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CITY OF YONKERS

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Minutes of  
The City of Yonkers Zoning Board  
November 15, 2022 - 6:00 p.m.

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B E F O R E:

- WILSON KIMBALL, Chairperson
- HARRY SINGH, Member
- HECTOR LOPEZ, Member
- RALPH BATTISTA, Member
- JEAN TICKELL, Member
- ANTHONY GJELAJ, Member
- ALFRED C. VASSO, Member

P R E S E N T:

- RACHEL KRAVITZ, Assistant Corporation  
Counsel
- LEE ELLMAN, Planning Department

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1 THE CHAIRPERSON: Okay. It's 6:01.  
2 We're going to call the Zoning Board of  
3 Appeals November 15th meeting to order.

4 We're going to take some of these  
5 decisions out of order so we are starting  
6 with number 5802, 632 aka 636 South  
7 Broadway; am I right? Okay. I'm sorry,  
8 before we start with that, come on up. But  
9 before we start, I'm Wilson Kimball, Chair.  
10 Ralph.

11 MR. BATTISTA: Ralph Battista.

12 MR. VASSO: Al Vasso.

13 MR. GJELAJ: Anthony Gjelaaj.

14 MR. SINGH: Harry Singh.

15 MR. LOPEZ: Hector Lopez.

16 THE CHAIRPERSON: Hector Lopez. And  
17 we welcome our new Board Member. Thank you  
18 for joining us.

19 MR. VASSO: Thank you.

20 NEXT PRESENTER: Would you prefer us  
21 up here?

22 THE CHAIRPERSON: Whatever is good  
23 for you.

24 Jean Tickell, welcome to the party.

25 THE CHAIRPERSON: Whoever is

1 presenting, just please let our  
2 stenographer know your name, and title, or  
3 whatever, and then, you know, go on.

4 MS. KOLEV: Okay. Good evening,  
5 everyone. Diana Kolev of the firm of  
6 DelBello, Donnellan, Weingarten, Wise and  
7 Wiederkehr here for the applicant.

8 THE CHAIRPERSON: I'm sorry, could  
9 you spell that for her.

10 MS. KOLEV: Sure. Diana Kolev,  
11 K-o-l-e-v.

12 THE CHAIRPERSON: Perfect. Thank  
13 you.

14 MS. KOLEV: So here for the  
15 applicant Macquesten Development. It's  
16 related company is 636 South Broadway  
17 Partners, LLC., and now the owner of the  
18 property. Here tonight we have Joseph  
19 Apicella the Development Director of  
20 Macquesten Development as well as Rella  
21 Fogliano the principal of Macquesten. I'm  
22 sure they'll tell you it's a well-known  
23 company specializing in multi-family  
24 affordable housing in Westchester County  
25 and New York City. So also, tonight from

1 our architectural team is Jaclyn Tyler Of  
2 Nexus Creative Design. We will also have  
3 our traffic engineer here John Canning.  
4 And we also have our civil engineer Tom  
5 Glockly(phonetic spelling) of SI Engineer.  
6 So to start it off, I'd just like to invite  
7 Joe up here to take you through the initial  
8 --

9 MR. APICELLA: Good evening,  
10 everyone.

11 MS. KOLEV: -- description of the  
12 site.

13 MR. APICELLA: How are we tonight?  
14 Good. I will start off by stating that,  
15 Madam Chairperson, that this neighborhood  
16 I'm very familiar with. Aside from  
17 obviously being born and raised in Yonkers,  
18 but I was actually born on Hawthorne  
19 Avenue. So I have, 108 Hawthorne Avenue,  
20 so I have history here. And when we saw  
21 the site that was available there at the  
22 corner at the intersection, really critical  
23 gateway into the South Broadway corridor.  
24 It was a car dealership. In fact, I knew  
25 the gentleman. My dad bought cars from him

1 years ago. A fellow by the name of Hoppy  
2 Tenore (phonetic) owned that site Lincoln  
3 Park Mercury. And it was there for many,  
4 many years and as a result it's probably,  
5 that site is probably going to require some  
6 cleanup. And it may be a brownfield. But  
7 we haven't completed all the investigation  
8 yet but we're anticipating it will be a  
9 brownfield cleanup project. But from a  
10 development standpoint, when I looked at  
11 this site with our team, we saw this is as  
12 a perfect opportunity for the kind of  
13 project we specialize in. And that is  
14 building affordable housing for working  
15 class people. And that's what this would  
16 be. We're talking about people with  
17 incomes average median incomes are between  
18 50 and 80 percent of AMI. I hear these are  
19 working people that are productive in the  
20 community, disposable income, and they tend  
21 to work in the community.

22 We saw this site, albeit expensive  
23 site, and again because it was so dormant,  
24 there's just a gymnasium there now,  
25 interior gym, that suffered through the

1 pandemic like so many other gyms did. But  
2 it's now active again and it's one of our  
3 tenants. We own this site. We closed on  
4 it only a few weeks ago. So we own it  
5 outright. That's how much we believe in  
6 our ability to develop this unlike many  
7 other projects you'll see where people have  
8 a contract and so forth contract vendee  
9 status, we own it. Our entity owns it.  
10 The affiliated entity owns it. We're  
11 looking to build a project here that's  
12 approximately, and we'll get into the  
13 details for you with respect to your Zoning  
14 issues, that's approximately 16 stories  
15 as-of-right. I believe it's close to 12  
16 stories, 120, 120 feet. We believe that  
17 the way we would tier this project, it's  
18 not a box by any stretch. It's tiered to  
19 the back of the project.

20 The views and the view corridors of  
21 the Van Cortlandt Park for its residents is  
22 going to be extraordinary. These are  
23 people that but for this development would  
24 never have the opportunity to have the  
25 incredible vistas as part of their views.

1 And people have all incomes should have the  
2 opportunity to have a beautiful home. And  
3 that's what we do. Rella Fogliano, our  
4 principle and founder, our concept has  
5 always been to build affordable housing  
6 indistinguishable from market rate or  
7 luxury housing. And that's what we want do  
8 and that's what we've accomplished. We  
9 have 160 units of housing. That  
10 neighborhood supports it. Again, view  
11 corridors are great. Our buildings are  
12 sustainable. We have no smoking allowed in  
13 our facilities. We're going to have no  
14 fossil fuels used here. We use a heat  
15 pump, electric heat for these buildings.  
16 Otherwise green is something we always do.  
17 And we work very closely with NYSERDA. For  
18 all of our projects Sustainability is  
19 critical. That neighborhood has housing  
20 stock dating back 50, 60 years. It's in  
21 disrepair. It needs, the neighborhood  
22 needs new housing stock desperately.  
23 That's why we decided to go buy this site  
24 that's how strongly we believed in it.

25 The unit the count that we've



1 decided on is something based on the  
2 economics of the site and what we thought  
3 the site could carry. There's a very heavy  
4 burdensome. We're going to get into it.

5           Parking requirement here that we  
6 don't believe we need at all. We would  
7 never build a project that we couldn't  
8 park, because it would hurt us. So we have  
9 empirical data that our traffic engineer  
10 when he finds his way here, and here he is,  
11 will share with you of other projects and  
12 even in Yonkers. We just sold the project  
13 that we built that was affordable housing  
14 at 60 percent of AMI on Highland Avenue not  
15 too far away. And we'll let you know what  
16 the parking story was there as well. As  
17 well as other cases that we have. But  
18 that's essentially it.

19           Transportation is there. You have a  
20 bus stop in front. You have just to the  
21 south you have a subway, the elevated  
22 subway. You have the Riverdale Train  
23 Station. It's a transit network there  
24 without question. We think, we know many  
25 of our residents use public transportation

1 and car services. These are not people who  
2 have one car, two cars, three, that's not  
3 who this is. But we'll go into greater  
4 detail. But I think at this point maybe  
5 we'll get into some of the architectural  
6 design issues so you can understand what  
7 we're asking for you from you and hopefully  
8 we can address your concerns.

9 MS. TYLER: Sure. So again my name  
10 is Jaclyn Tyler. I'll spell it for you,  
11 J-a-c-y-l-n, last name is Tyler, T-y-l-e-r.  
12 With Nexus, N-e-x-u-s, Creations. So, yes,  
13 the things I'm just going to walk you  
14 through some of the architecture elements  
15 and how we incorporated the design in  
16 relations to the zoning variance that we  
17 are requesting.

18 So, this began with looking at the  
19 lower level ground level as amenity space  
20 so that's the corner that's taken up by  
21 amenity space for the residents. That's  
22 something that is important to both  
23 important to Joe and Rella is to provide  
24 for the residents in the building. You'll  
25 see the parking garage entrance here on

1 Broadway and over on Caryl. Though we do  
2 have two separate entrances, what you can  
3 see here is we are working to screen the  
4 above grade parking. So because of the  
5 astringent parking requirement, we were  
6 having two and-a-half grades above and two  
7 and-a-half grades below for parking. So we  
8 have examined them, I'll allow John to get  
9 into this a little further, but the fact is  
10 we really only need 120 spaces. We were  
11 requesting in the initial planning stages  
12 to work to achieve one-to-one parking. We  
13 work towards that, but John will share data  
14 with you. We're able to actually eliminate  
15 an entire story of parking. If that's  
16 something that the Board would entertain  
17 and that therefore would lower the height  
18 of the building as well. So if that's  
19 something you would like to discuss. Above  
20 grade you have the residential units as you  
21 can see. And as Joe mentioned we've  
22 maintained stepping back the building in  
23 relation to what's happened in the  
24 neighborhood and the surrounding community.

25 What I'd like to point out here is

1           that we are maintaining at the rear  
2           setback, you can see the existing building  
3           abuts the adjacent building currently at  
4           the ground level. That is all we are  
5           proposing. So when you see the 25-foot  
6           setback, it's mentioning the ground level,  
7           so we're maintaining that ground level at  
8           25 feet. Once you get above the first  
9           level, we're maintaining the 25-foot  
10          setback at the units themselves. The only  
11          encroachment is the circulation core. But  
12          you'll see here on the edge of this  
13          building, that is an area that has no  
14          windows. So that's the area of the  
15          adjacent building that we can position the  
16          circulation core in order to keep and  
17          maintain the 25-foot maintaining between  
18          window-to-window.

19                        These are parking levels, I'm not  
20                        going to get into all of that but as I  
21                        mentioned there's amenity space here at the  
22                        corner of Caryl and South Broadway. And  
23                        then you guys are probably familiar with  
24                        but the site slopes up so the main entrance  
25                        is off of Caryl Street. And it is located

1 over here. And this is our main core  
2 circulation that I was mentioning that  
3 travels up to the top floor. So through  
4 those there's parking as well.

5 We're accommodating a mix of units  
6 as Joe mentioned anywhere from studio to  
7 three bedrooms. We have eight studios, 75  
8 one-bedrooms, 67 two-bedrooms, and 20  
9 three-bedrooms. As Joe mentioned we're  
10 providing views along Van Cortlandt Park  
11 here on the southern edge.

12 This is the height. We just wanted  
13 to point that as Joe mentioned it depends  
14 on, you know, your floor-to-floor but we're  
15 somewhere within eleven to 12-stories that  
16 are permitted as-of-right. We are  
17 proposing 16 in order to obtain the 160  
18 units in order to make this financially  
19 feasible. Again, just to go back that and  
20 speak a bit more about that as we continue  
21 on through. I think this is the similar  
22 information. If you actually have  
23 questions on that, we have the information.  
24 But do you want to run through those, Joe,  
25 or you want me to keep going?

1 MR. APICELLA: You can keep going.  
2 You're on a roll.

3 MS. TYLER: All right. So as I  
4 mentioned the studios, one-bedrooms on the  
5 right hand side. The amenities spaces that  
6 I spoke about, the fitness room, community  
7 room, we're working on a rooftop terrace,  
8 the units that are accessible units, the 58  
9 percent AMI as Joe mentioned. Already  
10 mentioned the two and-a-half above grade,  
11 below grade.

12 The next slide speaks about the  
13 Sustainability. We are looking to achieve  
14 enterprise through community certification  
15 that is goal. And the funding resources  
16 include New York State, County, and City.  
17 So, I think Joe mentioned most of these  
18 already. I don't know if he mentioned LED.  
19 At Nexus Creative along with Macquesten  
20 whether or not we are achieving a  
21 certification, it's really important for  
22 both parties to implement as sustainable a  
23 design possible. So whether, again,  
24 whether we're achieving that certification  
25 or not you would see these things being

1 implemented in the building.

2 MR. APICELLA: And, Jaclyn, as  
3 everyone will see and also as part of this  
4 project because it is higher and there is a  
5 height variance we are asking for, we do  
6 intend to do a shade and a shadow study on  
7 the abutting streets.

8 MS. TYLER: Yes.

9 MR. APICELLA: In advance.

10 MS. TYLER: Thank you for that.  
11 I'll let you speak about the variances.

12 MS. KOLEV: Now, that you've seen  
13 the scope of the project, I'm going to give  
14 you some background here. This property is  
15 located in the south sub sub-district of  
16 the South Broadway district. Now, this  
17 district was adopted by the City in 2011  
18 and replaced it with a BR zoning district.  
19 And that district applies to the entire  
20 corridor of South Broadway leading up to  
21 the downtown area.

22 So, this site in particular actually  
23 was identified as a prime development site  
24 in the zoning analysis that was prepared  
25 prior to that re-zoning. And it was for

1 apartment buildings which is a permitted  
2 use as-of-right in this district. And as  
3 Joe had mentioned, there is also the  
4 height, the height that is permitted as-of-  
5 right is 12 stories.

6 So what we're seeking, as you can  
7 see here, is a floor area ratio of 11.8  
8 where 10 is permitted, height of 166.5  
9 where 120 feet is permitted and a rear yard  
10 setback of zero where 25 is required.  
11 However, again, just for the ground floor  
12 as Jaclyn mentioned because the actual  
13 apartments will be set back the 25 the full  
14 25 feet from the second floor up.

15 MS. TYLER: Yes. And just to  
16 clarify, the rear yard setback -- let me  
17 flip back just for a minute so you guys can  
18 see, it's a rear yard setback -- I  
19 apologize, I went the wrong way I think --  
20 is along -- I want to scoot back -- is  
21 along this space here. It's not -- this is  
22 a rear yard, it is not in front of the  
23 park, I just want to emphasize that fact.  
24 If you reference our drawings, you'll see  
25 there's 20, there's a red line noted on



1 those drawings.

2 MR. APICELLA: And, again, I'm sorry  
3 to interrupt, but I think it's critical  
4 that you understand that we are not asking  
5 for any variance whatsoever on the  
6 proximity of our building to the park. It  
7 is as-of-right.

8 MS. KOLEV: Yes.

9 THE CHAIRPERSON: Got it.

10 MS. KOLEV: And so also in a related  
11 variance is an increase in the maximum lot  
12 coverage, 99.8, where 90 is permitted. And  
13 the off-street parking which John will  
14 address in detail where a requirement is  
15 243 and we're proposing 144. But in  
16 reality the actual demand is much less than  
17 that. And that's what we will cover. So I  
18 just, you know, wanted to address the  
19 specifics here but I think it's important  
20 that John first goes through parking and  
21 then we can circle back to what it is that,  
22 what kind of relief we're seeking. Go  
23 ahead.

24 MR. CANNING: Thank you, Diana. For  
25 the record my name is John Canning. I work

1 for Kimley-Horn Firm engineering firm. If  
2 you don't mind, I've been asked to  
3 Thanksgiving with a young person who's  
4 immunocompromised and I've been asked to  
5 wear a mask, if that's okay. If you have  
6 difficulty understanding me, I'll take it  
7 off.

8 So the Code requirement for parking  
9 in this part of town is one per unit plus a  
10 third per bedroom. In fact this  
11 requirement applies city wide regardless of  
12 the density except for a small portion of  
13 the downtown. Joe showed you already that  
14 this development is in a transit rich  
15 corridor. There are buses that go up and  
16 down Broadway. They connect at 242nd  
17 Street subway and the Hudson River Railroad  
18 Hudson line is nearby. The Code  
19 requirement does not also reflect the fact  
20 that this is affordable parking. And so it  
21 doesn't reflect the constraints the  
22 residents have, their income is limited,  
23 they'll put into housing before they put it  
24 into cars basically.

25 Affordable housing generates less

1 parking than market rate property than  
2 market rate. We provided you a study dated  
3 October 25th, that documents all of this.  
4 The Rutgers Center for Urban Policy  
5 Research has documented that less affluent  
6 multi-family apartments are occupied by  
7 fewer driving-aged residents than the  
8 market rate apartments. So if you have a  
9 less affluent household typically there's  
10 fewer people in it who can drive who are 18  
11 to 80, let's say, than would be in a market  
12 rate.

13 Per the New York City's, New York  
14 University's Furman Center issued a report  
15 that documented low income households own  
16 many fewer cars who frequently don't use  
17 the parking that is provided. The Center  
18 states requirements for parking make the  
19 funding for affordable housing more  
20 difficult reducing the amount of affordable  
21 housing built.

22 So this is all just by way of  
23 background it's nice, but really what's  
24 important here is that sufficient parking  
25 is provided allowing you to grant the

1 variance request. The data indicates that  
2 even the 144 parking spaces that are  
3 proposed for this development will be more  
4 than are needed. The Institute of  
5 Transportation Engineers which is a  
6 professional industry has documentation of  
7 parking demands at affordable housing and  
8 developments. And that data indicates the  
9 maximum parking demand for 160 units in  
10 this instance will be 85 vehicles. Well  
11 less than 144 proposed. Local data from  
12 eleven similar developments which is shown  
13 here on the screen indicates the maximum  
14 parking demand for of 119. More than 85  
15 and still less, way less than 144. And per  
16 the New York University Furman Institute 82  
17 parking spaces will be required. And as  
18 Joe indicated they recently completed at  
19 the Highland Avenue project has 88 parking  
20 spaces and the maximum demand of 40, so  
21 less than half of their parking spaces are  
22 occupied.

23 So the bottom line is even though  
24 there's a significant variance requested  
25 here, it's not applicable in the practical

1 sense because of the location of the  
2 project. Because of the income level of  
3 the people that live in it. And the data  
4 supports that 144 parking spaces provided  
5 will be more than are needed. There won't  
6 be more than 120 vehicles parked at this  
7 building.

8 The key test for this Board is  
9 whether granting this variance will be  
10 harmful to the community. And probably the  
11 simplest way to look at it is that it's  
12 going to replace the existing use of the  
13 property. There's a business there now  
14 that based on the industry data indicates  
15 generates 45 vehicles that park during the  
16 peak times and it has no parking. So these  
17 45 vehicles park on the surrounding  
18 streets. We develop this property will  
19 replace that use and will eliminate that  
20 parking and as I indicated previously with  
21 a 144 parking spaces provided more than  
22 enough for this development, no new parking  
23 will be added to the surrounding streets.  
24 So it's a pretty simple formula eliminating  
25 existing parking, don't add parking to the

1 streets, and would be a benefit for the  
2 community. I'm happy to answer any  
3 questions you have.

4 THE CHAIRPERSON: Lee, do you want  
5 to weigh in or do you want me to weigh in  
6 on your behalf?

7 MR. ELLMAN: I'd rather not speak  
8 for the Board.

9 THE CHAIRPERSON: Okay. So I've  
10 spoken with Lee and we have some questions.  
11 I concur with his concerns, which are my  
12 concerns. The representative sample that  
13 you've chosen is not actually from Yonkers.  
14 I mean maybe the Westchester one is,  
15 whatever, I don't know. But we have plenty  
16 of affordable here so I would ask you to  
17 look at, you know, Westhab, TCB, or any of  
18 the other affordable and use that as a  
19 comparison instead of other places that are  
20 not us.

21 MR. CANNING: Okay. But I have a  
22 question on that --

23 THE CHAIRPERSON: Yeah, go ahead.

24 MR. CANNING: The first question is  
25 do you want us to compare the number of the

1 vehicles parked to the number of units or  
2 --

3 THE CHAIRPERSON: Yes.

4 MR. CANNING: -- the number of  
5 parking spaces to the number of units?

6 THE CHAIRPERSON: The more the  
7 merrier, Mr. Canning.

8 MR. CANNING: Well, I want just to  
9 make sure that we have permission to access  
10 those facilities. I don't want, you know,  
11 be going in at night because that's when  
12 you count cars.

13 THE CHAIRPERSON: Yeah, or I mean I  
14 think Westhab did a study maybe you can  
15 give them a call.

16 MR. CANNING: Sure.

17 THE CHAIRPERSON: And maybe they'll  
18 be kind enough to assist you with that  
19 information.

20 MR. CANNING: I'll be happy to do  
21 that. Yeah.

22 THE CHAIRPERSON: I certainly get  
23 you access to TCB, that should not be a  
24 problem.

25 MR. CANNING: I just wanted to make

1           sure.

2           THE CHAIRPERSON:  Yeah.  No problem.

3           MR. CANNING:  Thank you.

4           THE CHAIRPERSON:  The other issue is  
5           that it's my understanding that these  
6           comparisons were with some senior buildings  
7           but this is a family building.  Can you  
8           speak to that issue since seniors generally  
9           have less of a parking need anyway?

10          MR. CANNING:  Sure.  All of the  
11          seniors facilities that are shown on this  
12          are in non-transit rich neighborhoods.  So,  
13          basically the off set for seniors kind of  
14          matches the off set for affordability.  And  
15          all parking rates that are generated by  
16          this are less than the 144 parking spaces  
17          provided.

18          THE CHAIRPERSON:  Okay.  So could  
19          you get comparisons with family affordable  
20          units instead of senior?

21          MR. CANNING:  Sure.

22          THE CHAIRPERSON:  And, you know, all  
23          predominately in Yonkers.  Or I believe  
24          there's one on the Yonkers border that you  
25          might have data for --



1 MR. APICELLA: We might have data  
2 for that, actually.

3 THE CHAIRPERSON: -- in Mount  
4 Vernon, but on the Yonkers border, right?

5 MR. APICELLA: And I think with  
6 Westhab, we can you speak to Rich  
7 Nightingale. He's great, you know, he'll  
8 share information.

9 THE CHAIRPERSON: I think so --

10 MR. APICELLA: So the answer is 100  
11 percent we'll get that data to you.

12 THE CHAIRPERSON: That's great.  
13 Does anyone else have any questions?

14 MR. LOPEZ: Yes. How old is that  
15 data?

16 MR. CANNING: How old is the data?

17 MR. LOPEZ: Yes.

18 MR. CANNING: These units were built  
19 probably --

20 MR. LOPEZ: How old is the data that  
21 you have?

22 MR. CANNING: Well, we so we have --  
23 we have three sources of data. The ITE  
24 data is collected from probably about 1988  
25 to 2018. So it's over a broad spectrum. I

1 can -- I'm able to query that data so I  
2 think I can get more recent data if you'd  
3 be interested.

4 MR. LOPEZ: Yes.

5 MR. CANNING: This data is 2014,  
6 from October of 2014.

7 MR. LOPEZ: And where is that from?

8 MR. CANNING: That's from a number  
9 of, these are the senior facilities that  
10 the Chair talked about. They're from  
11 Orange County, Westchester County, Suffolk  
12 County, Putnam County.

13 MR. LOPEZ: But they're senior?

14 MR. CANNING: They are senior,  
15 correct.

16 Joe, Highland, how recent is that?

17 MR. APICELLA: Yes, Highland Avenue  
18 which is also 55 and older project, that  
19 data is very recent. It's within the last  
20 24 months. And the numbers that, John,  
21 were not transcribed correctly, there were  
22 88 units and there were 40 spaces.

23 THE CHAIRPERSON: Okay.

24 MR. APICELLA: And according to our  
25 management company, and I'll get them to

1 opine on the record, they would utilize  
2 around 20 to 25 of those spaces for the  
3 senior affordable housing which was at 60  
4 percent of AMI. Just to give you, you  
5 know, a sense of what it is. But I can get  
6 that, that data for you from our management  
7 company as well. But, but I think what the  
8 Chair is asking for is clear, and that is  
9 apples to apples and we'll do that.

10 THE CHAIRPERSON: Great.

11 MR. CANNING: Yup.

12 THE CHAIRPERSON: Thank you.

13 MR. CANNING: Yes, sir.

14 MR. SINGH: Is this your first  
15 affordable in the City of Yonkers?

16 MR. CANNING: No, it's not my first  
17 affordable housing in the City of Yonkers.  
18 I worked on a project for Point and Ravine,  
19 and I worked on for at Warburton. But  
20 those are two that come to mind. I may  
21 have worked on others.

22 MR. SINGH: How many handicap  
23 parking spaces?

24 MR. CANNING: How many handicap  
25 parking spaces? Probably five or six.

1           There's a sliding scale it's a Federal  
2           requirement.

3           MS. TYLER:   The requirement is met.  
4           I believe it's either four or five.  But  
5           we've met the Code requirements for  
6           handicap accessible parking.

7           MR. SINGH:   Thank you.

8           THE CHAIRPERSON:  And we're going to  
9           be getting a shadow study as well?

10          MR. APICELLA:  Yes.  We're going to  
11          engage that immediately.

12          MR. CANNING:  Thank you.

13          THE CHAIRPERSON:  Thank you,  
14          Mr. Canning.  Anything else?

15          MR. APICELLA:  Diana is going to  
16          finish up.

17          MS. KOLEV:   So I know you're  
18          familiar with this five point balancing  
19          test.  It's to the applicant and to see if  
20          there can be a detriment to the community.  
21          Here as you've heard tonight there is no  
22          undesirable change.  In fact, it will  
23          improve the housing stock in the area.  And  
24          it will alleviate demand of off-street  
25          parking, on-street parking.  The current

1 use which has no off-street parking. And I  
2 believe it's 140 spaces that it would have  
3 under the current Code, which they're not  
4 providing at this time. So that's an  
5 improvement.

6 So there's no other feasible method  
7 to achieve what we propose. We carefully  
8 planned it. There's been careful  
9 architectural and engineering study and  
10 this is what we believe is the best option  
11 that we have to achieve this project.

12 There's no, there's no detrimental  
13 effects, no adverse effect. And in context  
14 of this neighborhood, it is not, it's not  
15 substantial. I know number wise it sounds  
16 substantial and it looks substantial, but  
17 when you viewed in the context of this  
18 neighborhood, we believe it's not, these  
19 are really not substantial.

20 And, again, it's not a self-created  
21 variance because SB Zoning requires the  
22 kind of, you know, level of parking that  
23 we're talking about here. And so the  
24 parking is what is driving the height as  
25 well. So five levels of parking total is

1 adding five levels to the height of the  
2 building. And so that's, that's what  
3 we're, that's what we're dealt with and  
4 what we need to address here.

5 And so none of these are  
6 determinative, but when viewed together  
7 we're going to address these comments that  
8 you when viewed together we believe this is  
9 a project that would be great for the  
10 neighborhood and we ask that you view it  
11 favorably.

12 And then so just next steps, what  
13 we've presented to you we've presented a  
14 full Environmental Assessment Form with our  
15 application. We ask that you tonight  
16 consider declaring yourself Lead Agency in  
17 this process. As you know there is also  
18 going to be site plan approval for this  
19 project. If these variances are granted  
20 and so there will also be other agencies  
21 and other interested and involved agencies  
22 in this project including all of the state  
23 agencies that are financing this project.  
24 And so what we ask of you is to establish  
25 yourselves as Lead Agency to get the

1 process rolling that will then allow us to  
2 submit to the Planning Board for an  
3 informal review during the time between now  
4 and the next meeting. So we can come back  
5 and if there's any, if there's any tweaks  
6 that we need to make we can make that to  
7 the plan. So, if you have any questions  
8 please let me know.

9 THE CHAIRPERSON: I think we're  
10 okay. Have a seat.

11 Are there any of members of the  
12 public who want to speak on this?

13 This is case 5802, Block: 29,  
14 Lot: 1, 632 aka 636 South Broadway, I make  
15 a motion that the ZBA pursuant to the New  
16 York State Environmental Quality Review Act  
17 declares its intention to seek Lead Agency  
18 status for purposes of Environmental Review  
19 of this matter and directs the Planning  
20 Director on behalf of his Board to initiate  
21 Lead Agency notification and coordinate a  
22 review with all other involved agencies in  
23 this action. If no other involved agency  
24 seeks to be Lead Agency within 30 days of  
25 the effective date of notice, the ZBA shall

1 assume Lead Agency status for purposes of  
2 review of this matter.

3 May I have a vote for the motion.

4 MR. BATTISTA: Second.

5 THE CHAIRPERSON: Wait, I'm sorry.  
6 Second? Thank you, Ralph, second. All  
7 right.

8 MR. BATTISTA: For the motion.

9 MR. VASSO: For.

10 MR. GJELAJ: For.

11 MS. TICKELL: For the motion.

12 MR. SINGH: For the motion.

13 MR. LOPEZ: For the motion.

14 THE CHAIRPERSON: I'm for the  
15 motion. The motion carries. Anything  
16 else? Thank you. Have a nice evening.

17 MR. APICELLA: Thank you very much.  
18 Appreciate the Board.

19 THE CHAIRPERSON: Okay. We are  
20 taking things still a little bit of order.  
21 Is there anyone here to speak on of 5794,  
22 100 Central Park Avenue? That's Hillview  
23 Reservoir? Okay. Good.

24 We are going to reopen case 5799,  
25 165, there we go. May I have a vote to



1 reopen.

2 MR. BATTISTA: Second.

3 THE CHAIRPERSON: Thank you. A  
4 second by Ralph. All in favor of  
5 reopening.

6 (Chorus of ayes.)

7 THE CHAIRPERSON: The ayes have it.  
8 Please introduce yourself for the record  
9 and spell your name.

10 MR. POCCIA: Thank you. My name is  
11 Peter Poccia. The last name is  
12 P-o-c-c-i-a. I'm here for Dagro Associates  
13 II, LLC. I apologize for my appearance. I  
14 apologize for being last minute --

15 THE CHAIRPERSON: It's fine.

16 MR. POCCIA: I wasn't expecting to  
17 come here.

18 THE CHAIRPERSON: It's Case 5799,  
19 165 aka 167 North Broadway. Go ahead.

20 MR. POCCIA: So you guys had this  
21 matter on for decision this evening. But  
22 Madam Chair made me aware of the memo that  
23 was issued by engineering with regard to  
24 the parking. This is our second time or  
25 second submission to the Board. We weren't

1           made aware of a memo for the first  
2           submission in regards to parking and we  
3           weren't made aware of the second memo so I  
4           kind of request that we're able to at least  
5           have the ability to conduct the parking  
6           study that was referenced in the memo  
7           issued by engineering. Even though parking  
8           is not required, we are still providing two  
9           parking spaces and are more than willing to  
10          accommodate to conduct this study.

11                   THE CHAIRPERSON: So for the record,  
12           the memo was from the City Engineer dated  
13           September 19, 2022. It reads in pertinent  
14           part the applicant submitted a parking  
15           inventory of the public spaces that  
16           surround the proposal but this does not  
17           answer the question as to whether or not  
18           these spaces can satisfy the anticipated  
19           parking demand. It is recommended that the  
20           applicant submit a parking occupancy and  
21           utilization study during peak residential  
22           hours for the surrounding public spaces to  
23           identify what spaces would generally be  
24           available.

25                   So you will be providing that at our

1 next meeting or you'll keep us posted?

2 MR. POCCIA: I will say, yes, and  
3 it's really contingent upon the person  
4 doing the study.

5 THE CHAIRPERSON: So you'll update  
6 us at the next meeting.

7 MR. POCCIA: We can update you,  
8 yeah, I guess at the next meeting or I can  
9 email the Board and let you guys know. But  
10 I would like to aim for the next meeting to  
11 have that submitted to you if not prior to.

12 THE CHAIRPERSON: Perfect. Thank  
13 you very much we'll this open.

14 MR. POCCIA: Thank you very much.  
15 Appreciate your time.

16 THE CHAIRPERSON: 70 Pier Street has  
17 been put over, I'm assuming. 1999 Central  
18 Park Avenue has been put over. We received  
19 a letter dated November 14.

20 So that brings us to 23 aka 21 Park  
21 Avenues number 5798.

22 MR. KEARNEY: Good evening. Sean  
23 Kearney, K-e-a-r-n-e-y. Good evening,  
24 Madam Chair, Members of the Board, my name  
25 is Sean Kearney of Kearney Realty

1           Development Group. I'm here tonight to  
2           discuss 23 aka 21 Park Avenue which is the  
3           historic rehabilitation of the existing  
4           monetary building as well as the 49-unit  
5           new construction building. And I'm here  
6           tonight to discuss a parking variance for  
7           58 spaces that we're seeking to lease  
8           through the Yonkers Parking Authority at  
9           the Parkadrome Garage which is less than  
10          300 feet from our site from our building.

11                        We made a submission of follow-up  
12          submission of additional information since  
13          the last meeting. Some questions arose  
14          about the availability of a sublease option  
15          from St. John's Hospital that currently  
16          leases the parking garage. In the  
17          additional information packet we've had  
18          further conversations with the Parking  
19          Authority. And it was deemed the best way  
20          to move forward would be to amend  
21          St. John's lease and to lease the parking  
22          spaces directly to us. The 58 parking  
23          spaces.

24                        Some of the other questions that  
25          were asked at the last meeting were regards

1 to repairs and capital improvements to the  
2 garage, who handles that who pays for it.  
3 So the City of Yonkers owns the parking  
4 garage. The Parking Authority manages the  
5 parking garage. So for small repairs and  
6 maintenance, the Parking Authority handles  
7 that. The large capital improvements would  
8 be the City of Yonkers.

9 We also submitted some additional  
10 information for projects that based on the  
11 previous presentation I regret submitting  
12 because it's not in the City to Yonkers but  
13 some of other mixed-income family projects  
14 throughout the Hudson Valley with varied  
15 different parking demands than what the  
16 Zoning calls for. I also took a look at  
17 the Westhab parking analysis that was done  
18 previously to find pretty similar parking  
19 demands, their affordable units throughout  
20 Yonkers. So I'd be happy to answer any  
21 questions that the Board may have.

22 THE CHAIRPERSON: Is the YPA going  
23 to provide us a copy of the lease or was  
24 that sent in or how do we know that the  
25 lease is being changed to the benefit --

1 MR. KEARNEY: So we have a signed  
2 LOI with at Parking Authority, and we could  
3 draft a lease now or make it subject to  
4 whatever the Board wants but as of today we  
5 have a signed LOI with the Parking  
6 Authority.

7 THE CHAIRPERSON: And that was  
8 submitted?

9 MR. KEARNEY: Yes.

10 THE CHAIRPERSON: Okay. That's  
11 probably in the folder. Does anyone have  
12 any questions? Jean?

13 MS. TICKELL: No.

14 MR. GJELAJ: Would we be able to get  
15 a copy of the lease before?

16 THE CHAIRPERSON: Yeah, it sounds  
17 like it's in the Dropbox. Is it in  
18 Dropbox, Ralph?

19 MR. KEARNEY: The LOI --

20 MS. TICKELL: I saw that.

21 MR. GJELAJ: Yeah, the LOI was from  
22 last meeting, but a proposed copy of the  
23 lease or a proposed lease?

24 MR. KEARNEY: Yes. I could work on  
25 it for the next meeting a draft.

1 MR. GJELAJ: Yes.

2 THE CHAIRPERSON: That would good.

3 MR. GJELAJ: That works.

4 THE CHAIRPERSON: Yes. That's a  
5 better suggestion. Anyone else?

6 Thank you for your time. We'll see  
7 you next time.

8 MR. KEARNEY: Okay. So next steps  
9 would be --

10 THE CHAIRPERSON: Get a copy of that  
11 in there and --

12 MR. KEARNEY: Would the Board feel  
13 comfortable declaring Lead Agency?

14 THE CHAIRPERSON: Do we have an  
15 issue with Lead Agency?

16 MR. ELLMAN: That will be handled by  
17 force of law at the -- Thursday, I think it  
18 expires. So there's really no need to have  
19 a formal Lead Agency notice acceptance. It  
20 happens in 30 days if no one else wants it  
21 so you can just incorporate it into your  
22 approving resolution or any resolution  
23 you're doing one of the whereases is a  
24 recitation of how you got to Lead Agency.

25 THE CHAIRPERSON: Well, could we

1 just use this language and just bang it  
2 out?

3 MR. ELLMAN: I will check and let  
4 you know tomorrow. Rachel is telling me  
5 she doesn't recall if we accept it, I  
6 thought that we did.

7 THE CHAIRPERSON: Could we just not,  
8 Rachel, use this language and update it and  
9 bang it out? I can, like, kind of swing  
10 it.

11 MS. KRAVITZ: Yes, you can go ahead  
12 and make a motion in case it wasn't already  
13 done.

14 THE CHAIRPERSON: Okay. So let's do  
15 this, so this is for case 5798,  
16 Block: 2090, Lot: 44, 23 aka 21 Park  
17 Avenue, I make a motion that the ZBA  
18 pursuant to the New York State  
19 Environmental Quality Review Act declares  
20 its intention to seek Lead Agency status  
21 for purposes of the Environmental Review of  
22 this matter and directs the Planning  
23 Director on behalf of this Board to  
24 initiate lead agency notification and  
25 coordinate a review with all other involved



1 agencies in this action. If no other  
2 involved agency seeks to be Lead Agency  
3 within 30 days of the effective date of  
4 notice, the ZBA will assume Lead Agency  
5 status for purposes of review of this  
6 matter.

7 MS. TICKELL: I'll second it.

8 THE CHAIRPERSON: Thank you, Jean,  
9 second.

10 MR. BATTISTA: For the motion.

11 MR. VASSO: For.

12 MR. GJELAJ: For the motion.

13 MS. TICKELL: For the motion.

14 MR. SINGH: For the motion.

15 MR. LOPEZ: For the motion.

16 THE CHAIRPERSON: For the motion.

17 Motion carries. Thank you.

18 MR. KEARNEY: Okay. Thank you.

19 Have a good night.

20 THE CHAIRPERSON: You too.

21 Now, we have, let's see, do we have  
22 someone here from 5801 proposed  
23 installation of three antennas? 26  
24 Randolph Street, Block: 120, Lot: 17.

25 MR. MAHALEK: Good evening, Madam

1 Chair, Members of the Board, Maximillian  
2 Mahalek of the firm Cuddy and Feder on  
3 behalf of Dish Wireless. So I'll start  
4 with the review and I also have --

5 THE CHAIRPERSON: I'm sorry, can you  
6 spell your name.

7 PRESENTER: Oh, yes. First name is  
8 Maximillian, M-a-x-i-m-i-l-l-i-a-n, last  
9 name Mahalek, M-a-h-a-l-e-k. So this is a  
10 request for a use variance to install  
11 wireless equipment on an existing roof  
12 building, excuse me, on an existing  
13 building's roof specifically three antennas  
14 and accessory equipment. The antennas will  
15 be on the northwest and southeast corners  
16 of 26 Randolph Street. Now the question as  
17 to why are we doing this. Two parts to  
18 that answer. The first part, Dish is  
19 rolling out the new broadband network.  
20 It's a new 5G network. It's providing  
21 phone service, Internet service. This came  
22 out of a settlement related to a lawsuit  
23 involving Sprint, T-Mobil, and the Federal  
24 government looked for another provider.  
25 And they saw that Dish had the capacity,

1 the know-how, and the skill to roll out a  
2 new broadband network. Now, there are some  
3 deadlines with that. 70 percent of the  
4 U.S. population has to have access to this  
5 network by June of 2023. So we're looking  
6 at communities in the New York area with a  
7 high concentration of people that we can  
8 provide reliable and consistent service to.  
9 So, that's one story of the why. The other  
10 story of the why is we're looking at  
11 various requirements for signing of these  
12 facilities. We're looking at FCC  
13 regulations, we're looking at local  
14 technical requirements, we're looking at  
15 the local Zoning Code, and we're also  
16 looking at the technical requirements from  
17 the Dish's perspective. And looking at all  
18 those requirements and after careful  
19 consideration, the best location for these  
20 facilities is at 26 Randolph Street.

21 I know in our submission in Exhibit  
22 K we have a report describing some of the  
23 siting requirements and the reason why this  
24 will be the best place to provide that  
25 reliable and consistent service for

1 residents of Yonkers. And I think a part  
2 of this is also promoting public safety.  
3 There was a big loss in connectivity during  
4 the last couple of storms. There were 911  
5 calls that didn't go through throughout  
6 Westchester County. And so we want to  
7 enhance that connectivity for people so  
8 they can have, they can respond in  
9 emergency situations.

10 So now we're looking at the public  
11 necessity standard as articulated in our  
12 submission. So this is a little bit  
13 different than your standard use variance  
14 request and this is because  
15 telecommunication facilities have been  
16 designated a public utility in New York  
17 State. And as part of that, we're looking  
18 at balance of interest. And this lesser  
19 restrictive standard must apply with -- so  
20 this balancing test, it looks at, does a  
21 utility, is it going to render safe and  
22 adequate service? Is there a compelling  
23 reason for it? Economic or otherwise. And  
24 will it have an impact on the community  
25 that it exists in? So as discussed this is

1 expanding broadband connectivity for  
2 residents, which has economic benefits,  
3 safety benefits, so there is a need for  
4 this facility both as articulated in the  
5 report in Exhibit K and also by the fact  
6 the Federal government said, hey, we need  
7 to expand this connectivity and, Dish, you  
8 are the team member to do it.

9 Now, looking at the impact on the  
10 neighborhood. I note that the antennas are  
11 below the height of the existing penthouse  
12 rooflines on the existing structure. So  
13 there will be a limited visual impact.  
14 They include visual assessments in our  
15 submission and from some directions you  
16 can't even see the antennas particularly  
17 from the vicinity of McLean Avenue  
18 Boulevard.

19 Going on to some of other minimal  
20 impacts, there will be no impact on traffic  
21 or pedestrian activity. There is no noise,  
22 dust, or fumes associated with these  
23 improvements. No water or sewage disposal  
24 needs. There will be no ground disturbance  
25 obviously. No impact on existing

1 stormwater drainage systems. There will be  
2 no commercial signs and there will be no  
3 outdoor lighting. So we feel that this  
4 will a very minimal improvement.

5 We did also include in our  
6 submission the RF Compliant report to show  
7 that we adhered with all applicable  
8 standards for emissions to continue to  
9 promote public safety and to comply with  
10 all applicable requirements.

11 So with that happy to answer any  
12 questions and thank you for your time.

13 MR. BATTISTA: I have a question.  
14 So how far would this reach, right? So  
15 you're going to be on Randolph. How far  
16 north, south would the people be able to  
17 access that, like, where would your next  
18 access point to be to continue that  
19 reliable service?

20 MR. MAHALEK: Yup. So, at Exhibit  
21 K, just referencing it because there is a  
22 map showing that range of network. Very  
23 end of the report, near the end there is a  
24 map. One moment. So this map at the end  
25 of the report, it shows the proposed site

1 along with other existing sites in the  
2 community. If I were to have a guess here  
3 just eyeballing this map I would say that  
4 this is anywhere from three quarters to a  
5 mile radius possibly further. The green  
6 sector is the strongest service. But we do  
7 think just considering population density  
8 in this area that this will bring  
9 connectivity to a lot of folks. We think  
10 this will work greatly towards meeting  
11 Dish's requirement to service more than --  
12 service a large portion of the population.  
13 And I think this map just shows nicely of  
14 how we will provide that connectivity.

15 MS. TICKELL: This is what it will  
16 look like?

17 MR. MAHALEK: So we did include,  
18 yes, we included simulations and I can pull  
19 those up here. Those are looking from the,  
20 looking east at the structure, looking  
21 north, and looking from the southwest. And  
22 those are at Exhibit F.

23 MS. TICKELL: And so you lease the  
24 roof of the building from the building's  
25 owner?

1           MR. MAHALEK: Typically that is the  
2 process. I do know that they have all the  
3 authorizations required to install the  
4 infrastructure once approvals are received  
5 and when and if received.

6           THE CHAIRPERSON: Anyone else? Ask  
7 away. This is your time. Are there any  
8 members of the public on this topic? Okay.

9           I will make a motion to close this.  
10 Do I have a second?

11          MR. BATTISTA: Second.

12          THE CHAIRPERSON: Ralph. All in  
13 favor.

14          (Chorus of ayes.)

15          THE CHAIRPERSON: This is closed.  
16 Thank you, Mr. Mahalek, you may head out.

17          MR. MAHALEK: Thank you. Have a  
18 great evening.

19          MS. TICKELL: Thank you.

20          THE CHAIRPERSON: And the next case  
21 is 5800, 1186 Yonkers Avenue, rear aka 2  
22 Sherwood Terrace.

23          Mr. Dibbini, introduce yourself and  
24 get cracking.

25          MR. DIBBINI: Sure, good afternoon,



1 Madam Chairperson and Members of the Board.  
2 My name is James Dibbini, D-i-b-b-i-n-i.  
3 I'm here on behalf of the applicant  
4 Sherwood Holdings Company. I'm also joined  
5 with Nicholas Faustini, the architect of  
6 this project, and also an officer of  
7 Sherwood Holdings Company, Enrico Laurino.  
8 Who if you would like to come here.

9 So this project, so this property is  
10 located at 1186 Yonkers Avenue rear also  
11 known as Sherwood Terrace. The existing  
12 premises is a six-story 49-unit stone brick  
13 apartment building in a BA District or  
14 Zone. It sits on a dead end with no true  
15 traffic at all. The applicant seeks to  
16 establish two off-street open tandem  
17 parking spaces on the east side, on the  
18 east side of the building to accommodate  
19 the needs of the super and sometimes  
20 maintenance workers. Currently there is no  
21 parking on the premises and there is a  
22 strong need to have these two parking  
23 spaces to allow property maintenance of the  
24 building.

25 Up until 2019, the applicant's super

1 was able to park two parking spaces over  
2 the last 25 years on the easement adjacent  
3 to where the applicant seeks the current  
4 variance. Unfortunately, the super both  
5 applicant -- both the applicant's building  
6 and the neighbor's building located at 1-3  
7 Sherwood Terrace had a falling out  
8 regarding an unrelated matter and that  
9 right was then terminated. And the  
10 applicant's super was no longer allowed to  
11 park his two cars, and that was terminated.  
12 We're no longer allowed to park those two  
13 cars on the easement. This created a  
14 severe hardship for the applicant  
15 warranting this application. It should be  
16 noted that for 25-plus years the applicant  
17 had the right to park on the easement.  
18 There was never any concern for ingress,  
19 egress, maneuvering vehicles in or out of  
20 spots or emergency concerns all now raised  
21 by the neighbor. After the right to park  
22 was withdrawn by the neighbor, the  
23 applicant reached out to the neighbor many  
24 times to attempt to reconcile and/or to  
25 lease from the applicant parking spaces to

1 accommodate the super. All requests made  
2 to the neighbor were unanswered.

3 It should be noted that there are  
4 another other locations on the property our  
5 client's property to locate these parking  
6 spaces. Although variances would be  
7 required for the front yard and side yard  
8 setbacks, these two parking spaces would be  
9 out of the way of any traffic or  
10 pedestrians or windows to any of the  
11 apartments. According to the plans, there  
12 would be a five-foot walkway available as  
13 required for any ingress and egress between  
14 any parked cars and the applicant's  
15 building. It should also be noted that the  
16 plans reflected compliant with all fire and  
17 safety codes and the same is reflected in  
18 the City of Yonkers Department of Housing  
19 and Buildings Building Application Review  
20 dated June 10, 2022, that had been provided  
21 to this Board whereby said review states,  
22 quote, Fire Department review approved May  
23 9, 2022.

24 Additionally, the immediate  
25 structure belonging to the neighbor to the

1 east of the premises which is adjacent to  
2 the proposed parking space, is the roof of  
3 a large stone commercial garage servicing  
4 the neighbor's apartment building. There  
5 would be no impact to the said neighbors as  
6 a result of the addition of the two parking  
7 spaces.

8 A concern was raised by the neighbor  
9 according to the neighbor's survey that a  
10 pinch point would present where the  
11 neighbor's stone wall starts and the  
12 easement line runs. Our calculations show  
13 that a pinch point is at least eight feet  
14 wide. Which is more than enough space for  
15 an average car width of six and-a-half  
16 feet. Additionally we actually have a  
17 diagram that will reflect an SUV vehicle  
18 going through this pinch point, alleged  
19 pinch point, without going on to the --  
20 deviating from the easement area.  
21 Additionally, it should be noted that  
22 applicant was able to traverse this alleged  
23 pinch point for 25 years when they were  
24 allowed to park two vehicles with  
25 permission of the neighbor on the easement

1 without incident.

2           Regarding the balancing factors,  
3 point one, the benefit sought cannot  
4 achieved by any other means. The applicant  
5 has literally no other means to provide  
6 parking for the service people to maintain  
7 this 49-unit building. There is no other  
8 location on the premises that would be  
9 feasible for the parking spaces and there  
10 is no or limited on-street parking  
11 permitted for the applicant. The applicant  
12 as I mentioned made numerous attempts to  
13 request permission for a leasing parking  
14 spaces from the neighbor, but again those  
15 went unanswered.

16           Point two, there is no undesirable  
17 change to the character of the neighbor as  
18 a result of the variance. Granting the  
19 variance will not change the character of  
20 the neighborhood as the changes are minor  
21 and will be unnoticeable to anyone  
22 frequenting or residing near the property.  
23 While resolving an urgent need to allow the  
24 supper or maintenance workers to park on  
25 the premises.

1           There will be no traffic or burden  
2           related to entering or exiting the parking  
3           space as the premises sits on the dead end  
4           with very little traffic makes it easy to  
5           gain access and exit. Actually, the  
6           applicant had traversed the same area of  
7           the easement with vehicles for over the  
8           last 25 years with no incident or problem  
9           until the neighbor abruptly withdrew that  
10          parking privilege.

11           Point three, the variance is not  
12          substantial when viewed in context of the  
13          requirements of the existing zone. The  
14          requested variance is not substantial when  
15          looking at the project in its entirety.  
16          The two parking spaces are tucked away on  
17          the east side of the building adjacent to  
18          the neighbor's garage roof and the basement  
19          of the applicant's apartment building. The  
20          locations of the parking space has been  
21          approved by the Fire Department and does  
22          not present a hazard to anyone.

23           Point four, there is no adverse  
24          effect or impact on the physical or  
25          environmental conditions of the

1 neighborhood. The variance will not  
2 negatively impact the neighborhood as the  
3 parking spaces will not interfere with any  
4 pedestrians, vehicle traffic and will be  
5 properly constructed to ensure proper  
6 drainage of any water. Although, tandem  
7 parking is not ideal, in this case where  
8 the car owners will be related parties and  
9 the location of the parking spaces are out  
10 of the way and not subject to traffic or  
11 pedestrians, tandem parking would work fine  
12 here. Any claims that a drain would be  
13 compromised or obstructed does not address  
14 the new drainage system that is part of the  
15 approved plans that more than make up for  
16 any drainage water and directs all the  
17 water onto the applicant's drainage system  
18 in the applicant's backyard. In fact, the  
19 plans would virtually eliminate the need  
20 for the existing drain as the pit between  
21 the two walls would no longer exist  
22 eliminating the accumulation of water and  
23 the need for a drain.

24 Point five, the difficulty was not  
25 self-created. The applicant cannot be

1 considered to be culpable of a self-induced  
2 difficulty because it comes before this  
3 Board with clean hands. After over 25  
4 years of being able to park in the  
5 easement, said right was abruptly withdrawn  
6 by the same neighbor objecting to this  
7 variance today. There is no other location  
8 on the applicant's premises to locate the  
9 parking space and the need is great to  
10 properly maintain the building.

11 In conclusion, the granting of this  
12 application will not produce an undesirable  
13 change to the character of the neighborhood  
14 nor its detriment to the health, safety, or  
15 welfare of the community. The applicant  
16 has no other method feasible to pursue but  
17 to request this variance.

18 Point three, the requested variance  
19 is not substantial when viewed in the  
20 relation to the existing properties in the  
21 neighborhood and the benefit of the  
22 applicants, if the variance is granted is  
23 substantial -- is not substantial when  
24 allowed -- is substantial when allowed the  
25 applicant to maintain the two parking



1 spaces. Excuse me.

2 With that, we'd be happy to answer  
3 any questions or if I can, I can show you  
4 the chart where the two parking spaces were  
5 for the last 25 years. So, thanks. So if  
6 we can, this is the area where we're  
7 looking to get a variance for the two  
8 parking spaces. This is a garage here that  
9 belongs to the neighbor. This easement,  
10 our client had utilized this easement for  
11 years. And, in fact -- so this is actually  
12 from the neighbors survey that, I believe,  
13 the Board had received last week. And he  
14 indicates a pinch point here and references  
15 the location. So, taking that same thing,  
16 taking the same survey, we're showing where  
17 our client had access and right to park two  
18 vehicles for approximately 25 years and  
19 terminated in 2019. And, again, after that  
20 occurred then raised the issue of, you  
21 know, where the super and the maintenance  
22 can park their vehicles when they need to.

23 So, for 25 years our clients went  
24 through this alleged pinch point. And you  
25 can see here that this is an SUV vehicle to

1 scale with the wall and the easement line.  
2 And it appears, it shows that it does not  
3 go on to or off the easement rather. And  
4 this is where the cars had been for, for  
5 like I had mentioned at least 25 years if  
6 not much longer.

7 This is blown-up version of that.  
8 And you can see what this is, this wall is  
9 basically a driveway ramp going down to the  
10 garage over here. And so this is a blow-up  
11 version of the argument that we would be  
12 encroaching on to neighbor's property and  
13 violating the easement by going over the  
14 easement line. But when you look at this  
15 to scale, the car can freely move in and  
16 out without jeopardizing or going over the  
17 easement line. And, again, this is a  
18 larger version of what our client had been  
19 able to do for 25 years without any issues  
20 of ingress or egress or safety issues or  
21 concerns of any nature.

22 Another thing I wanted to point out  
23 here that, again, this is the garage. And  
24 over here is where, I'll show that version  
25 here, this is where the variance is. Yeah.



1 basically a right-of-way street. So they  
2 just continue to drive on this street, come  
3 around here, and instead of parking on the  
4 street where they did before, they would  
5 park on their, on their own property.

6 MS. TICKELL: Right.

7 MR. DIBBINI: Taking those cars off  
8 the street and eliminating what was a  
9 problem for -- if it was a problem at all,  
10 it makes it, you know, it even enhances the  
11 area by taking those cars off the street in  
12 its entirety.

13 MR. BATTISTA: I have a question.  
14 So the garage that goes down, who owns that  
15 garage?

16 MR. DIBBINI: The neighbor.

17 MR. BATTISTA: The neighbor. And  
18 then the tenants that live in this  
19 building, where do they park?

20 MR. DIBBINI: They have to park on  
21 the street. I think it's on Yonkers  
22 Avenue.

23 MR. FAUSTINI: Yeah.

24 MR. DIBBINI: Yeah, because this  
25 entire street is an easement.

1 MR. BATTISTA: Right. And that  
2 parking lot that's behind the building  
3 that's accessed, that's not your parking?

4 MR. DIBBINI: No.

5 MR. BATTISTA: And then I guess my  
6 next question is the, so opposite of the  
7 garage, right, the easement where you're  
8 saying you enter, right?

9 MR. DIBBINI: Right.

10 MR. BATTISTA: So whose property is  
11 that?

12 MR. DIBBINI: This entire property  
13 is a private road, but our client, the  
14 applicant, which building is right here,  
15 has an easement to the entire, the entire  
16 private road. Whatever has been designated  
17 as an easement area, our client has a right  
18 legal right to traverse that property to  
19 get to our property to get to the  
20 applicant's property.

21 THE CHAIRPERSON: But where are the  
22 parking spaces? Whose property are the  
23 parking spaces on I think is Mr. Battista  
24 --

25 MR. DIBBINI: I'm sorry, they'll be

1 on our client's property, the applicant's  
2 property, a hundred percent of the parking  
3 spaces will be on the applicant's property.  
4 In fact, they'd be setback from the, from  
5 the property line by five feet. And that's  
6 a variance. One variance is five feet from  
7 neighbor's property that we're seeking and  
8 one is from the front.

9 THE CHAIRPERSON: Other questions?

10 MR. VASSO: Those two spots where he  
11 parked previously, is that going to be  
12 blocked or is that going to be open? So  
13 that there's no one parking on those spots?

14 MR. DIBBINI: Right, there will be  
15 nobody parking there.

16 MR. VASSO: Okay.

17 MR. DIBBINI: Right.

18 THE CHAIRPERSON: Okay.

19 Mr. Dibbini, are you all set?

20 MR. DIBBINI: Yeah, I'm all done  
21 unless there's other questions. Okay.

22 THE CHAIRPERSON: I think there's  
23 some members of the public who have  
24 commentary so stick around maybe.

25 MR. DIBBINI: Yeah.

1 THE CHAIRPERSON: Are there members  
2 of the public who would like to address  
3 this topic?

4 PUBLIC SPEAKER GIRGENTI: Yeah.

5 THE CHAIRPERSON: Please come on up,  
6 introduce yourself, spell your name for the  
7 record. And also could you just state your  
8 address as well. Your name, your address,  
9 and spell stuff that seems complicated.

10 PUBLIC SPEAKER GIRGENTI: Okay.  
11 Well, some of this is going to be  
12 complicated. Christopher Girgenti,  
13 G-i-r-g-e-n-t-i. The address is 27  
14 Overhill Place. And we're adjacent to the  
15 property that we're speaking of. We were  
16 contacted because this project was taking  
17 place and its had a couple of denials so  
18 far. So this is the first we're hearing of  
19 it, we wanted know what this means to us.  
20 What's the proximity of this parking that's  
21 going to -- it's not like the super's staff  
22 in that building is unknown to me or my  
23 neighbor. You know. We have things going  
24 back and forth with them for sometime. I  
25 don't know where these spots are and I'd

1           like to see what it means to us for them to  
2           be parking there.

3           THE CHAIRPERSON: Mr. Dibbini.

4           MR. DIBBINI: Sure.

5           PUBLIC SPEAKER GIRGENTI: And I see

6           --

7           THE CHAIRPERSON: Could you maybe  
8           share that now while we're here.

9           MR. DIBBINI: Yes, I'd be happy to.

10          THE CHAIRPERSON: So we can get some  
11          stuff done.

12          Are any other members from the  
13          public who have questions on this?

14          (Mr. Dibbini and Public Speaker  
15          Girgenti briefly conferred.)

16          THE CHAIRPERSON: Questions  
17          answered?

18          PUBLIC SPEAKER GIRGENTI: Thank you  
19          very much for your time.

20          MR. DIBBINI: Thank you.

21          THE CHAIRPERSON: Thank you very  
22          much for coming.

23          Is there anyone else that has any  
24          questions on this? Come on up. Introduce  
25          yourself, state your name, state your



1 address, and anything else of interest.

2 MR. STAUDT: My name is Kevin  
3 Staudt, McCullough, Goldberger and Staudt.  
4 I'm an attorney. I represent 1-3 Sherwood  
5 Terrace, LLC. I have Gregory Hay with me.  
6 He's the property manager for 1-3 Sherwood.  
7 And we're the parking garage we're hearing  
8 so much about.

9 So, as I'm sure you saw from the  
10 previous diagram what is being proposed  
11 here is a waiver really of two setback  
12 restrictions. One is a five-foot setback  
13 between where the parking spots are going  
14 to be and our property line. The line  
15 between the parking garage and our  
16 property. They want that totally  
17 eliminated.

18 The second is a ten-foot setback.  
19 And that's a setback between where the  
20 parking spots are going to be and the  
21 applicant's own building. Now, I'm hearing  
22 that there's a five-foot walkway. So I  
23 guess in that case it will be a 50 percent  
24 reduction. It makes no sense to me  
25 considering the narrowest point of where

1           these spots are going to be, it's 12 feet.  
2           So you're talking about a five-foot walkway  
3           and now you have a seven-foot wide parking  
4           spot. I don't know how they're going to  
5           open the doors there. And the other issue  
6           is the Code itself I believe requires an  
7           eight and-a-half foot wide area for parking  
8           spots. So, that's just something I picked  
9           up on.

10                        We've heard a lot about what had  
11           happened in the past 25 years. This is all  
12           news to me. Unfortunately Mr. Hayes has  
13           only been working for the last several  
14           years?

15                        CO-PRESENTER: Six months.

16                        MR. STAUDT: So we can't speak to  
17           that. It wasn't in the papers beforehand.  
18           I'm sure I can get to the bottom of it, I  
19           can't get to the bottom of that tonight.  
20           I'm not really sure what the relevance  
21           there is. If there is some sort of  
22           easement by prescription or some sort of  
23           adverse possession claim, there's a place  
24           to make that claim. This is not that  
25           place.

1                   So I'm just going to touch on my  
2                   main points briefly maybe talk about it a  
3                   little bit more. So in order to construct  
4                   the space that the applicant proposes to  
5                   build, at its deepest point, eight feet,  
6                   this was seen as a small area, we're  
7                   talking about eight feet by, and I'm  
8                   estimating here, maybe about five feet in  
9                   width. Eight feet in depth. And I'm going  
10                  to say 40 perhaps 50 feet in length. It's  
11                  not a small area. It's a rather large  
12                  area. It's a pretty large project for the  
13                  benefit that we're looking for here which I  
14                  guess is two parking spaces. That soil  
15                  would be pushing directly against our wall.  
16                  Our client, Samson Management is the parent  
17                  company, they have their own engineers,  
18                  they have their architect, they tell me,  
19                  you're talking about digging around and  
20                  putting stuff against an 80-year wall.  
21                  Disaster in the making. They think it's a  
22                  bad idea, I think it's a bad idea.

23                         In order to access these spots, the  
24                         super and the workmen would have to pass  
25                         through, it's actually less than eight

1 feet. It's going to be 7.7 feet. That's  
2 the space. So maybe if you got your  
3 window, your rear view window right  
4 skirting the edge of the ramp we're talking  
5 about, maybe there's a way to get through.  
6 From a practical point of view is that ever  
7 going to happen? No, that's not going to  
8 happen. From a practical point of view the  
9 applicant's workmen, the applicant's super  
10 is going to be trespassing on our property  
11 on a regular basis.

12 And the last point I would like to  
13 get to is emergency access. And I'll  
14 discuss that in a little bit of detail.  
15 Seeing the property there are fire escapes  
16 in the back of that property, there are  
17 multiple exits in the back of that  
18 property. This five-foot walkway, I don't  
19 think it's going to happen. If there's  
20 going to be cars parked there, if there is  
21 a five-foot walkway, the cars are going to  
22 be parked on the five-foot walkway. I  
23 don't know what the Building Inspector  
24 determined, that wasn't in the application  
25 package, but I respectfully say there might

1 have been a mistake there, he didn't  
2 understand, he thought there was some sort  
3 of exit somewhere else. Because even if  
4 you park those two tandem cars perfectly in  
5 line, you're going to have a lot of trouble  
6 getting out of that one space in and one  
7 space out. And then of course if they're  
8 at all cockeyed, one's parked a little bit  
9 further towards our property, one's parked  
10 a little bit farther towards their  
11 property, it's going to be very difficult  
12 to get through to get out. Impossible for  
13 any kind of equipment to be brought to go  
14 back there.

15 This really perfectly exemplifies  
16 why you have this ten -- I wasn't quite  
17 sure why that existed this ten-foot  
18 requirement between where the parking  
19 spaces are going to go and where one's own  
20 property is. But that kind of freedom of  
21 movement is a pretty good reason for it.  
22 And I think this is the kind of case that  
23 really exemplifies why that requirement  
24 exists.

25 The second point I'd like to discuss

1 is the fill that the applicant seeks to  
2 pile up against our wall. It's not a  
3 little bit of fill, it's a tremendous  
4 amount of fill. There is a retaining wall  
5 there right now. For a reason. There  
6 wasn't dirt on the other side of that  
7 retaining wall. I gotta think it's for a  
8 reason. Now, if you look at the, and I have  
9 paper copies with me, I submitted a letter  
10 in opposition. I included a photograph  
11 that shows this, I guess you'll call it a  
12 trench that runs along the retaining wall.  
13 If anybody wants a paper copy of that, I'm  
14 happy to give it to them. And on the  
15 bottom of that trench is some sort of  
16 tar-like substance. You know, such as you  
17 see on a roof or something like that. I  
18 don't know what's below this, but that runs  
19 for a very substantial part of the  
20 property. We're talking a lot of fill  
21 here. A lot of fill for two parking spots.  
22 It's going to be a major job.

23 THE CHAIRPERSON: I'm sorry, is that  
24 a drainage situation or?

25 MR. STAUDT: There's drainage there.

1 It's a retaining wall. And then it goes  
2 down the whole length of that. So there's  
3 no fill abutting against up the property.

4 THE CHAIRPERSON: Could I see the  
5 paper copy that you have?

6 MR. STAUDT: Yes. I'm happy to give  
7 a copy to anybody else. Would anybody else  
8 like one? So you're looking towards the  
9 rear of the property there. Let me open it  
10 up. On the right is the apartment  
11 building. And as you see there is a  
12 walkway there so people can get in and out.  
13 And on the left it's this long trench and  
14 there is your retaining wall right there  
15 holding the building back. What they're  
16 proposing without any putting up any  
17 retaining wall at all is to put all that  
18 fill in there. So, I don't think it's fair  
19 to literally make us share, bear the burden  
20 of this fill. The applicant has not  
21 included any kind of mitigation act, just  
22 simply says, hey, you bear the weight.  
23 We're talking about a lot of work along a  
24 80-foot wall, pardon me, 80-year-old wall.  
25 So the potential for bad effects is

1           certainly there, our engineers certainly  
2           think it's a bad idea. And precisely the  
3           kind of situation that exemplifies why you  
4           would have a setback. You know, if you  
5           permit this kind of variance allowing  
6           somebody to pile things onto your own  
7           property, when are you ever getting --  
8           certain setbacks, a setback circumstance.

9                     And finally, separate from the  
10           emergency acts at issue, is the fact that  
11           the easement the applicant relies upon to  
12           access the space themselves is really  
13           insufficient for vehicular traffic. We're  
14           talking about 7.7 feet here. Our surveyor  
15           went out and checked it out and that's the  
16           exact number we got. As I said before, 8.5  
17           just to put into context is a minimum  
18           you're going to need for a parking spot.  
19           So we are talking about a very narrow  
20           parking, pardon me, a very narrow roadway  
21           to pass over. It's not apparent to me that  
22           anybody will even have enough room to turn  
23           around in on the other side of the  
24           property. So in a lot of cases they'll be  
25           backing up. And does anybody really think





1 room to get by. There's other alternatives  
2 here, you don't need to be doing this.

3 So, finally, I think it's worth  
4 looking at what is the benefit here. The  
5 benefit is two parking spots. And we're  
6 talking about the potential for an awful  
7 lot of damage and the certainty of regular  
8 trespassing upon our own property in order  
9 to get that benefit. And that's an  
10 overarching principle, I can go through the  
11 five factors, you guys know the five  
12 factors, but that's the overarching  
13 principle here so I'm happy to answer any  
14 questions you may have.

15 THE CHAIRPERSON: Does anyone have  
16 any questions? Thank you, Mr. Staudt.

17 MR. DIBBINI: Thank you. If I may  
18 have a moment to respond to some of those  
19 statements.

20 THE CHAIRPERSON: Yup.

21 MR. DIBBINI: So I listened to his  
22 suggestion that we could park these cars in  
23 front of the building. There's one, two,  
24 three, four entrances to the building right  
25 there. Parking any vehicles in this area

1 would show to be a hazard for pedestrian  
2 traffic in any way, shape or form. And  
3 with respect to the issue of the space over  
4 here, I'm going to allow Mr. Faustini to  
5 speak to that right now.

6 MR. FAUSTINI: Hi. Nicholas  
7 Faustini, I'm the architect. It's  
8 F-a-u-s-t-i-n-i. So, what Mr. Dibbini was  
9 speaking about earlier there's a 12-foot  
10 aisle way here between our building and the  
11 adjacent building. The typical car is  
12 about six and-a-half to seven feet wide.  
13 So which would leave a remaining area of  
14 about five feet. As the neighbor's  
15 attorney mentioned the parking space  
16 requirement is eight and-a-half feet. So  
17 if eight and-a-half were the space that  
18 were allocated then there would be three  
19 and-a-half feet clear for any egress. But  
20 the general space around the car is five  
21 feet. That's what Mr. Dibbini was speaking  
22 about earlier. Just because seven minus  
23 twelve is five. But if you have an egress  
24 path, it's three and-a-half feet wide.  
25 Talking about that --

1                   MR. DIBBINI: Well, I just wanted to  
2                   add to that, that I think the argument of a  
3                   safety concern is addressed in black and  
4                   white on the objection letter issued by the  
5                   Building Department that says that the Fire  
6                   Department approved the plans. I'm sure  
7                   they've seen this. We all know the Fire  
8                   Department is very capable of reading plans  
9                   and commenting on issues that they have.  
10                  And they approved, they approved the plans  
11                  with the understanding that there would be  
12                  two cars parked here and that was  
13                  sufficient for of egress and ingress and  
14                  emergency situations or otherwise.

15                  Did you want to add something else,  
16                  Nick?

17                  MR. FAUSTINI: Would you like me to  
18                  address fill?

19                  MR. DIBBINI: Yeah, sure, please.

20                  MR. FAUSTINI: So in terms of fill,  
21                  some of the materials we've been looking at  
22                  are geof foam. It's basically Styrofoam.  
23                  Huge Styrofoam blocks that can be filled  
24                  that have far less bearing, far less weight  
25                  than soil. And exert far less influence on

1           that wall. So there are other options that  
2           can be, you know, reviewed in terms of the  
3           fill and the weight that's put on that  
4           wall.

5           THE CHAIRPERSON: So my concern is  
6           not that so much and this is just personal  
7           to me, it's more that to me it looks like  
8           from the document it's actually a drainage  
9           ditch. And that is important, because  
10          there's a retaining wall there. And  
11          trapping moisture against a retaining wall  
12          is not going to be good for anybody. So I  
13          think that we, Hector is right, that we  
14          should go and look at this site and get a  
15          walk-through with yourselves, and yourself.  
16          And so, Mr. Dibbini, you know, the drill  
17          call Shannon and set up a walk-through is  
18          that, you know, good for both parties and  
19          ourselves.

20          MR. DIBBINI: We would be happy to  
21          meet you folks there. But if I can just  
22          speak briefly on the drainage ditch.

23          THE CHAIRPERSON: Sure. Yup.

24          MR. DIBBINI: You're referring to as  
25          a drainage ditch. It's a ditch, and

1 because there's a ditch you have to have a  
2 drain, right, because for the water to go  
3 someplace. When you eliminate the ditch,  
4 then there's no longer a need for a drain  
5 because there's no longer a ditch. But the  
6 plans that Mr. Faustini has here addresses  
7 that. Pitches the property to a drain here  
8 and then directs the water in the backyard  
9 to a well.

10 THE CHAIRPERSON: Okay. I think  
11 we'd still like to look at it.

12 MR. DIBBINI: Happy to. Okay.

13 THE CHAIRPERSON: So if you could  
14 reach out to Shannon in the Building  
15 Department, make sure everyone is invited  
16 so we can do a full walk-through of the  
17 site and whatever Board Members are free at  
18 whatever time works for both of you.

19 MR. DIBBINI: Very good.

20 THE CHAIRPERSON: We will be there.

21 MR. DIBBINI: Very good. Thank you  
22 very much. I appreciate your time.

23 THE CHAIRPERSON: Thank you for  
24 coming.

25 MR. DIBBINI: Have a good evening

1 all.

2 THE CHAIRPERSON: I'm sorry, are  
3 there any other questions? Thank you for  
4 your time everyone.

5 We are now at 5797, 110 Ravine  
6 Avenue. A crowd favorite, Mr. Badaly.

7 MR. BADALY: Good evening.

8 THE CHAIRPERSON: Hi, Mr. Badaly.  
9 How are you?

10 MR. BADALY: I'm Shahin Badaly, 2  
11 Wilson Place, Mount Vernon, New York,  
12 10550.

13 THE CHAIRPERSON: You've been  
14 well-trained by my predecessor. Good for  
15 you.

16 MR. BADALY: Thank you. I'm suited.

17 THE CHAIRPERSON: Go ahead, launch  
18 into your story, please.

19 MR. BADALY: Thank you. So we have  
20 before you the application for 110 Ravine  
21 Avenue which is for the proposed  
22 construction of an eight-story 14-unit  
23 parking. The proposal to construct  
24 essentially a small first floor with the  
25 basic amount of amenities that the building

1 requires. It's a little bit setback as  
2 well as provide parking and then 14  
3 one-bedrooms, so it's two one-bedrooms per  
4 floor, floors two through eight. The lot  
5 lies on the east side of Ravine Avenue  
6 between Glenwood Ave and Point Street. And  
7 it is within a quarter mile of walking  
8 distance of the Glenwood Train Station as  
9 well. We have quite a long list of  
10 variances that we're requesting tonight and  
11 I'm going to first name them.

12 THE CHAIRPERSON: No, thank you,  
13 that's fine. We have agendas.

14 MR. BADALY: All right. Great.  
15 Thank you. So, essentially, the first part  
16 of the variance is for the parking setbacks  
17 and areas. The lot is somewhat shallow and  
18 that's only 96 feet deep. And the  
19 positioning of the building and the  
20 setbacks require makes it quite difficult  
21 to fit the required amount of parking  
22 spaces and provide the maximum of units  
23 that the lot allows.

24 So, in order to provide those  
25 spaces, we're proposing to reduce the rear



1 and side yard parking distance requirement  
2 as well as provide the greater than 60  
3 percent area in the rear yard for parking.  
4 And then as well as reduced the widths of  
5 the driveways on the right and the left  
6 side of each, of the building. And that's  
7 kind of the totality of the parking. So,  
8 the reasoning is that we're trying to get  
9 parking in the rear yard from the right  
10 side of the lot and parking down to the  
11 basement from the left side. And within  
12 the basement area, the building is expanded  
13 in order to provide that additional parking  
14 downstairs. So we do have the total amount  
15 of parking required for the total amount of  
16 units, but in order to fit that, these are  
17 the variances that we're seeking.

18 THE CHAIRPERSON: Do you have plans?  
19 Do you want to get them up here and show  
20 us?

21 MR. BADALY: Oh, absolutely. So  
22 what we're displaying is that we have an  
23 access driveway down to the basement. So  
24 essentially all of this will be below  
25 grade. And hopefully not too visible from

1 the street. I'll mention also that this  
2 slopes up so as this slopes down, it should  
3 be less visible. And this is the driveway  
4 to access the rear yard. So there's one,  
5 two, three, four, five spaces in the rear  
6 yard. Sorry about that. In the basement.  
7 As we come down that driveway, and around  
8 there's another, I believe, nine spaces,  
9 eight -- nine spaces, I'm sorry, down here.  
10 And that's for the total of 14. In the  
11 basement, there's also elevator access as  
12 well as the staircases for egress, a  
13 bicycle storage area, and that's really it.  
14 So to be able to --

15 THE CHAIRPERSON: I'm sorry, there's  
16 no garage storage area? What's happening  
17 here?

18 MR. BADALY: I don't believe we're  
19 currently showing a garbage storage area.  
20 We have --

21 THE CHAIRPERSON: So where do you  
22 intend to store garbage?

23 MR. BADALY: We do have, like, a  
24 compactor room, you know. It's not like a  
25 a very large area though.

1 THE CHAIRPERSON: It's okay.

2 MR. BADALY: All right. So I can  
3 just --

4 THE CHAIRPERSON: I'm not sure if  
5 you're familiar with rats, but it might be  
6 a problem.

7 MR. BADALY: No, agreed.  
8 Definitely. I mean we do have a trash  
9 shoot on every floor and we do have a  
10 compactor room, and we could submit for the  
11 Board's review a procedure on how the trash  
12 will be handled on site.

13 THE CHAIRPERSON: Yeah, I think that  
14 you might want to reach out to DPW and get  
15 something from them about their thoughts on  
16 this. A, they passed a new ordinance on  
17 garbage that is taking effect I think in  
18 January; is that correct?

19 MS. KRAVITZ: Yeah. There's a  
20 regulation requiring that six or more units  
21 have, like, garbage cans.

22 MR. BADALY: Okay. So no more of  
23 the three-yard containers I guess.

24 MS. KRAVITZ: No, no you can have  
25 three-yard containers if have the space for

1 three-yard container. But you have to have  
2 a container or a dumpster like a --

3 MR. BADALY: A designated site.

4 THE CHAIRPERSON: Yes. So you need  
5 to familiarize yourself with that, probably  
6 calling DPW would be helpful.

7 MR. BADALY: Okay. I'll do that  
8 immediately. Thank you.

9 THE CHAIRPERSON: Yeah. That's the  
10 most immediate problem.

11 MR. BADALY: Okay. And we'll make  
12 sure to provide the adequate trash handling  
13 for the site and we'll revise that.

14 THE CHAIRPERSON: It's slightly more  
15 important than bikes.

16 MR. BADALY: And then the other  
17 thing I'll mention is because of the  
18 limited area in the basement, that kind of  
19 in part brings us to the variance we're  
20 requesting for the bulkhead area. So one  
21 is that the building footprint really isn't  
22 large enough in that just these two  
23 staircases alone and the elevator bulkhead,  
24 so this is the elevator. This is stair one  
25 and this is stair two. These areas alone

1 are above the threshold required for the  
2 maximum area of the bulkhead. And we're  
3 also proposing a little mechanical room  
4 just adjacent to it. So those are -- this  
5 is what's triggering that variance for the  
6 bulkhead area as well.

7 Now, I do want to mention that the  
8 building is currently designed beneath 75  
9 feet. The originally submitted plan did  
10 have an error on that it was you calling  
11 for the maximum permitted height of roughly  
12 101 feet. The maximum permitted height is  
13 75 feet. And our drawings do depict a  
14 roughly 74 foot 2 inch building. The  
15 bulkhead's maximum height is roughly 90  
16 feet. So it's about the elevator portion  
17 goes about 15 feet higher than that. The  
18 stairs, boiler room, and other stair only  
19 goes up about nine foot four inches above  
20 this roof level.

21 And so the last variance that I just  
22 want to briefly touch base on was just to  
23 clarify that we don't require a building  
24 height variance. It's simply that the  
25 there was a mislabeling on the drawings of

1 the maximum permitted height of 101 feet in  
2 whereas only 75 feet was permitted. But  
3 we're not proposing more than 75 feet.

4 THE CHAIRPERSON: But you're adding  
5 a bulkhead; am I right?

6 MR. BADALY: That's correct.

7 THE CHAIRPERSON: So you're --

8 MR. ELLMAN: -- the elevator and  
9 stair bulkheads are allowed to exceed  
10 permitted height.

11 THE CHAIRPERSON: Okay.

12 MR. ELLMAN: The boiler room, the  
13 mechanical room unless it's part of the  
14 elevator is the reason for any kind of  
15 variance. Because that's not permitted to  
16 exceed the height. If you want to not have  
17 that variance, put the mechanical room on  
18 the first floor of the basement.

19 MR. BADALY: Understood. Thank you.

20 THE CHAIRPERSON: Mr. Badaly, are  
21 you done for the moment or do you have  
22 more?

23 MR. BADALY: No, that was it.  
24 Please if you have any questions.

25 THE CHAIRPERSON: So I just want to

1 share with you the City Engineer's comments  
2 regarding this project.

3 MR. BADALY: Oh, please do, I  
4 haven't had a chance to see them.

5 THE CHAIRPERSON: I bet. Okay.  
6 Number one, please submit full-sized plans.  
7 Number two, how do you propose to control  
8 the driveways that are too narrow for  
9 two-way traffic? Question mark. The  
10 surface lot can be signed with the, quote,  
11 vehicles entering from roadway have the  
12 right-of-way, end quote, however the  
13 driveway accessing the garage has a blind  
14 90-degree turn. Please address the  
15 driveway controls. Three, spaces nine and  
16 ten appear to require excessive  
17 maneuvering. Four, the ten-foot aisle in  
18 the garage to access spaces five through  
19 nine is extremely tight specifically since  
20 pedestrians also have to walk this aisle to  
21 get to the stairs. Five, garage level, the  
22 ADA space is not closest to the access for  
23 the elevator. Please revise. And six on  
24 the site plan show the pedestrian access  
25 into the building from the surface parking

1 lot. This is dated September 19, 2022.  
2 You can probably get a copy from Shannon in  
3 the Building Department.

4 MR. BADALY: Okay. Thank you. I'll  
5 reach it out her and then I'll immediately  
6 schedule a meeting with Mr. Micka or  
7 whoever is the reviewing party.

8 THE CHAIRPERSON: Yes.

9 MR. BADALY: And I'm sure that we'll  
10 work through those comments to address them  
11 properly. We most likely will have to  
12 provide an adjusted plan that addresses  
13 those comments.

14 THE CHAIRPERSON: That would be  
15 great. Does anyone else have any other  
16 questions?

17 MS. KRAVITZ: You're going to want  
18 to declare Lead Agency.

19 THE CHAIRPERSON: Fun. Let me see  
20 if anyone has it right at the top. Okay.  
21 I got it.

22 This is case 5797, Block: 2118,  
23 Lot: 39, 110 Ravine Avenue. I make a  
24 motion that the ZBA pursuant to the New  
25 York State Environmental Quality Review Act



1 declares its intention to seek Lead Agency  
2 status for the purposes of the  
3 Environmental Review of this matter and  
4 directs the Planning Director on behalf of  
5 this Board to initiate Lead Agency  
6 notification and coordinate a review with  
7 all other involved agencies in this action.  
8 If no other involved agency seeks to be  
9 Lead Agency within 30 days of effective  
10 date of this notice, the ZBA shall assume  
11 lead agency for purposes of review of this  
12 matter.

13 Do I have a second?

14 MR. SINGH: Second.

15 THE CHAIRPERSON: Thank you.

16 MR. GJELAJ: For the motion.

17 MR. VASSO: For the motion.

18 MS. TICKELL: For the motion.

19 MR. SINGH: For the motion.

20 MR. LOPEZ: For the motion.

21 THE CHAIRPERSON: For the motion.

22 Thank you, Harry. The motion carries.

23 MR. BADALY: May I ask one question  
24 to the Board?

25 THE CHAIRPERSON: By all means it's

1 our dying wish. Go ahead.

2 MR. BADALY: Thank you. I just  
3 wanted to clarify aside from clearly we  
4 have issues regarding trash and parking and  
5 maneuvering and egress and ingress at the  
6 driveways, does the Board have any concern  
7 or comments that they want to share  
8 regarding the design?

9 THE CHAIRPERSON: Let's start with  
10 City Engineers and full-size plans.

11 MR. BADALY: Well, we, okay, we  
12 definitely do submit usually three sets of  
13 full size and then use to -- but we'll make  
14 sure that everything is full size in the  
15 future so there's no further issues.

16 THE CHAIRPERSON: Super fun.  
17 Anything else? No. Is there anyone here  
18 to speak on this from the public? Going  
19 once, going twice. Thank you, Mr. Badaly.  
20 You have a nice evening.

21 I don't have anything else on the  
22 agenda. Do we have any other business? I  
23 don't have anything else.

24 We have had a request from number  
25 5790, 1999 Central Park Avenue to request

1           it for a six-month adjournment until May of  
2           2023.

3                   MS. TICKELL: That's the storage at  
4           the U-turn?

5                   THE CHAIRPERSON: Yes. Do we need  
6           to make a motion for that? So I'll take a  
7           motion from anyone.

8                   MR. SINGH: Motion.

9                   THE CHAIRPERSON: Thank you. Harry,  
10          thank you. In favor. Okay. We're all in  
11          favor accepting that so they will get their  
12          six-month layover.

13                   Motion to close the meeting or end  
14          the meeting. Thank you, Ralph. Everyone.

15                   (Time Noted: 7:36 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.

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LYNNETTE MAZZA,  
COURT REPORTER

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