, that's going  
16 to be up to the Planning Board. I don't  
17 want to repeat this stuff. So, it's up to  
18 you. But I'm not going to, I'm not going  
19 to allow any of that. We're just going to  
20 talk about the variances. So if the people  
21 you have want to talk about it, that's  
22 fine. I was happy to hear that -- I know  
23 Mr. Null a long time. Always been a  
24 gentleman. He's a fine attorney. I'm glad  
25 to hear that he brought out things that



1 were done and I'm glad to hear that you  
2 agree him on those things. I think that's  
3 wonderful. After three years of going back  
4 and forth, I think it's about time to --  
5 because I'm over there all the time too.  
6 You know. I eat at that place all the time  
7 and what have you. So, if you want to put  
8 him on, but I'm going to tell you right now  
9 we're going to cut it short if it's  
10 anything about that, so. Talk about the  
11 variance, I got no problem.

12 ALAN GUMA: I think we understand,  
13 Mr. Chairman, thank you very much.

14 Let me just ask Rebecca and Almeric,  
15 if there any variance issues with respect  
16 especially to the side yard that faces the  
17 Hampshire House that you think are relevant  
18 to speak to?

19 THE CHAIRMAN: All right. If you're  
20 going to put, if you're going to put  
21 somebody on, I have to swear them in.

22 ALAN GUMA: Yes.

23 THE CHAIRMAN: I got no problem with  
24 that. So you tell me. Who do want to  
25 speak?

1           ALAN GUMA:   Rebecca or Almeric.

2           ALMERIC BALDRIN(ph):   I can start,  
3   Alan.   This is Almeric Baldrin(phonetic  
4   spelling).

5           THE CHAIRMAN:   Who's speaking, raise  
6   your hand, please.   Who's speaking?   Oh.

7           ALMERIC BALDRIN:   Almeric Baldrin.

8           THE CHAIRMAN:   Are you an attorney,  
9   sir?

10          ALMERIC BALDRIN:   I am not, sir.

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

15          ALMERIC BALDRIN:   I do.

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

18          ALMERIC BALDRIN:   Sure.   My name is  
19   Almeric Baldrin.   And I live at 250  
20   Bronxville Road in Yonkers.

21          THE CHAIRMAN:   Okay.   Proceed.

22          ALMERIC BALDRIN:   Sure.   So just  
23   going to kind of note a couple of items  
24   that have to do with the side yard, front  
25   yard, and rear yard setbacks and the

1 variance for those. So, a lot of these  
2 items stem from the parking garage that is  
3 essentially now at -- it's not below grade,  
4 but it's at grade. There is going to be  
5 some mechanical ventilation from that  
6 garage. And we would, there is concern  
7 within the neighborhood with regards to  
8 the, the noise pollution that might be  
9 generated from that mechanical ventilation  
10 at the property line. Because as you know,  
11 the variance in this setbacks is a lot of  
12 smaller. So we would just like to make  
13 sure that, that is being taken into  
14 consideration and, and mitigated. And the  
15 other --

16 THE CHAIRMAN: Go ahead.

17 ALMERIC BALDRIN: Yes.

18 THE CHAIRMAN: Go ahead. Go ahead.

19 ALMERIC BALDRIN: So, yeah. So  
20 that's, that's what was kind of issue  
21 number one with regards to the side yards  
22 and the rear yard and front yard setback.

23 The other issue we had is noted in a  
24 previous meeting that there was going to be  
25 a, forget the technical term, but it's

1 essentially mechanical joist systems  
2 located probably on the, on the roof. And  
3 we would just like to make sure that  
4 they're properly screened. And, you know,  
5 if there is going to be a screening  
6 structure or something like that or  
7 actually question, whether or not this  
8 building is going have a parapet that will  
9 screen those mechanical units which are  
10 presumably on the roof. So I don't know if  
11 the architects can speak to that.

12 MR. KUNTZ: Chairman, you're muted.

13 THE CHAIRMAN: Yeah, I'm going to  
14 speak to that right now. We'll find out  
15 from Mr. Null, I'll ask Mr. Null to give us  
16 in writing what he's going to do about the  
17 screening for the air conditioning on top  
18 of the roof. That's the -- variance he's  
19 got or the 10-foot variances, excuse me, or  
20 whatever it is, 5 foot. He'll answer that  
21 in writing. And I'll make sure he sends  
22 Mr. Guma a copy of that.

23 As far as the exhaust coming out of  
24 the garage, I think that that's a problem  
25 that everybody has. Not really a problem,

1 because I think the government has limits  
 2 on that with, with stuff with the garage.  
 3 So I'll have Mr. Null address that in  
 4 writing and he sends it to me or the Board.  
 5 He'll send a copy to Mr. Guma. Mr. Guma is  
 6 going to receive all the information like I  
 7 had him do before. Okay. We don't hide  
 8 nothing around here. So that's that.

9 ALMERIC BALDRIN: That's at the  
 10 property line, I'm not exactly sure exactly  
 11 how it --

12 THE CHAIRMAN: No, that's the way,  
 13 no, we're finished with that. I just did  
 14 what I had do here. That's what we're  
 15 doing.

16 Who else did you want to speak  
 17 Mr. Guma?

18 ALAN GUMA: I'm not sure any of  
 19 others want to speak, Mr. Silberblatt or  
 20 Ms. Mikulay.

21 REBECCA MIKULAY: Yes, I'm available  
 22 to speak.

23 (Noise interference.)

24 THE CHAIRMAN: Ms. Mikulay, are you  
 25 going to speak?

1 REBECCA MIKULAY: Yes, please.

2 THE CHAIRMAN: Where are you,  
3 please? Oh, okay. Are you an attorney?

4 REBECCA MIKULAY: No, I am not, sir.

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

9 REBECCA MIKULAY: I do.

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

12 REBECCA MIKULAY: Rebecca Mikulay,  
13 250 Bronxville Road in Yonkers, New York.

14 THE CHAIRMAN: Present, tell me what  
15 you want to talk about.

16 REBECCA MIKULAY: Sure. Thank you,  
17 Mr. Chairman. So, as you indicated I will  
18 keep my remarks short and we will try to  
19 save, you know, more of our concerns for  
20 the Planning Board. But as it relates to  
21 Zoning, you know, as Mark indicated, you  
22 know, part of our concern with the Zoning  
23 setbacks is that, you know, the podium  
24 construction of that garage is changing the  
25 character of the street scape. So even

1 those the setbacks of the proposed building  
2 are more or less the same, the, you know  
3 what's behind that space on the ground  
4 floor at the sidewalk level is different.  
5 The existing building has a large lobby at  
6 the ground floor and apartment units that  
7 are at about 5 feet above grade. And what  
8 is being proposed is a much smaller lobby  
9 area with very few windows that open up  
10 into that. And instead the perimeter has  
11 air space, open air space above a parking  
12 garage which, you know, to their credit the  
13 design has done a much better of screening  
14 and making the aesthetics of that look  
15 better. But I guess our concern is that,  
16 you know, a window looking into nowhere is  
17 inherently not as pleasant as a window that  
18 looks into somewhere. And that's, that's  
19 what they're offering us is windows that  
20 are, you know, looking into a garage and  
21 some other on the, on the north side and  
22 then on the east side on Parkview Avenue,  
23 some windows that presumably are black  
24 painted glass that, you know --

25 THE CHAIRMAN: Excuse me, madam,

1 madam. Madam. The Planning Board is going  
2 to take that up. That has nothing to do  
3 with the Zoning.

4 REBECCA MIKULAY: Okay.

5 THE CHAIRMAN: As far as, as  
6 far -- listen to me. You're doing very  
7 well. Okay? But the Planning Board is  
8 going take that up. That has something to  
9 do with the looks of the building and  
10 stuff. As far as the opening, as far as  
11 the opening above the driveway, what would  
12 you do? You know. That has nothing do  
13 with the variances, so, I'm not going to,  
14 I'm not -- the Planning Board, the Planning  
15 Board -- the person at the Planning Board,  
16 I know the Chairman of the Planning Board  
17 well. He's a gentleman, believe me when I  
18 tell you. And so are the Members. So  
19 they're going take that up. That has  
20 nothing to with Zoning.

21 REBECCA MIKULAY: Okay. Thank you,  
22 sir. If I may just one more point. I know  
23 that you've expressed interest to not talk  
24 about landscaping tonight, but there is one  
25 issue --



1 THE CHAIRMAN: I'm not going to do  
2 it.

3 REBECCA MIKULAY: It relates to  
4 Zoning.

5 THE CHAIRMAN: Madam, I run this  
6 meeting. You don't run it. If it's  
7 landscaping, I'm not going to take it up.  
8 I told you that. I told you before. Take  
9 it up with the Planning Board. They'll do  
10 all the landscaping. Okay? I know you  
11 want to put a tree here, a tree there,  
12 something else. I'm not going to take it  
13 up. I explained that before. The Planning  
14 Board's got it. They're going to be Lead  
15 Agency too.

16 REBECCA MIKULAY: Okay.

17 THE CHAIRMAN: Anything else?

18 REBECCA MIKULAY: No, sir. Yeah,  
19 it's just that when there's a, when those  
20 Zoning setbacks are, you know, decreasing  
21 the size of the lot in front of the  
22 building, it just decreases the area  
23 available for planting. So that's our  
24 concern.

25 THE CHAIRMAN: Nothing to do with

1 me, madam. You have anything else to say?

2 REBECCA MIKULAY: No, sir.

3 THE CHAIRMAN: Thank you.

4 Is there anything anybody else that  
5 wants to speak?

6 Mr. Guma, do you have anybody else?

7 MR. LANDSMAN: Anybody else wants to  
8 speak on this case? Anybody else want to  
9 speak.

10 (Noise interference.)

11 MR. KUNTZ: Mr. Silberblatt, can you  
12 hear me?

13 MARK SILBERBLATT: Yes.

14 MR. KUNTZ: You need to turn off  
15 your microphone. You're causing a lot of  
16 static.

17 THE CHAIRMAN: Okay. Mr. Guma, I'm  
18 going to you, because you and I are here.  
19 So, you have anybody else you would like to  
20 speak?

21 ALAN GUMA: I think Mr. Silberblatt  
22 would like to make a comment.

23 THE CHAIRMAN: Fine.

24 Mr. Silberblatt, where are you?

25 MR. LANDSMAN: Unmute yourself.

1 MR. KUNTZ: Now you can unmute  
2 yourself.

3 (Noise interference.)

4 MR. KUNTZ: Mr. Silberblatt.

5 THE CHAIRMAN: Mr. Silberblatt, are  
6 you an attorney?

7 MR. KUNTZ: Mr. Silberblatt now, he  
8 is on mute.

9 You're having a lot of static with  
10 your microphone. You might want to call in  
11 with your phone rather than speak, but we  
12 try it, but doesn't work good with your  
13 microphone.

14 THE CHAIRMAN: Mr. Silberblatt, can  
15 you hear me? Yeah, we can't hear you. And  
16 that's the problem.

17 (Noise interference.)

18 THE CHAIRMAN: You've got a lot of  
19 static.

20 MR. KUNTZ: All right. So,  
21 Mr. Silberblatt, you're going to have to  
22 call in or re-log in for us to hear you.

23 All we're getting is white noise  
24 from him, sir.

25 MR. LANDSMAN: All right. He's not

1 going to be able to speak.

2 MR. KUNTZ: Unless he calls in,  
3 Chairman.

4 THE CHAIRMAN: Okay. Mr. Guma.

5 ALAN GUMA: Yes.

6 THE CHAIRMAN: Do you know what  
7 Mr. Silberblatt wanted to ask us?

8 ALAN GUMA: No, I don't. And what I  
9 might suggest that he could put that in  
10 writing and send it to you.

11 MS. KIMBALL: Yes.

12 THE CHAIRMAN: Hold on. Wait a  
13 minute. I appreciate that. But I would  
14 like him to, whatever I get Mr. Null has  
15 gotta get also, by the way.

16 ALAN GUMA: Oh sure.

17 THE CHAIRMAN: I know that. I just  
18 wanted to know what the gentleman wanted.  
19 It's a shame. Can he call in on a phone?

20 MR. KUNTZ: There you go. You can  
21 call in the phone, if you'd like.

22 (Noise interference.)

23 MR. KUNTZ: Yeah, I'm just going to  
24 keep on muting him. He's causing a lot of  
25 static.

1           So, Mr. Silberblatt, you're going to  
2 have to call in. I can give you the  
3 number, if you'd like.

4           MS. KIMBALL: Mr. Kuntz, I think  
5 he's looking for the number that seems to  
6 be --

7           MR. KUNTZ: Yeah, I'll give him the  
8 number.

9           So, Mr. Silberblatt, 415-655-0002.  
10 Access code. You want to nod if you hear  
11 me.

12           MARK SILBERBLATT: (Nodded.)

13           MR. KUNTZ: Okay. 1326325820,  
14 pound. And just do another "pound" for  
15 access ID. Should get in. Leave your  
16 computer on mute, please. There is the  
17 other option of chatting. If you have a  
18 have a question, you can you could chat.  
19 Okay.

20           THE CHAIRMAN: You want him to call  
21 me and I'll keep him on the phone?

22           MR. KUNTZ: That's another idea.

23           Mr. Silberblatt, you can call me up  
24 and I'll just put you on speakerphone.  
25 It's not perfect, but it'll work. You want

1 my number? You're going to have to nod yes  
2 or no.

3 (Conference on technical issues.)

4 MR. KUNTZ: Okay. Can you hear me?  
5 Okay. All right. Mr. Silberblatt, I'm  
6 going to put you on speakerphone. So if  
7 you need to say something, just say it. We  
8 hear you.

9 MARK SILBERBLATT: I will keep this,  
10 I will keep this brief. It relates and  
11 comports to landscaping but it also relates  
12 in a very important way to setbacks and the  
13 ability of land to the neighboring  
14 building. What is being proposed is a line  
15 of -- arborvitae bushes which bisect  
16 basically the park between Hampshire House  
17 and One Garrett. It basically eliminates  
18 an area, like the park that has been an  
19 important amenity for Hampshire House and  
20 also if they wanted to use it for the  
21 residents of One Garrett. We would like to  
22 suggest that if those bushes were moved a  
23 lot closer to One Garrett, you can still  
24 have a --

25 THE CHAIRMAN: All right. George.

1 MARK SILBERBLATT: That is --

2 THE CHAIRMAN: George.

3 MR. KUNTZ: Yeah. Yes. Yes,  
4 Chairman.

5 THE CHAIRMAN: Yeah, tell the  
6 gentleman I do not -- we're not going to  
7 take that up.

8 MR. KUNTZ: I got you.

9 THE CHAIRMAN: That goes to the  
10 Planning Board.

11 MR. KUNTZ: I understand. Okay.

12 So, Mr. Silberblatt, that's all part  
13 of Planning. So you need to take that up  
14 with Planning not Zoning. Okay. Thank  
15 you.

16 MARK SILBERBLATT: Thank you.

17 THE CHAIRMAN: Okay. Is there  
18 anybody else, Mr. Guma, anybody else you  
19 want to speak?

20 ALAN GUMA: Not to my knowledge,  
21 Mr. Chairman.

22 THE CHAIRMAN: Okay. Good. Anybody  
23 else now? Mr. Null, would you like to sum  
24 up?

25 MR. NULL: The only point I think,

1 the presentation and the time you provided  
2 me has enabled us to give a full summation  
3 previously. The only point I'd like to  
4 make is in response to Ms. Mikulay's  
5 comment. And that is that the setback on  
6 the front, the side, and the rear, is no  
7 less than the existing building. There's  
8 no lesser area for planting. It's all the  
9 same footprint.

10 Thank you, Mr. Chairman, Members of  
11 the Board.

12 THE CHAIRMAN: Thank you. All  
13 right. Any Members of the Board have  
14 questions?

15 MR. SINGH: Can I ask a small  
16 question?

17 THE CHAIRMAN: Yes, Mr. Singh.

18 MR. SINGH: Okay. My question is  
19 very easy. After completion of the  
20 building, if any renters or previous tenant  
21 would like to move in, the building will  
22 allow for them?

23 MR. NULL: This will be a market  
24 rate building with the Affordable Housing  
25 requirements that the City of Yonkers



1 provides. And anybody who wants to move  
2 in, who's willing to pay the rent, is more  
3 than welcome.

4 MR. SINGH: I see. But there's  
5 implement to have the old previous tenant  
6 or renters, that they will have an  
7 opportunity to come?

8 MR. NULL: The building is  
9 substantially destroyed at this point. And  
10 while we will comply with DHCR requirements  
11 regarding the building, there's no favored  
12 status that we're going to provide to  
13 exiting -- to prior tenants, no.

14 MR. SINGH: Okay. Thank you so  
15 much.

16 MR. NULL: Thank you.

17 MR. KUNTZ: Do you mind if I ask a  
18 question, Chairman?

19 THE CHAIRMAN: Who's that?

20 MR. KUNTZ: This is George.  
21 Mr. Kuntz.

22 THE CHAIRMAN: Yeah. Yes.

23 MR. KUNTZ: So there's no law that  
24 says you would to supply apartments to the  
25 same people who were in those buildings?

1 There's nothing that says that in Yonkers  
2 Codes or any other codes in New York State?

3 MR. NULL: That's my understanding.  
4 That's correct. That if the building is  
5 destroyed and a new building is built,  
6 there is no such requirement; however, we  
7 are willing to work with the tenants and to  
8 address the DHCR requirements. And we've  
9 been doing that all along.

10 MR. KUNTZ: And how many tenants are  
11 we talking about?

12 THE CHAIRMAN: George. George.

13 MR. KUNTZ: Okay. That's all.

14 THE CHAIRMAN: Okay. I think  
15 Mr. Null answered it pretty good. I'm  
16 going to let that go. Thank you, George,  
17 anyway, appreciate your concern. Yeah.  
18 Okay.

19 All right. Mr. Null, do you have  
20 anything else to say to me? I hope not.

21 MR. NULL: Thank you very much. I  
22 wish everyone good health and a a good  
23 evening.

24 THE CHAIRMAN: Thank you.  
25 Everybody. Good night. All right. Thank

1 you. This case is hereby closed. Reserve  
2 the right to --

3 MR. NATCHEV: Mr. Chairman, you  
4 gotta continue, continue the hearing.

5 THE CHAIRMAN: That's right. This  
6 case hereby continued until next month.

7 And I'll see what I can do to put  
8 you on first this time, Mr. Null.

9 MR. NULL: Thank you very much,  
10 Mr. Chairman, and Members of the Board.  
11 Have a good evening.

12 THE CHAIRMAN: Are you home or in  
13 your office?

14 MR. NULL: I'm at home at this  
15 point. So my commute is very easy.  
16 Downstairs.

17 THE CHAIRMAN: And I love it that  
18 you wear a tie. Because I just went and  
19 put one on before the meeting started.

20 MR. NULL: Well, I know I'm  
21 appearing before you, Mr. Chairman, and I  
22 figure a tie is appropriate.

23 THE CHAIRMAN: It is. It is. It's  
24 appropriate.

25 MR. NULL: Thank you very much.

1 THE CHAIRMAN: Okay.

2 MR. NULL: Have a good night.

3 THE CHAIRMAN: Good night.

4 George, George, just get me the,  
5 just the Members on this thing here. Get  
6 everybody off.

7 MR. KUNTZ: Is David part of the  
8 members?

9 MR. LANDSMAN: Yeah, yeah.

10 THE CHAIRMAN: Do we have any after  
11 things on the agency? I don't see after  
12 things on the agenda? Does anybody see any  
13 after things.

14 MR. GIORGIO: There was a letter  
15 from --

16 THE CHAIRMAN: What?

17 MR. GIORGIO: There was a letter  
18 from 35 Vark Street that's on the agenda.

19 THE CHAIRMAN: That's St. Joseph's  
20 Hospital. I make a motion to give them a  
21 year's extension. Anybody second that?

22 MS. KIMBALL: Yeah.

23 MR. GIORGIO: Second.

24 THE CHAIRMAN: Everybody in favor  
25 say aye.

1 (A chorus of ayes.)

2 THE CHAIRMAN: All right. 7-0,  
3 that's extended for one year. That's  
4 St. Joseph's Hospital. Okay. Good.

5 (Brief off-the-record discussion.)

6 MR. NATCHEV: Motion to adjourn the  
7 meeting.

8 THE CHAIRMAN: Motion to adjourn,  
9 yes.

10 MS. KIMBALL: Second.

11 THE CHAIRMAN: Good night.

12 (Time Noted: 8:49 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  
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LYNNETTE MORATO,  
COURT REPORTER

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