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CITY OF YONKERS

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Minutes of
The City of Yonkers Zoning Board
February 21, 2023 - 6:00 p.m.

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B E F O R E:

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

P R E S E N T:

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

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1 ACTING CHAIRMAN: Okay. If everyone
2 could just settle in. We're going to call this
3 meeting to order. Today's meeting is February
4 21, 2023. It is 6:02 p.m. This is the February
5 Zoning Board of Appeals meeting. My name is
6 Anthony Gjelaj. I will be acting as the
7 Chairperson for this meeting. Would the Board
8 Members please introduce themselves starting
9 with Jean.

10 MS. TICKELL: Jean Tickell.

11 MR. SINGH: Harry Singh.

12 MR. LOPEZ: Hector Lopez.

13 MR. VASSO: Al Vasso.

14 ACTING CHAIRMAN: I'd like to make a
15 motion to approve the last meeting's minutes.
16 Can I have a motion. Jean. Second.

17 MR. SINGH: Second.

18 ACTING CHAIRMAN: All in favor say aye.

19 (Chorus of ayes.)

20 ACTING CHAIRMAN: Ayes have it. 5-0, 2
21 absent.

22 So first item on the list is 5794. We're
23 going to adjourn that for next meeting on their
24 request.

25 Next on the list we have 5802, this is

1 632 aka 636 South Broadway. Do I have a motion?

2 MS. KRAVITZ: Well, let's see, is there a
3 representative?

4 ACTING CHAIRMAN: Is there a
5 representative?

6 MS. KOLEV: Yes.

7 ACTING CHAIRMAN: Please come forward.

8 The resolution has been posted. Have the
9 Board Members had a chance to review?

10 (Chorus of yeses.)

11 ACTING CHAIRMAN: Do I have a motion?

12 MS. TICKELL: I'd like to make a motion
13 to approve this based on the following
14 conditions:

15 One, all fire, health, environmental,
16 safety, building and zoning code shall be
17 adhered to at all times.

18 Two, any taxes or fines if owed shall be
19 paid within 60 days from today's date.

20 Three, the 144 parking spaces will be
21 reserved exclusively for the building's tenants.

22 Four, the applicant will pay, if
23 necessary, to relocate the fire hydrant on South
24 Broadway where the commuter bus stop will be
25 relocated.

1 Five, this approval shall be immediately
2 rescinded should the owner violate any of the
3 those conditions.

4 And six, all expenses associated with
5 these conditions shall be the responsibility of
6 the owner.

7 ACTING CHAIRMAN: Do I have a second on
8 the motion?

9 MR. SINGH: Second.

10 ACTING CHAIRMAN: Harry. Hector.

11 MR. SINGH: For the motion.

12 MR. LOPEZ: For the motion.

13 ACTING CHAIRMAN: Okay. Motion passed --

14 MR. VASSO: For the --

15 ACTING CHAIRMAN: Oh, sorry.

16 MS. TICKELL: For the motion.

17 ACTING CHAIRMAN: Jean. Harry.

18 MR. SINGH: For the motion.

19 ACTING CHAIRMAN: I am for the motion,
20 motion passes 5-0, 2 absent.

21 MS. KOLEV: Thank you.

22 PUBLIC SPEAKER ARMSTRONG: Excuse me, for
23 one minute. Have all the fees been paid on that
24 building yet? I know the previous outstanding
25 -- the previous developer who filed under their

1 name had \$306,000 in fees sitting at the
2 Building Department that were not paid. Have
3 they been paid?

4 ACTING CHAIRMAN: I would refer you to
5 the Building Department for that matter.

6 PUBLIC SPEAKER ARMSTRONG: Well, if
7 you're approving something and the developer
8 that filed it owes money to the City, and you're
9 telling me then that I have to go to the
10 Building Department to find out?

11 ACTING CHAIRMAN: Well --

12 PUBLIC SPEAKER ARMSTRONG: That's your
13 job.

14 ACTING CHAIRMAN: -- the conditions state
15 that all fines or back pay owed to the City must
16 be paid. So they won't get their --

17 PUBLIC SPEAKER ARMSTRONG: Did you guys
18 know about this? Did anybody bother to look?
19 No, right? Excuse me. Stinks of corruption.

20 ACTING CHAIRMAN: Again, I'd like to
21 refer to the Building Department. And that ends
22 that.

23 So next on the agenda we have Case 5790.
24 Is anyone from --

25 MS. KRAVITZ: They're adjourned until

1 May.

2 ACTING CHAIRMAN: Oh, that's right. I'd
3 like to adjourn that until May 2023.

4 Yes, sir.

5 MR. APICELLA: Yes, I'm representing the
6 developer, Joseph Apicella.

7 ACTING CHAIRMAN: Yes.

8 MR. APICELLA: I'm Macquesten Development
9 and we're here for your consideration and
10 decision.

11 MS. KOLEV: We just did it.

12 ACTING CHAIRMAN: Thank you.

13 Next on the agenda we have 5797, 110
14 Ravine. Mr. Badaly.

15 MR. BADALY: Good evening.

16 ACTING CHAIRMAN: Good evening. Please
17 just your name and address for the record.

18 MR. BADALY: Shahin Badaly, 2 Wilson
19 Place, Mount Vernon, New York 10550.

20 ACTING CHAIRMAN: So, Mr. Badaly, did you
21 present four months ago? Can you just give me
22 some back story on this.

23 MR. BADALY: Absolutely. Thank you. So
24 we did, we came looking with a slightly
25 different proposal about four months ago and

1 that was requesting a long list of variances in
2 order to get to hopefully obtain a new building
3 on this site.

4 It was our understanding based off the
5 engineering comments that the site plan we
6 proposed wasn't really function. So we came
7 back and we're now providing two alternates and
8 we were hoping to seek comment specifically from
9 engineering as well. I understand that -- my
10 understanding is that they have not had a chance
11 to review these proposals yet. And so what I'm
12 going to briefly describe what the two
13 differences are, if I may.

14 ACTING CHAIRMAN: Yeah, please.

15 MR. BADALY: Okay. Great. So in the
16 first site plan which is, which is --

17 ACTING CHAIRMAN: You want to maybe just
18 bring that here so all the Board Members can
19 see. Yeah, perfect.

20 MR. BADALY: So in this first site plan
21 what's depicted is a completely different layout
22 with one two-way driveway and five parking
23 spaces at the rear. The functionality of the
24 site plan is much better but we are asking now
25 for a very large amount of parking variances in

1 this scenario. I will remind the Board it's a
2 16-unit building, we are a quarter mile from the
3 parking -- from the train station so it's a
4 16-unit parking count requirement. So this
5 would be require an 11-parking space variance.
6 It's quite significant. So was the first
7 alternate proposal we're providing in that we
8 would not be showing parking in the basement.

9 The setbacks as well on the building, on
10 the left-hand side, we previously had compliance
11 setbacks. And now in order to provide a 20-foot
12 two-way driveway, the setback on left-hand side
13 of the building becomes non-compliant in that
14 it's 12 feet where 16 is required. Excuse me
15 while I flip to the next.

16 ACTING CHAIRMAN: Now, is this affordable
17 housing or?

18 MR. BADALY: No, it's proposed to be a
19 market-rate building. We would comply with the
20 ten percent requirement, I believe it is.
21 Excuse me. I'm sorry, I'm not seeing that I
22 printed out the second site plan. I'm so sorry
23 about that.

24 On the secondary site plan what's
25 displayed is essentially the same site, but

1 we're maintaining that two-way driveway which
2 was previously shown. The building setbacks are
3 adjusted in the middle and we're providing an
4 aisle for a car to stop on the side of the road
5 -- on the side of the driveway with signaling
6 that would allow the car to enter into the
7 basement. If, I'm not sure if the Board recalls
8 or not, it was quite sometime ago. Previously
9 our driveway was a one-way width. And we were
10 attempting to use it as a two-way driveway. And
11 the engineering department commented that there
12 was not sufficient sight distance for a car to
13 stop in the front while another car pulled out
14 of the back. So we provided now a stop over
15 area on the side of the building. We
16 re-designed the first -- the footprint of the
17 building in order to provide that area.

18 In this scenario, the parking count that
19 we're providing is a fifteen-space count. So,
20 in essence, we only would be requiring one
21 parking space variance. The side yard would be
22 13 feet and 19 feet. And there would be -- I'm
23 sorry, that's wrong. The side yard would be 18
24 feet and 19 feet. And there would be a total of
25 15 parking spaces.

1 So the two proposals we have before you,
2 and again, I do believe the Board may not had
3 time to review the updated plans as well as the
4 engineering department, but we were hoping to
5 seek commentary on whether or not these
6 proposals would be sufficient to meet the, both
7 the parking demand, but also the layout and the
8 functionality of the cars getting on and off the
9 site. So essentially that's the two changes
10 that we made.

11 ACTING CHAIRMAN: And you don't have any
12 site plans of the second proposed site?

13 MR. BADALY: I do have it in a smaller
14 version here.

15 ACTING CHAIRMAN: Yeah.

16 MR. BADALY: Thank you. I do have a
17 second copy as well. Those are the two site
18 plans. So as you're looking on the left-hand
19 side of the building, that's where there's a
20 wider driveway for a car to stop.

21 ACTING CHAIRMAN: Yeah, my only concern
22 is, is there a designated area for a dumpster or
23 for garbage removal on the site plan?

24 MR. BADALY: There is in the basement.

25 ACTING CHAIRMAN: Because I did not see

1 on here.

2 MR. BADALY: It's not shown, depicted
3 here. So on -- we do have a compactor room in
4 the basement. And then we were hoping to use
5 the three-yard containers and they would be
6 rolled out to the street. I can add, I can more
7 properly depict that on the narrative as well as
8 on the plans.

9 ACTING CHAIRMAN: Okay. What do you guys
10 think about 16-unit building with compactor,
11 garbage compactor in the bottom? So a lot of
12 garbage.

13 One thought, you're going to have to go
14 back and speak with I guess the owner or the
15 client that you're representing, and you're
16 going to have to pick one of these site plans
17 and then you're going to have to present the
18 Board with one site plan. The Board cannot pick
19 a site plan for you or anything of that nature.

20 MR. BADALY: Okay.

21 ACTING CHAIRMAN: So I'm going to make a
22 motion to continue this hearing.

23 MR. BADALY: Thank you.

24 ACTING CHAIRMAN: For next meeting. Do I
25 have a second?

1 MS. TICKELL: Second.

2 ACTING CHAIRMAN: Jean. Harry, in favor?

3 MR. SINGH: Yes, in favor.

4 ACTING CHAIRMAN: Hector?

5 MR. LOPEZ: (Indicated.)

6 MR. VASSO: Yes.

7 ACTING CHAIRMAN: Okay. All in favor to

8 continue this meeting. 5-0, 2 absent. Okay.

9 Mr. Badaly, you can sit down.

10 MR. BADALY: Thank you. May I ask a very
11 quick question?

12 ACTING CHAIRMAN: Yes.

13 MR. LOPEZ: Which one of the ones were
14 the ones that's the new proposal; this one or
15 this one?

16 MR. BADALY: The left-hand side is the
17 newer one, the right-hand side is a modified one
18 of the old proposal.

19 ACTING CHAIRMAN: So they're both new?

20 MR. BADALY: Yeah, so they're both really
21 new. And really, and excuse me for presenting
22 so many options to the Board. My intent was
23 just to seek a preliminary commentary, if there
24 was a preference. I understand if the Board --

25 ACTING CHAIRMAN: Yeah, yeah.

1 MR. BADALY: -- can't provide that.

2 That's fine. The one question I did have, do
3 you think that it would be more appropriate to
4 have an exterior area for the garbage?

5 ACTING CHAIRMAN: For, again, that's up
6 to your client.

7 MR. BADALY: Sure.

8 ACTING CHAIRMAN: Personally I would do
9 an exterior. I think a 16-unit building should
10 have a compactor in the basement. That's a lot
11 of garbage for --

12 MR. BADALY: Got it.

13 ACTING CHAIRMAN: -- I don't know three,
14 three-yard containers.

15 MR. BADALY: Right. Right.

16 ACTING CHAIRMAN: For like a family of
17 six, figure how much garbage they use.

18 MR. BADALY: Quite a bit.

19 ACTING CHAIRMAN: I see how much garbage
20 my family uses on a weekly basis and, you know,
21 it's a lot, so.

22 MR. BADALY: Thank you.

23 ACTING CHAIRMAN: I don't know, maybe
24 that's something to consider with the owner.

25 MR. BADALY: I appreciate that. Thank

1 you.

2 ACTING CHAIRMAN: No problem. Thank you
3 for your time.

4 MR. BADALY: Thank you.

5 ACTING CHAIRMAN: Do you want your site
6 plans over here? Mr. Badaly?

7 MR. BADALY: Oh, sure. Yeah.

8 ACTING CHAIRMAN: Next on the agenda we
9 have Case 5799, 167 North Broadway. Is there
10 anyone from this case? Please come to the
11 front.

12 MR. AMIR: Do you want me to come to the
13 table?

14 ACTING CHAIRMAN: Yeah, please.

15 MR. AMIR: Good evening, Chair, Members
16 of the Board. My name is Jacob Amir from Zarin
17 and Steinmetz on behalf of Dagro Associates, II,
18 the owner of 165-167, Brian Dempsey from DTS
19 Provident and Peter Poccia the owner's rep are
20 here. We've been here a few times before,
21 there's been an issue of the parking.

22 I just want to bring to the Board's
23 attention the applicant has made, I think,
24 tremendous strides to increase parking as much
25 as possible. Just to quickly refresh, the

1 apartment house that is proposed is permitted in
2 a BA District. The building structure is not
3 going to change. The footprint is not going to
4 change. The rear and side yard setbacks which
5 we're requesting variances for are rather
6 minimal. On the building, it's been there for a
7 hundred years. The issue with the parking is
8 unique because there's not much parking on-site.
9 But what the applicant has done is basically
10 gone from zero spots to two spots to four spots
11 now in front of the building, plus Brian will
12 talk about the additional study that has been
13 done. And the applicant is also going to
14 propose and include two street parking within
15 that calculation. So we have six spots
16 basically.

17 We've expanded the radius. And I think
18 most interestingly from the last meeting the
19 applicant looked at nearby properties including
20 those that he manages to see if the residents in
21 those buildings actually have vehicles. Because
22 as you know there's always a parking issue in
23 Yonkers. It's one of the big issues. Just for
24 the record at 52 Ashburton, which I believe is
25 within the 500-foot radius, only seven tenants

1 in the building with a total of eight apartments
2 and 16 bedrooms have vehicles. At 155 Palisade
3 Avenue, only five tenants own vehicles in a
4 building with eight apartments and 23 total
5 bedrooms. So even if on paper it looks like
6 there may be a burden on parking, in reality,
7 looking at those comparatives, it's not as much
8 of a burden. I'd like to quickly just turn over
9 to Brian for a couple of things.

10 MR. DEMPSEY: Brian Dempsey, PE,
11 professional traffic operations engineer from
12 DTS Provident. Thank you, again, Brian Dempsey
13 from DTS Provident. We did, we were asked to
14 talk to Dominic about a parking study a couple
15 of months ago. He gave us some parameters. We
16 all went out and did the parking study. It was
17 presented at an earlier meeting, I was not
18 present. And then we were asked to go back to
19 study again at 4 a.m. instead of 5 a.m., so we
20 did do that.

21 And what also we did is we expanded, the
22 original study was only around 500 feet from the
23 site, we expanded it a thousand feet based upon
24 data that shows a thousand feet is a legitimate
25 walking distance to a residential unit in an

1 area like this. So, with that in the 500 feet,
2 we had found there was eight parking spaces in
3 that 500-foot section 4 a.m. one night. We did
4 another night early morning, midmorning. And
5 there was 13 spaces the other time. But when we
6 expanded it out, there was each time an
7 additional 20 parking spaces besides those. So
8 we were between 28 and 33 spaces within a
9 thousand feet. This is an enlargement of what
10 was in the report showing the areas.

11 So basically with the site being here,
12 the majority of those spaces were -- sorry, for
13 the -- is further on with this being Broadway.
14 It was on between Ashburton -- Warburton, and
15 Quincy, so this area here. It's not, it's not a
16 far walk to the site. And there was additional
17 parking especially in that area that was where
18 the majority of the vacant spaces were. There
19 are no residential units over in that area
20 that's why there's the spaces available that
21 way.

22 We also looked at just from census data
23 for this area, the census data was showing that
24 40 percent of the household in this area do not
25 have cars and another 42 percent have one car.

1 So that further supports it. And we went to the
2 ITEs, the ITE recommends, Institute of
3 Transportation Engineers, recommends for this
4 type of facility and this type of area, eight,
5 it would require eight vehicles parking. So,
6 with the four on-site we're adding two
7 additional on-street spaces because we're
8 closing up that driveway in front of the site.
9 So you have room for on-street parking there.
10 And then just the additional two or so other
11 cars could be parked somewhere in the area.

12 ACTING CHAIRMAN: Do any of the Board
13 Members have any questions?

14 So, I'm going to make a motion to close
15 this hearing. And I guess just close it out and
16 then wait for decision next month?

17 (Acting Chairman briefly conferred with
18 Ms. Kravitz.)

19 ACTING CHAIRMAN: So I'm going to make a
20 motion to close this hearing.

21 MR. AMIR: Could I just add one more
22 thing for the record?

23 ACTING CHAIRMAN: Yes, please.

24 MR. AMIR: This site has been a
25 commercial site. It's been dormant and, you

1 know, gutted basically for at least seven years.
2 The only way this site can be used is as a
3 residential site. It's a very difficult site,
4 admittedly. It's challenging, but it needs to
5 be used as a residential site. Again the
6 footprint is not changing. The interior is the
7 only thing that's going to be worked on. So,
8 parking, yes, it's an issue. Hopefully we
9 brought to the Board's attention how difficult,
10 how much time and effort the applicant has taken
11 to try to meet those parking accommodations.

12 ACTING CHAIRMAN: Thank you.

13 MR. AMIR: Thanks.

14 ACTING CHAIRMAN: So I'm going to make a
15 motion to close this hearing.

16 MR. LOPEZ: (Indicated.)

17 ACTING CHAIRMAN: Second. Hector. Jean.

18 MS. TICKELL: Yes. All in favor.

19 ACTING CHAIRMAN: All in favor.

20 (Chorus of ayes.)

21 ACTING CHAIRMAN: Ayes have it 5-0, 2
22 absent. Thank you, gentlemen.

23 MR. AMIR: Thank you.

24 ACTING CHAIRMAN: Case 5800 has requested
25 an adjournment to the next meeting.

1 So we're going to move on the next one.
2 Which is 5805, 675 McLean Avenue. Do we have
3 anyone?

4 MR. MAHALEK: Good evening, Members of
5 the Board. Maximillian Mahalek for the Law Firm
6 of Cuddy and Feder. Hope you're well this
7 evening. We re-appeared before the Board in its
8 request for a use variance for three
9 telecommunication antennas on the roof of an
10 existing multi-family building at 675 McLean
11 Avenue. We had a site visit with Board Members
12 and staff in early January. And then following
13 comments from that site visit and also from the
14 Board separately, we looked into the request to
15 what's called flush mount the antennas or flush
16 them, flush mount them against the wall for lack
17 of a better phrase. And then to paint them to
18 reflect the color of the building.

19 We worked with the landlord and we looked
20 at the capabilities and determined that, that
21 was feasible. So we submitted a revised plan
22 showing that. So we are excited to be able to
23 minimize the visual impact of the antennas by
24 utilizing the flush mounting.

25 Now, also at the site visit and following

1 the site visit, there were questions regarding
2 the structural integrity of the building. We
3 did submit a structural report showing that the
4 parapet walls and roof passed the requirements
5 for structure integrity in the fall. And then
6 what we did was we resubmitted those reports and
7 we had a conversation with staff towards the end
8 of January where we discussed that analysis and
9 the comments regarding the cracks that were seen
10 in the parapet wall. And so our applicant here
11 is open to a condition of approval of repairing
12 any parapet cracks in the immediate vicinity of
13 the antennas being installed just to further
14 ensure that structural integrity. Although we
15 do believe it's there already, but we'll take
16 the one step further as we heard the concern
17 from the Board. So we are excited to see this
18 moving forward.

19 I would just note for the record by
20 utilizing the flush mounting, the height of the
21 antennas is actually reduced by about
22 approximately two feet which actually further
23 lessens the load on the parapet walls. Kind of
24 a fun fact that comes when you see that kind of
25 infrastructure. Other than that happy to answer

1 any questions that the Board may have.

2 ACTING CHAIRMAN: Does the Board have any
3 questions? No. Okay.

4 I'm going to make a motion to close this
5 hearing. Do I have a second on the motion?

6 MR. SINGH: Second.

7 ACTING CHAIRMAN: Second. Harry. All in
8 favor say aye.

9 (Chorus of ayes.)

10 ACTING CHAIRMAN: Ayes have it, 5-0, 2
11 absent. Thank you.

12 MR. MAHALEK: Thank you.

13 MS. KRAVITZ: We're just going to take
14 something out of order.

15 ACTING CHAIRMAN: So we just want to get
16 some cleaning up done over here on the agenda.
17 We have other business Case 5804, 345 McLean
18 Avenue. We would like to --

19 MS. TICKELL: I'd like to make a motion
20 to change two of the conditions for the record.

21 ACTING CHAIRMAN: Just give me one
22 second, Jean. Can you gentlemen just introduce
23 yourselves for the record.

24 MR. ACCINELLI: Sure. Steven Accinelli
25 from Veneruso, Curto, Schwartz and Curto on

1 behalf of the applicant.

2 ACTING CHAIRMAN: Thank you. Jean.

3 MR. MARTINEZ: Jaime Martinez, I'm a
4 planner and owner's rep.

5 ACTING CHAIRMAN: Thank you. Jean,
6 please.

7 MS. TICKELL: I'd like to make a motion
8 that we change two conditions. The special
9 condition, the first special condition from the
10 revocation of the permit from the DOT to the
11 VFW, I'd like to change it to the authorization
12 of the transfer of land to the project.

13 And then special condition two, I would
14 like to delete entirely.

15 ACTING CHAIRMAN: Okay. Has everyone had
16 a chance to go over these revisions? All in
17 favor of these revisions say aye.

18 MS. KRAVITZ: Someone second the motion.
19 Someone seconded it?

20 MR. VASSO: I'll second it.

21 ACTING CHAIRMAN: Al, Thank you for the
22 second. All in favor of the motion say aye.

23 (Chorus of ayes.)

24 ACTING CHAIRMAN: Ayes have it 5-0, 2
25 absent.

1 I would also like to make a motion to --
2 (Acting Chairman briefly conferred with
3 Ms. Kravitz.)

4 ACTING CHAIRMAN: So I'd like to make a
5 motion that the Zoning Board has no objection to
6 the Planning Board seeking to take Lead Agency
7 on this case.

8 Do I have a second on the motion? Jean,
9 thank you.

10 Okay. So, sorry, gentlemen.

11 The Yonkers Zoning Board of Appeals has
12 received the Planning Board's Counsel's Lead
13 agency notification regarding the proposed site
14 plan application at Block: 59, Lot: 75 on the
15 property known as 345 McLean Avenue. The Zoning
16 Board has had an opportunity to review the
17 submitted information for the proposed project
18 and has no objection to the Planning Board
19 assuming Lead Agency status for the purpose of
20 the State Environmental Quality Review for this
21 proposed action.

22 Do I have a second on the motion? Jean,
23 second. All in favor.

24 (Chorus of ayes.)

25 ACTING CHAIRMAN: Aye. Ayes have it,

1 5-0, 2 absent.

2 Thank you, gentlemen.

3 MR. ACCINELLI: Thank you. Good night,
4 everyone.

5 ACTING CHAIRMAN: In other business as
6 well, we have an adjournment request for Case
7 5800, 1186 Yonkers Avenue, I make a motion to, I
8 guess, adjourn that case? Do I have a second?
9 Second, Jean. All in favor.

10 (Chorus of ayes.)

11 ACTING CHAIRMAN: Ayes have it, 5-0, 2
12 absent.

13 I would also like to make an extension
14 request for the Cases 5676 and 5673. Do I have
15 a motion -- to approve, I'm sorry, I'd like to
16 make a motion to approve the extension request
17 for Cases 5676 and 5673. Do I have a second on
18 the motion?

19 MR. SINGH: Second.

20 ACTING CHAIRMAN: Harry, thank you. All
21 in favor.

22 (Chorus of ayes.)

23 ACTING CHAIRMAN: Ayes have it, 5-0, 2
24 absent. And that covers other business for the
25 evening.

1 Next on the agenda, we have a new hearing
2 Case 5807, an area variance, for 46 Randolph,
3 LLC.

4 MS. KLEIN: Good evening, Chair, Members
5 of the Board. My name is Anne Klein, I'm an
6 associate at DelBello, Donnellan, Weingarten,
7 Wise, and Wiederkehr. I'm here tonight on
8 behalf of 46 Randolph, LLC. and related entity
9 North Broadway, LLC., in connection with the
10 redevelopment of this property which is 316
11 North Broadway down here and 315 Palisade Avenue
12 right here. It's this lot with frontage on both
13 North Broadway and Palisade.

14 We were before this Board in August of
15 2021 and received several area variances to
16 permit the development of the property with a
17 60-unit apartment building. Since that time it
18 was determined that the project as proposed was
19 infeasible, financially infeasible, so we're
20 before you again for some modification, minor
21 modifications to those variances that were
22 previously granted.

23 The first thing we changed was we
24 eliminated a parking structure that was going to
25 be located on 315 Palisade. And in order to

1 have the same amount of parking that was
2 previously proposed in the parking structure of
3 94 spaces, we had to move the building slightly
4 closer to North Broadway so that we could fit
5 parking behind the building. And we also -- but
6 we proposed keeping the parking on 315 Palisade
7 in the same location that the previously
8 proposed parking garage was located.

9 Because the previous resolution made
10 reference specifically to the five-foot parking
11 setback to be within the parking structure, the
12 Building Department determined that we needed to
13 come back and have the resolution changed to
14 grant the five yard parking setback for just
15 parking not referring to the parking structure.

16 So, we're requiring five-foot setback for
17 side yard setback for parking. This parking
18 space is slightly within the 25 front yard
19 setback, so we need an additional variance for
20 this one parking space. And then as a result of
21 moving the building forward to accommodate the
22 parking, the retaining walls which we also
23 received area variances for back in 2021, have
24 been increased slightly along here and also in
25 the front here to accommodate the location of

1 the building.

2 So those are the area variances we're
3 requesting tonight for the parking side yard and
4 front yard and then also for the retaining wall
5 variances.

6 I just want to alert you to the fact,
7 this just came to our attention and we can
8 submit revised plans showing this, it was also
9 noted in one of the comments from the Planning
10 Department that there's a retaining, an existing
11 retaining wall along North Broadway. We don't
12 actually require that retaining wall anymore.
13 This portion of the property which is pretty
14 steep will be graded and it will be more flush
15 with the road. So as a result this retaining
16 wall, we don't really need it anymore. But
17 we're happy to put in an architectural feature
18 to keep that stone wall since that was a comment
19 that the Planning Department had made.

20 We've also received comments from fire
21 and engineering and we're working on responding
22 to those for next meeting.

23 So, I'm happy to walk through our
24 statement of principal points with you if you
25 think it's necessary, but you have all our

1 materials and this is our current revised
2 proposal. I have some architectural elevations
3 here just to show you a seven-story buildings
4 combination of one and two-bedroom units. And
5 we just think it's a nice thing in this
6 neighborhood. The existing building is in
7 pretty bad shape. That would be demolished. So
8 these are the same. Elevations of the building.
9 And there could be --

10 (Court reporter clarification.)

11 MS. KLEIN: Oh, sorry. With me this
12 evening is Shloimy Gelb from Hartman Design and
13 Matt Checca from Stonefield Engineering and we
14 can answer any specific questions you may have.

15 (Court reporter requested spellings.)

16 MS. KLEIN: Yes, it's --

17 MR. GELB: S-h-l-o-i-m-y, G-e-l-b.

18 MR. CHECCA: And then Matthew two "Ts",
19 C-h-e-c-c-a. Stonefield.

20 ACTING CHAIRMAN: Were you going to
21 present or?

22 MR. CHECCA: I will be, we're just going
23 to ask if there are any comments or questions.

24 ACTING CHAIRMAN: Yeah, please. Anyone
25 have any questions at this time?

1 MR. LOPEZ: So we don't have plans yet,
2 right? You haven't submitted these plans to --

3 MS. KLEIN: Yes, we submitted these.

4 MR. LOPEZ: To -- okay.

5 ACTING CHAIRMAN: Does the Building
6 Department want to chime in on anything, have
7 any comments?

8 MR. BORELLI: Not at this time.

9 ACTING CHAIRMAN: No. Okay.

10 So, what we're going to do is definitely
11 schedule a site visit because some of the Board
12 Members that are on the Board now were not on
13 Board when you first presented in August of '21.

14 MS. KLEIN: Yup.

15 ACTING CHAIRMAN: So please reach out
16 Shannon in the Building Department and schedule
17 that as soon as possible.

18 MS. KLEIN: Okay.

19 ACTING CHAIRMAN: Is there -- I'm sorry
20 is there anyone from the public that's
21 interested in this case? It's regarding case
22 5807, 315 Palisade Avenue?

23 PUBLIC SPEAKER OVERTON: Is that also,
24 it's also North Broadway?

25 MS. TICKELL: Yes.

1 PUBLIC SPEAKER OVERTON: Yes.

2 THE CHAIRMAN: You're here? Yes, please
3 step up if you have any comments.

4 PUBLIC SPEAKER OVERTON: Hi, my name is
5 Mark Overton. I live at 293 North Broadway.
6 Right across the street from the site. I had
7 seen what was originally proposed last summer.
8 And I couldn't tell from the information on the
9 website what was changing. It looks as though
10 the retaining walls are being raised? Higher
11 than they were originally proposed?

12 MS. KLEIN: Yes.

13 PUBLIC SPEAKER OVERTON: So from 16 to 24
14 feet. So the original was a 16-foot --

15 MS. KLEIN: Yes. That was previously --

16 PUBLIC SPEAKER OVERTON: -- variance and
17 now it's 24.

18 MS. KLEIN: It was a 12-foot variance.
19 You're allowed four feet. So it was an
20 additional 12 feet and now we're going to 24.

21 PUBLIC SPEAKER OVERTON: And what is that
22 -- is that on the south side?

23 MS. KLEIN: North side.

24 PUBLIC SPEAKER OVERTON: It's on the
25 north side. So is that separating --

1 MS. KLEIN: It's from the Glenwood
2 condos.

3 PUBLIC SPEAKER OVERTON: So that's to
4 separate you from them?

5 MS. KLEIN: It's, it's because of the
6 grade change.

7 MR. CHECCA: Since there's a significant
8 slope from North Broadway to Palisades, you know
9 we need to put in some type of wall to make that
10 transition happen. With the old site plan --
11 are we okay to directly answer the question?

12 ACTING CHAIRMAN: Yes, please. Go ahead.
13 No.

14 MR. CHECCA: Sorry, I didn't know the
15 protocol here. So since we needed to make that
16 grade change happen, the old plan had a parking
17 structure, and that parking structure acted as
18 the grade transition. Now we're removing that
19 parking structure due to just a change in the
20 ownership. And we're --

21 PUBLIC SPEAKER OVERTON: So this is under
22 new ownership?

23 MS. KLEIN: No, it's not actually not.
24 No.

25 PUBLIC SPEAKER OVERTON: Okay.

1 MS. KLEIN: It was just when we got the
2 variances and then they started to do some
3 additional site plan engineering and determined
4 that it was financially infeasible to build the
5 parking structure. It was going to be way too
6 expensive and the project wouldn't be able to go
7 forward. So that's why we came back with, we
8 have a new engineer, an architect and redesigned
9 the project. It's substantially the same
10 project. We just moved the building closer to
11 North Broadway, very slightly, so that we could
12 put some parking behind the building. So that
13 we have the same amount of parking spaces that
14 we previously proposed. And due to that and the
15 fact that the parking structure which acted as a
16 retaining wall is no longer proposed, we needed
17 to add some height to the retaining wall.

18 MR. CHECCA: Yeah, thank you. So you can
19 see the --

20 PUBLIC SPEAKER OVERTON: So what is the
21 slope now? Are these online?

22 MR. CHECCA: I'm assuming so.

23 MS. TICKELL: Yes.

24 PUBLIC SPEAKER OVERTON: I mean I was
25 able to receive -- I was able to read them.

1 ACTING CHAIRMAN: Yes, they should be on
2 the Zoning Board of Appeals website.

3 PUBLIC SPEAKER OVERTON: Okay. It's so
4 difficult to navigate. I couldn't find them.
5 But --

6 MR. CHECCA: You can see what was
7 happening, the parking garage was in this
8 location here.

9 PUBLIC SPEAKER OVERTON: Correct.

10 MR. CHECCA: And now what we're doing is
11 we're adding a wall over here to accommodate for
12 the parking area. And then we're adding, you
13 know, additional parking here on-grade parking.
14 So there will be no parking structure. And then
15 in doing so --

16 PUBLIC SPEAKER OVERTON: So you're
17 building up?

18 MR. CHECCA: We are building up
19 specifically in this location here, but we're
20 cutting in this location here. So.

21 PUBLIC SPEAKER OVERTON: So you're
22 building up to that wall to make it grade with.

23 MR. CHECCA: Exactly. And there will be
24 a wall, a retaining wall here to accommodate for
25 that grade change.

1 PUBLIC SPEAKER OVERTON: Well, one of the
2 issues that we brought up in August was about
3 this artisan well or whatever the water issue
4 is.

5 MS. KLEIN: Yes.

6 PUBLIC SPEAKER OVERTON: And unless you
7 can address that, you're going have water all
8 over that wall.

9 MR. CHECCA: So, yeah, I mean this is
10 something that the Board will have to do their
11 walk-through and I know this was a comment in
12 the Planning Board Review Letter. But currently
13 the site's fairly old. And there's not much
14 infrastructure from a drainage perspective
15 within that, in that lot. There is a small
16 trench drain at the bottom of the development
17 along -- so everyone can see here -- along North
18 Broadway there is a small trench drain where the
19 existing curb cut is. And that's just filled
20 with sediment and sand. And it's, you know,
21 doesn't allow for positive drainage. Our
22 proposal will modify the site so it allows for
23 positive drainage with proper catch basins and
24 all of the drainage.

25 PUBLIC SPEAKER OVERTON: So that goes to

1 the City's sewer?

2 MR. CHECCA: It will go to the municipal
3 system, but first it hits our drainage system.

4 PUBLIC SPEAKER OVERTON: Right.

5 MR. CHECCA: And then will go from there.

6 PUBLIC SPEAKER OVERTON: Because that
7 water runs 24 hours a day, 365 days a year.

8 MR. CHECCA: But we're, we're aware of
9 the concern. And we're going to address it
10 during the Planning Board stage, but currently
11 right now that's our due diligence is showing us
12 that the drainage system that's currently there
13 today is just failed.

14 PUBLIC SPEAKER OVERTON: Right.

15 MR. CHECCA: So, there's also an old wall
16 there, that could be, you know, a bunch of
17 factors in with that old infrastructure that,
18 look, we're removing it and replacing it new.
19 And we're hoping that solves the issue. But we
20 can't really determine that until we move down
21 the path.

22 AUDIENCE MEMBER: Get invited to the
23 walk-through.

24 PUBLIC SPEAKER OVERTON: Yeah, is there a
25 possibility of being there at that time?

1 ACTING CHAIRMAN: Sure. Yeah. Can you
2 just give -- how would we?

3 MS. KRAVITZ: Reach out to Shannon. Both
4 email ZBApublic, the email address.

5 MS. TICKELL: Yeah, ZBApublic.

6 ACTING CHAIRMAN: Do you have a pen and
7 paper by any chance?

8 PUBLIC SPEAKER OVERTON: I don't, but I
9 have my phone.

10 MR. VASSO: Yeah,
11 ZBApublic@yonkersny.gov.

12 MS. KRAVITZ: So email her and give her
13 your information. Say that you were at the
14 meeting tonight and Anthony will --

15 PUBLIC SPEAKER OVERTON: I can barely
16 hear you.

17 ACTING CHAIRMAN: So what you're going to
18 do is you're going to email the
19 ZBApublic@yonkersny.gov.

20 PUBLIC SPEAKER OVERTON: ZBA?

21 ACTING CHAIRMAN: Yes, public. Yes, "Z"
22 as in zebra, "B" as in boy, "A" as in Anthony,
23 public@yonkersny.gov. Address it to Shannon.

24 PUBLIC SPEAKER OVERTON: Shannon.

25 ACTING CHAIRMAN: And just tell her that

1 you'd like to be included in the site visit for
2 315 Palisade Avenue. And please give your phone
3 number in the email as well so Shannon can reach
4 out to you. Then I will email Shannon and let
5 her know that you are to be included in the
6 meeting.

7 PUBLIC SPEAKER OVERTON: Okay. Great.

8 ACTING CHAIRMAN: Does anyone have any
9 questions? Harry.

10 MR. SINGH: Here is the question, is the
11 property taxes current, Fully paid?

12 MS. KLEIN: Yes, I believe so.

13 MR. SINGH: Okay. So out of 60
14 dwellings, how many are affordable? Do you have
15 any affordable units?

16 MS. KLEIN: It's a market-rate building
17 but we will comply with the affordable housing
18 regulations.

19 MR. SINGH: Okay. How many handicap
20 spaces?

21 MR. GELB: All the units will be, we have
22 elevators going up.

23 MR. SINGH: No, handicap parking.

24 MR. CHECCA: Oh, handicap parking.

25 MS. KLEIN: Oh, there's four handicap

1 parking spaces below the building.

2 ACTING CHAIRMAN: Okay. Have you guys
3 included a drainage plan that the gentleman
4 was--

5 MR. CHECCA: We have not prepared a
6 drainage plan that's been shared with the
7 municipality.

8 ACTING CHAIRMAN: You have not?

9 MR. CHECCA: Correct. That's not been
10 shared.

11 ACTING CHAIRMAN: You know what, we're
12 going to hold on that. Let's do a site visit
13 first. Let's see what's going on at the site.
14 I am going to continue the hearing for next
15 month. But I would also like to make a motion on
16 the declaring Lead Agency.

17 I make a motion that the ZBA pursuant to
18 the New York State Environmental Quality Review
19 Act declare its intention to seek Lead Agency
20 status for the purpose of environmental review
21 of this matter and directs the Planning Director
22 on behalf of this Board to initiate Lead Agency
23 notification and coordinate a review with all
24 other involved agencies in this action. If no
25 other involved agency seeks to be Lead Agency

1 within 30 days of the effective date of notice,
2 the ZBA shall assume Lead Agency status for the
3 purpose of review of this matter.

4 Do I have a second on the motion? Harry.
5 Thank you.

6 MR. SINGH: Second.

7 ACTING CHAIRMAN: All in favor.

8 (Chorus of ayes.)

9 ACTING CHAIRMAN: Ayes have it, 5-0, 2
10 absent. Thank you.

11 MS. KLEIN: Thank you.

12 MR. CHECCA: Thank you.

13 ACTING CHAIRMAN: I'd also like to make a
14 motion to adjourn the meeting. Do I have a
15 second?

16 MS. TICKELL: Second.

17 ACTING CHAIRMAN: Second, Jean, thank
18 you. All in favor.

19 (Chorus of ayes.)

20 ACTING CHAIRMAN: Ayes have it. Meeting
21 adjourned 5-0, 2 absent.

22 (Time Noted: 6:45 p.m.)

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CERTIFICATION

STATE OF NEW YORK)
) ss.
COUNTY OF WESTCHESTER)

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand.

LYNNETTE MAZZA,
COURT REPORTER