

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 31, 2023



Committee of the Whole 6:30 P.M.
Stated Meeting 7:00 P.M.
City Council Chambers

TIME: 7:06PM

PRESENT: PRESIDENT OF THE COUNCIL
 LAKISHA COLLINS-BELLAMY

DISTRICT:

3	MAJORITY LEADER TASHA DIAZ
4	MAJORITY WHIP JOHN RUBBO
5	MINORITY LEADER MICHAEL B. BREEN

COUNCIL MEMBERS:
DISTRICT:

1	SHANAE V. WILLIAMS
2	CORAZON PINEDA- ISAAC
6	ANTHONY MERANTE

Recitation of the Pledge of Allegiance to the Flag followed by a minute of silence to invoke God's guidance and Blessing upon our deliberations.

Minutes of the stated meeting held on January 17, 2023 approved on motion of Majority Leader Diaz.

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CORPORATION NOTICE
CITY OF YONKERS-NEW YORK

PUBLIC HEARING NOTICE

Notice is hereby given, pursuant to law, that the City Council of the City of Yonkers, New York will hold a Public Hearing on Tuesday, January 31, 2023 at 7:00 P.M. in the City Council Chambers, 40 South Broadway, Yonkers, New York on the following Resolution, to wit:

PROPOSED LOCAL LAW

A LOCAL LAW AMENDING SECTION C1-4 OF THE CHARTER OF THE
CITY OF YONKERS ENTITLED "CITY COUNCIL DISTRICTS"

VINCENT SPANO
City Clerk

Dated: January 23, 2023

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COMMUNICATIONS FROM CITY OFFICIALS

NO COMMUNICATIONS

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COMMUNICATIONS – GENERALLY

NONE

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COMMITTEE OF THE WHOLE

<u>NAME</u>	<u>ADDRESS</u>	<u>ITEM#</u>
1. Chuck C. Lesnick	Yonkers Resident	6

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LOCAL LAW NO.4-2023

1. BY COUNCIL PRESIDENT COLLINS-BELLAMY, MAJORITY LEADER DIAZ, MAJORITY WHIP RUBBO, MINORITY LEADER BREEN, COUNCILMEMBERS, WILLIAMS, PINEDA –ISAAC AND MERANTE:

A LOCAL LAW READOPTING SECTION C1-3 REAFFIRMING THE
WARD BOUNDARIES OF THE CITY OF YONKERS

Be it enacted by the City Council of the City of Yonkers as follows:

Section 1. Section C1-3 of the Charter of the City of Yonkers, is hereby re-adopted, and re-affirmed, as the ward boundaries of the City of Yonkers.

Section 2. This Local Law shall take effect as provided by law.

THIS LOCAL LAW WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JANUARY 31, 2023 BY A VOTE OF 7-0.

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LOCAL LAW NO.5-2023

2. BY COUNCIL PRESIDENT COLLINS-BELLAMY, MAJORITY LEADER DIAZ, MAJORITY WHIP RUBBO, MINORITY LEADER BREEN, COUNCILMEMBERS, WILLIAMS, PINEDA –ISAAC AND MERANTE:

A LOCAL LAW AMENDING VARIOUS CHAPTERS OF THE CODE OF THE CITY OF YONKERS IN RELATION TO SIGN AND SCAFFOLDING FEES.

Be it enacted by the City Council of the City of Yonkers, as follows:

Section 1. Chapter 47 of the Yonkers City Code entitled "Outdoor Signs" is hereby amended and revised, in part by amending Subsection B of §47-5, entitled "Permit required; fees" to read as follows:

§47-5 Permit required, fees

- B. When a new permit is issued for part of the year, the fee shall be the full amount of the annual fees fixed by Subsection A of this section. The permits granted by the Commissioner shall all expire on the last day of March of each year. All permits must be renewed annually on or before April 1, and the renewal fee for an entire year paid at the time of such renewal paid or existing signs subject to the provisions hereof. If such renewal fee is not paid within 90 days after the expiration date, a late fee of \$200 50% of the total sign fee but no more than \$500 will be imposed for the first 30 days, and an additional late fee of \$300 will be imposed for payment made after 30 days from the expiration date. In the event that the renewal fee is not paid within ~~60~~ 120 days, the sign shall be considered an abandoned sign for the purposes of §47-16, and the Commissioner may order the removal of the sign or the applicant will be required to re-file to legalize the sign and shall be assessed an additional legalization fee as described in Subsection C of this section. The Commissioner may refuse to renew any sign permit when, after inspection, the sign is found to be unsafe or dangerous or otherwise maintained in violation of the provisions of this chapter. No refund shall be made in case the sign is taken down, removed, or destroyed after payment of the renewal fee and before the expiration of the permit.

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LOCAL LAW NO.5-2023 (CONTINUED)

Section 2. Chapter 56 of the Yonkers City Code entitled "Building and Electric Code" is hereby amended and revised, in part by amending Subsection D of §56-98, entitled "Scaffolding required; permit; fee" to read as follows:

§ 56-98. Scaffolding required; permit; fee:

- D. The prescribed fee for each permit for scaffolding issued pursuant to this section shall be \$250.00 plus ~~\$15.00~~ \$1.50 per linear foot times the height of the scaffolding in stories or modular scaffolding sections. The renewal fees shall be the same fee as the original fee for each additional the first six-month extension and shall increase cumulatively by \$1.00 per linear foot times the height of the scaffolding in stories or modular scaffolding sections for each additional six-month extension.

Section 3. This Local Law shall take effect pursuant to §C4-6 of the Charter of the City of Yonkers and the provisions of the Municipal Home Rule Law of the State of New York.

THIS LOCAL LAW WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JANUARY 31, 2023 BY A VOTE OF 7-0.

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LOCAL LAW NO.6-2023

3. BY COUNCIL PRESIDENT COLLINS-BELLAMY, MAJORITY LEADER DIAZ, MAJORITY WHIP RUBBO, MINORITY LEADER BREEN, COUNCILMEMBERS, WILLIAMS, PINEDA –ISAAC AND MERANTE:

A LOCAL LAW AMENDING CHAPTER 56 OF THE CODE OF THE CITY OF YONKERS ENTITLED "BUILDING AND ELECTRICAL CODE" IN RELATION TO RODENT ABATEMENT DURING CERTAIN CONSTRUCTION WORK

Be it enacted by the City Council of the City of Yonkers as follows:

Section 1. Chapter 56 of the Code of the City of Yonkers, entitled "Building and Electrical Code" is amended by adding a new Section 56-29 to be entitled "Rodent abatement and control during certain construction work", to read as follows:

Chapter 56. Building and Electrical Code

§ 56-29. Rodent abatement and control during certain construction work

A. A licensed exterminator shall treat the premises for rodent extermination for the following construction work: (1) Where the proposed construction work involves 50% or more of the floor area of a building; (2) where the proposed vertical or horizontal enlargement increases the amount of building floor area by more than 25% over the amount of existing floor area of the building; or (3) where the proposed construction involves full demolition or demolition of more than 50% of the floor area of a building.

B. For work that is subject to this section prior to the issuance of a permit authorizing work, the applicant shall certify that a licensed exterminator has been retained to effectively treat the work site for rodent extermination.

C. Other rodent control measures. An applicant for a permit for any work subject to this section shall certify prior to the issuance of such permit the provision of suitable pest control measures, including the utilization of pest control devices, at the work site.

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LOCAL LAW NO.6-2023 (CONTINUED)

Section 2. This local law shall take effect 180 day after it becomes law.

THIS LOCAL LAW WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JANUARY 31, 2023 BY A VOTE OF 7-0.

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SPECIAL ORDINANCE NO.5-2023

4. BY COUNCIL PRESIDENT COLLINS-BELLAMY, MAJORITY LEADER DIAZ, MAJORITY WHIP RUBBO, MINORITY LEADER BREEN, COUNCILMEMBERS, WILLIAMS, PINEDA –ISAAC AND MERANTE:

A SPECIAL ORDINANCE AUTHORIZING AN ENCROACHMENT IN THE CITY RIGHT-OF-WAY ON LEFFERTS ROAD, SUBJECT TO CERTAIN TERMS AND CONDITIONS.

The City of Yonkers, in City Council convened, hereby ordained and enacts:

Section 1. Permission is hereby granted to Blado Y.Caimares and Paloma Fernandez Caimares, as owners of 21 Lefferts Road, Yonkers, New York 10705, also known as Section 1, Block 259, Lot 22, on the Official City Tax Map (“the owners”), to maintain an encroachment consisting of an existing concrete block retaining wall upon the City right-of-way located on Lefferts Road in accordance with and as shown on a survey, to be approved by the City Engineer;

Section 2. This permission to encroach is granted subject to the following terms and conditions, to wit:

(a) That the entire cost and expense of obtaining and thereafter maintaining the encroachment on Lefferts Road shall be paid by the owners, their successors and/or assigns without expense to or contribution by the City of Yonkers;

(b) That neither the approval of the above-referred survey by the appropriate city official, nor the placement of any improvements by the owners of 21 Lefferts Road upon said encroachment shall be deemed a waiver, or in any way affect the right, of the City of Yonkers to provide for construction or otherwise improve its right-of-way; provided further that the City of Yonkers reserves the right to assess the property benefited in like manner and in like effect as if approval had not been given by the City of Yonkers. That the granting of this permission shall in no way free or release said owners or any successors or assigns from the payment of any assessment hereafter imposed;

(c) That no permanent improvements will be allowed on, above or under the encroachment area;

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SPECIAL ORDINANCE NO.5-2023 (CONTINUED)

(d) That the permitted encroachment shall consist of the existing retaining wall located up to 1.5 feet east of the easterly property line of 21 Lefferts Road;

(e) That the owners, their successors and/or assigns, shall secure all necessary permits and consents and shall secure and maintain a property damage and public liability insurance policy naming the City of Yonkers as insured, or as an additional named insured in the amount and form satisfactory to the City Engineer and the Corporation Counsel of the City of Yonkers and provide the City of Yonkers with evidence thereof within thirty (30) days of approval of this permission to encroach;

(f) The City of Yonkers reserves the right to revoke or terminate this permission to encroach for whatever reason, upon thirty (30) days written notice to the owners, whenever it may deem such revocation necessary; upon revocation or termination of this permission, the owner, its successors and/or assigns shall immediately remove any improvement placed within said encroachment at the express direction of the City of Yonkers, at the owner's cost and expense;

(g) That the owners, their successors and/or assigns shall, for whatever period this permission remains in effect, save harmless and indemnify the City of Yonkers for any and all claims, actions, suits, judgments, demands, losses, damages, causes of action, including personal injury and/or death, including all costs related to the defense thereof;

(h) That the City of Yonkers or authorized representatives shall be permitted entry upon the area of encroachment at any time and for any reason;

(i) That the owners shall remit a one-time administrative fee of \$750.00 payable to City of Yonkers.

Section 3. This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JANUARY 31, 2023 BY A VOTE OF 7-0.

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RESOLUTION NO.17-2023

5. BY COUNCIL PRESIDENT COLLINS-BELLAMY, MAJORITY LEADER DIAZ, MAJORITY WHIP RUBBO, MINORITY LEADER BREEN, COUNCILMEMBERS, WILLIAMS, PINEDA –ISAAC AND MERANTE:

RESOLUTION OF THE CITY COUNCIL AUTHORIZING AND DIRECTING THE REFERRAL OF THE PROPOSED GENERAL ORDINANCE AMENDING CHAPTER 43 OF THE CODE OF THE CITY OF YONKERS, ENTITLED "ZONING" WITH REGARD TO OUTDOOR DINING.

WHEREAS, before the City Council is a proposed general ordinance amending the Zoning Ordinance to permit seasonal outdoor dining on private property in certain circumstances; and

WHEREAS, Section 43-164 of the Zoning Ordinance requires referral of all amendments to the Zoning Ordinance to be considered by the City Council to the Yonkers Planning Board for its review and report; and

WHEREAS, Section 239-m(2) of New York General Municipal Law requires referral of any proposed amendments to the Zoning Ordinance to the Westchester County Planning Board;

NOW THEREFORE BE IT RESOLVED, that in accordance with Section 43-164 of the Zoning Ordinance, the City Council hereby refers the proposed general ordinance amending Chapter 43 with regard to Outdoor Dining to the Yonkers Planning Board for its review and report; and

BE IT FURTHER RESOLVED, that in accordance with Section 239-m of NY General Municipal Law, the City Council hereby refers the proposed general ordinance amending Chapter 43 with regard to Outdoor Dining to the Westchester County Planning Board; and

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RESOLUTION NO.17-2023 (CONTINUED)

BE IT FURTHER RESOLVED, the City Clerk is hereby authorized and directed to transmit the proposed general ordinance amending Chapter 43 with regard to Outdoor Dining to the Yonkers Planning Board and the Westchester County Planning Board; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

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RESOLUTION NO.18-2023

6. BY COUNCIL PRESIDENT COLLINS-BELLAMY, MAJORITY LEADER DIAZ, MAJORITY WHIP RUBBO, MINORITY LEADER BREEN, COUNCILMEMBERS, WILLIAMS, PINEDA –ISAAC AND MERANTE:

BE IT RESOLVED, that the Yonkers City Council hereby gives its advice and consent to the reappointment of Charles S. Lesnick to the Parks, Recreation and Conservation Board for a three-year term to expire on December 31, 2025; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

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RESOLUTION NO.19-2023

7. BY COUNCIL PRESIDENT COLLINS-BELLAMY, MAJORITY LEADER DIAZ, MAJORITY WHIP RUBBO, MINORITY LEADER BREEN, COUNCILMEMBERS, WILLIAMS, PINEDA –ISAAC AND MERANTE:

BE IT RESOLVED, that the following applicant(s) are hereby appointed and/or reappointed to the office of Commissioner of Deeds for a period of two years to expire February 28, 2025.

Luke Sweeney
14 Alta Place
Yonkers, New York 10710

Aide to Council NEW

Steven Leidenfrost
944 Kimball Avenue
Yonkers, New York 10708

Treasurer NEW

Kerry Edgar Smith
87 Devon Road
Yonkers, New York 10708

Editor & Publisher NEW

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COMMITTEE REPORTS

THIS MEETING WAS ADJOURNED AT 7:37PM