

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, FEBRUARY 28, 2023



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

TIME: 7:05PM

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 February 14, 2023 approved as amended on motion of Majority Leader Diaz and seconded by Majority Whip Rubbo.

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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

NO SPEAKERS

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LOCAL LAW NO.8-2023

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

A LOCAL LAW AMENDING CHAPTER 75 OF THE CODE OF THE CITY OF YONKERS ENTITLED "POLICE" BY AMENDING ARTICLE VI ENTITLED "PUBLIC NUISANCE ABATEMENT"

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

Section 1. Chapter 75 of the Code of the City of Yonkers entitled "Police" and is hereby amended, in part by amending Subsection A(2) of Section 75-23 of Article VI thereof entitled "Public nuisance abatement," to read as follows:

"ARTICLE VI. PUBLIC NUISANCE ABATEMENT
§75 – 23. Definitions.

Unless otherwise expressly stated, the following terms shall, for the purpose this law, have the meanings indicated:

PUBLIC NUISANCE

- A. For purposes of this law, a public nuisance shall be deemed to exist whenever, through violations of any of the following provisions resulting from separate incidents occurring at or predicated at events circumstances or activities occurring on the premises, 12 or more points are accumulated within a period of six months, or 18 or more points are accumulated within a period of 12 months in accordance with the following point system. Where more than one violation occurs during a single incident, the total points for the incident shall be the highest point value assigned to any single violation. The following violations shall be assigned the point value indicated:

(2) Article 221 222 of the Penal Law (Offenses Involving Cannabis Marihuana) or a plea to a lesser included offense thereunder: six points.

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LOCAL LAW NO.8-2023 (CONTINUED)

Section 2. This Local Law shall take effect upon compliance with §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, FEBRUARY 28, 2023. BY A VOTE OF 7-0.

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LOCAL LAW NO.9-2023

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

LOCAL LAW AUTHORIZING THE DISCONTINUANCE AS A PUBLIC STREET AND CONVEYANCE OF A PORTION OF OLD SAW MILL RIVER ROAD

BE IT ENACTED by the City Council of the City of Yonkers as follows:

Section 1. Pursuant to section 101 of the New York Second Class Cities Law and section 29 of the New York General City Law, the portion of Old Saw Mill River Road located in Yonkers, New York between the tax lots now or formerly designated on the Official Tax Map of the City of Yonkers as Section 3, Block 3245, Lots 469, 470, 475, and 477 and described more fully in **Appendix A**, which is attached hereto and incorporated herein by reference (the "**Property**"), is hereby discontinued as a public street and removed from the Official Map of the City of Yonkers upon the recommendation of the affected departments of the City of Yonkers and the recommendation of the Planning Board of the City of Yonkers, subject to the following conditions:

- (1) the reservation of any required easements, if any, including, but not limited to, easements providing for full and complete access for future maintenance or repair of existing utilities running within the Property
- (2) the conveyance of the Property to Waverly Properties, LLC or its Affiliate, as defined in the purchase and sale agreement referenced herein, (the "**Grantee**") and combination of the Property with the contiguous property owned by Grantee;
- (3) the conditions set forth in the Planning Board Recommendation; and
- (4) any further conditions that are in the best interests of the City of Yonkers (the "**City**")

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LOCAL LAW NO.9-2023 (CONTINUED)

Section 2. New York General City Law § 23 and New York Second Class Cities Law § 37 are hereby superseded, to the extent herein provided, as follows:

The City Council of the City of Yonkers, having determined that the Property is not currently being used and cannot be developed by the City for any intended municipal purpose and is thereby considered surplus, hereby authorizes the Mayor to convey the Property by private sale to Grantee pursuant to the purchase and sale agreement between the City of Yonkers and Grantee dated August 8, 2019, which was authorized by Resolution 27-2019 of the City Council adopted February 26, 2019. The conveyance of the Property is expressly conditioned upon the reservation the conditions set forth in section 1 of this local law.

Section 3. Upon compliance with conditions stated herein, the affected departments of the City of Yonkers shall amend the necessary City records, including the Official Map of the City of Yonkers and the Official Tax Map of the City of Yonkers, whereby the discontinued portion of Old Saw Mill River Road shall be combined with the existing adjacent tax lot or lots owned by Grantee.

Section 4. This local law is subject to a permissive referendum.

Section 5. This local law shall take effect no earlier than 45 days after its adoption, or until it is approved by the affirmative vote of the qualified electors of the City of Yonkers if a petition is brought, and upon its filing with the New York State Secretary of State.

THIS LOCAL LAW WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, FEBRUARY 28, 2023. BY A VOTE OF 7-0.

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GENERAL ORDINANCE NO.4-2023

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

A GENERAL ORDINANCE AMENDING GENERAL ORDINANCE NO. 4-2000 AND THE ACCOMPANYING MAP, ALSO KNOWN AS CHAPTER 43 OF THE CODE OF THE CITY OF YONKERS, AND MORE COMMONLY KNOWN AS THE ZONING CODE OF THE CITY OF YONKERS, TO FACILITATE A TRANSIT ORIENTED, MIXED-USE DEVELOPMENT AT THREE PROJECT SITES: THE TEUTONIA HALL SITE, THE CHICKEN ISLAND SITE, AND THE NORTH BROADWAY SITE TO BE LOCATED ON THE REAL PROPERTY KNOWN AS 41 BUENA VISTA AVENUE AND DESIGNATED ON THE CITY OF YONKERS TAX MAP AS SECTION 1, BLOCK 512, LOT 11; THE PROPERTIES KNOWN AS 20 PALISADE AVENUE AND 32 JOHN STREET, AND DESIGNATED ON THE CITY OF YONKERS TAX MAP AS SECTION 1, BLOCK 485, LOT 1 AND SECTION 1, BLOCK 475, LOT 51, RESPECTIVELY; AND THE PROPERTIES 7 OVERLOOK TERRACE, 15 OVERLOOK TERRACE, 23 OVERLOOK TERRACE, 14 OVERLOOK TERRACE, 12 OVERLOOK TERRACE, 14 NORTH BROADWAY (PART), 16 NORTH BROADWAY, 18 NORTH BROADWAY, 50 NORTH BROADWAY, 2 BALDWIN PLACE, 10 BALDWIN PLACE, AND 18 BALDWIN PLACE, AND DESIGNATED ON THE CITY OF YONKERS TAX MAP AS SECTION 2, BLOCK 2018, LOTS 8, 12, 16, 18, 20, 25, 48 (PART), 50, 51, 67, 71, 75, AND 79, RESPECTIVELY.

The City of Yonkers, in City Council convened, does hereby ordain and enact:

Section 1. Recitals.

(a) AMS Acquisitions, LLC and its affiliates (the "Applicant") propose to develop a transit oriented, mixed-use development at three project sites: the Teutonia Hall site, the Chicken Island site, and the North Broadway site (together the "Project Sites").

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(b) In several phases over approximately ten years, the Applicant intends to develop the Project Sites with approximately 3,556 residential rental units, including affordable rental units as required by Article XV of the City of Yonkers Zoning Ordinance, approximately 84,000 square feet (sf) of retail, restaurant, and person service uses, approximately 30,000 square feet (sf) of commercial office, and approximately 3,904 parking spaces (the "Project").

(c) To facilitate the development of the Project, on August 25, 2020, the Applicant petitioned (as amended and restated on October 20, 2022, the "Petition") the City of Yonkers City Council ("City Council") for amendments to, among other things, the City of Yonkers Zoning Map and Zoning Ordinance ("Zoning Ordinance").

(d) The amendments to the Zoning Ordinance requested in the Petition primarily affect permitted building heights and building footprints in the D-MX District, parking requirements, a map amendment to rezone three tax lots from the A District to the D-MX District, and the regulations for "Designated Development Sites" (collectively the "Amendments").

(e) On September 17, 2020, the City Council circulated a Lead Agency Notice in connection with the Applicant's Petition to amend the Zoning Ordinance, pursuant to Pursuant to Article 8 (State Environmental Quality Review- SEQR) of the Environmental Conservation Law and 6 NYCRR Part 617 ("SEQRA").

(f) On October 14, 2020, the Planning Board of the City of Yonkers ("Planning Board") adopted a resolution in response to the City Council's notice requesting the City Council cede SEQRA Lead Agency status to the Planning Board.

(g) By resolution 116-2020, adopted by the City Council on October 27, 2020, the City Council ceded SEQRA Lead Agency status to the Planning Board ("Lead Agency").

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(h) On November 18, 2020, the Planning Board declared its intent to serve as Lead Agency for the proposed action, namely, the Project, issued a Positive Declaration of environmental significance requiring the preparation of the Draft Environmental Impact Statement ("DEIS") for the Project, and set a public DEIS Scoping Session for November 30, 2020.

(i) Written comments on the proposed DEIS Scoping Document were accepted through December 21, 2020.

(j) On February 10, 2021, the Planning Board adopted the Final Scoping Document for the Project.

(k) A DEIS was prepared by the Applicant pursuant to SEQRA in accordance with the adopted DEIS Scope, and submitted to the Planning Board for review.

(l) The Planning Board issued a Notice of Completion of the DEIS on February 9, 2022.

(m) Public hearings on the DEIS were held by the Lead Agency on March 9, 2022 and April 13, 2022.

(n) Written comments on the DEIS were accepted from February 9, 2022 through April 27, 2022.

(n) A Final Environmental Impact Statement ("FEIS") was prepared by the Applicant pursuant to SEQRA and submitted to the Planning Board for review.

(o) On September 21, 2022, the Planning Board issued a Notice of Completion of the FEIS and filed the FEIS.

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(p) At its November 9, 2022 meeting, pursuant to SEQRA, the Lead Agency, after considering the relevant environmental impacts, facts and conclusions disclosed in the DEIS and FEIS and weighing and balancing the relevant environmental impacts with social, economic and other essential considerations, adopted a resolution adopting its findings ("Findings Statement").

(q) By Resolution 136-2022, adopted on November 9, 2022, the City Council, in accordance with Section 43-164(A) of the Zoning Ordinance and Section 239-m of the General Municipal Law, referred the Petition to the Planning Board and the County of Westchester Planning Board ("County Planning Board") for its review and report.

(r) The Findings Statement notice was filed on November 10, 2022 and circulated to all Involved Agencies, as such term is defined by SEQRA.

(s) On November 21, 2022, the County Planning Board delivered its report to the Planning Board.

(t) On January 11, 2023, the Planning Board issued a favorable recommendation of the Amendments.

(u) The City Council finds that the Project will continue the City's efforts to revitalize its downtown districts, provide necessary infrastructure to support redevelopment, and add to its tax base.

(v) The City Council desires to amend the Zoning Ordinance to incorporate the Amendments.

(w) The City Council, as an involved agency under SEQRA, is also required to adopt its own findings to the Project.

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Section 2. SEQRA. Based upon the Findings Statement, DEIS, and FEIS, reviewed by the City Council, and other representations and information furnished by the Company regarding the Project, the City Council hereby finds and determines as follows: (i) the City Council concurs with the Lead Agency that the proposed action is an "Type I" action, as that term is defined in under SEQRA; (ii) that the environmental review of the proposed action pursuant to SEQRA was conducted by the Lead Agency and (iii) the City Council concurs with the Findings Statement, and adopts said findings as its own. The City Council further finds that consistent with social, economic and other essential considerations from among the reasonable alternatives available, the Project, which requires the adoption of the Amendments, among other things, avoids or minimizes adverse environmental impacts to the maximum extent practicable and adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating the relevant mitigation measures identified in the Findings Statement.

Section 3. Amendments. General Ordinance No. 4-2000 and the accompanying map, also known as Chapter 43 of the Code of the City of Yonkers, and more commonly known as the Zoning Code of the City of Yonkers, is hereby amended, as follows:

(a) The Zoning Map is hereby amended to rezone the properties known as 7 Overlook Terrace, 12 Overlook Terrace, and 18 Baldwin Place, designated on the City of Yonkers Tax Map as Section 2, Block 2018, Lots 8, 25, and 79, respectively, from A District to D-MX District.

(b) Map B: *Height District Map* (43 Attachment 14) of the Zoning Ordinance is hereby amended to add footnote #1 see Table 43-8 for Dimensional Standards for D-MX and D-IRT Districts and to map in the following parcels in the 250 feet permitted Maximum Height classification:
÷ (a) the entirety of the approximately 1.14 acre property known as 41 Buena Vista Avenue and designated on the City of Yonkers Tax Map as Section 1, Block 512, Lot 11; (b) the properties comprising a total of approximately 5.25 acres known as 20 Palisade Avenue and 32 John Street, and designated on the City of Yonkers Tax Map as Section 1, Block 485, Lot 1 and Section 1, Block 475, Lot 51, respectively; and (c)

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the properties comprising a total of approximately 1.97 acres known as 7 Overlook Terrace, 15 Overlook Terrace, 23 Overlook Terrace; 14 Overlook Terrace, 12 Overlook Terrace, 14 North Broadway (part), 16 North Broadway, 18 North Broadway, 50 North Broadway, 2 Baldwin Place, 10 Baldwin Place, and 18 Baldwin Place, and designated on the City of Yonkers Tax Map as Section 2, Block 2018, Lots 8, 12, 16, 18, 20, 25, 48 (part), 50, 51, 67, 71, 75, and 79, respectively. A copy of the amended Height District Map to be included in the Zoning Ordinance is attached hereto as Exhibit A.

(c) The definition of "Designated development site" in Section 43-8 of the Zoning Ordinance is hereby amended and restated in its entirety, to read as follows:

"Designated development site." A tract in the D-MX District comprised of one or more lots having 1.75 or more acres of area in the aggregate and located in the maximum height district shown on Map B: Height District Map, may be designated by the City Council as a single designated development site.

(d) Table 43-8 (Dimensional Standards for D-MX and D-IRT Districts) (43 Attachment 10) of the Zoning Ordinance is amended to add new footnote 4 to "Maximum building height" in the second column (labeled "D-MX") and to the "Notes" following the table, to read as follows:

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<u>Bulk and Setback Regulations</u>	<u>Districts</u>	
	<u>D-MX</u>	<u>D-IRT</u>
<u>Bulk</u>		
<u>Maximum building height</u>	<u>66 feet, unless permitted height by § 43-221B and Map B: Height District Map⁴</u>	<u>66 feet, unless permitted height by § 43-221B and Map B: Height District Map</u>
<u>Minimum building height</u>	<u>25 feet and 2 stories</u>	<u>25 feet and 2 stories</u>
<u>Required Setbacks</u>		
<u>Front build-to line</u>	<u>0^{1,2}</u>	<u>0^{1,2}</u>
<u>Minimum interior side setback</u>	<u>0</u>	<u>0</u>
<u>Side front build-to line</u>	<u>0^{1,2,3}</u>	<u>0^{3,4}</u>
<u>Minimum rear setback</u>	<u>Nonresidential: 0</u> <u>Residential: 10'</u>	<u>0</u>

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GENERAL ORDINANCE NO.4-2023 (CONTINUED)

Notes:

1. Exceptions: See Map C: Additional Sidewalk Width Requirement Map for sidewalk enhancement setback requirements.
 2. A setback may be increased to a maximum of 25 feet if a public plaza or public seating area is incorporated and located adjacent to a public street.
 3. On a corner lot, where a rear yard is required because of residential uses, the side front build-to line requirement applies only up to the rear yard line, where no setback is required to the rear lot line.
 4. Maximum building height on a lot which is located in the maximum height district shown on Map B: Height District Map, is as follows:
 - (a) Maximum building height is 435 feet on a lot 1 acre or greater which is located within 1/8th mile walking distance to the Yonkers Metro-North Railroad Station over public street sidewalks.
 - (b) Maximum building height is 300 feet, on a lot 1.5 acres or greater which is located between 1/8th mile and 1/3rd mile walking distance to the Yonkers Metro- North Railroad Station over public street sidewalks.
 - (c) Maximum building height is 400 feet on a lot 4 acres or greater which is located between 1/3rd mile and 1/2 mile walking distance to the Yonkers Metro-North Railroad Station over public street sidewalks.
- (e) Section 43-46 (Designated development sites) of the Zoning Ordinance is amended and restated in its entirety, to read as follows:
- "Following preliminary site plan approval by the Planning Board in accordance with Article IX of this chapter, the City Council may, upon petition by one or more applicants, designate a tract in the D-MX District comprised of one or more lots having 1.75 or more acres of area in the aggregate and located in the maximum height district shown on Map B: Height District Map, as a single designated development site for the purpose of effecting the comprehensive redevelopment of an area of the City. The following supplemental regulations shall apply to a designated development site:
- A. The lot and dimensional regulations of this chapter, including but not limited to the regulations in § 43-33, § 43-221, and Table 43-8 of this chapter, shall apply to the entire tract designated as a designated development site and not to any of the individual lots which comprise the designated development site or any of the individual lots into which the designated development site is subdivided, and regardless of the ownership of the lots, provided that the lots shall be used only in

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GENERAL ORDINANCE NO.4-2023 (CONTINUED)

accordance with the approved site plan for the lots comprising a designated development site.

B. Notwithstanding any other provision of this chapter, the lots which comprise a designated development site may be separated by public or private streets or rights-of-way."

(f) Section 43-132 of the Zoning Ordinance is amended to add a new subsection E, to read as follows:

"E. Valet parking in the D-MX District. The agency approving a site plan may, on the recommendation of the Traffic Engineer, allow valet or attended parking in a private garage or semi-public garage in the D-MX District."

(g) Article X of the Zoning Ordinance is amended to add a new Section 43-139, to read as follows:

"43-139 Reduced parking requirement for apartments on certain tracts in the D-MX District.

Notwithstanding Table 43-10 or any other provision of this chapter, the minimum number of required parking spaces for apartments shall be one space per apartment for new construction on the following tracts in the D-MX District:

A. The tract comprised of the lots designated on the City of Yonkers Tax Map as Section 1, Block 485, Lot 1 and Section 1, Block 475, Lot 51.

B. The tract comprised of the lots designated on the City of Yonkers Tax Map as Section 2, Block 2018, Lots 8, 12, 16, 18, 20, 25, 48 (part), 50, 51, 67, 71, 75, and 79."

(h) Section 43-221B(3)(a) of the Zoning Ordinance is amended and restated to read as follows:

"(a) Residential use: 12,000 square feet maximum tower footprint, except maximum tower footprint on a lot which is located in the maximum height district shown on Map B: Height District Map, is as follows:

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[1] Maximum aggregate tower footprint is 24,000 square feet in two towers on a lot 1 acre or greater which is located within 1/8th mile walking distance to the Yonkers Metro-North Railroad Station over public street sidewalks.

[2] Maximum tower footprint is 13,000 square feet and maximum aggregate tower footprint is 26,000 square feet in two towers on a lot 1.5 acres or greater which is located between 1/8th mile and 1/3rd mile walking distance to the Yonkers Metro-North Railroad Station over public street sidewalks.

[3] Maximum tower footprint is 38,000 square feet and maximum aggregate tower footprint (A) is 80,000 square feet up to 250 feet in height, and (B) 28,000 square feet from 250 feet in height to 400 feet in height, in up to six towers, on a lot 4 acres or greater which is located between 1/3rd mile and 1/2 mile walking distance to the Yonkers Metro-North Railroad Station over public street sidewalks."

Section 4. If any section, subdivision, sentence, clause, phrase or other portion of this Ordinance is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable and such constitutionality or invalidity shall not affect the validity of the remaining portions of this Ordinance, which remaining portions shall remain in full force and effect.

Section 5. This Ordinance shall take effect immediately.

THIS GENERAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, FEBRUARY 28, 2023. BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, FEBRUARY 28, 2023

RESOLUTION NO.33-2023

4. 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 APPROVING PLAN MODIFICATIONS FOR AMENDMENTS TO THE CITY OF YONKERS GETTY SQUARE URBAN RENEWAL PLAN, RIVERVIEW URBAN RENEWAL PLAN, AND DOWNTOWN MASTER PLAN.

WHEREAS, in furtherance of the objectives of Articles XV and XV-A of the General Municipal Law of the State of New York, the City of Yonkers (the “City”) and the Yonkers Community Development Agency (the “Agency”) have undertaken a program for clearance and reconstruction of the Getty Square Urban Renewal Area in accordance with an urban renewal plan known as the Urban Renewal Plan for the Getty Square Urban Renewal Area (the “ Getty Square Urban Renewal Plan”); and

WHEREAS, in furtherance of the objectives of Articles XV and XV-A of the General Municipal Law of the State of New York, the City and the Agency have undertaken a program for clearance and reconstruction of the Riverview Urban Renewal Area in accordance with an urban renewal plan known as the Modified Urban Renewal Plan for N.D.P. Areas No. 1 and No. 2 (the “Riverview Urban Renewal Plan”, which together with the Getty Square Urban Renewal Plan are the “Urban Renewal Plans”); and

WHEREAS, in 2010, the City adopted a vision plan for the development of downtown Yonkers, known as the Downtown Master Plan (as amended from time to time, the “Master Plan”); and

WHEREAS, AMS Acquisitions, LLC and its affiliates (the “Applicant”) propose to develop a transit oriented, mixed-use development at three project sites: the Teutonia Hall site (“Teutonia Site”), the Chicken Island site (“Chicken Island Site”), and North Broadway (“North Broadway Site”, which together with the Teutonia Site and Chicken Island Site are the ‘Project Sites”); and

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RESOLUTION NO.33-2023 (CONTINUED)

WHEREAS, at the Teutonia Site, the Applicant intends to develop approximately 906 multi-family residential units in two (2) residential towers with a total building height of 435 feet, approximately 10,000 square feet of street level retail/commercial space, and approximately 956 on-site parking spaces (the "Teutonia Project"); and

WHEREAS, at the Chicken Island Site, the Applicant intends to develop approximately five (5) buildings, varying in height from 250 feet to 400 feet, comprising of 2,000 multi-family residential units, approximately 70,000 square feet street-level retail/commercial space, approximately 17,000 square feet of office space, and approximately 2,180 parking spaces (the "Chicken Island Project"); and

WHEREAS, at the North Broadway Site, the Applicant intends to develop 650 multi-family and townhome residential units, approximately 4,000 square feet of retail/commercial space, approximately 13,000 square feet of office space, and approximately 768 parking spaces (the "North Broadway Project"; the North Broadway Project, the Teutonia Project, and the Chicken Island Project collectively, the "Project"); and

WHEREAS, to facilitate the development of the Project, on October 20, 2022, the Applicant petitioned: (i) the Agency for certain amendments to the Urban Renewal Plans (the "Urban Renewal Plan Amendments") and (ii) the City Council of the City of Yonkers ("City Council") for certain amendments to the Master Plan (the "Master Plan Amendment", which together with the Urban Renewal Plan Amendments are the "City Plan Amendments"); and

WHEREAS, specifically, the Applicant proposes a revision to the Riverview Urban Renewal Plan that would allow higher-density development in the plan area, which includes the Teutonia Project; and

WHEREAS, the Applicant also proposes revisions to the Getty Square Urban Renewal Plan to reflect the modified parking ratios, to eliminate requirements that were specifically intended to facilitate the previously proposed, but not constructed "River Park Center" project, and to better accommodate the Project; and

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RESOLUTION NO.33-2023 (CONTINUED)

WHEREAS, the Applicant also proposes an amendment to the Master Plan to substitute the proposed Chicken Island Project for the “River Park Center” project, which was not constructed; and

WHEREAS, the Master Plan amendment would include allowances for additional height on the Teutonia Site and Chicken Island Site and would put the entirety of the North Broadway Site within the Master Plan area; and

WHEREAS, on September 17, 2020, the City Council circulated a Lead Agency Notice in connection with the Applicant’s petition to adopt, among other things, the City Plan Amendments, pursuant to Pursuant to Article 8 (State Environmental Quality Review- SEQR) of the Environmental Conservation Law and 6 NYCRR Part 617 (“SEQRA”); and

WHEREAS, on October 14, 2020, the Planning Board of the City of Yonkers (“Planning Board”) adopted a resolution in response to the City Council’s notice requesting the City Council cede SEQRA Lead Agency status to the Planning Board; and

WHEREAS, by resolution 116-2020, adopted by the City Council on October 27, 2020, the City Council ceded SEQRA Lead Agency status to the Planning Board (“Lead Agency”); and

WHEREAS, on November 18, 2020, the Planning Board declared its intent to serve as Lead Agency for the proposed action, namely, the Project, issued a Positive Declaration of environmental significance requiring the preparation of the Draft Environmental Impact Statement (“DEIS”) for the Project, and set a public DEIS Scoping Session for November 30, 2020; and

WHEREAS, written comments on the proposed DEIS Scoping Document were accepted through December 21, 2020; and

WHEREAS, on February 10, 2021, the Planning Board adopted the Final Scoping Document for the Project; and

WHEREAS, a DEIS was prepared by the Applicant pursuant to SEQRA in accordance with the adopted DEIS Scope, and submitted to the Planning Board for review; and

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RESOLUTION NO.33-2023 (CONTINUED)

WHEREAS, the Planning Board issued a Notice of Completion of the DEIS on February 9, 2022; and

WHEREAS, public hearings on the DEIS were held by the Lead Agency on March 9, 2022 and April 13, 2022; and

WHEREAS, written comments on the DEIS were accepted from February 9, 2022 through April 27, 2022; and

WHEREAS, a Final Environmental Impact Statement ("FEIS") was prepared by the Applicant pursuant to SEQRA and submitted to the Planning Board for review; and

WHEREAS, on September 21, 2022, the Planning Board issued a Notice of Completion of the FEIS, and filed the FEIS; and

WHEREAS, at its November 9, 2022 meeting, pursuant to SEQRA, the Lead Agency, after considering the relevant environmental impacts, facts and conclusions disclosed in the DEIS and FEIS and weighing and balancing the relevant environmental impacts with social, economic and other essential considerations, adopted a resolution adopting its findings ("Findings Statement"); and

WHEREAS, the City Council, as an "involved agency" under SEQRA, is also required to adopt its own findings to, among other things, the City Plan Amendments; and

WHEREAS, on November 9, 2022, by Resolution 136-2022, the City Council referred, among other things, the Master Plan Amendment to the Planning Board for its review and report; and

WHEREAS, the Findings Statement Notice was filed on November 10, 2022 and circulated to all "involved agencies", as such term is defined by SEQRA; and

WHEREAS, on December 5, 2022, by Resolution 2023-04 and in accordance with Section 505 of the General Municipal Law, the Agency referred the Urban Renewal Plan Amendments to the Planning Board for its review and report; and

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RESOLUTION NO.33-2023 (CONTINUED)

WHEREAS, the Planning Board, at its meeting of December 14, 2022, held a public hearing on the City Plan Amendments upon due notice, and, at its meeting of January 11, 2023, adopted a resolution giving its unqualified approval of the Plan Modification in accordance with Section 505 of the General Municipal Law, and recommending approval of the City Plan Amendments in all respects by the City Council, without modification; and

WHEREAS, the City Council finds that the Project will complement the existing development in the City's downtown core; and

WHEREAS, the Project, which requires adoption of the City Plan Amendments, will redevelop the Project Sites into residential, commercial, and other purposes that are consistent with the findings in the Urban Renewal Plans and Master Plan, and such redevelopment is in compliance with the standards and controls in the Urban Renewal Plans and Master Plan since it will provide for the Company's redevelopment of the Project Sites, while continuing the City's efforts to revitalize the City's downtown districts, provide necessary infrastructure to the City to support the redevelopment, and add to the City's tax base; and

WHEREAS, the City Council desires to effectuate the City Plan Amendments to facilitate the construction and development of the Project; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF YONKERS,

Section 1. SEQRA. Based the DEIS, the FEIS and the Findings Statement, reviewed by the City Council, the City Council hereby finds and determines as follows: (i) the City Council concurs with the Lead Agency that the "proposed action" is a "Type I" action, as that term is defined in under SEQRA; (ii) that the environmental review of the "proposed action" pursuant to SEQRA was conducted by the Lead Agency and (iii) the City Council concurs with the Findings Statement, and adopts said findings as its own. The City Council further finds that consistent with social, economic and other essential considerations from among the reasonable alternatives available, the Project, which requires the adoption of the City Plan Amendments, among other things, avoids or minimizes adverse environmental impacts to the maximum extent practicable and adverse

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RESOLUTION NO.33-2023 (CONTINUED)

environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions of any site plan approval the relevant mitigation measures identified in the Findings Statement.

Section 2. That the Urban Renewal Plan Amendments, as described hereto in Exhibit A and referred to herein are hereby incorporated herein and made a part of this Resolution for all purposes as if fully set forth herein, are hereby approved.

Section 3. That, the Riverview Urban Renewal Plan, as amended, and the Getty Square Urban Renewal Plan, as amended, complies with the provisions of Section 502(7) of the General Municipal Law, and that the findings made by the Agency in connection with the plan modification to the Riverview Urban Renewal Plan and Getty Square Urban Renewal Plan at its meeting held on December 5, 2022 and contained in the Agency's Resolution No. 2023-04 are hereby approved and adopted by the City Council and that in accordance with Section 505(4) of Article XV of the General Municipal Law, the following additional findings are hereby made:

(a) The areas governed by the Urban Renewal Plans, which include, but are not limited to the Project Sites, are in a substandard or insanitary area, or is in danger of becoming a substandard or insanitary area and tends to impair or arrest the sound growth and development of the municipality.

(b) The City Plan Amendments afford maximum opportunity to private enterprise, consistent with the sound needs of the municipality as a whole, for the undertaking of the urban renewal program contained in the Urban Renewal Plans.

(c) The City Plan Amendments conform to a comprehensive community plan for the development of the municipality as a whole.

(e) The Project Sites are currently vacant or substantially vacant so there will be no or minimal displacement of families and individuals from said properties which would require relocation into decent, safe and sanitary dwellings in the urban renewal area or in other areas not generally less desirable in regard to public utilities and public commercial facilities, at rents or prices within the financial means of such families or

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RESOLUTION NO.33-2023 (CONTINUED)

individuals, and reasonably accessible to their places of employment.

Section 4. That the Master Plan Amendment and Findings Statement, with accompanying resolution(s), as described hereto in Exhibit B and referred to herein are hereby incorporated herein and made a part of this Resolution for all purposes as if fully set forth herein, is hereby approved.

Section 5. The Mayor or his duly authorized designee is authorized execute all instruments and agreements and to take or direct the undertaking of all appropriate actions as may be necessary or desirable to effectuate the purpose of this resolution.

Section 6. If any section, subdivision, sentence, clause, phrase or other portion of this resolution is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable and such constitutionality or invalidity shall not affect the validity of the remaining portions of this resolution, which remaining portions shall remain in full force and effect.

Section 7. This resolution shall take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, FEBRUARY 28, 2023. BY A VOTE OF 7-0.

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CITY COUNCIL OF THE CITY OF YONKERS
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RESOLUTION NO.34-2023

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

RESOLUTION APPROVING AN INTER-MUNICIPAL AGREEMENT BETWEEN THE CITY OF YONKERS AND THE COUNTY OF WESTCHESTER FOR THE RENEWED PRISONER TRANSPORTATION AGREEMENT FOR THE TERM 2022-2023

WHEREAS, in accordance with an agreement between the County of Westchester and the City of Yonkers, the County of Westchester have agreed to terms for a renewed agreement, retroactively commencing January 1, 2022 and terminating December 31, 2023 for the transportation of prisoners between the City of Yonkers and the Westchester County Department of Correction; and

WHEREAS, for the calendar year 2022, the County shall reimburse the City \$205 per round trip with two detention officers, \$307.50 per round trip with three detention officers, and \$410 per round trip with four detention officers; and

WHEREAS, for the calendar year 2023, the County shall reimburse the City \$210.13 per round trip with two detention officers, \$315.19 per round trip with three detention officers, and \$420.25 per round trip with four detention officers; and

WHEREAS, the County shall also reimburse the City for other incidentals including mileage and prisoner meals; and

WHEREAS, this agreement is pursuant to Sections 500-c and 500-d of the Corrections Law of the State of New York; and

WHEREAS, New York State General Municipal Law Article 5-G, Section 119-o, authorizes municipal corporations and districts to enter into agreements for the performance of various functions; and

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RESOLUTION NO.34-2023 (CONTINUED)

NOW, THEREFORE, BE IT RESOLVED, that the Prisoner Transportation Agreement between the County of Westchester and the City of Yonkers for the transportation of prisoners between the City of Yonkers and the Westchester County Department of Corrections for the years 2022 through 2023 is hereby approved; and be it further

RESOLVED, that Mayor or his authorized designee is hereby empowered to execute all instruments and take all actions reasonable and necessary to effectuate the purposes hereof; and be it further

RESOLVED, that this resolution will take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, FEBRUARY 28, 2023. BY A VOTE OF 7-0.

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CITY COUNCIL OF THE CITY OF YONKERS
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RESOLUTION NO.35-2023

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

RESOLVED, by the City Council of the City of Yonkers, in meeting assembled:

That the settlement by the Corporation Counsel in the amount of THIRTEEN THOUSAND, EIGHT HUNDRED AND NINE DOLLARS and 82/100 DOLLARS (\$13,809.82) of the action entitled, "GEICO GENERAL INSURANCE COMPANY A/S/O DANIEL MARJI, PO BOX 88, Woodbury, New York 11797, plaintiff, against THE CITY OF YONKERS, Defendant", for property damage arising out of an incident in which it is alleged that a Yonkers Sanitation Department vehicle struck plaintiff's vehicle which was parked and unoccupied on Larrimore Road in the City of Yonkers on the 18th day of February, 2022, be and the same hereby is approved and the Comptroller of the City of Yonkers is directed to draw his warrant in the amount of THIRTEEN THOUSAND, EIGHT HUNDRED AND NINE DOLLARS and 82/100 DOLLARS (\$13,809.82) in favor of said plaintiff.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, FEBRUARY 28, 2023. BY A VOTE OF 7-0.

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CITY COUNCIL OF THE CITY OF YONKERS
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RESOLUTION NO.36-2023

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

RESOLVED, by the City Council of the City of Yonkers, in meeting assembled:

That the settlement by the Corporation Counsel in the amount of Twenty Thousand Dollars (\$20,000.00) of the action entitled, Theodore Pernicano, (residing at 2770 Crescent Dr., Yorktown Heights, New York 10598), plaintiff against THE CITY OF YONKERS, Defendant, for allegedly negligently failing to notify plaintiff of his sister's passing on January 31, 2021 at 66 North Broadway in Yonkers, be and the same hereby is approved and the Comptroller of the City of Yonkers is directed to draw his warrant in the amount of Twenty Thousand Dollars (\$20,000.00) in favor of said plaintiff and his attorneys THEODORE PERNICANO and BERKOWITZ & WEITZ, P.C. as attorneys, 199 Main Street, Suite 801, White Plains, New York 10601.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, FEBRUARY 28, 2023. BY A VOTE OF 7-0.

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CITY COUNCIL OF THE CITY OF YONKERS
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RESOLUTION NO.37-2023

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

RESOLVED, by the City Council of The City of Yonkers, in meeting assembled:

That the settlement by the Corporation Counsel in the amount of FORTY-THREE THOUSAND DOLLARS and 00/100 (\$43,000.00) of the matter entitled "Verde Electric Maintenance Corp, claimant, v. The City of Yonkers, Respondent," for unjust enrichment damages arising out of street lighting installation work performed by Verde Electric in the Spring of 2021 in the vicinity of Warburton Avenue and Nepperhan Avenue, be and the same hereby is approved, and the Comptroller of The City of Yonkers is directed to draw his warrant in the amount of FORTY-THREE THOUSAND DOLLARS and 00/100 (\$43,000.00) in favor of VERDE ELECTRIC MAINTENANCE CORP.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, FEBRUARY 28, 2023. BY A VOTE OF 7-0.

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CITY COUNCIL OF THE CITY OF YONKERS
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TUESDAY, FEBRUARY 28, 2023

RESOLUTION NO.38-2023

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

RESOLUTION ISSUING A HOME RULE MESSAGE FOR SENATE BILL S400 AND ASSEMBLY BILL A3598 IN RELATION TO BONDS AND NOTES.

WHEREAS, Senate Bill S400 and Assembly Bill A3598 have been introduced in the New York State Legislature for the purposes of extending the City's authority to negotiate serial bonds/notes of Yonkers from June 30, 2023 to June 30, 2024; and

WHEREAS, the authorization for the City of Yonkers to negotiate the private sale of its bonds and notes is vital to improving the City's financial stability and independence; and

WHEREAS, the continuance of this power will allow more cost-effective financing of the City's debt; and

WHEREAS, the City's bonding authority will expire on June 30, 2023 unless it is extended for one (1) year; and

WHEREAS, this legislation will permit the private sale of bonds or notes by the City of Yonkers, subject to the approval of the State Comptroller; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Yonkers hereby issues this Home Rule Request Message for Senate Bill S400 and Assembly Bill A3598 to extending the City's authority to negotiate serial bonds/notes of Yonkers from June 30, 2023 to June 30, 2024; and

BE IT FURTHER RESOLVED, that the City Council requests the City Clerk to forward a copy of this Home Rule Request Message to the Legislature of the State of New York requesting the passage of the aforesaid bills.

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RESOLUTION NO.38-2023 (CONTINUED)

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

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, FEBRUARY 28, 2023. BY A VOTE OF 7-0.

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RESOLUTION NO.39-2023

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

A RESOLUTION SUPPORTING SENATE BILL S1633 THAT WOULD AMEND THE ELIGIBILITY OF OCCUPANTS OF PUBLIC HOUSING AUTHORITIES FOR RENTAL ASSISTANCE.

WHEREAS, the COVID-19 pandemic caused millions of Americans to face deep rental debt and fear of evictions and the loss of basic housing security; and

WHEREAS, the federal government created the Emergency Rental Assistance Program (ERAP) to make funding available to assist households that are unable to pay rent or utilities; and

WHEREAS, New York State received nearly \$2.5 billion in ERAP funding to provide rental relief to New York tenants who have experienced financial hardship during the COVID pandemic; and

WHEREAS, New York State enacted and established the COVID-19 Emergency Rental Assistance Program of 2021 (NYERAP) to distribute the funds; and

WHEREAS, under the current NYERAP, occupants of federal or state funded subsidized public housing authorities or other federal or state funded subsidized housing that limits the household's share of the rent to a set percentage of income, shall only be eligible to the extent that funds are remaining after serving all other eligible populations; and

WHEREAS, this limitation on eligibility has caused public housing agencies, including the Municipal Housing Authority of the City of Yonkers, to not receive any rental relief for its tenants; and

WHEREAS, New York State Senate Bill S1633 is currently in the Senate Finance Committee and would amend the NYERAP laws to ensure that residents of public and subsidized housing can apply for relief on the same basis as any other tenant; and now, be it

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RESOLUTION NO.39-2023 (CONTINUED)

RESOLVED that the City Council of the City of Yonkers and its Mayor hereby strongly support the passage and enactment of New York Senate Bill S163 and urges the New York State Assembly to introduce and enact the same; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be transmitted to the Majority Leader of the New York State Senate, the Speaker of the New York State Assembly, the New York State Senate Finance Committee Chairs, and the City's State Delegation.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, FEBRUARY 28, 2023. BY A VOTE OF 6-0. COUNCIL PRESIDENT COLLINS-BELLAMY ABSTAINED.

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RESOLUTION NO.40-2023

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

RESOLUTION ISSUING A DETERMINATION OF SIGNIFICANCE PURSUANT TO THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT RELATING TO THE PROPOSED DISCONTINUANCE AS A PUBLIC STREET AND CONVEYANCE OF A PORTION OF OLD SAW MILL RIVER ROAD

WHEREAS, there is pending before the City Council of the City of Yonkers (the “**City Council**”) a proposed local law authorizing the discontinuance as a public street and conveyance of a portion of Old Saw Mill River Road located in Yonkers, New York between the tax lots now or formerly designated on the Official Tax Map of the City of Yonkers as Section 3, Block 3245, Lots 469, 470, 475, and 477, which is described more fully by the legal description and the maps set forth in **Appendix A** (the “**Property**”). Appendix A is attached hereto and incorporated herein by reference; and

WHEREAS, the City Council determined that the proposed action, specifically the proposed discontinuance as a public street and conveyance of the Property (the “**Proposed Action**”), is an Unlisted Action, as defined by the New York State Environmental Quality Review Act (“**SEQRA**”) requiring review in accordance with SEQRA; and

WHEREAS, the City Council carefully considered the Proposed Action and reviewed the Environmental Assessment Form (“**EAF**”) and supplemental attachments attached hereto as **Appendix B** and incorporated herein by reference and criteria set forth in SEQRA to determine if the Proposed Action will have a significant adverse impact on the environment.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby determines, based on its review of the EAF and supplemental attachments and for the reasons set forth therein, that the Proposed Action will not have a significant adverse impact on the environment and issues a Negative Declaration under SEQRA; and

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RESOLUTION NO.40-2023 (CONTINUED)

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

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, FEBRUARY 28, 2023. BY A VOTE OF 7-0.

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RESOLUTION NO.41-2023

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

WHEREAS, Mayor Mike Spano has appointed Jeni Wallace to the Planning Board of the City of Yonkers for a term ending on December 31, 2024; and

WHEREAS, Jeni Wallace is a Yonkers resident and has extensive experience in oversight, management, negotiations, in-depth knowledge of the health care industry, and founded a 501(c)3 philanthropic organization, among other activities; and

WHEREAS, pursuant to the Charter of the City of Yonkers, the appointment of a member of the Planning Board of the City of Yonkers is subject to the advice and consent of the City Council; and

WHEREAS, it is in the best interest of the City of Yonkers that the City Council approve the appointment of Jeni Wallace to the Planning Board of the City of Yonkers; and

NOW, THEREFORE, BE IT RESOLVED, that the Yonkers City Council hereby gives its advice and consent to the appointment of Jeni Wallace; and be it further

RESOLVED, that this resolution shall take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, FEBRUARY 28, 2023. BY A VOTE OF 7-0.

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RESOLUTION NO.42-2023

13. BY MAJORITY LEADER DIAZ, MAJORITY WHIP RUBBO, MINORITY LEADER BREEN, AND COUNCILMEMBER MERANTE:

A RESOLUTION BY THE CITY COUNCIL OF YONKERS ACKNOWLEDGING AND DENOUNCING THE CONTINUING EXPANSION OF THE SCOURGE OF SHOPLIFTING IN THE CITY OF YONKERS AND THROUGHOUT THE STATE AND, ONCE AGAIN, CALLING FOR IMMEDIATE CHANGES TO THE "BAIL ELIMINATION ACT OF 2019" (SECTION 500.10 (3-a) OF THE CRIMINAL PROCEDURE LAW) TO GIVE JUDGES DISCRETION ON THE ISSUE OF PRE-TRIAL DETENTION TO KEEP REPEAT OFFENDERS OFF THE STREETS TO PROTECT THE PUBLIC AND YONKERS BUSINESSES

WHEREAS, the State Senate and Assembly enacted, and the Governor signed, the "BAIL ELIMINATION ACT OF 2019" which eliminated cash bail, and made pre-trial release mandatory for most misdemeanor charges and even many felony charges; and

WHEREAS, under the BAIL ELIMINATION ACT OF 2019, pre-trial release is mandatory for most criminal charges. More specifically, Pre-trial release is mandatory for individuals charged with shoplifting and related property crimes even when a defendant, if released, poses a threat to their victims and innocent members of the public or when a defendant has a demonstrated pattern of failing to appear for court dates; and

WHEREAS, the BAIL ELIMINATION ACT OF 2019 has created a public safety crisis in the City of Yonkers in that judges are constrained to release dangerous individuals into society while they await trial, permitting them to re-offend and then be re-released only to further victimize law-abiding citizens; and

WHEREAS, crime has dramatically fallen in the City of Yonkers in recent years, due to the hard work of the Yonkers Police Department and its dedicated law enforcement personnel, but the BAIL ELIMINATION ACT OF 2019 has jeopardized and begun to reverse that hard-fought progress and threatens innocent members of the public who rely on law enforcement, the criminal justice system and experienced judges to keep them safe from harm; and

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CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, FEBRUARY 28, 2023

RESOLUTION NO.42-2023 (CONTINUED)

WHEREAS, Since the passage of the BAIL ELIMINATION ACT OF 2019 Thieves and recidivist property offenders have been empowered to literally stroll through our retail stores and steal what they want with impunity; and

WHEREAS, Since the passage of the BAIL ELIMINATION ACT OF 2019 It is more and more common for innocent shoppers and retailers to be victimized and accosted by these brazen criminals that these incidents are regularly caught on video recordings at a many local retailers large and small alike; and

WHEREAS, Since the passage of the BAIL ELIMINATION ACT OF 2019, in response to these incidents and the state of the law, shoppers and store employees and management are too scared or unable to intervene and on most occasions, the police aren't even called.

WHEREAS, Scenes like this were unheard of in our community a short time ago. However, Since the passage of the BAIL ELIMINATION ACT OF 2019 these perpetrators have no fear of committing crimes or getting caught because there are no consequences; and

WHEREAS, a recent case in point illustrates the real life negative and detrimental impact of the BAIL ELIMINATION ACT OF 2019 as follows: Yonkers Police arrested 25-year-old Anthony Arias of the Bronx for felony shoplifting from Burlington Coat Factory at 2500 Central Park Avenue. This was his 17th arrest since January 2022 – that's more than one a month. Anthony has failed to appear in court at least six times: he had two open arrest warrants and four open bench warrants at the time of his latest arrest.

WHEREAS, If there are no consequences for bad behavior, if the criminal justice system is literally a revolving door, then we are failing in our duty to protect the public.

WHEREAS, The Courts must have the discretion to jail offenders based on their failure to come to court, their propensity to reoffend or the danger they pose to the community.

WHEREAS, We must fix our laws to provide the brave hard working men and women of law enforcement the tools and support they need to do their jobs while always putting victims and law-abiding citizens first.

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RESOLUTION NO.42-2023 (CONTINUED)

WHEREAS, the State was previously warned about the dangers of the BAIL ELIMINATION ACT OF 2019 but unfortunately that warning was not heeded; and

WHEREAS, Now, this is an Emergency; and immediate action must be taken, in the interest of public safety, to reform the BAIL ELIMINATION ACT OF 2019 to allow judges to exercise discretion on the issue of pre-trial detention to consider whether a defendant's release would be a danger to innocent members of the public and to take into consideration any prior demonstrated pattern of missed court appearances instead of constraining judges to mandatory pre-trial release in cases where pre-trial detention is warranted under the circumstances.

NOW, THEREFORE, BE IT RESOLVED, that the City Council Yonkers calls for immediate changes to The Bail Elimination Act of 2019 and urges the New York State Legislature and the Governor to immediately amend the BAIL ELIMINATION ACT OF 2019 to allow judges to exercise discretion on the issue of pre-trial detention to consider whether a defendant's release would be a danger to innocent members of the public and to take into consideration any prior demonstrated pattern of missed court appearances instead of constraining judges to mandatory pre-trial release in cases where pre-trial detention is warranted under the circumstances; and

BE IT FURTHER RESOLVED, that the City Council requests the City Clerk to forward a copy of this Resolution to Governor Hochul and the Yonkers State Delegation.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, FEBRUARY 28, 2023. BY A VOTE OF 4-3. COUNCIL PRESIDENT COLLINS-BELLAMY, COUNCIL MEMBERS PINEDA-ISAAC AND WILLIAMS VOTING NAY.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, FEBRUARY 28, 2023

RESOLUTION NO.43-2023

14. 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 OF YONKERS CALLING FOR THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION TO REPAIR AND REPAVE THE NUMEROUS STATE ROADS THAT TRAVERSE THE CITY OF YONKERS

WHEREAS, There are numerous major thoroughfares that traverse the City of Yonkers that belong to and are the responsibility of the New York State Department of Transportation; and

WHEREAS, These roads are all vital thoroughfares, for commerce, commuters and residents as well as to the various economic hubs in Westchester County, New York City and particularly in the City of Yonkers; and

WHEREAS, These are all by definition very busy congested roadways so motorists have very little or no room or time to avoid the broken, uneven, pavement and potholes that are everywhere; and

WHEREAS, as a result of the deferred maintenance and neglected condition of these State roadways motorists regularly suffer damage to their vehicles' front ends, suspensions, flat tires, lost hub caps and broken rims; and

WHEREAS, motorists can reach a high rate of speed on these State roadways such that in their efforts to avoid potholes many motorists end up losing control of their vehicles, colliding with other vehicles, potentially colliding with pedestrians thereby causing serious and costly consequences including the tragic loss of life; and

WHEREAS, the commercial and residential inhabitants of the City of Yonkers, Westchester County and New York City rely on the general public's ability to safely and conveniently traverse these roadways to access their places of employment, businesses and homes; and

WHEREAS, repair and replacement of the Pavement on these New York State Roadways would reduce damage to vehicles, improve motorist and pedestrian safety while dramatically enhancing the quality of life for the businesses and residents in the vicinity.

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TUESDAY, FEBRUARY 28, 2023

RESOLUTION NO.43-2023 (CONTINUED)

NOW, THEREFORE BE IT RESOLVED, that the Members of the City Council of Yonkers call for the New York State Department of Transportation to repair and replace the Pavement on all New York State Roads that pass through the City of Yonkers in order to adequately serve the local businesses, residents and commuters as well as to improve public safety and ultimately save lives.

FURTHERMORE, BE IT RESOLVED, that this resolution will be forwarded to the New York State Department of Transportation.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, FEBRUARY 28, 2023. BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, FEBRUARY 28, 2023

RESOLUTION NO.44-2023

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

A RESOLUTION CONSENTING TO THE DECLARATION OF THE PLANNING BOARD OF THE CITY OF YONKERS TO SERVE AS “LEAD AGENCY” FOR THE COORDINATED REVIEW OF A SITE PLAN AMENDMENT AND OTHER RELATED APPROVALS AT BLOCK 59, LOT 75 ON THE PROPERTY KNOWN AS 345 MCLEAN AVENUE.

WHEREAS, Verus Development LLC has filed an application with the Planning Board of the City of Yonkers (“Planning Board”) for a site plan amendment and other related approvals at Block 59, Lot 75 on the property known as 345 McLean Avenue (the “Proposed Action”); and

WHEREAS, on February 8, 2023, the Planning Board adopted a unanimous resolution seeking “lead agency” status for the coordinated review of the Proposed Action and sent notice to all “involved agencies” of its intention to serve as “lead agency”; and

WHEREAS, 6 NYCRR 617.2(s) defines an “involved agency” as “an agency that has jurisdiction by law to fund, approve or directly undertake an action” and the City Council is an “involved agency” in connection with the Proposed Action; and

WHEREAS, the City Council has received notice of the Planning Board’s intention to serve as “lead agency” in connection with the Proposed Action; and

WHEREAS, the City Council hereby consents to the designation of the Planning Board as “lead agency” of the Proposed Action and waives the 30-day period to determine “lead agency”; and

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RESOLUTION NO.44-2023 (CONTINUED)

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Yonkers hereby consents to the designation of the Planning Board as "lead agency" of the Proposed Action and waives the 30-day period to determine "lead agency"; and

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

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, FEBRUARY 28, 2023. BY A VOTE OF 7-0.

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CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
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RESOLUTION NO.45-2023

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

RESOLUTION OF THE COUNCIL OF THE CITY OF YONKERS
COMMEMORATING THE 66th ANNUAL YONKERS ST. PATRICK'S DAY
PARADE AND OTHER CELEBRATIONS OF IRISH-AMERICAN
CULTURE AND HERITAGE IN THE CITY OF YONKERS

WHEREAS, Saint Patrick's Day is traditionally a time for people of all nationalities and generations to assemble and celebrate the rich culture and heritage of the Irish people in Yonkers and throughout the United States; and

WHEREAS, The strong Irish-American Spirit in Yonkers has not diminished and the valuable contributions of the Irish-American People to American history, economy and society; and

WHEREAS, Saint Patrick's Day continues to reflect and record the ongoing history of the City of Yonkers and Ireland, and provides the opportunity for people of all generations to share their sense of ethnic pride and camaraderie; and

WHEREAS, in full accord with its long-standing traditions, this Legislative Body is justly proud to, once again, commemorate the Annual Yonkers St. Patrick's Day Celebrations, to include the annual Dinner Dance, the annual City Hall Flag Raising Ceremony and most significantly the annual St. Patrick's Day Parade to be held on March 18, 2023; and

WHEREAS, this auspicious occasion will be commemorated by Yonkers residents of all heritages throughout the City and it will be especially celebrated by the Yonkers residents who live, work or shop on McLean Avenue and the surrounding neighborhood; and

WHEREAS, traditionally, the Yonkers St. Patrick's Day Parade on McLean Avenue is comprised of representatives of many organizations as the parade is the largest cultural event in Yonkers, regularly drawing more than 10,000 people as celebrants and spectators every year for over 60 years; and

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RESOLUTION NO.45-2023 (CONTINUED)

WHEREAS, St. Patrick's Day is not, as many believe, a celebration of the Patron Saint of Ireland's birth, but of his death; and

WHEREAS, it was Pope Celestine I who named him Patricus, and sent him to Ireland where he tangled with the Druids over religious beliefs, and where his efforts to convert the Irish to the Catholic faith were untiring, as seen today in the significant observance of God in Irish life; and

WHEREAS, in every walk of life, in the arts, in the sciences, in the political world, in every manifestation of the human spirit, the Irish people have excelled; and

WHEREAS, a spiritual people, the Irish have ventured across the sea to this great City and Nation; throughout the ages, they have left their cares forgotten among the lilies; and

WHEREAS, from the mode and texture of that endowment, the cathedrals and colleges of our nation were built; and

WHEREAS, Irish heritage largely formed our City's character and greatly forged a unique strand in the diverse tapestry that is the City of Yonkers; and

WHEREAS, each year as we honor St. Patrick, whose life mirrored a deep and abiding example of the challenges of sainthood, we are mindful of the history of the Irish people and their struggle against oppression, religious intolerance and political, social and economic barriers; and

WHEREAS, through this heartfelt and compassionate expression, as well as through their sustained commitment to the cultural vitality of their Irish heritage particularly in the City of Yonkers, the Grand Marshal, Father Brendan A. Fitzgerald of Saint Barnabas Church and his Aides, Patrice Buckley, Kelly Olson-Chiarella, Mickey Coleman, Pauline Galvin, Kevin Fitzgerald, John Ryan, Noreen Ryan and Mike Sharkey, all bear witness to and embody the deep faith and love of humanity which is their rich tradition; and

WHEREAS, the Irish-American Community in Yonkers has continued to endure and thrive such that, as usual, this year's festivities promise to be bigger, better and more enthusiastic than ever; and

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CITY COUNCIL OF THE CITY OF YONKERS
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TUESDAY, FEBRUARY 28, 2023

RESOLUTION NO.45-2023 (CONTINUED)

NOW, THEREFORE, BE IT RESOLVED, that this City Council pause in its deliberations to commemorate the Annual Yonkers St. Patrick's Day Celebrations to include the annual Irish Flag Raising at City Hall, the annual Dinner Dance, and to culminate with the 66th annual St. Patrick's Day Parade to be held on March 18, 2023; and

BE IT FURTHER RESOLVED, that copies of this Resolution, suitably engrossed, be transmitted to the Yonkers St. Patrick's Day Parade on McLean Avenue Parade Board and Parade Committee.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, FEBRUARY 28, 2023. BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, FEBRUARY 28, 2023

RESOLUTION NO.46-2023

17. 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 March 31, 2025.

Vanessa A. Speranza
53 Bryn Mawr Terrace
Yonkers, New York 10701

NEW

Lucille Anne Speranza
53 Bryn Mawr Terrace
Yonkers, New York 10701

Retired

NEW

Jonathan Speranza
53 Bryn Mawr Terrace
Yonkers, New York 10701

COY DPW

NEW

Nicholas Speranza
53 Bryn Mawr Terrace
Yonkers, New York 10701

Attorney

NEW

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, FEBRUARY 28, 2023

RESOLUTION NO.46-2023 (CONTINUED)

Nicole Errico
18 Bonnie Brair Road
Yonkers, New York 10710

Student NEW

Eugene Russo
31 Gramatan Drive
Yonkers, New York 10701

Electrician NEW

Chandra Murphy
170 Glover Avenue
Yonkers, New York 10704

Retired NEW

Tatiana Nistreanu
44 Seminary Ave
Yonkers, New York 10704

Hair Stylist NEW

Joseph Caione
44 Seminary Ave
Yonkers, New York 10704

Hair Stylist NEW

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
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RESOLUTION NO.46-2023 (CONTINUED)

Michael Pineda
66 Mansion Ave
Yonkers, New York 10704

Building Inspector NEW

Ann M. Rinaldi
145 Mansion Ave
Yonkers, New York 10704

Retired NEW

Ronald Matten
116 Alta Vista Drive
Yonkers, New York 10710

Associate Vice President NEW

Sophia Shu Fen Wu
426 Park Ave
Yonkers, New York 10703

Book Keeper NEW

Haraj Lulu
358 Park Hill Ave
Yonkers, New York 10705

Business Owner RENEWAL

Robert L. Moffitt
96 Longvue Terrace
Yonkers, New York 10710

Retired RENEWAL

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
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TUESDAY, FEBRUARY 28, 2023

RESOLUTION NO.46-2023 (CONTINUED)

Theresa Marie Lucadamo
96 Longvue Tertace
Yonkers, New York 10710

Retired

RENEWAL

Khanittha Matten
116 Alta Vista Drive
Yonkers, New York 10710

Production Assistant

NEW

Danny C Espana Reyes
260 S. Broadway
Apt. 4T
Yonkers, New York 10705

Clerk

NEW

Elbert Shamsid-Deen
30 South Broadway
Apt.8th
Yonkers, New York 10701

Insurance Broker

RENEWAL

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A
STATED MEETING HELD ON TUESDAY, FEBRUARY 28, 2023. BY
A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, FEBRUARY 28, 2023

RESOLUTION NO.47-2023

- 17A. BY COUNCIL PRESIDENT COLLINS-BELLAMY, MAJORITY LEADER DIAZ, MAJORITY WHIP RUBBO, MINORITY LEADER BREEN, COUNCILMEMBERS, WILLIAMS, PINEDA –ISAAC AND MERANTE:

RESOLUTION SETTING A PUBLIC HEARING FOR MARCH 28, 2023 AT 7 P.M. TO CONSIDER A GENERAL ORDINANCE AMENDING CHAPTER 43 OF THE CODE OF THE CITY OF YONKERS, ENTITLED “ZONING” WITH REGARD TO OUTDOOR DINING AND DECLARING LEAD AGENCY.

WHEREAS, the City has proposed changes to the zoning code permitting restaurants to allow seasonal outdoor dining on their private property, including but not limited to their parking lots; and

WHEREAS, the New York State Environmental Quality Review Act (Article 8 of the Environmental Conservation Law) and the regulations (the “SEQRA Regulations”) issued thereunder by the New York State Commissioner of Environmental Conservation (such legislation and regulations being hereinafter referred to collectively as “SEQRA”) require the City to consider all environmental factors associated with the zoning ordinance amendments; and

WHEREAS, the proposed zoning ordinance amendments include city-wide changes affecting greater than 25 acres and therefore are classified as a Type I action pursuant to SEQRA; and

WHEREAS, the City Council desires to establish itself as Lead Agency in accordance with the provisions of SEQRA, in order to initiate a review process for the proposed seasonal outdoor dining requirements.

NOW, THEREFORE, BE IT RESOLVED by the Yonkers City Council that, the City Council declares its intention to seek Lead Agency status, for purposes of the environmental review of the above project, and will assume Lead Agency of the Project in accordance with Part 627 (6 NYCRR Part 627) of the SEQRA regulations; and

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CITY COUNCIL OF THE CITY OF YONKERS
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TUESDAY, FEBRUARY 28, 2023

RESOLUTION NO.47-2023 (CONTINUED)

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed, on behalf of this Council, to initiate Lead Agency notification and coordinated review with all other involved agencies in this action. If no other involved agency seeks to be Lead Agency within 30 days of the effective date of notice, or if we are notified that no other involved agency seeks to be Lead Agency prior to the expiration of the thirty day period, the City Council shall assume Lead Agency status for purposes of review of this matter; and

BE IT FURTHER RESOLVED, by the City Council of the City of Yonkers that a public hearing shall be held on March 28, 2023, at the City Council Chamber, located at 40 South Broadway, New York, at 7 PM, or as soon as possible thereafter, to consider the adoption of a General Ordinance Amending Chapter 43 of the Code of the City of Yonkers, Entitled "Zoning" With Regard To Outdoor Dining; and be it further

RESOLVED, that this resolution shall take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, FEBRUARY 28, 2023. BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, FEBRUARY 28, 2023

COMMITTEE REPORTS

THIS MEETING WAS ADJOURNED AT 7:45PM