

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CITY OF YONKERS

-----x

Minutes of
The City of Yonkers Zoning Board of Appeals
Held at
Saunders High School
Yonkers, New York
December 21, 2021 - 6:00 p.m.

-----x

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:

- MIKE REAPE, Building Department
- MATTHEW GALLAGHER, Corporation Counsel
- RACHEL KRAVITZ, Associate Corporation
Counsel
- LEE ELLMAN, Planning Department
- ZACHARY NERSINGER, Planning Director

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX

DECISIONS

N/A

ADJOURNED CASES

#5758 - Steven Accinelli, 45 Water Grant St	7
#5759 - Daniel Tartaglia, 345 McLean Ave	7
#5760 - Jacob Amir, 165 North Broadway	7
#5767 - Andrew Romano, 26 Cornell Ave	7
#5769 - Shahin Badaly, 527 aka 531 Van Cortlandt Park Ave	8
#5768 - Andrew Romano, 51 Lawrence St	48
#5567/5631 - 18 Trinity	48

NEW HEARINGS

#5771 - Andrew Romano, 46 aka 48 Ridge Rd	9
#5772 - Andrew Romano, 453 Bronxville Rd	16
#5770 - Janet Giris, 36-38 & 32 Main Street	34

1 THE CHAIRMAN: Good evening, ladies
2 and gentlemen. The Zoning Board of Appeals
3 public hearing for December 2021 is now in
4 session. Would the members introduce
5 themselves please starting with
6 Mr. Battista.

7 MR. BATTISTA: Ralph Battista.

8 MR. GIORGIO: Vincent Giorgio.

9 MR. SINGH: Harry Singh.

10 MR. LOPEZ: Hector Lopez.

11 THE CHAIRMAN: I'm Joseph
12 Cianciulli, I'm Chairman of the Board.
13 Absent tonight is Ms. Kimball and
14 Ms. Tickle(ph). Ms. Tickle is a new member
15 but it's too bad, she got the COVID the
16 other day. So she couldn't make it
17 tonight. With us tonight is Corporation
18 Counsel that represents the Board, Matthew
19 Gallagher. And represents the Building
20 department, Mike Reape, right here. And we
21 have another Corporation Counsel with us,
22 Rachel Kravitz. And we have Zach
23 Nersinger. He's over there. He's the
24 Planning Director. And then we got Lee
25 Ellman, he's the Deputy Planning

1 Commissioner. Okay. One second, please.

2 Would everybody please stand for the
3 Pledge of Allegiance. Mr. Lopez, would you
4 get the flag please over there and lead us
5 in the Pledge.

6 (Pledge of Allegiance.)

7 THE CHAIRMAN: Please remain
8 standing. A dear friend of mine passed on.
9 And he's a friend of a lot of people here
10 tonight. In fact he's a friend of a lot of
11 people in Yonkers. His name was Ed
12 Fitzgerald. And Mr. Romano knew him, a lot
13 of other people did. He was a lawyer in
14 Yonkers. Very distinguished lawyer. Then
15 he was a Judge for a good part of the time.
16 And he represented the police department.
17 It's just a shame, because Ed was really,
18 really a good guy. So we're going to have
19 minute of silence for that gentleman.

20 (Moment of silence.)

21 THE CHAIRMAN: Please be seated.

22 Tonight we have some cases here that
23 we're going to put over. It's going to be,
24 there might be one decision tonight. I
25 don't know yet. But right now we're going

1 to be putting these cases over. We're
2 going to be putting over case 5758, Water
3 Grant Street. That's the old power plant
4 for the, for the railroad down on down on
5 Glenwood Avenue. So we're going to be
6 putting that one over. We're going to put
7 over, that's case 5758, 5759, is an area
8 variance. That's 345 McLean Avenue. Going
9 to put that over. And then we got 5760,
10 165 North Broadway, we're going to put that
11 over. And then we got 5767, Cornell
12 Avenue. We're going to put that over.

13 Mr. Romano.

14 MR. ROMANO: Yes, sir.

15 THE CHAIRMAN: Introduce yourself,
16 please.

17 MR. ROMANO: Andrew Romano, 55 Main
18 Street, Yonkers, New York.

19 THE CHAIRMAN: We got some, we got
20 some stuff for you in the mail. But you
21 didn't give us a letter to explain what's
22 going on. So you want to give us a letter
23 to explain what's going on there?

24 MR. ROMANO: Yes, sir. Yes, sir.

25 THE CHAIRMAN: You know what I'm

1 talking about, don't you?

2 MR. ROMANO: I know what you're
3 talking about.

4 THE CHAIRMAN: Okay. We want a
5 letter to tell us what's going on.

6 MR. ROMANO: I understand. I'll
7 deal with it.

8 THE CHAIRMAN: Okay. I mean that
9 doesn't mean you're going to get this
10 thing. This is a woman that's very uptight
11 about it. Did you read the letter?

12 MR. ROMANO: I understand.

13 THE CHAIRMAN: Did you read the
14 letter, the woman's letter, the neighbor?

15 MR. ROMANO: I saw it. And I will
16 respond accordingly.

17 THE CHAIRMAN: You can respond to
18 the Board not to her.

19 MR. ROMANO: No, to you, sir.

20 THE CHAIRMAN: Okay. Thank you,
21 Mr. Romano.

22 MR. ROMANO: Thank you, sir, I
23 understand.

24 THE CHAIRMAN: How's your wife
25 feeling?

1 MR. ROMANO: She's good. She's very
2 good.

3 THE CHAIRMAN: Good. I'm glad to
4 hear that.

5 MR. ROMANO: You know. She's great.
6 She's better than me, but of course she
7 always was.

8 THE CHAIRMAN: I'm not going to make
9 any comments about you right now. It's
10 Christmastime, so, you know. You gotta be
11 better careful holiday time.

12 MR. ROMANO: Yes, sir.

13 THE CHAIRMAN: All right. Then so
14 I'm going to make a motion that we put all
15 of those cases over. Do I have a second?

16 MR. LOPEZ: Second.

17 THE CHAIRMAN: Mr. Lopez. Everybody
18 in favor say aye.

19 (A chorus of ayes.)

20 THE CHAIRMAN: Anybody opposed?
21 Okay. That's passed 5, 2 absent.

22 Then we got some hearings tonight.
23 We have, we have one at 527, 531 Van
24 Cortlandt Park Avenue. And then we have
25 one at 36-38 32 Main Street, and 1-3

1 Riverdale Avenue. And then we have one at
2 46 and also known as 48 Ridge Drive. And
3 one at 453 Bronxville Road. All right.

4 I just gotta do one thing. Excuse
5 me one second, please.

6 (Brief pause.)

7 THE CHAIRMAN: Is Mr. Badaly here?
8 Are you representing him?

9 MR. ROMANO: No, sir.

10 THE CHAIRMAN: On this case at 527,
11 531 Van Cortlandt Park Avenue?

12 MR. ROMANO: No, sir.

13 THE CHAIRMAN: Is Mr. Badaly here?

14 MR. ROMANO: No, he's not here.

15 THE CHAIRMAN: All right. That case
16 is put over. All new mail -- if you see
17 him, we'll tell him. Mike, tell Mr. Badaly
18 he's gotta send all new notices. Leave the
19 signs up. Okay. So this case is put over.
20 It's case 5769 527, 531 Van Cortlandt Park
21 Avenue Block 39 and Lots 59 and 60 in an
22 "A" Zone. Okay. That's over.

23 You can also tell him that, you
24 know, we set a schedule here. I don't know
25 what's going on. But I'm not amused.

1 Okay?

2 MR. ROMANO: Yes, sir.

3 THE CHAIRMAN: All right. Come on,
4 Mr. Romano.

5 MR. ROMANO: Yes, sir.

6 THE CHAIRMAN: 5771, improvement to
7 a non-conforming use and an area variance.
8 Andrew Romano, Esq. on behalf of Suahuil
9 Valerio, owner, to legalize side yard and
10 rear yard patio. Reconfigure second floor
11 to add a hallway closet and a bedroom
12 entrance, whereas;

13 - An improvement to a non-conforming
14 use requires Zoning Board of Appeals
15 approval, reference Yonkers Zoning
16 Ordinance 43.21(G), interior renovations to
17 the second floor apartment.

18 -- The next one is ticketed, a deck
19 less than three feet high or a patio may
20 not be located closer than three feet to
21 the side property line or closer than five
22 feet to the rear property line, reference
23 43-41.A.2, proposed zero feet to the side
24 property line, zero feet to the rear
25 property line.

1 Ridge Road. It's up in the Park Hill
2 section of Yonkers. Is anybody here
3 tonight on this? Okay. Anybody here?

4 All right. Proceed.

5 MR. ROMANO: Mr. Chairman, I'm here
6 on behalf of the applicant who has owned
7 the premises. It is a legal non-conforming
8 two-family house. Which is why we're here
9 tonight. My client's owned the property
10 for over 50 years. What my client seeks to
11 do in filing the plans, was to modify the
12 second floor of the premises to add, move
13 around the closet, move around the bedroom
14 door. So that's what the plans, the
15 modified revised plans reflect.

16 In addition to that, to correct
17 something that's been around since at least
18 2005. The pavers. That are on the side of
19 the rear yard that are closer than three
20 feet to the boundary line. And they've
21 been there without objection now for over
22 17 years. So my client basically is
23 improving to a non-conforming use, interior
24 alterations only. Not any rooms, not
25 adding occupancy, not any exterior

1 alterations. All interior work and we're
2 required to come before the Board for that.

3 So what we're seeking to do in
4 addition to legalize that is to legalize
5 something that should've have been
6 legalized many years ago, but was not,
7 which are the pavers on the side in the
8 rear of the yard.

9 We believe the premises would remain
10 in character of the surrounding area. It
11 is mainly one-family dwellings and various
12 sized lots and dimensions as reflected in
13 area maps, photos, and the site visits.
14 The premises with the legalization would
15 not violate lot coverage or require
16 additional variances. The only real
17 variance here is the fact that the pavers
18 which are less than six inches high, frames
19 within three feet of the rear and side
20 yard. So we want to legalize that.

21 There will no adverse physical,
22 environmental impact to the area. The
23 dwelling will remain a two-family dwelling.
24 A legal non-conforming use with no visible
25 changes on the exterior. The existing

1 patio and lot coverage existed as I said
2 before my client bought the premises
3 without complaint. But everything now is
4 -- we have not had a complaint from any
5 neighbors at all. Showing the de minimis
6 nature of the variance requested.

7 There will be no increase in
8 occupancy, traffic, noise or smell. It
9 won't result to any further reduction in
10 air, light, or greenery.

11 The improvement we believe is
12 contemplated by the ordinance which permits
13 an improvement to non-conforming dwellings.
14 And we believe that the variance requested
15 with the pavers on the rear yard side
16 should be granted as well. Considering
17 it's also very de minimis in those
18 objections. Like my client is here tonight
19 to answer any questions I may not be able
20 to answer. Thank you, sir.

21 THE CHAIRMAN: You say it's a
22 two-family house, correct?

23 MR. ROMANO: Yes, sir.

24 THE CHAIRMAN: All right. Does the
25 owner, is the owner one of those families?

1 MS. VALERIO: Yes.

2 MR. ROMANO: No. I'll bring her up,
3 Mr. Chairman.

4 THE CHAIRMAN: It's up to you.
5 Are you an attorney, madam?

6 MS. VALERIO: No.

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

11 MS. VALERIO: Yes.

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

14 MS. VALERIO: Suahuil Valerio. 48
15 Ridge Drive, Yonkers, New York 10705.

16 THE CHAIRMAN: Okay. Are you the --
17 do you live in that house with your family?

18 MS. VALERIO: Yes.

19 THE CHAIRMAN: You do. Okay. And
20 you have one other family in the house.
21 Are they related or it's just a rental?

22 MS. VALERIO: It would be a rental.
23 Currently it's unoccupied.

24 THE CHAIRMAN: Currently it's
25 unoccupied. Okay. Are there any questions

1 of this lady? All right.

2 We're going to have to get over
3 there and take a look at this. We've been
4 over there numerous times. Gotta be honest
5 with you. But we're going to have to take
6 a look at it. Would you mind if we go
7 inside the house?

8 MS. VALERIO: No, we don't mind.

9 THE CHAIRMAN: All right. So,
10 Mr. Romano, probably next week, give us a
11 call please. He's got my number, you can
12 call Shannon at the Building Department and
13 make an arrangement. I'll bring over a
14 couple of the members with me and take a
15 look at it. Okay?

16 MR. ROMANO: Yes, sir.

17 MS. VALERIO: Yes.

18 THE CHAIRMAN: Okay. Thank you.
19 Thank you. All right. Is there anybody --
20 what's the matter?

21 MR. ROMANO: No, I thought somebody,
22 or anyone else, had a question for myself.

23 THE CHAIRMAN: What do you want, to
24 be Chairman of the Board now?

25 MR. ROMANO: Oh, God, no.

1 THE CHAIRMAN: All right. Good.

2 MR. ROMANO: I pray for you --

3 THE CHAIRMAN: Just calm down.

4 Because I'll tell you right now, I'll take
5 the other case and I'll put it on for next
6 month.

7 MR. ROMANO: I understand, sir.

8 THE CHAIRMAN: Okay. All right. Is
9 there anybody here tonight to speak in
10 favor of this application? Is there
11 anybody here tonight to speak in
12 opposition?

13 Do you have anything else to say to
14 me, Mr. Romano?

15 MR. ROMANO: No, sir.

16 MS. VALERIO: No, sir.

17 THE CHAIRMAN: Okay. Fine. Thank
18 you.

19 This case is hereby closed. Reserve
20 the right to reopen it for any reason
21 whatsoever, any time whatsoever, and that
22 includes after decision is made.

23 Merry Christmas.

24 MR. ROMANO: Merry Christmas.

25 THE CHAIRMAN: Mr. Romano, we're

1 going to take the next case for you.

2 MR. ROMANO: Thank you, sir.

3 THE CHAIRMAN: Case 5772, an area
4 variance, Mr. Romano on behalf of Joseph
5 Weiburg, owner, to construct a new
6 dwelling,

7 - Insufficient lot width under
8 section 43-27, Table 43-3, and 43-33.D,
9 required is 60-foot, proposed is 47.79
10 feet.

11 - Insufficient lot area section
12 43-27, Table 43-3 and 43-33.D, required is
13 6,000 square feet, proposed is 5,506 square
14 feet;

15 On premises known as 453 Bronxville
16 Road, Block: 5603, Lot: 7 in S-60 Zone.

17 Mr. Romano, has everybody within a
18 200-foot radius been notified, sir?

19 MR. ROMANO: Yes, sir.

20 THE CHAIRMAN: Did anything come
21 back that was undeliverable?

22 MR. ROMANO: No, sir.

23 THE CHAIRMAN: Okay. Anybody here
24 tonight on this case? This case is on
25 Bronxville Road. It's between Wiltshire

1 and Anita. That's A-n-i-t-a Road. It's
2 over near the firehouse. Anybody here
3 tonight on this case?

4 Okay. Mr. Romano.

5 MR. ROMANO: Mr. Chairman and
6 members of the Board, I'm here on behalf of
7 the applicant who is the owner of 453
8 Bronxville Road. What my client seeks to
9 do, in merging the lots that he has, is to
10 construct a one-family dwelling. However,
11 he's short on front yard 49 feet versus 60
12 feet and he's short on square footage.
13 Instead of 6,000 he has about 5,500 square
14 feet. So what we seek to do is to
15 construct a one-family house. And to try
16 to attempt to mitigate, mediate the area,
17 is my client in the plans that he has
18 submitted, will comply with setbacks,
19 front, rear, side, and both sides of the
20 rather yard and also it would be height.

21 So in essence he would comply with
22 the setback requirements that the, the
23 Board, that the Zoning Code provides
24 thereby providing air and light necessary
25 between the neighbors. My client does own

1 the house on the one side of the premises.

2 The variance cannot be obviated. I
3 cannot achieve with the way the tax map is
4 laid out to create more land. The way this
5 parking lot is laid out, it makes it
6 difficult for us to do it an S-60 Zone.
7 Many of the houses there are below 6,000
8 square feet. And they're below the
9 required 60-square feet in the front. I
10 submitted a map. My client can speak to
11 that. Which I think is important. As to
12 the houses in the area that are all smaller
13 than what the Code requires.

14 The variances, they may be
15 substantial, but it is mitigated as I said
16 because the setback site will all be the
17 same. It would provide the air and light
18 and side yard as required by the Code.

19 The premises would remain in
20 character of the neighborhood. It would be
21 a one-family dwelling. And some of them
22 are on smaller lots which the analysis that
23 my client did reflects.

24 There will be no adverse physical,
25 environmental impact on the area. It would

1 be a one-family in an S-60 Zone.

2 It would otherwise comply with
3 building, housing, safety environmental
4 codes and parking as the plans reflect.

5 The hardship may be self-created,
6 but it would better utilize the vacant
7 piece of property that he has. And it's
8 one factor that can be considered in
9 weighing the benefit to the applicant which
10 he is not granted the variance because he's
11 not going to be able to be build on vacant
12 land. And my client is here. And will
13 answer any questions or myself that the
14 Board has.

15 Thank you.

16 THE CHAIRMAN: How long has your
17 client, how long has your client owned that
18 piece of property?

19 MR. ROMANO: Bring him up,
20 Mr. Chairman, with your permission to swear
21 him in?

22 THE CHAIRMAN: It's up to you.

23 MR. ROMANO: Yes, sir.

24 THE CHAIRMAN: Are you an attorney,
25 sir?

1 MR. WEIBURG: No, no, sir.

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

6 MR. WEIBURG: Yes, sir.

7 THE CHAIRMAN: State your name and
8 address.

9 MR. WEIBURG: Joseph Weiburg, 455
10 Bronxville Road, Yonkers, New York 10708.

11 THE CHAIRMAN: Good. All right. So
12 you live in the house to the east of, of
13 this lot; am I correct?

14 MR. WEIBURG: That's correct.

15 THE CHAIRMAN: Correct. Okay. So
16 you're almost on the corner of, of the
17 other street of --

18 MR. WEIBURG: Wiltshire.

19 THE CHAIRMAN: Of Wiltshire?

20 MR. WEIBURG: Correct.

21 THE CHAIRMAN: Okay. How long have
22 you owned the house, owned the lot?

23 MR. WEIBURG: Since 2017, so about
24 three --

25 THE CHAIRMAN: 2017, you bought it?

1 MR. WEIBURG: -- yes.

2 THE CHAIRMAN: You bought it with
3 the house?

4 MR. WEIBURG: That's correct.

5 THE CHAIRMAN: Okay. All right. I
6 like the idea the American flag, by the
7 way. Looks good.

8 MR. WEIBURG: Thank you.

9 The house you live in, it's a
10 one-family?

11 MR. WEIBURG: That's correct.

12 THE CHAIRMAN: Okay. All right.
13 Now, I think your variance is more towards
14 the front of the property; am I correct?

15 MR. WEIBURG: It's the lot width,
16 that's correct.

17 THE CHAIRMAN: Yeah, it's not in the
18 back, it's toward the front?

19 MR. WEIBURG: Toward the front,
20 that's correct.

21 THE CHAIRMAN: With the porch and --
22 correct.

23 MR. WEIBURG: Yes. Yes, sir.

24 THE CHAIRMAN: I'm not too good at
25 reading plans, but I get by. If I have a

1 problem, I take them to Sam Borrelli, the
2 Commissioner, he'll read them for me.

3 MR. WEIBURG: Sure.

4 THE CHAIRMAN: He knows how to read
5 them. How many square feet in this new
6 house?

7 MR. WEIBURG: Approximately 3,000.

8 THE CHAIRMAN: It's going to be a
9 one-family, you know?

10 MR. WEIBURG: That's correct.

11 THE CHAIRMAN: Okay. But I'm over
12 that way a lot. Believe me when I tell you
13 I got friends over there.

14 MR. WEIBURG: Yup.

15 THE CHAIRMAN: They don't live far
16 from there. Okay. What else you got to
17 say to say to me, sir?

18 MR. ROMANO: Mr. Chairman, he did,
19 for the Board's edification, and I attached
20 it to the --

21 THE CHAIRMAN: Get over towards the
22 microphone, Mr. Romano.

23 MR. ROMANO: I did attach, he did a
24 beautiful layout of other houses that would
25 be in character with the neighborhood

1 showing that this would not be something
2 that is out of the ordinary.

3 THE CHAIRMAN: Where is it?

4 MR. ROMANO: I gave it in. And I
5 have -- it says here --

6 THE CHAIRMAN: You talking about
7 this you one right here? The area map?

8 MR. ROMANO: No. I have extra
9 copies. And it reflects, if you want he
10 can speak to it with your permission,
11 Mr. Chairman. And I'll submit extra copies
12 to you tonight.

13 THE CHAIRMAN: No, I don't want any
14 extra copies right now.

15 MR. ROMANO: Okay. Can he speak to
16 it though?

17 THE CHAIRMAN: I have it.

18 MR. ROMANO: Oh, you got it. Okay.

19 THE CHAIRMAN: Yeah, I have it. You
20 just handed it in tonight.

21 MR. ROMANO: I'm sorry?

22 THE CHAIRMAN: You handed it in
23 tonight.

24 MR. ROMANO: No, no. That was,
25 like, about ten days ago. But if you need

1 help in speaking to it, it reflects the
2 fact that many of the houses --

3 THE CHAIRMAN: What's the date
4 today, the 20th, the 21st?

5 MR. ROMANO: What's that?

6 THE CHAIRMAN: Got this on the 16th.
7 That's five days ago.

8 MR. ROMANO: No, I handed it in,
9 like, ten days ago. You know, it's tough
10 getting in. Sometimes they don't let you
11 in. Sam Borrelli is pretty tough.
12 Commissioner Borrelli --

13 THE CHAIRMAN: Commissioner --

14 MR. ROMANO: Commissioner Sam
15 Borrelli is very tough.

16 THE CHAIRMAN: Commissioner
17 Borrelli--

18 MR. ROMANO: I said it, you got me.

19 THE CHAIRMAN: Okay.

20 MR. ROMANO: Sorry. We go back.

21 THE CHAIRMAN: But don't start on
22 me, because, hey, let me tell you
23 something--

24 MR. ROMANO: No, I understand --

25 THE CHAIRMAN: -- short night here

1 tonight. I didn't eat my dinner yet, but
2 I'm willing to stay. And I'll stay here
3 for hours just with you, no problem.

4 MR. ROMANO: Yes, sir.

5 THE CHAIRMAN: So don't start on me.

6 MR. ROMANO: I'm done.

7 THE CHAIRMAN: What's that noise
8 over there?

9 (Brief pause.)

10 THE CHAIRMAN: All right. Any
11 questions for the Board?

12 Mr. Romano.

13 MR. ROMANO: Yes, sir.

14 THE CHAIRMAN: I am going to close
15 this case.

16 MR. ROMANO: Thank you.

17 THE CHAIRMAN: Okay. What we're
18 going to do is you're going to make the
19 arrangements for Ridge Road, you make the
20 arrangements for me to come over there and
21 see the property. Okay?

22 MR. ROMANO: Yes, sir.

23 THE CHAIRMAN: Do we have the right
24 to go into your house?

25 MR. WEIBURG: Yes.

1 THE CHAIRMAN: We do. Okay. Good.
2 So Mr. Romano is going to call the Building
3 Department. He's there almost every day.
4 I think. He's going to arrangements for us
5 to come over there and I'll come over with
6 a couple other members.

7 MR. ROMANO: Yes, sir.

8 THE CHAIRMAN: Okay.

9 MR. ROMANO: Thank you sir.

10 THE CHAIRMAN: Any questions here
11 from the Board?

12 Okay. This case is hereby closed.
13 Reserve the right -- wait a minute. I'm
14 sorry. I apologize. Is there anybody here
15 in favor of this application? Is there
16 anybody here in opposition to this -- you
17 are. Come on up, sir. I'm sorry.

18 PUBLIC SPEAKER YARIN: Good evening.

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

21 PUBLIC SPEAKER YARIN: No, I am not.

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

1 PUBLIC SPEAKER YARIN: Yes, I do.

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

4 PUBLIC SPEAKER YARIN: Daniel Yarin,
5 447 Bronxville Road, Yonkers, New York
6 10708.

7 THE CHAIRMAN: Is this the house to
8 the west?

9 PUBLIC SPEAKER YARIN: Correct.

10 THE CHAIRMAN: With all decorations?

11 PUBLIC SPEAKER YARIN: No. It's the
12 house right next to Mr. Weiburg's home.

13 THE CHAIRMAN: Right next door to
14 the empty lot?

15 PUBLIC SPEAKER YARIN: Correct.

16 THE CHAIRMAN: All right. So you
17 have the decorations on there, don't you?

18 PUBLIC SPEAKER YARIN: We have some
19 lights up.

20 THE CHAIRMAN: Yeah. They're nice
21 by the way.

22 PUBLIC SPEAKER YARIN: We're the
23 corner house of Wiltshire and Bronxville
24 Road.

25 THE CHAIRMAN: All right. Go ahead.

1 I'm sorry. Proceed.

2 PUBLIC SPEAKER YARIN: We would just
3 like to see some type of plans of what the
4 house will look like and how close to our
5 property it will be.

6 THE CHAIRMAN: Okay. Mr. Romano,
7 step up here, please. Is that the set of
8 plan that I have?

9 MR. ROMANO: Yes, sir.

10 THE CHAIRMAN: The exact set of
11 plans that I have?

12 MR. ROMANO: Yes, sir.

13 Keep it. It's yours.

14 PUBLIC SPEAKER YARIN: Thank you.
15 So myself and my wife and I think some
16 other people in the neighborhood would like
17 to examine these in a little bit more
18 detail to better understand what the house
19 will be like and how it will affect the
20 rest of the community.

21 THE CHAIRMAN: That's not the exact
22 set of plans that I have. Step up,
23 Mr. Romano.

24 MR. ROMANO: Yes, sir.

25 THE CHAIRMAN: That gentleman

1 doesn't have a set of plans like this.

2 MR. ROMANO: No, we photocopied it.
3 It's a photocopy.

4 THE CHAIRMAN: This is the set of
5 plans I want the gentleman to get. No, no,
6 you got a whole bunch of plans here.

7 MR. WEIBURG: There's about nine
8 sheets here.

9 MR. ROMANO: Nine sheets,
10 Mr. Chairman. Same as yours. Yours should
11 be nine as well.

12 THE CHAIRMAN: What'd you say?

13 MR. ROMANO: Your plan up there
14 should be nine sets as well. This is a
15 little bit smaller, but it's nine pages.
16 So it should add up.

17 THE CHAIRMAN: All right. Make sure
18 they're the same exact set of plans. I
19 don't want to lead this man on.

20 MR. ROMANO: We're going to talk
21 outside, we're going to talk to him outside
22 after the meeting is over too,
23 Mr. Chairman. To make sure if there's any
24 questions we can answer them.

25 THE CHAIRMAN: Okay. All right.

1 MR. ROMANO: Fair enough.

2 THE CHAIRMAN: So what we're going
3 to do, sir, we're going to give you a
4 chance to examine the plans. You can take
5 them home, what have you. I'm going to
6 continue this hearing until January. So if
7 you want to get ahold of Mr. Romano,
8 Mr. Romano and then his client, he'll be
9 glad to give you his card, and then you can
10 discuss it with him.

11 MR. ROMANO: Thank you.

12 THE CHAIRMAN: Is that okay with
13 you, sir?

14 PUBLIC SPEAKER YARIN: That's fine.
15 Thank you.

16 THE CHAIRMAN: Anybody else here
17 tonight on this case?

18 (Court reporter requested
19 spelling.)

20 PUBLIC SPEAKER YARIN: Y-a-r-i-n.

21 THE CHAIRMAN: Okay. So,
22 Mr. Romano, leave the signs up, send out
23 new notices.

24 MR. ROMANO: Yes.

25 THE CHAIRMAN: Registered mail.

1 MR. ROMANO: Yes, sir.

2 THE CHAIRMAN: Return receipt. And
3 we will see you back here in January.

4 MR. ROMANO: Yes, sir.

5 THE CHAIRMAN: If that man calls
6 you, give him your phone number and
7 everything.

8 MR. ROMANO: Not a problem. They're
9 neighbors, Judge.

10 THE CHAIRMAN: Okay. What'd you
11 say, they're neighbors what?

12 MR. ROMANO: I said, Judge.

13 THE CHAIRMAN: Did you call me
14 Judge?

15 MR. ROMANO: Well, you are a Judge,
16 you know, kinda.

17 THE CHAIRMAN: Wait. Whoa. Whoa.
18 Let's start with this again. Put me on the
19 payroll for being a judge, please. I'm not
20 a judge. Okay. I tell you that a hundred
21 times. You've been here for 40 years --

22 MR. ROMANO: You know. I just get
23 carried away sometimes.

24 THE CHAIRMAN: Yeah, I know you do.

25 MR. ROMANO: It's only been 40

1 years.

2 THE CHAIRMAN: What?

3 MR. ROMANO: Forty years.

4 THE CHAIRMAN: I got 52.

5 MR. ROMANO: My father had 60.

6 THE CHAIRMAN: Oh, boy. I tell ya.

7 Okay. This case is hereby

8 continued. Thank you.

9 MR. ROMANO: Everybody have a Merry
10 Christmas.

11 THE CHAIRMAN: Thank you. Merry
12 Christmas, sir.

13 We have another guest here tonight.
14 The esteemed guest here tonight. The
15 Building Commissioner Sam Borrelli.

16 MR. BORRELLI: Hello, Mr. Chairman,
17 how are you?

18 THE CHAIRMAN: I'm fine, sir.

19 I failed to do something at the
20 beginning of the meeting, hearing rather.
21 We had a moment of silence for Ed
22 Fitzgerald. And I forgot to, and I had it
23 on my phone, everybody please stand for
24 another moment of silence for Mr. Singh's
25 brother who passed away a couple of weeks

1 ago. It was BM Singh. So we'll just have
2 a moment of silence. And Mr. Singh is a
3 member of the Board, esteemed member of the
4 Board. He's been with me for a long time
5 and he's my friend.

6 (Moment of silence.)

7 THE CHAIRMAN: Thank you.

8 MR. SINGH: Thank you, Mr. Chairman.

9 THE CHAIRMAN: You're welcome,
10 Mr. Singh.

11 The next case tonight is an area
12 variance number 5770. And I understand
13 that Ms. Giris who's with the DelBello law
14 firm in White Plains is going to represent
15 the Macquesten Development. So it's on
16 behalf of Macquesten Development, LLC.,
17 that's Limited Liability Corporation.
18 They're the owner for redevelopment of a
19 site with a ten-story mixed-use building
20 containing ground floor retail and 76
21 affordable dwelling units having;

22 - Insufficient rear yard section
23 43-221, Table 43-8, required is ten feet,
24 proposed is zero feet.

25 - Insufficient parking section

1 43-120.A, Table 43-4, and 43-130, required
2 66 parking spaces, proposed is 28.

3 On premises known as 38 -- I'm sorry,
4 excuse me, 36-38 and 32 Main Street and 1-3
5 Riverdale Avenue, Block 501, Lot 18, 19,
6 20, 21, 22 23, in D-MX Zone.

7 Ms. Giris, would you introduce
8 yourself, please.

9 MS. GIRIS: Good evening,
10 Mr. Chairman. My name is Janet Giris. I'm
11 a partner with DelBello, Donnellan,
12 Weingarten, Wise, Wiederkehr. And I'm here
13 this evening on behalf of the applicant.

14 THE CHAIRMAN: Everybody within a
15 200-foot radius been notified?

16 MS. GIRIS: Yes, Mr. Chairman.

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

19 MS. GIRIS: No, sir.

20 THE CHAIRMAN: Is there anybody here
21 tonight on this case? This case is on the
22 corner of Riverdale Avenue and Main Street
23 in Downtown Yonkers.

24 Proceed.

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

1 Good evening members of the Board. Joining
2 me this evening Joe Acocella with
3 Macquesten Development, the applicant.
4 Also joining me Jacqueline Tyler our
5 project architect with Nexus Creative
6 Design, Mr. Chairman. With your
7 permission, Ms. Tyler would like to give
8 you some materials so that you can see what
9 we're showing you up close this evening.

10 THE CHAIRMAN: That's fine.

11 Hector, get that. Okay.

12 MS. GIRIS: So thank you,
13 Mr. Chairman. As I mentioned I'm here this
14 evening on behalf of the applicant in
15 connection with the property that is
16 located at 36-38 Main Street, 32 Main
17 Street and 1-3 Riverdale Avenue.

18 The property consists of five
19 different lots. And it totals
20 approximately .23 Acres. As you mentioned,
21 Mr. Chairman, it's located on the southwest
22 corner of Riverdale and Main. And it is
23 currently undeveloped. As I mentioned it
24 consists of five different lots. Three of
25 those lots are currently owned by the CDA

1 and the applicant is the contract vendee of
2 the two remaining lots and has also entered
3 into a land disposition agreement with the
4 CDA for the redevelopment of the property.

5 The property is located in a D-MX
6 district of the City. And we are intending
7 to redevelop the property with a ten-story
8 mixed use multi-family building which is
9 intended to have approximately 9,000 square
10 feet on the ground floor, 9,400 square feet
11 on the ground floor. Approximately 5,700
12 square feet of that would be for commercial
13 uses. The remaining nine stories of the
14 building would contain 76 dwelling units
15 with a unit mix of 12 studios, 36
16 one-bedrooms, 23 two-bedrooms and five
17 three-bedroom units.

18 We're seeking an area variance,
19 single area variance, Mr. Chairman, from
20 the Board this evening. And that is for a
21 reduction in the rear yard setback as it
22 affects a portion of the property.

23 So, the property, as I mentioned it
24 is small. It's also irregularly shaped.
25 And that is -- those two things are what is

1 driving the request for the variances.

2 So, just to orient you a little bit.
3 So this is Riverdale. This is Main. And
4 this is the area in which we're seeking the
5 variance. And so in accordance with the
6 D-MX district regulation, there's a
7 requirement for a ten-foot rear yard
8 setback for residential uses. So
9 interestingly if this building were fully
10 commercial, this area variance would not be
11 required. But because it does contain
12 residential uses as well, the setback is
13 something that's required.

14 So, we've submitted to you a
15 statement of principle points which goes
16 through the five different reasons why we
17 believe that this application would qualify
18 for an area variance. As I mentioned, it
19 is driven by the constraints of the site.
20 It's irregularly shaped. And there is some
21 constraints with having that setback.

22 In addition, the adjacent property,
23 which is developed with a building owned by
24 Verizon, is developed right to the property
25 line here. And so what we'd like do is

1 build this building to the property line in
2 the area of that building. There is a
3 portion of the property which would comply
4 with the setback. And that would provide
5 light and air to the dwelling units on that
6 floor. And if Ms. Tyler can go through the
7 floor plan with you in a little bit of
8 greater detail.

9 But a couple of things I wanted to
10 point out. In addition to being in the
11 D-MX district, the property is also located
12 in the City's river view urban renewal
13 area. And the development and the
14 redevelopment of this site would be
15 consistent with the goals of that urban
16 renewal plan. In addition, it's also a
17 brownfield site. And so the redevelopment
18 of this site would also result in the
19 cleanup of that property. As I mentioned
20 it would be redeveloped with approximately
21 76, actually not approximately with 76
22 dwelling units. All of those units would
23 be work force housing.

24 And one of the things I also wanted
25 to point out, Mr. Chairman, is that while

1 your agenda this evening does mention a
2 parking variance for this site, we are not
3 seeking a parking variance from this Board.
4 We would be seeking to make a payment in
5 lieu of the required number of parking
6 spaces not provided on site. And that's
7 something that we would be requesting of
8 the City Council and the Planning Board.
9 If the variance is granted, this
10 application would also require site plan
11 approval from the Planning Board.

12 So I'd like to introduce Ms. Tyler.
13 She can show you the plan a little bit.
14 And Mr. Acocella is also here this evening.
15 And we can answer any additional questions
16 you might have.

17 THE CHAIRMAN: Wait a minute.

18 Good evening, again, my name is
19 Jacqueline Tyler with Nexus Creative.

20 THE CHAIRMAN: I didn't recognize
21 you yet.

22 Sorry. Sorry, sir.

23 THE CHAIRMAN: Don't jump the gun.

24 Thank you.

25 Ms. Giris. Ms. Giris. You're not,

1 you're getting, you're taking the parking
2 variance off?

3 MS. GIRIS: Yes, Mr. Chairman. In
4 our application we didn't request the
5 variance for parking. It is something that
6 did come back on the building application
7 review, which as you know is required to be
8 submitted as part of our application. And
9 then the Zoning Board's secretary takes
10 what's on that application and that's what
11 she includes on the agenda. But the
12 application before you is simply for that
13 single rear yard variance. As I mentioned
14 there are otherwise to satisfy the parking
15 requirement for this project. One of those
16 ways is to make a payment in lieu of
17 parking spaces, which we will be requesting
18 as part of the application.

19 THE CHAIRMAN: All right. Now,
20 we're going to take a five-minute recess.
21 Thank you.

22 (Brief recess taken.)

23 THE CHAIRMAN: Ms. Giris, I think
24 what we have now is one variance that we're
25 talking about. That's the rear yard; am I

1 correct?

2 MS. GIRIS: Yes, Mr. Chairman.

3 THE CHAIRMAN: Okay. If you go to
4 the Planning Board and you don't have
5 success, you'll be back here, you know
6 that?

7 MS. GIRIS: Yes, sir.

8 THE CHAIRMAN: Okay. All right.
9 So, let's talk about that variance right
10 now. Okay?

11 MS. GIRIS: Sure.

12 THE CHAIRMAN: I don't have to, I
13 don't have to go too far with that. I
14 mean. Somebody sent you something about
15 the drawing on the building in the back?

16 MS. GIRIS: About?

17 THE CHAIRMAN: The drawing, the
18 painting on the other building?

19 AUDIENCE MEMBER: The mural?

20 THE CHAIRMAN: Yeah, the mural,
21 yeah. Ms. Giris, hold on. I don't need a
22 lot of people. I can handle Ms. Giris.
23 She's very qualified. Been here a long
24 time. What are you going to do with that,
25 with that mural?

1 MS. GIRIS: Well, I do need my
2 client to help me answer that question,
3 Mr. Chairman. Because I know there's
4 resolution for it.

5 THE CHAIRMAN: Okay. Come on. Are
6 you an attorney, sir?

7 MR. ACOCELLA: I am not.

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

12 MR. ACOCELLA: I do.

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

15 MR. ACOCELLA: Joseph Acocella, 8
16 Berkley Drive, Rye Brook, New York.

17 THE CHAIRMAN: Okay. Mr. Acocella,
18 what is your position with the company?

19 MR. ACOCELLA: I'm one on principals
20 of Macquesten Development, one of the
21 sponsors, the urban renewal district
22 project and this project.

23 THE CHAIRMAN: Okay. Fine.
24 Proceed, sir. Tell me what you're going to
25 do.

1 MR. ACOCELLA: Mr. Chairman and
2 Honorable Members of the Board, we are
3 putting together for the Landmarks Board,
4 which is the governing body that will
5 control this historic district, the Richard
6 Haas Historic District. A plan, actually
7 several plans of options for the relocation
8 of the Richard Haas mural. We've met with
9 Mr. Haas. We've done various site visits
10 throughout the downtown looking at issues
11 of visibility, pedestrian access and the
12 like. We'll be back to the Landmarks Board
13 in January with these options, with these
14 plans, and we don't plan to proceed without
15 obligating ourselves to replace like kind
16 or otherwise at our own expense which could
17 and should be a condition of final site
18 plan approval.

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

21 Okay. Thank you, sir.

22 MR. ACOCELLA: Mr. Chairman, if I
23 might also, just one correction for the
24 record. In terms of the property
25 ownership, we actually are owners in fee

1 title of the other parcel that abuts the
2 CDA parcels. Thank you.

3 THE CHAIRMAN. Ms. Giris, you have
4 anything else to say?

5 MS. GIRIS: No, Mr. Chairman, as I
6 mentioned we do, we did provide you with a
7 statement of principal points, which goes
8 through our reasoning as to why we believe
9 that the variance is warranted here. As I
10 mentioned the building will be setback at
11 one of the corners to provide light and air
12 to the units. And so that setback will
13 achieve what is the intention of the D-MX
14 with regard to the residential setback.

15 THE CHAIRMAN: Okay. You also got a
16 letter here from, well, what we have from
17 Paul Summerfield, he's the City Engineer.
18 I'm going to give you a chance to answer
19 it. You don't have to answer some it, I
20 think the one thing about the parking
21 spaces, that would be taken up by the
22 Planning Board. And if it doesn't happen,
23 it'll come back to us. But there's things
24 here like how is the garbage going to be
25 picked up, and the mural, you just said,

1 how you're going to handle it. The ADA
2 parking space does not comply with current
3 standards. You can talk to him about that
4 too.

5 So, I'm giving to give you an
6 opportunity to do that.

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

8 THE CHAIRMAN: And then the loading,
9 space on Main Street. Talk to him. Okay?

10 MS. GIRIS: Thank you, Mr. Chairman,
11 we will. I haven't seen that memo, but I
12 will get a copy of it.

13 THE CHAIRMAN: Okay. All right. Is
14 there anybody here tonight in favor of this
15 application? Is there anybody here tonight
16 in opposition? Any questions of the Board?

17 All right. I'm going to close this
18 case. Because I know you'll get back to me
19 with a lot of information. So, this case
20 is hereby closed. Reserve the right to
21 reopen it for any reason whatsoever, any
22 time whatsoever, and that includes after
23 the decision is made.

24 Thank you, Ms. Giris.

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

1 Wishing you all a Merry Christmas, Happy
2 New Year, and look forward to seeing you in
3 January.

4 THE CHAIRMAN: What'd you say?

5 MS. GIRIS: I said wishing you all a
6 Merry Christmas and a Happy New Year and
7 look forward to see you in January.

8 THE CHAIRMAN: Thank you.

9 Do you have any business before the
10 Board?

11 AUDIENCE MEMBER: I'm here about my
12 case. But my architect is not here because
13 he's got --

14 THE CHAIRMAN: All right. Come
15 here. You can't talk to me from there.
16 You gotta talk to me from here. All right.
17 Let me ask you a question, what case are
18 you here on?

19 AUDIENCE MEMBER: It's 530 -- on 527
20 Van Cortlandt.

21 THE CHAIRMAN: Okay. Mr. Badaly
22 didn't show up, I put the case over to the
23 next month.

24 AUDIENCE MEMBER: Okay. No problem.

25 THE CHAIRMAN: Okay. Thank you.

1 AUDIENCE MEMBER: Thank you.

2 THE CHAIRMAN: You're welcome.

3 AUDIENCE MEMBER: Merry Christmas.

4 THE COURT: Merry Christmas to you
5 too.

6 All right. We have the one case on
7 Lawrence Street. One case on Lawrence
8 Street, that's case number 5768, we're
9 going to have an answer on that next month
10 also. Okay? So, is that okay with all the
11 members of the Board? Everybody in favor
12 say aye.

13 (A chorus of ayes.)

14 THE CHAIRMAN: Anybody oppose?
15 Okay.

16 Then we got something here today
17 from Cuddy and Feder. And I'll tell you
18 right now. This aggravates me. Here we
19 get something from Cuddy and Feder. Today
20 we got it. Well, it came in on the 20th,
21 which is yesterday. And it's about this 18
22 Trinity Street. I haven't had a chance to
23 read this. I don't know if any of you
24 people had a chance to read it. So we're
25 not going to have an answer on that

1 tonight, I'm going to make a motion to put
2 that over until next month. Do I have a
3 second?

4 MR. GIORGIO: Second.

5 THE CHAIRMAN: Everybody in favor
6 say aye.

7 (A chorus of ayes.)

8 THE CHAIRMAN: Okay. That's carried
9 5, 2 absent. Thank you.

10 Make a motion to adjourn.

11 MR. GIORGIO: Second.

12 (Time Noted: 6:58 p.m.)

13

14

15

16

17

18

19

20

21

22

23

24

25

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:

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.

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.

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

20

21

22

23

24

25

LYNNETTE MORATO,
COURT REPORTER