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CITY OF YONKERS

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Minutes of
The City of Yonkers Zoning Board
September 21, 2021 - 6:06 p.m.
40 South Broadway
Yonkers, NY 10701

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B E F O R E:

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

P R E S E N T:

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

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

6 MR. BATTISTA: Ralph Battista.

7 MS. KIMBALL: Wilson Kimball.

8 MR. GIORGIO: Vincent Giorgio.

9 MR. LANDSMAN: Jeffrey Landsman.

10 MR. SINGH: Harry Singh.

11 MR. LOPEZ: Hector Lopez.

12 THE CHAIRMAN: Okay. I'm Joseph
13 Cianciulli, I'm Chairman of the Board. To
14 my immediate right is Building
15 Commissioner, Deputy Building Commissioner
16 Dave Barbuti. To my left is the
17 Corporation Counsel represents the Board,
18 Mr. Alain Natchev. And to my far left over
19 there is Deputy Planning Commissioner Lee
20 Ellman. Is Jeff here? Is Jeff here?

21 MR. ELLMAN: Zach? No, he's not,
22 Mr. Chairman.

23 THE CHAIRMAN: Okay. Would
24 everybody please stand for the Pledge of
25 Allegiance led by Deputy Mr. Barbuti.

1 (Pledge of Allegiance.)

2 THE CHAIRMAN: Please remain
3 standing. We all know that 20 years ago
4 there was a very serious situation in this
5 country. We pulled through it. I'd like
6 to have a moment of silence for the victims
7 in New York and Pennsylvania and
8 Washington, DC. Not for those bums that
9 did this. The other people on the planes.
10 So remember that.

11 (Moment of silence.)

12 THE CHAIRMAN: Please be seated.
13 I got a few little rules. If you
14 have a telephone, turn it off, please. And
15 don't put it on vibrate, just turn it off.
16 I'm gonna turn mine off. Hope it works.
17 Mr. Natchev is going to do this for me, I
18 think. Because if I hear it, it's going to
19 come up here and I'm going to give it back
20 to you when I go home. It looks like
21 tonight we're going to have a lengthy
22 hearing. Also, if you have any newspapers
23 on you, put them away. We don't allow that
24 either.

25 As Chairman of the Board, I have the

1 right to take the cases in any way I wish.
2 That includes the decisions. Thank you.

3 We have a couple of cases here
4 tonight. 5660 and 5661, these are cases on
5 Nepperhan Avenue near Lake Avenue.

6 Mr. Dibbini's cases. I'm going to make a
7 motion that we put those two cases over.
8 Do I have a second?

9 MS. KIMBALL: Second.

10 THE CHAIRMAN: Everybody in favor
11 say aye.

12 (A chorus of ayes.)

13 THE CHAIRMAN: Anybody opposed?
14 Okay. That's carried 7-0.

15 Then we have Mr. Romano. Come on up
16 here. Introduce yourself, please.

17 MS. KIMBALL: Introduce yourself.

18 MR. ROMANO: What did he say?

19 MS. KIMBALL: Introduce yourself.

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

22 THE CHAIRMAN: Mr. Romano, we have
23 this case 5756, 28 Whitman Road. We asked
24 you for the permit. Do you have it?

25 MR. ROMANO: I do not have it. I'd

1 ask you put it over. My client just got
2 back and I just got back. So I apologize.

3 THE CHAIRMAN: It's okay. You want
4 to put it over?

5 MR. ROMANO: Please.

6 THE CHAIRMAN: Okay. Thank you.

7 MR. ROMANO: You're welcome.

8 THE CHAIRMAN: Make a motion to put
9 this case over. Do I have a second?

10 MS. KIMBALL: Second.

11 THE CHAIRMAN: Second. Everybody in
12 favor say aye.

13 (A chorus of ayes.)

14 THE CHAIRMAN: Okay. We have a case
15 5715, that's Central Park Avenue. We're
16 going to have a decision on that tonight,
17 but we're going to open up the case first.

18 Mr. Veneruso, would you come
19 forward, please? Introduce yourself,
20 please.

21 MR. J. VENERUSO: James Veneruso,
22 Veneruso, Curto, Schwartz and Curto. 35
23 East Grassy Sprain Road, Yonkers, New York.

24 THE CHAIRMAN: Mr. Veneruso, on this
25 case on 83-94 Vineyard Avenue, 150 Ridge

1 Avenue. Are you putting that case over?

2 You wrote us a letter.

3 MR. J. VENERUSO: Yes, Mr. Chairman.

4 THE CHAIRMAN: Okay. Thank you,
5 sir.

6 Going to make a motion to put that
7 case over, 5736. Do I have a second?

8 MS. KIMBALL: Second.

9 THE CHAIRMAN: Okay. Everybody in
10 say aye.

11 (A chorus of ayes.)

12 THE CHAIRMAN: Okay. Then we have a
13 case on Hudson Street. I'm going to take
14 that case first tonight. Just want to let
15 everybody know about that. Then I have a
16 case, then we have a case of 201 Glenwood
17 Avenue, 176 Park Avenue. We'll be hearing
18 that tonight. Then we have a case at 45
19 Water Grant Street. That's a continuation.
20 Mr. Veneruso is going to represent them
21 tonight. Mr. Accinelli is at some other
22 place that's more important than us. Next
23 month when he comes here, I'll be asking
24 him about that too. Then we have a case
25 5759 at 345 McLean Avenue. That's a

1 continue, going to hear that. Then we have
2 a case at 165 North Broadway. We're going
3 to hear that. Then we have Mr. Steinmetz.

4 Mr. Steinmetz, you can come up and
5 get prepared. Over at 60 Buena Vista.

6 Then we have a case at 34 Vermont
7 Terrace also known as 4 Haley Place, we're
8 going to hear that tonight. Then we have
9 Mr. Romano has two on Woodycrest Avenue.
10 We're going to hear both of them tonight.
11 Then we have a case with Mr. Veneruso,
12 Stephen, at 671 Yonkers Avenue. Going to
13 hear that tonight. Then we have a case for
14 Mr. Accinelli. I believe, that either
15 Mr. Veneruso Senior or Junior is going to
16 represent, that's on 56 Prospect Street.
17 Okay.

18 Mr. Steinmetz, I'm going to going to
19 start with you tonight.

20 MR. STEINMETZ: Okay. Okay.

21 THE CHAIRMAN: Introduce yourself,
22 please.

23 MR. STEINMETZ: Good evening,
24 Mr. Chairman, members of the Board. David
25 Steinmetz from the Law Firm of Zarin and

1 Steinmetz representing Miroza Tower and
 2 5660 BVista, LLC.

3 THE CHAIRMAN: Thank you.

4 This case is case 5761. It's a use
 5 and area variance, David Steinmetz,
 6 Esquire, on behalf of 60 BV Yonkers AMS,
 7 LLC. LLC. means Limited Liability
 8 Corporation. They're the owners to
 9 construct a parking lot on vacant land in
 10 conjunction with 44 also 40 Hudson Street
 11 which is another case that we have:

12 - The proposed use is not permitted
 13 under Section 43-27, Table 43-1;

14 - 43-44A(9) an open-air parking areas
 15 accessory to multi-family uses shall be
 16 provided on the same lot as principal use
 17 or in said lot under the same ownership as
 18 principal building 40 Hudson Street,
 19 ownership is Miroza Tower, LLC., and 60
 20 Buena Vista is 5660 BVista, LLC.

21 And I understand you might be in
 22 compliant in that. I don't know. That's
 23 up to Mr. Steinmetz. And then we have:

24 - 43-44(9)(a)(1), that's a private
 25 open-air parking area, private open-air

1 accessory to a multi-family uses shall be
 2 on same lot as principal use or separate
 3 lot no more 300 -- 200.

4 Is that 200 feet? You got 200 then
 5 you got 300. All right. We're going to
 6 leave that.

7 - But it's either 200 or 300 feet,
 8 proposed is 387 feet;

9 - 43-44A(9)(b), open-air parking
 10 accessory to a multi-family uses shall be
 11 minimum 5 foot to any property line,
 12 proposed is zero, north side and zero on
 13 south side and 2 on the east side;

14 - 43-134A(3), off-street parking
 15 shall be designed to prevent maneuvering of
 16 vehicles within any portion of an entrance
 17 driveway that is within 10 feet of the
 18 right-of-way, proposed is 3 feet, plus or
 19 minus;

20 - 43-134A(4), no required off-street
 21 parking space shall be located within 10
 22 feet of the right-of-way line, proposed is
 23 3 feet plus or minus;

24 - 43-134A(6), planted parking
 25 islands required 10 -- I'm sorry, required

1 per illustration number 3, proposed is
2 none;

3 - 43-134A(12), illustration on
4 number 32 minimum back-up aisle. 90 degree
5 parking shall be 24 foot minimum proposed
6 is 22 foot at rear spaces;

7 On premises known as 60 also known as
8 56 Buena Vista Avenue, Block: 511, Lot: 30
9 in a D-MX Zone. Mr. Steinmetz.

10 MR. STEINMETZ: Mr. Chairman,
11 members of the Board, I'm joined this
12 evening by our project architect.

13 THE CHAIRMAN: I just gotta ask you
14 one more question. Has everybody within a
15 200-foot radius been notified, sir?

16 MR. STEINMETZ: Yes, they have.

17 THE CHAIRMAN: Is there anything
18 that came back that was undeliverable?

19 MR. STEINMETZ: Two were returned,
20 Mr. Chairman.

21 THE CHAIRMAN: Out of how many?

22 MR. STEINMETZ: Out of, I think, 35
23 or 38.

24 THE CHAIRMAN: That's good. Okay.
25 Proceed, sir.

1 MR. STEINMETZ: I'm joined this
2 evening by our project architect Mr. Murat
3 Mutlu and Kenneth Mack from INOA
4 Architecture as well as Jerry Schwalbe our
5 project engineer.

6 Mr. Chairman, you have gone through
7 the various technical variances that are
8 required in connection with the surface
9 parking lot that we are proposing for 25
10 parking spaces around the corner from the
11 primary project. The primary project being
12 44 Hudson. You are correct there are a
13 number of small technical setback variances
14 required in order for us to design and
15 achieve this parking lot.

16 But the first issue I want to nip in
17 the bud. The parking lot is presently
18 owned by one LLC., as the Chair has
19 indicated, and the primary development site
20 is owned in a different LLC. Both LLCs are
21 owned by our client Azorim Investment and
22 Development. So we have no problem,
23 Mr. Chairman, members of the Board, in
24 consolidating ownership of the two sites
25 into one LLC., to avoid the need for a use

1 variance.

2 As a footnote, it is our position
3 that both entities being wholly owned by
4 the same entity are effectively owned by
5 one entity. But if Counsel, if Corporation
6 Counsel's office would prefer the two
7 properties can certainly be consolidated
8 into one LLC.

9 Mr. Chairman, my project architect
10 and project engineer on traffic both
11 believe that they have designed the lot in
12 a fashion that yields a safe and efficient
13 one-way circulation for 25 vehicles. This
14 is in addition to the 200-plus vehicles who
15 will be parking in the interior structure
16 at 44 Hudson. My understanding from Deputy
17 Commissioner Ellman is that there is,
18 Mr. Chairman, some memo with additional,
19 technical comments that we have not yet had
20 an opportunity to see. We are more than
21 happy to review that and make any design
22 changes. But in a nutshell, it remains our
23 position as we indicated in our letter that
24 we have presented the only feasible
25 alternative to achieve 25 spaces. That the

1 variances when taken in totality are not
2 substantial in nature. There is no adverse
3 environmental impact associated with these
4 parking spaces. In fact, we think we're
5 making far better use of this particular
6 overgrown unsightly parcel than previously
7 indicated.

8 And as I mentioned to the Board at
9 the last meeting, originally my client was
10 proposing a surface parking lot that was
11 further down the road. They were lucky
12 enough to be able to purchase this. So, as
13 the Chair indicated there is a requirement
14 that a surface parking lot be 300 feet from
15 the associated development lot. We are 387
16 feet walking along the roads down Hudson.
17 And then making a left and going down Buena
18 Vista. So we are seeking an 87-foot linear
19 distance for the surface parking lot.

20 If, Mr. Chairman, if you wish to
21 have a presentation on why the lot was
22 designed the way it is, my architect is
23 here and is ready to do that. If not, we
24 are happy to wait to have the opportunity
25 to review Mr. Ellman's memo, determine if

1 there are any modifications to the
2 landscaping, and setbacks for the parking
3 lot, and return for discussion on that.

4 THE CHAIRMAN: We will certainly
5 give you time to review Deputy Ellman's
6 comments. I'm sorry, there are Mr. Zach
7 Nersinger's comments too. I'm also going
8 to give you time to go over the
9 engineering's comments. I don't know if
10 you got that. That was sent out September
11 14th. Did you get that?

12 MR. STEINMETZ: Is that from
13 Mr. Summerfield?

14 THE CHAIRMAN: Huh?

15 MR. STEINMETZ: You said the
16 engineer. Is that from Paul Summerfield?

17 THE CHAIRMAN: Yeah.

18 MR. STEINMETZ: We did not. My
19 project engineer, Jerry Schwalbe, did not
20 receive them, Mr. Chairman, nor did I.

21 THE CHAIRMAN: Okay. We're going
22 get both of those for you. Or you're going
23 to call up and get them in the morning.

24 MR. STEINMETZ: That's fine,
25 Mr. Chairman. Will do.

1 THE CHAIRMAN: Call Mr. Nersinger.

2 Okay.

3 Any questions of the Board?

4 MR. BATTISTA: I have a question.

5 THE CHAIRMAN: Yes, sir.

6 MR. BATTISTA: The parking lot is
7 going to be used for visitors or for
8 tenants?

9 MR. STEINMETZ: The surface parking
10 lot will be strictly for tenants.

11 MR. BATTISTA: Okay.

12 MR. STEINMETZ: Visitor parking will
13 be inside the building.

14 MR. BATTISTA: Visitor parking. Is
15 that going to have a security pull gate?

16 MR. STEINMETZ: Yes, it will.

17 THE CHAIRMAN: Are you finished,
18 Mr. Battista?

19 MR. BATTISTA: I am. Thank you.

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

22 Is there anybody here tonight to
23 speak in favor of this application? It's
24 down here. It's on Buena Vista Avenue.
25 It's between Hudson Street and Prospect

1 Avenue. Is there anybody here tonight to
2 speak against this application? This is in
3 contingent with 44 Hudson Street. Is there
4 anybody here tonight to speak?

5 Okay. You want to speak?

6 PUBLIC SPEAKER CAPONE: Can we make
7 a clarification? Is --

8 THE CHAIRMAN: Wait a minute. Do
9 you want to speak? If you want a
10 clarification, you get up here, I swear you
11 in.

12 PUBLIC SPEAKER CAPONE: Okay.

13 THE CHAIRMAN: Come on. If you want
14 to.

15 Step to the side, Mr. Steinmetz.

16 MR. STEINMETZ: Yes, sir.

17 THE CHAIRMAN: Are you an attorney,
18 sir?

19 PUBLIC SPEAKER CAPONE: No.

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

24 PUBLIC SPEAKER CAPONE: Yes.

25 THE CHAIRMAN: You can take your

1 mask off.

2 PUBLIC SPEAKER CAPONE: Sure.

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

5 PUBLIC SPEAKER CAPONE: Tony Capone.
6 35 Hudson Street, apartment 4A.

7 THE CHAIRMAN: I'm sorry. I didn't
8 get your name.

9 PUBLIC SPEAKER CAPONE: Tony Capone.

10 THE CHAIRMAN: Okay.

11 PUBLIC SPEAKER CAPONE: Yeah.

12 THE CHAIRMAN: What would you like
13 to say, sir?

14 PUBLIC SPEAKER CAPONE: Well, we
15 just want to clarify because we know that
16 Mr. Steinmetz and Miroza or Azorim are here
17 about parking lots and the building
18 structure itself. So, we are here to talk
19 about the building structure itself. We
20 oppose that. So we don't know when you
21 would like us to, to do that.

22 THE CHAIRMAN: I'm sorry. I didn't
23 quite catch that. Can you talk into the
24 microphone please?

25 PUBLIC SPEAKER CAPONE: Sure. So it

1 seems that there's several things here.
2 One is the building itself. The other are
3 parking lots. We are prepared to speak to
4 the building itself. I just want to make
5 sure we're not missing our opportunity if
6 you're saying right now the parking lot is
7 contingent with the building. Should we
8 raise our hands now or wait until another
9 number is called?

10 THE CHAIRMAN: Right. Well, the
11 parking lot, we're talking about now. The
12 parking lot is around the corner. I think
13 you know where the parking lot is.

14 PUBLIC SPEAKER CAPONE: Sure. Sure.

15 THE CHAIRMAN: Okay. We were going
16 to take the parking lot up now.

17 PUBLIC SPEAKER CAPONE: Sure.

18 THE CHAIRMAN: And then we were
19 going to bring it back. It's not going --
20 the case is not going to be closed tonight.

21 PUBLIC SPEAKER CAPONE: Okay.

22 THE CHAIRMAN: But we have some more
23 to talk about. But if you want to talk
24 about the building, I'm here, and I'll
25 allow you to talk about the building. No

1 problem.

2 PUBLIC SPEAKER CAPONE: Sure. When
3 would you like us to do that?

4 THE CHAIRMAN: Later on you're going
5 to get to that?

6 PUBLIC SPEAKER CAPONE: Sure. Yes.

7 THE CHAIRMAN: It's up to you.

8 Okay. Thank you.

9 PUBLIC SPEAKER CAPONE: Up to me as
10 in now or later?

11 MS. KIMBALL: You can do it now.

12 PUBLIC SPEAKER CAPONE: I'm not sure
13 I understand the options. We'll wait until
14 Mr. Steinmetz has to say then we'll get
15 into it.

16 THE CHAIRMAN: What did you say?

17 PUBLIC SPEAKER CAPONE: I said we
18 will wait until Mr. Steinmetz talks about
19 the building and then we will comment. Is
20 that okay with you?

21 THE CHAIRMAN: Fine.

22 PUBLIC SPEAKER CAPONE: Great.

23 Thank you.

24 THE CHAIRMAN: Anybody else here to
25 speak in -- come on up.

1 PUBLIC SPEAKER DAVIS: Thank you.

2 THE CHAIRMAN: Are you an attorney,
3 sir?

4 PUBLIC SPEAKER DAVIS: No, sir, I am
5 not.

6 THE CHAIRMAN: Raise your right
7 hand, please.

8 PUBLIC SPEAKER DAVIS: Yes, sir.

9 THE CHAIRMAN: Do you solemnly swear
10 to tell the truth, the whole truth, nothing
11 but the truth so help you God?

12 PUBLIC SPEAKER DAVIS: Yes, sir.

13 THE CHAIRMAN: State your name and
14 address, please.

15 PUBLIC SPEAKER DAVIS: My name is
16 John Davis. I live at 35 Hudson Street.

17 With respect to the two houses that
18 are going to be torn down to facilitate the
19 parking lot, this is Prospect and Buena
20 Vista. Is that where you're referencing?

21 THE CHAIRMAN: Wait a minute. Hold
22 on. Say it again, please.

23 PUBLIC SPEAKER DAVIS: We're talking
24 about the parking lot.

25 THE CHAIRMAN: Yes.

1 PUBLIC SPEAKER DAVIS: At Buena
2 Vista and Prospect.

3 THE CHAIRMAN: Yeah. Well, it's in
4 between, yeah.

5 PUBLIC SPEAKER DAVIS: They want to
6 make a parking lot there.

7 THE CHAIRMAN: That's right.

8 PUBLIC SPEAKER DAVIS: Okay. I'm
9 sure the Board is aware that there's a very
10 nice parking lot at Buena Vista and
11 Hawthorne and Main Street. Well, Main
12 Street, if you're walking. So, so, Miroza
13 wants to make a 29 and one-third story
14 building on, on Hudson Street with five
15 stories, as I understand it, five stories
16 of a parking lot facing Hudson Street. I
17 believe that's right. I could be
18 corrected. And then so you're going to add
19 another parking lot on Buena Vista. Is
20 this going to be the city of parking lots?
21 How many parking lots do we need?

22 THE CHAIRMAN: Well, let me say
23 something to you.

24 PUBLIC SPEAKER DAVIS: Yes, sir.

25 THE CHAIRMAN: You can put in as

1 many parking lots as you want if you get
2 permission. Some don't need variances and
3 whatever, some do.

4 PUBLIC SPEAKER DAVIS: Okay.

5 THE CHAIRMAN: Okay? This one needs
6 it. Now, there's no buildings on this lot.

7 PUBLIC SPEAKER DAVIS: Right.

8 THE CHAIRMAN: Okay. This is a lot
9 when you go down Hudson Street.

10 PUBLIC SPEAKER DAVIS: Yes, sir.

11 THE CHAIRMAN: You make a left turn
12 and there's a lot in a little bit.

13 PUBLIC SPEAKER DAVIS: Right.

14 THE CHAIRMAN: It's in between. I
15 think some mail trucks park there.

16 PUBLIC SPEAKER DAVIS: Yes, sir.

17 THE CHAIRMAN: I was down there,
18 don't get me wrong. But that's the parking
19 lot we're talking about.

20 PUBLIC SPEAKER DAVIS: Yes, sir.

21 Again, so, but this is being acquired by
22 Miroza because they need extra parking
23 because they've doubled the size of the
24 apartments on, on 40, 44 Hudson Street;
25 isn't that correct?

1 THE CHAIRMAN: They doubled the?

2 PUBLIC SPEAKER DAVIS: They doubled
3 the number of apartments by doubling the
4 size. Which is why they're going ahead
5 with the whole process.

6 THE CHAIRMAN: You mean on Hudson
7 Street?

8 PUBLIC SPEAKER DAVIS: On Hudson
9 Street.

10 THE CHAIRMAN: They didn't do
11 anything yet. They didn't do anything yet.
12 They gotta --

13 PUBLIC SPEAKER DAVIS: Well, that's
14 part of their proposal.

15 THE CHAIRMAN: -- get permission.
16 Huh?

17 PUBLIC SPEAKER DAVIS: Mr. Chairman,
18 that's part of their proposal. That's why
19 we're here.

20 THE CHAIRMAN: That's the proposal,
21 yes. And the proposal is with that
22 building --

23 PUBLIC SPEAKER DAVIS: Right.

24 THE CHAIRMAN: -- they want to use
25 that parking lot. And they have other

1 parking also.

2 PUBLIC SPEAKER DAVIS: Yes, sir. So
3 I'm saying, do we want this to be a city of
4 parking lots? That's all. That's all I'm
5 asking.

6 THE CHAIRMAN: Well, I'm not going
7 answer that question. Because you can't
8 ask me a question. You can make --

9 PUBLIC SPEAKER DAVIS: Okay.

10 THE CHAIRMAN: -- that proposal that
11 you don't want the parking lot there or you
12 do want it there and you want to come back
13 and talk about it at a different time, it's
14 up to you.

15 PUBLIC SPEAKER DAVIS: Thank you. I
16 just wanted the Board to be aware of it.
17 That's it looks like a little bit. That
18 what Yonkers is becoming is many mini
19 parking lots. And we wouldn't need that
20 parking lot if Miroza Towers didn't double
21 the size of its apartments. That's all I'm
22 saying. Just something to think about.

23 Thank you.

24 THE CHAIRMAN: I think about
25 everything. Believe me, sir.

1 PUBLIC SPEAKER DAVIS: I'm sorry?

2 THE CHAIRMAN: I think about
3 everything.

4 PUBLIC SPEAKER DAVIS: I'm sure you
5 do. Yes, sir. Thank you.

6 THE CHAIRMAN: Thank you.
7 Any questions of the Board?

8 Is there anybody else here tonight
9 to speak in opposition? Madam?

10 PUBLIC SPEAKER BATEMAN: Yes.

11 THE CHAIRMAN: Are you an attorney,
12 madam?

13 PUBLIC SPEAKER BATEMAN: No, sir,
14 I'm not.

15 THE CHAIRMAN: Raise your right
16 hand, please. Solemnly swear to tell the
17 truth, the whole truth, and nothing but the
18 truth so help you God?

19 PUBLIC SPEAKER BATEMAN: I do.

20 THE CHAIRMAN: State your name and
21 address -- you may take your mask off.

22 PUBLIC SPEAKER BATEMAN: Okay.

23 THE CHAIRMAN: State your name and
24 address.

25 PUBLIC SPEAKER BATEMAN: My name is

1 June Bateman. I live at 35 Hudson Street.
2 And I have actually more than I would like
3 to say about the building itself and the
4 height --

5 AUDITION MEMBER: Not now.

6 PUBLIC SPEAKER BATEMAN: But I'm not
7 going to say it now. The only thing about
8 the parking lot is that because of the
9 amount of parking that's planned that's
10 being proposed to put into 44 Hudson, that
11 according to those plans requires
12 additional parking space. So, if they're
13 not, if the variance is not granted for the
14 vertical extension of the building, then
15 that parking lot would be unnecessary.
16 That's the only -- that's what I think --
17 that I'm pointing out. And the fact that
18 the parking in the building, which I'll
19 talk about later, when we get back to that
20 is so insufficient to begin with that it
21 has --

22 THE CHAIRMAN: They own the lot.
23 They bought the lot.

24 PUBLIC SPEAKER BATEMAN: Okay.

25 THE CHAIRMAN: I just wanted to let

1 you know that.

2 PUBLIC SPEAKER BATEMAN: Yeah, well,
3 I figured that. I figured that and then it
4 would either be a parking lot or something
5 else going forward. But the fact that
6 they're proposing it as a parking lot,
7 because it's necessary to have it as, you
8 know, as additional parking space for the
9 building that's being proposed. The nature
10 of the parking in the building, which I
11 would like to talk about when we talk about
12 the building, is so completely
13 inefficiently constructed, they would need
14 something like that in their minds,
15 necessary. And I object to that. Because
16 I don't think it would be necessary. So
17 that's all I'm saying.

18 THE CHAIRMAN: Any questions of this
19 lady?

20 Thank you, madam.

21 PUBLIC SPEAKER BATEMAN: Thank you.

22 THE CHAIRMAN: Is there anybody else
23 here to speak in opposition?

24 Mr. Steinmetz, would you sum up,
25 please.

1 MR. STEINMETZ: Mr. Chairman,
 2 members of the Board, as we have previously
 3 discussed with your Board, we believe that
 4 this 25 parking space surface lot around
 5 the corner from the building is an
 6 appropriate reuse of this site. We believe
 7 that the design that has been formulated by
 8 the project architect is appropriate. We
 9 look forward to seeing Deputy Commissioner
 10 Ellman's comments. I am happy,
 11 Mr. Chairman, to address some of the
 12 comments that were made when we get to the
 13 discussion of the building, which I think
 14 would be more appropriate.

15 THE CHAIRMAN: Okay. We're not
 16 going to get into -- let me just ask --
 17 (Brief conference.)

18 THE CHAIRMAN: Mr. Steinmetz, thank
 19 you for one minute.

20 Any other questions for
 21 Mr. Steinmetz?

22 Okay. Thank you, sir.

23 We're are going to open up, we're
 24 going to get into 44 Hudson Street right
 25 now.

1 MR. STEINMETZ: Okay.

2 THE CHAIRMAN: Okay. So 44 Hudson
3 Street. We're going to talk about that
4 right now. Hold on a second, please.

5 All right. We're going to open up,
6 we're going to talk about this case. It's
7 a continued hearing. 44 Hudson Street. 40
8 Hudson street also known as 44 Hudson
9 Street --

10 AUDIENCE MEMBER: We can't hear.

11 THE CHAIRMAN: -- Block 502, Lot 1
12 and 10 in a DWD Zone.

13 Mr. Steinmetz, do you have anything
14 to add about this case?

15 MR. STEINMETZ: Very briefly. Yes.
16 When I'm -- may I?

17 THE CHAIRMAN: Sure.

18 MR. STEINMETZ: Subsequent to, as
19 the Chair indicated, this is a continued
20 hearing. We've been here several times.
21 Subsequent to the last meeting, we have, we
22 have responded to the questions that we
23 have received from your Board. We have
24 submitted a supplementary shadow study
25 analyzing a wider area in accordance with

1 appropriate protocols. We have responded
2 to Mr. Summerfield's memo with some
3 questions about traffic and analyzing
4 additional inspection and that has been
5 done. And that has been submitted. We
6 have submitted revised architecturals.
7 Which do substantiate that this is a
8 27-story building in accordance with how
9 stories are measured in the City of
10 Yonkers. In addition, subsequent to the
11 last time we appeared in front of you
12 Mr. Schwalbe and his firm had been engaged.
13 Jerry -- Mr. Schwalbe is a preeminent
14 engineer here in the County. He was
15 specifically retained in civil engineering
16 including storm water, sewer and water
17 capacity. We received questions from the
18 public about whether or not it was adequate
19 capacity for all of those utilities.
20 Mr. Schwalbe has answered that. He is
21 working with the City's engineering
22 department on those issues.

23 Lastly, and maybe the most important
24 issues is to just remind the public and our
25 neighbors that this property was previously

1 approved not by this Court, by the Planning
2 Board, for a 15-story Zoning-compliant
3 tower with a 150-residential rental units.
4 That project was never built. It was never
5 built by our seller because it was
6 determined to not be viable. We indicated
7 that to the City. The City has
8 commissioned its own economic analysis. An
9 independent economic analysis. Not from me
10 or my team and my clients. We look forward
11 to the receipt of that economic analysis,
12 which we believe will substantiate what
13 Miroza and Azorim has said to the City.
14 And that is for this property to be viable
15 for a residential rental project in this
16 market place with the competition that it
17 has around it, it does indeed need to be 27
18 stories 262 residential units in order to
19 generate affordable units, a mixed-use
20 project with viable parking and what we
21 believe is an incredible design that all of
22 you have seen.

23 I have nothing further,
24 Mr. Chairman, that I need to affirmatively
25 present with regard to 44 Hudson. I've got

1 a whole team here to answer any questions
2 if the Board wishes. Again, we look for
3 toward to the receipt of the economic
4 analysis from HR&A Advisors.

5 THE CHAIRMAN: Where is it? Who did
6 it?

7 MR. STEINMETZ: The economic Report?

8 THE CHAIRMAN: Yeah.

9 MR. STEINMETZ: It is been done for
10 the City of Yonkers by HR&A Advisors.

11 THE COURT: Where is it?

12 MR. STEINMETZ: You'd have to ask
13 Deputy Commissioner Ellman.

14 THE CHAIRMAN: Huh?

15 MR. STEINMETZ: You'd have to ask
16 Deputy Commissioner Ellman.

17 THE CHAIRMAN: I'm sorry. I didn't
18 hear you.

19 MR. STEINMETZ: You'd have to ask
20 Deputy Commissioner Ellman.

21 THE CHAIRMAN: Why? You did the
22 report, right?

23 MR. STEINMETZ: No, no. This is --
24 no, Mr. Chairman. This is a report. This
25 is not done by my client.

1 THE CHAIRMAN: Could I see you a
2 second?

3 MR. ELLMAN: Sure.

4 (Brief conference.)

5 THE CHAIRMAN: Do you have anything
6 else to say?

7 MR. STEINMETZ: Happy to answer any
8 questions, Mr. Chairman, that you or the
9 Board may have with regard to the
10 application previously submitted.

11 THE CHAIRMAN: Okay. Thank you.

12 Is there anybody here tonight to
13 speak in favor of this application? Is
14 there anybody here tonight to speak in
15 opposition to the application?

16 This gentleman. This gentleman
17 right here. Are you an attorney, sir?

18 PUBLIC SPEAKER MAROTTA: I am not,
19 Mr. Chairman.

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

24 PUBLIC SPEAKER MAROTTA: I do,
25 Judge.

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

3 PUBLIC SPEAKER MAROTTA: Michael
4 Marotta, 35 Hudson street.

5 THE CHAIRMAN: Proceed, sir.

6 PUBLIC SPEAKER MAROTTA: I'm going
7 to read something, if I may. I thank you
8 for the opportunity to the address this
9 request for a change in height in variance.
10 The most pressing interest of concern for
11 us today at 35 Hudson Street. We've in the
12 background watching the ZBA and the IDA
13 public hearings and meetings for the past
14 16 years. And we've attended our fair
15 share of council meetings all of which
16 usually address the development, D-MX Zone,
17 and the quality life for the downtown
18 residents.

19 The developers and frankly city
20 representatives appear to gloss over as a
21 rule both the IDA and the ZBA's own
22 ideology of the purpose of mixed-use
23 development in downtown. Where are the
24 legitimate supporters and documents or
25 studies to show the project's potential for

1 pedestrian use, quality of life, commercial
2 use, health and recreational purposes all
3 of which fall under the IDA and the ZBA's
4 D-MX district recommendations. In every
5 instance they offer, and I quote, a small
6 1,700 square foot grocery or cafe or a
7 coffee shop. And I ask, is that it? Is
8 that what they're offering to local
9 residents? Their idea of mixed-use as a
10 residential building with residential
11 parking, residential private gym, no open
12 space, a private rooftop, and most likely a
13 little deli on the ground floor.

14 As longtime residents and
15 shareholders in a mixed-use building, we at
16 35 Hudson Street know too well how
17 unprofitable a store front on this street
18 is. After 15 years in vein we finally have
19 tenants paying, well under the market value
20 I might add, for two business that do not
21 in any way increase the quality of life,
22 attract pedestrian foot traffic, or enhance
23 the community of the downtown area.

24 We are not a key street in the D-MX
25 building zone. We are adjacent to the key

1 streets. The developers are clearly using
2 the D-MX mixed-use recommendations in a
3 thinly-veiled smoke and mirrors kind of way
4 and it's not very well done or
5 well-supported in my opinion.

6 Another residence too tall with
7 nothing to offer this community other than
8 crowding, congestion, traffic, pollution
9 and the beginnings of a high-rise corridor
10 with no light is not an asset to the
11 community. It is detrimental to the
12 quality of life not for just our
13 shareholders, but for all of the downtown
14 Yonkers residents. Thank you, sir.

15 THE CHAIRMAN: Any questions for
16 this gentleman?

17 Thank you, sir.

18 PUBLIC SPEAKER MAROTTA: Thank you.

19 THE CHAIRMAN: Anybody else here
20 tonight to speak in opposition to this?

21 Sir? Say your name again, please.

22 PUBLIC SPEAKER CAPONE: Tony Capone.

23 THE CHAIRMAN: Okay. And you know
24 you're under oath?

25 PUBLIC SPEAKER CAPONE: Yes, I do.

1 Thank you.

2 THE CHAIRMAN: Proceed.

3 PUBLIC SPEAKER CAPONE: All right.

4 So thank you very much, members of the
5 Zoning Board. I appreciate the opportunity
6 to speak. I am the President of the Board
7 for 35 Hudson Street. I've been here for
8 several meetings. I represent several
9 people behind us who are here as
10 shareholders in 35 Hudson Street. And
11 we've been here, most of us, for 15-plus
12 years. So we are not new to the
13 neighborhood.

14 I would like to say that since last
15 we were here, we met with a couple of
16 lawyers to see what our options are. And
17 quite frankly one of the lawyers that we
18 talked to about what was being proposed in
19 terms of the variance, his first reaction
20 was to laugh. That it was an absurd
21 request to truly double the size of the
22 building. Then another lawyer recommended
23 that we get an urban planner. We were
24 fortunate enough to have Steve Heikin who
25 is a principal Emeritus of ICON

1 Architecture in Boston, Massachusetts.
2 Yale and Harvard graduate. Architect with
3 40 years of experience in planning design.
4 A career that includes an array of award
5 winning mixed-use development, planning,
6 and design projects, mixed-income housing
7 projects and a public interest involving
8 both new construction and rehabilitation.
9 He is a Fellow of the American Institute of
10 Architects. He designed, reviewed,
11 consulted with numerous communities,
12 projects and public agencies. He has
13 worked within the communities in Belmont,
14 Wellesley, Medfield, Andover, Taunton,
15 Massachusetts. Twenty years he has served
16 on the Planning Board for Brookline
17 Massachusetts Planning Board of which he is
18 currently the Chair for the past three
19 years.

20 So we consulted with him. We also
21 submitted a letter, or he submitted a
22 letter. I don't know if you received it.
23 I do have physical copies that I would
24 gladly hand off to you. They were
25 submitted I believe on Monday morning

1 electronically.

2 Our goal is to present to you today
3 why the variance should not be granted
4 based upon many of his findings. And we
5 ask that the Zoning Board Authority adhere
6 to the 2011 Zoning Rules that went into
7 place after much community involvement.
8 Quite frankly we're stunned. We don't know
9 how else to show how incredulous we are
10 about this. That we would be considering a
11 structure that is 200 and, what is it, 97
12 feet or 96 feet? Twenty-seven stories as
13 opposed to 15 stories and 150 feet. We
14 request that a conforming project, one that
15 we saw here several years ago and did not
16 oppose, a conforming project with no
17 variances be built at 44 Hudson. The
18 previous proposed project included two
19 levels of parking, 15 stories with the same
20 ratio of affordable housing.

21 I have my neighbors here tonight who
22 would like to talk to you about height,
23 parking, and traffic. And you heard from
24 Mr. Marotta about the involvement of the
25 IDA. So I would let them speak to those

1 rather than be redundant.

2 I would also just say that, in what
3 we've heard so far in terms of financials.
4 I was really upset that they acknowledged
5 that they needed this variance to make this
6 a plausible endeavor for them. If we grant
7 that I think we're just showing that we're
8 granting this request that openly
9 indulgences profiteering instead of setting
10 a precedent and enforcing the Zoning Rules
11 that are set in place.

12 Section 43-86 notes of the ZBA,
13 shall grant the minimum variance that it
14 deemed necessary and adequate and at the
15 same time preserve and protect the
16 character of the neighborhood and health,
17 safety, and welfare of the community.
18 That's why we're here. That what we're
19 about.

20 So once again, I will say that there
21 are at this point -- oh, and in the 2011
22 Downtown Yonkers Re-Zoning there are sites
23 that include 200 and 250 foot, 250-foot
24 structures. This site is not one of them.
25 We are not in that. So there are no sites

1 in the D-MX district where a 300-foot
2 building is allowed.

3 So, in conclusion I will just
4 reiterate, we request that a conforming
5 project with no variances be built at 44
6 Hudson Street. In terms of the physical
7 letters, may I leave them with someone
8 here?

9 THE CHAIRMAN: You have that letter?

10 PUBLIC SPEAKER CAPONE: I have the
11 letter.

12 THE CHAIRMAN: Bring them up here.

13 PUBLIC SPEAKER CAPONE: Okay.
14 Copies for everyone.

15 (Brief conference.)

16 THE CHAIRMAN: All right. Thank
17 you.

18 Is there anybody else here tonight
19 to speak in opposition? Madam? Just state
20 your name again, please.

21 PUBLIC SPEAKER BATEMAN: Okay. My
22 is June Bateman. I live at 35 Hudson
23 Street.

24 THE CHAIRMAN: Proceed, please.

25 PUBLIC SPEAKER BATEMAN: So I'm here

1 to talk about the height of the building.
2 Which is its most egregious aspect. And I
3 may do a little bit of reading from this
4 statement I have. But by virtually they'll
5 only be allowed 150-foot height under the
6 D-MX zoning almost 300 feet. The project
7 requires relief by a variance that far
8 exceeds any rational argument that such an
9 extensive variance is necessary. You know,
10 because the limit was established in 2011.
11 And as Mr. Capone stated with considerable
12 community input. It is not something that,
13 you know, came out of nowhere.

14 The shadow study that we just got
15 like at 4:18 today. We just got a new
16 round of information. Which is, you know,
17 kind of an old tactic. But that
18 information actually does not show -- it
19 shows that the impact on 35 Hudson compared
20 to the -- the 15-story building compared to
21 the proposed 27-story tower is profound in
22 terms of the shadow effect. I mean we
23 would live in a perpetual winter state if
24 this building is constructed at 27 stories.
25 And also the effect on the surrounding

1 street and even as far as Main Street which
2 is at the bottom of the hill. We're, you
3 know, up at the top of the hill, would also
4 be profound. And not just at particular,
5 you know, zeniths of, you know, the sun or
6 certain days of the year.

7 In April or May, 35 Hudson will be
8 shadowed from four to four and-a-half hours
9 from midday to mid-afternoon. January,
10 February, and March, 35 Hudson will be
11 shadowed for four plus to five and-a-half
12 hours from late morning. Late morning.
13 When you're having your breakfast until
14 late afternoon or sunset which we know is
15 about 4:30 in the afternoon. So we would
16 just live in darkness if this building were
17 built at 27 stories. Which may not matter
18 to people who don't live in that building
19 or to people who don't live in the
20 surrounding buildings or, you know, conduct
21 business or live on Main Street. But it
22 would have an enormous impact on the
23 quality of life and on our health. Because
24 it would be depriving us of sunlight. I
25 mean this is why all the buildings in

1 Manhattan were built stepped back. This is
2 something they realized in the early part
3 of the 20th century, actually impacted
4 people's health and physical well-being.
5 Not to mention, you know, other types of
6 well-being that we know now are part of
7 what we call the quality of life.

8 So the pattern is similar in the
9 fall. At 15 stories in September and
10 October, the shadows would be from four
11 and-a-half to five plus hours. In
12 November, an extra hour of shadow versus
13 the 15 stories, seven and-a-half hours of
14 shadow if that building is built in 27
15 stories. Picture that in your own home.
16 You know. Or picture that as World War II
17 and you'd have to put up, you know,
18 blackout shades in your house. And this is
19 how you have to live. Because somebody
20 thinks it's a good idea to build a wholly
21 inappropriately tall building across a
22 narrow straight which is what Hudson Street
23 is. It's a little street. I mean, you see
24 very tall buildings in New York. They're
25 never on anything less than a massive

1 ballpark. You know. They're not on some
2 little street completely obliterated from
3 the view of the sunlight or the buildings
4 across the street.

5 At all times the 27-story tower
6 renders the skyline practically invisible
7 from 35 Hudson. So we don't deserve to see
8 the sky or have daylight. All of our
9 plants should die and the kids should get
10 sick. You know. And everybody else should
11 get sick, because they didn't think before
12 they bought this plot of land and they, you
13 know, they overpaid for it?

14 The other thing is, and I'm getting
15 back to the parking garage, which is -- I'm
16 not a parking garage designer, but we did
17 consult with an urban planner. And he
18 thought it was very peculiar the way the
19 parking garage was laid out. He thought it
20 was almost as if they were trying to put as
21 few cars as possible into those floors so
22 that the building can climb higher and
23 higher and so the people who even lived on
24 the fifth floor of that building, would
25 have a view of the Hudson. You know. Or

1 the sixth floor. Because there would be
2 five floors of parking lot with louvered
3 windows with pollution completely belching
4 across our little street. Right at our
5 building. Right at our lots. Right into
6 our windows. I mean, we pioneered this
7 area. We love our building. We love our
8 neighbors. We're all friends. We're all
9 involved in the community. And this
10 building says, you know, we're going to --
11 we're going to have you people look out at
12 some, you know, louvered garage for the
13 rest of your lives from the homes that you
14 invested in for the building that people
15 will be completely transitory because it's
16 rental only. If the, if the parking in
17 that building, if the building were only 15
18 stories, and the parking were entirely
19 below ground, that would be some kind of
20 step in the right direction. So, that you
21 are not exposing the people who live across
22 the street to those pollutants. And I
23 don't care what Miroza says about our
24 neighbors, about the buses and the trucks.
25 I'm talking about them. You know. Really

1 ramping up an environmental hazard and
2 putting it right in our faces.

3 So that's kind of what I have to say
4 about it. I mean we have to look at the
5 shadow study and we've had an expert look
6 at the shadow study. And basically he
7 said, if it's, you know, 15-story building,
8 is not going to be great for you guys.
9 It's not. We would still be losing
10 significant daylight. And it still seems
11 like a far too tall building to put on such
12 a small street. But if it's a 27-story
13 building, that's like killing us. Because
14 we will have no daylight. And even a plant
15 needs daylight.

16 So, between the cockamamie, you
17 know, parking garage design, which means,
18 oh, they're gotta have another parking lot
19 somewhere else, because that's not
20 efficiently designed. It doesn't have the
21 double system that most parking lots have.
22 You know, where you can fit more cars not
23 less. You know.

24 But I think we're really looking at
25 a severe health risk for the people in our

1 building and for the surrounding
2 neighborhood. And the lack of daylight
3 very much fits into that and fits into a
4 violation of our quality of life. And no
5 amount of discompassion from that team is
6 going to change that. Thank you.

7 THE CHAIRMAN: Anybody else here to
8 speak in opposition? Come on up.

9 This is going to go to be the last
10 speaker for the night. Coming back on
11 this, so. You can come back and talk the
12 next time. But I got a lot of cases here
13 tonight I gotta listen to.

14 Are you an attorney?

15 PUBLIC SPEAKER CROTHERS: No.

16 THE CHAIRMAN: Are you an attorney?

17 PUBLIC SPEAKER CROTHERS: No, I am
18 not. My name is Monica Crothers.

19 THE CHAIRMAN: Not yet, please.

20 PUBLIC SPEAKER CROTHERS: Excuse me?

21 THE CHAIRMAN: Not yet.

22 PUBLIC SPEAKER CROTHERS: Not yet?

23 THE CHAIRMAN: Not yet. I run the
24 show. Not you.

25 PUBLIC SPEAKER CROTHERS: Of course

1 you do, sir.

2 THE CHAIRMAN: I'll let -- I know I
3 do. Raise your right hand, please.
4 Solemnly swear to tell the truth, the whole
5 truth, and nothing but the truth so help
6 you God?

7 PUBLIC SPEAKER CROTHERS: Yes, I do.

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

10 PUBLIC SPEAKER CROTHERS: Monica
11 Crothers, C-r-o-t-h-e-r-s. One Van Der
12 Donck Street, Apartment 803-E, Yonkers, New
13 York 10701.

14 THE CHAIRMAN: Proceed, please.

15 PUBLIC SPEAKER CROTHERS: Thank you,
16 sir. I have lived here since 2005. I am
17 appalled that the Master Plan is not being
18 respected and has not been for several
19 years now. Why is there a Master Plan if
20 it's not being respected?

21 I would like to speak from my own
22 experience. I park my car at Buena Vista
23 garage Monday through Friday. I exit that
24 garage to go to work. I am -- there's a
25 need for me to pause and wait for ShopRite

1 delivery trucks, which have to occupy the
2 entire street in order to back up and
3 deliver their loads. Every evening Monday
4 through Friday between the hours of 6:30
5 and 7:30, I have to navigate through
6 double-parked cars on Main Street on both
7 sides of Main Street. So my question would
8 be, what consideration has been made for
9 handling the extra vehicular traffic that
10 that I don't see being handled effectively
11 currently? As I said, I'm navigating like
12 a race car driver going five miles an hour,
13 but navigating through double-parked cars
14 on both sides of Main Street. Where is the
15 Parking Authority?

16 Those are my thoughts. And in terms
17 of transient rental properties. I live in
18 a transient rental property. A luxury,
19 purportedly, a luxury rental property on
20 the water front with spectacular views.
21 But everyone moves out. No one stays.
22 They don't invest. This Zoning Board, I
23 would highly recommend take heed that the
24 investors, people who have invested in
25 Yonkers to live here for the duration, are

1 not being respected. And that is my
2 opinion living as a rental person. I do
3 not own in the building, but I also
4 heartily agree with all that has been said
5 thusfar. Thank you very much for your
6 time, sir.

7 THE CHAIRMAN: Madam, what did you
8 say your address was again?

9 PUBLIC SPEAKER CROTHERS: One, like
10 the number one.

11 THE CHAIRMAN: I know madam, please.

12 PUBLIC SPEAKER CROTHERS: I was
13 going to say --

14 THE CHAIRMAN: I'm 80 years old. I
15 know how who count. One what?

16 PUBLIC SPEAKER CROTHERS: Very good.
17 So is my mother, 81. I was going to spell
18 it for you earlier, sir, so that's why I
19 was just being extra careful.

20 THE CHAIRMAN: One?

21 PUBLIC SPEAKER CROTHERS: Yes.
22 There's only one building on that street.
23 Van Der Donck. I was going to spell it
24 earlier. I'll spell it out V-a-n --

25 THE CHAIRMAN: No, I know where it

1 is. She knows how to spell it.

2 PUBLIC SPEAKER CROTHERS: D-e-r --

3 THE CHAIRMAN: I know where it is.

4 PUBLIC SPEAKER CROTHERS: D-o-n-c-k.

5 THE CHAIRMAN: No worries.

6 PUBLIC SPEAKER CROTHERS: He was one
7 of the founders and where they get the word
8 Yonkers from. Any other questions, sir?

9 THE CHAIRMAN: That's okay. Go
10 ahead.

11 PUBLIC SPEAKER CROTHERS: Thank you
12 very much.

13 THE CHAIRMAN: You're welcome.

14 All right. Come on up here. All
15 right. This is what we're doing. I'm
16 going to put these -- we're going to
17 continue these two cases next month. I
18 want the signs up on both pieces of
19 property. I want registered letters,
20 return receipts from the people. Okay?
21 And we're going to move on from there.
22 Okay? That's the way. These two case are
23 continued. Good night.

24 MR. STEINMETZ: You want me a
25 summary, summary comment?

1 THE CHAIRMAN: No, I have other
 2 people here tonight. Okay. I have other
 3 cases. I put you on first --

4 MR. STEINMETZ: Understood,
 5 Mr. Chairman.

6 THE CHAIRMAN: -- for a reason. You
 7 can -- Mr. Steinmetz, listen to me. When
 8 you come back next month, maybe I'll take
 9 you first again. I don't know. But these
 10 people are going to have a right to talk
 11 then also.

12 MR. STEINMETZ: Understood.

13 THE CHAIRMAN: Then you can make
 14 your comments. Anything you send to me,
 15 you send to the lady or the man.

16 MR. STEINMETZ: Yes.

17 THE CHAIRMAN: You have his address,
 18 or their address, they get it. Don't
 19 forget that.

20 MR. STEINMETZ: In connection with
 21 that, Mr. Chairman, I thank you for
 22 reminding me. We have done that each time.
 23 I would ask, Mr. Chairman, that the Board
 24 also require that if you're going to ask us
 25 to deliver to our neighbors, that our

1 neighbors deliver anything in writing to us
2 as a courtesy as well. Thank you.

3 THE CHAIRMAN: Okay. These two
4 cases are continued. Thank you.

5 The next case tonight is a continued
6 hearing 5715 Tom Abillama, 1969 Central
7 Park Avenue, Block: 4385, Lot: 206 in a
8 haven't BR Zone.

9 Mr. Abillama are you here?

10 You can take your mask off.

11 THE CHAIRMAN: Are you an attorney,
12 sir?

13 MR. CIAMARRA(ph): No.

14 THE CHAIRMAN: All right. One
15 second, please. Raise your right hand,
16 please. You can take your mask off. You
17 got it off? I can't see. I apologize.
18 That wasn't meant to be nasty or anything.
19 I just couldn't see. Do you solemnly swear
20 to tell the truth, the whole truth so help
21 you God?

22 MR. CIAMARRA: Yes.

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

25 MR. CIAMARRA: Robert Ciamarra, 1955

1 Central Park Avenue for Tom Abillama
2 Associates.

3 THE CHAIRMAN: Is he going to speak?

4 MR. CIAMARRA: Yeah, I'm going to
5 speak for Mr. Abillama, yes.

6 THE CHAIRMAN: He's going to speak?
7 Move over. Come on over here.

8 MR. CIAMARRA: Okay. I'm sorry.

9 THE CHAIRMAN: Oh, you're going to
10 speak for him?

11 MR. CIAMARRA: Yes.

12 THE CHAIRMAN: Okay. You can step
13 back. Thank you.

14 MR. ABILLAMA: Thank you.

15 THE CHAIRMAN: Has everybody within
16 the 200-foot radius been notified, sir?

17 MR. CIAMARRA: Yes.

18 THE CHAIRMAN: Did anything come
19 back that was undeliverable?

20 MR. CIAMARRA: Twelve came back,
21 sir.

22 THE CHAIRMAN: How many, sir?

23 MR. CIAMARRA: Twelve.

24 THE CHAIRMAN: Twelve?

25 MR. CIAMARRA: Yes.

1 THE CHAIRMAN: Out of how many?

2 MR. CIAMARRA: Out of 44.

3 THE CHAIRMAN: One second, please.
4 Okay. Is there anybody else here tonight
5 on this case? This case is on the corner
6 of Heights Drive and Central Park Avenue.
7 Anybody here tonight on this case?

8 Proceed, sir.

9 MR. CIAMARRA: Excuse me?

10 THE CHAIRMAN: Proceed.

11 MR. CIAMARRA: All right. We're
12 here to try to move this project on and go
13 to the next step.

14 THE CHAIRMAN: Speak into the
15 microphone. I didn't hear you.

16 MR. CIAMARRA: Excuse me, sir?

17 THE CHAIRMAN: I didn't hear you.

18 MR. CIAMARRA: We're trying to move
19 this project on out of the Zoning Board so
20 we can move to the Planning Board. And we,
21 we filed with the Building Department.

22 THE CHAIRMAN: But do you have
23 anything to say to me tonight?

24 MR. CIAMARRA: No, no, sir. We've
25 been here before and trying to comply with

1 whatever you need.

2 THE CHAIRMAN: How many units you
3 want to put in for storage?

4 MR. CIAMARRA: Right now it's
5 between 300 and 50 to 850. It depends on
6 the, whatever the market drives.

7 THE CHAIRMAN: Deputy Commissioner,
8 you okay with that?

9 MR. ELLMAN: Yes, I am,
10 Mr. Chairman. The traffic impact for
11 self-storage is we have found to be very
12 small almost irrespective to the number of
13 units.

14 THE CHAIRMAN: Okay. Any questions
15 of the Board?

16 Did you get any, did you get any
17 rentals yet for your stores? What you got,
18 four stores?

19 MR. CIAMARRA: Four stores, yes,
20 sir. One is probably going to be
21 Starbucks.

22 THE CHAIRMAN: Starbucks?

23 MR. CIAMARRA: Yes, sir.

24 THE CHAIRMAN: Because I see Triple
25 A in your renderings.

1 MR. CIAMARRA: It's a -- on the
2 plan. It shows on the plans that we have
3 submitted, it shows the Starbucks store at
4 the end of the -- at the corner, yes.

5 THE CHAIRMAN: All right. Any
6 questions of the Board?

7 MR. LANDSMAN: (Indicated.)

8 THE CHAIRMAN: Mr. Landsman.

9 MR. LANDSMAN: Is that Starbucks a
10 drive-through or you have to go in?

11 MR. CIAMARRA: It'll be a
12 drive-through, sir.

13 MR. LANDSMAN: It'll be a
14 drive-through?

15 MR. CIAMARRA: Yes, sir.

16 MR. LANDSMAN: And what is the
17 amount of parking available for a lineup?
18 How many cars --

19 MR. CIAMARRA: I think we have 20?
20 Twenty.

21 MR. LANDSMAN: Twenty cars?

22 MR. CIAMARRA: Yes, sir.

23 MR. LANDSMAN: Thank you.

24 THE CHAIRMAN: Any other questions
25 of the Board?

1 Okay. Is there anybody here tonight
2 to speak in favor of this application? Is
3 there anybody here tonight to speak in
4 opposition?

5 Okay. This case is hereby closed.
6 Thank you.

7 MR. CIAMARRA: Thank you,
8 Mr. Chairman. Thank you.

9 MR. ABILLAMA: Thank you.

10 THE CHAIRMAN: You're welcome.
11 There will be a decision on this later on.

12 The next case for tonight will be,
13 the next case for tonight will be
14 Mr. Veneruso.

15 Mr. Veneruso, we're going to take
16 the case. It's a continued hearing.

17 Did you notify everybody within the
18 200-foot radius, sir?

19 MR. J. VENERUSO: Mr. Chairman,
20 regarding 45 Water Grant?

21 THE CHAIRMAN: No, it's going to be
22 -- I'm sorry, sir. It's going to be --

23 MR. J. VENERUSO: 56 Prospect?

24 THE CHAIRMAN: 45 Water Grant
25 Street. 45 Water Grant Street.

1 MR. J. VENERUSO: Yes, Mr. Chairman.
2 Yes. I should point out that this
3 matter is on for a -- in regard to what the
4 Planning Board has passed a resolution on
5 August 13, 2021. They passed a resolution
6 seeking to be the Lead Agency for the
7 purpose of SEQRA Review for this project.

8 THE CHAIRMAN: All right. That's
9 okay. We can pass that. But, I mean, all
10 right. Hold on a second.

11 Make your presentation, please.

12 MR. J. VENERUSO: Yes, Mr. Chairman.

13 THE CHAIRMAN: You know, I got so
14 much information on this.

15 MR. J. VENERUSO: Mr. Chairman, if I
16 may. With respect to the area variance
17 itself, the Applicant is still working with
18 the Building Department to finalize the
19 revised building department permit
20 application in order to obtain a new denial
21 letter. The request tonight before the
22 Board is that the Planning Board had a
23 special meeting on August 13, passed a
24 resolution seeking to be the Lead Agency
25 for the purpose of SEQRA Review for this

1 project. So, with respect to the area
 2 variance itself, we're not in a position
 3 tonight to discuss that, because it's not
 4 really pertinent at this point until we
 5 receive that denial. But we are requesting
 6 that the Zoning Board issue a favorable
 7 resolution regarding the Planning Board's
 8 resolution seeking to be the Lead Agency.

9 THE CHAIRMAN: That's no problem.
 10 Do you have anything else to say to me
 11 about this case?

12 MR. J. VENERUSO: Not this evening,
 13 Mr. Chairman.

14 THE CHAIRMAN: That's it. So once
 15 we make the resolution, we're going to
 16 continue this.

17 MR. J. VENERUSO: Yes, Mr. Chairman,

18 THE CHAIRMAN: You have nothing else
 19 to say on this case?

20 MR. J. VENERUSO: Not this evening,
 21 no.

22 THE CHAIRMAN: Case 5758,
 23 Block: 2635, Lot: 1, 45 Water Grant Street,
 24 per Zoning Board of Appeals on July 29,
 25 2021, and pursuant to SEQRA previously

1 declared its intention to seek the Lead
2 Agency status for the purpose of
3 Environmental Review in this matter. And
4 circulate the notification of such
5 retention to all other involved agencies in
6 this action. And whereby on August the
7 12th, 2021, by resolution, the Yonkers
8 Planning Board indicated its desire to act
9 as Lead Agency for the Environmental Review
10 of this matter and the Zoning Board of
11 Appeals have determined that the Planning
12 Board is a more appropriate agency to
13 conduct the Environmental Review for this
14 particular action. Now, therefore the
15 Zoning Board of Appeals hereby relinquishes
16 the lead action status and authorizes the
17 Planning Board to conduct an Environmental
18 Review of this action.

19 Do I have a second?

20 MS. KIMBALL: (Indicated.)

21 THE CHAIRMAN: On the motion,
22 Mr. Battista.

23 MR. BATTISTA: For the motion.

24 THE CHAIRMAN: Ms. Kimball.

25 MS. KIMBALL: For the motion.

1 THE CHAIRMAN: Mr. Giorgio.

2 MR. GIORGIO: For the motion.

3 THE CHAIRMAN: Mr. Landsman.

4 MR. LANDSMAN: For the motion.

5 THE CHAIRMAN: Mr. Singh.

6 MR. SINGH: For the motion.

7 THE CHAIRMAN: Mr. Lopez.

8 MR. LOPEZ: For the motion.

9 THE CHAIRMAN: Chairman votes for
10 the motion. Motion is carried 5, I'm
11 sorry, 7-0.

12 Okay. Now, you're coming back here
13 next month, is that what you're telling me?

14 MR. J. VENERUSO: Yes, Mr. Chairman.

15 THE CHAIRMAN: I didn't hear you.

16 MR. J. VENERUSO: Yes, Mr. Chairman.

17 THE CHAIRMAN: You're coming back
18 here next month. Okay. Is Mr. Accinelli
19 going to be here or is it going to be you
20 again?

21 MR. J. VENERUSO: On this matter
22 Mr. Accinelli.

23 THE CHAIRMAN: Huh?

24 MR. J. VENERUSO: On this particular
25 matter Mr. Accinelli.

1 THE CHAIRMAN: Nice to have you
2 here.

3 MR. J. VENERUSO: Nice to be here
4 and see all of you. Been awhile.

5 THE CHAIRMAN: Yeah. Is there
6 anybody here tonight on this case? It's on
7 Water Grant Street? It's down at the old
8 power house for the railroad on the river.
9 Okay. Any questions of the Board?

10 Yeah. Mr. Landsman.

11 MR. LANDSMAN: We're still waiting.
12 They make a determination on that number of
13 feet from the garage to the building, that
14 there was a zero unknown?

15 MR. J. VENERUSO: I don't know.

16 MR. LANDSMAN: You don't know.

17 MR. J. VENERUSO: At this time. But
18 I'll get an answer.

19 MR. LANDSMAN: Maybe the Applicant
20 can get a survey done showing the amount of
21 feet.

22 MR. J. VENERUSO: I'll get an answer
23 for you, Mr. Landsman.

24 MR. LANDSMAN: Thank you.

25 THE CHAIRMAN: There's going to be

1 an answer on that. Don't worry.

2 MR. LANDSMAN: It's been two months.

3 THE CHAIRMAN: Okay. We don't have
4 to hear from you on that. But he knows
5 there's gonna be an answer to that. I'm
6 telling you, he better have an answer for
7 that.

8 MR. J. VENERUSO: Yes, Mr. Chairman.

9 THE CHAIRMAN: That's the guy that
10 told me it was, whatever he told me, was
11 going to turn out to be double. Make sure
12 he's got the right answer.

13 MR. J. VENERUSO: I will.

14 THE CHAIRMAN: Because I'll hire
15 somebody and you'll pay for it, they'll pay
16 for it. To take a measurement. I don't
17 want to do that.

18 MR. J. VENERUSO: Understood.

19 THE CHAIRMAN: You, I believe. I
20 trust you.

21 MR. J. VENERUSO: Thank you.

22 THE CHAIRMAN: Okay. This case is
23 hereby left open. It's continued. All new
24 notices and registered mail, return
25 receipts. Thank you --

1 MR. J. VENERUSO: Thank you,
2 Mr. Chairman --

3 THE CHAIRMAN: -- Mr. Veneruso.

4 MR. J. VENERUSO: -- and members of
5 the Board.

6 THE CHAIRMAN: The next case is an
7 area variance, continued case, 5759, a
8 Mr. Tartaglia, on behalf of Verus
9 Development on 345 McLean Avenue Block: 59,
10 Lot: 75 in an "A" Zone.

11 Is Mr. Tartaglia here? Is anybody
12 representing Verus here? I'm not coming
13 back to this. I'll tell you right now.
14 I'll go to the next one. Somebody comes in
15 now, you're late, I'm not coming back to
16 this. Okay. This case is hereby
17 adjourned. Everybody in favor say aye.

18 (A chorus of ayes.)

19 THE CHAIRMAN: Anybody opposed?

20 Mr. Veneruso, come on up. We'll get
21 you out of here.

22 Next case is 5766, area variance,
23 Steven Accinelli with Mr. Veneruso
24 representing tonight on behalf of Hudson
25 Regency Ventures, LLC., Limited Liability

1 Corporation, owner, for creation of new
2 seven-story residential building that
3 includes underground parking;

4 -- Exceeding maximum height,
5 Reference Zoning Board Case 5681, required
6 80.39 feet, proposed 83.97 feet,

7 On premises known as 56 Prospect
8 Avenue, Block: 509, Lot 1, Zone is URMD.

9 Just give me one second, please.

10 All right. Mr. Veneruso. This
11 case--

12 Is there anybody here tonight on
13 this case? This case is on the corner of,
14 of Prospect Street, Hawthorne Avenue, and
15 Buena Vista Drive, Buena Vista Avenue.

16 Mr. Veneruso, has everybody within
17 the 200-foot radius been notified?

18 MR. J. VENERUSO: Yes, Mr. Chairman.

19 THE CHAIRMAN: Did anything come
20 back?

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

22 Not -- no.

23 THE CHAIRMAN: Huh?

24 MR. J. VENERUSO: No.

25 THE CHAIRMAN: No. I didn't ask you

1 to put that up. Don't put that up.
2 Without my permission. Get that straight.

3 Is there anybody here tonight on
4 this case? Raise your hand.

5 Proceed. What do you want to do
6 here? We've been here so many times, we've
7 had this case before us. I think we've had
8 this case before us three times. This is
9 the third time?

10 MR. J. VENERUSO: This is the third
11 time, Mr. Chairman.

12 THE CHAIRMAN: Third time. You made
13 up your mind now?

14 MR. J. VENERUSO: Yes.

15 THE CHAIRMAN: Three feet, all set?

16 MR. J. VENERUSO: Yes, Mr. Chairman.

17 THE CHAIRMAN: We're all set. This
18 building is going to be exact, this
19 building is going to be exact?

20 MR. J. VENERUSO: Exactly the same.
21 No change in any of the --

22 THE CHAIRMAN: Except the three
23 feet?

24 MR. J. VENERUSO: The height, 3
25 point --

1 THE CHAIRMAN: And you don't want to
2 go down because of the lot, is that what
3 you're telling me?

4 MR. J. VENERUSO: Yes, Mr. Chairman.

5 THE CHAIRMAN: Okay. Is there
6 anybody here tonight on this case?

7 I don't know. You gotta bring these
8 things back to me. Gotta waste time with
9 these things.

10 MR. J. VENERUSO: Well, if I may,
11 Mr. Chairman, as you pointed out, the Board
12 granted variances to the Applicant. Of one
13 which was the height variance.

14 THE CHAIRMAN: I know what we
15 granted. I just told what we granted.

16 MR. J. VENERUSO: I know. I was
17 just going over the background slightly.

18 THE CHAIRMAN: You don't have to go
19 over the background. I got your principals
20 points.

21 MR. J. VENERUSO: That's fine.

22 THE CHAIRMAN: Everybody on the
23 Board here read the principals present, I'm
24 sure.

25 MR. J. VENERUSO: Okay. If I just

1 may recite then what happened was the
2 reason why it's a third time is during the
3 re-construction process, the contractor
4 Kings Capital Construction did some test
5 drawings. They started to do excavation.
6 As they were doing the excavation, they
7 came upon 6,000 cubic square feet of --
8 cubic square yards of very hard density
9 rock. The cost to remove the rock would
10 frankly be prohibitive. It would also
11 cause a 16 to -- require an additional 16
12 weeks of work. Would have a major impact
13 not only on the Applicant, but on the
14 surrounding neighbors as they went forward.
15 They did not anticipate that, that finding.
16 But that's the reality of once you start to
17 excavate. And we have documentation from
18 Kings Capital as well as here tonight with
19 me is the architect Joe Deleo who's --

20 THE CHAIRMAN: You want me to keep
21 going? I'm here all night.

22 MR. J. VENERUSO: No, no.

23 THE CHAIRMAN: You want to get into
24 this thing, I'll really get into it.

25 MR. J. VENERUSO: I'm done.

1 THE CHAIRMAN: I gave you a break
2 here. We know the case.

3 MR. J. VENERUSO: Okay. I'm done.

4 THE CHAIRMAN: I have other people
5 here tonight that want their cases heard.
6 This is three feet.

7 Is there anybody here tonight in
8 opposition to this case? Is there anybody
9 here tonight in favor?

10 You want to sum up?

11 MR. J. VENERUSO: No, Mr. Chairman.

12 THE CHAIRMAN: You're sure?

13 MR. J. VENERUSO: I'm sure. Just
14 want to thank the Board for its time.

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

20 Thank you, Mr. Veneruso.

21 MR. J. VENERUSO: Thank you,
22 Mr. Chairman. Thank you, members of the
23 Board.

24 THE CHAIRMAN: Case 5766, 56
25 Prospect Street. A motion that the Zoning

1 Board of Appeals pursuant to the New York
 2 State Environmental Quality Review Act
 3 declares its intention to seek Lead Agency
 4 status for the purposes of the
 5 Environmental Review of this action and
 6 directs the Planning Bureau on behalf of
 7 this Board to initiate Lead Agency
 8 notification and coordinate, and coordinate
 9 a review with other, with all other
 10 involved agencies in this action. If no
 11 other agency -- involved agency seeks to be
 12 Lead Agency within 30 days of the effective
 13 date of the notice, the Zoning Board of
 14 Appeal shall assume Lead Agency status for
 15 the purpose of Environmental Review of this
 16 matter. Do I have a second?

17 MS. KIMBALL: (Indicated.)

18 THE CHAIRMAN: Thank you. On the
 19 motion, Mr. Battista.

20 MR. BATTISTA: For the motion.

21 THE CHAIRMAN: Ms. Kimball.

22 MS. KIMBALL: For the motion.

23 THE CHAIRMAN: Mr. Giorgio.

24 MR. GIORGIO: For the motion.

25 THE CHAIRMAN: Mr. Landsman.

1 MR. LANDSMAN: For the motion.

2 THE CHAIRMAN: Mr. Singh.

3 MR. SINGH: For the motion.

4 THE CHAIRMAN: Mr. Lopez.

5 MR. LOPEZ: For the motion.

6 THE CHAIRMAN: Chairman votes for
7 the motion. Passed 7-0.

8 Thank you, Mr. Veneruso.

9 (Brief pause in proceedings.)

10 THE CHAIRMAN: Mr. Romano.

11 MR. ROMANO: Yes, sir.

12 THE CHAIRMAN: Step up, please.

13 Which one of these you want to take? You
14 want to take Woodycrest or you want to
15 take Vermont Terrace?

16 (Brief pause in proceedings.)

17 MR. ROMANO: I would like to take,
18 Mr. Chairman, with your permission, 34
19 Vermont Terrace aka 4 Healy.

20 THE CHAIRMAN: You want Vermont
21 Terrace first?

22 MR. ROMANO: Please.

23 THE CHAIRMAN: Okay. Finally found
24 it. Mr. Romano, did you notify everybody
25 within a 200-foot radius?

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

2 THE CHAIRMAN: Did anything come
3 back that was undeliverable?

4 MR. ROMANO: No, sir.

5 THE CHAIRMAN: Nothing came back.
6 Okay. This is case 5762. It's an
7 improvement to a non-conforming use.
8 Mr. Romano on behalf of Ashley Tabi, owner,
9 to install a deck around a pool and kitchen
10 whereas;

11 -- Improvement to a non-conforming use
12 requires Zoning Board of Appeals approval,
13 Reference Yonkers Zoning Ordinance
14 43-21.G., proposed deck around pool and
15 extend existing deck outside kitchen;

16 On premises known as 34 Vermont
17 Terrace, 4 Healy Place, Block: 4559, Lot: 3
18 in an S-50 Zone.

19 Is there anybody here on this case
20 tonight? You want to get a little closer,
21 so you can hear better.

22 AUDIENCE MEMBER: Yes, sir.

23 THE CHAIRMAN: You're okay there?

24 AUDIENCE MEMBER: I'm sorry?

25 THE CHAIRMAN: I said you want to

1 get a little closer so you can hear better.

2 AUDIENCE MEMBER: Yes, sir, I'm
3 contesting this.

4 THE CHAIRMAN: You're okay? Okay.
5 Then sit.

6 AUDIENCE MEMBER: Yes, sir.

7 THE CHAIRMAN: No, no, sit. The
8 question was -- I'm sorry.

9 AUDIENCE MEMBER: I didn't hear you.

10 THE CHAIRMAN: That's okay. Do you
11 want to get a little closer so you can hear
12 better?

13 AUDIENCE MEMBER: Yes, sir.

14 THE CHAIRMAN: Good. Sit down.
15 Right there. Thank you.

16 Go ahead, Mr. Romano.

17 MR. ROMANO: Mr. Chairman, members
18 of the Board, I'm here on behalf of Ashley
19 Tabi who's the owner of 34 Vermont Terrace.
20 My client is not seeking variances, any
21 variances tonight. It's an improvement to
22 a non-conforming use. All we seek to do is
23 put a deck around the above-ground pool and
24 add a small extension onto the kitchen. We
25 believe that this improvement to a

1 non-conforming use should be approved based
2 on the following:

3 One, it will remain in character of
4 the neighborhood. It's not unusual to have
5 decks around above-ground pools or
6 extensions of decks off a kitchen. It's
7 something that many houses have in the area
8 and many houses have in the City of
9 Yonkers. The only reason we're here is
10 because it's a one-family zone, and it's
11 two-family, which prohibits us from doing
12 anything to the house without the Zoning
13 Board's permission.

14 There will no adverse physical or
15 environmental impact on the area. The
16 dwelling will remain a two-family; two
17 kitchens, two stoves. As it currently
18 exists with minimal physical change. We
19 will comply with all building, housing,
20 safety, environmental, parking, as
21 previously exists. We' not changing
22 anything.

23 The limited change to the exterior
24 will improve the premises. There will be
25 no additional stress to the neighborhood.

1 It will increase the usability especially
2 with the deck around the pool and a little
3 bit over the kitchen. So you can add in
4 furniture. You can have kids running
5 around the above-ground deck and put some
6 chairs, or some type of beach chairs up
7 there.

8 No increase, as I said in occupancy,
9 traffic, noise, or smell. And of course,
10 because it's a pool, it's limited to
11 probably about four months, four months of
12 the year.

13 We believe this type of improvement
14 is contemplated by the Ordinance and hence
15 should be approved by the Zoning Board of
16 Appeals and reserve the existing use and
17 the structure.

18 Thank you, Mr. Chairman, members of
19 the Board.

20 THE CHAIRMAN: We were over there
21 the other day. Ms. Kimball and myself and
22 Mr. Landsman. When I'm looking at the side
23 of the house, I'm looking west now, there's
24 two patios. One goes into the kitchen, if
25 I'm right. The other one is on the other

1 side. It's on the, it's on the southwest
2 side of that house. Okay. That's one of
3 the areas that you need the variances,
4 correct?

5 MR. ROMANO: Don't need variances.
6 This is an improvement to a non-conforming
7 use. No variance required. No setbacks.
8 No height. It's just the Board has to make
9 a decision on the improvement to see it's
10 in character of the neighborhood and if
11 it's really a reason --

12 THE CHAIRMAN: No, no, my question
13 is, what are you -- you want to sit up
14 here? I got no problem with that.

15 MR. ROMANO: No, no, no. It's
16 yours.

17 THE CHAIRMAN: Listen, the southwest
18 corner, that is where you want one of the,
19 you want the permission for the
20 non-conforming use?

21 MR. ROMANO: That is correct.

22 THE CHAIRMAN: The other one is the
23 deck around the pool, which is on the east
24 side of this house; am I correct?

25 MR. ROMANO: That is correct, too.

1 THE CHAIRMAN: Okay. What?

2 MR. ROMANO: That is correct.

3 THE CHAIRMAN: And then on the other
4 side of the house, you have a second family
5 there; is that correct?

6 MR. ROMANO: That is correct.

7 THE CHAIRMAN: Okay. All right.

8 Any questions of the Board?

9 MS. KIMBALL: I have a question,
10 Mr. Chairman.

11 THE CHAIRMAN: Ms. Kimball.

12 MS. KIMBALL: Mr. Romano -- my voice
13 usually carries anyway.

14 Is there any fence around the pool?

15 MR. ROMANO: It's an above-ground
16 pool. It will not be inground.

17 MS. KIMBALL: Okay. Is there going
18 to some way to prevent that deck from
19 access to the other family in case there
20 are children?

21 MR. ROMANO: Well, we're not -- my
22 understanding of the Code is that the deck
23 around the pool has to be separate from the
24 residence. So there's a gap between the
25 proposed deck to the kitchen. And I

1 believe that's for safety reasons in case
 2 children come out. That's my understanding
 3 of it. That's why it's separated out. If
 4 that's the question.

5 MS. KIMBALL: There's a separate
 6 backyard for this second family; is that
 7 correct?

8 MR. ROMANO: Correct.

9 MS. KIMBALL: Okay.

10 THE CHAIRMAN: Are there any other
 11 questions of the Board?

12 Mr. Romano, would you like -- oh,
 13 Mr. Battista.

14 MR. BATTISTA: The staircase from
 15 the yard up to the deck, is that going to
 16 have a lock?

17 MR. ROMANO: Does it have a what?

18 MR. BATTISTA: Is that gate, will it
 19 be a gate that locks?

20 MR. ROMANO: It would have a gate
 21 that locks in order to abide by Code. Yes.
 22 It's all child proof and whatever the Board
 23 decides. The Board in the past has made
 24 decisions where they've had us put, like, a
 25 sound alarm on for kids to make sure they

1 don't come up. So we we've had that.
2 Before too.

3 THE CHAIRMAN: Any other questions
4 of the Board?

5 Mr. Romano, do you have anything
6 else to say to me?

7 MR. ROMANO: No, sir.

8 THE CHAIRMAN: Okay. Is there
9 anybody here tonight in favor of this
10 application? It's on Vermont Terrace.

11 Do you want talk, sir?

12 PUBLIC SPEAKER LONIGRO: Yes,
13 please.

14 THE CHAIRMAN: You have to come up
15 here.

16 PUBLIC SPEAKER LONIGRO: Yes.

17 THE CHAIRMAN: Are you an attorney?

18 PUBLIC SPEAKER LONIGRO: No, 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 PUBLIC SPEAKER LONIGRO: I do.

24 THE CHAIRMAN: State your name and
25 address, please.

1 PUBLIC SPEAKER LONIGRO: My name is
2 Joseph Lonigro. I reside at 30 Vermont
3 Terrace which is alongside the proposed
4 project.

5 THE CHAIRMAN: What's your address?

6 PUBLIC SPEAKER LONIGRO: 30 Vermont
7 Terrace.

8 THE CHAIRMAN: Okay. Proceed.

9 PUBLIC SPEAKER LONIGRO: There's
10 numerous issues with the property. There's
11 drainage issues where it rains really hard,
12 the water runs down. Runs down the stairs.
13 Goes to the patio. Runs down my property.
14 Constantly like drowning in the water. I
15 have pictures. I had an engineer report
16 that was done. And I also have a letter
17 that I sent to the City of Yonkers.
18 Nothing's ever been done. She's the new
19 owner of the property. The previous owner
20 sold the house before I had a chance to
21 take them to court. Now, all of sudden, I
22 get the letter that they're going to try to
23 build a deck. The deck, it's impossible to
24 build there. They're going to put big
25 footings there. The water is going to run

1 down. And it's just going to collect in my
2 yard. You know, I've dealt with this for
3 ten years. I don't want anymore headaches
4 with this property.

5 I have pictures of water coming
6 over. I have pictures of it collecting. I
7 have an engineer's report as I've stated.
8 It's also an issue. There's no shrubs, no
9 trees need to be put there. I look out the
10 window, that's what I see, Mr. Chairman.
11 There's nothing on there.

12 They also want to build a deck four
13 foot six above the grade. If it's built at
14 an angle, because the architect's pictures,
15 they will be looking inside my window.
16 Okay? Also, the attorney said that if this
17 is passed, they can go right up to the
18 fence. They can do whatever they want.
19 Not the attorney, the architect, excuse me.
20 And I'm here, I don't think it's
21 appropriate. I've dealing with this for a
22 long time. You know. Build something
23 that's going to make my life miserable. I
24 have an elderly mother that's sitting there
25 at 80 years old. She came here to contest

1 this as well. Right now there's nothing.
2 We're looking at people half nude in their
3 pools bathing. I don't think this is
4 appropriate. You know. I'm here to
5 contest it. I don't think this should be
6 done.

7 THE CHAIRMAN: Are you saying that
8 you're against people swimming in the pool?

9 PUBLIC SPEAKER LONIGRO: No, I'm not
10 against people swimming in the pool. But
11 to have someone where they look inside my
12 house all the time, I want my privacy as
13 well as everybody else here. It's nice to
14 have privacy. I have to sit with my shades
15 down. Okay? It's not for me. It's for
16 her. I'm here too on behalf of my mother.
17 I don't think it's appropriate.

18 THE CHAIRMAN: All right.

19 PUBLIC SPEAKER LONIGRO: I mean
20 everybody likes their privacy. There's
21 also these photos, I would like to submit
22 it. If I may. To show what's going on
23 there.

24 THE CHAIRMAN: They have the permit
25 to do -- you have a permit to do the work?

1 PUBLIC SPEAKER LONIGRO: No, there's
2 no permit. They don't have a permit either
3 for the other deck. It's already built.
4 The one that sits above the kitchen. I
5 don't see any permits for that. It's
6 almost done.

7 THE CHAIRMAN: Say that again to me,
8 please.

9 PUBLIC SPEAKER LONIGRO: There's a
10 permit, there's a deck that's being built.
11 That comes out of the kitchen.

12 THE CHAIRMAN: Yeah.

13 PUBLIC SPEAKER LONIGRO: It's being
14 built. I don't think there's a permit.
15 You said this is a proposed deck. Is there
16 a permit for that?

17 THE CHAIRMAN: When I'm looking at
18 the house --

19 PUBLIC SPEAKER LONIGRO: Right.

20 THE CHAIRMAN: -- from Vermont.

21 PUBLIC SPEAKER LONIGRO: Right.

22 THE CHAIRMAN: Huh?

23 PUBLIC SPEAKER LONIGRO: Right,
24 correct.

25 THE CHAIRMAN: Yeah, I know. You

1 got one place that goes into a kitchen, I
2 think. You walk up a set of steps, going
3 into the kitchen.

4 PUBLIC SPEAKER LONIGRO: Yes.

5 THE CHAIRMAN: Then the other side
6 over there she wants to put a, a porch on
7 there. Another porch.

8 PUBLIC SPEAKER LONIGRO: Right.
9 It's being built, Your Honor. It's built
10 already.

11 THE CHAIRMAN: Huh?

12 PUBLIC SPEAKER LONIGRO: It's built
13 already. They built it.

14 THE CHAIRMAN: Doesn't matter if
15 it's built or not.

16 PUBLIC SPEAKER LONIGRO: Right.

17 THE CHAIRMAN: We're here.

18 PUBLIC SPEAKER LONIGRO: Right.

19 THE CHAIRMAN: Whether they got
20 caught or not, I'm not interested in that.
21 All I know is that you want to solve a
22 problem. You say you have a problem there
23 with the porch there at that door?

24 PUBLIC SPEAKER LONIGRO: No. No.
25 There's water that runs down the yard,

1 Mr. Chairman.

2 THE CHAIRMAN: But is the pool going
3 to cause more water to come out over the
4 yard?

5 PUBLIC SPEAKER LONIGRO: Oh, sure.
6 They're going to be digging holes and put
7 in footings there; aren't they?

8 THE CHAIRMAN: Huh?

9 PUBLIC SPEAKER LONIGRO: They're
10 putting big footings to hold the deck up.

11 THE CHAIRMAN: Yeah, but the --

12 PUBLIC SPEAKER LONIGRO: There's no
13 place for the water to go. Where does it
14 go?

15 THE CHAIRMAN: Well, the pool has
16 gotta be done according to the permit,
17 according to the City of Yonkers
18 Regulations. I'm sure they're not going to
19 allow water to pour out there.

20 PUBLIC SPEAKER LONIGRO: It's been
21 happening. I have photos, Your Honor.

22 THE CHAIRMAN: I mean, what you're
23 telling me, you're trying to have the Board
24 solve a problem that sounds like it's been
25 there for a long time.

1 PUBLIC SPEAKER LONIGRO: Well, this
2 is --

3 THE CHAIRMAN: Did this woman, did
4 this woman cause that problem?

5 PUBLIC SPEAKER LONIGRO: No.

6 THE CHAIRMAN: Okay. When did this
7 woman, when did your client move in there?
8 Step up here and talk to me. Can't talk
9 from there.

10 MR. ROMANO: Judge, she bought --
11 Your Honor, she bought it in 2020.

12 THE CHAIRMAN: I didn't hear you.

13 MR. ROMANO: 2020.

14 THE CHAIRMAN: 2020?

15 MR. ROMANO: Yes, sir.

16 THE CHAIRMAN: Okay. Thank you.
17 So she's been about a year.

18 PUBLIC SPEAKER LONIGRO: Correct.

19 THE CHAIRMAN: So, I don't think she
20 caused that problem. I'm sure that she --

21 PUBLIC SPEAKER LONIGRO: I'm not
22 saying she caused the problem. But there's
23 issues with the property. And by building
24 the deck there, you're going to take away
25 from the dirt that's there, and it's going

1 to cause a drainage issues. Water is going
2 to collect to the bottom of my house. I
3 don't think it's appropriate.

4 THE CHAIRMAN: I think that this
5 could be a problem that you gotta take up
6 with the City of Yonkers.

7 PUBLIC SPEAKER LONIGRO: I've done
8 that, Your Honor. I've done that as well.

9 THE CHAIRMAN: You gotta take it up
10 with the City. Maybe you gotta get an
11 attorney. I don't know. But that's what
12 it sounds like. I'm here for the pool,
13 we're here for the pool, and we're here for
14 the one deck. I don't see why it has any
15 problem with the water leaking. If there's
16 water leaking over there --

17 PUBLIC SPEAKER LONIGRO: It is, Your
18 Honor --

19 THE CHAIRMAN: You gotta --

20 PUBLIC SPEAKER LONIGRO: It's,
21 it's--

22 (Simultaneous speaking.)

23 THE CHAIRMAN: Maybe you have to get
24 an attorney. I don't know.

25 PUBLIC SPEAKER LONIGRO: It's not

1 leaking. It's running down the stairwell.

2 THE CHAIRMAN: Yes.

3 PUBLIC SPEAKER LONIGRO: It's
4 running to the patio and it's also running
5 down the stairs and leads to my house. By
6 building this deck there, it's going to
7 cause more runoff because you have more
8 surface there for the water to run down.

9 THE CHAIRMAN: That doesn't have
10 anything to do with the pool or the deck
11 that she wants to put up.

12 PUBLIC SPEAKER LONIGRO: Yes.

13 THE CHAIRMAN: It does?

14 PUBLIC SPEAKER LONIGRO: Yes.

15 THE CHAIRMAN: How?

16 PUBLIC SPEAKER LONIGRO: First of
17 all, it was supposed to have been final for
18 approval, there's supposed to have been a
19 drain there and signed off by the City of
20 Yonkers. There's no drain there.

21 THE CHAIRMAN: When they finish this
22 pool, if we give them permission, they're
23 going to have a drain there.

24 PUBLIC SPEAKER LONIGRO: Well, there
25 is no drain there, Your Honor.

1 THE CHAIRMAN: Huh?

2 PUBLIC SPEAKER LONIGRO: There is no
3 drain for that pool.

4 THE CHAIRMAN: Well, maybe she's
5 going to have put one in. You gotta go by
6 rules and regulations when you build a
7 pool.

8 PUBLIC SPEAKER LONIGRO: Yes.

9 THE CHAIRMAN: In anyplace. Whether
10 it's City of Yonkers or Bronxville or
11 anyplace you gotta go by the rules.

12 PUBLIC SPEAKER LONIGRO: I agree. I
13 agree. You're absolutely right. But right
14 now there's no drain there. They signed
15 off, the City of Yonkers that there's a
16 drain there, there's nothing there. Okay?
17 There's a lot of things that have to be
18 looked into before this deck is built.
19 It's not proper to have something built
20 that's going to cause me more hardship.

21 THE CHAIRMAN: Well, I'm --

22 PUBLIC SPEAKER LONIGRO: I don't
23 think it's right for this to happen. It's
24 a two-sided street. But I'm not one that's
25 going to get the brunt of this. You're

1 basically taking away from the dirt that's
2 there. There's no place for the water to
3 go. That's what's happening.

4 THE CHAIRMAN: From the pool?

5 PUBLIC SPEAKER LONIGRO: From the
6 runoff. From the patio from the stairs,
7 the deck --

8 THE CHAIRMAN: I don't think that
9 has anything to go doing with the two --

10 PUBLIC SPEAKER LONIGRO: Well, Your
11 Honor, I'm only specifying one. One is
12 coming out of the kitchen. That's fine.
13 That has nothing to do with anything, but
14 the one that's by the pool is going to go
15 right to my house. They're going to be
16 standing in front of my window looking into
17 my house if this is built. Which is number
18 one. Number two, there's no trees that are
19 on these drawings here. I have the
20 drawings here I can show them to you.

21 There's nothing there. I have no privacy
22 there. People should have their privacy.

23 THE CHAIRMAN: Listen, I was over
24 there. And I think you got plenty of
25 privacy. I mean --

1 PUBLIC SPEAKER LONIGRO: There's no
2 trees there. There's nothing there.

3 THE CHAIRMAN: Huh?

4 PUBLIC SPEAKER LONIGRO: How do you
5 say there's privacy? There's nothing
6 there. I have a photo. Can I show this to
7 you? I mean you're telling me there's
8 privacy.

9 THE CHAIRMAN: Everybody is entitled
10 to privacy --

11 PUBLIC SPEAKER LONIGRO: Yes,
12 everybody is.

13 THE CHAIRMAN: -- sitting next to
14 you. I mean, you can't, you can't tell
15 them to put up a 20-foot fence and you
16 can't see.

17 PUBLIC SPEAKER LONIGRO: May I bring
18 this up or have someone bring it? Thank
19 you, sir. How is that private? How can
20 you say that's private?

21 THE CHAIRMAN: Sit down. Go back
22 there.

23 PUBLIC SPEAKER LONIGRO: Just to
24 show you. There's are the two windows in
25 my kitchen, by the way.

1 THE CHAIRMAN: I got this. Get up
2 on there so you can be recorded. I'm
3 keeping this.

4 PUBLIC SPEAKER LONIGRO: You may.
5 Yes, sir.

6 THE CHAIRMAN: Okay. Any questions?

7 PUBLIC SPEAKER LONIGRO: Can I show
8 you this before my time is up? That it's
9 very important.

10 THE CHAIRMAN: Huh?

11 PUBLIC SPEAKER LONIGRO: May I show
12 you one more photo, Mr. Chairman?

13 THE CHAIRMAN: Yeah.

14 PUBLIC SPEAKER LONIGRO: Thank you.
15 This is her yard when it rains.

16 THE CHAIRMAN: You can't talk to me.
17 Just looking at the picture. If I have to
18 ask you a question, I'll ask you.

19 PUBLIC SPEAKER LONIGRO: Sure.

20 THE CHAIRMAN: All right. As I'm
21 looking at this picture, that's your house,
22 right?

23 PUBLIC SPEAKER LONIGRO: That's her
24 property, Mr. Chairman.

25 THE CHAIRMAN: Huh?

1 PUBLIC SPEAKER LONIGRO: That's her
2 property. My yard is, where the Belgium
3 blocks are, that's my property.

4 THE CHAIRMAN: Where the blocks are?

5 PUBLIC SPEAKER LONIGRO: Yes, sir.
6 That's my driveway.

7 THE CHAIRMAN: And you're saying
8 that's where the water is coming down to?

9 PUBLIC SPEAKER LONIGRO: Yes, sir.
10 That's what happens when it rains really
11 hard. I have other photos if you'd like to
12 see them.

13 THE CHAIRMAN: It's up to you, sir.

14 PUBLIC SPEAKER LONIGRO: This is --
15 I have more. So you can take a look it.

16 THE CHAIRMAN: What is this a
17 picture of?

18 PUBLIC SPEAKER LONIGRO: I'm sorry?

19 THE CHAIRMAN: What's this a picture
20 of?

21 PUBLIC SPEAKER LONIGRO: That's her
22 yard. Where the Belgium blocks, that's the
23 fence that's existing. And that whole
24 thing is full of water from her property.

25 Okay. That's all the runoff that I'm

1 getting right now. Okay. If you put the
2 deck there, it's going to cause me more
3 grief. I have two more and I'm done. If I
4 may, Your Honor. Mr. Chairman, rather.

5 THE CHAIRMAN: (Indicated.)

6 PUBLIC SPEAKER LONIGRO: Okay. This
7 is looking out my --

8 THE CHAIRMAN: Just give them to me.
9 Thank you. Well, looking at the pictures
10 from the window out onto the pool.

11 PUBLIC SPEAKER LONIGRO: That's my
12 kitchen, Mr. Chairman.

13 THE CHAIRMAN: You're not listening
14 to me.

15 PUBLIC SPEAKER LONIGRO: Yes.

16 THE CHAIRMAN: That's your window
17 out onto the pool; is that correct?

18 PUBLIC SPEAKER LONIGRO: They're
19 looking at -- yes, sir.

20 THE CHAIRMAN: Correct. Okay. So,
21 what do you want me to do? Just buy you
22 some new blinds to put there? What do you
23 want me to do?

24 PUBLIC SPEAKER LONIGRO: You can't,
25 they put trees in front of that so I

1 don't--

2 THE CHAIRMAN: What do you want me
3 to do? I mean, she's gotta have a pool.
4 The people are going be swimming in the
5 pool. What do you want me to do? There's
6 pools all over the place.

7 PUBLIC SPEAKER LONIGRO: I
8 understand that. I'm not -- my question is
9 can they stipulate to put trees there? So
10 at least I have my privacy.

11 THE CHAIRMAN: Well, that can be up
12 to us. Okay? That could be up to us.

13 PUBLIC SPEAKER LONIGRO: I think
14 that's appropriate, Mr. Chairman.

15 THE CHAIRMAN: What?

16 PUBLIC SPEAKER LONIGRO: It's
17 appropriate to have the --

18 THE CHAIRMAN: It's appropriate?

19 PUBLIC SPEAKER LONIGRO: -- privacy.

20 THE CHAIRMAN: To put trees there?

21 PUBLIC SPEAKER LONIGRO: Yes, sir.
22 Everybody is entitled to their privacy. I
23 mean, you don't want me to be looking --

24 THE CHAIRMAN: We'll see. You got
25 anything else to say to us, sir?

1 PUBLIC SPEAKER LONIGRO: I'd like
2 you to review the report, if I may.

3 THE CHAIRMAN: Huh?

4 PUBLIC SPEAKER LONIGRO: I would
5 like to give you engineering report, if I
6 may.

7 THE CHAIRMAN: What are those
8 reports of?

9 PUBLIC SPEAKER LONIGRO: Of the
10 issue with the water that's there.

11 THE CHAIRMAN: What are they?

12 PUBLIC SPEAKER LONIGRO: The issue
13 of the water. I had an engineer look into
14 this.

15 THE CHAIRMAN: Who's the report
16 from?

17 PUBLIC SPEAKER LONIGRO: An engineer
18 and also a letter that I submitted to the
19 City.

20 THE CHAIRMAN: Where is the engineer
21 now?

22 PUBLIC SPEAKER LONIGRO: He's not
23 here. But he's still alive.

24 THE CHAIRMAN: You're going to give
25 me something from an engineer, right?

1 That's what you want to do?

2 PUBLIC SPEAKER LONIGRO: If I may.

3 THE CHAIRMAN: You hired who?

4 PUBLIC SPEAKER LONIGRO: If I may.

5 THE CHAIRMAN: I'll let you know.

6 But you want to give me something from an
7 engineer? Okay. So you hired an engineer
8 to give you a report?

9 PUBLIC SPEAKER LONIGRO: Yes.

10 THE CHAIRMAN: When?

11 PUBLIC SPEAKER LONIGRO: I think it
12 was 2010. 2010, Your Honor. Mr. Chairman.

13 THE CHAIRMAN: It's not Your Honor,
14 Mr. Chairman is fine.

15 PUBLIC SPEAKER LONIGRO: Chairman.

16 THE CHAIRMAN: From 2010? I'll take
17 it. Thank you. Here's your clip. Who is
18 Joe Lonigro?

19 PUBLIC SPEAKER LONIGRO: That's me,
20 sir.

21 THE CHAIRMAN: Annunziato gave you
22 this report?

23 PUBLIC SPEAKER LONIGRO: Yes, sir.

24 THE CHAIRMAN: You have anything
25 else to say, sir?

1 PUBLIC SPEAKER LONIGRO: Just one
2 more thing, I'd like to make it clear.

3 THE CHAIRMAN: That's it?

4 PUBLIC SPEAKER LONIGRO: Hopefully
5 it goes well.

6 THE CHAIRMAN: Huh?

7 PUBLIC SPEAKER LONIGRO: The house
8 was sold last year. I was in the process
9 of getting an attorney to take care of
10 everything. Because there was a lot of
11 issues with the property. He sold the
12 house from under me. I didn't even know
13 they were selling it. So I just wanted to
14 make that clear.

15 THE CHAIRMAN: Well, what's the
16 difference? They can sell to whoever they
17 want to sell it to.

18 PUBLIC SPEAKER LONIGRO: No, I
19 understand that, but --

20 THE CHAIRMAN: They don't have to
21 tell you about a sale.

22 PUBLIC SPEAKER LONIGRO: No, I was
23 in the midst of getting an attorney to sue
24 the previous owner.

25 THE CHAIRMAN: Okay. I don't

1 understand why'd you even bring it up for?

2 PUBLIC SPEAKER LONIGRO: Well,
3 because of all the issues with the
4 property.

5 THE CHAIRMAN: What?

6 PUBLIC SPEAKER LONIGRO: Because of
7 all the issues with the property.

8 THE CHAIRMAN: An issue with what?

9 PUBLIC SPEAKER LONIGRO: Because of
10 the all the issues with the property.

11 THE CHAIRMAN: All right. Thank
12 you.

13 PUBLIC SPEAKER LONIGRO: Thank you.

14 THE CHAIRMAN: Mr. Romano.

15 MR. ROMANO: Yes, sir. Summing up
16 very brief. I don't believe that there's
17 been any indication of why my client can't
18 put up a deck around the pool. I I
19 understand that there may be some water
20 issue. Which I will take up with my
21 client. To see if they can be remedied.
22 And privacy, Mr. Chairman, cuts both ways.
23 I think if they want to us put up trees, I
24 think they would have the ability to do the
25 same. That's all.

1 THE CHAIRMAN: Thank you.

2 You're finished, buddy. That's it.

3 Sorry, sir. You had your say. That's it.

4 I'm not going back and forth here.

5 PUBLIC SPEAKER LONIGRO: Understood.

6 THE CHAIRMAN: Any questions of

7 Mr. Romano?

8 Okay. This case is hereby closed.

9 Reserve the right to reopen it for any
10 reason whatsoever at any time whatsoever
11 and that includes after the decision is
12 made.

13 Thank you, Mr. Romano.

14 MR. ROMANO: Thank you, sir.

15 THE CHAIRMAN: Mr. Romano.

16 MR. ROMANO: Yes, sir.

17 THE CHAIRMAN: Come on back. We're
18 going to do those two on Woodycrest.

19 MR. ROMANO: Yes, sir.

20 THE CHAIRMAN: Are you ready or
21 what?

22 MR. ROMANO: Yes, sir. I'm ready.

23 THE CHAIRMAN: You're ready, huh.
24 All right. This is two cases, ladies and
25 gentlemen. They are next door to each

1 other. Am I correct on that, Mr. Romano?

2 MR. ROMANO: You are correct, sir.

3 THE CHAIRMAN: Huh?

4 MR. ROMANO: Yes, sir.

5 THE CHAIRMAN: They're both area
6 variances, one case is 5763 and the other
7 case is 5764. They're both on Woodycrest
8 Avenue, one is at 33 Woodycrest Avenue?

9 MR. ROMANO: Thirty-one.

10 THE CHAIRMAN: The other one is 37
11 Woodycrest Avenue.

12 MR. ROMANO: Yes, sir. .

13 THE CHAIRMAN: All right.

14 - Exceeding the maximum permitted
15 floor area ratio, 43-27 table, 43-3,
16 requires 5,201, proposed is 6,681.

17 - Exceeding the maximum permitted
18 height, stories, Section 43-47, Table 43-3,
19 required 2 and-a-half, proposed is 5.

20 - Exceeding the maximum permitted
21 height wall, Section 43-43.H(4), maximum is
22 35 proposed 59.83;

23 - Plans do not comply with the side
24 setback plane as per Section 43-34.H.(1).

25 - Plans do not comply with the side

1 wall articulation as per Section
2 43-34.H(3), maximum 30 feet, proposed is 50
3 feet,

4 That's over there on 33 Woodycrest,
5 Block: 2207, Lot 23 in "T" zone.

6 The next one is similar on the
7 exceeding maximum, floor area ratio.
8 Exceeding height is similar. It's the
9 same. The next one is exactly the same as
10 the last one.

11 MR. ROMANO: Yes, sir.

12 THE CHAIRMAN: And this one here,
13 the plans do not company apply with the
14 side setback. And the plans do not comply
15 with the side wall articulation, 30
16 proposed, 50.

17 That's on 37 Woodycrest,
18 Block: 2207, Lot 21 in the "T" Zone.

19 Mr. Romano, did everything go out
20 for the -- everybody within the 200-foot
21 radius?

22 MR. ROMANO: Yes, sir.

23 THE CHAIRMAN: On both cases?

24 MR. ROMANO: Yes, sir.

25 THE CHAIRMAN: Good. Okay.

1 MR. ROMANO: No returns.

2 THE CHAIRMAN: Huh?

3 MR. ROMANO: No returns.

4 THE CHAIRMAN: No returns. Good.

5 Okay. This case, both of these cases are
 6 up on Woodycrest. Woodycrest is up in the
 7 back old Dellwood Dairy up there. It's
 8 between Arbor Street and Sutton Oval.
 9 Sutton Oval comes down into Woodycrest.
 10 Then when you go farther on Woodycrest, you
 11 come to the cemetery there, could be Saint
 12 John's. Could be Oakland. The way I
 13 looked at it, looked like Oakland. Backs
 14 up to Fairmount Street. Which is the
 15 street below. This is a big cliff. The
 16 street below is Fairmount Street. And then
 17 it's west of the Saw Mill Parkway. Saw
 18 Mill Parkway is in the back of them. You
 19 have the one building over the back there.
 20 Used to be the Jewish Home for the Blind.
 21 I don't know what it is now.

22 Is there anybody here tonight on
 23 these cases? Anybody here tonight on these
 24 cases? You raise your hand again --

25 MR. ROMANO: Sit. Sit. He's the

1 client, Mr. Chairman.

2 THE CHAIRMAN: He's your client?

3 MR. ROMANO: Yes, sir. I'm sorry.

4 THE CHAIRMAN: Does he know about
5 you?

6 MR. ROMANO: He's been here before
7 several times, Mr. Chairman. He's not a
8 rookie at this point.

9 THE CHAIRMAN: Go ahead.

10 MR. ROMANO: Mr. Chairman, members
11 of the Board, I'm here on behalf of
12 Woodycrest Yonkers, LLC., who seeks to
13 construct two, two-family houses one of
14 each lot. The premises, so the Board is
15 aware, was purchased from the City of
16 Yonkers on 10/19 2018. The Board
17 previously approved similar projects next
18 to these two houses a couple of years ago.
19 And the plans, they were approved. They're
20 pretty much the same in height, size, two
21 cars. In fact the plans are better now
22 because the original plans didn't have
23 parking. And we modified that for parking.
24 We've eliminated the parking issues. There
25 is no parking issue. The reason why we're

1 here is because this is very heavily sloped
2 land. And as a result of the slope, it is
3 cause the dimensional requirements and
4 height requirements that the Board in their
5 wisdom felt it was all right for the other
6 two prior residents and was approved.

7 If I was -- we went over the
8 numbers. The variances I'd have to build a
9 retaining wall, it would be approximately
10 be four hundred to five hundred thousand
11 dollars to resolve these issue, which is
12 prohibitive. We believe that the
13 variances, the main variances requested as
14 I said is the height four stories versus
15 two and-a-half, which is because of the
16 grade. If the grade was level, we would
17 not be here.

18 We believe that because of the
19 grade, it's a technical violation of the
20 Code rather than a substantial violation of
21 the Code because we'd still meet the height
22 requirements of being 35 feet from grade
23 which is what Woodycrest is. In addition
24 to that, the property development required
25 installation of the sewage city drain on

1 the rear of the property for all four lots
2 which is approved by the County of
3 Westchester, in Yonkers, that would make
4 any water problems hopefully be resolved
5 since it was approved by the engineers
6 here.

7 The premises that would be remain in
8 character as a one or two-family dwellings
9 with garages as with this one.

10 We don't believe that there would be
11 any adverse, environmental or physical
12 impact to the area. It will be a
13 two-family in a "T" Zone, which is a
14 permitted use.

15 It will comply other than the
16 variances with building, housing, safety,
17 parking, environmental codes as the plans
18 reflect.

19 The hardship we believe is not
20 self-created, but is a direct result of the
21 location and grade, the severe grade, of
22 the property, which is prohibitive
23 construction at all.

24 And my client is here, as he's been
25 here before on several occasions for any

1 questions that the Board wants to address
2 in the plans. Thank you.

3 THE CHAIRMAN: When you were talking
4 to me about this, did you say that your
5 client's putting in a brand new sewer?

6 MR. ROMANO: Right. In the back it
7 was approved --

8 THE CHAIRMAN: Talk into the
9 microphone.

10 MR. ROMANO: I'm sorry.

11 THE CHAIRMAN: I'm sorry.

12 MR. ROMANO: Okay. Can I have my
13 client address that, Mr. Chairman?

14 THE CHAIRMAN: No, no, you told me
15 something.

16 MR. ROMANO: Yes.

17 THE CHAIRMAN: Did you tell me he's
18 going to put in a brand new sewer, anybody
19 can hook up to, and he's going to pay for
20 it?

21 MR. ROMANO: Well, of the four
22 houses. But I can have him address the
23 easement if that is permitted with your
24 permission, sir. Because I don't know what
25 the County resolution is because I never

1 got it.

2 THE CHAIRMAN: You and I -- no, no,
3 no. This is between you and I now.

4 MR. ROMANO: What else is new?

5 THE CHAIRMAN: You said something to
6 me.

7 MR. ROMANO: Yes, sir.

8 THE CHAIRMAN: Okay. You said, if I
9 I'm right, correct me, your client was
10 going to put a sewer in.

11 MR. ROMANO: Correct.

12 THE CHAIRMAN: And everybody was
13 going to hook up to it free.

14 MR. ROMANO: They wouldn't hook up
15 to it for free. I'm assuming the County
16 has permitted that, but that's not the
17 problem. It's a rather large drain.

18 THE CHAIRMAN: You have a lot of
19 houses there.

20 MR. ROMANO: Well, there's four
21 houses, if these two are approved, there
22 would be four houses any of the other --

23 THE CHAIRMAN: Please building
24 houses are going on to Arbor Street, out
25 that way, you got a lot of houses.

1 MR. ROMANO: If they have to hook
2 up, and the County approves it, I'm sure it
3 would be, Mr. Chairman.

4 THE CHAIRMAN: I'm going to give you
5 a chance to correct that if you want to.
6 Not now. I don't, I got --

7 MR. ROMANO: He might have the
8 answer.

9 THE CHAIRMAN: That's okay.

10 MR. ROMANO: No, he's good. He's
11 good.

12 THE CHAIRMAN: Come on up.

13 PUBLIC SPEAKER BUNICI: Hello,
14 Chairman, and members of the Board. Hello,
15 members.

16 THE CHAIRMAN: Wait a minute. Hold
17 on a second.

18 MR. ROMANO: You see he's been here
19 before.

20 THE CHAIRMAN: This guy gets himself
21 in more trouble. You should talk to him
22 privately.

23 Are you an attorney?

24 PUBLIC SPEAKER BUNICI: No, sir.

25 THE CHAIRMAN: Raise your right

1 hand. Do you solemnly swear to tell the
2 truth, the whole truth, nothing but the
3 truth so help you God?

4 PUBLIC SPEAKER BUNICI: Yes, I do,
5 Mr. Chairman.

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

8 PUBLIC SPEAKER BUNICI: Chris
9 Bunici. 672 Saw Mill River Road, Ardsley.

10 PUBLIC SPEAKER: Chris, Bunici,
11 B-u-n, as in nancy, i-c-i.

12 THE CHAIRMAN: From what I
13 understand -- I was talking to Mr. Romano,
14 I think he told me that you're such a nice
15 guy that you were going to put a sewer in
16 for everybody on the block.

17 PUBLIC SPEAKER BUNICI: So --

18 THE CHAIRMAN: Going to cost you a
19 houses, I guess, and pay for it.

20 PUBLIC SPEAKER BUNICI: Basically we
21 are connecting a sewer --

22 THE CHAIRMAN: No, no, basically is
23 not the -- basically is not the question.

24 PUBLIC SPEAKER BUNICI: Okay. So --

25 THE CHAIRMAN: The question is are

1 you going to do that or aren't you?

2 PUBLIC SPEAKER BUNICI: So let me
3 just explain please how, what happened.
4 We're applying to the sub-County, I mean to
5 the Westchester County Health Department.
6 And at the last minute they said they were
7 -- they want us to bring the sewer all the
8 way up to Woodycrest. And they want us to
9 connect the private sewer main that goes
10 along Woodycrest into the brand new sewer
11 that we're going to be going down Homesite
12 Parkway and into Fairmount. And the reason
13 they want us to do this is right now you
14 walk on the property, you will see the
15 sewage from probably 8 or 10 or 12 houses,
16 rolling down the hill. Actually, it was
17 reported by a couple of people. And the
18 reason why the sewage is running down the
19 hill, I don't know if it's fixed by now,
20 but because years ago when they built all
21 of these homes, they actually laid the
22 sewer pipe right on top of a rock. Because
23 I guess they didn't have the machinery to
24 do it. So we have to correct that problem.
25 So in essence, I'm really solving the big

1 problem that exists, you know, in that
2 neighborhood. Because right -- and I have
3 pictures too. I don't have them with me,
4 but you could --

5 THE CHAIRMAN: You still haven't
6 answered the question. The question was
7 are you going to pay for the sewer --

8 PUBLIC SPEAKER BUNICI: Yes, I'm
9 paying for it, and it's going to probably
10 --

11 THE CHAIRMAN: -- paid for it and a
12 new sewer?

13 PUBLIC SPEAKER BUNICI: I'm paying
14 for a new sewer and a new drain line.
15 That's probably going to cost three hundred
16 to 350 thousand.

17 THE CHAIRMAN: And the hookups.

18 PUBLIC SPEAKER BUNICI: I'm not --
19 only thing they're making me hook up, the
20 health department, is they're making me
21 hook up the private six --

22 THE CHAIRMAN: That's fine. That
23 it. I understand. You're going to pay for
24 the hookups to the main.

25 MR. ROMANO: That's what they want

1 us to do.

2 PUBLIC SPEAKER BUNICI: Yeah. And
3 that's going to basically mean that all the
4 sewage from all those existing homes is
5 going to go down that brand new sewer.

6 THE CHAIRMAN: And you're going to
7 pay for the hookup too from the pipe that
8 they give you, When you reach the sewer,
9 you're going to pay for that hookup.

10 PUBLIC SPEAKER BUNICI: Yeah, it's a
11 very complicated thing. We have bypass it,
12 you know, because we do --

13 THE CHAIRMAN: Not too complicated.

14 PUBLIC SPEAKER BUNICI: Yeah, well
15 for me it is. Because we do it ourselves.

16 THE CHAIRMAN: All right. That's a
17 pretty interesting piece of property there.
18 I know you bought it off the City.

19 PUBLIC SPEAKER BUNICI: Right. If I
20 would've known, it was that bad, I wouldn't
21 have.

22 THE CHAIRMAN: Huh?

23 PUBLIC SPEAKER BUNICI: If I would
24 have known, you know -- when you go to an
25 auction, you kind of get caught up in it,

1 you know, and the people bidding. And you
 2 kind of get, you know, persuaded to spend
 3 more money than you should. But, you know,
 4 it is what it is though.

5 THE CHAIRMAN: What about the other
 6 two houses? When are you going to build
 7 those?

8 PUBLIC SPEAKER: So, now once I get
 9 these approved, then I'm going to -- once I
 10 get the building permits, I'm going to move
 11 forward. So I'm hoping that I'll get the
 12 permits for all four of these homes
 13 sometime in '22. Then I'll start
 14 immediately -- because I got the permit
 15 from the Health Department, the City of
 16 Yonkers approved it. It was a very long
 17 process that took.

18 THE CHAIRMAN: Don't you own a
 19 couple more blocks up there?

20 PUBLIC SPEAKER BUNICI: Yes, but I'm
 21 not going to do anything with that right
 22 now.

23 THE CHAIRMAN: Okay. Let me explain
 24 something to you. Because I got a report
 25 here from the Deputy Planning and his, the

1 fellow who works for the Planning
2 Department. They're worried about you
3 putting more than two families in the
4 house. So if we grant this to you, it's
5 going to go on the CO. And then I think
6 what we're going to do, because we gotta
7 stop this nonsense. Nobody is paying the
8 right taxes. So what we're going to do
9 with you is when you sell the house, you're
10 going to have get those people to sign that
11 affidavit saying that they're only going to
12 have one family and the bottom is going to
13 have one family.

14 PUBLIC SPEAKER BUNICI: Okay. No
15 problem.

16 THE CHAIRMAN: Okay. Good. I know
17 these things come back to haunt you after
18 awhile. If you're worried about that --

19 PUBLIC SPEAKER BUNICI: It's
20 understandable.

21 THE CHAIRMAN: Now, each, these
22 houses are going to have how many parking
23 spaces?

24 PUBLIC SPEAKER BUNICI: Each? Each
25 one is going to have four interior parking

1 spaces. So each units is going to have the
2 required two. It's going to be inside the
3 garage. So we're going to have a total of,
4 like, a 16-foot garage door and another 16
5 foot. So all the parking, you know, if
6 each person has two cars, it's going to be
7 in. Not even see it. Which is great.

8 THE CHAIRMAN: Or all in the
9 driveway either?

10 PUBLIC SPEAKER BUNICI: No, in the
11 garage. It's actually going to be four
12 garages.

13 THE CHAIRMAN: So what you're saying
14 to me is, the one two-family, he's going to
15 have two spaces on the property?

16 PUBLIC SPEAKER BUNICI: Yes.

17 THE CHAIRMAN: Okay. And maybe room
18 for two more cars?

19 PUBLIC SPEAKER BUNICI: Yes.

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

22 Okay. Is there anybody here tonight
23 to speak in favor of this application? Is
24 there anybody here tonight to speak in
25 opposition?

1 Mr. Romano, would you like to sum
2 up?

3 MR. ROMANO: No, thank you,
4 Mr. Chairman.

5 THE CHAIRMAN: No?

6 MR. ROMANO: Thank you for
7 everybody.

8 PUBLIC SPEAKER BUNICI: Thank you.

9 THE CHAIRMAN: These two cases are
10 closed. Reserve the right to open them any
11 time we want and that includes, for any
12 reason, and that includes after the
13 decision is made. Thank you.

14 PUBLIC SPEAKER BUNICI: Thank you
15 very much, Mr. Chairman and members of the
16 Board.

17 MR. ROMANO: Thank you. Have a good
18 evening.

19 THE CHAIRMAN: Steven? And the next
20 case tonight, ladies and gentlemen, is an
21 area variance 5765, Steven Veneruso,
22 Esquire, on behalf of AC and Sons 671
23 Yonkers Avenue, LLC, that's Limited
24 Liability Corporation, owner, for
25 construction of a new basement one-story

1 building to replace a previously building
2 destroyed by a fire, having;

3 - Insufficient front yard under
4 Section 43-27, Table 43-3, required is 10
5 feet, proposed is zero feet.

6 - Insufficient parking, Section
7 43-128, Table 43-4, 30 spaces required,
8 proposed is zero spaces;

9 On premises known as 671 Yonkers
10 Avenue, Block: 6086, Lot: 56 in a "B" Zone.

11 Mr. Veneruso, has everybody in the
12 200-foot radius been notified, sir?

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

14 THE CHAIRMAN: I'm sorry. Introduce
15 yourself, please.

16 MR. S. VENERUSO: Steven Veneruso,
17 35 East Grassy Sprain Road, Yonkers, New
18 York here on behalf of the Applicant, AC
19 and Sons, 671 Yonkers Avenue, LLC.

20 THE CHAIRMAN: Has everybody in the
21 200-foot radius been notified?

22 MR. S. VENERUSO: Yes, Mr. chairman.

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

25 MR. S. VENERUSO: No, none yet,

1 Mr. Chairman.

2 THE CHAIRMAN: None came back.

3 MR. S. VENERUSO: No. There were 30
4 sent out.

5 THE CHAIRMAN: Ladies and gentlemen,
6 this variance is on the corner of Yonkers
7 Avenue and Seminary Avenue. And it's also
8 directly across the street from St. John's
9 Church. Is there anybody here tonight on
10 this case?

11 All right. Present your case.

12 MR. S. VENERUSO: Thank you,
13 Mr. Chairman.

14 Mr. Chairman, members of the Board,
15 the proposed project here -- first of all,
16 I just also want to introduce Mr. Masadoni
17 is here from the architects, Thomas Haynes.
18 The proposed project, Mr. Chairman, members
19 of the Board, calls for a new construction,
20 one-story retail building. The proposed
21 building measures just under 6,000 square
22 feet. And this would replace the building
23 that was previously onsite which was
24 destroyed in a fire in January of this
25 year.

1 The prior building had been existing
2 on the property, my understanding, is over
3 75 years old. Stood for 75 years. So, the
4 goal of the project is to restore the
5 building to what it was prior to the fire
6 and keep it in the character of the
7 neighborhood.

8 The project is to be rebuilt on the
9 same footprint of the building that was
10 destroyed in the fire. While the first
11 floor of the building is calling for retail
12 space, the basement level will be used for
13 storage and mechanical rooms. As the site
14 plans as the drawings show, the rear of the
15 property will be used for deliveries as
16 well as garbage storage.

17 Turning to the five points of law.
18 First, whether the granting of the variance
19 will create an undesirable change in the
20 character of the neighborhood. I would
21 respectfully submit that the granting of
22 the variance would not change or will not
23 create undesirable change in the character
24 of the neighborhood. As I previously
25 stated the building was in existence for

1 over 75 years. And was kind of a staple in
2 the neighborhood. Has been used for the
3 same purposes for many, many years. So I
4 would submit that the variances, if
5 granted, would not in any way alter the
6 historical use of the site.

7 Number two, whether the benefit
8 sought by the Applicant can be achieved by
9 some other method that's more feasible for
10 the Applicant to pursue other than the area
11 variance as sought. The benefit sought by
12 the Applicant would not be able to be
13 achieve, be achieved by any other method
14 more feasible for the Applicant.

15 In order for the Applicant to make
16 it economically useful -- use of this
17 property, it must be constructed the way
18 that the plans have drawn out. If we were
19 to build to Code and not seek
20 variances, the building would be, I
21 believe, just over 2,000 square feet and
22 would not be economically viable for this
23 site. The Applicant's consideration was
24 largely dictated by the property usage,
25 this long-established property usage, the

1 site conditions, and the previously
2 mentioned character of the neighborhood.

3 Number three, Whether requested area
4 variance is minimal. I would submit to the
5 Board that the variances sought here are
6 minimal. And that they would not in any
7 way alter the long established operation on
8 the site. And that project will only make
9 use of the property as it has for years and
10 keep in character of the neighborhood.

11 Number four, whether the alleged
12 difficulty was self-created. As the Board
13 is aware, the Applicant's constructive
14 knowledge of such Zoning requirements with
15 respect to the variances sought prior to
16 this project may be considered a
17 self-created hardship. But would not
18 necessarily bar the granting of these
19 variances.

20 In conclusion, Mr. Chairman, members
21 of the Board, I would submit that after the
22 fire of January of 2021, the property owner
23 is seeking to restore the property to its
24 previous use. And the Applicant suffered
25 greatly when this fire broke out and

1 destroyed the building. Currently the
2 property is vacant. One of the goals of
3 the project is to use the existing
4 footprint. Which is, if you've seen the
5 property, Mr. Chairman, you stated it's
6 across the street from St. John the
7 Baptist. The foot -- the existing, the
8 footprint of the building is still there
9 even though it's been filled in and the aim
10 here is to use the existing footprint.

11 So with that, I'll turn it over to
12 Mr. Chairman for any questions from you or
13 the members of the Board.

14 THE CHAIRMAN: We have a -- excuse
15 me, we have a report from the traffic
16 department. I'm going to give you a chance
17 to answer it in writing. Okay?

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

19 THE CHAIRMAN: All right. The other
20 thing is, everything -- look, who signed
21 this thing? You notarized it. The letter
22 of authorization?

23 MR. S. VENERUSO: The letter of
24 authorization?

25 THE CHAIRMAN: Yeah.

1 MR. S. VENERUSO: That would have
2 been signed by the client, Your Honor.

3 THE CHAIRMAN: Who?

4 MR. S. VENERUSO: That would've been
5 signed by the owner, the client, I believe
6 his name is Anthony --

7 THE CHAIRMAN: What's his name?

8 MR. S. VENERUSO: I believe Anthony
9 Cosher(ph) is the principal there.

10 THE CHAIRMAN: Who?

11 MR. S. VENERUSO: Anthony Cosher,
12 Mr. Chairman.

13 THE CHAIRMAN: Anthony Cosher?

14 MR. S. VENERUSO: Cosher, with a
15 "C."

16 THE COURT: Well, I tell you what,
17 you get me a new one of these letter of
18 authorization -- lists his name, put the
19 name on it.

20 MR. S. VENERUSO: Understood,
21 Mr. Chairman.

22 THE CHAIRMAN: Okay. The garbage
23 receptacle that you're going to put in
24 there, it just seems -- why is it so big? I
25 mean, you know, there's supermarkets

1 around. It's not a big supermarket you got
2 to put in there. It's 8,000 square feet,
3 whatever it is.

4 MR. S. VENERUSO: Right. I can
5 certainly look into the size of the garbage
6 receptacle. If the Board is familiar with
7 the site that was previously there. It was
8 essentially six store fronts. Three of
9 them -- four were used by the supermarket.
10 And I believe the other two --

11 THE CHAIRMAN: There's going to be a
12 supermarket there, nothing else, right?

13 MR. S. VENERUSO: Well, there's
14 essentially six store fronts and four were
15 occupied by the supermarket. And then the
16 other two were a dry cleaner and a laundry
17 business. So the supermarket, if they were
18 to return, which it's my understanding they
19 do want to, would occupy that same four
20 spaces which run from the corner and four
21 spaces in and then there's two additional
22 retail spaces.

23 THE CHAIRMAN: So going to be four
24 tenants.

25 MR. S. VENERUSO: Mr. Chairman, if I

1 could bring Mr. Masadoni up just to answer
2 that brief question?

3 THE CHAIRMAN: Just tell me is there
4 going to be four tenants?

5 MR. S. VENERUSO: I believe there's
6 three tenants with the store with the
7 grocery store operating four in total.

8 THE CHAIRMAN: We're going to give
9 you a chance to have it as four tenants.
10 Okay?

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

12 THE CHAIRMAN: Going to be one, two,
13 three, four. Okay. But I want to know
14 about the garbage receptacle. I'll give
15 you a chance to answer that. That's a real
16 big one, do you need one that big? And
17 also did you have one that big before
18 there? And can you get as a smaller one?

19 MR. S. VENERUSO: Understood,
20 Mr. Chairman.

21 THE COURT: I'm not familiar with
22 the garbage situation. I know one thing
23 it's gonna be picked up between 8 and 4:30,
24 that's it. No weekends, that's for sure.

25 MR. S. VENERUSO: Understood.

1 THE CHAIRMAN: Any questions of the
2 Board?

3 MR. BATTISTA: I do, Mr. Chairman.

4 THE CHAIRMAN: Mr. Battista.

5 MR. BATTISTA: So what you're
6 proposing is that they go from six retail
7 spaces to only having four retail spaces?

8 THE CHAIRMAN: Huh?

9 MR. BATTISTA: Their plans show for
10 six retail spaces. So are they going to
11 redo the plans to show for four retail
12 spaces?

13 THE CHAIRMAN: Say it again. I'm
14 sorry.

15 MR. BATTISTA: So the plans show for
16 six retail spaces.

17 THE CHAIRMAN: Six retail.

18 MR. BATTISTA: Are they going to
19 redo the plans to show for four retail
20 spaces?

21 THE CHAIRMAN: That's what he's
22 telling me four. So we're going to leave
23 it at four.

24 MR. BATTISTA: But the plans show
25 for six. So if they want to, they can put

1 in six separate businesses unless they redo
2 the plans for four.

3 THE CHAIRMAN: I'm going to give you
4 a chance to change your mind. You want to
5 make it six?

6 MR. S. VENERUSO: Well, if I could
7 clarify my comment, Mr. Chairman. My point
8 was there are six retail spaces. The
9 grocery store which was previously on the
10 site, and my understanding wish to come
11 back to the site, they operate in four of
12 the spaces. So four of the six are
13 occupied by the grocery store. And then
14 the other two are other businesses. That's
15 how it was. But they're essentially six
16 individual retail spaces.

17 MR. BATTISTA: So if the grocery
18 store doesn't come back, it essentially
19 could be six separate businesses?

20 THE CHAIRMAN: Going to cut him some
21 slack. We'll give you six.

22 MR. S. VENERUSO: Correct.

23 THE CHAIRMAN: You can make it one,
24 two, three, four, five and six.

25 MR. S. VENERUSO: Understood,

1 Mr. Chairman.

2 THE CHAIRMAN: Good thinking,
3 Mr. Battista.

4 Are there any other questions of the
5 Board?

6 Okay. Is there anybody here tonight
7 in favor of this application? It's on the
8 corner of Seminary and Yonkers Avenue.
9 Right directly across the street from
10 St. John's Church. Is there anybody here
11 tonight in against this application?

12 Okay. You want to sum up?

13 MR. S. VENERUSO: Mr. Chairman, I
14 just like to thank Mr. Chairman and the
15 Board for your time tonight. That's all.

16 THE CHAIRMAN: Thank you.

17 MR. S. VENERUSO: Thank you,
18 Mr. Chairman.

19 THE CHAIRMAN: You're welcome.

20 Case number 5765, 671 Yonkers
21 Avenue, a motion that the Zoning Board of
22 Appeals pursuant to New York State
23 Environmental Quality Review Act declares
24 its intention to seek Lead Agency status
25 for the purpose of Environmental Review of

1 this action and directs the Planning Bureau
 2 on behalf of the Board, this Board, to
 3 initiate Lead Agency notification and
 4 coordinates a review with all other
 5 agencies involved in this action. If no
 6 other agency, involved agency, seeks to be
 7 Lead Agency within 30 days of effective
 8 date of this notice, the Zoning Board of
 9 Appeals shall assume Lead Agency for the
 10 purpose of Environmental Review of this
 11 matter.

12 Do I have a second?

13 MS. KIMBALL: (Indicated.)

14 THE CHAIRMAN: Ms. Kimball.

15 Everybody in favor say aye.

16 (A chorus of ayes.)

17 THE CHAIRMAN: Anybody opposed?

18 Carried 7-0.

19 Thank you, Mr. Veneruso.

20 MR. S. VENERUSO: Thank you,

21 Mr. Chairman.

22 THE CHAIRMAN: All right. We're
 23 going to do something now. At the
 24 beginning of the hearing we had a hearing
 25 for 16 -- I'm sorry, 1969 Central Park

1 Avenue. And we're going to have a motion
2 here tonight. Excuse me. So we're going
3 to have a motion tonight on this.

4 Case number 5715, 1969 Central Park
5 Avenue negative declaration motion. The
6 Zoning Board of Appeals following its
7 review as Lead Agency of the EAF Part One
8 submitted by the Applicant and set forth in
9 the EAF Parts One and Three hereby find --
10 I'm sorry, I made a mistake, Two and Three,
11 hereby finds that the proposed action will
12 not result in any large or important
13 impacts and therefore will not have a
14 significant impact on the environment
15 hereby this is a negative declaration for
16 the proposed action.

17 Do I have a second?

18 MS. KIMBALL: (Indicated.)

19 THE CHAIRMAN: Ms. Kimball. On the
20 motion, Mr. Battista.

21 MR. BATTISTA: For the motion.

22 THE CHAIRMAN: Ms. Kimball.

23 MS. KIMBALL: For the motion.

24 THE COURT: Mr. Giorgio.

25 MR. GIORGIO: I abstain.

1 THE CHAIRMAN: Oh, that's right.
2 You abstain. I'm sorry. Mr. Landsman.

3 MR. LANDSMAN: For the motion.

4 THE CHAIRMAN: Mr. Singh.

5 MR. SINGH: For the motion.

6 THE CHAIRMAN: MR. Lopez.

7 MR. LOPEZ: For the motion.

8 THE CHAIRMAN: The Chairman votes
9 for the motion. The motion is carried 6-1
10 abstention. On the motion. Do you have a
11 motion?

12 MR. LANDSMAN: Yes, Mr. Chairman.

13 THE COURT: Mr. Landsman.

14 MR. LANDSMAN: This is a new appeal
15 superseding variances previously granted by
16 this Board under ZBA case number 5609.

17 I make a motion to approve the
18 request for the area variances subject to
19 conditions, based on facts, findings,
20 information and testimony presented to this
21 Board at the public hearings, site visits
22 by members of the Zoning Board and
23 otherwise obtained. In making this
24 determination, the Zoning Board of Appeals
25 shall take into consideration the benefit

1 to the applicant and/or owner if the
2 variance is granted as weighed against the
3 detriment to the health, safety and welfare
4 of the neighborhood or community by such
5 grant.

6 The subject property is on the west
7 side of Central Park Ave, at the northern
8 corner of Heights Drive. The property has
9 formally been vacant land bordering the NY
10 City Catskill aqueduct behind it to the
11 west, which serves as a buffer to the
12 neighboring residential area existing on
13 top of the hill leading from Heights Drive.

14 In making such determination the
15 Board shall also consider the Following:

16 1. Whether any undesirable change
17 will be produced in the neighborhood or a
18 detriment to nearby properties will be
19 created by granting of the area variances.

20 The area variances sought will not
21 have any impact because the land is
22 isolated from the residential areas to the
23 west at the top of the hill. Furthermore,
24 there will be no access to or from the site
25 from Heights Drive.

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

6 The benefit sought cannot be
7 achieved any other way as there is no
8 adjoining land available to create the
9 additional parking space setbacks required.
10 The extended retaining walls are needed due
11 to the topography of the site.

12 3. Whether the requested variances
13 are substantial.

14 The variances requested do seem to
15 be substantial numerically but because of
16 the lot layout the variances will not have
17 any impact on other properties.

18 4. Whether the proposed variances
19 will have an adverse effect on the physical
20 or environmental conditions of the
21 neighborhood or district.

22 There will be no adverse effect on
23 the physical or environmental conditions of
24 the neighborhood or district by the
25 granting of these variances. The

1 applicant's lot, as laid out, will be allow
2 for much less density than is otherwise
3 permitted on the site. The applicant has
4 further reduced any potential adverse
5 effect by relocating the proposed building
6 away from the neighboring residential area.

7 Finally, the issues raised regarding
8 the potential adverse effects on the
9 neighboring Catskill Aqueduct existing
10 between the neighborhood on top of the hill
11 and the site on Central Park Avenue have
12 been addressed by the applicant to the
13 satisfaction of the NYS Department of
14 Environmental Conservation, albeit subject
15 to conditions attached to the variances
16 granted herein.

17 5. Whether the alleged difficulty
18 was Self-created.

19 The difficulty is self-created as
20 the applicant had acquired the property,
21 knowing of the potential of needing the
22 requested variances, but this is only one
23 factor the Board has considered in
24 rendering its decision.

25 The board imposes the following

1 conditions:

2 Number 1: All health, safety, fire,
3 building and environmental codes shall be
4 adhered to at all times by the applicant
5 and/or owner.

6 Number 2: Fire, smoke, carbon
7 monoxide detectors and a sprinkler system
8 shall be installed and hard wired
9 throughout the building and connected to an
10 outside 24 hr monitoring system such as
11 ADT.

12 Number 3: If any sidewalk or curbs
13 adjacent to the property, need repair or
14 replacing as per the City Engineer, than
15 the applicant and or owner must make all
16 required repairs or replacements before a
17 certificate of completion will be issued.
18 Sidewalks and curbs shall be built by the
19 applicant going up Heights Drive to the end
20 of the applicant's property or as otherwise
21 directed by the City Engineer.

22 Number 4: All taxes and fines, if
23 owed, must be paid in full 60 days from
24 today's date.

25 Number 5: All parking spots in lot

1 must be clearly marked. Handicapped spaces
2 shall also be clearly marked as shown on
3 the plan.

4 Number 6: Lighting plan must be
5 submitted as part of the planning Boards
6 site plan review.

7 Number 7: Building shall be one
8 story of retail stores. No more than 350 to
9 850 self storage units as stated by the
10 applicant during the course of public
11 hearings.

12 Number 8: These conditions shall be
13 listed on the certificate of occupancy and
14 the applicant and/or tenant(s) shall permit
15 inspections at the discretion of the
16 Department of Housing and Buildings, City
17 of Yonkers, at least once per year to
18 determine that conditions are being met.

19 Number 9: All of the tax lots shall
20 be combined into one.

21 Number 10: Access to the self
22 storage building shall be appropriately
23 supervised and/or monitored ,at all times,
24 to assure patrons' complete security.

25 Number 11: Any change of use to the

1 self storage portion of the proposed
2 building must come back to the ZBA for a
3 new hearing and decision.

4 Number 12: Should the applicant
5 and/or tenant not comply with, breach or
6 violate any of these conditions at any
7 time, the variances granted will be
8 rescinded, without recourse, and the Zoning
9 Board authorizes the City of Yonkers
10 Department of Housing and Buildings to take
11 all appropriate action.

12 Number 13: All expenses associated
13 with these conditions shall be the
14 responsibility of the applicant and or
15 owner.

16 Number 14: Signs shall be posted in
17 the lobby and every floor of the storage
18 building that no flammable or combustible
19 materials shall be stored on site.

20 Number 15: All requests of the NYC
21 Department of Environmental Protection as
22 set forth in its letter, dated August 10,
23 2021, to the Board, attached hereto, and as
24 incorporated herein, shall be adhered to.
25 in toto, by the applicant.

1 Thank you.

2 THE CHAIRMAN: Do I have a second on
3 the motion?

4 MS. KIMBALL: Second.

5 THE CHAIRMAN: Ms. Kimball. On
6 motion, Mr. Battista.

7 MR. BATTISTA: For the motion.

8 THE CHAIRMAN: Ms. Kimball.

9 MS. KIMBALL: For the motion.

10 THE CHAIRMAN: Mr. Giorgio.

11 MR. GIORGIO: I abstain,
12 Mr. Chairman.

13 THE CHAIRMAN: Mr. Landsman.

14 MR. LANDSMAN: For the motion.

15 THE CHAIRMAN: Mr. Singh.

16 MR. SINGH: For the motion.

17 THE CHAIRMAN: Mr. Lopez.

18 MR. LOPEZ: For the motion.

19 THE CHAIRMAN: The chairman votes
20 for the motion. The motion is carried 6-1
21 abstention.

22 The next case tonight is an area
23 variance, Case 5760, Jacob E. Amir,
24 Esquire, on behalf of Dagro Associates II,
25 LLC., owner, at this renovate building as

1 an apartment house, having;

2 - Insufficient side yard Section
3 43-27, Table 43-3, required is 16 feet, 132
4 foot total, proposed is zero. One side.
5 Four -- I'm sorry. They need 6 feet on one
6 side and 132 on the other side. They're
7 proposing zero foot on one side and 4 foot
8 4 inches on the other side total.

9 - Insufficient rear yard under
10 Section 43-27, table 43-3, required 20
11 foot, proposed 16 point -- I'm sorry, 6.5
12 feet,

13 On premises known as 165 North
14 Broadway, Block: 2094, Lot: 25 in a BA
15 Zone.

16 Would you introduce yourself,
17 please.

18 MR. AMIR: Good evening
19 Mr. Chairman, members of the Board. Jacob
20 Amir, Smith, Buss, Jacobs, for the
21 Applicant. And with me is, for the
22 Applicant is Peter Bucciera(ph) and project
23 designer Luigi Landi, who's sitting to my
24 left behind me.

25 Mr. Chairman, members of the Board--

1 THE CHAIRMAN: One second.

2 MR. AMIR: Yes, sir.

3 THE CHAIRMAN: One second, please.

4 Have you notified everybody within a
5 200-foot radius, sir?

6 MR. AMIR: I did, Your Honor --
7 Mr. Chairman.

8 THE CHAIRMAN: You have?

9 MR. AMIR: Yes, Mr. Chairman.

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

12 MR. AMIR: None, Mr. Chairman.

13 THE CHAIRMAN: None. Okay.

14 Is there anybody here tonight on
15 this case? This case is on North Broadway
16 just north of Ashburton Avenue. And if you
17 go farther north it's Bishop, Bishop
18 William Walls Drive. Is there anybody here
19 tonight on this case?

20 Proceed, sir.

21 MR. AMIR: Thank you, Mr. Chairman.

22 This property is in a BA District,
23 general business and apartment houses
24 district. The Applicant is not seeking to
25 change the footprint or the foundation of

1 the building. It's an existing building.
2 The Applicant intends to convert the
3 building to a municipal apartment use. In
4 the northeast corner is the subject setback
5 issue. Behind the property is a, is a, is
6 an apartment building. It's a beautiful
7 landscaped area and halfway behind it, the
8 Applicant intends to convert the basically
9 dilapidated gutted out interior into
10 apartment units. It would beautify the
11 area. It will turn a dilapidated formerly
12 commercial property into a vibrant housing
13 property. There's a mixed-use building to
14 the north. I believe a grocery store to
15 the south. And as I said a large apartment
16 building to the rear.

17 And I believe our principal points
18 lay out the reasons why the area variance
19 should be granted. Again, we're not
20 changing the footprint at all. It's an
21 existing building. It would be a detriment
22 to actually have to remove a rear wall to
23 conform to the setback.

24 THE CHAIRMAN: That's your case?

25 MR. AMIR: That's my case in a

1 nutshell, Mr. Chair. And we rest on that.
2 And unless there are any questions. Or if
3 there are any questions for the Applicant
4 or the project designer.

5 THE CHAIRMAN: You're telling me
6 that you don't think you have to prove your
7 case via Five Points of Law, is that what
8 you're telling me?

9 MR. AMIR: No, not at all,
10 Mr. Chairman. I think we do.

11 THE CHAIRMAN: That's what you said
12 in the thing here then you backed up a
13 little bit. Right or wrong?

14 MR. AMIR: I think you're right,
15 Mr. Chair.

16 THE CHAIRMAN: What'd you say?

17 MR. AMIR: Yes, I think you are
18 right on that, Mr. Chair.

19 THE CHAIRMAN: Because you're
20 telling me, this Board, that we have no
21 right to do it that way. That you should
22 be granted it right away. But then you
23 backed up a little bit. As it gets further
24 down, you said I'm going to give you the
25 Five Principal Points of Law. I'm glad you

1 did that. Believe me. I'm glad you did
 2 that. Because this case would have been
 3 over right now.

4 MR. AMIR: I appreciate that. Thank
 5 you, Mr. Chairman. As we do say in the --
 6 as we do write in our application that I
 7 believe the Applicant meets Five Principal
 8 Points for the area variance.

9 The first being will there be a
 10 benefit achieved that can be achieved by
 11 some other means?

12 We respectfully don't believe so.
 13 This is an old building. We cannot
 14 feasibly remove a rear wall and strain the
 15 footprint of the building. It's a tight
 16 space. All around to the all adjacent
 17 buildings.

18 Will there be an undesirable change
 19 in the neighborhood?

20 No. In fact the change will be most
 21 desirable to convert a, with all due
 22 respect to the building, a decrepit,
 23 dilapidated building to a vibrant building.
 24 Interior and exterior.

25 Is the request substantial?

1 Respectfully, no. Because we are
2 not changing the footprint of the building.
3 It is existing in its current state.

4 And will there be an adverse -- will
5 there be an adverse physical or
6 environmental effect?

7 No, there will be a positive effect
8 on the environment based upon the
9 improvement. It would be tremendous
10 improvement to the building.

11 And is the difficulty self-created?

12 No, the Applicant acquired the
13 property in 2016. It had been used for
14 commercial purposes. The Applicant had
15 made efforts to use it for commercial
16 purposes. It's been sitting basically
17 abandoned. And so this the -- although
18 it's not a use variance, it is the best use
19 of this property.

20 So we respectfully submit that the
21 Five Points have been met. The Applicant
22 also included photographs of the interior
23 and exterior of the property including the
24 rear corner where essentially the setback
25 issue comes up. And we do not believe that

1 granting the variance will have any
2 negative effect either on the neighborhood
3 or particularly on the adjacent property
4 owners.

5 THE CHAIRMAN: When I'm looking at
6 the building from the North Broadway, the
7 supermarket or the store, whatever it is
8 there, is that part of this property? Do
9 your clients own that project too?

10 MR. AMIR: They own the supermarket
11 which would be to the left if you're
12 looking at the building.

13 THE CHAIRMAN: I'm on North
14 Broadway. If I look to my right, you got a
15 building there. And then you got a street,
16 Ashburton Avenue. When I look to my left,
17 looking at your building, on my right
18 rather, I see what used to be maybe a
19 supermarket or something. Looks like it's
20 closed up. Is that your client's building?

21 MR. AMIR: It is.

22 THE CHAIRMAN: It is?

23 MR. AMIR: It is.

24 THE CHAIRMAN: Okay. We're going to
25 take that up. Okay. Think about it.

1 Where are you going to park the cars?

2 MR. AMIR: There, it is our
3 understanding, will be parking in front and
4 to the side will be parking?

5 (Brief conference.)

6 MR. AMIR: There's spots in the
7 front. But there's no parking required in
8 that, in that.

9 THE CHAIRMAN: No, no, you got it
10 wrong. With me there's a parking
11 requirement. Maybe. Okay? If I get
12 parking, it's going to go there. Okay?
13 Let's think about it. Maybe going to come
14 back next month. Get used to me. I don't
15 know.

16 MR. AMIR: I've been before you,
17 Mr. Chairman.

18 THE CHAIRMAN: I know you have. I
19 like you too. You're a nice guy.

20 MR. AMIR: Appreciate it.

21 THE CHAIRMAN: Don't try to pull the
22 wool over my eyes. There's places for
23 parking. Since your client's owned that
24 supermarket next door, whatever it is, and
25 they own that building, but proposed is

1 building now. That they want to put there.
2 And clients own the building on the corner
3 of Ashburton and North Broadway.

4 MR. AMIR: Yes, we do.

5 THE CHAIRMAN: You own the building
6 on the corner of Ashburton -- so you own
7 the whole block there. What else do you
8 own there? Do you own anything north of
9 that closed up supermarket?

10 MR. AMIR: Can -- my client is here.
11 Maybe they can answer the question.

12 THE CHAIRMAN: It's up to you. You
13 want to put him on, once I swear them in,
14 they gotta answer questions.

15 MR. AMIR: Yeah, or I can ask him.
16 I don't know the answer to that question.

17 THE CHAIRMAN: Okay.

18 MR. AMIR: That specific question.
19 Can I ask?

20 THE CHAIRMAN: Yeah, sure. Sure.
21 (Brief conference.)

22 MR. AMIR: Thank you, Mr. Chairman,
23 for your patience. My clients own 165,
24 which is the subject property. They own
25 163, which is to the left, the supermarket.

1 They own 161, which is the next building to
2 the north and 171 and then 173.

3 THE CHAIRMAN: So he owns four
4 properties on that corner?

5 MR. AMIR: Correct.

6 THE CHAIRMAN: Okay. So, you better
7 start looking up where you're going get
8 some parking. That's going to be the next
9 question. If I bring it back next month,
10 that's going to be the question. Okay? I
11 can see parking in the front. Now, right
12 there, there's some curb cuts, if I
13 remember correctly.

14 Ms. Kimball, you were up there with
15 me. Did you see some curb cuts?

16 MS. KIMBALL: Yes.

17 THE CHAIRMAN: Okay. So, also in
18 one of the floors to this building, there's
19 a gym setup there. What you got a gym
20 working there?

21 MR. AMIR: On the second floor,
22 there's some old gym equipment.

23 THE CHAIRMAN: There's all what?

24 MR. AMIR: There was some old gym
25 equipment. Which is very old, you know,

1 rusty gym equipment on the second floor.

2 THE CHAIRMAN: It doesn't look too
3 old to me. But I'll let it go with that.
4 If you say so. All right. So we gotta
5 figure out now, we're going to have two
6 residents in the basement, two on the
7 second floor, two on the third floor,
8 right?

9 MR. AMIR: I think we're going to
10 have, we're going to have two on the second
11 floor, five on the first floor.

12 Can I get the project designer?
13 Maybe he can explain the layout of the
14 project better than I can?

15 THE CHAIRMAN: I'm here. I should
16 have been home already. But that's okay.
17 I'll stay. I have got one more case here.

18 MR. LANDI: Mr. Chairman.

19 THE CHAIRMAN: Are you an attorney?

20 MR. LANDI: No.

21 THE CHAIRMAN: You're not. Raise
22 your right hand, please. Do you solemnly
23 swear to tell the truth, the whole truth,
24 and nothing but the truth so help you God?

25 MR. LANDI: I do.

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

3 MR. LANDI: My name is Luigi Landi
4 and I reside at 16 Turner Lane --

5 (Noise interference.)

6 THE CHAIRMAN: Huh?

7 MR. LANDI: 16 Turner Lane, Mount
8 Kisco, New York.

9 COURT REPORTER: Your name again?

10 MR. LANDI: Luigi Landi.

11 THE CHAIRMAN: Proceed, sir.

12 MR. LANDI: Okay. So, in terms of
13 the number of the apartments, I believe,
14 that's what we're discussing, we have five
15 apartments proposed on the first floor
16 basement. And another six on the first
17 floor, and two on the, on the top floor.

18 THE CHAIRMAN: Okay. Let me ask you
19 a question.

20 MR. LANDI: Yes, sir.

21 THE CHAIRMAN: You're going to have
22 how many in the basement floor?

23 MR. LANDI: There are total of five
24 units.

25 THE CHAIRMAN: Huh?

1 MR. LANDI: Five.

2 THE CHAIRMAN: Five in the basement?

3 MR. LANDI: Five in the basement.

4 THE CHAIRMAN: So that's what I'm
5 looking at when I go to that fence, I look
6 down, that's the basement.

7 MR. LANDI: It is, it is a walkdown
8 basement, yes.

9 THE CHAIRMAN: Huh?

10 MR. LANDI: It is.

11 THE CHAIRMAN: So you got five in
12 the basement. And then on the next floor
13 you're going to have how many?

14 MR. LANDI: Six.

15 THE CHAIRMAN: Two?

16 MR. LANDI: Six. Six.

17 THE CHAIRMAN: Two?

18 MR. LANDI: On the first floor?

19 THE CHAIRMAN: I'm sorry. I didn't
20 hear you. Let me go over it again. In the
21 basement, when I go to the fence in the
22 front, I look down, you're going to have
23 five down there?

24 MR. LANDI: Correct.

25 THE CHAIRMAN: Now on I'm standing

1 at against the fence, you're going to have
2 two there?

3 MR. LANDI: Okay.

4 Yes.

5 THE CHAIRMAN: Okay. And then next
6 floor you're going to have two?

7 MR. LANDI: There's two on the top
8 floor.

9 THE CHAIRMAN: All right. So you're
10 going to have a total of nine?

11 MR. LANDI: Thirteen.

12 THE CHAIRMAN: Huh?

13 MR. LANDI: Total of 13 apartments.

14 THE CHAIRMAN: Thirteen apartments?

15 MR. LANDI: Yes.

16 THE CHAIRMAN: Five, two, and two.
17 That's nine.

18 MR. AMIR: Yes, Mr. Chairman, just
19 to clarify, five in the basement, six on
20 the first floor, two on the second floor.

21 THE CHAIRMAN: Okay. So that's 13.

22 Okay. And you gotta find some parking.

23 You own all this property. Take a look it.

24 Okay.

25 MR. AMIR: All right.

1 THE CHAIRMAN: Okay. And be
2 prepared indubiously, be prepared to add a
3 sprinkler system in.

4 MS. KIMBALL: Mr. Chairman. Could
5 they also possibly clean the property?
6 There seems to be some dumping.

7 THE CHAIRMAN: Huh?

8 MS. KIMBALL: I said could they also
9 clean the property? There seems to be
10 dumping of mattresses and other items that
11 were --

12 THE CHAIRMAN: Good idea.

13 MR. AMIR: Understood. There will
14 be a beautification.

15 THE CHAIRMAN: Huh?

16 MR. AMIR: The Applicant intends to
17 beautify and clean the property up.

18 THE CHAIRMAN: He intends to what?

19 MS. KIMBALL: Before you beautify
20 it, you need to clean it.

21 MR. AMIR: We'll clean it, yes.

22 THE CHAIRMAN: No, no, Ms. Kimball's
23 got a good idea. I was over there with
24 her. The place is a pigpen. It's a mess.
25 Okay? I'm going to be visiting there I

1 would say within the next 30 days. I hope
2 to see it cleaned up.

3 MR. AMIR: Understood, Mr. Chairman.

4 THE CHAIRMAN: What'd he say?

5 MR. LANDI: No, the owner --

6 THE CHAIRMAN: Says he's going to
7 clean it up.

8 MR. LANDI: Owner agreed to it.

9 THE CHAIRMAN: All right. Just want
10 to sure.

11 MR. LANDI: Of course.

12 THE CHAIRMAN: Because I'm going to
13 be there. Might call you to come down and
14 show me around. I don't know yet. But I'm
15 going to there. Ms. Kimball is going to go
16 with me. And I want nothing to happen to
17 Ms. Kimball. The place has gotta be
18 cleaned up. I'm serious about it.

19 MR. AMIR: That's understood and we
20 agree.

21 THE CHAIRMAN: Any other questions
22 of the Board? Mr. Giorgio.

23 MR. GIORGIO: No, I wasn't.

24 MR. LANDSMAN: (Indicated.)

25 THE CHAIRMAN: Mr. Landsman.

1 MR. LANDSMAN: Yeah, I have a couple
2 of things.

3 Mr. Amir, on the documents you
4 submitted, did they change the part -- you
5 put in 12 units, five in the basement, five
6 on the first floor and two upstairs, you
7 put 12 units now you're saying it's 13.

8 MR. AMIR: I think it was -- it's
9 13. That might have been my error.

10 MR. LANDSMAN: So it was an error?

11 MR. AMIR: That's an error.

12 MR. LANDSMAN: Also you just stated
13 that you don't need parking. I mean why?
14 Why do you think you don't need parking?

15 MR. LANDI: Parking, parking is not
16 required to be the former use.

17 MR. LANDSMAN: In what?

18 MR. LANDI: The former use of the
19 building, commercial.

20 MR. LANDSMAN: Yeah, but now you're
21 putting in apartments.

22 MR. LANDI: We are putting
23 apartments. And we are providing two
24 parking spaces right in front of the
25 property.

1 MR. LANDSMAN: You probably need at
2 least 18 to 20 spots.

3 MR. LANDI: We're just going by the
4 Zoning code.

5 MR. LANDSMAN: The Zoning Code is
6 probably 18 to 20 spots now for these
7 apartments.

8 MS. KIMBALL: They probably have a
9 credit.

10 MR. LANDI: Exactly.

11 MS. KIMBALL: Jeffrey, they might
12 have a credit.

13 MR. LANDSMAN: Credit. And one last
14 thing, Mr. Amir, you kept stating the, you
15 know, the property is old and dilapidated,
16 rundown, I mean the current owner kept it
17 dilapidated. He didn't just buy this. He
18 let it rundown like that. It's an eyesore
19 the way it is now.

20 MR. AMIR: I think it was in its
21 condition when he acquired it. He was
22 going to renovate it for commercial use but
23 just wasn't economically feasible to do
24 that.

25 MR. LANDSMAN: Thank you.

1 THE CHAIRMAN: Any other questions?
2 Any questions of the Board?

3 Is there anybody here tonight in
4 favor of this application? Is there
5 anybody here tonight opposed to this
6 application?

7 Okay. Would you like to sum up,
8 sir?

9 MR. AMIR: Well, I would ask if
10 Mr. Chair and the Board will require
11 something in advance to the next session
12 for submission, which we will do of course
13 in time before. We can certainly do that.
14 Including addressing the parking, scope of
15 the parking. And we will do that. And
16 just abide by the Board in terms of
17 cleaning up the property.

18 THE CHAIRMAN: Okay. What we're
19 going to do, I am going to close this
20 hearing. But I'm just going to tell you
21 right now, I might reopen it. You never
22 know. But I'm going to close it as of now.
23 We're going need you to call the Building
24 Department, I'm not available the rest of
25 the week. I need a break from some of

1 these people. You know. I'm going to
2 Florida. So, you call Mr. Barbuti here and
3 line up an appointment and I'll be there.
4 I'd like this gentleman there from Mount
5 Kisco. Because he's very knowledgeable now
6 about this building. You go into that.
7 You want to bring Mr. Cosher over. That's
8 fine. That's up to you. So I'm going to
9 close the hearing as of today, but just
10 warning you that I might reopen it.

11 MR. AMIR: That's understood,
12 Mr. Chair.

13 THE CHAIRMAN: Please. And be nice
14 to see that place cleaned up a little bit.

15 MR. AMIR: That's agreed. And I'll
16 call Mr. Barbuti's office and we'll make
17 that that arrangement.

18 THE CHAIRMAN: We're going to have
19 to get into that store, both stores. I
20 know one right now is active. We're going
21 to have to get into the other store too.
22 Because on top of that store on the corner
23 of Ashburton and North Broadway, there's
24 apartments up there.

25 MR. AMIR: Right. One of them is --

1 yes, that's correct.

2 THE CHAIRMAN: Believe me. Okay.

3 Thank you.

4 MR. AMIR: Thank you.

5 MR. LANDI: Thank you.

6 THE CHAIRMAN: All right. This
7 hearing is hereby closed unless there's a
8 request for it to be reopened for any
9 reason whatsoever, any time whatsoever, and
10 that includes after decision is made.

11 Thank you, sir.

12 MR. AMIR: Thank you.

13 THE CHAIRMAN: We have one more case
14 here tonight. And this case is number
15 5750, it's an area variance, Robert
16 Gaudio. He said hello to me before. I
17 know the name. Esquire. On behalf of the
18 Church of Jesus Christ of Latter-Day
19 Saints, owner, on premises known as 201
20 Glenwood Avenue also known as 176 Park
21 Avenue, Block: 2164, Lot: 39, in the MG
22 Zone. Would you introduce yourself,
23 please.

24 MR. GAUDIOSO: Good evening,
25 Mr. Chairman Cianciulli, members of the

1 Board, Robert Gaudio, Partner Law Firm
2 Snyder and Snyder, 94 White Plains Road,
3 Tarrytown, New York. Good evening.

4 THE CHAIRMAN: By the way, how is
5 Ms. Snyder doing?

6 MR. GAUDIOSO: She's very well. She
7 sends her regards.

8 THE CHAIRMAN: I send my regards to
9 her.

10 MR. GAUDIOSO: Thank you.

11 THE CHAIRMAN: She's a lovely
12 person.

13 MR. GAUDIOSO: Thank you.

14 THE CHAIRMAN: Believe me. She's
15 got my respect. Go ahead. Let me do this
16 first. Everybody in the 200-foot radius
17 been notified?

18 MR. GAUDIOSO: Yes.

19 THE CHAIRMAN: Did anything come
20 back that was undeliverable?

21 MR. GAUDIOSO: No.

22 THE CHAIRMAN: Is there anybody here
23 tonight on this case? This case on the
24 corner of the Glenwood and Palisade Avenue.

25 Okay. Proceed, sir.

1 MR. GAUDIOSO: Thank you,
2 Mr. Chairman. As you may recall back in
3 June, the Applicant first appeared before
4 the Board. There were some comments from
5 the public that the Applicant has taken
6 last few months to try to and address as
7 best as possible. One of the comments was
8 regarding the dumpster adjacent to the
9 property line. The Applicant has revised
10 the plan to relocate the dumpster next to
11 the proposed church and away from the
12 property line.

13 The Applicant has also prepared a
14 full landscaping plan as on shown on
15 revised plans to show buffering around the
16 north and east side of the property as well
17 as the front of the property on the two
18 front property lines. In addition to that,
19 the Applicant has shown on the plans
20 they've agreed to replace all of the
21 damaged sidewalks and the damaged curbing
22 along both frontages of the property.

23 The Applicant has also revised the
24 plans in a number of different ways to
25 reduce the number of variances. One of the

1 main items is that the Applicant has been
2 able to reduce the number of parking
3 variances related to the location of the
4 parking. It was originally variances
5 placed parking within ten feet of the
6 building. Within the front property line
7 and within the right-of-way. All those
8 variances have been eliminated.

9 The Applicant has also proposed on
10 the north and eastern corner of the
11 property, the decorative wall to both
12 screen the property to help level the
13 property, and to be able to buffer any car
14 lengths that would be in that parking lot
15 from the adjoining residences in those
16 areas. And that's been shown on the plans
17 as well.

18 The Applicant has submitted a number
19 of additional documents including those
20 revised plans. A number of support letters
21 talking about the good work of this church
22 and in the community, the need for this
23 church in the community, the services
24 provided to the community from this church.
25 The Applicant's also provided a number of

1 photographs. I believe approximately a
2 dozen different steeples throughout the
3 City of Yonkers. There are many more than
4 that but just to give a flavor for the
5 types of steeples in the area and the
6 support for this proposed steeple.

7 So with that, Chairman, I know it's
8 late. I'd be happy to answer any
9 questions. We do have Mr. Randy Carter
10 here, our professional architect, as well
11 as the support from the church. But
12 essentially, we've taken the last few
13 months to be able to revise the plans,
14 eliminate the variances we were able to
15 eliminate, add the landscaping, the wall,
16 the buffering, the relocation of the
17 garbage and the relocation and the
18 numeration of the parking in satisfaction
19 of some of the comments that we heard the
20 last time from both the Board and from the
21 public.

22 Thank you, Mr. Chairman.

23 THE CHAIRMAN: You're welcome.

24 What's going to be the height of the
25 steeple?

1 MR. GAUDIOSO: The steeple will be
 2 67 feet point 5 from the base of the
 3 Church. We received the Department of
 4 Building's direction that you technically
 5 measure it as an average elevation of the
 6 center of both street lines. We believe
 7 the center of the street lines are
 8 approximately one or two feet higher. So
 9 we believe that the steeple as measured
 10 under the Code will be a few feet lower
 11 than 67.5. But directly, 67.5.

12 THE CHAIRMAN: So you're talking
 13 about being 67.5, 65.5, or 69.5?

14 MR. GAUDIOSO: No, 65.5 is 67.5.
 15 Only down.

16 THE CHAIRMAN: And that's from the
 17 ground?

18 MR. GAUDIOSO: That's from the
 19 ground, 67.5 from the center line of both
 20 streets, a foot or two lower than that.

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

23 You have, you're going to be going
 24 to -- you're just going to have a Sunday
 25 service and some other services?

1 MR. GAUDIOSO: Correct.

2 THE CHAIRMAN: You're not going to
3 have any, you're not going to have any --
4 they're all going to be church-related
5 things.

6 MR. GAUDIOSO: Correct.

7 THE CHAIRMAN: You're not going to
8 rent the building out to somebody down the
9 street someplace?

10 MR. GAUDIOSO: Correct.

11 THE CHAIRMAN: It's all
12 church-related.

13 MR. GAUDIOSO: All church-related.

14 THE CHAIRMAN: Mass for the church
15 is on the Sunday?

16 MR. GAUDIOSO: Yes.

17 THE CHAIRMAN: Not Saturday?

18 MR. GAUDIOSO: Correct.

19 THE CHAIRMAN: Okay. Because I go
20 to St. Joseph's over there. They got one
21 on Saturdays. Okay.

22 MS. KIMBALL: Mr. Chairman?
23 Mr. Chairman?

24 THE CHAIRMAN: Yes.

25 MS. KIMBALL: May I ask a question?

1 THE CHAIRMAN: Sure.

2 MS. KIMBALL: Is the parking going
3 to be for the church and only for your
4 congregants? And I ask this because I've
5 been to Whalen and Ball and oftentimes the
6 parking --

7 MR. GAUDIOSO: Correct. Only for
8 the Church.

9 MS. KIMBALL: Okay. And that'll be
10 a condition of the -- that would be a
11 condition of the approval, if given?

12 MR. GAUDIOSO: No objection.

13 MS. KIMBALL: Okay. Thank you.

14 THE CHAIRMAN: Are there any other
15 questions of this gentleman from the Board?
16 Okay.

17 Do you want to bring anybody up?
18 We're going to leave it at that, right?

19 MR. GAUDIOSO: I'll leave it at
20 that, Mr. Chairman. It's late.

21 THE CHAIRMAN: Good idea. Is there
22 anybody here tonight to speak in favor of
23 this application? Is there anybody here
24 tonight to speak in opposition?

25 What happened to the gentleman from

1 Arizona, wherever he came from?

2 MR. GAUDIOSO: He's stuck behind me,
3 Mr. Chairman. He's not interested.

4 THE CHAIRMAN: He's got the mask on.

5 MR. GAUDIOSO: He's wants to go back
6 to Arizona.

7 THE CHAIRMAN: You're sending him
8 back to Arizona?

9 MR. GAUDIOSO: Tomorrow morning at 5
10 o'clock in the morning.

11 THE CHAIRMAN: Well, he was good.

12 MR. GAUDIOSO: He was good.

13 THE CHAIRMAN: He held his own.

14 MR. GAUDIOSO: I heard.

15 THE CHAIRMAN: Yeah.

16 MR. GAUDIOSO: This is a tough
17 crowd.

18 THE CHAIRMAN: Yeah, he held his
19 own. It's not a tough crowd, I'm a tough
20 crowd. I'm surprised he's back.

21 MR. GAUDIOSO: That's why he sent
22 me.

23 (Brief pause in the proceedings.)

24 This case is closed. Reserve the
25 right to reopen it up at any time

1 whatsoever, for any reason whatsoever, that
2 includes after the decision is made.

3 Thank you.

4 MR. GAUDIOSO: Thank you very much.

5 THE CHAIRMAN: Don't forget to say
6 hello to Ms. Snyder.

7 MR. GAUDIOSO: I will. Thank you.
8 I appreciate that. Have a great evening.
9 And thank you.

10 THE CHAIRMAN: All right. We got a
11 few little things we gotta get going here.
12 Where is Ellman?

13 MR. ELLMAN: I'm over here.

14 THE CHAIRMAN: Can I see you on this
15 end?

16 (Brief conference.)

17 THE CHAIRMAN: All right. We have
18 one over here for a modification for
19 McDonald's over on Tuckahoe Road. We went
20 over to visit there. I think Mr. Landsman
21 and I did. And the fire department wrote a
22 letter, which is what I was looking for.
23 And because of the fire department's letter
24 -- where is that?

25 MR. LANDSMAN: I e-mailed it to you.

1 THE CHAIRMAN: Where is it?

2 MR. LANDSMAN: On your computer.

3 (Brief pause in the proceedings.)

4 MR. LANDSMAN: Okay. New York State
5 Code, this is from Chris Desantis, the New
6 York State Code would not require a
7 sprinkler system to be installed within
8 this facility based on the limited
9 renovation and no additional New York State
10 Code requirements, we do not oppose the
11 modification to the ordinance seeking
12 relief from the sprinkler requirement.
13 Thanks, Chris.

14 THE CHAIRMAN: Chris Desantis?

15 MR. LANDSMAN: He says, thanks,
16 Chris. The e-mail address says --

17 THE CHAIRMAN: It's Chris Desantis,
18 the Fire Chief, in charge of Fire
19 Protection.

20 MR. LANDSMAN: Yes.

21 THE CHAIRMAN: Okay. Because of
22 that letter, I'm going make a motion that
23 we eliminate that one condition about the
24 fire sprinkler system. It's special
25 condition number 7. Do I have a second?

1 MS. KIMBALL: (Indicated.)

2 THE CHAIRMAN: Everybody in favor
3 say aye.

4 (A chorus of ayes.)

5 THE CHAIRMAN: Okay. That's passed
6 7-0.

7 I don't know what's going on with in
8 McLean Associates. We didn't get an answer
9 back on this. All right. I am going to
10 cut the guy some slack because of COVID.
11 He paid the \$750. Would you please tell
12 him that this is the last one we're going
13 to issue. That he admits that he's got
14 some work to do and that's what he's going
15 try to do. It's a long time. He's paid it
16 each time. Am I'm okaying this?

17 All right. I'm going to make a
18 motion that we give him, he wants -- this
19 is going to be the last one. This case
20 5150, 377 McLean Avenue. I'll make a
21 motion that we give him one year from, one
22 year from tonight.

23 Mr. Barbuti, please tell this
24 gentleman, his name is Mr. Valentine. If I
25 remember correctly. Michael Valentine.

1 Tell him he's not going to get no more.

2 This is the last one. Do I have a second?

3 MR. GIORGIO: (Indicated.)

4 THE CHAIRMAN: Okay. On the motion,
5 everybody in favor say aye.

6 (A chorus of ayes.)

7 THE CHAIRMAN: Anybody opposed?

8 7-0.

9 Then we got one from Jimmy Dibbini.
10 Jimmy Dibbini is the lawyer for, I
11 guess, Ridge Hill, 371, the signs saying
12 Yonkers, New York in two places. One when
13 you come in from the south at the top of
14 the hill right there, Yonkers, New York.
15 And one when you come in from the north,
16 which would be, you're going north, there's
17 a big sign there, Yonkers, New York.

18 So, clarify this for Mr. Dibbini.
19 That's case number 5675, 73 Market Street,
20 Block: 4066, Lot 1, in a PMD Zone. It's
21 condition number 8. I'm going to say that
22 we want the sign, when they make the turn
23 on, going northbound on the Thruway. When
24 you come off the Thruway to make the turn
25 there, there's a big sign there that says

1 -- it's got all kinds of people who rent up
2 there. I want the sign right there.
3 Yonkers, New York. And we want a halfway
4 decent sign. A large sign saying Yonkers,
5 New York.

6 MR. LANDSMAN: Again, I believe it
7 says, Westchester, New York. It should
8 just replace Westchester with Yonkers.

9 THE CHAIRMAN: Westchester, New
10 York. We want it replaced with Yonkers,
11 New York. They want to put Westchester on,
12 let them find another place. Then on top
13 of the hill when you come up the hill --

14 MR. LANDSMAN: Same thing.

15 THE CHAIRMAN: -- from Tuckahoe
16 Road. From Tuckahoe Road. Right at the
17 top of the hill, there's an island there.
18 I want the sign, Yonkers, New York, right
19 there. We want it a good sign there so
20 people know it's Yonkers, New York.

21 Do I have a second on the motion?

22 MR. BATTISTA: Second.

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

25 (A chorus of ayes.)

1 THE CHAIRMAN: That's a good motion.
2 All right. 7-0.

3 Then we got one from Mitnik. This
4 is the Home Field Deli. I guess he's gotta
5 come back; am I right?

6 MR. BARBUTI: Yeah.

7 THE CHAIRMAN: Going to put this to
8 the side. I think he has to come back.
9 Got some new problems over there.

10 MS. KIMBALL: Yes, he does.

11 THE CHAIRMAN: Off the record.

12 (Off-the-record discussion.)

13 THE CHAIRMAN: Going to go back on
14 the record.

15 Ms. Kimball wrote me an e-mail about
16 this Kingsley Drive. Kingsley Drive, we
17 turned this fellow down and complained
18 about the dump truck. It seems to the
19 Board that he's up there running a
20 construction company out of the side yard.
21 He's got equipment there. I think he loads
22 stuff there. And we has pictures of it and
23 everything. So would you take that up and
24 tell this fellow?

25 Okay. Then I make a motion that we

1 adjourn.

2 MR. LANDSMAN: Oh, excuse me, I
3 think there's one more. There's an
4 extension on Midland Avenue; am I right?

5 MS. KIMBALL: 861 Midland.

6 THE CHAIRMAN: I thought we gave it
7 to the fellow.

8 MR. LANDSMAN: No, I think -- did I
9 get it wrong? I thought I saw extension
10 request.

11 THE CHAIRMAN: Yeah, okay. We'll
12 take it.

13 MR. LANDSMAN: On Midland Avenue.

14 THE CHAIRMAN: We'll take it.

15 MS. KIMBALL: Yeah, Accinelli's
16 case.

17 THE CHAIRMAN: We'll take it. No
18 problem. Thank you. I make a motion that
19 on case number 5054, Lots 28 and 29, I'm
20 sorry, Lot 5054, Case 5582 for Sammy
21 Midland properties, that we give an
22 extension from, we'll give him until
23 tonight. It's September 21st for one year.
24 Okay. Do I have second?

25 MR. BATTISTA: Second.

1 THE CHAIRMAN: Second. Everybody in
2 favor say aye.

3 (A chorus of ayes.)

4 THE CHAIRMAN: Okay. 7-0. Make a
5 motion to adjourn. Do you want this back?

6 MS. KIMBALL: No.

7 THE CHAIRMAN: Thank you, ladies and
8 gentlemen. This was nice.

9 (Time Noted: 9:12 p.m.)

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CERTIFICATION

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand.



LYNNETTE MORATO,
COURT REPORTER

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