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CITY OF YONKERS

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Minutes of
The City of Yonkers Zoning Board
January 17, 2023 - 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 (not present)
- ALFRED VASSO, Member

P R E S E N T:

- SAM BORELLI, Building Department
- JAMES GIBBONS, Building Department
- RACHEL KRAVITZ, Assistant Corporation Counsel

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1 THE CHAIRPERSON: Calling to order the
2 Zoning Board of Appeals meeting for January 17,
3 2023. It's 6:04 p.m.

4 Jean start with introductions.

5 MS. TICKELL: I'm Jean Tickell.

6 MR. BATTISTA: Ralph Battista.

7 THE CHAIRPERSON: Wilson Kimball.

8 MR. SINGH: Harry Singh.

9 MR. VASSO: Al Vasso.

10 MR. LOPEZ: Hector Lopez.

11 THE CHAIRPERSON: Okay. We are
12 going to start with the adjourned cases.

13 Number 5794 is adjourned. Number 5790 is
14 adjourned. 5800 is adjourned. And that's
15 that. Sorry. Number 5797 is adjourned.

16 So that brings us to Jacob Amir, 5799 165
17 aka 167 North Broadway.

18 Hi. How are you? State your name
19 for the record, please.

20 MR. AMIR: Good evening, Madam
21 Chair, Members of the Board, Jacob Amir from
22 Zarin and Steinmetz for the applicant. And the
23 applicant's representative Peter Poccia is here.
24 I don't see a representative from DTS Provident,
25 which did the parking study, I thought they'd be

1 here this evening.

2 THE CHAIRPERSON: Okay.

3 MR. AMIR: I just wanted to bring to
4 the Board's attention, I know that the City
5 Engineer issued a memo I think January 5, and we
6 had a supplemental on January 11th, which I
7 think dramatically increased the parking. We've
8 now gone to one ADA and three parking spots on
9 site, two spots in the front at the curb. And
10 that's to be looked at. And we, I think we
11 expanded the scope of the parking study. We
12 recognize that it's a long haul. We understand
13 that it's a serious issue. But I was talking to
14 Peter earlier today, it's something that I think
15 it's worth thinking about is the number of
16 tenants who would be occupying units in this
17 building. How many of them will actually have
18 vehicles. And I say that going on other
19 apartment buildings including ones that the
20 applicant manages or the building manages that
21 can speak to actually the fewer number of
22 vehicled tenants, so the burden on the
23 neighborhood I think would be less than what the
24 City Engineer is contemplating.

25 I don't know, Peter, if you want to talk.

1 THE CHAIRPERSON: Well, Mr. Amir, is your
2 client's property going to be affordable
3 housing? Is that the argument?

4 MR. POCCIA: Right now? No.

5 MR. AMIR: No, no, that's not being
6 looked at right now.

7 THE CHAIRPERSON: Because just as a point
8 of information, previously the groups that have
9 come to this Board to explain the lesser parking
10 need have linked that to the fact that it's
11 affordable housing.

12 MR. AMIR: Okay. Hasn't been in the plan
13 right now.

14 THE CHAIRPERSON: Okay.

15 MR. AMIR: We were just looking
16 comparatively at other apartment buildings with
17 even greater density including those that my
18 client manages which do not have a frequency of
19 vehicle -- tenants having vehicles.

20 THE CHAIRPERSON: Okay.

21 MR. AMIR: There are a couple we can
22 refer to.

23 THE CHAIRPERSON: Okay.

24 MR. AMIR: So it might be helpful to look
25 at those to compare. And I think the burden

1 will be much less than what the City Engineer
2 may be contemplating.

3 THE CHAIRPERSON: Is that possible
4 for to put that together like in an Excel
5 spreadsheet, little graph, something?

6 MR. POCCIA: I mean we could. Yeah, I
7 mean the building is directly next --

8 THE CHAIRPERSON: Can you just introduce
9 yourself please.

10 MR. POCCIA: I'm sorry, I'm Peter Poccia.
11 I'm here for the ownership.

12 THE CHAIRPERSON: Could you spell that,
13 please.

14 MR. POCCIA: The last name is
15 P-o-c-c-i-a.

16 THE CHAIRPERSON: Okay. Thank you.

17 MR. POCCIA: So, we have two buildings
18 one right next to each other adjacent to this
19 property that do not have any on-site parking as
20 well. And I know for a fact that most of our
21 tenants in those -- both of those buildings
22 either, you know, use the public transportation
23 or don't have vehicles at all.

24 MR. AMIR: How many units are in these
25 buildings?

1 MR. POCCIA: I have one with twelve and
2 then the other one I believe is about 16 units.

3 MR. AMIR: So if that would be helpful,
4 we could put it on a spreadsheet.

5 MR. POCCIA: We can put something
6 together, yeah.

7 THE CHAIRPERSON: That would be
8 great. And I think the other thing was
9 studying the hours at like 4 a.m. instead of
10 5 a.m. because of gym traffic and whatnot,
11 right?

12 MR. AMIR: So that was added to the
13 study. We also ask that the 500 radius be
14 expanded out a little bit, because on I
15 think on South Broadway especially if you
16 just go a little bit beyond 500 feet,
17 there's more parking. So I think it's
18 valuable to just look at that from that
19 perspective.

20 THE CHAIRPERSON: Okay.

21 MR. AMIR: And we can provide that to
22 your Board.

23 THE CHAIRPERSON: That would be great.
24 So the ETA on that is for the next Board
25 meeting?

1 MR. POCCIA: Next week, yeah.

2 MR. AMIR: By the beginning at maximum
3 middle of next week.

4 THE CHAIRPERSON: Great. Does any
5 of the Board have any other questions?

6 Thank you.

7 MR. AMIR: Thank you very much.

8 MR. POCCIA: Thank you.

9 THE CHAIRPERSON: I forgot to accept
10 the minutes from the December 20th, which
11 we received today. So can I have a motion
12 to accept the minutes?

13 MR. BATTISTA: Motion to accept the
14 minutes.

15 THE CHAIRPERSON: Ralph. Harry.
16 Second. All in favor.

17 (Chorus of ayes.)

18 THE CHAIRPERSON: Any opposed? The
19 motion is carried. That's accepted.

20 Okay. The next item on the agenda
21 is number 5802, an area variance for 632
22 aka 636. Is there anyone here to speak on
23 that property? Go ahead. Please introduce
24 yourself for the record.

25 MS. KOLEV: Yes, good evening, Madam

1 Chair, Members of the Board, Diana Kolev of the
2 firm of DelBello, Donnellan, Weingarten, Wise,
3 Wiederkehr for the applicant 636 South Broadway.

4 So as you will recall, the applicant is a
5 related company of Macquesten Development and
6 now the owner of the property in which this
7 project is proposed. This is a 160-unit
8 residential building on the corner of South
9 Broadway and Caryl Avenue. We submitted our
10 application back in October of last year seeking
11 certain variances from the existing southbound,
12 excuse me, South Broadway zoning and parking
13 regulations to accommodate this project which is
14 fully affordable housing. The site is already
15 approved with a one-story building that covers
16 the entirety of the property with no setbacks.

17 So we appeared again before your Board on
18 November 15, for an additional presentation and
19 provided supplemental documentation to respond
20 to the City staff and to you to establish that
21 the project would not generate any adverse
22 impacts. A public hearing was continued once
23 more and we appeared on December 20th, to
24 present and discuss that supplemental
25 documentation.

1 We're located at 8 St. Andrew's Place in
2 Yonkers.

3 (Court reporter requested clarification.)

4 PUBLIC SPEAKER MONASEBIAN: It's
5 M-o-n-a-s-e-b-i-a-n.

6 I thank the Zoning Board for the
7 opportunity to speak for a few minutes.
8 This is an important and a serious project
9 that is being considered for the South
10 Broadway community. It is approximately
11 160 units, which will consist of all
12 affordable housing. The South Broadway BID is
13 very much in favor of development on our strip
14 which goes from the Bronx-Yonkers line up to
15 Vark Street; however, the South Broadway BID and
16 many, many of its residential neighbors believe
17 that this project is not consistent with what
18 should be going on South Broadway and we cannot
19 support this project. We will give you a few
20 reasons why, with respect to your time we will
21 not list everything.

22 Number one, the nature of the project
23 itself, because it is one hundred percent
24 affordable housing that has to be locked in
25 place for anywhere between 30 and 50 years

1 depending on the financing programs that are
2 chosen, cements the direction of South Broadway
3 for years to come, in fact, for generations to
4 come. The BID works diligently to try to
5 enhance the entire neighborhood and also to
6 improve the economic diversity of the
7 neighborhood. And by virtually the fact that
8 the project that is one hundred percent
9 affordable for up two generations cements the
10 direction of South Broadway.

11 Number two, there are a number of
12 variances that the developer is requesting,
13 height, bulk, parking, among others. All of
14 these present adverse conditions for the South
15 Broadway community in particular parking.
16 Although, we have read the developer's
17 presentation and are familiar with what the
18 developer contends with regard to parking, the
19 experience of virtually all of our businesses
20 and residents in the area say that the parking
21 will be seriously adversely affected by having a
22 project that does not accommodate sufficient
23 parking for all its residents.

24 In addition to that as a unique
25 situation, this project fronts on Van Cortlandt

1 Park. It is our understanding that there is a
2 State mandate for a light and air easement for
3 projects that are fronting on that type of a
4 park. We ask that the Zoning Board in reviewing
5 the applicant's information, look closely to see
6 if it has abided by the rules and regulations
7 that the State mandates. This is not Yonkers
8 Zoning. It is a State mandate for projects
9 fronting a public park.

10 So for these reasons and many others,
11 which we don't have the time to go into tonight,
12 the South Broadway BID and our residential
13 neighbors, those who own homes in the area,
14 those who live in the area, cannot support this
15 project in its current form and as currently
16 requested. Thank you very much.

17 THE CHAIRPERSON: Thank you.

18 (Audience applause.)

19 PUBLIC SPEAKER: If I may --

20 THE CHAIRPERSON: Introduce yourself.

21 PUBLIC SPEAKER DALGLISH: My name is
22 George Dalglish. I live at Wellsley Avenue in
23 Yonkers. Been there since 1958. May I get
24 that?

25 THE CHAIRPERSON: Of course.

1 PUBLIC SPEAKER DALGLISH: Thank you.
2 When I first learned that among things requested
3 in the variance was that they wish to provide
4 fewer parking spaces than what is mandated by
5 Code, I found that extremely unusual because
6 where I live parking is terrible. Now, you
7 probably don't know but that building is going
8 to be if erected on South Broadway and Caryl
9 Avenue. If you make a left turn up Caryl Avenue
10 onto Landscape and then make another left turn,
11 you're on Wellesley where I live. Now, Caryl
12 Avenue, Landscape Avenue, and Wellesley Avenue
13 are all narrow streets. So narrow that parking
14 is only allowed on one side of the street. And
15 for three hours a week you get to alternate to
16 the other side. Now, on Wellesley and on
17 Landscape most people have a driveway they can
18 park. But there aren't very many places for
19 people who don't have a driveway and most of the
20 parking is done by people currently living on
21 Caryl Avenue now. They have to come up here to
22 find a space.

23 Now, when I learned about the requested
24 variance, I live directly across the street from
25 a fire hydrant. So I decided I will take a

1 picture of all the times that people park
2 directly in front of that fire hydrant. This is
3 the first night. I don't know if you can see it
4 from there, but there is a white car parked
5 directly in front of the fire hydrant. The next
6 night, you probably can't see it, there's an SUV
7 vehicle parked too close to the fire hydrant.
8 The following night, there's the white car again
9 parked directly in front of the fire hydrant.
10 Definitely a hazard. And again another car too
11 close to the hydrant. I know you can't really
12 see this --

13 THE CHAIRPERSON: No, that's not actually
14 not what I'm going to ask. I'm going to ask if
15 illegal parking in front of a fire hydrant is
16 actually at issue with this applicant. So we're
17 going to confine ourselves to what this
18 applicant is doing. I understand they're moving
19 a fire hydrant or they may need to move the fire
20 hydrant --

21 PUBLIC SPEAKER DALGLISH: What I'm --

22 THE CHAIRPERSON: -- but currently what
23 you're telling us is about illegal parking.

24 PUBLIC SPEAKER DALGLISH: What I'm saying
25 is this, there is not available parking now.

1 And they're going to build a building that has
2 fewer parking spaces than what the Code calls
3 for, which is going to create a greater problem.
4 People don't park in front of the fire hydrant
5 because they just want to. They park in front
6 of that fire hydrant because there is no place
7 else for them to park. And if you add a few
8 hundred units with insufficient parking in a new
9 building, there will be less place to park. And
10 there will be more -- it's not just in front of
11 the fire hydrant. If I go out early in the
12 morning, I will find cars parked half on the
13 street, half on the sidewalk on the wrong side
14 of the street. That is how bad it is. And they
15 want to tell you that it's not a problem parking
16 there, it's not going to be an adverse reaction.
17 OH, yes, it is going to be an adverse reaction
18 if those units are built and allowed to take up
19 the height and take up the amount of units but
20 not have sufficient parking.

21 I would also like to add, it's very
22 inconsistent with the rest of this neighborhood.
23 All Caryl Avenue you have buildings six stories
24 at the highest. They want to go double that
25 from what I understand, even higher than double

1 that. It's not just a good fit as the gentleman
2 from BID proposed. It doesn't fit IN with the
3 neighborhood and I among others in the
4 neighborhood voice my opposition to granting the
5 variance. Thank you.

6 THE CHAIRPERSON: Thank you.

7 (Audience applause.)

8 (Court reporter requested clarification.)

9 PUBLIC SPEAKER DALGLISH:

10 D-a-l-g-l-i-s-h, 49 Wellesley Avenue.

11 MS. KOLEV: If I may just respond to some
12 of the comments that have been raised.
13 Initially I just want to talk about the comment
14 that was made about light and air. So the
15 reference that was being made would be made to
16 the Multiple Dwellings Law, which in this
17 instance does not apply, because Yonkers has
18 less than 325,000 residents. So the provisions
19 of that law, even though it is a State law, do
20 not apply to Yonkers.

21 Yonkers has adopted the Multiple
22 Residence Law with which we are in compliance.
23 We do also, this project also complies with the
24 Building Code of New York State, which does also
25 require light and air provisions. And that is

1 something that we have accounted for. There's a
2 12-foot setback for all apartments that are
3 facing the park. And that's something that's on
4 the plans and it's clear.

5 We're still in the process of completing
6 architectural view. So that is something that
7 we will definitely take into account. But it is
8 not something that's in front of this Board for
9 the variances. The variance that we're seeking
10 has to do the rear yard that's next to the
11 building next door. The setback that's next to
12 the park is a zero setback as per the Code and
13 that's not part of the variances that are before
14 you.

15 The other point I wanted to make is as
16 you know we've studied the parking issue quite
17 extensively. We've submitted, John Canning from
18 Kimley-Horn, has submitted a quite extensive
19 parking analysis that shows specifically for
20 affordable housing evidenced by Yonkers, other
21 Yonkers developments, that the parking would be
22 sufficient. Thank you.

23 THE CHAIRPERSON: Thank you.

24 Just introduce yourself with your name
25 and address for the record, sir.

1 PUBLIC SPEAKER ARMSTRONG: Good evening.
2 My name is Philip Armstrong, I live at 50
3 Landscape Avenue, Yonkers, New York 10705. And
4 I've been in that area of Yonkers since 1961.
5 So I'm very familiar with the area.

6 I'd like to make a statement here. This
7 is item 15802 on the Zoning Board, it's Block
8 29, Lot 1 in Rockledge Heights neighborhood.
9 We, our neighbors are either Rockledge Heights
10 or Riverdale neighborhood, which are both sides
11 of Broadway. This Zoning and City Yonkers has
12 taken steps the reasonably, to set a reasonable
13 criteria for areas in city to preserve the
14 character, the neighborhoods, and to prevent
15 over building and speculation by developments.
16 And it -- and to prevent anything that's not in
17 the interest of the citizens. Now, excuse me,
18 I'm a little bit nervous, so I'm going to be a
19 little bit --

20 THE CHAIRPERSON: Take your time.

21 PUBLIC SPEAKER ARMSTRONG: Thank you.
22 Now, Article VIII Variance Section 3B-3,
23 requested use variance, if granted, will not
24 alter the essential character of the
25 neighborhood. Here we have -- we believe the

1 requested variance would severely change the
2 character of our neighborhood. No other
3 buildings this size exist on either side of --
4 in either of these communities. And this would
5 be a dramatic change to the architecture and
6 density of housing in the area. The area
7 consists of mainly of one to two-family homes
8 with a spattering of three to four-family homes.
9 We have a commercial districts that are
10 Riverdale, for the Riverdale people, and for
11 South Broadway for the people in Rockledge
12 Heights. There's apartment houses there that
13 max out at maybe seven stories at the most.

14 We believe the, the proposed development
15 will be a substantial change to the Zoning in
16 the area. The building would also be at an
17 elevation of 290 feet. Now, I just want you to
18 think of this, 290 feet. That's above sea
19 level. So it's -- there's areas in Yonkers that
20 are higher than that, but 290 feet would make
21 this one of the largest apartment complexes in
22 Yonkers. There are, like I say, Seven Pine
23 Towers that's 278 feet. St. Casmir, that's 277
24 feet. Park Ridge apartments, that's 246 feet
25 and on and on. But this would be a dramatically

1 higher elevation. And coming into Yonkers, if
2 you're driving up Broadway from the Bronx, all
3 you're going to see in this monster sitting
4 there. It's not what we want to see in our
5 neighborhood.

6 Excuse me. This project, a 16-story
7 building. No building that size in the
8 neighborhood as I said exists. The developer
9 states that they need to use that much height in
10 order to provide adequate parking or what they
11 consider adequate parking for the area. Now,
12 the Code says 120 feet. They knew the Code when
13 they came in. They didn't have to go 16
14 stories, they didn't have to provide 160 units
15 if they stayed within the Code. So for them to
16 create a problem and then ask us to remedy it,
17 it does not, it does not make any sense. We
18 should not be giving them or allowing them to
19 build extra height just they presented a problem
20 that they've made themselves.

21 Now, if they want to remedy the parking
22 situation, 602 South Broadway, vacant lot. The
23 developer could develop a parking structure on
24 that lot. It's sitting there vacant. Nothing
25 in there except for a couple of old abandoned

1 cars. It used to be a restaurant that went
2 bankrupt. They closed it down, they torn it
3 down because they were paying too much in taxes.
4 So I mean that's our solution. If they provide
5 -- now they're talking about providing 140
6 parking spaces in this building. That 140
7 parking spaces would be filled up by the demand
8 in the neighborhood now before they build
9 anything or add any additional, additional
10 strain on our parking.

11 This is as you know is also the third
12 meeting on this issue. The last meeting I
13 attended, some of the neighbors made us aware of
14 that we should go look into this. We looked
15 into it, we attended the last meeting. And at
16 the last meeting the developer got up and asked
17 -- and said there was no community opposition
18 and they asked for approval of this project.
19 And that's when our representative, which was me
20 at that time, got up and spoke and said, we
21 don't know what's going on. They did a
22 presentation that showed the building and we saw
23 at that point what kind of scope we were faced
24 with.

25 Excuse me a second. So thankfully for

1 the wisdom of the Board, you guys decided to
2 delay this for at least another month to give
3 the community a chance to come in, look at it,
4 get together and see what we have. So here we
5 are today, we're saying to you that, that -- we
6 were very surprised to see this. We then went
7 to the BID, South Broadway BID, and we asked
8 them about it. South Broadway BID had no
9 knowledge of this project. We talked to our
10 local council person, Tasha Diaz, she had no
11 knowledge of it. So, here this larger structure
12 is going on in an area where the developer made
13 no outreach whatsoever to the community. Nobody
14 knew it was there. And then worse than that we
15 went to the records in the Department of
16 Buildings and we found out that in April 20th of
17 2021, another project had been proposed for the
18 same site, 257 units. And the wisdom of the
19 Board was that you guys let, partially go
20 through the Fire Department but then turned it
21 down. It just was not proper for the area.
22 Again, we're having the same thing here.

23 The developer bought the site. And I
24 think, I believe they're partners with the old
25 owner. I'm not sure about that. But just in

1 happen as far as providing electric for these
2 people, providing gas -- not gas, there's no gas
3 anymore but water and that, because everything
4 in the streets in that section of Yonkers is
5 underground. It's not like that they can run
6 another line on the pole and get adequate power
7 in there. They can't. They gotta dig the
8 street up and run new, you know, and that's,
9 we're talking three or four years of just
10 horrendous times of just trying to get around
11 that area. It's, it's a madhouse now. We don't
12 really need anything else. We're not opposed to
13 development. Nobody is opposed to development.

14 (Audience applause.)

15 PUBLIC SPEAKER DALGLISH: Nobody is
16 opposed to low income housing. We just don't
17 want it to impact our lives so severely that
18 we're forced then to move out of our
19 neighborhoods because it's become unlivable. We
20 spent there -- I've had my house since 1983, my
21 neighbors here within the same range. We, we
22 don't need it. It's just not good for the fit.
23 It's outside the character of the area. And if
24 you looked at the, at the Article VIII Variance
25 Section 3B-3, there's nothing in there that

1 describes how they can build this within our
2 community and make it work for us. They're
3 asking for a solutions to problems that they
4 created. They say that they're going to do
5 this. And the worst part about this is, is if
6 you read their proposal, they're talking about
7 getting State money to build it. So they're
8 going to make our lives miserable in our
9 neighborhood and they're going to use our tax
10 dollars to do that. That doesn't make any
11 sense. Thank you for your time.

12 THE CHAIRPERSON: Thank you.

13 (Audience applause.)

14 PUBLIC SPEAKER WATSON: My name is Susan
15 Watson. I live at 89 Landscape Avenue. And
16 I've been there since 1984. I agree with the
17 speakers' many points. The other point that I'd
18 like to raise is that Caryl Avenue is one lane
19 in each direction. It's a major thoroughfare
20 for anybody getting from our side of southwest
21 Yonkers or Riverdale over towards Park Hill, Saw
22 Mill Parkway up to over to Central Avenue and
23 the Thruway. So, Caryl Avenue has a lot of
24 through traffic. It's not just a local road.

25 The other day when I was coming home and

1 I was coming south on Broadway to turn onto
2 Caryl, a school bus had stopped and was blocking
3 traffic in both directions. Which is a good
4 thing so the kids can get off safely. But the
5 traffic was backed up down Caryl around onto the
6 Broadway, the other side by the park. And then
7 I was trying to turn. And nobody realized the
8 school bus was parked and it was just this major
9 backup. But that happens very fairly frequently
10 any time delivery truck or a school bus or
11 somebody dropping off their groceries from
12 Costco or something. Everything kind of shuts
13 down because there's not enough room for
14 everybody to pull over to let out.

15 So I think Caryl Avenue being a
16 thoroughfare that's only one lane in each
17 direction, makes it, makes it a really difficult
18 spot to put a big building with people entering
19 and exiting that building from my understanding
20 both from the Caryl Avenue side and the Broadway
21 side. Thank you very much.

22 THE CHAIRPERSON: Thank you.

23 (Audience applause.)

24 PUBLIC SPEAKER GORDON: Good evening.

25 I'm Jessica Gordon. I'm the Executive Director

1 of the South Broadway BID. I'd like to just
2 give a copy of some of the comments that our
3 Chairman made a second ago. And also reiterate
4 the, what the woman just said about the Caryl
5 Avenue traffic bottleneck that happens at that
6 section. And also I'd like to see the most
7 recent parking study that's been done. And also
8 included in that, I'd like to see what the
9 discussion is around the bus stop right at that
10 corner which is already a problem. The
11 developer himself reminded me how buses make
12 U-turns right there at that corner. So I'd like
13 to have that part of the discussion in terms the
14 safety of that corner.

15 THE CHAIRPERSON: All of the documents
16 should be on the ZBA site under this agenda and
17 this item.

18 PUBLIC SPEAKER GORDON: So on, on the
19 City calendar right now, there's no agenda and I
20 can't add any document, so I'll look for that.

21 THE CHAIRPERSON: Yeah, I downloaded
22 everything today myself from the site so --

23 MS. TICKELL: If you search ZBA, a menu
24 will show up on the left.

25 PUBLIC SPEAKER GORDON: I called the

1 Mayor's hotline, I'm not sure if it was somebody
2 in here that tried to help it today, but I'll
3 follow up --

4 MS. TICKELL: Just search ZBA.

5 PUBLIC SPEAKER GORDON: "C" like Charlie,
6 "B" like boy --

7 MS. TICKELL: No, Zoning Board like "Z"
8 like zebra.

9 PUBLIC SPEAKER GORDON: Right.

10 THE CHAIRPERSON: ZBA and then go under
11 agenda and then after the drop down on the left
12 will have all the different projects and all the
13 paperwork submitted.

14 PUBLIC SPEAKER GORDON: No problem, I'll
15 do that.

16 THE CHAIRPERSON: But do you want to turn
17 that in?

18 PUBLIC SPEAKER GORDON: Sure, I can
19 absolutely give a copy.

20 THE CHAIRPERSON: Thank you.

21 PUBLIC SPEAKER GORDON: Thank you.

22 THE CHAIRPERSON: Would anyone else like
23 to talk? Please introduce yourself for the
24 record.

25 PUBLIC SPEAKER WIGGINS: Yes. Good

1 evening. My name is Denise Wiggins. I live at
2 85 Landscape Avenue. I wanted to talk about the
3 parking. None that it is feasible to look at
4 it, at 144 or whatever the number is. Yes, I do
5 agree that people will be using public
6 transportation, but that doesn't mean they do
7 not have a car to use on the weekends. So that,
8 those family units, it should be increased.
9 Because there is nowhere to put any of those
10 cars. Just because I take public transportation
11 does not mean I do not have a car to use for my
12 outings and for weekends and things like that.
13 So that whole idea of public transportation does
14 not resolve or lessen the fact that there are
15 going to be a multitude of cars in this
16 neighborhood.

17 We had a fire just beyond that building.
18 And they did trash removal and it took two
19 and-a-half hours for a friend of mine to get
20 from Caryl -- from Van Cortlandt Park up to
21 Landscape on Caryl. Just because of the removal
22 of debris from the fire of that building. This
23 is almost project like building. And it does
24 not look like anything that belongs in this
25 neighborhood. It doesn't meld in, it does not

1 settle in, it does nothing of the kind. And I
2 don't know what they're trying to change, but
3 we're looking at something that looks like a
4 monstrosity that's taking away sidewalk. That's
5 taking away the beauty of the park from other
6 people. This just is not something that's good
7 and we are not provincial enough to think that
8 our neighborhood is not changing.

9 My children are much older, they have
10 gone on, they're living their lives in other
11 states. And I am enjoying the fact we have new
12 neighbors that have children. I'm loving the
13 noise, the activity, them playing outside. This
14 is not the issue. The issue is this spot that
15 they're going to put 290 feet does not make any
16 sense. I have looked at all the buildings that
17 have height, they are so recessed from the
18 street. This will not be recessed. The setback
19 is not enough. This will not be recessed like
20 the towers or any other building that really do
21 not get in the way of the regular public
22 thoroughfare. I appreciate it, I want those,
23 the things to stay in place, because we just
24 don't need any variances that's going to take us
25 outside of what this neighborhood can handle or

1 hold. It's almost like an explosion. Thank
2 you.

3 (Audience applause.)

4 PUBLIC SPEAKER DOONER: Good evening,
5 ladies and gentlemen of the Board.

6 THE CHAIRPERSON: Name and address.

7 PUBLIC SPEAKER DOONER: My name is James
8 J. Dooner. I live at 55 Landscape Avenue. Been
9 living there since 1980. Raised three children.
10 And I have many of my neighbors here as well as
11 other neighborhood people. I am totally against
12 this building because, one, I used to work in
13 that place where that building is being built.
14 It was called Park Lincoln-Mercury. I worked
15 there in the mid '70s. And when it rained, the
16 basement used to flood. I cannot see how
17 somebody is going to build a monstrosity of a
18 building that tall on that area, it's swampland.
19 It's all dirt. That is the tail end of Van
20 Cortlandt Park which is the Bronx borderline.
21 That building, one, I don't want to jinx
22 somebody but I feel that, that building is not
23 going to be there for very, very long. It's
24 going to start sinking.

25 Two, as far as the parking, I've had

1 people park on my sidewalk, park in my driveway,
2 my neighbor's driveway for two or three days. I
3 called Yonkers PD, I get no response. What's it
4 going to take? For somebody to go out there and
5 put a match to somebody's car? This is getting
6 kind of ridiculous. We're paying taxes through
7 the nose for police protection, City of Yonkers
8 taxes everything else, I am personally a little
9 tired of the rhetoric and the absolute blatant
10 disregard of us homeowners and property
11 taxpayers for the City of Yonkers. It's getting
12 a little outrageous, because we're not asking
13 for much, just do your job. That's all. That's
14 all I gotta say for now.

15 (Audience applause.)

16 PUBLIC SPEAKER BARRAGAN: Good evening,
17 my name is Clara Barragan. I'm from 65
18 Landscape Avenue. So just to reinstate what our
19 neighbor said, Phil Armstrong, like what was
20 said that the neighbors we were okay and nobody
21 said anything, we have no clue of anything of
22 this. I spoke to the Landscape Avenue people.
23 We just find out from Phil and we definitely
24 disagree to all of this.

25 About the parking situation, sometimes

1 to speak? Okay. We are going to close this
2 meeting, this issue, this case. But there will
3 be no decision this evening. May I have a
4 motion to close it?

5 MR. LOPEZ: (Indicated.)

6 THE CHAIRPERSON: Harry. Second. Jean.
7 All in favor -- you want to do it by name? Go
8 ahead, Jean. In favor of closing.

9 MS. TICKELL: In favor of closing.

10 MR. BATTISTA: In favor.

11 MR. LOPEZ: Yes.

12 THE CHAIRPERSON: Closing?

13 MR. VASSO: In favor.

14 THE CHAIRPERSON: Okay. And I'm in favor
15 of closing. So we're going to close the case.
16 And we are going to do the negative declaration.

17 I move to declare the Zoning Board of
18 Appeals Lead Agency for Case Number 5802 632 aka
19 636 South Broadway and that the following Zoning
20 Board's review under SEQRA. The Zoning Board
21 has reviewed the EAF completed for this project
22 and hereby determines that there will no
23 significant adverse impact on the environment
24 from the construction of this project and
25 therefore the Zoning Board does not require any

1 further environmental review and hereby adopts a
2 negative declaration for Case Number 5802.

3 May have I motion on that?

4 MR. BATTISTA: Motion.

5 THE CHAIRPERSON: Ralph. Second. Jean.
6 All in favor.

7 (Chorus of ayes.)

8 THE CHAIRPERSON: I'm in favor. Any
9 opposed? The negative dec carries. And the
10 case is put over to next month.

11 The next case is 345 McLean Avenue. May
12 I have a motion -- Number 5804, may I have a
13 motion to close this?

14 MR. BATTISTA: Motion.

15 THE CHAIRPERSON: Ralph.

16 MR. LOPEZ: Second.

17 THE CHAIRPERSON: Harry, second.

18 MS. TICKELL: In favor.

19 THE CHAIRPERSON: All in favor say aye.

20 (Chorus of ayes.)

21 THE CHAIRPERSON: We're closing 5804. Do
22 we have a decision on 345 McLean?

23 MS. TICKELL: Yes.

24 THE CHAIRPERSON: Just the conditions,
25 please.

1 MS. TICKELL: Madam Chair, I would like
2 to make the motion to approve the requested
3 variance based on facts, findings, information,
4 testimony presented to this Board at public
5 hearing, site visits by Members of the Zoning
6 Board of Appeals or otherwise obtained.

7 In granting this request the Board
8 proposes the following conditions:

9 One, the revocation of the permit from
10 the Department of Transit to the VFW.

11 Two, the issuance of an easement to the
12 VFW of spacing including a gazebo -- of space
13 including a gazebo that the developer will
14 restore.

15 Three, the City of Yonkers return to the
16 property not used as a public park to the County
17 of Westchester.

18 Four, the County of Westchester sells the
19 property to the developer.

20 Five, all health, safety, fire, building,
21 environmental code shall always be adhered to by
22 the applicant.

23 Six, all curbs and sidewalks abutting the
24 property that need repairing or replacement as
25 per the City of Yonkers Department of

1 Engineering, then repair or replacement must be
2 done.

3 Seven, that any back real estate taxes
4 and/or fined, if owed, be paid in full within 60
5 days of this hearing and proof must be provided
6 to this Board.

7 Eight, these conditions shall be on the
8 certificate of occupancy and the applicant
9 and/or property owner shall permit inspections
10 at the discretion of the City's Department of
11 Housing and Buildings at least once every
12 calendar year to determine that these conditions
13 are satisfied. Thank you, Madam Chair.

14 THE CHAIRPERSON: Thank you. May I have
15 a second?

16 MR. BATTISTA: Second.

17 THE CHAIRPERSON: Ralph. Harry. Okay.
18 Jean?

19 MS. TICKELL: In favor of the motion.

20 MR. VASSO: For the motion.

21 MR. BATTISTA: For the motion.

22 THE CHAIRPERSON: For the motion.

23 MR. SINGH: For the motion.

24 MR. LOPEZ: For the motion.

25 THE CHAIRPERSON: For the motion. Okay.

1 That's a unanimous vote. We're missing Anthony
2 Gjelaj who's excused due to illness.

3 Mr. Accinelli, are you visiting for fun?

4 MR. ACCINELLI: No. Madam Chair, we had
5 the opportunity to review the draft of the
6 proposed resolution. Good evening, everyone.
7 We did have a couple of concerns that we did
8 want to bring to the Board's attention.

9 THE CHAIRPERSON: Okay.

10 MR. ACCINELLI: Wasn't exactly sure when
11 to do that, it's been a little bit noisy here.
12 So if it's not too late, may I?

13 MS. KRAVITZ: The motion is already
14 approved. So, you have issues with the
15 conditions, I guess --

16 MR. ACCINELLI: We can submit something?

17 MS. KRAVITZ: -- submit, submit a
18 modification of the conditions.

19 MR. ACCINELLI: Okay. We can do that.
20 Thank you.

21 THE CHAIRPERSON: Thank you.

22 5805 673 aka 675 McLean Avenue. We
23 received the elevated engineering report
24 regarding the parapet. But we do not think it
25 addresses the concerns of the Building

1 Department or the Board regarding the parapet's
2 health and safety aspects as opposed to the
3 antenna. We're not concerned about the antenna,
4 we're concerned about the parapet. Can you
5 speak to that?

6 MR. PALMER: Please. Good evening, Madam
7 Chair. For the record my name is Taylor Palmer
8 -- I'm sorry, Taylor Palmer with Cuddy and
9 Feder, partner with the applicant, DISH
10 Wireless, LLC. As the Chair stated we did
11 submit the supplemental report. There were some
12 questions based on the site visit, I believe,
13 with respect to the roof installation. We did
14 tonight just want to appear as a brief update.
15 We are actually looking at the flush mount
16 option. We're speaking with the landlord with
17 respect to that option. We do believe that also
18 the building has the integrity to support that
19 as well.

20 So at this point we don't have an answer
21 from the landlord on that piece. But as far as
22 though additional information, we're certainly
23 able to provide per the supplemental information
24 with respect to the roof stability and again we
25 are looking into the flush mount as we know that

1 was a consideration of the Board.

2 THE CHAIRPERSON: Great.

3 Are there any questions of the Board?

4 Thank you.

5 Mr. Borelli, are you going to do an
6 inspection as well?

7 MR. BORELLI: Yes.

8 THE CHAIRPERSON: Thank you.

9 Okay. Case 5806 70 Pier Street. This
10 needs a, I guess I've learned my lesson. So is
11 there anything you'd like to say before we go
12 and close this meeting?

13 MS. KRAVITZ: You can close the public
14 hearing and then allow him to speak.

15 THE CHAIRPERSON: Okay. Well, go ahead.

16 MR. SURDOVAL: Thank you, Madam Chair,
17 and Members of the Board. Jim Surdoval from
18 Ginsburg Development Companies. Since we last
19 appeared before you on the 70 Pier Abe Cohen
20 Plaza project, we submitted a revised plans that
21 eliminated the spire at the top of the building
22 eliminating the need for any type of height
23 variance. We also submitted a letter of intent
24 with the Yonkers Parking Authority
25 demonstrating their commitment to provide us

1 with the spaces on a permanent basis in the lot
2 we're creating to compensate for our shortfall
3 of the residential spaces. And we also amended
4 the principal points to better clarify the issue
5 with regard to the retail parking where we're
6 providing more than enough spaces in front of
7 the building with metered spaces to compensate
8 for the 13 retail spaces on the Plaza.

9 So essentially now we're down to the
10 three variances of the rear yard setback, which
11 again is below grade in our property over in the
12 rear. And so it's not visible when we're going
13 to the rear which it's just a parking deck. As
14 well as our two parking variances for the
15 residential and the retail parking addressed
16 with the Parking Authority.

17 THE CHAIRPERSON: Okay. Thank you,
18 Mr. Surdoval.

19 MR. SURDOVAL: Thank you.

20 THE CHAIRPERSON: Is there anyone in the
21 public who wants to speak on this?

22 Okay. Can I have a motion to close the
23 hearing? Ralph. Jean. Second. All in favor
24 say aye.

25 (Chorus of ayes.)

1 THE CHAIRPERSON: The item is now closed.
2 Do we have a decision on this item?

3 MR. BATTISTA: We do, Madam Chair. Madam
4 Chair, I make a motion to approve the requested
5 variance based on facts, findings, information
6 and testimony presented to the Board at the
7 public hearing, site visits by Members of the
8 Zoning Board of Appeals or otherwise obtained.
9 In granting this variance the Board imposes the
10 following conditions:

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

14 Any taxes or fines, if owed, shall be
15 paid within 60 days from today's date.

16 Final garbage and refuse plans are
17 subject to view of the Planning Board and the
18 City of Yonkers Department of Public works. If
19 the public resources are used in garbage
20 collection at the subject property. A \$250 fee
21 revision fee will be dropped off at the
22 Department of Housing and Buildings as soon as
23 possible.

24 The 35 parking spaces will be reserved
25 exclusively for tenants.

1 The provision of the City of Yonkers
2 Green Building standards apply to the subject
3 property per section 43-239 of the L-MX Zone.

4 Abe Cohen Plaza must be reconfigured to
5 include no less than 30 parking spots of which a
6 minimum of 14 will be made available to the
7 Yonkers Parking Authority for their use.

8 This approval shall be immediately
9 rescinded should the owner violate any of these
10 conditions.

11 And all expenses associated with these
12 conditions shall be the responsibility of the
13 owner.

14 Thank you, Madam Chair.

15 THE CHAIRPERSON: Thank you. Jean.

16 MS. TICKELL: For the motion.

17 MR. BATTISTA: For the motion.

18 THE CHAIRPERSON: For the motion.

19 MR. SINGH: For the motion.

20 MR. VASSO: For the motion.

21 MR. LOPEZ: For the motion.

22 THE CHAIRPERSON: Motion passes 6-1
23 excused.

24 Thank you, gentlemen.

25 The other business we have this evening,

1 5746, 17 Livingston Ave. Okay. In this case, a
2 variance was granted to perform a conversion of
3 a single family to a two-family. And
4 construction was halted as contractors had begun
5 work and received planning approval but before
6 securing a construction permit. I need a motion
7 to extend this by one year.

8 MR. BATTISTA: Motion.

9 THE CHAIRPERSON: Is there a second? Al.

10 MR. VASSO: Second.

11 THE CHAIRPERSON: Okay. All in favor.

12 (Chorus of ayes.)

13 THE CHAIRPERSON: Aye. Okay. Carries.

14 Perfect. Thank you. That was 17 Livingston
15 Ave, 5746.

16 Next is 5809 58 Elm Street.

17 MR. BATTISTA: 4809.

18 THE CHAIRPERSON: Sorry. 4809. I stand
19 corrected. 58 Elm Street. I believe there are
20 people here to speak on that?

21 AUDIENCE MEMBER: Yeah.

22 THE CHAIRPERSON: Do you want -- we'll --
23 why don't we go through the rest of the list and
24 we'll back because I know your attorney is in
25 the hall. Is that okay?

1 AUDIENCE MEMBER: Thank you.

2 THE CHAIRPERSON: Let's put that to the
3 -- that's 58 Elm.

4 5355 Warburton. Which is Case 5537.
5 This is a Mr. Romano case in which the sprinkler
6 system is not required by New York State
7 Building and Fire, but it was included as a
8 condition. I am in agreement with that. So, I
9 need a motion to approve this alteration of for
10 a removal of this condition, number two, of a
11 sprinkler system being installed.

12 MR. BATTISTA: Motion.

13 THE CHAIRPERSON: Second. Jean second.
14 All in favor.

15 (Chorus of ayes.)

16 THE CHAIRPERSON: Aye. Okay. This
17 motion carries 6 with 1 absent. Okay.

18 Mr. Accinelli, you will be speaking to us
19 about 4809, 58(60) Elm Street. Yes?

20 MR. ACCINELLI: Yes, Madam Chair. Good
21 evening. Steven Accinelli from Veneruso, Curto,
22 Schwartz and Curto on behalf of the applicant in
23 connection with our request regarding the
24 special condition from the Zoning Board from
25 2004.

1 So, Madam Chair, Members of the Board, I
2 did submit an outline requesting the amended --
3 the amendment or the elimination or amendment to
4 the Fire Zoning Board condition. The applicant
5 -- this is not a variance request. This is a
6 solely -- that standard does not apply here.
7 The applicant is seeking to create a takeout of
8 food service operation which has been classified
9 by the Building Department in the existing two
10 repair bays on the property.

11 This application was previously before
12 this Board a number of years ago in a different
13 location on the site. There were numerous
14 comments to the Board and to the City. In
15 response the applicant has reconfigured the
16 proposed location to a much better area and more
17 suited to accommodate the proposed operation.

18 There will be absolutely no seating at
19 the location. It is going to be strictly
20 takeout. There's a parking area that's already
21 existing adjacent to the entranceway to the
22 proposed area on the property where the
23 operation will take place. No, no changes are
24 proposed with respect to exterior portions of
25 the property. The parking that is there will

1 remain as is where it is. Again, no changes to
2 the proposed parking or other exterior areas of
3 the building. The only change will be to the
4 entranceway area for the store front.

5 My clients are here with me. The owners
6 of the property. If the Board should have any
7 questions, can answer any questions.

8 THE CHAIRPERSON: Does anyone have any
9 questions? Do I have a motion in favor?

10 MR. BATTISTA: I do, a motion in favor.

11 THE CHAIRPERSON: Is there a second?

12 MR. SINGH: (Indicated.)

13 THE CHAIRPERSON: Harry.

14 MR. SINGH: Second.

15 THE CHAIRPERSON: Okay. Do you want to?

16 MS. TICKELL: For the motion.

17 MR. BATTISTA: For the motion.

18 THE CHAIRPERSON: For the motion.

19 MR. SINGH: For the motion.

20 MR. VASSO: For the motion.

21 MR. LOPEZ: For the motion.

22 THE CHAIRPERSON: Thank you.

23 MR. ACCINELLI: Thank you.

24 THE CHAIRPERSON: Next item on the agenda
25 is 1055 aka 1061 Nepperhan. That is a

1 Mr. Romano property which is, let's see here, I
2 want to get this correct. Wants a one-year
3 extension because he got this in 2020 and had
4 COVID been a problem for the last, yeah, two
5 years. I'm not inclined to give that extension,
6 because I feel like COVID is not a enough excuse
7 anymore.

8 MR. BATTISTA: In favor.

9 THE CHAIRPERSON: In favor of a no?

10 MR. BATTISTA: In favor of a no.

11 THE CHAIRPERSON: Jean.

12 MS. TICKELL: No.

13 MR. SINGH: In favor.

14 MR. VASSO: In favor.

15 MR. LOPEZ: In favor.

16 THE CHAIRPERSON: So we are all voting
17 against extending this, this is number 5676,
18 1055 aka 1061 Nepperhan Avenue. So this is
19 denied.

20 581 Saw Mill. Is there anyone on here on
21 that? Thank you. I believe this is a similar
22 situation. So this was, an extension was
23 granted in 2019. And then 2018 then -- until
24 2019. Then 2019 it was granted. And they have
25 done nothing since January of 2020. So two

1 years. And also not in favor of extending this.

2 MR. BATTISTA: Not in favor of extending.

3 THE CHAIRPERSON: Jean.

4 MS. TICKELL: For the motion.

5 THE CHAIRPERSON: Of not extending?

6 MS. TICKELL: Of not extending.

7 MR. LOPEZ: For the motion not extending.

8 MR. VASSO: For the motion not extending.

9 MR. SINGH: For the motion.

10 THE CHAIRPERSON: Okay. So we are not
11 extending 5494 and 5667, 581 Saw Mill River
12 Road, denied.

13 The next item is 19-27 Tuckahoe Road.
14 Oh, approach and give us your story, Madam.

15 MS. KOLEV: Sure. So Diana Kolev of
16 DelBello, Donnellan, Wise, Wiederkehr. Janet
17 Giris was not able to be here tonight, but we
18 did submit a letter setting forth the request
19 for an extension of these two area variances for
20 an Auto Zone. And as it states in the letter,
21 we're pretty close to getting the building
22 permit issued at this juncture and we need
23 another, another year extension to be able to
24 comply with the commencement of construction
25 requirements.

1 THE CHAIRPERSON: Thank you. I'm in
2 favor of this one.

3 MR. BATTISTA: In favor.

4 MS. TICKELL: Yes.

5 THE CHAIRPERSON: Jean, yes.

6 MR. LOPEZ: Yes.

7 MR. VASSO: Yes.

8 MR. SINGH: Yes.

9 THE CHAIRPERSON: Harry. Okay. We are
10 in favor of an extension for 5718, 19-27
11 Tuckahoe Road.

12 MS. KOLEV: Thank you.

13 THE CHAIRPERSON: So that is extended for
14 one year. Thank you.

15 The next one is 5763 which is really also
16 I believe multiple ones, hold on. It's 5763,
17 it's 5764, and it's 5789 in order 33, 37, and 41
18 Woodycrest. And this is for an extension. They
19 received a decision in 2021. And they would
20 like an extension once again due to COVID. But
21 this one, you know, had a start in December of
22 '21, so I'm a little bit more inclined.

23 MR. BATTISTA: For the extension.

24 THE CHAIRPERSON: For the extension.

25 MS. TICKELL: For the extension.

1 MR. SINGH: For the extension.

2 MR. VASSO: For the extension.

3 MR. LOPEZ: For the extension.

4 THE CHAIRPERSON: Hector for the
5 extension. Okay. We are all in favor of an
6 extension for 5763, 5754, 5789. That extension
7 is granted for one year.

8 And then that brings us to the last,
9 which is 5795 45 Woodycrest which has had --
10 this was granted in June of 2020. And their
11 explanation per Andrew Romano is COVID.

12 MR. BATTISTA: I do not want to extend.

13 THE CHAIRPERSON: Yes.

14 MS. TICKELL: Against extending.

15 MR. SINGH: Yes.

16 MR. VASSO: Motion.

17 MR. LOPEZ: Yes.

18 THE CHAIRPERSON: I join my compatriots
19 in against extending this. This extension is
20 denied.

21 Okay. Motion to close the meeting.

22 MS. TICKELL: (Indicated.)

23 THE CHAIRPERSON: Jean, quick on the
24 draw. Next. Ralph, thank you for the second.
25 All in favor. Aye.

1 (Chorus of ayes.)

2 (Time Noted: 7:04 p.m.)

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1 CERTIFICATION

2

3 STATE OF NEW YORK)

4) ss.

5 COUNTY OF WESTCHESTER)

6

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

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

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

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

20

21

22

23

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25

LYNNETTE MAZZA,
 COURT REPORTER