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CITY OF YONKERS

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Minutes of
The City of Yonkers Zoning Board
Ceremonial Courtroom
June 21, 2022 - 6:00 p.m.

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B E F O R E:

- JOSEPH CIANCIULLI, Chairman
- HARRY SINGH, Member (not present)
- HECTOR LOPEZ, Member
- WILSON KIMBALL, Member (not present)
- RALPH BATTISTA, Member
- JEAN TICKELL, Member
- ANTHONY GJELAJ, Member

P R E S E N T:

- FRANK LONGOBARDI, Building Department
- MATTHEW GALLAGHER, Assistant Corporation
Counsel
- ZACHARY NERSINGER, Planning Director
- LEE ELLMAN, Planning Department

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DECISIONS

#5784 - Andrew Romano, 120 Herriot St 6

PENDING/CLOSED FOR PUBLIC DISCUSSIONS

#5769 - Andrew Maniglia, 70 Pier St 6

OPEN CONTINUED HEARINGS

#5727A- Andrew Romano, 651 Bronx River Road 6

#5785 - Andrew Romano, 383 Warburton Ave 6

NEW HEARINGS

#5786 - Shahin Badaly, 50 Elaine Terrace 21

#5787 - John Canning, 1230 Nepperhan Ave 28

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Central Park Ave

#5789 - Stephen Veneruso, 470 Nepperhan Av 45/133

#5790 - James Veneruso, 1999 Central Park Ave 61

#5791 - Kyle Pustola, 29 Wells Ave 51

#5792 - Andrew Romano, 204 (206) Ashburton Ave 9

OFF-AGENDA ITEMS

#5727 70 Pier Street 149

1 THE CHAIRMAN: The June 2022 public
2 hearing for the Zoning Board of Appeals is
3 now in session. Would the members
4 introduce themselves please starting with
5 Mr. Battista.

6 MR. BATTISTA: Ralph Battista.

7 MS. TICKELL: Jean Tickell.

8 MR. GJELAJ: Anthony Gjelaaj.

9 MR. LOPEZ: Hector Lopez.

10 THE CHAIRMAN: And missing tonight
11 is Ms. Kimball. She's away. And Harry
12 Singh. Harry might be here. I don't know.
13 He spoke to me. All right. And on my
14 immediate left is Mr. Matthew Gallagher,
15 the Corporation Counsel that represents the
16 Board. On my right is Mr. Frank Longobardi
17 representing the Building Department. And
18 on my left over here is Zach,
19 Mr. Nersinger. Help me out.

20 MR. NERSINGER: Nersinger.

21 THE CHAIRMAN: Nersinger. Don't
22 worry, I'm Cianciulli so just as bad. I'm
23 sorry. I apologize to you.

24 (Phone ringing.)

25 THE CHAIRMAN: We're going to get to

1 that in a minute. You better turn it off.

2 Do I have a motion to accept the
3 minutes of the May 2022 hearing?

4 MR. BATTISTA: Motion.

5 THE CHAIRMAN: Everybody in favor
6 say aye.

7 (Chorus of ayes.)

8 THE CHAIRMAN: Anybody opposed? All
9 right. That's carried 5, 2 absent.

10 Would everybody please stand for the
11 Pledge of Allegiance led by Mr. Longobardi.

12 (Pledge of allegiance.)

13 THE CHAIRMAN: Everybody remain
14 standing. Going to have a moment of
15 silence for my sister. My sister Ruth
16 Hillman passed on last week. She was 94
17 years old. And it was very hard for myself
18 as I see my sister every day that I was in
19 town. She was a school teacher in Yonkers.
20 She taught in School 22, in School 8.
21 People that came to the wake, came and
22 said, I had Mrs. Hillman, the teacher.
23 Nice to hear that. So I'd like to have a
24 moment of silence for my sister Ruth
25 Hillman.

1 (Moment of silence.)

2 THE CHAIRMAN: Thank you. Be
3 seated, please. All right. There's a
4 couple of rules that we have. I don't
5 allow talking. If you're going to talk and
6 I catch you, I might embarrass you. I
7 don't want to embarrass anybody. Turn your
8 cell phone off. I'm going to turn my mine
9 off. It will stay off. Turn your cell
10 phone off, because if I hear it, I'm going
11 to tell you to give it to me. I'm going to
12 keep it here until I leave. And I think I
13 got seven cases tonight. So I'm going to
14 be here for quite awhile. Most people
15 don't want to stay with me that long. So,
16 no texting, no newspapers, or magazines.
17 And as Chairman of the Board I take the
18 cases in any order I want including
19 decisions.

20 Okay. Tonight we have a case here,
21 it's Mr. Dibbini on behalf of 527 Van
22 Cortlandt Park Avenue. Going to put this
23 over, they requested to put this over until
24 July. The gentleman, well, actually he's
25 away right now. He's going to come back in

1 July. So, we're going to put that in July.

2 We have a case 120 Herriot Street
3 going to have a decision on that tonight.

4 I'm going to make a motion to put 5727A
5 over, an area variance, that's Mr. Maniglia
6 of Ginsburg. And going to put that over.

7 Do I have a second on that?

8 MR. BATTISTA: Second.

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

11 (Chorus of ayes.)

12 THE CHAIRMAN: Anybody opposed?

13 Okay. That's put over 5, 2.

14 All right. And then we are going to
15 have a continued hearing on 651 Bronx River
16 Road. And then new cases tonight is 50
17 Glen Terrace, 1230 Nepperhan Avenue, 1111
18 Central Park Avenue, 470 Nepperhan Avenue,
19 1999 Central Park Avenue, 29 Wells Street
20 and 204 Ashburton Avenue.

21 Now, Mr. Romano asked for a favor.
22 So I thought about it for a little while.
23 So, come on up, Mr. Romano. Let's go.

24 That is a continued case. It's on
25 651 Bronx River Road. It's a canopy over

1 the gas pumps. You know what we asked for
2 last month. Did you get that information?

3 MR. ROMANO: We were not able to
4 get--

5 THE CHAIRMAN: First of all,
6 identify yourself.

7 MR. ROMANO: I'm sorry?

8 THE CHAIRMAN: Identify yourself.

9 MR. ROMANO: Andrew Romano, 55 Main
10 Street, Yonkers, New York, the attorney for
11 the applicant. Mr. Chairman --

12 THE CHAIRMAN: Your address.

13 MR. ROMANO: -- we're trying to --

14 THE CHAIRMAN: What's your address?
15 Mr. Romano, what's your address?

16 MR. ROMANO: 55 Main Street,
17 Yonkers.

18 THE CHAIRMAN: Huh?

19 MR. ROMANO: 55 Main Street in
20 Yonkers.

21 THE CHAIRMAN: Okay. On this case,
22 did you get the information?

23 MR. ROMANO: We couldn't get it all,
24 Mr. Chairman, so I'd request that it be put
25 over till next month with your permission.

1 THE CHAIRMAN: I'll tell you this
2 isn't going any farther than August.
3 Because in August we don't have the
4 information, boom.

5 MR. ROMANO: I understand.

6 THE CHAIRMAN: Tell you that right
7 now.

8 MR. ROMANO: Yes, sir.

9 THE CHAIRMAN: Okay. You understand
10 what I'm saying?

11 MR. ROMANO: Absolutely.

12 THE CHAIRMAN: Make sure you do.
13 Because I'm very serious about this.

14 MR. ROMANO: I am too, Mr. Chairman.

15 THE CHAIRMAN: I make a motion to
16 put this case over until next month.
17 Second, please.

18 MR. BATTISTA: Second.

19 THE CHAIRMAN: Everybody in favor
20 say aye.

21 (Chorus of ayes.)

22 THE CHAIRMAN: All right. It's put
23 over 5, 2 absent.

24 All right. Now the next case you
25 got --

1 MR. ROMANO: Yes.

2 THE CHAIRMAN: -- Mr. Romano, is an
3 area variance, 5792, on behalf of Jose
4 Serrano, owner, for interior alterations to
5 create a small church, having:

6 - Insufficient parking, Section
7 43-128, Table 43-4, required 9 spaces,
8 proposed 3 spaces. It's a credit. Gotta
9 do something about that. Go over there
10 talk about changing rules.

11 On premises known as 204(206)
12 Ashburton Avenue, Block: 2042, Lot: 14 in B
13 Zone.

14 Did you notify everybody within the
15 200-foot radius, sir?

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

17 THE CHAIRMAN: Did anything come
18 back --

19 MR. ROMANO: Not at this time --

20 THE CHAIRMAN: -- as undeliverable
21 --

22 MR. ROMANO: -- Mr. Chairman.

23 THE CHAIRMAN: Did anything come
24 back?

25 MR. ROMANO: No, sir.

1 THE CHAIRMAN: Nothing came back.
2 That's your answer.

3 Okay. Is there anybody here tonight
4 on this case? This case is on -- if
5 they're the owners, don't let them raise
6 their hands.

7 MR. ROMANO: I know.

8 THE CHAIRMAN: Okay. Then don't do
9 that.

10 MR. ROMANO: No, I just want to make
11 sure --

12 THE CHAIRMAN: Listen, I see
13 everything. Remember, I got eyes in the
14 back of my head. I'll get you.

15 All right. So, now we got this
16 here. Is there anybody here tonight on
17 this case? It's between Vineyard Avenue
18 and Orchard Street.

19 All right. Present your case.

20 MR. ROMANO: All right.

21 Mr. Chairman, members of the Board, I'm
22 here on behalf of Jose Serrano. He's the
23 owner of 204 also known as 206 Ashburton
24 Avenue. What my client is seeking to do is
25 to interior alterations only to develop an

1 empty store, used to be a retail store, and
2 then put a very small church in the store.
3 What the plans filed indicate that what we
4 propose to do there is put to chairs in and
5 an altar. The problem is that when you
6 convert from a retail store to a church,
7 we're shy of six parking spaces. But the
8 Board should be aware that the services for
9 the church would be as I stated in the
10 principal points. It would be only three
11 days a week. We have, we have 8 p.m. to
12 10 p.m. Tuesday through Friday, which many
13 of the stores on Ashburton in that section
14 are closed.

15 Number two, the services that are on
16 Sunday are between 11 a.m. and 2 p.m. Now
17 the hope, the church is designed
18 essentially for people in the neighborhood
19 to walk in. There is a parking lot as we
20 all know behind Jacobson's which is about
21 500 feet away. So, if the cars needed to
22 park they would obviously park there. So,
23 what we're looking to do is to just use
24 this small space as an ability to put a
25 church in.

1 Obviously, no noise, no headaches
2 here. Just a small place to be used for
3 the people who -- my clients are here in
4 the front row, the pastor, and the three
5 ladies of the church.

6 The premises would remain in
7 character of the neighborhood. There's
8 many different types of ground floor
9 stores. Small buildings. Some have
10 apartments on top. Like this one is a
11 one-story. This would include restaurants
12 liquor stores, many of retail uses in the
13 area which is reflect on the area maps,
14 photographs, and the site visits.

15 There's no physical environmental
16 impact. We're not making any external
17 changes. Just the internal for people to
18 come there for two hours on a Tuesday, two
19 hours on a Thursday, and for three hours on
20 a Sunday during the services.

21 We believe, Mr. Chairman, that the
22 whole Ashburton Avenue is essentially are
23 stores are together. They're next to each
24 other. They're designed to walk in
25 traffic. Which we believe would be the

1 nature of the people that come to this
2 service. And we don't have the ability to
3 obtain parking except around the corner
4 which we would park in the public lot.

5 Thank you, Mr. Chairman. Any
6 questions, the Pastor is here and the
7 ladies are here.

8 THE CHAIRMAN: Where is the public
9 lot?

10 MR. ROMANO: Around the corner from
11 Jacobson's on Nepperhan.

12 THE CHAIRMAN: The public lot is on
13 Nepperhan Avenue?

14 MR. ROMANO: Nepperhan and Ashburton
15 right behind Jacobsons.

16 THE CHAIRMAN: Right behind what?

17 MR. ROMANO: You know Jacobson's
18 Pharmacy? Been there for like a hundred
19 years. They had the flea market there on
20 Sundays. I was by there Sunday right after
21 I came to the Ukrainian Festival.

22 THE CHAIRMAN: Don't give me the
23 history of what you've done. Okay. I
24 don't need it.

25 There was one little problem that

1 was brought up by one of the members of the
 2 Board who's not here tonight. But they
 3 wanted me to bring it up. There's a liquor
 4 store within 200 feet of there.

5 MR. ROMANO: Very possible,
 6 Mr. Chairman, across the street and up the
 7 hill, yes.

8 THE CHAIRMAN: How many feet?

9 MR. ROMANO: I don't know, but I can
 10 find out.

11 THE CHAIRMAN: I think it's about
 12 200 feet. I think it's 200 feet. It's a
 13 regulation. I don't -- you gotta figure
 14 this out though. It's a regulation that
 15 say the church near the liquor store.
 16 Okay?

17 MR. ROMANO: I understand. Yes,
 18 sir. You can't have a liquor store within
 19 200 feet of a church. But since the church
 20 will be there after it will be
 21 grandfathered in. But I will verify the
 22 statute for you, Mr. Chairman.

23 THE CHAIRMAN: Well, I tell you
 24 what, I'm going to give you sometime. And
 25 do it quickly because I want to make a

1 decision on this next month.

2 MR. ROMANO: Yes, sir.

3 THE CHAIRMAN: So, I'm going to give
4 you sometime to figure out about that
5 liquor store.

6 MR. ROMANO: Yes, sir.

7 THE CHAIRMAN: Okay?

8 MR. ROMANO: Thank you.

9 THE CHAIRMAN: You're welcome.

10 Is there anybody here tonight to
11 speak in favor of this, of this church? Is
12 there anybody here tonight who wants to
13 speak in opposition?

14 Would you like to sum up, sir?

15 MR. ROMANO: No, that's all right,
16 Mr. Chairman. Looks like you have a busy
17 calendar today tonight.

18 THE CHAIRMAN: Okay. This case is
19 closed.

20 MR. ROMANO: Thank you, sir.

21 THE CHAIRMAN: Thank you,
22 Mr. Romano.

23 Reserve the right to reopen it --

24 Mr. Romano, wait a second. Don't leave.

25 Reserve the right to reopen it at any time

1 for any reason and that includes after the
2 decision is made.

3 (Brief discussion on unrelated
4 matters.)

5 THE CHAIRMAN: We're going to take a
6 decision right now. Case 5784, Mr. Romano,
7 on behalf of 120 Herriot Street.

8 Do we have a decision?

9 MR. GJELAJ: Yes, Mr. Chairman, I
10 have a decision.

11 THE CHAIRMAN: Mr. Gjelij.

12 MR. GJELAJ: The subject property is
13 an abandoned store located on Block 175 Lot
14 3 also known as 120 Herriot Street. The
15 subject property formerly served as a
16 grocery store for the neighborhood, but as
17 a result of a fire in March of 2020 and the
18 COVID-19 global pandemic, the store was
19 forced into vacancy for over 12 months
20 resulting in the property forfeiting its
21 legal non-conforming use. The applicant
22 seeks to reinstate its non-conforming use
23 as a grocery store.

24 I make a motion to approve the
25 requested variance based on facts,

1 findings, information and testimony
2 presented to this Board at the public
3 hearing, site visits by Members of
4 Zoning Board of Appeals, or otherwise
5 obtained. In approving these variances,
6 the Zoning Board of Appeals has taken into
7 consideration the benefit to the applicant
8 as weighed against the detriment to the
9 health, safety, and welfare of the
10 neighborhood and community. Specifically,
11 in making its determination the Board has
12 considered the following:

13 One, whether granting the requested
14 variance would result in an undesirable
15 change to the neighborhood. Granting the
16 variance would not result in an undesirable
17 change. In fact, it's the Board's opinion
18 that granting the variance would add to the
19 character of the neighborhood by removing a
20 abandoned portion of the property
21 contributing to the already existing small
22 businesses in the area and adding an
23 establishment that serves the Constituents
24 in the surrounding area.

25 Two, whether the benefit sought by

1 the applicant can be sought by other
2 feasible means. The benefit cannot be
3 sought by other feasible means. It would
4 not be feasible for the applicant to use
5 the premise for its current zoning, which
6 is Zoning A as there is no immediate
7 parking to accommodate the construction of
8 a high-density apartment building.

9 Three, whether the requested
10 variance is substantial. The requested
11 variance is not substantial as reinstating
12 the variance would restore the premise to
13 its legal use 75 years ago.

14 Four, whether the variance will have
15 negative effects to the physical or
16 environmental conditions in the
17 neighborhood. The proposed variance will
18 not result in any significant changes to
19 air, light, vegetation, impervious
20 surfaces, or drainage when compared to
21 existing conditions. On the contrary, the
22 restoration of the abandoned building and
23 opening of a small business will add to the
24 character of the neighborhood which is
25 comprised of housing and commercial/retail

1 establishments.

2 Five, whether the alleged difficulty
3 is self-created. The alleged difficulty is
4 not self-created given that the applicant
5 experienced a fire during the month of
6 March followed by the global pandemic
7 causing the applicant to forfeit its legal
8 non-conforming use pursuant to Section
9 43-21.C of the Yonkers City Code.

10 In granting this variance, the Board
11 imposes the following conditions:

12 1. All health, safety, fire,
13 building, zoning, and environmental codes
14 shall be adhered to at all times.

15 2. All taxes or fines, if owed must
16 be paid in full within 60 days from today's
17 date.

18 3. All expenses associated with
19 these conditions shall be the
20 responsibility of the owner.

21 4. All repairs and restorations
22 done to the premises' respective curb(s)
23 and sidewalk(s) at the owner's sole expense
24 as deemed necessary by the City of Yonkers
25 Department of Traffic Engineering.

1 5. This approval shall be
2 immediately rescinded should the owner
3 violate any of these conditions.

4 THE CHAIRMAN: Thank you.

5 Ladies and gentlemen, maybe you see
6 me on my phone. The reason I'm on the
7 phone is I have information about the
8 hearing tonight on my phone. I just
9 followed Anthony's, excuse me, Mr. Gjelij's
10 motion on my phone. So I just wanted you
11 to know. It's not something to do with
12 personal calls or anything. But I will be
13 using it tonight. I think the members
14 might be using their phones also.

15 Do I have a second on the motion?

16 MR. BATTISTA: Second.

17 THE CHAIRMAN: Mr. Battista. On the
18 motion, Mr. Gjelij.

19 MR. GJELAJ: For the motion.

20 THE CHAIRMAN: Ms. Tickell.

21 MS. TICKELL: For the motion.

22 THE CHAIRMAN: Mr. Battista.

23 MR. BATTISTA: For the motion.

24 THE CHAIRMAN: Mr. Lopez.

25 MR. LOPEZ: For the motion.

1 THE CHAIRMAN: Chairman votes for
2 the motion. The motion is carried 5, 2
3 absent. Thank you.

4 So that would be the only decision
5 tonight.

6 The next case is an area variance,
7 Shahin Badaly, Professional Engineer, on
8 behalf of David Vazquez, owner, to
9 reconstruct existing exterior steps with
10 the City right-of-way, whereas:

11 - Steps encroach in right-of-way;

12 On premises known as 50 Elaine
13 Terrace, Block: 5460, Lot: 43 in an S-50
14 Zone.

15 Identify yourself, please.

16 MR. BADALY: Good evening. My name
17 is Shahin Badaly, 2 Wilson Place, Mount
18 Vernon, New York 10550.

19 THE CHAIRMAN: Thank you.

20 MR. BADALY: May I proceed?

21 THE CHAIRMAN: Yeah, one second.

22 Are you an attorney?

23 MR. BADALY: No, I am not.

24 THE CHAIRMAN: Raise your right
25 hand. Do you solemnly swear to tell truth,

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

3 MR. BADALY: I do.

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

6 MR. BADALY: Shahin Badaly, 2 Wilson
7 Place, Mount Vernon, New York 10550.

8 THE CHAIRMAN: You look very nice
9 tonight. I see you got a tie on and a
10 jacket, huh?

11 MR. BADALY: It's not --
12 (Simultaneous talking.)

13 MR. BADALY: -- but I'm getting
14 there. Thank you.

15 THE CHAIRMAN: You know better you
16 come in here without it, or you're out.

17 MR. BADALY: Yes, sir.

18 THE CHAIRMAN: I'll tell you right
19 now.

20 MR. BADALY: Thank you.

21 THE CHAIRMAN: That one time, I let
22 you go. That was all.

23 MR. BADALY: That's all I need.

24 THE CHAIRMAN: You look very good.

25 MR. BADALY: Thank you.

1 THE CHAIRMAN: Doesn't mean you're
2 going to get your case or anything, but you
3 look good.

4 MR. BADALY: Thank you. I
5 understand.

6 THE CHAIRMAN: Has everybody within
7 the 200-foot radius been notified in this
8 case?

9 MR. BADALY: Yes, sir.

10 THE CHAIRMAN: Did anything come
11 back undeliverable?

12 MR. BADALY: No, sir.

13 THE CHAIRMAN: No? Okay. All
14 right.

15 This case, ladies and gentlemen, is
16 on the Elaine Terrace. It's between
17 Cowdrey Street, C-o-w-d-r-e-y, and
18 Grapanche Street, G-r-a-p-a-n-c-h-e,
19 Street. Anybody here tonight on this case?

20 All right. What do you want to do
21 here?

22 MR. BADALY: Sure. So --

23 THE CHAIRMAN: I got all your
24 principal points. They're very good.

25 MR. BADALY: Thank you.

1 THE CHAIRMAN: What do you want to
2 do?

3 MR. BADALY: Yeah, I also, I hope
4 that the Members had a chance to look at
5 the pictures as well. Essentially this is
6 an existing staircase. This was demolished
7 and reconstructed roughly in the same
8 location. It was widened, but the extent
9 that it goes into the right-of-way was
10 shortened by just a hair. So it's roughly
11 a reconstruction of the existing staircase
12 that was there. And the reason that the
13 staircase was not pushed back further into
14 the property is that the gas, the existing
15 gas service for the house is located
16 actually directly behind that staircase as
17 well. I could submit a diagram from Con
18 Edison to verify that. And that the
19 removing the staircase further back, would
20 have exposed that gas line service which
21 slopes up from the street and towards the
22 building. And therefore would have
23 significantly increased the cost of work
24 for the applicant to replace the staircase
25 if it had been moved backwards.

1 I'd also like to mention that the
2 layout of the staircase, in order to
3 provide a mid platform from the street to
4 the top of the garage, which is currently
5 kind of like a rooftop terrace, also has a
6 kind of set distance. And so that
7 replacement would be technically infeasible
8 to provide a landing at the garage. And to
9 move the staircase out of the right-of-way.

10 So, essentially with that, the
11 proposal was to legalize this replacement
12 that has already occurred and to hopefully
13 continue with the building permit
14 application which you may have noticed also
15 includes the expansion of the existing
16 garage as well as the installation of the
17 stormwater management system.

18 And if you have any questions.

19 THE CHAIRMAN: What are you going to
20 do about the garage? Is the garage in the
21 property also a City property too?

22 MR. BADALY: It is not on City
23 property.

24 THE CHAIRMAN: Not on City property.
25 Okay. All right. How much of the stairs

1 are on City property? Can't be much.

2 MR. BADALY: It's not. I got a
3 survey here if you'd like, I can show you.

4 THE CHAIRMAN: Just answer the
5 question. How much?

6 MR. BADALY: Two and-a-half treads
7 on the right, zero on the left. So the
8 stair is quite wide and the property line
9 slopes. So, half of two and-a-half treads
10 are in the property.

11 THE CHAIRMAN: Two and-a-half, what?
12 Two and a half inches or two foot?

13 MR. BADALY: No. Each tread is
14 about ten and change inches. So figure
15 roughly two feet deep by roughly four feet
16 wide is the amount that's in the right-of-
17 way.

18 THE CHAIRMAN: I think you're going
19 to have to go to the Council for this,
20 aren't you?

21 MR. BADALY: That is correct. It's
22 my understanding that if the Board were to
23 grant the variance, that we would need to
24 seek legalization of that encroachment from
25 the Council as well, yeah.

1 THE CHAIRMAN: This is a
2 single-family house?

3 MR. BADALY: It is a single-family
4 house, yes. And quite a large lot as well.

5 THE CHAIRMAN: Huh?

6 MR. BADALY: I said, on quite, it's
7 a larger lot for the area.

8 THE CHAIRMAN: It's a nice house.

9 MR. BADALY: It is a very nice
10 house. And it's also --

11 THE CHAIRMAN: It's a single-family
12 house, you're saying one family lives
13 there, correct?

14 MR. BADALY: Definitely.

15 THE CHAIRMAN: All right. We're
16 going to need an affidavit to the Board
17 saying that one family lives there with
18 their name, who they are. Huh?

19 MR. BADALY: Absolutely.

20 THE CHAIRMAN: Okay. Gotta get
21 that. That's what I want.

22 MR. BADALY: Okay.

23 THE CHAIRMAN: That's what the Board
24 wants.

25 MR. BADALY: Thank you very much.

1 THE CHAIRMAN: We're not finished.

2 MR. BADALY: Oh.

3 THE CHAIRMAN: Not yet. Wait a
4 minute.

5 Any questions of the Board?

6 Is there anybody here tonight to
7 speak in favor of this application? Is
8 there anybody here tonight to speak in
9 opposition?

10 Okay. Come on up, Mr. Badaly. All
11 right. Do you have anything else to say to
12 me, sir?

13 MR. BADALY: No, sir. We'll submit
14 the affidavit.

15 THE CHAIRMAN: Thank you.

16 MR. BADALY: Thank you very much.

17 THE CHAIRMAN: This case is hereby
18 closed. We can reopen it for any reason
19 whatsoever, any time whatsoever, and that
20 includes after the decision is made.

21 Thank you, sir.

22 MR. BADALY: Thank you.

23 THE CHAIRMAN: The next case is
24 5787, it's an area variance, John Canning,
25 PE, that's Professional Engineer, on behalf

1 of Silver Bell Company, LLC., that's
2 Limited Liability Corporation, owner, for a
3 parking lot and sidewalk reconstruction
4 with ADA upgrades, having;

5 - Insufficient parking, Section
6 43-128, Table 43-4, required 93, they have
7 existing 84, and proposed 76 spaces.

8 On premises known as 1230 Nepperhan
9 Avenue, Block: 3182, Lot: 5 in an I Zone.

10 This is the Walgreens over there.
11 And they got the gas station to the north
12 and you got the bank to the south.

13 Are you an attorney, sir?

14 MR. CANNING: I am not.

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

19 MR. CANNING: I do.

20 THE CHAIRMAN: State your name and
21 your address, please.

22 MR. CANNING: John Canning, 16 South
23 Ferris Street, Irvington New York, 10533.

24 THE CHAIRMAN: Thank you. Has
25 everybody within the 200-foot radius been

1 notified, sir?

2 MR. CANNING: Yes.

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

5 MR. CANNING: Yes.

6 THE CHAIRMAN: How many?

7 MR. CANNING: Six.

8 THE CHAIRMAN: Six out of how many?

9 MR. CANNING: Twelve.

10 THE CHAIRMAN: Twelve?

11 MR. CANNING: Yup. Three were
12 listed as vacant.

13 THE CHAIRMAN: Huh?

14 MR. CANNING: Three were listed as
15 vacant. The post office listed them as
16 vacant.

17 THE CHAIRMAN: Say it again.

18 MR. CANNING: Vacant as nobody in
19 the building or nobody at the address.

20 THE CHAIRMAN: Okay. But you had 12
21 go out and six came back?

22 MR. CANNING: Correct.

23 THE CHAIRMAN: Okay. All right.
24 I'm going to let you present your case, but
25 I'm going to keep that in the back of my

1 mind.

2 MR. CANNING: Of course.

3 THE CHAIRMAN: See what goes on here
4 tonight.

5 MR. CANNING: Thank you.

6 THE CHAIRMAN: Is there anybody here
7 tonight on this case? This case is the
8 Walgreens over on Nepperhan Avenue. It's
9 between Cross Hill Avenue and Odell Avenue.

10 Okay. Proceed, sir.

11 MR. CANNING: Thank you,
12 Mr. Chairman.

13 THE CHAIRMAN: You're welcome.

14 MR. CANNING: The purpose of this
15 project is to improve ADA access for
16 motorists and pedestrians. Walgreens has a
17 number of customers that have mobility
18 issues and a number of customers who are
19 older. And today the parking, the ADA
20 parking spaces don't meet the scope
21 requirements. They're scattered around the
22 front of the building. There's a long walk
23 to the door and there's no defined ADA path
24 to the door for them. And as part of this
25 application, we're also proposing to

1 provide striped separate walking path to
2 the street. Today pedestrians are walking
3 from the street, have to walk through the
4 drive aisles.

5 So this is basically an improvement
6 to the accommodate customers with mobility
7 issues and the pedestrians walking from the
8 street. It's a safety application.
9 There's no increase in parking.

10 And we're here to request an area
11 variance for 17 parking spaces, because
12 when we submitted this application,
13 initially to the Department of Housing and
14 Building, it was determined that 15 of the
15 parking spaces that are provided on the
16 property cannot be accessed directly from
17 the property. They have to be accessed
18 across the gas station. So we revised the
19 site plan and submitted to the Department
20 of Housing and Buildings. And they
21 referred us to you for a decision.

22 I have prepared the five points,
23 submitted the five points. I'd be happy to
24 go through them before the Board if you
25 would like that.

1 THE CHAIRMAN: Well, I got your
2 principal points in front of me here. You
3 did a good job by the way.

4 MR. CANNING: Thank you, sir.

5 THE CHAIRMAN: You're welcome back
6 here any time.

7 MR. CANNING: Thank you.

8 THE CHAIRMAN: I will say this. I'm
9 very familiar, I was raised in that area.
10 You know. I walk through up over there.
11 How far to the north are you going to pave
12 it?

13 MR. CANNING: So the pavement is all
14 there.

15 THE CHAIRMAN: I know it is. How
16 far to the north are you going to repave?
17 You're not going to do the gas station.

18 MR. CANNING: No, we are not doing
19 the gas station. We're basically doing a
20 rectangle that's in the front of the
21 building.

22 THE CHAIRMAN: Right. So you're
23 going to do the whole front up to the
24 driveway where the bank is? You're going
25 to do that driveway too?

1 MR. CANNING: We're not going to do
2 the driveway on the far side. That was
3 actually repaved relatively recently.

4 THE CHAIRMAN: All right. So you're
5 going to do it not from the bank but --

6 MR. CANNING: From, from the north
7 side of the bank.

8 THE CHAIRMAN: Okay.

9 MR. CANNING: To the across the
10 front of the building.

11 THE CHAIRMAN: The south side of the
12 gas station.

13 MR. CANNING: Correct.

14 THE CHAIRMAN: And then the back,
15 you're going to go back there too?

16 MR. CANNING: Not at this point.

17 THE CHAIRMAN: Who owns that back
18 there?

19 MR. CANNING: So on both sides it's
20 owned by the property owner, 1230, which is
21 Silver Bell. Actually, interestingly, the
22 gas station is owned by the same owner, but
23 Mobil would not allow access across the
24 property. Complicated technicality.

25 THE CHAIRMAN: Maybe we can

1 uncomplicate it, you know. I don't know.

2 MR. CANNING: It's, I mean, we've
3 tried. Believe me it took us 12 months to
4 get here.

5 THE CHAIRMAN: All right. Let's
6 start with this.

7 MR. CANNING: Sure.

8 THE CHAIRMAN: Who owns the property
9 in back of the bank to the south of
10 Walgreens? Who owns that lot back there?

11 MR. CANNING: So there's a parking
12 lot that's south of the Walgreens building,
13 that's owned by Silver Bell which is the
14 owner of the property that Walgreens is on.

15 THE CHAIRMAN: And so Silver Bell
16 owns that lot back there?

17 MR. CANNING: Correct.

18 THE CHAIRMAN: Maybe you can get
19 your 17 spaces back there?

20 MR. CANNING: We have, we're
21 providing parking spaces. We've got it
22 fully parked.

23 THE CHAIRMAN: All right. Let's go
24 over this again so I understand.

25 MR. CANNING: Certainly.

1 THE CHAIRMAN: I know in the front,
2 you're going to go to the south side of the
3 gas station to the north side of the bank.
4 Correct?

5 MR. CANNING: Yes.

6 THE CHAIRMAN: Okay. And then
7 you're going to go, you're not going to go
8 in the back of the bank, that lot in the
9 back to the south of the Walgreens. Why
10 aren't you going to use that lot?

11 MR. CANNING: No, we are using it.
12 We're just not repaving it.

13 THE CHAIRMAN: You're not repaving
14 that lot?

15 MR. CANNING: Correct.

16 THE CHAIRMAN: Have you seen it?

17 MR. CANNING: Yes, Your Honor.

18 THE CHAIRMAN: Not Your Honor,
19 Mr. Chairman.

20 MR. CANNING: Mr. Chairman.

21 THE CHAIRMAN: I don't get paid for
22 this job. Been here 53 years, never got a
23 dime. So believe me. But I could tell
24 you, I don't know why you're not paving
25 that lot.

1 MR. CANNING: Well, we do have to
2 appear before the Planning Board if we
3 receive a variance from the Zoning Board.
4 So that's certainly an issue that we can
5 discuss with them and this Board can make a
6 recommendation in that regard.

7 THE CHAIRMAN: What is your plans
8 for that lot?

9 MR. CANNING: The plans for the lot
10 to the south of the building are basically
11 to maintain it. I think there's nine
12 spaces on the left side and 12 spaces on
13 the right side, so to maintain it as it is.

14 THE CHAIRMAN: I don't see you can
15 get the 17 spaces in that lot back there.
16 All you gotta do is pave it.

17 MR. CANNING: No, it is paved.

18 THE CHAIRMAN: Huh?

19 MR. CANNING: It is paved,
20 Mr. Chairman.

21 THE CHAIRMAN: The lot in the back?

22 MR. CANNING: So if you go behind,
23 behind the building, the land belongs to
24 the New York State DOT. There's a fence at
25 the back of the lot behind the building on

1 the south side. That marks the boundary
2 line, behind the fence is the DOT. So we
3 can't pave any further back than what's
4 paved now.

5 THE CHAIRMAN: All right. Tell you
6 what we're going to do. We're going to
7 meet you on the job. Okay?

8 MR. CANNING: Sure.

9 THE CHAIRMAN: So would you call the
10 Building Department sometime within the
11 next couple of days and ask for
12 Mr. Longobardi over here.

13 MR. CANNING: Yeah.

14 THE CHAIRMAN: No, ask for our
15 secretary her name is Shannon.

16 MR. CANNING: Yup.

17 THE CHAIRMAN: Ask for Shannon and
18 tell her to set up an appointment. I'm
19 going to come over there and going to bring
20 a couple of members with me. And we're
21 going to take a look at this. You can have
22 somebody there, you don't need anybody else
23 there. You can do it yourself.

24 MR. CANNING: I can do it. I'll be
25 there to show you.

1 THE CHAIRMAN: I don't care who you
2 have there. You know. Doesn't bother me.
3 Maybe you should have somebody from Silver
4 Bell.

5 MR. CANNING: Sure.

6 THE CHAIRMAN: It's up to you. So
7 you'll make that appointment, right?

8 MR. CANNING: Yes.

9 THE CHAIRMAN: Okay.

10 MR. CANNING: I have one request,
11 Mr. Chairman.

12 THE CHAIRMAN: Sure.

13 MR. CANNING: Before this Board
14 could reach a decision, we need a
15 determination on SEQOR. So, I would ask
16 that this Board to declare its intent to be
17 Lead Agency for this matter. It's a
18 relatively simple application. And you can
19 circulate your intent so that we can come
20 back in 30 days after the site visit and
21 discuss and this Board can decide whether
22 it wants to move forward with this
23 application or not.

24 (Brief pause for conference.)

25 THE CHAIRMAN: You want us to do

1 take the Lead Agency?

2 MR. CANNING: That would be
3 beneficial to my client, I believe. But I
4 would defer to Council and to the Planning
5 Director. There may be more than one way
6 to process this.

7 (Brief pause for conference.)

8 THE CHAIRMAN: I'm going to let the
9 Planning Director speak.

10 MR. NERSINGER: Good evening, Board
11 Members. I'm Zach Nersinger Planning
12 Director for the City of the Yonkers.

13 Just in response to the request to
14 start a Lead Agency Notice. It's the
15 Planning Director's opinion that that's
16 actually not necessary for this
17 application. This can be viewed and
18 treated as uncoordinated review along with
19 the Zoning Board to make its own action.
20 When it's ready then moving onto the
21 Planning Board for a Site Plan Review.
22 When necessary both Boards will conduct
23 their own SEQRA determination under the EAF
24 provided, therefore Lead Agency
25 coordination is not recommended by us so

1 that you can continue this work and review
2 it at your own pace.

3 THE CHAIRMAN: And I'm going to
4 close this case though.

5 MR. NERSINGER: That's --

6 THE CHAIRMAN: Yeah, I'm going to
7 close it.

8 MR. NERSINGER: That's totally
9 acceptable.

10 THE CHAIRMAN: See if I can give
11 this gentleman an answer in July.

12 MR. NERSINGER: Understood.

13 THE CHAIRMAN: Going to try to.
14 He's gotta meet us over there. Going to
15 take a look at this thing. If you want --

16 MR. NERSINGER: Understood. We have
17 -- the Planning Bureau will work with them
18 as well through site plan view and as
19 Mr. Canning has stated through things that
20 are being looked at during site plan
21 review.

22 THE CHAIRMAN: So you got no problem
23 with me closing the case?

24 MR. NERSINGER: No, sir.

25 THE CHAIRMAN: Okay. Fine. Thank

1 you, sir.

2 So what are you going to do,
3 Mr. Canning, you're going to get ahold of
4 Shannon.

5 MR. CANNING: Shannon.

6 THE CHAIRMAN: She might be in
7 tomorrow. You need to speak to her and set
8 the day anyway but, and ask her, tell her
9 that the Chairman wants to meet over on the
10 job. This week is a little tight. Next
11 week is fine. I'm not going anyplace. I'm
12 staying up here. So, we'll do that. All
13 right. So do you have anything else to say
14 to me, or to the Board?

15 MR. CANNING: With respect, if I
16 may, on a personal note. I'd like to offer
17 my condolences on the passing of your
18 sister, Mrs. Hillman. I'm sure as a
19 teacher she made a significant contribution
20 to this community. And as a sibling for 93
21 years, I can understand how difficult it
22 must be. So I just want to say I'm very
23 sorry.

24 THE CHAIRMAN: Thank you. I really
25 appreciate that. Thank you very much.

1 So this case -- you can have a seat
2 please for a second.

3 Is there anybody here tonight on
4 this case? Anybody in favor? Anybody
5 against?

6 Okay. Step back up, please.

7 MR. BATTISTA: Mr. Chairman, I just
8 have a comment. So that parking lot is a
9 disaster as it is.

10 THE CHAIRMAN: Yes, I know.

11 MR. BATTISTA: To remove spaces
12 would make it even more of a disaster. So
13 if there's a way to maintain the spaces --
14 and I get that. I go there. And I see the
15 slope. And I see how tough it is, but I
16 think to remove spaces is just going to
17 create more of a traffic issue on that
18 street.

19 THE CHAIRMAN: It probably will.
20 But I think to get the parking lot done,
21 you know, we're going to talk about that
22 side parking lot.

23 MR. BATTISTA: Yeah.

24 THE CHAIRMAN: Hope you come with me
25 and we take look at this thing. The

1 parking lot is a disaster.

2 If you remember, we had a case here,
3 Mr. Cannon.

4 MR. CANNING: Yes, I'm listening,
5 sir.

6 THE CHAIRMAN: We had a case here
7 about a year ago with the bank. The bank
8 wanted to put in another --

9 MR. CANNING: Drive through.

10 THE CHAIRMAN: Drive through,
11 whatever it was. And we turned them down
12 based on -- well, we didn't turn them down.
13 I told them that they're going to have to
14 pave the lot.

15 MR. CANNING: Yup.

16 THE CHAIRMAN: Because the lot is
17 terrible.

18 MR. CANNING: Yup.

19 THE CHAIRMAN: And Silver Bell owns
20 the bank property too?

21 MR. CANNING: Honestly I --
22 probably, but I don't know.

23 THE CHAIRMAN: Okay. You're going
24 to find out.

25 MR. CANNING: I will find out.

1 THE CHAIRMAN: And then of course
2 they withdrew it.

3 MR. CANNING: Yeah.

4 THE CHAIRMAN: Because they didn't
5 want to pave the lot. So somehow or
6 another we're going to get this thing done.
7 Try to get it done. Going to try to get
8 that back side lot done too.

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

13 Thank you, sir.

14 MR. CANNING: Thank you,
15 Mr. Chairman, members of the Board.

16 THE CHAIRMAN: The next case is
17 5789, Mr. Veneruso, Stephen Veneruso. It's
18 an area variance on behalf of CCNA Realty,
19 owner, to redesign and recreate the parking
20 lot, having;

21 - Insufficient parking, Section
22 43-128, Table 43-4, requires is 82, Zoning
23 Board of Appeals approval case number 5696
24 on July 8, 2020, proposed was 74 spaces;

25 On premises known as 470 Nepperhan

1 Avenue, Block: 2073, Lot: 1 in an I Zone.

2 Mr. Gjelij you will abstain.

3 MR. GJELAJ: Yes, Mr. Chairman.

4 THE CHAIRMAN: Okay. Would you go
5 outside, please.

6 MR. GJELAJ: Absolutely.

7 THE CHAIRMAN: Thank you.

8 (Mr. Gjelij left the room.)

9 THE CHAIRMAN: Introduce yourself.

10 MR. VENERUSO: Good evening,

11 Mr. Chairman, members of the Board.

12 Stephen Veneruso on behalf of the applicant
13 CCNA Realty, LLC., 35 East Grassy Sprain
14 Road, Yonkers, New York.

15 THE CHAIRMAN: Okay. Has everybody
16 within the 200-foot radius been notified,
17 Mr. Veneruso?

18 MR. VENERUSO: Yes, Mr. Chairman.

19 THE CHAIRMAN: Did anything come
20 back as undeliverable?

21 MR. VENERUSO: So far only one has
22 come back.

23 THE CHAIRMAN: Only one?

24 MR. VENERUSO: One out of 15, yes.

25 THE CHAIRMAN: Out of how many?

1 MR. VENERUSO: 15, Mr. Chairman.

2 THE CHAIRMAN: 15. Okay. That's
3 good.

4 Is there anybody here tonight on
5 this case? This case is on Nepperhan
6 Avenue and Axminster Street and Saw Mill
7 River Road. It takes up the whole piece of
8 property. Is there anybody here tonight on
9 this case?

10 Okay. All right. I got your
11 principal points. Okay. I read them
12 through them, the whole works. Let me ask
13 you a question: How many spaces you going
14 to have there?

15 MR. VENERUSO: So the new plans,
16 Mr. Chairman, call for a total of --

17 THE CHAIRMAN: I don't care what it
18 calls for, how many spaces you going to
19 have there?

20 MR. VENERUSO: 74 spaces,
21 Mr. Chairman.

22 THE CHAIRMAN: 74 spaces. Okay. So
23 basically we did this back in July of 2020.

24 MR. VENERUSO: Correct,
25 Mr. Chairman.

1 THE CHAIRMAN: Why are we here
2 tonight?

3 MR. VENERUSO: So we're here
4 tonight, the applicant is currently being
5 held by the Planning Board. We ran into a
6 lot of difficulty with Yonkers Fire
7 Department. They have very large
8 apparatuses and the turning radius for
9 these apparatuses has caused an issue for
10 us.

11 So we've been working with the
12 Planning Department, the Building
13 Department, and also mostly the Fire
14 Department in trying to resolve this. And
15 the only way we can get the Fire Department
16 to sign off is to further reducing parking
17 to 74 spaces.

18 THE CHAIRMAN: All right. So you
19 got 74 spaces?

20 MR. VENERUSO: Correct.

21 THE CHAIRMAN: All right. So,
22 what's the situation here?

23 MR. VENERUSO: So that's the only --

24 THE CHAIRMAN: This is the same
25 thing we gave you back in July.

1 MR. VENERUSO: So, back in July it
2 was approved for, we had a total 82 spaces,
3 so.

4 THE CHAIRMAN: How many?

5 MR. VENERUSO: I'm sorry,
6 Mr. Chairman?

7 THE CHAIRMAN: How many spaces?

8 MR. VENERUSO: 82.

9 THE CHAIRMAN: All right. So now
10 you're going to have 74.

11 MR. VENERUSO: Correct. So upon
12 resubmission to the Building Department,
13 the Building Department required the
14 applicant to come back to Zoning to get
15 approval because the variances were
16 approved with 82 spaces. But now we're
17 back before this Board seeking approval for
18 74 spaces. The rest of the application is
19 identical.

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

22 Is there anybody here to speak in
23 favor of this application? Anybody here to
24 speak in opposition?

25 All right. We're going to take Lead

1 Agency on this. So I'm going to make a
2 motion that the Zoning Board of Appeals
3 determines to seek Lead Agency and requests
4 the Planning Bureau initiate Lead Agency
5 and coordinate review on its behalf.

6 There might be a little more
7 language in there. Okay? All right. Do I
8 have a second on the motion?

9 MS. TICKELL: Second.

10 THE CHAIRMAN: Everybody in favor
11 say aye.

12 (Chorus of ayes.)

13 THE CHAIRMAN: Okay. So the motion
14 is carried 4, 1 abstention and 2 absent.
15 Okay. Thank you.

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

21 Do you understand that?

22 MR. VENERUSO: Yes, Mr. Chairman.

23 THE CHAIRMAN: Thank you.

24 MR. VENERUSO: Thank you,

25 Mr. Chairman.

1 THE CHAIRMAN: You're welcome.

2 You want to ask Anthony to come
3 back. Come on, Anthony.

4 (Mr. Gjelij returned.)

5 THE CHAIRMAN: All right. The next
6 case is 5791, it's an area variance, Kyle
7 Pustola on behalf of Hudson View Building
8 #4, LLC., that's Limited Liability
9 Corporation, owner, for a private cafe,
10 food prep and office space on the fourth
11 floor and a rooftop cafe, having;

12 - Insufficient parking under Section
13 43-224, Table 43-10, required is 45
14 proposed is zero;

15 On premises known as 29 Wells Avenue,
16 Block: 2009, Lot: 1 in a D-IRT Zone.

17 Are you this gentleman here?

18 MR. ATTIA: Yes.

19 THE CHAIRMAN: No, no, don't put
20 nothing up unless I tell you to. Put it
21 down. Nobody makes a move here without me
22 telling them. Come on up here. Okay. Are
23 you an attorney, sir?

24 MR. ATTIA: Yes, sir.

25 THE CHAIRMAN: You're an attorney?

1 MR. ATTIA: No, I'm not attorney.
2 I'm a structural engineer.

3 THE CHAIRMAN: Not an attorney.
4 That's the answer. Raise your right hand,
5 please. Do you solemnly swear to tell the
6 truth, the whole truth, nothing but the
7 truth so help you God?

8 MR. ATTIA: Yes, I do.

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

11 MR. ATTIA: My name is Ahmed Attia.
12 My address is 57 New Street, Naugatuck,
13 Connecticut.

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

18 MR. ATTIA: No.

19 THE CHAIRMAN: Did you hear what I
20 said?

21 MR. ATTIA: I'm sorry?

22 THE CHAIRMAN: Has everybody within
23 the 200-foot radius been notified?

24 MR. ATTIA: Yes.

25 THE CHAIRMAN: Did any mailings come

1 back?

2 MR. ATTIA: Sorry, I didn't get
3 that.

4 THE CHAIRMAN: Are you prepared to
5 present this case?

6 MR. ATTIA: Yes, sir. I'm working
7 on this project so I know the information
8 about it.

9 THE CHAIRMAN: What did you say?

10 MR. ATTIA: I'm working on this
11 project so I know the information about the
12 project I'm talking about.

13 THE CHAIRMAN: Well, these cases
14 here are serious. I mean you gotta know
15 what you're doing. When I asked you that
16 question about the 200-foot radius, you
17 just like staring out in space. Do you
18 understand what I'm saying? You sent out
19 mailings to the people within 200-foot
20 radius? In this case, might only be a
21 couple, I don't know. But I do know I got
22 the papers here. Did anything come back
23 that was undeliverable?

24 Let me talk to you a second. Okay.

25 Mr. Veneruso, come here a second.

1 Yeah, you.

2 (Brief pause for conference.)

3 THE CHAIRMAN: Okay. We're back up
4 here. Is there anybody here tonight on
5 this case? This case is on 29 Wells
6 Avenue. It's between Warburton Avenue,
7 River Street, Bashford, Atherton, Larkin
8 Plaza. Is anybody here tonight on this
9 case? It's something to do with, I
10 believe, it's something to do with Lion's
11 Gate. Maybe I'm wrong. But I don't think
12 so.

13 Okay. All right. Now, like I told
14 you up here when you were here, I'm going
15 to let you present your case tonight. But
16 I'm not closing this case tonight. This
17 case is going to be continued to the next
18 month. And if I don't understand what's
19 going on, you know, I'm confused or
20 something. I get confused once in awhile
21 too, believe me. You better have somebody
22 back here who understands this case.

23 MR. ATTIA: Okay. I'm sorry.

24 THE CHAIRMAN: You understand that?

25 MR. ATTIA: Yes.

1 THE CHAIRMAN: Okay. Is there
2 anybody here tonight on this case?

3 All right. Present your case.

4 MR. ATTIA: Excuse me, can you see
5 it here or should I move it over?

6 THE CHAIRMAN: Go ahead. Go ahead.
7 Present your case.

8 MR. ATTIA: Okay. Well, here's the
9 Lion's Gate Studios. And our project is
10 here, building number four, this building.
11 So, we have been asked to provide 45
12 parking spaces for this area. But it
13 should be for internal use only. So we
14 already provided parking, this
15 distributors. So it's only for internal
16 use. It's not for, it's not only for
17 public. So we already provided the parking
18 for the Lion's Gate Studios. Okay.

19 THE CHAIRMAN: That's it?

20 MR. ATTIA: Yeah, I mean, we are
21 asking to provide zero parking spaces for
22 the kitchen area. Because we already, like
23 I told you, it's required only for internal
24 use. It's not only for public. And we
25 have also the 18 parking spaces more than

1 required. We provided 1,190 parking spaces
2 instead of 1,172. So we have already, so
3 we already have 18 more than required.

4 THE CHAIRMAN: You have how many
5 more than required parking spaces?

6 MR. ATTIA: We provided, like, we
7 provided parking spaces for the studio more
8 than what's required. I have, I also have
9 numbers here.

10 THE CHAIRMAN: Any questions for the
11 Board?

12 MR. ATTIA: For the studio building
13 required parking spaces 1,172 and provided
14 parking was 1,190.

15 THE CHAIRMAN: Have anything else to
16 say?

17 MR. ATTIA: No.

18 THE CHAIRMAN: That's it? Okay.
19 Any questions for the Board?

20 (Brief pause for conference.)

21 MR. NERSINGER: Good evening, again,
22 Board Members. Zach Nersinger Planning
23 Director. I just want to take a moment to
24 explain a little more in detail what has
25 gone on to reach this point. Why you have

1 the application before you.

2 We've been working with the
3 applicant to review the parking demand,
4 parking requirement for this building
5 addition to what is known as Building 4 at
6 I Park. The proposal wants to put a
7 building addition on the rooftop of the
8 existing building. The Zoning ordinance in
9 downtown requires that any additional gross
10 square footage to a building be evaluated
11 for parking requirements. As explained
12 this gross square area addition requires 45
13 new parking spaces; however, as you know
14 directly along that area there are new --
15 there are two large parking garages above
16 ground that the applicant, owners, I Park
17 area use to manage the parking for Lion's
18 Gate and other uses that are down there.
19 Because the building addition proposed and
20 the use there is only for employees that
21 are servicing, that are coming to that
22 site. It's not generally open to the
23 public, they're to support the Lion's Gate
24 Studios. The Planning Bureau recommended
25 to the applicant that they make

1 application, one, to make the application
2 to the Zoning Board and, two, we were
3 supportive of the request that the zero
4 parking spaces because of the use and how
5 it's being managed. Rather than use 45
6 spaces that may be available in the parking
7 structures, with the anticipated growth of
8 the area, we felt that it was more
9 beneficial to the applicant to pursue this
10 variance and maintain 45 parking spaces
11 within the parking structures rather than
12 use them up for the commissary space.

13 So that's how this application has
14 gotten to you tonight. If you have any
15 questions for us, just let us know, and
16 we'll elaborate more. But that's
17 essentially what's being presented to you.

18 THE CHAIRMAN: Would you arrange for
19 a visit?

20 MR. NERSINGER: Of course.

21 THE CHAIRMAN: With the Board, some
22 of the members of the Board.

23 MR. NERSINGER: Of course.

24 THE CHAIRMAN: Okay. You want to
25 ask him?

1 MR. NERSINGER: I can contact Kyle
2 Pustola who we work with. Kyle Pustola has
3 been working with our department on this,
4 so we'll coordinate it with him.

5 THE CHAIRMAN: So you'll be with us
6 and you'll get ahold of Shannon?

7 MR. NERSINGER: Yes.

8 THE CHAIRMAN: To make a visit
9 sometime next week. Go over there first
10 and then go over there. Okay?

11 MR. NERSINGER: Yes, sir. Whatever
12 would be available.

13 THE CHAIRMAN: And we're going to
14 need somebody there from Pustola and
15 Associates. I know it's in Connecticut, to
16 show us what's going on.

17 MR. NERSINGER: We'll contact the
18 owners of the complex as well.

19 THE CHAIRMAN: Who?

20 MR. NERSINGER: We'll contact the
21 owners of the complex as well, the owners
22 of I Park.

23 THE CHAIRMAN: Okay. You get Joe
24 Carter(ph)?

25 MR. NERSINGER: Correct.

1 THE CHAIRMAN: I know him. Joe is a
2 nice fellow, so, tell him that we're going
3 to come over there and take a look at this
4 thing.

5 MR. NERSINGER: Understood.

6 THE CHAIRMAN: By the way, you know,
7 maybe we can get a decision on this thing.
8 I'm going to leave the case open, but I can
9 close it on the night of the hearing in
10 July and maybe can give a decision, if I
11 get enough information here. Okay?

12 MR. NERSINGER: Understood. Then
13 we'll see what the Planning Board for the
14 actual addition.

15 THE CHAIRMAN: Well, they don't --
16 you know, you'll get everything, so not
17 going to worry about that.

18 MR. NERSINGER: Thank you.

19 THE CHAIRMAN: Okay. Ask the
20 gentleman if he's got anything else to say
21 to me?

22 MR. NERSINGER: Anything else?

23 MR. ATTIA: No, that's it.

24 MR. NERSINGER: All set?

25 THE CHAIRMAN: You understand what

1 I'm saying now? Going to go over and visit
2 the place. You're going to have to have
3 somebody call Shannon, our secretary of the
4 Board, going to come over next week. Not
5 this week. Going to go over next week some
6 day. Going to take a look at it. We want
7 on behalf of your client, and Mr. Nersinger
8 to be there, and I think maybe Joe Carter
9 should be there I think.

10 MR. ATTIA: Okay. Thank you, sir.

11 THE CHAIRMAN: Okay?

12 MR. ATTIA: Thank you.

13 THE CHAIRMAN: All right. Thank
14 you.

15 So this case is hereby continued
16 until the next hearing. That would be in
17 July sometime, sir. Thank you.

18 MR. ATTIA: Thank you.

19 THE CHAIRMAN: The next case is case
20 number 5790, Mr. Veneruso, James Veneruso,
21 on behalf of Mehranco, Limited Liability
22 Company, owner, to construct a new retail
23 store, and self-storage building, having;

24 - Exceeding the maximum permitted
25 height, Section 43-27, Table 43-3, 48 foot

1 is the limit, and they want to propose 74
2 foot 5 inches;

3 - Parking within the maximum front
4 yard not permitted under section
5 43-133(A)1;

6 - Insufficient loading space,
7 reference 43-128, Table 43-5, required is
8 5, but the proposed is 4;

9 - Insufficient depth of retail space
10 measured from the front of the structure,
11 Reference 43-36.M.1, required is 60,
12 proposed is 51.3 feet;

13 - Parking within 10 feet of the
14 public right-of-way is not permitted,
15 reference 43-134.A.(4), proposed is 2 feet
16 4 inches;

17 - Parking within 10 feet of the
18 building on the same lot is not permitted,
19 Reference Yonkers Zoning Ordinance
20 43-44.A.9.b, proposed is 1 foot 5 inches;

21 On premises known as 1999 Central Park
22 Avenue, Block: 4385, Lots: 42.43 in BR
23 Zone.

24 Mr. Veneruso, introduce yourself,
25 please. By the way, Mr. Veneruso, I

1 appreciate you trying to help that fellow
2 out. Thank you.

3 MR. J. VENERUSO: You're welcome,
4 Mr. Chairman.

5 Good evening, Mr. Chairman, members
6 of the Board. My name is James Veneruso,
7 Veneruso, Curto, Schwartz And Curto, 35
8 East Grassy Sprain Road, Yonkers. I'd like
9 to introduce our development team --

10 THE CHAIRMAN: Excuse me. Has
11 everybody within 200-foot radius been
12 notified, sir?

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

14 THE CHAIRMAN: They have. Anything
15 come back?

16 MR. J. VENERUSO: 21 were sent. 18
17 were delivered. One was returned. So
18 we're waiting for two more.

19 THE CHAIRMAN: And so for waiting
20 two or three more. Okay. I'll accept
21 that.

22 Is anybody here tonight on this case?
23 This case is between Verona Avenue and
24 Heights Drive. Is there anybody here
25 tonight on this case?

1 AUDIENCE MEMBERS: (Indicated.)

2 THE CHAIRMAN: Okay. Would you like
3 to move up a little further to the front?
4 So you can hear better. You can sit inside
5 the arena if you want.

6 (Audience members complied.)

7 THE CHAIRMAN: I got a few more
8 seats. Come on up inside.

9 Thank you, Mr. Veneruso.

10 MR. J. VENERUSO: I'd like to
11 introduce to the Board, the development
12 team: William Schneider, civil engineer,
13 PS&S; David Wytmar, architect, Groundworks;
14 Dan Whitney, the owner's representative and
15 managing partner of Whitney Development;
16 and Frank Filiciotto parking and traffic
17 engineer Creighton Manning.

18 Members of the Board, I submitted a
19 detailed statement of principal points.
20 I'll hit the highlights particularly since
21 there's a large crowd and I think it's
22 important for the audience to hear the
23 details of the application.

24 (Mr. Ellman is present.)

25 MR. J. VENERUSO: The premises is

1 made up of 15 tax parcels for the total of
2 73,591 square feet. It's approximately 1.7
3 acres. Currently the site is undeveloped
4 and predominately wooded. The applicant
5 seeks approval for the construction of a
6 five-story building totaling 74.5 feet in
7 height, consisting of 760 storage units.
8 The first floor will include two retail
9 spaces total of 1,800 square feet including
10 540 square feet for the sales office for
11 the storage facility.

12 Due to the considerable grade
13 change, the building was designed to follow
14 the slopes and consideration of rock to
15 facilitate the building and manage rock
16 removal. You will hear from our
17 development team more about that and more
18 about the terracing of the building in
19 order to minimize rock removal.

20 Granting of the variances will not
21 produce an undesirable change in the
22 character of the neighborhood nor will it
23 be a detriment to nearby properties.

24 The granting of the variances will
25 enable the construction of a brand new

1 structure in place of an undeveloped
2 parcel.

3 As the Board is well aware, self-
4 storage is one of the least impactful uses
5 from a Zoning perspective. The same cannot
6 be said for all other committed uses at
7 this site.

8 The variances that are related to
9 parking space location and loading space
10 are not the type, extent, or location that
11 will result in undesirable change since
12 they will be mitigated in terms of
13 visibility by the general public due to the
14 incorporation into the property design and
15 structure itself.

16 As to height, due to the grade
17 change of the property, the height impact
18 is diminished by the rise in elevation and
19 will blend into the varied streetscapes on
20 Central Park Avenue.

21 In addition, the wooded areas to the
22 north and south of the proposed structure
23 also help the building to blend into
24 existing conditions.

25 The applicant has already worked

1 with the Yonkers Fire Department to ensure
2 compliance with fire department access.

3 In developing the project, the
4 applicant's development team carefully
5 considered the elevation changes from the
6 front to the rear of the property. And the
7 property uses on all sides, the site
8 conditions, and the character of the
9 neighborhood.

10 The applicant explored a number of
11 design and layout possibilities in an
12 attempt to achieve the desired result while
13 at the same time minimizing any adverse
14 impact with respect to these
15 considerations.

16 Although some of the requested
17 variances may be considered substantial, we
18 respectfully submit under the circumstances
19 of this particular application, they are
20 unavoidable due to the difficult site
21 development issues previously mentioned.
22 But we further submit that the nature and
23 location are not disruptive or apparent to
24 the general public and not excessive under
25 the circumstances particularly given the

1 development plans which you will hear more
2 about from the architect and from the
3 engineer. And for reasons previously
4 discussed as to impacts and character of
5 the neighborhood that they do not create an
6 unacceptable result under the
7 circumstances.

8 The proposed variance will not have
9 adverse effect or impact on environmental
10 conditions in the neighborhood. Basically
11 for the reasons I've already stated. But I
12 think the principal points speak to that
13 very well.

14 Mr. Chairman and members of the
15 Board, given what has occurred at 1969
16 Central Park Avenue, that particular site
17 which is going on for years. We're well
18 aware and appreciate the community's
19 concerns involving this application.
20 Because of that, we've reached out to
21 Councilman Merante and actually met with
22 the Councilman at the site. Had some
23 discussions resulting in working together
24 to have a meeting with the community in
25 which the development team could answer

1 more questions not answered today and
2 respond to concerns. So, we understand
3 what occurred there. We understand that,
4 we understand to a point. Unless you've
5 lived there, you didn't know exactly what
6 happened, but the fact is that project has
7 been going on for years. It's been
8 basically a construction site I believe now
9 for, if I'm not mistaken about seven years.
10 And it's more like an operation for rock
11 removal but it's been going on for a very,
12 very long time. And we're very keenly
13 aware of that. And want to address that
14 with the community to address those
15 concerns to show what steps have been taken
16 to minimize the removal of the rock, not
17 only terracing of the property, but also
18 the manner in which the rock that needs to
19 be removed will be removed.

20 And if I may, Mr. Chairman, I'd like
21 to introduce the architect, David Wytmar,
22 to go over the building design and the
23 terracing features.

24 THE CHAIRMAN: Well, one second.
25 Please. What is your plan, Mr. Veneruso?

1 What do you intend to -- you want to
2 introduce this gentleman?

3 MR. J. VENERUSO: I'm sorry?

4 THE CHAIRMAN: You want to introduce
5 who first?

6 MR. J. VENERUSO: Excuse me?

7 THE CHAIRMAN: You want to introduce
8 who first?

9 MR. J. VENERUSO: David Wytmar, the
10 architect.

11 THE CHAIRMAN: The architect. And
12 who did you want to introduce after that?

13 MR. J. VENERUSO: I'm sorry, I
14 didn't hear.

15 THE CHAIRMAN: Who do you want to
16 introduce after the architect?

17 MR. J. VENERUSO: After the
18 architect, William Schneider, the engineer.

19 THE CHAIRMAN: Might be a good idea
20 of what's going on there, because I see you
21 have some, some people here tonight that
22 are interested in it. All right. I'll let
23 the --

24 MR. J. VENERUSO: Which one of them
25 would you prefer, Mr. Chairman?

1 THE CHAIRMAN: Huh?

2 MR. J. VENERUSO: Prefer to hear
3 from Mr. Schneider first or --

4 THE CHAIRMAN: Let's bring the
5 architect first.

6 MR. J. VENERUSO: David.

7 MR. WYTMAR: Good evening,
8 Mr. Chairman.

9 THE CHAIRMAN: Are you an attorney,
10 sir?

11 MR. WYTMAR: I'm sorry?

12 THE CHAIRMAN: Are you an attorney?

13 MR. WYTMAR: I am not.

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

18 MR. WYTMAR: Yes, I do.

19 THE CHAIRMAN: State your name and
20 address, please.

21 MR. WYTMAR: My name is David Wytmar
22 Groundwork Architects, Planners, and
23 Engineers. We're at 351 Buffalo -- 351
24 West Dundee Road in Buffalo Grove,
25 Illinois. I'm from out of state, but I'm a

1 licensed architect here in New York.

2 THE CHAIRMAN: Proceed, please.

3 MR. WYTMAR: We are designing a --

4 MR. J. VENERUSO: Mr. Chairman, when
5 we put up a few boards, Mr. Wytmar will
6 refer to them.

7 THE CHAIRMAN: You want to put
8 something up?

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

10 THE CHAIRMAN: Well, let him talk
11 first then we'll see about putting
12 something up.

13 MR. J. VENERUSO: All right.

14 THE CHAIRMAN: Go ahead, sir.

15 MR. WYTMAR: What we're proposing to
16 do is a five-story self-storage facility
17 and retail on the first floor. One of the
18 -- I am aware of past projects that have
19 been proposed for this site and a lot of
20 them have suggested digging into the hill.
21 But one of the main concerns that's come up
22 at the request of the development team is
23 to minimize the amount of rock removal on
24 the site. Just because of the, some of the
25 -- the project that's adjacent to it and

1 the problems with it.

2 So, what's we had done is when we
3 came in with -- there was a previous
4 proposal that has this facility being six
5 stories. What we did as opposed to
6 building into the hill, we said we're going
7 to lift up as much of the building as we
8 can and build it up above the terrace to
9 minimize the amount that we had to cut into
10 the hill.

11 The hill is, you know, comes in like
12 this. So as opposed to going into the
13 hill, we said, well, let's add a little bit
14 at the bottom, a little bit more at the top
15 and then make the top floors that are above
16 as big as we can and that way we cut as
17 little into the hill as possible. Keep it
18 all towards the street side and not impact
19 the residential to the back.

20 So as a result our first floor is
21 about 4,500 square feet. Our second floor
22 is about 18,000 square feet. And our upper
23 three floors are about 28,000 square feet
24 each. So that way there's no self-storage
25 on the first floor. All we have is retail

1 and office space for the facility on the
2 first floor. And everyone accesses those
3 floors up from elevators. And from the
4 first floor as opposed to -- normally a
5 self-storage will only go up to 11 to 12
6 feet to the next floor. We're going up 20
7 feet to get up above the rock. Again, to
8 minimize the rock removal. And so the
9 shape of the building, the design of the
10 building has been done to maximize the area
11 that we stay out of the rock.

12 THE CHAIRMAN: How many square feet
13 is the retail down below?

14 MR. WYTMAR: 1,800 square feet of
15 retail and that includes the 540 square
16 feet that's used as the office for the
17 storage facility.

18 THE CHAIRMAN: So you got how many
19 square feet of storage, for the storage?

20 MR. WYTMAR: 540 square feet.

21 THE CHAIRMAN: All right. And so
22 how many square feet is left for retail?

23 MR. WYTMAR: 1,240 square feet.

24 THE CHAIRMAN: How much?

25 MR. WYTMAR: 1,240 square feet.

1 THE CHAIRMAN: What do you intend to
2 put in there?

3 MR. WYTMAR: Just retail. We don't
4 want any food or, you know, fast food or
5 coffee shops.

6 THE CHAIRMAN: You're not going to
7 get that anyway so don't worry about that.

8 MR. WYTMAR: Okay.

9 THE CHAIRMAN: You know.

10 MR. WYTMAR: But --

11 THE CHAIRMAN: I'll tell you right
12 now, I'm going to be honest with you,
13 you're not going to get a 7/11 or a Wawa or
14 anything like that. Telling you right now.

15 MR. WYTMAR: And we don't want it.

16 THE CHAIRMAN: Maybe you're better
17 off taking that out and dropping it. Think
18 about that. The retail, the retail -- look
19 I'm familiar with self-storage. Okay.
20 Done a number of them. But I'm just
21 thinking about this retail business. This
22 is a very, very small envelope here. So
23 think about that.

24 MR. WYTMAR: Well, I don't want to
25 speak for the owner, but I don't think --

1 THE CHAIRMAN: You don't have to
2 tell me now. You can think about it. You
3 know, but bear in mind.

4 MR. WYTMAR: Well, it's --

5 THE CHAIRMAN: That retail is going
6 to be a very, very, very well-controlled.

7 MR. WYTMAR: From my standpoint --

8 THE CHAIRMAN: That's what the Board
9 is here for.

10 MR. WYTMAR: Yeah, I would prefer to
11 be able to remove the retail if possible,
12 but.

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

15 MS. TICKELL: I'm sorry, can you
16 just repeat the size of the first level,
17 the first floor.

18 MR. WYTMAR: The first floor is
19 4,545 square feet.

20 MS. TICKELL: Okay. Was 1,240 feet
21 of retail?

22 MR. WYTMAR: The, right, 1,800
23 square feet of retail.

24 MS. TICKELL: 1,800. Thank you.

25 MR. BATTISTA: The remainder of that

1 space is going to be storage?

2 MR. WYTMAR: No, there's no storage
3 on the first floor. The remainder of the
4 space is we have two staircases -- there's
5 two stair towers that extend all the way
6 from the top floor all the way down to the
7 grade so people can access that from --

8 MR. BATTISTA: Do they take up that
9 the remainder of that square footage?

10 MR. WYTMAR: They take up that
11 square footage and there's some
12 interstitial, you know, mechanical space,
13 things like that.

14 MR. GJELAJ: So how many usable
15 square feet on the first floor?

16 MR. WYTMAR: Usable? Well, it's
17 1,800 feet.

18 MR. GJELAJ: Right.

19 MR. WYTMAR: But none of it is
20 storage.

21 MR. GJELAJ: Okay. But the three
22 levels, you said two staircases that occupy
23 a portion of that 1,800?

24 MR. WYTMAR: Yes.

25 MR. GJELAJ: So how much is usable?

1 MR. WYTMAR: Usable in what sense?

2 MR. GJELAJ: Usable for a retail
3 establishment.

4 MR. WYTMAR: The retail is 1,240
5 square feet. I'm sorry, 1,260 square feet.

6 MR. GJELAJ: And how many parking
7 spots for the property in total?

8 MR. WYTMAR: We have 26 right now.

9 THE CHAIRMAN: How many individual
10 storage units do you have?

11 MR. WYTMAR: You asked how many
12 storage units do I have?

13 THE CHAIRMAN: How many individual
14 storage units are you going to have?

15 MR. WYTMAR: 760.

16 THE CHAIRMAN: 560?

17 MR. WYTMAR: Seven.

18 THE CHAIRMAN: Huh?

19 MR. WYTMAR: 760.

20 THE CHAIRMAN: 760. Okay.

21 Any other questions of the Board?

22 MR. BATTISTA: I have a question.

23 So insufficient loading --

24 THE CHAIRMAN: Mr. Battista.

25 MR. BATTISTA: Yeah, so on here you

1 have insufficient loading spaces, but how
2 many parking spaces are on, you're saying
3 are on the property?

4 MR. WYTMAR: 26 parking spaces on
5 the property.

6 MR. BATTISTA: So you'll have 26
7 parking spaces on the property and then
8 you're insufficient loading space is
9 required 5 you're proposing 4?

10 MR. WYTMAR: Correct.

11 THE CHAIRMAN: Anything else to --

12 MR. WYTMAR: And I would like to
13 point out -- I would like to point out
14 that's by ordinance from an operation --

15 THE CHAIRMAN: Wait a minute. I
16 didn't recognize you.

17 MR. WYTMAR: I'm sorry.

18 THE CHAIRMAN: Don't jump around.
19 What do you have to say?

20 MR. WYTMAR: He was asking about the
21 loading spaces.

22 THE CHAIRMAN: Who was asking?

23 MR. BATTISTA: (Indicated.)

24 THE CHAIRMAN: Oh, I didn't hear
25 you. What did you say?

1 MR. BATTISTA: So I said they have
2 26 parking spaces on the property.

3 THE CHAIRMAN: Yes.

4 MR. BATTISTA: And then they're
5 required to have five loading spaces and
6 they only want four.

7 THE CHAIRMAN: So you can answer
8 that.

9 MR. WYTMAR: Yes. And the
10 requirement for five, that's a city
11 requirement from an operations standpoint,
12 I would not expect the facility to need to
13 have five, five loading spaces. Typically
14 a facility of this size would only need two
15 or three of those large loading spaces for
16 a truck like a 12-by-5. The rest can be
17 accommodated by regular parking spaces. So
18 we don't feel we're insufficient in terms
19 of the operation of the facility.

20 MR. BATTISTA: Mr. Chairman, I have
21 one more question. He might not be able to
22 answer it, but currently at the property
23 what work is being done there on a daily
24 basis? Because I drive by it every day and
25 stuff is being moved around and so what is

1 that that's going on there?

2 MR. GJELAJ: That's a different
3 property.

4 MR. BATTISTA: That's different?

5 MR. GJELAJ: Yes. They referred to
6 I think that's 1969.

7 MR. WYTMAR: Nothing is being done
8 on the site. I was there just a few hours
9 ago visiting the site.

10 (Brief pause for conference.)

11 THE CHAIRMAN: You can't do this.

12 MR. BATTISTA: That's fine.

13 THE CHAIRMAN: Mr. Battista, do you
14 want to ask him a question?

15 MR. BATTISTA: No, I'm okay.

16 THE CHAIRMAN: Mr. Gjelaaj, you want
17 to ask a question?

18 MR. GJELAJ: No, I'm good. Thank
19 you.

20 THE CHAIRMAN: Ms. Tickell?

21 MS. TICKELL: I'm good. Thank you,
22 sir.

23 THE CHAIRMAN: You're okay?

24 MS. TICKELL: I am, sir. Thank you.

25 THE CHAIRMAN: Is there anybody else

1 who wanted to ask this gentleman anything?

2 Thank you, sir.

3 MR. WYTMAR: Thank you,
4 Mr. Chairman.

5 THE CHAIRMAN: I'd like to introduce
6 the Deputy Commissioner here tonight, Lee
7 Ellman.

8 MR. ELLMAN: Mr. Chairman.

9 THE CHAIRMAN: Not going to say
10 you're late. I'll let it go.

11 (Brief pause.)

12 Mr. Veneruso, do you have anybody
13 else? Oh, excuse me one second. I'd like
14 to introduce the Planning Commissioner Lou
15 Albano.

16 MR. ALBANO: Thank you,
17 Mr. Chairman.

18 THE CHAIRMAN: You're welcome, sir.

19 Mr. Veneruso.

20 MR. J. VENERUSO: I'd like to have
21 Mr. William Schneider provide a
22 presentation.

23 THE CHAIRMAN: Okay. I know
24 Mr. Schneider well.

25 MR. J. VENERUSO: I know.

1 THE CHAIRMAN: Come on up,
2 Mr. Schneider. Raise your right hand.

3 MR. SCHNEIDER: Good evening.

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

7 MR. SCHNEIDER: I do.

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

10 MR. SCHNEIDER: My name is William
11 Schneider. I'm with a professional
12 engineer. My address is One Larkin Plaza,
13 Yonkers, New York 10701.

14 THE CHAIRMAN: Proceed, sir.

15 MR. SCHNEIDER: Mr. Chairman,
16 members of the Board. It was originally my
17 intention to display the site plan and
18 discuss the site plan and how we're
19 arranging the building. If you'd like us
20 to set that up, we can do that. If you'd
21 rather not, that's okay as well.

22 Many of the items that I was going
23 to discuss has been mentioned already
24 regarding parking spaces, loading spaces,
25 and even some of the rock removal that's

1 required. But that was my original
2 intention was to at least display the site
3 plan for the people that were here in case
4 they haven't had a chance to see it.

5 THE CHAIRMAN: Well, the problem
6 with the board is that we should see it.
7 And the people in the audience should see
8 it. How many boards you got?

9 MR. SCHNEIDER: Well, we have one
10 display board which shows the rendering of
11 the facility. A color rendering done by
12 the architect. And then underneath that we
13 have the property on the site plan which
14 illustrates the parking spaces, the
15 driveway, entrance and exits, the building
16 position on the site, and basically the
17 dimensional requirements.

18 THE CHAIRMAN: All right. Put it
19 up. But I want the audience to see it. I
20 want everybody to see it as well as you can
21 get it.

22 MR. SCHNEIDER: Okay. And I can
23 move it around.

24 THE CHAIRMAN: Members of the
25 community, come up here and sit up here,

1 please. Come on. Come on up here. I want
2 you to see this. You two gentlemen there,
3 sit over there. Thank you.

4 No, no, miss, sit down. You're not
5 going to look at that now. They'll be
6 plenty of chances. I'll give you a chance.
7 Don't worry. Gentlemen, move over. Let
8 that lady sit down. Okay. She's over
9 there now.

10 Go ahead, Mr. Schneider.

11 MR. SCHNEIDER: Okay. So the
12 architect has put together a rendering of
13 what we feel it will look like. Of course
14 things can change a little bit. But this
15 is that rendering. And most of you are
16 familiar with the site off Central Avenue.
17 There's a jughandle that we've all driven
18 many, many times. And if you look just to
19 your right of that jughandle, you'll see a
20 vacant lot, a sheet of rock, and some
21 trees. But that's the lot. So right here
22 as you'll see, there's the jughandle. And
23 it's a little difficult to see. But I then
24 enter the building.

25 Now, the architect mentioned, you

1 can see the height of the building here.
2 This is going to step up on the rock.
3 There's actually rock behind this building.
4 You can even see a little bit of it right
5 there. Okay. So that's, it sits on top of
6 the rock. To try to avoid extra chipping
7 of rock and rock removal. But we have a
8 construction manager here tonight who can
9 talk about that process as well. But it's
10 our goal to try to minimize that, and keep
11 it to a period of months. Certainly not
12 years. But to a period of months.

13 And so that's basically what it's
14 going to do like look. Roughly. We
15 certainly might, you know, change the
16 landscaping, but that's what it's going to
17 look like. And certainly copies of this
18 can be made available for your viewing.

19 This is what we call the site plan.
20 So, a birds eye view of what it's going to
21 look like. And here's that entryway we
22 talked about earlier. That I mentioned
23 from the jughandle and our entry, go up
24 that slope only about 4.5 percent into a
25 parking area. And this is where we have

1 our 26 parking spaces here to service the
2 building.

3 And this light-colored section is
4 the retail and the office space which will
5 be on the first floor. All right? So you
6 have -- these are the loading spaces which
7 are here. And there are four of them. And
8 they're 40 feet by 12 feet. Rather large.
9 We don't expect to have trucks that large
10 to be entering this building. But they
11 will accommodate most of the rental trucks
12 and certainly people that use self-storage
13 will likely use their own vehicles for
14 that. But they're here to use for
15 motorists. And here we have our handicap
16 spaces.

17 We've accommodated 26 feet here for
18 aerial apparatus for the Fire Department.
19 Whenever you have a building that's over 30
20 feet tall, you have to accommodate the
21 fire, aerial fire apparatus. So we have 26
22 feet here so they can set up should there
23 ever be a fire in this building. This
24 building is going to be fully sprinklered.
25 So, it's going to have a full fire

1 suppression system and a fire alarm system.
2 So, and you'll exit over here. All right.
3 So there's a total of 26 spaces here.

4 And the reason why we needed the
5 variances is because we couldn't really get
6 behind the building. All right. We
7 definitely didn't want to chip out any
8 rock. So the only available place to put
9 parking was inside what we call the minimum
10 front yard and we needed to put the parking
11 a little bit closer to the building than
12 we'd like. In Yonkers, you're not supposed
13 to park within 10 feet of the building.
14 But as you see here, we have proposed that
15 as well. So those are the some of the
16 reasons for the variance.

17 And the 10 feet of the right-of-way.
18 Now, this is a state road, Central Park
19 Avenue. So that's New York State property.
20 You can see their property line, which is
21 right here. Similar to other properties
22 along Central Avenue like Bed, Bath and
23 Beyond, and PC Richards. Part of their
24 property, part of the parking garage of
25 Bed, Bath is actually on New York State

1 property. So it's very common for the
2 State to provide you access to the state
3 road. And that's why their property line
4 is here.

5 Our traffic engineer is Creighton
6 Manning. Mr. Filiciotto is here tonight.
7 And he's handling all the deals with New
8 York State and our traffic concerns which
9 he can discuss. All right. So that's the
10 site plan.

11 Up here we've met the minimum rear
12 yard. Our rear property line is here. And
13 here you'll see we definitely have the New
14 York City aqueduct in the back. All right.
15 Our property line is 53 feet from the outer
16 limits of the aqueduct. And then we have
17 additional 25 feet until we get to the
18 building. All right.

19 Part of the Zoning Board notices
20 everybody within 200-foot radius. The New
21 York City DEP was notified. And we sent a
22 separate letter to them notifying them of
23 the project. So that we should always
24 involve them in the project to make sure
25 that everything is done satisfactorily. So

1 that's everything that's been done.

2 All right. So, let's see. Here we
3 intend to take care of the stormwater.
4 We're going to collect it from the roof.
5 We're going to run it down through swales
6 on the side. We're going to have two large
7 detention basins here under the parking
8 lot. They're going to hold the water,
9 detain it, and then they're going to slowly
10 discharge it into the stormwater system in
11 Central Avenue. All right. And that's the
12 plan for handling the stormwater.

13 We will be filing with the State of
14 New York, if you're disturbing more than an
15 acre, then we need to send our erosion
16 control plan. It's what called a SWPPP,
17 Stormwater Pollution Prevention Plan. We
18 file that with the City of Yonkers
19 Engineering for their approval and then it
20 gets filed with the State of New York. And
21 then they approve our erosion control. So
22 that we will then control water, and of
23 course any sediment and construction
24 debris, to make sure that it doesn't come
25 out and impact any of the roads.

1 So that's our plan of action as far
2 as the site plan is concerned.

3 THE CHAIRMAN: Any questions of the
4 Board?

5 Thank you, Mr. Schneider. I might
6 have you leave that up for the other
7 persons here tonight.

8 Mr. Veneruso? Anything else, sir?

9 MR. J. VENERUSO: Yes, Mr. Chairman,
10 if I may, the owner's representative Dan
11 Whitney is here. He's the owner's
12 representative, he's the overall project
13 manager. He has a few words to say.

14 THE CHAIRMAN: Okay. Are you an
15 attorney, sir?

16 MR. WHITNEY: No, I'm not.

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

21 MR. WHITNEY: I do.

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

24 MR. WHITNEY: My name is Daniel
25 Whitney, Whitney Development. I'm at 1218

1 Curtis Avenue, Point Pleasant, New Jersey.

2 THE CHAIRMAN: And what is your
3 position here tonight?

4 MR. WHITNEY: I am the owner's
5 representative, development consultant,
6 construction manager.

7 THE CHAIRMAN: You're the what?

8 MR. WHITNEY: Development
9 consultant, construction manager. I
10 represent --

11 THE CHAIRMAN: I understand.
12 Proceed, please.

13 MR. WHITNEY: One of the things we
14 wanted to address today, obviously was the
15 overall rock removal. We understand that
16 it's a -- there's a site down the street
17 which is a detriment to the neighborhood.
18 We do not plan on -- you know, I understand
19 that site has been going on for years and
20 years and years. I thought it was three to
21 four years. Turns out it's going on for
22 about seven years. We don't have that kind
23 of time. I'm not interested in having to
24 don't spend more than two to three months
25 removing this rock. I'm not here in the

1 rock quarry business. I'm in the
2 self-storage business.

3 We are also here tonight to kind of
4 work with the community. That's kind of
5 what we do with this building as a whole to
6 kind of trigger some of these variances.
7 So, again, we saw the site itself. The
8 typography, we don't want to have to level
9 that whole site. We don't want to end up
10 being that guy down the street, you know,
11 rocks and trucks in and out constantly. I
12 want my guys there for a very short time.
13 So that's why we stepped the building up.
14 Obviously it costs us a little bit more
15 money in the development side to do that.
16 But we also understand the community at
17 large does not want another year long
18 process of people chipping and hammering,
19 dynamite, all this kind of stuff. We do
20 have a meeting with the public set up.
21 That we're working on setting something up,
22 I believe, to kind of go over some of these
23 concerns.

24 As far as the building is concerned,
25 as you guys know self-storage is a very

1 benign use. The ITE, as our traffic
2 engineer will testify to, said something
3 about 12 trips per hour. It might actually
4 have 12 trips per hour. I would have to
5 build these things three times as large.
6 You know, the three, the loading spaces
7 came up as well where the ordinance calls
8 for five we provided four. My normal
9 building has about three. You know.
10 That's kind of a nationwide standard, three
11 to four. And they're never filled. I mean
12 if I have, if I have three filled at once,
13 that's a busy day. It's a very busy day.

14 The other thing to take into mind is
15 it's 760 storage units. That would
16 literally take about two years, two
17 and-a-half years to stabilize. Two
18 and-a-half, three years. At that rate we'd
19 probably have about one person per day at
20 the storage unit. And the average person
21 actually visits their storage unit probably
22 once every two to three months.

23 THE CHAIRMAN: You're going to have
24 one person per day doing what?

25 MR. WHITNEY: So your rentals. I

1 mean we don't plan to rent more than -- we
2 don't plan to rent more than two -- we
3 don't plan on -- you can have 30 people
4 renting storage units a day but we don't.
5 You know, probably one person per day. The
6 average life of a rental is about six
7 months to a year. So we don't expect some
8 crazy traffic here like the traffic
9 engineer will testify to. That it's a very
10 sleepy use. A very quiet use.

11 The jughandle itself will not be
12 affected by us very much. I mean we'll
13 have cars coming in and out of the site,
14 but not many.

15 And like I said, we're here to work
16 with the community to kind of figure out
17 what we need to do here to get this thing
18 done and work with you guys as well.

19 So just wanted to address the Board
20 and say that.

21 THE CHAIRMAN: I'm trying figure out
22 what you're trying to prove here.

23 MR. WHITNEY: Oh, nothing. Nothing.
24 I'm used to, I go to all different Boards
25 all over the place. And I always, we

1 always give the ownership's take, that's
2 all.

3 THE CHAIRMAN: I'm having a hard
4 time hearing you. Go ahead.

5 MR. WHITNEY: It's, we're just
6 giving our synopsis of the owners on the
7 property. That's all. The project. We
8 figure that rather than hearing from
9 engineers, and architects, that it's nice
10 to hear from someone that's not a PE.

11 THE CHAIRMAN: I don't understand
12 what you're trying to do.

13 Mr. Veneruso, come on up here.
14 What's he talking about?

15 MR. J. VENERUSO: I think he was, he
16 was certainly addressing the fact that they
17 want to get in and out. That the design of
18 the building was terracing because they
19 want to get in and out. They're not trying
20 to what was done to the south. And that
21 what's been called the quarry operation,
22 because it's been going on so long, that's
23 the last thing they want. And I think
24 we're close to setting up the meeting, July
25 12th, is a tentative date. Councilman

1 Merante is trying to --

2 THE CHAIRMAN: I don't want to hear
3 about Councilman Merante. I want to --

4 MR. J. VENERUSO: -- I think it's
5 important --

6 THE CHAIRMAN: -- hear about the
7 case.

8 MR. J. VENERUSO: I think that it's
9 important, Mr. Chairman, in the sense that
10 we want to address the community's
11 concerns. We knew going in what was going
12 on to the south. We don't want that. We
13 don't want that at all. That's the last
14 thing that we want. So I think Mr. Whitney
15 was trying to address that point. That,
16 that's his essential point. That he came
17 in here, we discussed the project,
18 everybody on the development team is of one
19 mind to do this the right way. And I think
20 that's what he's trying to convey.

21 THE CHAIRMAN: Well, if it happens,
22 you're going to do right it anyway. We're
23 going to make sure. You know how we are.

24 MR. J. VENERUSO: I do,
25 Mr. Chairman.

1 THE CHAIRMAN: You know, you've been
2 here a long time with me.

3 MR. J. VENERUSO: In fact, I also
4 realized, I don't live too far. I'm in
5 Yonkers. I've heard all the stories. I
6 pass that place. I'm not being factitious
7 when I say it's to referred to as a quarry.
8 They've got six or seven huge apparatus
9 going at any one time. It's a construction
10 site that's been going on for years. So we
11 came into this project knowing we had to
12 address those concerns. And I think
13 that's, that's our point. We're here to do
14 that.

15 THE CHAIRMAN: Do you have anybody
16 else you want to put on the stand?

17 MR. J. VENERUSO: Yes, one more,
18 Mr. Chairman.

19 THE CHAIRMAN: One more? Sure.

20 MR. J. VENERUSO: The traffic
21 engineer, Mr. Filiciotto.

22 THE CHAIRMAN: Are you an attorney,
23 sir?

24 MR. FILICIOTTO: I am not.

25 THE CHAIRMAN: Raise your right

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

4 MR. FILICIOTTO: I do.

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

7 MR. FILICIOTTO: Good evening,
8 Mr. Chairman, members of the Board. Frank
9 Filiciotto, F-i-l-i-c-i-o-t-t-o. I'm with
10 the firm Creighton Manning, 145 Main
11 Street, Ossining.

12 THE CHAIRMAN: Do I know you?

13 MR. FILICIOTTO: Yes, sir.

14 THE CHAIRMAN: Okay. Proceed.

15 MR. FILICIOTTO: Thank you,
16 Mr. Chairman. I'll be brief with regards
17 to traffic. I know the Board is familiar
18 with this type of use. Self-storage --

19 THE CHAIRMAN: Take your time. Talk
20 all you want. I'm here for the night.
21 Don't worry.

22 MR. FILICIOTTO: Self-storage
23 facilities are known in our community, the
24 traffic engineering community, as a very
25 low trip generator. It generates very

1 little traffic. And the reason for that is
2 because they don't really employ
3 significant population of people. There's
4 usually one to two people on site at any
5 given time working. They don't, they're
6 not a residential development. Nobody
7 lives there. And finally, there's nothing
8 being sold. As you heard from Mr. Whitney
9 it takes a long time for a self-storage
10 facility to become rented. And when it
11 does, those people do not visit the site
12 every day as you would a retail
13 establishment. So for those three reasons,
14 self-storage facilities tend to generate
15 very, very little traffic.

16 And it's proven in the data. We
17 submitted a traffic study as well with this
18 application based on the transportation
19 engineering guidelines. Basically this
20 site, during the peak hour, not every hour,
21 the peak hour, the peak traffic generation
22 will be 18 vehicles in a peak hour.
23 There's thousands of vehicles per day on
24 Central Park Avenue. To the tune of about
25 31,000 daily, daily traffic on Central Park

1 Avenue. This use will be able to integrate
2 well into the surrounding without any
3 significant impacts.

4 We are working with the New York
5 State DOT. We need to get a highway work
6 permit as part of this project for the two
7 driveways on the jughandle. We hope that
8 by the next time we appear in front of you
9 to talk about this project, we will have
10 concrete feedback from the DOT.

11 Thank you.

12 THE CHAIRMAN: You're going to have
13 one entrance in and one entrance out,
14 correct?

15 MR. FILICIOTTO: Correct.

16 THE CHAIRMAN: Good. Okay. And you
17 got two the curb cuts there now?

18 MR. FILICIOTTO: Correct.

19 THE CHAIRMAN: Those are the curb
20 cuts you're going to use.

21 MR. FILICIOTTO: More or less. They
22 might shift a few feet, but generally
23 speaking, yes.

24 THE CHAIRMAN: Generally. Okay.

25 Any questions of the Board?

1 Okay. Thank you.

2 MR. FILICIOTTO: Thank you,
3 Mr. Chairman.

4 THE CHAIRMAN: Mr. Veneruso.

5 MR. J. VENERUSO: That's our
6 presentation, Mr. Chairman.

7 THE CHAIRMAN: Thank you.
8 Mr. Veneruso. Mr. Veneruso, on Creighton
9 Manning, there was a report given to us.
10 That report is several pages, a lot of
11 pages. I want a copy of that report to go
12 to the neighbors. I'm going to tell you
13 who to give it to.

14 MR. J. VENERUSO: Yes.

15 THE CHAIRMAN: And the pictures
16 right there. I'm not going to take it as
17 evidence. I have enough evidence. I want
18 them to go to the neighbors tonight. I'm
19 going to tell you who you're going to give
20 it to. Okay?

21 MR. J. VENERUSO: You want that
22 particular one?

23 THE CHAIRMAN: Absolutely.

24 MR. J. VENERUSO: Oh, that's fine.
25 Usually, somebody takes it, because it's

1 admitted in evidence.

2 THE CHAIRMAN: I don't want to -- I
3 don't want your easel.

4 MR. J. VENERUSO: No, no, fine.

5 THE CHAIRMAN: Just, I want those
6 pictures, are going to go to somebody over
7 here tonight. And this report you're going
8 to get to them. I will tell you who to
9 give it to. I'll let you know.

10 MR. J. VENERUSO: Okay.

11 THE CHAIRMAN: Okay?

12 MR. J. VENERUSO: Absolutely.

13 THE CHAIRMAN: You understand?

14 MR. J. VENERUSO: Yes.

15 THE CHAIRMAN: Thank you. Thank
16 you, sir.

17 Is there anybody here in the
18 audience to speak in favor of this
19 application? It's on Verona Avenue between
20 Heights Drive between Heights Drive and
21 Verona Avenue. It's on the jughandle. Is
22 there anybody here tonight to speak in
23 opposition?

24 Madam? Do you want to speak?

25 AUDIENCE MEMBER: No, go ahead. I'm

1 waiting.

2 THE CHAIRMAN: No, no, I determine
3 who speaks. Do you want to speak?

4 AUDIENCE MEMBER: Me? Terry? No.
5 Me? Are you addressing me?

6 THE CHAIRMAN: I didn't hear you.

7 AUDIENCE MEMBER: I'm sorry. Did
8 you address me, Mr. Cianciulli?

9 THE CHAIRMAN: Do you want to speak?

10 AUDIENCE MEMBER: I will speak, yes.

11 THE CHAIRMAN: You want to speak?

12 AUDIENCE MEMBER: Yes, but I'd
13 rather wait and let them speak.

14 THE CHAIRMAN: You want him to speak
15 first?

16 AUDIENCE MEMBER: Please.

17 THE CHAIRMAN: And who wants to
18 speak? Okay. This gentleman.

19 AUDIENCE MEMBER: Sure.

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

22 PUBLIC SPEAKER VASSO: I am not.

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

1 truth so help you God?

2 PUBLIC SPEAKER VASSO: I do.

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

5 PUBLIC SPEAKER VASSO: Al Vasso, 3
6 Parkway East, Yonkers.

7 THE CHAIRMAN: What's your address?

8 PUBLIC SPEAKER VASSO: 3 Parkway
9 East.

10 THE CHAIRMAN: Okay. Go ahead.

11 PUBLIC SPEAKER VASSO: So I'm a
12 lifelong Yonkers resident. I live and work
13 in Yonkers. And while I support progress
14 in Yonkers especially in the downtown area
15 which has been beneficial to --

16 THE CHAIRMAN: This is Central
17 Avenue. Talk about --

18 PUBLIC SPEAKER VASSO: Correct,
19 yeah, I'm leading up to that.

20 THE CHAIRMAN: You don't have to
21 tell me about supporting.

22 PUBLIC SPEAKER VASSO: Okay.

23 THE CHAIRMAN: Just talk about this.

24 PUBLIC SPEAKER VASSO: Sure.
25 There's plenty of vacancies on Central

1 Avenue that I think there's opportunity
2 there for new development. I think
3 building out this location especially on
4 the jughandle as which as much as engineers
5 have looked at the jughandle, it is, is it
6 -- what's the reason why there's entrance
7 into the jughandle to the property? Is
8 there other locations? We feel that
9 there's still going to be noise. We put up
10 with that, with the dust and the noise on
11 the 1969 location. We still think that
12 even with the terracing, there's still
13 going to be noise and dust. Whether it's
14 three months, four months, we know how
15 these things go. They end up being six
16 months to a year and further.

17 So, again, while I'm all for
18 progress, I think for this location, is
19 really needing to do another storage
20 location with the construction, that's
21 going to impede the homeowners above
22 Heights Drive.

23 THE CHAIRMAN: Any questions of this
24 gentleman? Thank you, sir.

25 (Court reporter requested spelling.)

1 PUBLIC SPEAKER VASSO: Vasso,
2 V-a-s-s-o.

3 THE CHAIRMAN: Anybody else to speak
4 in opposition? Just raise your hand. This
5 lady right there, please. The one with the
6 mask. Come up.

7 Are you an attorney, ma'am?

8 PUBLIC SPEAKER PAPANTONIOU: No,
9 sir.

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

14 PUBLIC SPEAKER PAPANTONIOU: Yes,
15 sir.

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

18 PUBLIC SPEAKER PAPANTONIOU: My name
19 is Mabel Papantoniou. I live at 127
20 Rosedale Road, Yonkers, New York. Colonial
21 Heights.

22 THE CHAIRMAN: Proceed, please. You
23 want to us to lower that microphone?

24 PUBLIC SPEAKER PAPANTONIOU: If you
25 want.

1 (Brief pause.)

2 (Court reporter requested spelling.)

3 THE CHAIRMAN: Spell your last name
4 please.

5 PUBLIC SPEAKER PAPANTONIOU:

6 P-a-p-a-n-t-o-n-i-o-u.

7 THE CHAIRMAN: Thank you. Proceed,
8 madam.

9 PUBLIC SPEAKER PAPANTONIOU: I live,
10 I've lived in Yonkers for 43 years. I'm a
11 -- I work for 40 years, am a retired school
12 teacher. And I live there because it's a
13 quiet neighborhood. Yonkers is beautiful.
14 I enjoy all the greenery in the
15 neighborhood. In the mornings, I get up
16 and I have my coffee. I go out to the
17 patio. I sit outside, sometimes just
18 before 8:00. And I just want to be -- I
19 want to hear birds. I want to see nature
20 and hear nature. And all I hear is
21 (Demonstrated noise). All day.

22 (Demonstrated noise.) Until 5:00. And it's
23 been -- well, it's annoying, isn't it?

24 THE CHAIRMAN: It's annoying me
25 right now. Go ahead.

1 PUBLIC SPEAKER PAPANTONIOU: Right.
2 I hear that all day until 5:00. At least.

3 THE CHAIRMAN: Where you do you hear
4 this? Where is it coming from?

5 PUBLIC SPEAKER PAPANTONIOU: From
6 their site.

7 AUDIENCE MEMBERS: No.

8 THE CHAIRMAN: It's not their site.
9 They haven't started already.

10 AUDIENCE MEMBERS: It's coming from
11 Heights Drive. The neighbor.

12 PUBLIC SPEAKER PAPANTONIOU: I
13 thought that's what we -- then, I'm sorry.
14 And then I go to -- I look outside. I go
15 to my dining room, and I look outside. In
16 the morning. I'm sorry. I'm a little
17 nervous. In the morning, I see the sun
18 come out in front of my house. At night in
19 the evening, I go back to the dining room.
20 And I look out. And I see that, that site.
21 I see those clouds. The sun goes down and
22 the colors are beautiful. Now, I can see
23 those trees right now across Central
24 Avenue. That building is too high. It's
25 going to obscure all those beautiful trees.

1 Then when the sun goes down, and the colors
2 go down on it, we won't be able to see it.
3 So that's affecting all of us. The views.
4 The beautiful Yonkers. It's not going to
5 be the same. Such a big building. And
6 then I'm sure when they do construction,
7 the noise is going to drive us crazy. And
8 I'm 76. By the time they finish, I'll be
9 dead. That's all I'm going to say. I just
10 want to have peace and quiet and be happy
11 in my house.

12 THE CHAIRMAN: Well, we don't want
13 to you to die. That's for sure. And we
14 want you to enjoy your coffee over there
15 and everything else. But this project has
16 not started. This is going to be another
17 project. Now, they're not even -- they
18 can't get that close to the aqueduct. But
19 I think they're about 18 feet away from
20 aqueduct. I don't know. Maybe I'm wrong.
21 Okay. So, they're going to have to take
22 some stone out, some rock out. But we're
23 going to make that, we're going to work on
24 that, if we pass this, believe me when I
25 tell you, we're going to work on it.

1 PUBLIC SPEAKER PAPANTONIOU: I hope
2 so. Because going to have a big wall
3 across Central Avenue, won't be able to see
4 anything.

5 THE CHAIRMAN: Well, you want to see
6 Central Avenue?

7 PUBLIC SPEAKER PAPANTONIOU: No, but
8 we want to see the trees. Because I see
9 the trees, I see above Central Avenue. So
10 when you're looking that way, you don't see
11 -- I'm sorry.

12 THE CHAIRMAN: They're going to
13 leave some trees up, madam.

14 PUBLIC SPEAKER PAPANTONIOU: Yeah,
15 but look. What are you seeing? Just the
16 building. You don't see the trees behind
17 it. And that goes above, the houses over
18 here are covered.

19 THE CHAIRMAN: Any questions of the
20 Board of this lady?

21 PUBLIC SPEAKER PAPANTONIOU: The
22 view is going to change.

23 THE CHAIRMAN: Huh?

24 PUBLIC SPEAKER PAPANTONIOU: The
25 view is going to change and all we'll see

1 is a wall of buildings.

2 THE CHAIRMAN: Any questions of this
3 lady? Thank you, madam.

4 Anybody else to speak in opposition?
5 Okay. You want to speak in opposition?

6 PUBLIC SPEAKER TIRADO: Well.

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

9 PUBLIC SPEAKER TIRADO: No, sir.
10 No, Chairman.

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

15 PUBLIC SPEAKER TIRADO: Yes, I do.

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

18 PUBLIC SPEAKER TIRADO: Conception
19 Tirado, T-i-r-a-d-o. My address is 46
20 Alpine Road, Yonkers, New York 10710.

21 THE CHAIRMAN: Proceed, madam.

22 PUBLIC SPEAKER TIRADO: So. I
23 retired about four years ago. And I've to
24 put up with this constant noise for seven
25 years. But --

1 THE CHAIRMAN: Let me say something.

2 PUBLIC SPEAKER TIRADO: Sure.

3 THE CHAIRMAN: This project here has
4 nothing to do with the project on the other
5 side on Heights Drive. This is a separate
6 project.

7 PUBLIC SPEAKER TIRADO: But they're
8 saying they're going, they have to chop up
9 some more rock.

10 THE CHAIRMAN: They have to dig some
11 rock out, yes.

12 PUBLIC SPEAKER TIRADO: Right.

13 THE CHAIRMAN: And I think if we
14 pass it, I think might be able to help the
15 situation out. Okay?

16 PUBLIC SPEAKER TIRADO: Oh.

17 THE CHAIRMAN: The other project, I
18 don't know what happened over there. I
19 mean, if you've got complaints, what can I
20 tell you? We're not -- I'm not in charge
21 of those complaints. The City of Yonkers
22 is. You want to call them and complain,
23 that's up to you.

24 PUBLIC SPEAKER TIRADO: Okay. But
25 so they're not going to continue to chop up

1 rock?

2 THE CHAIRMAN: Yes, they're going to
3 have to chop some rock. But they're going
4 to be, I think it's 18 feet --

5 Mr. Veneruso, so step up, please.
6 Is it 18 feet from the aqueduct you're
7 going to be?

8 MR. J. VENERUSO: It's actually 80,
9 70, 80.

10 THE CHAIRMAN: How many feet?

11 PUBLIC SPEAKER TIRADO: 80.

12 MR. J. VENERUSO: 70, 80 feet.

13 THE CHAIRMAN: 70, 80 feet. Okay.

14 MR. J. VENERUSO: From, yeah. We've
15 also notified the DEP, New York City DEP.
16 Notified them. Put them on notice which
17 we're required to do and we're waiting to
18 hear back from them.

19 THE CHAIRMAN: Okay. Go ahead,
20 madam.

21 PUBLIC SPEAKER TIRADO: Excuse me?

22 THE CHAIRMAN: You can talk.

23 PUBLIC SPEAKER TIRADO: No, so,
24 they're not going to continue to quarry to
25 chop up --

1 THE CHAIRMAN: They're going to do
2 something. I think they're going to chip.
3 They're not going to blast from what I
4 understand. I think they're going to chip.

5 PUBLIC SPEAKER TIRADO: Well, it's
6 the chipping that's the problem.

7 THE CHAIRMAN: If they chip --
8 (Simultaneous speaking.)

9 THE CHAIRMAN: They chip. This is
10 the story. Okay. They're going to chip
11 from 8:00 in the morning to 4:00 in the
12 afternoon. That's going to be it, five
13 days a week. No weekends. No nights.
14 They're allowed to do that. That's what
15 they're going to do. One second, madam.
16 If this Board passes it. I'm sorry about
17 your problems with another project.
18 Believe me when I tell you. But we have
19 nothing to do with that now.

20 PUBLIC SPEAKER TIRADO: Okay.

21 THE CHAIRMAN: Thank you.

22 PUBLIC SPEAKER TIRADO: Thank you.

23 THE CHAIRMAN: Madam.

24 AUDIENCE MEMBER KING: I have a
25 question.

1 THE CHAIRMAN: Come on up here. You
2 can't talk to me over there. Nobody talks
3 to me from there. Everybody talks into the
4 microphone.

5 PUBLIC SPEAKER KING: Sorry.

6 THE CHAIRMAN: This is a
7 professional procedure, madam.

8 PUBLIC SPEAKER KING: Yes, sir.

9 THE CHAIRMAN: Let me tell you right
10 now. This is better than Supreme Court of
11 United States. We don't have leaks. Okay?

12 PUBLIC SPEAKER KING: Okay. I bet
13 you don't.

14 THE CHAIRMAN: Are you an attorney?

15 PUBLIC SPEAKER KING: No, sir.

16 THE CHAIRMAN: Are you an attorney?

17 PUBLIC SPEAKER KING: No, sir.

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

22 PUBLIC SPEAKER KING: Yes.

23 THE CHAIRMAN: State your name and
24 address.

25 PUBLIC SPEAKER KING: My name is

1 Maria King. My address is 12 Priscilla
2 Avenue, Yonkers, New York.

3 THE CHAIRMAN: 12 what?

4 PUBLIC SPEAKER KING: Priscilla
5 Avenue.

6 THE CHAIRMAN: Okay. Proceed,
7 madam.

8 PUBLIC SPEAKER KING: So my question
9 is, I see that this is a new project. I
10 see that there is going to be some type of
11 chipping. How long is it going to be? So,
12 the previous project has been in place for
13 several years. We're not going to be doing
14 this for --

15 THE CHAIRMAN: Talk to me, madam.
16 Don't talk to them. They're not going to
17 help you.

18 PUBLIC SPEAKER KING: Okay.

19 THE CHAIRMAN: Talk to me.

20 PUBLIC SPEAKER KING: Again, my
21 question is, how long is it going to take?

22 THE CHAIRMAN: I don't know, madam.
23 But once they get their permit, I think
24 they're allowed three years.

25 PUBLIC SPEAKER KING: So this can

1 technically take another three years?

2 THE CHAIRMAN: Well, I don't know
3 how long it's going to take. I mean
4 sometimes, right now you see what just
5 happened with this COVID.

6 PUBLIC SPEAKER KING: Yes.

7 THE CHAIRMAN: I mean people
8 couldn't get supplies. I mean if they want
9 some of the supplies, they can't the
10 supplies, what are you going to do? I mean
11 it's kind of hard. I think, by the way, I
12 think if this goes through, they want to
13 get it done pretty quick because the sooner
14 they get it done, they can rent it.

15 PUBLIC SPEAKER KING: Right. So.

16 THE CHAIRMAN: I don't think --

17 PUBLIC SPEAKER KING: It's to their
18 favor to get it up and running rather
19 quickly. All right.

20 THE CHAIRMAN: The big thing is do
21 they have money to do it? That's the --
22 I'm not going to ask them that, that's none
23 of my business. But that's the big thing.
24 Do they got the money to do it. If they
25 got the money to do it, and I understand

1 that this is owned by Huffman Koos. And we
2 gave them a variance for about five years
3 ago, four years ago, furniture store.

4 PUBLIC SPEAKER KING: Okay. Thank
5 you.

6 THE CHAIRMAN: You're welcome.

7 Is there anybody else that wants to
8 speak?

9 Are you an attorney, madam?

10 PUBLIC SPEAKER SEDA: No I'm not.

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

15 PUBLIC SPEAKER SEDA: Yes, I do.

16 THE CHAIRMAN: State your name,
17 please.

18 PUBLIC SPEAKER SEDA: Nancy Ortiz
19 Seda, S-e-d-a.

20 THE CHAIRMAN: What's your address?

21 PUBLIC SPEAKER SEDA: 120 Minerva
22 Drive, Yonkers, New York 10710.

23 THE CHAIRMAN: Proceed, please.

24 PUBLIC SPEAKER SEDA: I've lived in
25 Yonkers for 28 years.

1 THE CHAIRMAN: You what?

2 PUBLIC SPEAKER SEDA: I've lived in
3 Yonkers for 28 years.

4 THE CHAIRMAN: Good.

5 PUBLIC SPEAKER SEDA: And my
6 question is that they want to build this
7 storage facility. Fine. I mean, we are
8 into progress also. But there are plenty
9 of places of where they can have shops or
10 furniture stores because we do have enough
11 furniture stores on Central Avenue. Then
12 we do not need another furniture store.

13 THE CHAIRMAN: It's not going to be
14 a furniture store.

15 PUBLIC SPEAKER SEDA: Well, yeah,
16 but --

17 THE CHAIRMAN: No, it's not. It's
18 going to be a self-storage building.

19 PUBLIC SPEAKER SEDA: Right. Right.
20 But --

21 THE CHAIRMAN: On the ground floor.

22 PUBLIC SPEAKER SEDA: Well, they're
23 going to do retail space.

24 THE CHAIRMAN: Huh?

25 PUBLIC SPEAKER SEDA: Well, it could

1 be a furniture store. It could be --

2 THE CHAIRMAN: No, madam. This is
 3 what they're before the Board for, they're
 4 not going to be a furniture store. If they
 5 get anything, they're going to be
 6 self-storage.

7 PUBLIC SPEAKER SEDA: Well, the fact
 8 that they said there is a lot of empty lots
 9 or stores in the area, which they can use
 10 for other, at that point, you don't need to
 11 make another store. And the other piece of
 12 it is, is that it's extremely noisy from
 13 all this chipping that they've done. Which
 14 is very disturbing and they do it at a
 15 quarter to eight in the morning.

16 THE CHAIRMAN: Madam, we're not in
 17 here on another project. We're on this
 18 project. They're not going to start any
 19 work there until eight in the morning and
 20 they're going to finish it before 4:30.
 21 That's what we're going to put down as a
 22 condition. I can't control any other
 23 project. I'm not -- that's up to the City
 24 of Yonkers to do.

25 PUBLIC SPEAKER SEDA: Well, thank

1 you.

2 THE CHAIRMAN: You're welcome.

3 Anybody else? Yes, sir. Come on
4 up. Are you an attorney, sir?

5 PUBLIC SPEAKER CAMPOREALE: No, I am
6 not.

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 PUBLIC SPEAKER CAMPOREALE: I do.

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

14 PUBLIC SPEAKER CAMPOREALE: Vincent
15 Camporeale, C-a-m-p-o-r-e-a-l-e. 51
16 Rosedale Road, Yonkers.

17 THE CHAIRMAN: Proceed, please.

18 PUBLIC SPEAKER CAMPOREALE: I think
19 there's a lot of confusion here. We're
20 talking about -- (Demonstrated noise) --
21 which is happening right now. But you're
22 saying that this project is on a different
23 location totally from the one that we're
24 thinking about; is that correct?

25 THE CHAIRMAN: Absolutely.

1 Absolutely.

2 PUBLIC SPEAKER CAMPOREALE: Okay.

3 So this is -- I'm trying to get my --

4 MR. BATTISTA: Mr. Chairman, if I
5 can.

6 THE CHAIRMAN: One second,
7 Mr. Battista. One second.

8 Do you know where the jughandle is
9 on --

10 PUBLIC SPEAKER CAMPOREALE: Yes, I
11 do know where that jughandle is.

12 THE CHAIRMAN: You know where it is.

13 PUBLIC SPEAKER CAMPOREALE: Where
14 they said you need to sell Christmas trees
15 there.

16 THE CHAIRMAN: All right. So I
17 don't have a lot -- look I got other cases.
18 Here's the case, you know where the
19 jughandle is?

20 PUBLIC SPEAKER CAMPOREALE: Yes.

21 THE CHAIRMAN: That's where the
22 project is going. Right there.

23 PUBLIC SPEAKER CAMPOREALE: Okay.
24 Okay. I think there's a lot of confusion.
25 I just wanted to clear that up.

1 THE CHAIRMAN: There's no confusion,
2 if you listen to me.

3 PUBLIC SPEAKER CAMPOREALE: We're
4 thinking, well, I am thinking that it was
5 down where this project is, this project
6 that's ongoing right now, it's just
7 horrendous. But that's another story for
8 another time.

9 THE CHAIRMAN: Okay. Go ahead.

10 PUBLIC SPEAKER CAMPOREALE: Okay.
11 So you cleared that up for me. That's all
12 I wanted to know. No further questions.

13 THE CHAIRMAN: Thank you. I'll take
14 one more person, please. Anybody else
15 wants to speak?

16 That's it? Okay. You want to
17 speak, madam? Okay. Come on. It's up to
18 you. Are you an attorney, madam?

19 PUBLIC SPEAKER LUCADAMO: I am not.

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

24 PUBLIC SPEAKER LUCADAMO: I do.

25 THE CHAIRMAN: State your name and

1 address, please.

2 PUBLIC SPEAKER LUCADAMO: Terry
3 Lucadamo, L-u-c-a-d-a-m-o. Just to let you
4 know we're here on the two projects
5 tonight. Because we were under the
6 impression that both were on the agenda.
7 This project has got a bad rap because of
8 Heights Drive and the torture and the ear
9 piercing that these people have conditioned
10 to the entire Colonial Heights and the
11 opposite side which I think is called
12 Bronxville Heights, have endured for almost
13 eight years. It's more than seven.
14 Unfortunately, that became a quarry. Not
15 what it was supposed to be. What it was
16 supposed to be a storage area with a strip
17 mall in the front of it. So now, we're
18 having a storage area which is going all
19 through the community, both sides. They're
20 assuming, and as well as myself, is going
21 to be torture with the same thing as has
22 been.

23 Now, when there's one machine going,
24 the decibel is one thing. If there's two
25 machines drilling, is that -- does that

1 change the decibel? If there's three, et
2 cetera. But we have them down the block,
3 now we have the north and south, what will
4 the decibel that affects all of their
5 homes.

6 I have written an entire statement,
7 I'm not going to read, but I will share it
8 with you in anyway, and I will share it
9 with the maybe Corp Counsel, with you Matt,
10 because it's a torture on what we're
11 getting from there. And I'm going to end
12 it right there with Heights Drive.

13 This I believe, the height, is very
14 hard to see. I do not know where it's
15 going into because I haven't seen it yet.
16 So I really can't comment on it. I get the
17 square footage, I see that. That was
18 explained to me, the terracing, and so
19 forth. Jim does stay in contact with me on
20 any project that's in our area, great
21 relationship, as I have with you as well.
22 So, until I see it more, and have a better
23 understanding of it, I can't comment yes or
24 no. But I just want you to know their bad
25 rap came from Heights Drive. This is

1 what's going on. Buzzing all over the
2 community. So I'll end it for you there
3 because I can go on.

4 THE CHAIRMAN: Well, I'm going to
5 close this case tonight. I'll be honest
6 with you, I'm going to close it.

7 PUBLIC SPEAKER LUCADAMO: Okay.

8 THE CHAIRMAN: I'm going to ask
9 Mr. Veneruso, you were the person I was
10 thinking about, to give you those copies.
11 You can take them tonight with you. He's
12 going to give you -- you give him your
13 address. He'll send you a -- he's going to
14 send a Creighton Manning. The work that
15 they do, which I think is wonderful.
16 Believe me when I tell you. I've been
17 around a long time. I read this. So I
18 think it's a good report. So you're going
19 to get that. You're going to get those
20 tonight. You walk out of here with those
21 tonight. Okay?

22 PUBLIC SPEAKER LUCADAMO: I have
23 another question, if I may. All the
24 variances, the variance that are requested,
25 are these the same ones that were approved

1 already for Huffman Koos?

2 THE CHAIRMAN: I don't know.

3 PUBLIC SPEAKER LUCADAMO: You don't
4 know. I guess if you're going close it, I
5 guess they are.

6 THE CHAIRMAN: Yeah, we're going to
7 close the hearing.

8 PUBLIC SPEAKER LUCADAMO: Okay.
9 Don't make no --

10 THE CHAIRMAN: Let me tell you
11 something, you've been here a long time.

12 PUBLIC SPEAKER LUCADAMO: A long
13 time.

14 THE CHAIRMAN: You've been before me
15 a long time.

16 PUBLIC SPEAKER LUCADAMO: Many
17 times.

18 THE CHAIRMAN: And I've always
19 treated with you with respect.

20 PUBLIC SPEAKER LUCADAMO:
21 Absolutely.

22 THE CHAIRMAN: Okay. You're going
23 to respect me.

24 PUBLIC SPEAKER LUCADAMO: And I do.

25 THE CHAIRMAN: Okay. I know you do.

1 Believe me when I tell you, they're not
 2 getting away with nothing. Nobody gets
 3 away with anything with me. Believe me
 4 when I tell you.

5 PUBLIC SPEAKER LUCADAMO: I know
 6 that.

7 THE CHAIRMAN: Okay. So that's the
 8 way it is. So, I'm closing it tonight.
 9 Probably going to come back with a decision
 10 in August. I mean, excuse me, in July. If
 11 not it'll be August. It's not going past
 12 August. But it might be. So we want to
 13 get some information from them. We're
 14 going to be the Lead Agency.

15 So I'm going to make a motion -- you
 16 can have a seat, please.

17 PUBLIC SPEAKER LUCADAMO: Okay.

18 THE CHAIRMAN: Thank you.

19 Going to make a motion that we're
 20 the Lead Agency for this case. I make a
 21 motion that the Zoning Board of Appeals
 22 determines to seek Lead Agency and requests
 23 that the Planning Bureau initiate Lead
 24 Agency and coordinate a review on their
 25 behalf. Do I have a second?

1 MS. TICKELL: Second.

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

4 (Chorus of ayes.)

5 THE CHAIRMAN: Mr. Battista, I'm
6 sorry, did you want to ask something?

7 MR. BATTISTA: Yeah, it's very
8 confusing, because when you --

9 THE CHAIRMAN: What did you want to
10 ask?

11 MR. BATTISTA: No, I just wanted to
12 say that the address becomes confusing.
13 When you put the address in to search it,
14 it comes up as where Heights Drive is. And
15 that's why I think everyone is super
16 confused. Even myself.

17 AUDIENCE MEMBER: Thank you for
18 that.

19 MR. BATTISTA: Now I understand
20 where it is.

21 THE CHAIRMAN: All right. This case
22 is hereby -- Mr. Veneruso, did you want to
23 say something to me?

24 MR. J. VENERUSO: Just briefly. I
25 understand that it is a problem with Google

1 that may have caused some confusion. Sorry
2 that happened. But it's Googles' problem,
3 they haven't corrected it. I would like to
4 say, Mr. Chairman, that Ms. Lucadamo's
5 point, that this project shouldn't be
6 penalized for what went on to the south.
7 Was very well put. And we provide the
8 parking traffic study, the rendering, and
9 we're available to meet with the community.

10 THE CHAIRMAN: Mr. Veneruso, nobody
11 is going to penalize anyone. Okay? Right
12 now. Okay? That's not our job to penalize
13 someone.

14 MR. J. VENERUSO: No, I realize
15 that.

16 THE CHAIRMAN: You don't have to
17 bring that up.

18 MR. J. VENERUSO: Okay.

19 THE CHAIRMAN: I understand what's
20 going on.

21 MR. J. VENERUSO: Okay.

22 THE CHAIRMAN: And so does everybody
23 on this Board and the other two members not
24 here, they'll understand. Okay?

25 MR. J. VENERUSO: Yes.

1 THE CHAIRMAN: Anything else to say
2 to me?

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

4 THE CHAIRMAN: Okay. This case is
5 hereby closed.

6 MR. J. VENERUSO: Thank you.

7 (Brief pause.)

8 THE CHAIRMAN: I was just advised on
9 something. And I apologize. We're not
10 closing this case tonight. We're
11 continuing it to the next month. Leave the
12 signs up. Send out new notices. We're
13 going to meet here at 6:00. I'll see if I
14 can get you on first. You got that?

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

16 THE CHAIRMAN: Mr. Veneruso, thank
17 you, sir.

18 Let me see you a second, please.

19 (Brief pause for conference.)

20 THE CHAIRMAN: Ladies and gentlemen,
21 we're going to open up a case again. It's
22 470 Nepperhan Avenue. We have to wait for
23 SEQR to come in. Do I have a motion to
24 reopen that case?

25 MR. BATTISTA: Motion.

1 THE CHAIRMAN: Okay. Second.

2 MS. TICKELL: Second.

3 THE CHAIRMAN: Everybody in favor
4 say aye.

5 (Chorus of ayes.)

6 MR. GJELAJ: Abstain.

7 THE CHAIRMAN: Okay. You abstain.
8 So that case is hereby reopened.

9 All right. The next case is case
10 5788, Stephen Veneruso, on behalf of
11 Hampshire Management Company Number 30,
12 LLC., that's Limited Liability Corporation,
13 owner, for construction of self-storage
14 building, having;

15 - Proposed use not permitted under
16 section 43-27, Table 43-1. Self-storage
17 not permitted are not permitted in OL Zone;

18 - Proposed use requires Special Use
19 Permit under 43-27, Table 43-3, self-
20 storage warehouses require a special use
21 permit in an I Zone;

22 - Exceeding the maximum permitted
23 floor area ratio, Section 43-27, Table
24 43-3, required 0.8, proposed 1.89;

25 - Exceeding the maximum permitted

1 height in stories, Section 43-27, Table
 2 43-3, requires is 3, proposed is five
 3 stories.

4 - Exceeding the maximum permitted
 5 height, Section 43-27, Table 43-3, required
 6 is 45, proposed is 63 foot;

7 - Parking within minimum front yard
 8 not permitted, Section 43-133(A)1;

9 - All parking spaces shall be located
 10 minimum 5 feet from any property line as
 11 per City of Yonkers Ordinance 43-44B(5),
 12 required is 5, proposed is 4.3 inches;

13 - all parking spaces shall be located
 14 minimum 5 feet from any property line
 15 that's per City of Yonkers Zoning Code
 16 43-44B(5). required is 5 foot, proposed is
 17 25 feet;

18 On premises known as 1111 also known
 19 as 1113 Central Park Avenue, Block: 5425,
 20 Lot: 100 in OL Zone.

21 Mr. Veneruso, just introduce again,
 22 please.

23 MR. S. VENERUSO: Good evening,
 24 Mr. Chairman. Stephen Veneruso here on
 25 behalf of the applicant, Hampshire

1 Management Number 30, LLC. 35 East Grassy
2 Sprain Road, Yonkers New York 10710.

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

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

6 THE CHAIRMAN: Did anything come
7 back?

8 MR. S. VENERUSO: No, Mr. Chairman.

9 THE CHAIRMAN: Everything was
10 delivered?

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

12 THE CHAIRMAN: Is there anybody here
13 tonight on this case? This case is on
14 Central Park Avenue between the New York
15 State Thruway and Palmer Road.

16 Okay. Proceed.

17 MR. S. VENERUSO: Thank you,
18 Mr. Chairman, members of the Board. So my
19 name is Stephen Veneruso. I just want to
20 introduce, I'm joined tonight by Thomas
21 Anderson from Anderson Design --

22 THE CHAIRMAN: Just present your
23 case.

24 MR. S. VENERUSO: Yes, Mr. Chairman.
25 So the site here is located off of Central

1 Park Avenue southbound. Divided highway.
2 Northeast of the intersection the overpass
3 of I-87. As I'm sure the Board is aware,
4 this parcel has been vacant for over 15
5 years. So the site former Boulder Creek
6 and I believe before that it was a Ground
7 Round. The applicant seeks approval
8 tonight for a construction of a five-story
9 self-storage facility on the premises.

10 The parcel is, that's currently --
11 there's three tax lots there. And the
12 parcels are both on the I Zone as well as
13 of the OL Zone. We're before this Board
14 tonight seeking a use variance for the use
15 of a self-storage as well as a number of
16 area variances.

17 I would point out, and I want to
18 address the use variance use first. The,
19 the variance that's sought here would be
20 acceptable in an I Zone. It is because the
21 parcel is partially, the majority of the
22 parcel is in the OL district that is why
23 we're before this Board tonight.

24 Turning to the use variance, the OL
25 District extends north to Palmer Road and

1 to the south of the intersection of Runyon
2 and Central Park Avenue. The premises
3 which is approximately 1.86 acres is
4 surrounded to the east as I mentioned by
5 the New York State Thruway. And it's again
6 bordering both the I Zone, Central Park to
7 the southwest, and it's also flanked by an
8 MG Zone along the northbound right of
9 Central Park Avenue.

10 As I mentioned, the prior occupancy
11 of the premises for over 50 years was a
12 restaurant. And it's been vacant and an
13 eyesore for the past 15 years. We would
14 submit, respectively submit to the Board
15 and to you, Mr. Chairman, that the OL Zone
16 is far too restrictive for the premises and
17 it's the reason it has been vacant for many
18 years.

19 While Central Park Avenue is a prime
20 commercial district and a prime commercial
21 corridor. Where this parcel is located is
22 certainly not a prime location. It's
23 rather isolated where it is. Which is why
24 we believe using the parcel as a
25 self-storage facility, a benign use, is a

1 perfect match for the parcel.

2 Further, we believe that the market
3 conditions demonstrate that the as of
4 right-of-use simply do not provide
5 reasonable rate of return. As you will see
6 from the economic report, which we
7 submitted to the Board, the site --
8 permitted use for the site simply don't
9 make economic sense for the applicant.

10 So turning to the use variance
11 requirements, number one, that the
12 applicant cannot realize a reasonable
13 return for the property. As I have
14 mentioned the parcel is and has been vacant
15 for over 15 years due in large part to
16 where it is located. Previously it was a
17 restaurant but that simply did not work
18 over time due to the isolation of this
19 parcel.

20 The economic report which I
21 previously mentioned was done by Hudson
22 Property Advisors and the conclusion
23 reached in that report were that none of
24 the OL districts permitted uses would
25 provide a financial and feasible return for

1 the applicant.

2 Number two, that the alleged
3 hardship related to the property is unique.
4 Again, I think all the factors which I've
5 already discussed to make this property --
6 it's a prime commercial corridor, but it's
7 simply not in a prime spot on the corridor.
8 It's isolated. You drive up from the old
9 Cadillac dealership all the way to the
10 Thruway, there's not much there. There's
11 some offices on the left side of Central
12 Park Avenue as you head south and there are
13 townhouses to the right. But those
14 townhouses are heavily guarded by greenery
15 and cannot see the parcel from there.

16 Number three, that the requested
17 variance would not alter the essential
18 character of the neighborhood. The use of,
19 and using this as a self-storage facility,
20 would provide the applicant with an
21 economically viable use and would serve the
22 demands of the local market.

23 We would respectfully propose that
24 the granting of the use variance will have
25 a positive impact on the local community

1 and contribute to the vitality of this
2 section of the Central Avenue corridor.

3 The use of the premises as a
4 self-storage facility would not in anyway
5 alter the character of the neighborhood.
6 As I mentioned there are townhouses on the
7 right side of the street. As you head
8 south. Those townhouses are separated from
9 this parcel by a large amount of greenery,
10 Lawrence Park West is on the left side of
11 the parcel. Is again heavily separated
12 from Central Park Avenue. Not visible from
13 Central Park Avenue. So, we would submit
14 that this benign use truly would not alter
15 the essential character of the neighborhood
16 and would further revitalize a long-vacant
17 parcel.

18 And, lastly, that the alleged
19 hardship is not self-created. The facts
20 supporting this application inclusive of
21 the economic report submitted, confirms the
22 hardship was not self-created. We would
23 respectfully submit that the applicant has
24 done everything in its power to find an
25 economically viable use for the property

1 with permitted uses but there simply
2 doesn't exist one in the current district
3 which it finds itself. This difficulty, as
4 I previously mentioned dates all the way
5 back to 2016 with the closing of Boulder
6 Creek.

7 So with that, I respectfully turn
8 now to the area variances we're seeking
9 approvals on. Turning to the Five Points
10 of Law and the area variances. Number one,
11 whether the variances created undesirable
12 change of the character of the
13 neighborhood. This point was already
14 addressed. I believe that self-storage
15 facility would truly match the premises.
16 This is a benign use. A low-intensity use.
17 As the Board is aware of. And the premises
18 is located in an area that is mainly
19 comprised of heterogenous mixture of land
20 uses. Again, the I district would permit
21 what we're trying to do here. The fact
22 that part of the parcel is in the OL is why
23 we're here tonight.

24 Number two, whether the benefit
25 sought by the applicant can be achieved by

1 some other method feasible for the
2 applicant to pursue. I would submit that
3 the benefit sought by the applicant cannot
4 be achieved by a alternate more feasible
5 benefit other than the variance which we
6 seek here tonight. After carefully
7 analyzing all feasible alternatives,
8 discussions with representatives,
9 representatives from the City including the
10 Fire Department, it enures the applicant to
11 maximize the use of the available sizable
12 lot for the intended purposes. The
13 applicant is simply unable to configure or
14 otherwise relocate or position the proposed
15 structure. This is dictated largely by the
16 proposed structure. The property uses on
17 all sides as well as the applicable Zoning
18 requirement and typography as well as the
19 site conditions.

20 The area variance sought here are
21 necessary in consideration in order to
22 maximize the use of the premises. It's
23 been determined that the proposed building
24 footprint, associated setbacks, floor to
25 area ratios, these are all necessary in

1 order to meet a point where the parcel can
2 be economically feasible for the applicant.

3 Number three, whether the requested
4 area variances are minimal. While we're
5 requesting not only use variances, but
6 various area variances. I would submit
7 that the area variances herein sought are
8 minimal when analyzed in the scope of
9 larger project and given the history of the
10 site that simply nothing has worked at this
11 site for over 15 years. And it's become
12 and remained vacant as well as an eyesore.

13 I would respectfully submit that
14 the proposed development would be a massive
15 improvement on what's been there or hasn't
16 been there for the past 15 years.

17 Number four, whether the proposed
18 variance would have an adverse impact or
19 effect on the environmental conditions. I
20 would say that due to their nature, the
21 requested variances that are sought here
22 would not have an adverse effect on the
23 environmental conditions. A review of
24 adjacent properties, surrounding
25 structures, and existing premises and

1 conditions show that it would a minimum
2 impact, if any, to the surrounding areas
3 and that the project would not adversely
4 effect the natural environment.

5 And lastly fifth, whether the
6 alleged difficulty was self-created. We
7 would submit that it was not self-created.
8 While it's possible the applicant had
9 actual constructive knowledge of Zoning
10 laws prior to acquisition of the property,
11 as the Board is well aware the self-created
12 hardship rule is merely a consideration ad
13 doesn't bar the granting of a variance.

14 I do want to point out before I ask
15 some of the design architectural team to
16 make some comments, if the Board would
17 allow it, there would be following this
18 meeting tonight possibly a resubmission of
19 the plans. On the denial it lists the
20 height of the building as 63 feet. In
21 further review of not only the Code, but as
22 well as the drawings that were submitted,
23 the proper height of this building should
24 be listed as 70 feet and not 63. On the
25 other side of the coin, in reviewing the

1 plans that were submitted as well as
2 further review of the Code, we believe that
3 the last variance listed on the denial,
4 which is namely all parking spaces must be
5 located minimum of 5 feet from any property
6 line, that's per the City of Yonkers Zoning
7 Code, required 5 feet, proposed .5. We
8 believe that would no longer be an issue
9 and that would have to be a variance
10 sought. So, we're happy to work with the
11 Building Department to have those plans
12 updated and follow their guidance as well
13 as the Planning Department's guidance on
14 how we should proceed accordingly.

15 With that, Mr. Chairman, I'm the
16 happy to ask the design team, the
17 architect, to set up a rendering of the
18 building as well as the site plan if the
19 Board would allow.

20 THE CHAIRMAN: So the height is
21 going to be 70 feet instead of 63 feet?

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

23 THE CHAIRMAN: All right. Just
24 write us a letter in that respect. Not
25 going to make a big deal about it. Write a

1 letter that a mistake was made. That it's
2 going to be 70 feet --

3 MR. S. VENERUSO: Understood.

4 THE CHAIRMAN: -- instead of 63
5 feet.

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

7 THE CHAIRMAN: All right. And then
8 I gotta say one thing, this Hudson Property
9 Advisors, this is a very, very good report.
10 Believe me when I tell you.

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

13 THE CHAIRMAN: This is excellent. I
14 wish a lot of people would have reports
15 like this. Very good.

16 MR. S. VENERUSO: We felt the need
17 to demonstrate because the property was
18 vacant for so long, why it has been, and
19 why we have the need to come before this
20 Board seeking the self-storage facility.

21 THE CHAIRMAN: Don't talk yourself
22 out of it.

23 MR. S. VENERUSO: Understood,
24 Mr. Chairman.

25 THE CHAIRMAN: Just be quiet for a

1 minute.

2 MR. S. VENERUSO: Understood.

3 THE CHAIRMAN: Because I catch
4 everything.

5 MR. S. VENERUSO: Understood,
6 Mr. Chairman.

7 THE CHAIRMAN: I'm saying it's a
8 very, very good report.

9 And by the way, you know you always
10 do it to me every time. Some day I'm going
11 ask you, you give me every case that you
12 present here, and what have you, I tell you
13 the truth. This is a very good report.
14 I'll be two weeks reading it all. I'm not
15 going to do that.

16 Any questions of the Board?

17 Is there anybody here tonight in
18 favor of this application? Is there
19 anybody here tonight against this
20 application?

21 Okay. This case is still open,
22 because we're going to have to become Lead
23 Agency.

24 The Zoning Board of Appeals is
25 determined to seek the Lead Agency and

1 request that the Planning Bureau initiate
2 Lead agency and coordinate a review on its
3 behalf. Do I have a second on that?

4 MR. BATTISTA: Second.

5 THE CHAIRMAN: Everybody in favor
6 say aye.

7 (Chorus of ayes.)

8 THE CHAIRMAN: Okay. So this case
9 is still open. Leave the signs up and go
10 on from there. Okay?

11 MR. S. VENERUSO: Would you like us
12 to do mailings, Mr. Chairman?

13 THE CHAIRMAN: Huh?

14 MR. S. VENERUSO: Would you like us
15 to re-notice it, the mailings?

16 THE COURT: All right. Send them
17 out.

18 MR. S. VENERUSO: Okay.

19 (Brief pause.)

20 THE CHAIRMAN: Just don't state in
21 that letter that you're going to give us,
22 that it's different, give us all the
23 calculation on that how it's 70 feet. You
24 understand what I'm talking about?

25 MR. S. VENERUSO: Understood.

1 THE CHAIRMAN: Huh?

2 MR. S. VENERUSO: Understood,
3 Mr. Chairman.

4 THE CHAIRMAN: You understand?

5 MR. S. VENERUSO: Yes, I do.

6 THE CHAIRMAN: Okay. Thank you.

7 MR. S. VENERUSO: Thank you,
8 Mr. Chairman, members of the Board.

9 THE CHAIRMAN: I got one thing gotta
10 take up. 750 Central Park Avenue. It's a
11 -- we've had this case for a long, long --
12 it's a very Piece of property that's where
13 what you call it, when they knock them
14 down, I don't know what they're going to
15 build. They want to get -- they paid \$750.
16 So, this is Veneruso again. This is at 750
17 Central Park Avenue, Block: 5175, Lot:
18 32.33.34. And that was case number 5642.
19 I'm going to make a motion that we give
20 them a one-year extension starting with
21 June 29th to June 29, 2023. Do I have a
22 second?

23 MS. TICKELL: Second.

24 THE CHAIRMAN: Everybody in favor
25 say aye.

1 (Chorus of ayes.)

2 THE CHAIRMAN: Okay. That's 5, 2
3 absent.

4 I don't think there's anymore cases
5 tonight. Is there anything? Okay. So
6 good luck. Thank you. See you us all in
7 July.

8 (Time Noted: 8:38 p.m.)

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CERTIFICATION

STATE OF NEW YORK)
) ss.
COUNTY OF WESTCHESTER)

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand.



LYNNETTE MAZZA,
COURT REPORTER

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