

1 CITY OF YONKERS

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3 Minutes of
4 The City of Yonkers Zoning Board of Appeals
5 Held Via
6 WebEx Virtual Meeting
7 February 15, 2022 - 6:00 p.m.

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9 B E F O R E:

- 10 JOSEPH CIANCIULLI, Chairman
- 11 HARRY SINGH, Member
- 12 HECTOR LOPEZ, Member
- 13 WILSON KIMBALL, Member
- 14 VINCENT GIORGIO, Member
- 15 RALPH BATTISTA, Member
- 16 JEAN TICKELL, Member

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18 P R E S E N T:

- 19 MIKE REAPE, Building Department
- 20 MATTHEW GALLAGHER, Corporation Counsel
- 21 RACHEL KRAVITZ, Associate Corporation
- 22 Counsel
- 23 LEE ELLMAN, Planning Department
- 24 ZACHARY NERSINGER, Planning Director

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1 THE CHAIRMAN: All right. The
2 February 2022 Zoning Board of Appeals
3 public hearing is now in session. Would
4 the members introduce themselves starting
5 with Ms. Kimball.

6 MS. KIMBALL: Wilson Kimball.

7 THE CHAIRMAN: Mr. Singh.

8 MR. SINGH: Harry Singh.

9 THE CHAIRMAN: Mr. Lopez.

10 MR. LOPEZ: Hector Lopez.

11 THE CHAIRMAN: Mr. Giorgio.

12 MR. GIORGIO: Vincent Giorgio.

13 THE CHAIRMAN: Okay. Mr. Battista.

14 MR. BATTISTA: Ralph Battista.

15 THE CHAIRMAN: I don't think I
16 forgot anybody.

17 MS. TICKELL: You forgot me. Jean
18 Tickell.

19 THE CHAIRMAN: I'm sorry.

20 MS. TICKELL: That's okay.

21 THE CHAIRMAN: I apologize to you,
22 Ms. Tickell. And my name is I'm Joseph
23 Cianciulli, I'm chairman of the Board.
24 Tonight we're going to have -- first off,
25 we're going to say the Pledge of

1 Allegiance.

2 Mr. Giorgio, would you lead us in
3 the Pledge of Allegiance, please.

4 MR. GIORGIO: Sure.

5 (Pledge of allegiance.)

6 THE CHAIRMAN: Thank you. Do I have
7 a motion to accept the minutes of the last
8 hearing?

9 MR. BATTISTA: Second.

10 THE CHAIRMAN: Who made the motion?

11 MR. BATTISTA: Mr. Battista.

12 THE CHAIRMAN: Mr. Battista. Okay.
13 Second, Mr. Lopez, everybody in favor say
14 aye.

15 (Chorus of ayes.)

16 THE CHAIRMAN: Any opposed? All
17 right. That's carried 7-1. Okay.

18 So let me just give a little
19 synopsis here. Tonight we're going to have
20 no decision on case 5758. That's Steven
21 Accinelli. That's 45 Water Grant Street.
22 That's down, the old Power Plant. There
23 will be a decision tonight on 5759.
24 Mr. Saraceno on McLean Avenue. There will
25 not be a decision tonight on 5760, an area

1 variance at 165 North Broadway. And we're
2 going to have some comments. There will
3 not be a decision tonight on 5772, 453
4 Bronxville Road. Mr. Romano wrote us a
5 letter and he said in the letter basically
6 that he wanted to put it over. There will
7 not be a decision tonight on 527 and 531
8 Van Cortlandt Park Avenue. I have to
9 something to say on that in a minute.
10 There will be a decision on 5773,
11 Mr. Veneruso, at 56 Dellwood Road. And
12 there will not be a decision tonight on
13 5775, 409 Warburton Avenue.

14 Mr. Maniglia wrote an e-mail today.
15 They're going to put that over down there
16 on 90 Pier Street. And that's case 5727A.
17 And then 5774 is 57 Locust Hill Avenue.
18 There will be a continued hearing on that
19 tonight. Okay. Just one second, please.
20 Let's get through that one.

21 On 165 North Broadway, Ms. Kimball.

22 MS. KIMBALL: I'm sorry, regarding
23 165 North Broadway case 5760, Chairman?

24 THE CHAIRMAN: Yes.

25 MS. KIMBALL: Yes. We are not

1 having a decision on this because we have
2 not received the parking study as requested
3 by the City Engineer in September and
4 discussed by you at the last meeting as a
5 requirement and acknowledged by the
6 application nor have we have any evidence
7 of a C of O as requested by the Planning
8 Department which would therefore indicate
9 how much of a parking credit the applicant
10 had and could apply to the parking issue at
11 hand.

12 THE CHAIRMAN: Okay. So we're going
13 to put that over. Everybody in favor
14 putting that over say aye.

15 (Chorus of ayes.)

16 THE CHAIRMAN: Any opposed? Okay.
17 And also on Bronxville Road, I make
18 a motion to put that over. Can I have a
19 second?

20 MS. KIMBALL: Second.

21 THE CHAIRMAN: Everybody in favor
22 say aye.

23 (Chorus of ayes.)

24 THE CHAIRMAN: Okay. Anybody
25 opposed? All right. 165. All right. And

1 on Water Grant Street, they want to --
2 going to put that over right now. I'm
3 going to make a motion to put that over.

4 Do I have a second?

5 MS. KIMBALL: Second.

6 THE CHAIRMAN: Everybody in favor
7 say aye.

8 (Chorus of ayes.)

9 THE CHAIRMAN: Anybody opposed?
10 Okay. That's carried 7-0. All right.
11 North Broadway. Okay.

12 Now, we come to 5769, improvement
13 intensification of a non-conforming use and
14 an area variance, 527 also known as 531 Van
15 Cortlandt Park Avenue.

16 Mr. Badaly, are you there?

17 MR. BADALY: Yes, sir. Yes, I am.

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

22 MR. BADALY: Yes, I do.

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

25 MR. BADALY: Shahin Badaly, 2 Wilson

1 Place, Mount Vernon, New York 10550.

2 THE CHAIRMAN: Okay. We're going to
3 need some, on the intensification part of
4 this variance, that's use variance proof.
5 You're going to have to get that to us.
6 You know what that is, use variance proof?

7 MR. BADALY: Yes, sir, I am familiar
8 with it; however it is not my expertise so
9 I had advised the applicant since the last
10 meeting to retain counsel in order to
11 provide, you know, additional help on this
12 application. It's my understanding that he
13 is retaining, actually, I believe
14 Mr. Romano. But that the, the, the
15 additional information has not yet been
16 prepared and submitted to the Board and we
17 do request an adjournment, please.

18 THE CHAIRMAN: All right. Make a
19 motion to put this case over. Do I have
20 second?

21 MS. KIMBALL: Second.

22 THE CHAIRMAN: Everybody in favor
23 say aye.

24 (Chorus of ayes.)

25 THE CHAIRMAN: Anybody opposed?

1 Okay. All right.

2 MR. BADALY: Thank you.

3 THE CHAIRMAN: Mr. Badaly, you get
4 that in, get that in. And let us there's
5 going to be a change in counsel. You gotta
6 notify the Building Department of that,
7 they'll notify the Board.

8 Okay. On 409 Warburton, case 5775,
9 Mr. Badaly, once again we're going to put
10 this over. Listen carefully, please.

11 Ms. Kimball.

12 MS. KIMBALL: Yes. Mr. Badaly,
13 there have been comments by the City
14 Engineer regarding the grade of the
15 parking. Specifically the grade needed for
16 ADA-compliant parking and regular parking
17 based on a percentage, which the current
18 plan far exceeds. And so when you get back
19 to us on that, we can have a decision.

20 MR. BADALY: Sure. I do want to
21 mention to the Board that we have provided
22 a revised set of drawings to engineering.
23 I could share my screen if necessary or I
24 could formally submit it to the Board. We
25 did now propose retaining walls along the

1 side and rear yard in order to increase via
2 backfill the grade of the rear yard. We
3 are hopefully upon the review of
4 engineering, we believe we are within the
5 permitted limits now for both those items.
6 The walls are all below six feet so we're
7 not requesting any additional variances.
8 And we --

9 THE CHAIRMAN: Here's what you're
10 going to do, we're not going to fight this
11 case tonight. What we're going to do is
12 this: You're going to submit everything to
13 the Engineering Department. You also gotta
14 go to the Building Department. The
15 Building Department is going to tell you if
16 you need anymore variances. Okay. So you
17 got those two places to go to. I don't
18 know about the traffic or what, but you
19 certainly gotta start with the Building
20 Department then the Engineering Department.
21 We didn't get a new set of plans or at
22 least I don't think we gotta new set of
23 plans, so.

24 MR. BADALY: No, no, a set was not
25 submitted to the Board. I will definitely

1 submit a revision to the Building
2 Department in order to get it over to
3 Engineering as well. I do also want to
4 mention that we did touch base directly
5 with Dominic at engineering and we do have
6 a new set of the drawings also that include
7 traffic controls. So I'll perhaps I'll
8 provide a cover letter to the Board
9 clarifying the changes we've made as well
10 as a set and will make a revision to the
11 Building Department in order to, to
12 guarantee that we don't require any other
13 variances.

14 THE CHAIRMAN: Okay. That's fine.

15 MR. BADALY: Thank you.

16 THE CHAIRMAN: This case is put
17 over.

18 MR. BADALY: Thank you.

19 THE CHAIRMAN: Okay. The first
20 decision tonight -- I think, I apologize.
21 I failed to introduce some people tonight.
22 We have the Corporation Counsel with us
23 Matthew Gallagher. And we have Mike Reape
24 from the Building Department. And we have
25 Deputy Commissioner Lee Ellman with the

1 Planning Department. And we have
2 Mr. Nersinger. Your name is like mine,
3 Cianciulli. You know, it's kind of hard.
4 Nersinger. He's the Planning Director. I
5 gotta get to know him a little better. I'm
6 sorry. And I think that's all that we
7 have -- oh, Ms. Kravitz we have from the
8 Corporation Counsel's office also. Nice to
9 have you tonight.

10 Okay. Now, we're going to get into
11 the conditions. I'm sorry. We're going to
12 get into the decisions now.

13 First decision tonight will be case
14 5759, Mr. Tartaglia, Esquire, on behalf of
15 Verus Development, LLC., that's Limited
16 Liability Corporation, they're the contract
17 vendee on premises known as 349 -- I'm
18 sorry, 345 McLean Avenue, Block: 59,
19 Lot: 75 in an "A" Zone.

20 Do I have a motion, please?

21 MR. GIORGIO: Yes, Mr. Chairman.

22 THE CHAIRMAN: Mr. Giorgio.

23 MR. GIORGIO: Case number 5759, 345
24 McLean Avenue, 345 McLean Avenue, the
25 Zoning Board of Appeals initiated the Lead

1 Agency Determination/Coordinated review
2 process on September 20, 2021 with the
3 mailing of a Lead Agency Notice to all
4 identified involved and interested
5 agencies. No other agency sought to be
6 lead agency within the 30 days of
7 circulation of the notice and the Zoning
8 Board of Appeals has accepted Lead Agency
9 for the proposed coordinated environmental
10 review of an appeal by Verus Development,
11 LLC, for certain variances on property
12 known as 345 McLean Avenue, also known as
13 Block: 59, Lot: 75 on the Official Tax Map
14 of the City of Yonkers, and The Zoning
15 Board has carefully considered the proposed
16 action and has reviewed the Environmental
17 Assessment Form and supporting material,
18 and pursuant to Part 617 of the State
19 Environmental Quality Review Act (SEQRA),
20 the Zoning Board, acting as Lead Agency,
21 adopts a Negative Declaration for the above
22 stated appeal for variances.

23 THE CHAIRMAN: Do we have a second
24 on the motion?

25 MR. LOPEZ: Second.

1 THE CHAIRMAN: Mr. Lopez. Everybody
2 on that motion say aye.

3 (Chorus of ayes.)

4 THE CHAIRMAN: Anybody opposed?
5 Okay. So that's carried 7-0.

6 Continue, Mr. Giorgio.

7 MR. GIORGIO: Case number 5759, 345
8 McLean Avenue, Block: 59, Lot: 75, Zone A.

9 The subject site is a vacant lot on
10 the southeast side of McLean Avenue to the
11 east of Caryl Avenue. The applicant is a
12 contract vendee proposing to construct a
13 12-story, 105-unit senior housing building
14 with 53 parking spaces.

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

1 neighborhood and community. Specifically,
2 in making its determination the Board has
3 considered the following:

4 One, whether granting the requested
5 variances would result in an undesirable
6 change in neighborhood character or a
7 detriment to nearby properties. The area
8 immediately surrounding the subject
9 property includes a multifamily residential
10 complex, VFW Post, Van Cortlandt Park, the
11 Saw Mill Parkway, and open storage for a
12 commercial nursery and landscaping
13 business. The general area is comprised of
14 a mix of commercial and residential
15 properties, including some properties that
16 are the same size and height of the
17 proposed building. The proposed use as a
18 senior living facility would be in
19 character with these uses. As noted by the
20 Deputy Commissioner of Planning in his
21 comments to the Board, such affordable
22 senior housing is not only a needed
23 commodity in the City, but is typically a
24 land use that does not have significant
25 off-site impacts. The applicant is

1 providing the required off-street parking
2 and has submitted a shadow study that shows
3 no significant concerns.

4 Two, whether the benefit sought by
5 the applicant can be achieved by other
6 feasible means. Given the configuration of
7 the lot, the built up nature of the
8 surrounding area, the NYS DOT right-of-way,
9 and an existing sewer easement, it is not
10 likely that the applicant could reconfigure
11 the proposed development to reduce or
12 eliminate the need for the requested
13 variances.

14 Three, whether the requested variances
15 are substantial. While some of the
16 proposed variances may appear numerically
17 substantial, they are likely not
18 substantial with regard to neighborhood
19 impacts as previous noted. The proposed
20 use is in character in the neighborhood,
21 the applicant is providing the required
22 number of off-street parking spaces, and
23 the use is one that does not typically have
24 significant off-site impacts.

25 Four, whether the variances will

1 have negative affects to physical or
2 environmental conditions in the
3 neighborhood. The proposed variances will
4 not have any significant physical or
5 environmental impacts. All construction
6 will take place under the direction of the
7 City of Yonkers Department of Housing and
8 Buildings. Any impacts from construction
9 would be temporary. The building would not
10 result in any significant changes to air,
11 light, vegetation, impervious surfaces, or
12 drainage when compared to existing
13 conditions.

14 Five, whether the alleged difficulty
15 is self-created. The hardship is not self-
16 created but is more a function of the size
17 and shape of the lot and existing easements
18 and NYS DOT right-of-way.

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

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

24 2. Fire, smoke, and carbon monoxide
25 detectors and a fire sprinkler system shall

1 be installed throughout the proposed
2 building and garage and connected to an
3 outside 24-hour monitoring system before
4 occupancy;

5 3. Any taxes or fines, if owed,
6 shall be paid within 60 days from today's
7 date;

8 4. A permanent and irrevocable
9 easement must be obtained from the NYS DOT
10 and submitted to Department of Housing and
11 Buildings prior to the certificate of
12 occupancy is issued;

13 5. Any changes to or removal of the
14 guardrail along McLean Avenue shall be
15 reviewed and approved by the City Engineer;

16 6. Any repairs or replacement
17 required by the City Engineer to the curbs
18 or sidewalks in front of the property along
19 McLean Avenue shall be repaired or replaced
20 by the applicant and/or owner prior to the
21 Certificate of Occupancy being issued;

22 7. These conditions shall be
23 specified on the Certificate of Occupancy
24 and the owner shall permit periodic
25 inspections at the discretion of the City

1 of Yonkers, Department of Housing and
2 Buildings at least once every calendar year
3 to determine that the conditions are being
4 satisfied;

5 8. This approval shall be
6 immediately rescinded should the owner
7 violate any of these conditions at any
8 time; and

9 9. All expenses associated with
10 these conditions shall be the
11 responsibility of the applicant and/or
12 owner.

13 Thank you.

14 THE CHAIRMAN: Do I have a second on
15 the motion?

16 MR. SINGH: Second.

17 THE CHAIRMAN: On the motion,
18 Mr. Giorgio.

19 MR. GIORGIO: For the motion.

20 THE CHAIRMAN: Okay. Mr. Singh.

21 MR. SINGH: For the motion.

22 THE CHAIRMAN: Mr. Lopez.

23 MR. LOPEZ: For the motion.

24 THE CHAIRMAN: Okay. Ms. Kimball.

25 MS. KIMBALL: Mr. Chairman, I'd like

1 to abstain since I believe the project will
2 be receiving Section 8 vouchers possibly
3 from my agency.

4 THE CHAIRMAN: Okay. Thank you.
5 Mr. Battista.

6 MR. BATTISTA: For the motion.

7 THE CHAIRMAN: Okay. And the
8 Chairman votes for the motion. So, it's --

9 MS. TICKELL: And me.

10 THE CHAIRMAN: Yeah, I forgot Ms. --

11 MS. TICKELL: For the motion.

12 THE CHAIRMAN: -- I forgot
13 Ms. Kimball(sic) again. This is terrible.
14 Ms. Kimball(sic), how do you vote?

15 MS. TICKELL: Tickell.

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

18 MS. TICKELL: For the motion.

19 THE CHAIRMAN: Oh, boy. Too many
20 pretty women. Okay. So you're for the
21 motion. The Chairman is for the motion
22 carried 7-1 -- 7-0. Thank you.

23 UNIDENTIFIED SPEAKERS: Thank you.

24 THE CHAIRMAN: Thank you. Who said
25 thank you? Oh, Mr. Saraceno. Okay. Thank

1 you.

2 The next one is 5773, Mr. Veneruso.
3 Steven, 56 Dellwood Road. Who has this
4 motion, Ms. Tickell.

5 MS. TICKELL: I do.

6 THE CHAIRMAN: Please. Thank you.

7 MS. TICKELL: *** Case number 5773,
8 area variance, 56 Dellwood Road, Steven A.
9 Veneruso, Esquire, on behalf of Lori
10 Hawkes.

11 Case number 5773, Area Variance, 56
12 Dellwood Road, Stephen A. Veneruso, Esq. on
13 behalf of Laurie Hawkes. The subject is a
14 single family home within an S-75 district.
15 The applicant seeks to extend an existing
16 masonry retaining wall along the front
17 property line of the premises. In
18 accordance with the Building Application
19 Review dated October 20, 2021, the proposed
20 Project requires one variance:

21 Yonkers Zoning Board Ordinance
22 43-41.D.3.a Fences and walls including
23 Retaining walls must not exceed 4 feet in
24 height in a required front yard setback or
25 in any other required yard setback abutting

1 a street and 6 feet in height within any
2 other required yard setback. The existing
3 retaining wall ranges from 5 to 6 feet high
4 having a stone veneer with a brick coping
5 to match the other landscape features of
6 the home. The applicant will address
7 drainage problems and prevent all future
8 water flow onto Dellwood Road and flooding
9 on the premises.

10 As such, Mr. Chairman, I would like
11 to make a motion to approve the requested
12 variance based on facts, findings,
13 information and testimony presented to this
14 board at the public hearing, site visits by
15 members of the Zoning Board of Appeals or
16 otherwise obtained.

17 To grant an area variance, the Board
18 is required to consider five points of law.

19 1. Whether an undesirable change
20 will be produced in the character of the
21 neighborhood or the granting of this
22 variance will create a detriment to nearby
23 properties. The proposed extension would
24 remain in character with the existing wall
25 and will also provide a more symmetrical

1 and aesthetically pleasing frontage on
2 Dellwood Road.

3 2. Whether the benefit sought by
4 the applicant cannot be achieved by some
5 other method, feasible for the applicant to
6 pursue, other than the area variance. The
7 benefit sought by the applicant cannot be
8 achieved by an alternate, more feasible
9 method. The project has been designed
10 specifically to meet the demands of the
11 drainage issue and to maintain the design
12 standards of the neighborhood.

13 3. Whether the requested variance
14 is substantial. The requested variance is
15 not substantial. The scope of the
16 requested variance is minimal. The project
17 is a critical upgrade and will result in a
18 great benefit to the applicant and the
19 surrounding community.

20 4. Whether the granting of the area
21 variance to allow for the proposed
22 improvements will have an adverse effect on
23 the condition of the physical or
24 environmental conditions in the
25 neighborhood or district. The project will

1 actually create a positive impact in
2 solving a drainage problem that affects
3 Dellwood Road.

4 5. Whether the alleged difficulty
5 to the applicant was self created. This
6 difficulty may be said to be self-created,
7 however, consideration shall be relevant to
8 the decision of the Zoning Board but shall
9 not necessarily preclude the granting of
10 the variance.

11 In granting this request for
12 improvement, the Board imposes the
13 following conditions:

14 1. All health, safety, fire,
15 building and environmental codes shall
16 always be adhered to by the applicant.

17 2. All curbs and sidewalks abutting
18 the property that needs repairing or
19 replacement as per the City of Yonkers
20 Department of Engineering, then repair or
21 replacement must be done.

22 3. That if any back real estate
23 taxes and/or fines if owned, be paid in
24 full within 60 days of this hearing and
25 proof must be provided to this board.

1 4. These conditions shall be on the
2 Certificate of Occupancy and the applicant
3 and/or property owner shall permit
4 inspections at the discretion of the City's
5 Department of Housing and Buildings, at
6 least once every calendar year, to
7 determine that the conditions are being
8 satisfied.

9 5. Should the applicant and/or
10 property owner not comply with, breach or
11 violate any of these conditions, at any
12 time, the approval of this variance is
13 hereby rescinded. It authorizes the City
14 of Yonkers Department of Housing and
15 Building to take appropriate action.

16 6. All expenses associated with
17 these conditions shall be the sole
18 responsibility of the applicant and/or
19 owner.

20 Thank you, Mr. Chairman.

21 THE CHAIRMAN: Thank you,
22 Ms. Tickell. Do I have a second on the
23 motion?

24 MR. SINGH: Second.

25 THE CHAIRMAN: Ms. Kimball. On the

1 motion, Ms. Kimball.

2 MS. KIMBALL: For the motion.

3 THE CHAIRMAN: Mr. Lopez.

4 MR. LOPEZ: For the motion.

5 THE CHAIRMAN: Mr. Singh.

6 MR. SINGH: For the motion.

7 THE CHAIRMAN: Mr. Giorgio.

8 MR. GIORGIO: For the motion.

9 THE CHAIRMAN: Mr. Battista.

10 MR. BATTISTA: For the motion.

11 THE CHAIRMAN: Ms. Tickell.

12 MS. TICKELL: For the motion.

13 THE CHAIRMAN: Chairman votes for
14 the motion, the motion is carried 7-0.

15 Okay. Now, we're going to get into
16 an extension. Is Mr. Accinelli here?

17 MR. VENERUSO: Mr. Chairman, this is
18 Stephen Veneruso, I'm here on behalf of
19 Mr. Accinelli tonight who, he had a
20 conflict that came up.

21 THE CHAIRMAN: He had a conflict and
22 he's not here in front of me?

23 MR. VENERUSO: Yes, Mr. Chairman.
24 He apologizes.

25 THE CHAIRMAN: Conflict, you know,

1 can't be any conflict. Should have been
2 here.

3 MR. VENERUSO: He knows and he
4 apologizes.

5 THE CHAIRMAN: All right. Okay.
6 This is an area variance Steven Accinelli.
7 and Mr. Veneruso who's going to handle it
8 tonight on behalf of NOAM One, LLC., up at
9 57 Locust Hill Avenue. All right.

10 Continue. Mr. Veneruso, introduce
11 yourself first, please.

12 MR. VENERUSO: Yes, Mr. Chairman,
13 members of the Board, Stephen Veneruso here
14 on behalf of the applicant. Mr. Chairman,
15 I'm also joined tonight on the call by
16 Anthony Guccione from JMC, the project's
17 engineer, as well as John Saracco(ph), the
18 project's architect.

19 Mr. Chairman, in follow-up to last
20 week's meeting, there were two action items
21 we followed up on. The first JMC prepared
22 a shadow study which was submitted to the
23 Building Department. And secondly, you had
24 specifically asked for the site to be
25 cleaned up. In response to that, the

1 applicant undertook cleaning up the site.
2 The site is cleaned up. And they're
3 committed to maintaining it in that
4 condition.

5 With that, those are the two action
6 items we had after last month's meeting,
7 Mr. Chairman. So at this point, myself,
8 Anthony Guccione, and John Saracco, happy
9 to answer any questions that the Board may
10 have.

11 THE CHAIRMAN: All right. I'm
12 looking for Commissioner Ellman's, excuse
13 me, Deputy Commissioner Ellman's, he sent
14 us a letter here. A memorandum. On
15 January 20th. At this, he recommends that
16 -- well, let's ask him.

17 Deputy Commissioner Ellman, talk
18 about this letter you sent to us. It's
19 easier if you talk about it.

20 MR. ELLMAN: Thank you,
21 Mr. Chairman. At the request of the
22 Board, I made comments about issues that I
23 had, the Planning Department had, with the
24 proposed design at the Locust Hill site.
25 While it is perfectly normal and would not

1 be an issue for my department to see a new
2 taller building go up adjacent to lots that
3 are developed with smaller singular two or
4 three-family homes, in this case, we felt
5 that the requested variances to extend the
6 rear walls of the parking garage right to
7 the, right to the property line with the
8 homes on Bell Place was a real problem.
9 Especially because those walls would be not
10 below grade, as we sometimes see with
11 parking garages. Where the entirety of the
12 parking garage is built up to the property
13 line. But in fact below grade so no one
14 really sees it. But in this case, there
15 would be walls that would be above the rear
16 yard of the Bell Place properties. Making
17 this of special concern to us was the fact
18 that the Bell Place properties are all in a
19 national registered historic district.
20 Now, while national registered historic
21 districts don't have any teeth, as they
22 say, they don't need to go before the
23 City's Landmark's Board, it is an item for
24 land use boards to be aware of and take
25 some care of.

1 points to make? Besides the one you made
2 in writing?

3 MR. ELLMAN: No, that really covers,
4 that really covers all of it. The rest,
5 anything else that might come up after
6 variances are dealt with, design and the
7 like, can be handled at site plan review.
8 But since the tradition is -- is not to
9 have the land use boards fighting with one
10 another, we would not want a situation
11 where the Zoning Board does something that
12 it sees as appropriate only to have the
13 Planning Board look at it afterwards and
14 say, well, that's a real problem, we don't
15 want to honor the Zoning Board's decision.
16 So, what we are trying to do as staff is to
17 -- officiate in a sense between the two
18 boards to bring up issues that might come
19 up in our review with, in our staff
20 capacity, to the Planning Board.

21 MS. KIMBALL: Mr. Chairman, I
22 believe the Water Department had comments.

23 (The Chairman's connection was
24 briefly interrupted.)

25 THE CHAIRMAN: George, I lost

1 everybody's -- okay. Good. Thank you.

2 MS. KIMBALL: I believe the Water
3 Department had comments, Mr. Chairman.

4 (The Chairman's connection was
5 briefly interrupted.)

6 THE CHAIRMAN: -- Mr. Veneruso, do
7 you have anything else to say to us?

8 MR. VENERUSO: Yes, Mr. Chairman.
9 Just addressing Ms. Kimball's point, we are
10 in receipt of the comments from the Water
11 Department. So we do have those.

12 I, I have not seen a copy yet of
13 Mr. Ellman's letter. But given his, his
14 comments, at this point I would, we would
15 need to speak to the applicant.

16 THE CHAIRMAN: Well, I tell you
17 what. So -- so you don't get mixed up,
18 we're going to give you some time on that
19 too. Okay? The letter was sent to us on
20 January 20th. So, I know you're privy to
21 getting information, whether it would be
22 the Planning Department or the Building
23 Department, you're very well-liked all over
24 City Hall. I know that just like your
25 father. And so we're going to give you a

1 chance to take a good look at that. And
2 you can write us a letter or we're going to
3 come back on this next month, that's for
4 sure. And then you can explain yourself
5 then.

6 Is there any questions of the Board?

7 THE CHAIRMAN: All right. Is there
8 anybody else here to -- would you like to
9 say something else, Mr. Veneruso?

10 MR. VENERUSO: No, I --

11 THE CHAIRMAN: By the way, I was
12 only teasing you about Mr. Accinelli.

13 MR. VENERUSO: No, I understand,
14 Mr. Chairman. I appreciate it.

15 THE CHAIRMAN: I see you wrote
16 something, what'd you do, tell him I missed
17 him?

18 MR. VENERUSO: No, he was texting me
19 making sure I apologized on behalf of him.
20 So, I'm sure he wishes he could be here.

21 THE CHAIRMAN: Oh, yeah? I know
22 him. Everybody wishes they were before me.

23 MR. VENERUSO: You met his father,
24 I'm sure.

25 THE CHAIRMAN: His father is a good

1 guy. So is your father. Now, you wanted
2 to say something to me, go ahead.

3 MR. VENERUSO: No, I would just like
4 to say thank -- you know, I appreciate the
5 comments. We'll take a look at
6 Mr. Ellman's letter. We'll circle up with
7 the engineer, the architect, and the
8 applicant. And we would appreciate an
9 opportunity to respond in writing once we
10 have that meeting.

11 THE CHAIRMAN: We're going to
12 continue this hearing. Now, you're going
13 to bring Mr. Guccione and Mr. Saracco the
14 next time too.

15 MR. VENERUSO: Yes, Mr. Chairman.

16 UNIDENTIFIED SPEAKER: Yes, sir.

17 THE CHAIRMAN: Very good. Is there
18 any questions of this Board of this
19 gentleman? Is there anybody here that
20 would like to speak in favor of this
21 application? It's on Locust Hill Avenue.
22 Maybe about a quarter of a mile, half a
23 mile up from Palisade Avenue. Is there
24 anybody here tonight to speak in
25 opposition?

1 I must have lost it. So, okay. Thank you.
2 I have it now. Thank you.

3 We have some off-the-agenda things
4 tonight. We have over on, over on
5 University Avenue, I guess a couple of
6 years ago we gave some variances out. And
7 they're coming back again. And they want
8 us to give them another year. In a
9 conversation with the Building
10 Commissioner, there might be a problem
11 here. And one of them might be the, I
12 think one of the conditions that the Board
13 made was that they gotta pave this street
14 there. If you know the job, the job is on
15 University and St. John's Avenue. Look
16 there, it's called something else, I
17 forget, right now. But there might be a
18 little controversy. I don't know if we put
19 a condition in there that shouldn't have
20 went in there. Because I've been advised
21 that you can't pave a private street
22 without permission from the people that own
23 the street. So we're going to check that
24 out a little bit. And we're going -- and
25 on the other one is the Building

1 Commissioner wrote something today to the
2 Board. He wrote it to me about the water.
3 It seems that there might be a water
4 problem over there. They have a pipe
5 coming in through the water from, what was
6 it Madison or over there, I forget. And it
7 goes to these three houses and I think the,
8 the Building Commissioner wants it to go to
9 the end of street where the fire hydrant is
10 at the end of street, so --

11 (Brief pause.)

12 THE CHAIRMAN: All right. They paid
13 the \$250 for each lot. There's two lots
14 involved. One is 98 and I think the other
15 one might be, might be 97. I'm not very
16 good at this what I'm doing here tonight
17 with this electronic stuff, but I'm trying.
18 All right. There's two lots together.
19 They're going to build three houses. I
20 don't think we had anything to do with the
21 third house. Okay. I'm going to ask the
22 people who are involved in this, one
23 gentleman, John Michael DeGennaro. And I
24 apologize I pronounce that wrong. I
25 shouldn't have. Are you on to the, I think

1 over at 19-27 Tuckahoe Road. That's the
2 old nursery. They're going to put an Auto
3 Zone in there. They're asking for a year's
4 extension. They're not going to make any
5 changes, that's for sure. So I'm going to
6 make a motion that we give them a year's
7 extension. That's case 5718, request for
8 an extension area variance by AZ Yonkers,
9 LLC., for the property located at 19-27
10 Tuckahoe Road. Okay. Going to make a
11 motion to give them a year's extension from
12 today. Do I have a second on it, please?

13 MS. KIMBALL: Second.

14 THE CHAIRMAN: Okay. Everybody in
15 favor say aye.

16 (Chorus of ayes.)

17 THE CHAIRMAN: Any opposed? Okay.
18 That's carried 7-0.

19 MS. KLEIN: Thank you, Chairman.
20 Thank you, everyone.

21 THE CHAIRMAN: Okay. Thank you.

22 Then we have one here at on 27
23 Corbalis Place. They want, that's case
24 number 5708, one condition. They have the
25 carbon monoxide and hardwired and the smoke

1 detectors as per the code. They want to
2 just eliminate the one about, about hooked
3 to a 24-hour outside monitoring. Okay.
4 I'm going to make a motion that we
5 eliminate condition number 5 and go on from
6 there. That's 27 Corbalis Place with
7 Ms. Lavista. Do I have a second on the
8 motion?

9 MS. KIMBALL: Second.

10 THE CHAIRMAN: Thank you. Everybody
11 in favor say aye.

12 (Chorus of ayes.)

13 THE CHAIRMAN: Anybody opposed?
14 Okay. So that's carried.

15 Then I have Mr. Dibbini on 127
16 Vineyard Avenue. That's case 5757. I
17 think, I think, we night have made a
18 mistake here. If you remember there was a
19 family lived in the three-family. It's in
20 a, if I remember correctly, I think it was
21 an "M" Zone. And then they wanted to build
22 another house next door. And then they
23 wanted something where they would park next
24 to it. So he's saying, as you may recall
25 my office referenced above we -- this was

1 in August of 2021 -- after obtaining the
2 variance the Building Department continued
3 to review the apportionment application,
4 and disapproved my client's application as
5 reflected in the building application
6 review dated December 19, 2021. The copy
7 of disapproval is attached hereto Exhibit
8 B. All right.

9 I think that condition number ten,
10 requested that be removed as a -- they're
11 requesting condition number ten be removed
12 as a condition to the variance. The
13 condition mistakenly references the empty
14 property to the north of the new house
15 which is actually not empty. And has a
16 house owned by our client's neighbor. I
17 remember that. Please note that the
18 proposed new house design for lot 29
19 includes four off-street parking spaces,
20 two interior, two exterior for the
21 occupants of lot 29.

22 Okay. So I think we did make a
23 mistake there. So, it says here, they're
24 asking the Zoning Board to clarify
25 decisions stating that lot 28 also known as

1 124 Vineyard Avenue which consists of a
2 existing three-family house, does not
3 require off-street parking.

4 Okay. That has nothing to do with
5 this variance. So we're okay. So then
6 I'll make a motion that we go along with
7 this and we eliminate condition number ten.
8 Do I have a second on the motion?

9 MR. BATTISTA: (Indicated.)

10 MS. KIMBALL: (Indicated.)

11 THE CHAIRMAN: Thank you. Everybody
12 in favor say aye.

13 (Chorus of ayes.)

14 THE CHAIRMAN: Any opposed? Okay.
15 So that's carried 7-0. Thank you.

16 Then we have one at 127 Vineyard
17 Avenue. That's that building up at the top
18 of the hill that Mr. Accinelli had.

19 Mr. Veneruso, are you still here?
20 No.

21 MR. VENERUSO: Yes, Mr. Chairman.

22 THE CHAIRMAN: Oh, you are. Where
23 are you?

24 MR. VENERUSO: (Indicated.)

25 THE CHAIRMAN: Oh, okay. Put

1 Mr. Veneruso in again. All right. Let me
2 ask you a question. You're familiar with
3 this one?

4 MR. VENERUSO: Yes, Mr. Chairman.

5 THE CHAIRMAN: Okay. I do believe
6 that, that it was it was 32 instead of 24;
7 am I correct on that?

8 MR. VENERUSO: Yes, that's my
9 understanding. I believe it was a typo.
10 Thirty-two is throughout the entire
11 application, but on the letter it states
12 24. On the onset of the application, it
13 was 24, but that was quickly changed.

14 THE CHAIRMAN: Then you changed it.
15 Right.

16 MR. VENERUSO: Yes.

17 THE CHAIRMAN: Okay. So I'm going
18 to make the motion that it be 32 apartments
19 instead of 24. This was a mistake. Do I
20 have a second?

21 MS. KIMBALL: Second.

22 THE CHAIRMAN: Everybody in favor
23 say aye.

24 (Chorus of ayes.)

25 THE CHAIRMAN: Anybody opposed?

1 Okay. So that's carried. That gets done.

2 All right. I don't know if we have
3 anymore. Let me see. On this, this one
4 for -- hold on one second, please. What
5 we're going to do at 90 and 98 University
6 Avenue, going to bring them back next
7 month. Going to take a little better look
8 at this thing. Going to do some
9 investigation. Going to ask the Building
10 Department to find out about the paving and
11 that street up there.

12 And can I -- Mr. Gallagher, would
13 you call me, please?

14 MR. GALLAGHER: Certainly,
15 Mr. Chairman.

16 THE CHAIRMAN: Thank you. Going to
17 take a minute. Just going to wait for
18 Corporation Counsel to call me.

19 (Brief pause.)

20 MR. KUNTZ: Mr. Chairman, you want me
21 to put you on mute?

22 THE CHAIRMAN: Yeah, you can put
23 everybody on mute, yeah.

24 (Brief pause.)

25 MR. KUNTZ: Are you finished with

1 your call?

2 MR. GALLAGHER: Yes, we are.

3 MR. KUNTZ: Okay. Chairman,
4 Chairman, you just have to hit the
5 microphone, the red microphone.

6 (Off the record to discuss technical
7 issues.)

8 THE CHAIRMAN: Okay. Mr. DeGennaro,
9 get on the --

10 MR. DEGENNARO: Yes, hello?

11 THE CHAIRMAN: Are you there, sir?

12 MR. DEGENNARO: I'm here. Can you
13 hear me?

14 THE CHAIRMAN: Yeah, just state your
15 name and your address, please.

16 MR. DEGENNARO: John Michael
17 DeGennaro, 70 Calvert Street, Harrison, New
18 York 10528.

19 THE CHAIRMAN: Okay. Mr. DeGennaro,
20 what we're going to do, we're going to open
21 up this case just for some questions and
22 then I'm going to close it. So, are you an
23 attorney?

24 MR. DEGENNARO: No.

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 MR. DEGENNARO: Yes, I do.

5 THE CHAIRMAN: Okay. All right.

6 Now, Deb, I need little help here.

7 Okay.

8 (Brief pause.)

9 THE CHAIRMAN: Mr. DeGennaro, did
10 you try to get this street up on top paved?
11 I know we told you that was one thing we
12 wanted you to do. Did you try to get it
13 paved or you didn't try to get it paved?

14 MR. DEGENNARO: When you say try to
15 get it paved, I'm not understanding.

16 THE CHAIRMAN: All right. Did you
17 get permission from the people that live
18 there? That's a private street, right?

19 MR. DEGENNARO: It's a private road.
20 And we own, we own the road in front of our
21 property.

22 THE CHAIRMAN: Yeah, but when you go
23 all the way in, we asked you to pave that,
24 didn't we?

25 MR. DEGENNARO: It says -- I thought

1 with the water lines going across the
2 street and connecting in to the existing
3 waterline. And in conversation today with
4 the Building Commissioner, I said if you
5 want we'll extended the water main to the
6 front of our houses about a 100 feet, 150
7 feet. We'll design and do that, if that
8 makes him happy. And I never heard back
9 from him. He said we would talk at this
10 meeting I guess.

11 MS. KIMBALL: Mr. Chairman, I sent
12 you an update via your phone, I believe.

13 MR. DEGENNARO: We can't hear
14 anything.

15 MR. KUNTZ: Mr. Chairman, you're on
16 mute right now. You could probably press
17 the space bar, please.

18 (Off the record to conference
19 technical issues.)

20 MR. KUNTZ: Can everybody hear us?
21 Okay. Good. We're going to go through my
22 phone to do.

23 THE CHAIRMAN: There's a little
24 confusion here tonight. All right.
25 There's a little confusion tonight here on

1 this -- going to need sometime to look
2 things up. Anybody have any suggestions?
3 Deputy commissioner Ellman? All right.

4 MR. ELLMAN: Sorry, Mr. Chairman,
5 what was the question again?

6 THE CHAIRMAN: On this University
7 over here, you got, got one from, from the
8 Commissioner of Building about the water
9 and they never got the water driveway
10 there's a load up on, I should have looked
11 it up. I didn't. I should have gotten --

12 (Poor audio.)

13 MR. ELLMAN: I can barely hear you.

14 MR. KUNTZ: Commissioner Ellman, he
15 wanted to -- he said he should've gotten
16 the motion for the area that was on the
17 road.

18 THE CHAIRMAN: All right. Listen.
19 Not too far. I'm going to -- George, I'm
20 going to get you your control, I might have
21 an opportunity. Okay. To get back to you
22 --

23 MR. KUNTZ: Okay. Commissioner
24 Ellman, yeah, he had some questions about
25 that property and the pavement, and the

1 motion.

2 MR. ELLMAN: All right. Let me just
3 get, what was the case number again? Let
4 me just pull the file.

5 MR. KUNTZ: I don't have the agenda
6 in front of me. Let's see.

7 MS. KIMBALL: 5603 and 5604, 90
8 University, I believe, and 98 University.
9 Is that right, Mr. DeGennaro?

10 MR. DEGENNARO: Yes, correct.

11 MS. KIMBALL: Deputy Commissioner
12 Ellman, I believe I've sent you something
13 from our Building Commissioner.

14 MR. NERSINGER: If Lee is where I
15 think he is, he only -- he may barely hear
16 you so you may need to repeat that.

17 MR. ELLMAN: But, I'm sorry, these
18 are, these are cases, these are not current
19 cases, correct? These are --

20 MS. KIMBALL: These are requests for
21 extensions.

22 MR. ELLMAN: Yes, I'm sorry. I
23 don't follow those in all honesty. I don't
24 even have those pulled in my, in my case
25 files.

1 MR. NERSINGER: Yeah, Lee, this is
2 Zach. That stuff that you're looking for,
3 that's being asked for probably isn't in
4 our files.

5 MR. ELLMAN: Yeah, no. We wouldn't
6 have gotten -- we typically don't get
7 materials after the initial review. And in
8 all honesty, I don't pull the cases that
9 are up for extensions. I've never
10 commented on those. So, I'm sorry, I can't
11 be helpful.

12 MS. KIMBALL: Maybe make a motion to
13 put this over to the next meeting? How
14 does everyone feel about that?

15 MR. BATTISTA: I would agree,
16 Wilson.

17 MR. GALLAGHER: I spoke to the
18 Chair. And he was fine with that. I just
19 spoke to him on the phone. I mean this is
20 a little unusual, but, you know, he's
21 having technical difficulties and --

22 MR. KUNTZ: I can kind of convey
23 what he's just asked.

24 Ms. Kimball, he's asking you to do
25 that motion.

1 MS. KIMBALL: Okay.

2 MR. DEGENNARO: Excuse me, from what
3 I understand this is what's been holding up
4 my building permit. And we've been, you
5 know, trying to get this done for a long
6 time now. And we're asking for a prior
7 approval to just be extended. We're not
8 looking for a new approval.

9 MS. KIMBALL: Well, from what I
10 understand, Mr. DeGennaro, the issue that
11 is holding up your building permit is that
12 the Building Department has asked for an
13 extension of the existing dead end water
14 main across the entire frontage of the
15 three lots.

16 MR. DEGENNARO: Yeah, that's
17 something that came up today. I mean,
18 we've proposed these plans multiple,
19 multiple times and been going through this,
20 now all of a sudden today that came up. We
21 had meetings out there with the water
22 department with John Speight over the years
23 with plumbers with engineering, and we came
24 up with the system that's been proposed.
25 Which was to run the lines across the

1 street and connect to the existing, behind
2 the existing hydrant on that waterline.
3 This was all, you know, part of our, our
4 design process. It was never in any of our
5 denials, you know, that, that and now it's
6 coming up today. Previous commissioners
7 have not opposed this. And I'm not in
8 opposition of extending the water main, but
9 I don't see how that is going to hold up
10 the extension of my variance, of my
11 approved variance, you know, prior approved
12 variance. You know. The water main
13 doesn't -- it's not part of this, it's not
14 what we're asking for. We're going to lose
15 another month.

16 (Brief pause in audio.)

17 MR. DEGENNARO: I can't hear.

18 MR. KUNTZ: I don't know if it's
19 unusual, but I can tell you what the
20 Chairman just said. You had three years to
21 do this.

22 MR. DEGENNARO: This just came up
23 today. I don't understand. Three years to
24 do what?

25 MR. GIORGIO: The Chairman's space

1 bar trick doesn't work anymore? Maybe just
2 hold down the space bar.

3 MR. KUNTZ: We've asked the Chairman
4 to do that.

5 So he's asking you to set the motion
6 that you can re-look at it next month.

7 MS. KIMBALL: Okay. So I would make
8 a motion to put over 5603 and 5604, 90
9 University Ave and 98 University Ave to
10 next month. Do I have a second?

11 MR. BATTISTA: Second.

12 MS. KIMBALL: Thank You, Ralph. All
13 in favor.

14 (Chorus of ayes.)

15 MS. KIMBALL: Are there any opposed?

16 MR. DEGENNARO: Yes.

17 MS. KIMBALL: Vince -- Vin, is
18 that--

19 MR. DEGENNARO: The applicant.

20 MS. KIMBALL: Oh, okay. You're not
21 a voting member sir. Okay.

22 And, Mr. Chairman, raise your hand
23 if you're for the motion to put it over.
24 I'll assume he is. That's 7-0. That will
25 be put over. Do we have any other

1 business?

2 MR. KUNTZ: No, we do not have any
3 other business.

4 MS. KIMBALL: Mr. Veneruso, did you
5 raise your hand?

6 MR. VENERUSO: Yes, Ms. Kimball, I
7 don't know if my microphone had cut out at
8 one point, but was there a decision on the
9 amended approval for 155 Warburton?

10 MR. KUNTZ: As per the Chairman,
11 yes, we have that one.

12 MS. KIMBALL: Does somebody have
13 that motion? That information?

14 MR. KUNTZ: Ms. Kimball, one second.
15 The Chairman wants to say something.

16 MS. KIMBALL: Okay.

17 MR. KUNTZ: Okay. So the Chairman
18 just said that it was a one-family, they
19 wanted to make it into a two-family so they
20 can make a resolution to see next month if
21 we can do anything. They can come back
22 next month.

23 MS. KIMBALL: Mr. Veneruso, is that
24 your project?

25 MR. VENERUSO: Yes. We were, we had

1 submitted this for last month's meeting.
2 And the Chairman is correct. It was
3 approved as a one-family, we were seeking
4 approval of a two-family. And that's why
5 we're here again tonight.

6 MR. KUNTZ: The Chairman is saying
7 it was a little late last month,
8 Mr. Veneruso.

9 MR. VENERUSO: Okay.

10 MR. KUNTZ: Yeah, the Chairman just
11 made a motion to come back for a new
12 hearing next month.

13 MS. KIMBALL: Okay. So there would
14 be a motion on the floor to put over case
15 number 5751, 155 Warburton, to put it over
16 to the next meeting in March. Do I have a
17 motion?

18 MR. BATTISTA: Second.

19 MS. KIMBALL: Thank you, Ralph. All
20 in favor. Any opposed?

21 MR. KUNTZ: Just to let -- let
22 everybody know, they're going to have to
23 send out all new notices.

24 MS. KIMBALL: Okay. Mr. Veneruso,
25 did you get that?

1 MR. VENERUSO: New notices on this
2 project?

3 MS. KIMBALL: Yes. 5751, 155
4 Warburton new notices. And it'll be put
5 over. Is there any --

6 MR. KUNTZ: It's a new hearing.

7 MS. KIMBALL: Okay.

8 MR. KUNTZ: Ms. Kimball.

9 MS. KIMBALL: New hearing? Okay.

10 MR. VENERUSO: I just want to
11 clarify, so this is going to be on for a
12 whole new hearing?

13 MR. KUNTZ: Yes.

14 MR. VENERUSO: Okay. Thank you.

15 MS. KIMBALL: Okay. Mr. and
16 Mrs. DiResta, are you here to raise your
17 hand on an issue?

18 PUBLIC SPEAKER MR. DIRESTA: Yes.
19 Yes, we are. Case number 5775. We are the
20 owners of 411 Warburton Avenue which abuts
21 this property on the north property line.
22 And we have received absolutely no
23 information related to the variance. We've
24 been in touch with the office, the Zoning
25 office. We were told that there was a

1 meeting tonight at Saunders High School at
2 6:00. Which we went down to. And to our
3 chagrin we are told after calling the City
4 of Yonkers there was going to be a virtual
5 meeting. So we came back. Our request is
6 quite simple, please provide us with a set
7 of documents so that we can know what
8 exactly is the variance since we are
9 immediate neighbors to this property line.
10 I'm a PE as well. So I'm very anxious to
11 hear what the contractor and what the PE
12 represents that owner Hudson Walk intends
13 to do. How can you help us?

14 MS. KIMBALL: Mr. Badaly who
15 represents that owner, I believe, has left
16 the meeting for the evening. Certainly the
17 staff can reach out to him to suggest that
18 he share with you plans.

19 PUBLIC SPEAKER MR. DIRESTA: Do we
20 have any contact information that you can
21 send us? Or can you tell us his phone
22 number, his name, et cetera?

23 PUBLIC SPEAKER MRS. DIRESTA: Well,
24 his name is on the --

25 MS. KIMBALL: It's Shahin Badaly.

1 MR. BATTISTA: He can probably call
2 Shannon in the morning at the office. And
3 she can make sure you guys get --

4 PUBLIC SPEAKER MR. DIRESTA: Yeah.

5 MR. BATTISTA: -- and speak to each
6 other.

7 PUBLIC SPEAKER MR. DIRESTA: Yeah,
8 she's the one that sent us the e-mail
9 sending us to Saunders High School.

10 MS. KIMBALL: Yeah. What's the best
11 number for Shannon, 377-5400 or?

12 MR. BATTISTA: I got it right here.
13 One second.

14 PUBLIC SPEAKER MR. DIRESTA: Do you
15 have the name of the attorney that
16 represents this company Hudson Walk?

17 MS. KIMBALL: It's their PE that's
18 been representing them, sir.

19 PUBLIC SPEAKER MR. DIRESTA: Do you
20 have a phone number for that individual?

21 MS. KIMBALL: I am looking for that
22 right now.

23 PUBLIC SPEAKER MR. DIRESTA: I
24 appreciate it.

25 MR. BATTISTA: The phone number for

1 Shannon is 914 --

2 PUBLIC SPEAKER MR. DIRESTA: Yeah,
3 we have that on her e-mail.

4 MR. BATTISTA: Okay.

5 PUBLIC SPEAKER MR. DIRESTA: It's
6 the attorney that I want to speak to or the
7 PE. I want documents. You know. I had
8 submitted variance applications in the
9 past. And we were required to notify
10 adjacent properties. I was surprised that
11 we have received zero and we abut their
12 north property line. I don't understand
13 what the -- how you guys could've dropped
14 the ball.

15 MR. BATTISTA: Mr. Badaly's phone
16 number is 914-465-9010.

17 PUBLIC SPEAKER MR. DIRESTA: Thank
18 you, sir.

19 MS. KIMBALL: Thank you, Ralph.
20 It's Badaly Engineering, PLLC., in Mount
21 Vernon.

22 PUBLIC SPEAKER MR. DIRESTA: Has the
23 permit been granted? Are they good to go?
24 Has everything been completed?

25 MS. KIMBALL: No, it was a

1 conversation this evening. There was no
2 decision.

3 PUBLIC SPEAKER MR. DIRESTA: I see.
4 What can you share with us? Do you have
5 any minutes that you can share with us?

6 MS. KIMBALL: There were comments on
7 the grading of the parking lot. There were
8 revisions to the parking lot that he
9 submitted to the City Engineer, and he's
10 going to be resubmitting them to the Board
11 between now and the next meeting.

12 PUBLIC SPEAKER MR. DIRESTA: And the
13 next meeting is in a month?

14 MS. KIMBALL: Yes.

15 PUBLIC SPEAKER MRS. DIRESTA: What
16 date is that one? March?

17 MS. KIMBALL: Whenever the, what is
18 it? The second or third Tuesday is in
19 March.

20 MR. GIORGIO: It's the third Tuesday
21 of the month. If you call the Building
22 Department, they should have minutes. They
23 should plans on file.

24 MR. BATTISTA: Yeah, all of the
25 minutes are available on the web site too

1 on Yonkers Zoning Board, there's a link,
2 that you can click on it. It shows all the
3 minutes from the meeting.

4 PUBLIC SPEAKER MRS. DIRESTA: Let me
5 just confirm that phone number is
6 914-465-9010?

7 MR. BATTISTA: Correct.

8 PUBLIC SPEAKER MRS. DIRESTA: Thank
9 you.

10 PUBLIC SPEAKER MR. DIRESTA: Okay.

11 MS. KIMBALL: Okay.

12 PUBLIC SPEAKER MR. DIRESTA: Thank
13 you very much for addressing our concerns.

14 MS. KIMBALL: Very welcome.

15 PUBLIC SPEAKER MR. DIRESTA: We will
16 be --

17 MS. KIMBALL: Is there any other
18 business pending?

19 PUBLIC SPEAKER MR. DIRESTA: Not
20 with us so we will leave.

21 MS. KIMBALL: Thank you. Is there
22 any other property address or anything else
23 that hasn't been covered?

24 MR. KUNTZ: I'm going to, I'll speak
25 for you, Chairman.

1 All right. The Chairman wants to
2 make a motion to adjourn the meeting.

3 MS. KIMBALL: Second.

4 MR. KUNTZ: Everybody in favor say
5 aye.

6 (Chorus of ayes.)

7 MS. KIMBALL: Thanks, everyone.

8 MR. KUNTZ: Thank you.

9 MS. KIMBALL: On behalf of the
10 Chairman, thank you all.

11 MR. GIORGIO: Have a good night,
12 everyone.

13 MR. KUNTZ: Thank you, Ms. Kimball.

14 (Time Noted: 7:20 p.m.)

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1 CERTIFICATION

2

3 STATE OF NEW YORK)

4) ss.

5 COUNTY OF WESTCHESTER)

6

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

9

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

13

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

17

18 IN WITNESS WHEREOF, I have hereunto
19 set my hand.

19

20

21

22

23

LYNNETTE MORATO,
COURT REPORTER

24

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