



Mayor Mike Spano

CITY OF YONKERS

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AGENDA FOR ZONING BOARD OF APPEALS

September 7, 2021

PLEASE TAKE NOTICE:

THE CITY OF YONKERS ZONING BOARD OF APPEALS MEETING SCHEDULED FOR TUESDAY, SEPTEMBER 21, 2021 AT 6:00 PM, WILL BE HELD IN THE CEREMONIAL COURTROOM, YONKERS CITY HALL, 4TH FLOOR. CURRENT CDC GUIDELINES SHALL CONTINUE TO BE OBSERVED REGARDING ATTENDANCE BY THE PUBLIC.

PLEASE CHECK THE WEBSITE WWW.YONKERSNY.GOV, THE DAY OF THE MEETING IF VIEWING/STREAMING OPTIONS ARE AVAILABLE.

DECISIONS

5660 – **Area Variance** – James G. Dibbini Esq., on behalf of Nepperhan Heights Associates, LLC, owner, on premises known as **540 Nepperhan Ave**, Block 2179, Lot: 25, Zone: I (B20584)

5661 – **Area Variance** – James G. Dibbini Esq., on behalf of Nepperhan Heights Associates, LLC, owner, on premises known as **578 Nepperhan Ave**, Block: 2179, Lot: 5, Zone: I (B20596)

5756 – **Area Variance** – Andrew Romano, Esq., on behalf of Jacqueline Simone, owner, on premises known as **28 Whitman Road**, Block: 4355, Lot: 91, Zone: S-60 (B17988)

CONTINUED HEARINGS

5715 – **Area Variance** – Tom F. Abillama, R.A., on behalf of 1969 Central Park Avenue LLC, owner, on premises known as **1969 Central Park Avenue**, Block: 4385, Lot: 206, Zone: BR (B19994)

5736 – **Area Variance** – James J. Veneruso, Esq., on behalf of 26 West 5th Street LLC, contract vendee, on premises known as **83-94 Vineyard Avenue & 150 Ridge Avenue**, Block: 2170, Lots: 9, 78, 82, 84, 85, Zone: M (B23753)

5743 – **Area Variance** – David Steinmetz, Esq., on behalf of Miroza Tower LLC, owner, on premises known as **40 aka 44 Hudson Street**, Block: 502, Lot: 1.10, Zone: DWD (B26744)

5750 – **Area Variance** – Robert D. Gaudioso, Esq., on behalf of The Church of Jesus Christ of Latter-Day Saints, owner, on premises known as **201 Glenwood Avenue aka 176 Park Avenue**, Block: 2161, Lot: 39, Zone: MG (B27042)

5758 – **Area Variance** – Steven A. Accinelli, Esq., on behalf of The Plant Powerhouse LLC, owner, on premises known as **45 Water Grant Street**, Block: 2635, Lot: 1, Zone: IP (B27856)

5759 – **Area Variance** – Daniel D. Tartaglia, Esq., on behalf of Verus Development LLC, contract vendee, on premises known as **345 McLean Avenue**, Block: 59, Lot: 75, Zone: A (B27461)

NEW HEARINGS

5760 – **Area Variance** – Jacob E. Amir, Esq., on behalf of Dagro Associates II LLC, owner, to renovate the building as an apartment house, having:

- *Insufficient side yard Section 43-27, Table 43-3 {required 16 ft. /32 ft. total; proposed zero ft. one side / 4.4 ft. total};*
- *Insufficient rear yard Section 43-27, Table 43-3 {required 20 ft.; proposed 6.5 ft.};*

on premises known as **165 North Broadway**, Block: 2094, Lot: 25, Zone: BA (B23338)

5761 – **Use & Area Variance** – David Steinmetz, Esq., on behalf of 60 BV Yonkers AMS LLC, owner, to construct a parking lot on vacant land in conjunction with 44 (40) Hudson Street, whereas:

- *Proposed use not permitted, Section 43-27, Table 43-1;*
- *43-44A(9)(a) open-air parking areas accessory to multi-family uses; shall be provided on same lot as principal use or on a separate lot under same ownership as principal building; (40 Hudson ownership is Miroza Tower LLC; 60 Buena Vista is 5660 BVista LLC);*
- *43-44A(9)(a)(1) - private open-air parking accessory to multi-family uses shall be on same lot as principal use or separate lot no more than 300'/proposed 387';*
- *43-44A(9)(b) - open-air parking accessory to multi-family uses shall be minimum 5.0' to any property line/proposed 0.0' (north side), 0.0' (south side), 2.0' (east side);*
- *43-134A(3) - off-street parking shall be designed to prevent maneuvering of vehicles within any portion of an entrance driveway that is within 10' of right-of-way/proposed 3.0' +/-;*
- *43-134A(4) - no required off-street parking space shall be located within 10 feet of right-of-way line (proposed 3.0' +/-);*
- *43-134A(6) - planted parking islands required per Illustration #3/proposed none;*
- *43-134A(12) - illustration #32 minimum back-up aisle. 90 degree parking shall be 24'-0" minimum/proposed 22.0' at rear spaces;*

on premises known as **60 (56) Buena Vista Avenue**, Block: 511, Lot: 30, Zone: D-MX (B27880)

5762 – **Improvement to a Non-Conforming Use** – Andrew Romano, Esq., on behalf of Ashley Tabi, owner, to install deck around pool and kitchen
Having/Whereas

- *Improvement to a non-conforming use requires Zoning Board of Appeals approval (Reference Yonkers Zoning Ordinance 43-21.G). [proposed deck around pool, and extend existing deck outside kitchen];*

on premises known as **34 Vermont Terrace aka 4 Healy Place**, Block: 4559, Lot: 3, Zone: S-50 (B28236)

5763 – Area Variance – Andrew Romano, Esq., on behalf of Woodycrest Yonkers LLC, owner, to construct a new two family dwelling, having:

- Exceeding maximum permitted floor area ratio, Section 43-27, Table 43-3 (required 5,201 sf, proposed 6,681 sf);
- Exceeding maximum permitted height, stories, Section 43-27, Table 43-3 (required 2 1/2, proposed 5);
- Exceeding maximum permitted wall height, Section 43-34 H (4), (maximum 35', proposed 59.83');
- Plans do not comply with the side setback plane as per 43-34 H (1);
- Plans do not comply with the side wall articulation as per 43-34 H (3), (maximum 30', proposed 50');

on premises known as **33 Woodycrest Avenue**, Block: 2207, Lot: 23, Zone: T (B24199)

5764 – Area Variance – Andrew Romano, Esq., on behalf of Woodycrest Yonkers LLC, owner, to construct a new two family dwelling, having:

- Exceeding maximum permitted floor area ratio, Section 43-27, Table 43-3 (required 5,201 sf, proposed 6,681 sf);
- Exceeding maximum permitted height, stories, Section 43-27, Table 43-3 (required 2 1/2, proposed 5);
- Exceeding maximum permitted wall height, Section 43-34 H (4), (maximum 35', proposed 59.83');
- Plans do not comply with the side setback plane as per 43-34 H (1);
- Plans do not comply with the side wall articulation as per 43-34 H (3), (maximum 30', proposed 50');

on premises known as **37 Woodycrest Avenue**, Block: 2207, Lot: 21, Zone: T (B24208)

5765 – Area Variance – Stephen A. Veneruso, Esq., on behalf of AC & Sons 671 Yonkers Ave, LLC, owner, for the construction of new basement and one story building to replace previous building destroyed by fire, having:

- Insufficient front yard, Section 43-27, Table 43-3 (required 10 ft., proposed zero ft.);
- Insufficient parking, Section 43-128, Table 43-4 (required 30 spaces, proposed zero spaces);

on premises known as **671 Yonkers Avenue**, Block: 6086, Lot: 56, Zone: B (B27588)

5766 – Area Variance – Steven A. Accinelli, Esq., on behalf of Hudson Regency Ventures LLC, owner, for creation of new seven story residential building that includes underground parking, having:

- Exceeding maximum permitted height, Reference ZBA Case 5681 [required: 80.39 ft., proposed: 83.97 ft.]

on premises known as **56 Prospect Street**, Block: 509, Lot: 1, Zone: UR-MD (B18347)

OFF-AGENDA ITEMS

Case #5150	377 McLean Avenue	Extension Request
Case #4676	970 Saw Mill River Road	Extension Request
Case #5675	73 Market Street	Clarify Conditions
Case #5582	861 Midland Avenue	Extension Request

JOSEPH CIANCIULLI
CHAIRMAN, ZBA