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CITY OF YONKERS

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

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B E F O R E:

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

P R E S E N T:

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

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1 THE CHAIRPERSON: Okay. Good evening.
2 We are going to get started. It is 6:01.
3 Welcome to the Zoning Board of Appeals. We are
4 going to start with the roll call. Anthony.

5 MR. GJELAJ: Anthony Gjelij, Board
6 Member.

7 THE CHAIRPERSON: Wilson Kimball, Chair.

8 MR. BATTISTA: Ralph Battista, Board
9 Member.

10 MR. LOPEZ: Hector Lopez, Board Member.

11 MR. SINGH: Harry Singh, Board Member.

12 THE CHAIRPERSON: Okay. We have minutes
13 from the last meeting. Can somebody make a
14 motion who was here.

15 MR. GJELAJ: Motion.

16 THE CHAIRPERSON: Motion, Anthony. A
17 second, Harry. All in favor?

18 MS. KRAVITZ: Of accepting.

19 THE CHAIRPERSON: Of accepting the
20 minutes.

21 (Chorus of ayes.)

22 THE CHAIRPERSON: Thank you. The ayes
23 have it. Are there any nos? Two people are
24 absent, Jean Tickell and Al Vasso.

25 Okay. We are going to start with the

1 case 5794, 100 Central Park Avenue. Okay.
2 Mr. Milgrim and DEP, could you please approach.
3 Whoever you'd like to speak, your
4 representatives.

5 There was a question about parking and
6 number of parking spaces needed. I believe 147
7 were under the Code, 77 are what you're
8 requesting. I've spoken to our Traffic Engineer
9 Dominic Micka who explained that there are 56
10 employees, 28 trucks spaces and that this is
11 typical parking for a public utility that does
12 not have visitors; is that correct?

13 MR. VALADE: That is correct.

14 THE CHAIRPERSON: Okay. Gentlemen of the
15 Board, does anyone have any questions on this?
16 This was a point of clarification because up
17 until this point it wasn't part of the record,
18 the request for the variance for parking. Okay.

19 Is there anything else to add on that
20 topic? Thank you.

21 (Court reporter requested clarification.)

22 THE CHAIRPERSON: Sorry. Could you say
23 your name for the record and please spell them.

24 MR. VALADE: Yes, Matthew Valade,
25 V-a-l-a-d-e.

1 MR. MILGRIM: And I'm John Milgrim,
2 M-i-l-g-r-i-m, Director of Outreach DEP,
3 Department of Environmental Protection.

4 THE CHAIRPERSON: Thank you, gentlemen.
5 Do we have a motion?

6 MR. BATTISTA: We do have a motion. Case
7 number 5794, improvement to a non-conforming use
8 an area variance. Madam Chair, I make a motion
9 to approve the variance. And we have some
10 conditions.

11 In granting the request for an
12 improvement to an non-conforming use and an area
13 variance for insufficient parking, the Board
14 imposes the following conditions:

15 1. Stormwater discharge and groundwater
16 from the site has the potential of impacting the
17 surrounding neighborhood. Analysis must be
18 provided indicating that stormwater run-off and
19 groundwater is being mitigated. To determine
20 the adequacy of the mitigation measures the
21 applicant shall submit the necessary engineered
22 site plans to the Planning Board for its review
23 and consideration in conjunction with the
24 proposed site improvements.

25 2. Additional drainage information must

1 be provided to the City Engineer since submittal
2 plans do not contain complete information
3 regarding drainage system detention and
4 discharge. A long term study of the seepage
5 impact of the 900 million gallon site upon the
6 area groundwater and City infrastructure clearly
7 needs to be part of an agreement between the New
8 York City DEP and the City of Yonkers.

9 Further applicant has to confirm -- has
10 confirmed in its correspondence to the City
11 which was copied to the Zoning Board of Appeals
12 dated December 12, 2022, that it is currently in
13 the process of commencing a study by the United
14 States Geological survey to identify whether
15 flooding surrounding the site is caused or
16 contributed by seepage from the Hillview
17 Reservoir. Should the results of this study
18 reveal any leakage from the Hillview Reservoir
19 contributed to elevated groundwater levels and
20 flooding, applicant shall commit to providing
21 appropriate relief to immediately address the
22 elevated groundwater level including
23 implementation of appropriate mitigation
24 measures and to support the home repairs of
25 affected residents.

1 Federal Law.

2 7. Applicant must provide a pest control
3 plan to the Commissioner of the Department of
4 Housing and Buildings in advance of any site
5 disturbance or construction of any kind at the
6 subject property.

7 8. Applicant must submit a dust control
8 plan to the City Engineer and Commissioner of
9 Department of Housing and Buildings in advance
10 of construction of any kind at the subject
11 property.

12 9. Applicant must submit an air quality
13 control testing plan to the City Engineer and
14 Commissioner of the Department of Housing and
15 Buildings in advance of any construction of any
16 kind at the subject property.

17 10. The applicant must confine itself to
18 the construction hours of Monday through Friday
19 8 a.m. to 4:30 p.m. as represented to the Board
20 on July 19, 2022, unless otherwise permitted by
21 the Commissioner of Department of Housing and
22 Buildings.

23 11. Subject property trees must be
24 inspected and maintained annually by the NYCDEP.

25 12. The applicant must meet quarterly

1 with neighborhood residents and community groups
2 including but not limited to HYATT Civic
3 Association to update them and hear their
4 concerns about ongoing issues for duration of
5 the projects.

6 13. The applicant must establish a
7 designated point of contact for community
8 members to reach out to in case of concern that
9 arise in between quarterly meetings.

10 14. All new or improved facilities must
11 be maintained and fit in with the historical
12 aesthetics of the existing buildings and
13 facilities.

14 16. This approval shall be immediately
15 rescinded should the owner violate any of these
16 conditions at any time.

17 17. All expenses associated with these
18 conditions shall be the responsibility of the
19 owner.

20 THE CHAIRPERSON: Thank you. Just for a
21 note, DEP was Lead Agency on this project. Do I
22 have a second?

23 MR. GJELAJ: Second.

24 THE CHAIRPERSON: Thank you, Anthony.
25 Are you for the motion or against it?

1 MR. GJELAJ: I'm for the motion.

2 THE CHAIRPERSON: Thank you. Harry.

3 MR. SINGH: For the motion.

4 THE CHAIRPERSON: Hector.

5 MR. LOPEZ: For the motion.

6 THE CHAIRPERSON: Ralph.

7 MR. BATTISTA: For the motion.

8 THE CHAIRPERSON: For the motion. The
9 motion passes 5, 2 absent.

10 AUDIENCE MEMBER: Can you speak up? It's
11 hard to hear in the back.

12 THE CHAIRPERSON: Sure. The motion
13 passes 5 for and 2 not present.

14 The next one is 165 aka 167, which is
15 5799. Anthony, or does anyone have that on
16 their screen?

17 (Brief pause.)

18 THE CHAIRPERSON: The next case we're
19 going to do is 5799. Do I have a motion?

20 MR. BATTISTA: I have a motion.

21 THE CHAIRPERSON: Okay.

22 MR. BATTISTA: Madam Chair, I make a
23 motion to approve the requested variance on Case
24 5799, area variance, Jacob Amir, Esquire, on
25 behalf of Dagro Associates to convert existing

1 to residential building.

2 In granting this variance, the Board
3 imposes the following conditions:

4 1. All fire, health, environmental,
5 safety, building and zoning code shall be
6 adhered to at all times.

7 2. Any taxes or fines, if owed, shall be
8 paid within 60 days from today's date.

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

12 4. All expenses associated with these
13 conditions shall be the responsibility of the
14 owner.

15 THE CHAIRPERSON: Thank you. Do I have
16 second?

17 MR. GJELAJ: Second.

18 THE CHAIRPERSON: Anthony second.

19 MR. GJELAJ: Yes, I'm for the motion.

20 THE CHAIRPERSON: Thank you. Harry.

21 MR. SINGH: For the motion.

22 THE CHAIRPERSON: Hector.

23 MR. LOPEZ: For the motion.

24 THE CHAIRPERSON: Ralph.

25 MR. BATTISTA: For the motion.

1 THE CHAIRPERSON: For the motion. The
2 motion passes 5 approved, 2 absent.

3 The next case is 5805. Do I have a
4 motion?

5 MR. GJELAJ: Yes, motion.

6 THE CHAIRPERSON: Anthony, go ahead.

7 MR. GJELAJ: Madam Chair, I make a motion
8 to approve the requested variance, use variance,
9 for Case number 5805 with the following
10 conditions:

11 1. The antennas are to be flush-mounted
12 against the wall as discussed in lines 14
13 through 21, page 21, of the February 2023 Zoning
14 Board of Appeals minutes.

15 2. The antennas and other respective
16 hardware associated with this case have to be
17 painted to match the color of the building's
18 exterior.

19 3. Repair the parapet cracks in the
20 vicinity of where the antennas are to be
21 installed as discussed in lines ten through 14,
22 page 22 of the Zoning Board of Appeals minutes.

23 4. All health, safety, fire and
24 environmental codes are to be adhered to at all
25 times.

1 5. These conditions shall be done at the
2 expense of the owner.

3 6. This approval shall be immediately
4 rescinded shall the owner violate any of the
5 conditions put forth.

6 THE CHAIRPERSON: Thank you, Anthony. Do
7 I have a second?

8 MR. BATTISTA: Second.

9 THE CHAIRPERSON: Okay. Anthony.

10 MR. GJELAJ: For the motion.

11 THE CHAIRPERSON: Harry.

12 MR. SINGH: For the motion.

13 THE CHAIRPERSON: Hector.

14 MR. LOPEZ: For the motion.

15 THE CHAIRPERSON: Ralph.

16 MR. BATTISTA: For the motion.

17 THE CHAIRPERSON: For the motion. The
18 motion passes 5 approval, 2 absent.

19 The next Case 5790 was put over.

20 The next case is 5797. Do we have anyone
21 to speak on 5797? Okay.

22 The next case is 5800, 1186 Yonkers
23 Avenue. Mr. Dibbini?

24 MR. DIBBINI: Yes.

25 THE CHAIRPERSON: Please approach. What

1 is the latest? Please introduce yourself and
2 then tell us what the latest is.

3 MR. DIBBINI: James Dibbini, attorney for
4 the applicant. I believe also counsel is here
5 for the neighbor as well. I'm not sure if,
6 Madam Chairperson, if you've received a copy of
7 our architect's response papers that were
8 submitted yesterday to file. We provided 12
9 copies I believe to, to the Building Department
10 Shannon. Hopefully she dispersed them to the
11 Board, I'm not sure.

12 THE CHAIRPERSON: I did not receive it.
13 Well, hold on for one minute. Did any other
14 Board Member receive it yet?

15 MR. GJELAJ: I didn't see it.

16 MR. BATTISTA: 5800?

17 THE CHAIRPERSON: 5800.

18 Okay. Sorry, go ahead.

19 MR. DIBBINI: So basically the papers
20 that we submitted yesterday from Nick Faustini,
21 who is approaching here now, provided a detailed
22 response to the neighbors' engineer's report
23 which addressed issues such as access to the
24 backyard, drainage, the garage wall for the
25 neighbor and so forth. We thought it was pretty

1 detailed in its response. And we're hoping that
2 would, that would be part of the Board's file
3 for review.

4 THE CHAIRPERSON: Okay. We can review
5 that subsequent to this meeting. Thank you for
6 letting us know. Are there anyone else -- do
7 you have anything else you want to add,
8 Mr. Dibbini?

9 MR. DIBBINI: No, I think the letter
10 speaks for itself.

11 THE CHAIRPERSON: Okay. Is there anyone
12 else who wants to speak on this? Please
13 approach. Please say your name into the record.

14 MR. STAUDT: My name is Kevin Staudt.
15 McCullough, Goldberger, and Staudt, Samson
16 Management for the neighbors. We previously
17 submitted two letters in opposition, two
18 engineer's letters, one attorney's letter in
19 opposition. I know the Board hasn't had a
20 chance to review these latest plans. I'd like
21 to speak on them if I can, unless it's a waste
22 of time to do.

23 THE CHAIRPERSON: Go ahead.

24 MR. STAUDT: Okay. So we have a few
25 problems that we believe that's still been left

1 unaddressed. I know that those of you who came
2 on the site visit a few months ago, there was
3 some discussion regarding a pinch point on the
4 property. That is a seven-foot seven-inch space
5 in which a car would need to pass through in
6 order to reach these parking spaces. Since the
7 standard car is considered to be seven feet
8 wide, that leaves seven inches combined
9 clearance in order to get to these parking
10 spaces. So that's, you know, less than this.
11 And of course on each side, you're talking about
12 less than half of this. We don't think that's
13 reasonable at all.

14 You'll see in the letter that it's been
15 stated, well, our driver can make it, he's done
16 it before. The way he's been able to do it
17 before is by entering outside of the easement
18 area and onto our property, undisputed property,
19 in order to access this portion of the property.

20 Obviously, I've informed my client that
21 if they don't enforce their rights to the
22 exclusive use of that portion of the property,
23 then they'll have face the consequences and lose
24 those rights. So, if necessary my clients might
25 need to have erect a post, they might have to

1 erect a fence or a wall in order to do that.
2 And when that's done, access is not going to be
3 reasonable.

4 You'll also see on the architect's plans
5 that were submitted, the path to which cars are
6 going to go in and out of these parking spaces.
7 There's not adequate room for a turnaround. So
8 you just see one solid path. So not only will
9 somebody have to pass with this much space on
10 either side, they're going have to do so in
11 reverse. I think it's just a matter of time
12 before that car gets wedged there, we're going
13 to have problems, we're going to possibly have
14 damage to our walls.

15 The industry standard is ten feet for
16 cars to move from one location to another.
17 Industry minimum is nine feet. And they're
18 asking for seven feet seven inches. This is not
19 something that can be fixed. This is not
20 something where you can move this over here and
21 that over there. That's the easement, seven
22 feet, seven inches that they're entitled to.
23 They have no legal access to the remainder of the
24 property.

25 And we do also have some problems with

1 the fire egress. And I know that things have
2 happened, terrible incidents happened in Yonkers
3 the past several weeks. So we're not talking
4 about a way-out-there scenario. This is a real
5 concern.

6 So as it stands right now a new variance
7 is being asked for. The problem was there was
8 not enough room for an eight-foot-five parking
9 space to also have the minimum necessary fire
10 exit. And so what they are now asking is to
11 reduce the minimum parking space. Because they
12 can't ask you for a variance from the minimum
13 fire egress. Well, it's potato, potato.
14 Because what you have is these two things
15 working together. You have a certain amount of
16 space that you have for the car. And you have a
17 certain amount of space that you have for
18 emergency, for an emergency exit. You also have
19 a door swinging out into that emergency exit.
20 This isn't a typical situation of an eight
21 and-a-half-foot space in a parking lot. On one
22 side you have impenetrable barrier. Our
23 neighbor's building. And then on the other side
24 you have an emergency fire exit.

25 So, what's going to happen is there's

1 effectively no way to park in the middle of this
2 parking space. It's actually less than 8.5 feet
3 now because of the variance request. So that
4 means you have to take a seven-foot car, 18
5 inches both sides you have of empty space. Say
6 you park in the middle, you have nine inches on
7 each side to exit the car. So, again, we're
8 looking about that, that's how wide it will open
9 up at its widest point. So I'm not going to
10 make it. Maybe some people can. So what you'll
11 have to do, what you'll obviously have to do is
12 park, say they pulled into these spots, these
13 are tandem spots, they're going to have to park
14 to the left. Now, let's say they park to the
15 extreme left, right up against the line
16 considering that you're pulling into the parking
17 space. Then you have 18 inches to get out.
18 Maybe you can do it. It's not something I'm
19 going to want to do every day. I think we
20 should be practical about this. That car is not
21 going to be parked in that parking spot
22 everyday. If their passenger is going to exit,
23 it's going have to move over.

24 And that brings me to, if you do review
25 this later, the latest letter, we previously

1 submitted a letter in opposition. One thing
2 that has been ignored in this is industry
3 standards regarding door swing and the amount of
4 space you have account for that. Especially in
5 a case like this where on one side if you're
6 pulling in, you have that impenetrable barrier
7 and now you're blocking an emergency exit on the
8 way out.

9 And I brought in Paul Zheng, our
10 engineer, and he can speak to you a little bit
11 about this door swing issue.

12 THE CHAIRPERSON: Could you introduce
13 yourself for the record and spell your name.

14 MR. ZHENG: Paul Zheng, Z-h-e-n-g. So,
15 Kevin was speaking about the typical industry
16 standard for vehicle. AFDO says typical vehicle
17 is seven feet. Here it's in the latest plans
18 eight foot five inches. So the guideline states
19 that you should, they recommend two feet for the
20 swing door. Right? So in the case of a fire,
21 if the door happened to be ajar and in the path
22 it's going to be encroaching, even in the best
23 case scenario where the vehicle is always
24 against the wall, there's an allowance of seven
25 inches. So, in that scenario the building, the

1 vehicle would be just perfect. But it's that
2 the idea where it's all the way against the wall
3 of the neighbor's building. But that would not
4 be case. So, if they open, the typical design
5 recommendation, the door would be in path of
6 egress.

7 THE CHAIRPERSON: Thank you. Does the
8 Board have any questions of this witness?

9 Somebody has a question.

10 Okay. Thank you for your help. Is there
11 anything else, sir?

12 MR. STAUDT: Yeah. And I just want to
13 say, just moving forward that there seem to be
14 some question in the letters submitted by the
15 opposition of whether six point -- three point
16 six seven feet is actually the minimum egress.
17 It is the minimum egress necessary. If you look
18 at exit courtyards. And that's the key
19 provision.

20 What we really have here is a new plan
21 with a new configuration. I think the Fire
22 Inspector needs to look at this again, if the
23 pinch point doesn't just settle things. I think
24 the Fire Inspector and the Building Department
25 needs to look at it again. And I know you don't

1 have in front of you necessarily the new plans,
2 but basically what it requires is an exit from
3 the rear of the property. And this is only the
4 exit from the rear of the property as those who
5 visit know, that you'll have to be walking along
6 the building and then you'll come to a wall
7 here. You'll have to know, and then you'll have
8 some space on the building like this before the
9 building cuts in and narrows again. Looks for
10 all the world you can just continue walking
11 along the side of the building. But you can't.
12 The building then comes out like this. You meet
13 a roadblock. The people start coming the other
14 direction and trapping you in, I think it's
15 going to be a real problem. And that's besides
16 confirming, as you notice the door swing and the
17 3.67 minimum width that is necessary. So, we've
18 had some issues here. I don't think that the
19 recent letter has adequately --

20 (Background interference.)

21 MR. STAUDT: I have kids so I can speak
22 up. I don't think they've adequately addressed
23 the problems that we pointed out in our letter.
24 In fact, the big problems I think are before the
25 Board.

1 THE CHAIRPERSON: Thank you for your
2 presentation.

3 Mr. Dibbini.

4 MR. DIBBINI: Yes, thank you. I think we
5 -- there's a big exaggeration of a lot of these
6 issues that are raised in here. They're saying
7 we're asking for a big variance in the parking
8 space. It's one inch. It's one inch that we're
9 looking from 8.5 feet to 8.4. Eight feet four
10 inches. We're looking at a one-inch variance in
11 order to ensure that there's a sufficient
12 passageway.

13 Counsel brings up that if the door is
14 open, how's anyone going to get by. We're
15 talking about a door. We're not talking about a
16 firm structure that's, that's a wall that's
17 going to prevent somebody from going by. If
18 there's a fire, I'm sure it's not going to be
19 too difficult to close the door and walk past,
20 walk past the vehicle. So I think this is much
21 ado about nothing with respect to this door
22 issue.

23 With the pinch point, Counsel even says
24 it's, it's a seven I think seven feet seven
25 inches. The average car is seven feet. My

1 client has been driving over this for 25 years.
2 And he's been parking back there for 25 years.
3 Up until 2019 when the supers had a little spat
4 about something else, and they said, we'll fix
5 you so. So my client's had a prescriptive
6 easement for the last 25 years driving over this
7 driveway. Whether he went over an inch or two,
8 that may have been the case at the time and that
9 would've established a prescriptive easement
10 situation. But as we sit here today, my client
11 is more than happy to stay within the easement
12 period -- space of seven feet seven inches to go
13 to the back to his property to get to park
14 there.

15 For 25 years my client's parked two
16 vehicles back there. All of a sudden now it's a
17 catastrophe of how we're going to manage to turn
18 these cars around. This is a dead end. This is
19 not a thoroughfare where there's traffic and you
20 have to watch where you're going to make sure
21 you're not hitting oncoming traffic. There is
22 no traffic. It's a dead end. And there's no
23 cars going back and forth unless they're
24 specifically going to be parking in that area
25 where my client did for 25 years. So, okay, so

1 now they can't do that, but my client still has
2 the urgent need to be able to put the super's
3 vehicles back there. They can do it on their
4 property.

5 The engineer talks about damage to the
6 waterproofing and so forth up against that wall.
7 That's all exposed now. If you look at the
8 pictures you'll see that any membrane that was
9 on that floor has been ripped up. Counsel talks
10 about or the engineer talks about heavy
11 equipment causing damage to the wall. That's
12 not a big area. My client can represent here
13 today that he'll dig that with two men and a
14 shovel to bring up the two feet that we proposed
15 in our, in our report. So that our client can
16 then put in the substance that we referenced,
17 the foam substance, that will at the end of the
18 day have less pressure on that wall after the
19 project is done. Because the soil is much
20 heavier than the, the product that we're looking
21 to put in there to raise it up so that we can
22 get the car parked over there.

23 This, this is not a complicated request.
24 Although counsel wants to make it uber
25 complicated it's just not. There's the

1 solutions that we've addressed. Each time
2 they've raised an issue, we've accommodated a
3 change and we're more than happy to make those
4 changes and make sure that the wall has less
5 pressure than it did before that we'll be happy
6 to place a membrane on that wall as well to
7 ensure that there's no water penetration,
8 although it doesn't exist now. We'll be sure to
9 not include any heavy equipment at that location
10 and then that work, the excavation of the two
11 feet of soil which is not a lot can be done
12 manually. The pinch point again is a non-issue.
13 Our client can traverse and quite frankly
14 they've had a prescriptive easement for 25
15 years, so we don't think this is an issue.

16 THE CHAIRPERSON: Thank you.

17 Are there any questions?

18 Thank you, gentlemen.

19 MR. DIBBINI: Thank you.

20 THE CHAIRPERSON: Next case is -- is
21 there anyone from the public on that Case 5800?
22 I don't think so.

23 The next case is 5807, 316 North Broadway
24 and 315 Palisade Avenue.

25 AUDIENCE MEMBER: Did you say 324 North

1 Broadway?

2 THE CHAIRPERSON: I'm sorry?

3 AUDIENCE MEMBER: Did you say 324 North
4 Broadway?

5 THE CHAIRPERSON: 316 North Broadway and
6 315 Palisade Avenue.

7 Okay. Go ahead, please. Could you
8 introduce yourself for the record.

9 MS. KLEIN: Good evening. My name is
10 Anne Klein, K-l-e-i-n, and I'm an associate at
11 DelBello, Donnellan, Weingarten, Wise,
12 Wiederkehr. Here tonight on behalf of 46
13 Randolph, LLC. and North Broadway, LLC. We were
14 here before you last month to introduce the
15 project. It's a 60-unit apartment building
16 located at 316 North Broadway. It's a through
17 lot to 315 Palisade and we're proposing an
18 associated parking on the 315 Palisade side.

19 This is application was before the Zoning
20 Board in 2021 and we received variances to
21 permit the project. As I explained last month
22 since that time we've made minor modifications
23 which include increasing the height of the
24 retaining walls, which require additional
25 variances from the Zoning Board.

1 the Fire and Engineering and they're working on
2 responding on the next meeting.

3 MS. KLEIN: Yes. So those were more site
4 plan comments so we were working on responding
5 to those at the site plan stage of the, of the
6 process. But we can respond to those by next
7 meeting if you'd like.

8 THE CHAIRPERSON: That's fine. The other
9 issue that I recall from the minutes was that
10 the parking deck was removed.

11 MS. KLEIN: Yes.

12 THE CHAIRPERSON: Is that correct?

13 MS. KLEIN: Yes.

14 THE CHAIRPERSON: And because of that the
15 one of the retaining walls was increased in
16 height and then the other question that the
17 public seemed to have, was what about spring
18 which is adding water to the current parking.

19 MS. KLEIN: Exactly. So those issues so
20 we will be completely reconstructing the entire
21 site. And Zach can speak more to this issue.
22 But we are aware of that drainage issue. We are
23 aware of the spring on-site. We will be
24 addressing that during the stormwater, when we
25 design the stormwater management for the site

1 and are very confident that we will be able to
2 fix that. So there will be no, there will be no
3 leakage from the spring or whatever that is
4 which we'll investigate during -- when we come
5 up with the stormwater.

6 THE CHAIRPERSON: Okay. Do you know want
7 to introduce yourself, state your name for the
8 record.

9 MR. CHAPLIN: Sure. My name is Zachary
10 Chaplin. Last name is C-h-a-p-l-i-n. I'm with
11 Stonefield Engineering and Design, civil
12 engineer for the project. I can just reiterate
13 what Anne said that, you know, obviously once we
14 make our submission to the Planning Board, you
15 know, prepared fully engineered documents. With
16 that said, we've obviously taken a very close
17 look at the grading to date, the drainage zone
18 conceptually at this point but the whole site
19 would get engineered. Stormwater management
20 systems would be designed to handle, you know,
21 the development as well as, you know, any
22 findings from the, you know, the issue that was
23 just discussed. It's all going to tie into the
24 municipal system. It'll all meet, you know, the
25 City requirements and of course since we'll have

1 a disturbance, we'll have a SWPPP, meet the DEC
2 requirements and make sure everything is up to
3 code.

4 THE CHAIRPERSON: Gentlemen, are there
5 any questions? Okay. Why don't you guys have a
6 seat. I'm sure there's members of the public.

7 Are there any members of the public who
8 would like to speak on this project? Could you
9 approach and just introduce yourself and spell
10 your name for the record and give your address.

11 PUBLIC SPEAKER LAMANNA: My name is Paolo
12 Lamanna. Last name is L-a-m-a-n-n-a. I live
13 across the street from this proposed building.
14 I've been living there for ten years. This is a
15 monstrosity. It's absolutely out of character
16 in this neighborhood. I didn't get a chance to
17 speak about this a year and a half ago, you had
18 a meeting because it was all by Zoom. But our
19 entire building is against this. We are against
20 everything about this. We're going to -- it's
21 going to block our sunlight when we wake up in
22 the morning. It's seven stories. We're a
23 three-story beautiful building. I don't know if
24 you've seen what sits there today, but it's a
25 Tudor mansion from the 1940s. And it's

1 gorgeous. And all that needed to be done was
2 just this restoration and fix it up. But
3 instead this is all about profit. We don't want
4 this in our neighborhood. This is a
5 monstrosity. I don't know what else I can say.
6 I have a hundred, hundred things I could say.
7 The two beautiful oak trees that are 200 years
8 old in front are going to be destroyed. The
9 land, the beautiful vistas. The greenery. Have
10 you seen what's there now? Has anybody here at
11 this meeting gone there to --

12 THE CHAIRPERSON: Yes. Yes, we have --

13 PUBLIC SPEAKER LAMANNA: -- to see what's
14 on the site?

15 THE CHAIRPERSON: Yes. Sir, we had a
16 site visit and I believe everyone at the table
17 went and saw it both from one side and from the
18 other.

19 PUBLIC SPEAKER LAMANNA: Wonderful. And
20 so but you all approved this.

21 THE CHAIRPERSON: We're having a hearing.

22 PUBLIC SPEAKER LAMANNA: Okay.

23 THE CHAIRPERSON: There's no decision at
24 this point.

25 PUBLIC SPEAKER LAMANNA: All right.

1 We're all against this. I'm sorry that my
2 building didn't show up. But everyone -- no,
3 but nobody wants this.

4 Also, as you mentioned, there is never
5 parking, there's never parking available on
6 North Broadway. Hardly ever. And when there is,
7 it's between maybe the hours of two and four.
8 When this comes up, if this goes in, even if
9 they have parking, think about all the friends,
10 all the family members who are going to be
11 visiting these people. You will not have
12 parking available on North Broadway. We're not
13 going to have parking. When we want to pull up
14 for a few minutes drop something off -- we won't
15 be able to do that. This is a monstrosity. And
16 I'm so against it.

17 Where are the historic protections of our
18 city? We're destroying, you know, the fabric of
19 our neighborhoods by doing stuff like this.

20 That's all I have to say.

21 THE CHAIRPERSON: Thank you, sir.

22 PUBLIC SPEAKER LAMANNA: Thank you.

23 THE CHAIRPERSON: Is there anyone else to
24 speak on this property? It is at 316 North
25 Broadway and 315 Palisade Avenue. I think we'll

1 hold it over. Okay. Moving on.

2 The next item on the agenda is 5808, 133
3 Vineyard Avenue. Mr. Romano.

4 MR. ROMANO: Good evening.

5 THE CHAIRPERSON: Please introduce
6 yourself for the record.

7 MR. ROMANO: Andrew Romano, 55 Main
8 Street, Yonkers, New York.

9 THE CHAIRPERSON: Speak up.

10 MR. ROMANO: Andrew Romano, 55 Main
11 Street, Yonkers, New York on behalf of Gene
12 Strynowicz, the owner of 133 Vineyard Avenue.
13 Madam Chairman, Chairwoman, my client's here,
14 I'm having difficulty hearing, can I bring him
15 up just to sit?

16 THE CHAIRPERSON: Sure, of course.

17 MR. ROMANO: The son, it's the son
18 actually.

19 THE CHAIRPERSON: Hi, how are you?

20 MR. ROMANO: Anyway here tonight
21 essentially my client's father owns the
22 one-family house at 133 Vineyard Avenue. It's a
23 one-family house, no CO, obviously a very old
24 house. What my client seeks to do is to
25 legalize the second floor of the house that

1 unfortunately started construction without a
2 permit. We were told to stop, we stopped.
3 Plans were filed, we've now come before the
4 Board. We believe that it'll still remain a
5 one-family house, which my client and his family
6 will be in. What we're seeking to do on the
7 second story is to make like a normal house put
8 a couple of bedrooms upstairs and use the first
9 floor as a family room, dining room, and one
10 bedroom.

11 We are building in the structure on the
12 footprint on the existing first floor. So, it
13 would be air and light would be preserved it
14 would be on the same as it would be as the
15 existing first floor. We're not building out.
16 Same family, one occupancy.

17 My client's owned the property since
18 2007. The Board should be aware it's only a 25
19 by 100 lot. It is very difficult to build
20 anything. And if you look at the neighborhood,
21 which I'm sure the Board has, you will see that
22 there are other two-story structures across the
23 street and in the neighborhood. When I went out
24 there several times and so it would be in
25 character of the neighborhood by having this

1 two-story one-family house. We believe that, as
2 I said, it will be in the character of the
3 neighborhood based on the fact that there are
4 two-families there.

5 Some of the variance I think may be
6 deemed substantial, but as I said since we're
7 building on the same footprint we believe that
8 would be, it would mitigate any type of
9 substantial impact on the property. We can't
10 build any other way. We can't obviate because
11 of the size of the lot and the structure. If I
12 was to reduce the second story, it would really,
13 it would be severely impacted because by pushing
14 it in, it would reduce the size of the bedrooms,
15 we would definitely violate the Yonkers City
16 Code, the New York State Housing Code, in terms
17 of size of the bedrooms, size of kitchen, things
18 of that nature.

19 We don't believe there would be any
20 adverse physical environmental impact to the
21 neighborhood. Remain a one-family dwelling.
22 And will comply with all laws and we will
23 updated, since it's a such an old house, we will
24 be updated to current Code which would allow for
25 additional safety and health.

1 Hardship may be deemed self-created, but
2 I think if you take the five points of law and
3 you balance them, it's clear that it would not
4 impact anyone in the neighborhood. And for the
5 record, my client did go out, and I do have
6 letters including the neighbor on one side,
7 which essentially five neighbors have already
8 agreed that they have no objection to it. Do I
9 hand that in or do I give it tomorrow to?

10 THE CHAIRPERSON: Can you give that to
11 Shannon.

12 MR. ROMANO: Absolutely.

13 THE CHAIRPERSON: In the Building
14 Department.

15 MR. ROMANO: Absolutely. No problem.
16 Done. Anyway we're are here, any questions the
17 Board, would be more than happy.

18 THE CHAIRPERSON: Yes, we have questions.

19 MR. ROMANO: Please.

20 THE CHAIRPERSON: We've also received
21 letters from neighbors.

22 MR. ROMANO: I haven't.

23 THE CHAIRPERSON: So I'm going to go
24 through a list of questions that we received as
25 a Board and you can tell me yes or no.

1 Did your client install and illegally
2 finish a basement that he has rented?

3 MR. ROMANO: No.

4 THE CHAIRPERSON: Okay. Did he excavate
5 the front yard?

6 MR. ROMANO: No.

7 THE CHAIRPERSON: Did he enclose an
8 existing front porch?

9 MR. ROMANO: I believe in the plan, it
10 shows a closed porch. So I would have to say
11 that based on the plan it probably became
12 enclosed. Yes, I would say so.

13 THE CHAIRPERSON: It became enclosed --

14 MR. ROMANO: In other words he did it.

15 THE CHAIRPERSON: -- or it's on the plan?

16 MR. ROMANO: But it's on the plan
17 tonight.

18 THE CHAIRPERSON: To become enclosed?

19 MR. ROMANO: Yes.

20 THE CHAIRPERSON: But it is not currently
21 enclosed?

22 MR. A. STRYNOWICZ: It is enclosed I
23 believe the way it's in the picture.

24 THE CHAIRPERSON: So that's a yes.

25 MR. A. STRYNOWICZ: No, this one. That's

1 the way it is. It's always been that way.

2 THE CHAIRPERSON: Were first floor
3 alterations, framing, plumbing, electrical done
4 with City permits?

5 MR. ROMANO: No.

6 THE CHAIRPERSON: Okay.

7 MR. ROMANO: We don't have that issue.

8 THE CHAIRPERSON: Was a first floor rear
9 addition added?

10 MR. ROMANO: No.

11 THE CHAIRPERSON: Was a stain, stone
12 retaining wall at the rear, is it encroaching
13 the neighbor to the back's property?

14 MR. ROMANO: I think there's a cliff in
15 the back. Right?

16 THE CHAIRPERSON: I'll write that as a
17 CliffNote. And did you recently frame the
18 entire second floor?

19 MR. ROMANO: Absolutely, that's why we're
20 here.

21 THE CHAIRPERSON: Okay.

22 MR. ROMANO: We acknowledge that.

23 THE CHAIRPERSON: You know, Mr. Romano,
24 generally people come here first then they
25 frame.

1 MR. ROMANO: I understand but --

2 THE CHAIRPERSON: Right.

3 MR. ROMANO: -- I've actually had people
4 actually build houses believe it or not without
5 even permits being issued.

6 THE CHAIRPERSON: Yeah, nobody considers
7 that a best practice.

8 MR. ROMANO: No, I understand that. We
9 all agree for safety and health, that's another
10 reason why we're here.

11 THE CHAIRPERSON: All right. Does any of
12 the Board have any other questions?

13 MR. BATTISTA: I have a question. Why
14 would you build the second floor without getting
15 the proper permits?

16 MR. ROMANO: Well, his father gets
17 carried away, he does construction. And he
18 started it up. And someone complained and he
19 stopped. He's, he's -- people like to build a
20 lot of things in this, but we're here to correct
21 those problems. So why did he do it? Because
22 he likes to build. They're in construction and
23 unfortunately he did it without a permit. But
24 with the Board's help, we can correct that.

25 THE CHAIRPERSON: Are there three

1 kitchens in the building?

2 MR. A. STRYNOWICZ: One.

3 MR. ROMANO: One kitchen on the first
4 floor.

5 THE CHAIRPERSON: Okay. We're going to
6 have to do an interior inspection.

7 MR. ROMANO: A site visit?

8 THE CHAIRPERSON: Yes.

9 MR. ROMANO: No problem.

10 THE CHAIRPERSON: So can you please call
11 Shannon and set that up with Shannon.

12 MR. ROMANO: Sure.

13 THE CHAIRPERSON: For, you know, three
14 members of the Board not a majority.

15 MR. ROMANO: No problem.

16 THE CHAIRPERSON: I'm sorry, are there
17 any another questions?

18 MR. GJELAJ: Just specify that it's
19 interior too.

20 MR. ROMANO: I'm sorry?

21 MR. GJELAJ: Specify that it's an
22 interior site visit.

23 THE CHAIRPERSON: Inspection.

24 MR. GJELAJ: Inspection.

25 MR. ROMANO: Yeah, you can do inside,

1 outside, anything, no big deal.

2 THE CHAIRPERSON: Sir, do you have any
3 other comment?

4 MR. A. STRYNOWICZ: No, thank you.

5 THE CHAIRPERSON: Mr. Romano, you're
6 going to provide the letters in support from the
7 neighbors?

8 MR. ROMANO: Absolutely.

9 THE CHAIRPERSON: And you're going to
10 call Shannon tomorrow and set an inside/outdoor
11 inspection for three members of the Board.

12 MR. ROMANO: I'm going to email her.

13 THE CHAIRPERSON: Yes.

14 MR. ROMANO: Because you know how that --
15 you know what I mean.

16 THE CHAIRPERSON: I do know what you
17 mean. Thank you very much for your
18 presentation.

19 (Court reporter requested name.)

20 MR. A. STRYNOWICZ: Adrian Strynowicz.

21 MR. ROMANO: Can we sit and see if
22 there's any public here?

23 THE CHAIRPERSON: Yes, by all means. Are
24 there any members of the public who would like
25 to comment on 133 Vineyard Avenue? Okay. Thank

1 you, gentlemen.

2 MR. ROMANO: Thank you, all. Have a good
3 evening, all.

4 MR. A. STRYNOWICZ: Thank you.

5 THE CHAIRPERSON: The next item on the
6 agenda is 5809, 273 Glenwood Avenue. Is there
7 anyone here on that to present?

8 MR. MAHALEK: Good evening, Madam Chair,
9 Members of the Board. For the record I'm
10 Maximillian Mahalek, with the Law Firm of Cuddy
11 and Feder on behalf of the applicant Lemor
12 Development Group and Empire Development Capital
13 Holdings. Our team is getting set up at the
14 moment, but I just have out of respect for the
15 Board's time, I'm just going to start here.

16 So our project team we bring a lot of
17 site experience team I think here. We have
18 Emmanuel D'Amore with D'Amore Architects. We
19 have a Anthony Guccione, he's our engineer with
20 JMC. We have Marc Petrero, he's our traffic
21 engineer with JMC. And we had a lot of work
22 over the last few months and I decided to
23 present to you this proposal and to articulate
24 some of the variance requests being made herein.

25 So just for a little context both Lemor

1 Development Group and Empire Development Capital
2 Holding have extensive experience in the
3 affordable housing field providing work force
4 and affordable housing to under-served
5 communities. Establishing strategic
6 partnerships often with minority-owned
7 contractor, supplier and development companies.
8 In looking for creating really progressive
9 communities, progressively designed,
10 progressively thought-out communities.

11 Now, the proposal here is to construct a
12 multi-family affordable housing community at 273
13 Glenwood Avenue fronting on the northwestern
14 side of Father Finian Sullivan Drive on the
15 southeastern side at Sommerville Place. Now
16 this is located within the immediate vicinity of
17 a 13-story affordable housing community at the
18 Finian Father Sullivan Tower and within the
19 proximity of a 12-story affordable community at
20 Monastery Manor. We note that this is a .98
21 acre parcel that has been vacant for several
22 decades and the site is in the hot, what's
23 called an opportunity zone designated by the
24 Federal Government which incentivizes investment
25 in those communities.

1 Now the proposal herein is for 14 stories
2 and 177 units with apartments ranging from 40 to
3 80 percent Average Medium Income. And it will
4 include a public walkway extension onto Lake
5 Avenue.

6 THE CHAIRPERSON: I'm sorry. Could you
7 slow down and repeat again.

8 MR. MAHALEK: Yes. 14 stories, 177 units
9 with apartments ranging from 40 to 80 AMI.
10 Public walkway extension onto Lake Avenue. And
11 then I have a little more of a breakdown here of
12 ten floors of residences, four levels of
13 parking, 138 parking spaces. And then within
14 the breakdown of the different bedroom types:
15 Ten studios, 70 one-bedroom units, 77
16 two-bedroom units, and 20 three-bedrooms.

17 Now, we are excited to bring this project
18 to the community particularly in light of the
19 number of market rate developments that have
20 been proposed recently in the community and we
21 wanted to continue promoting the affordable side
22 of things. And we wanted to bring to the table
23 a design that has dignity and includes
24 amenities. And you'll see some of those details
25 in our presentation later on, but those include

1 recreational areas, balconies, terraces and then
2 some exciting facilities such as solar panels.

3 Now, just to summarize some of the
4 history here quickly, the project is a product
5 of collaborative efforts between the applicants
6 and the City. It had commenced with a letter of
7 intent to purchase the City-owned property in
8 January of 2021. The Planning Board was
9 eventually designated Lead Agency on the project
10 and issued a negative declaration in October of
11 2022. And then it made a favorable reference to
12 the City Council for rezoning. The rezoning was
13 undertaken by the City Council, rezoning from
14 the "M" Zoning District to the "A" Zoning
15 District that was completed last month.

16 Now, throughout the process the team has
17 received and responded and included any plans
18 and comments from the Planning Board, Planning
19 Bureau, the State Home Community Renewal
20 Division and the Westchester County Planning
21 Board. Now, we come before the ZBA for the
22 variances that are going to be required. And
23 just to note, we will be returning to the
24 Planning Board for the final site plan approval.

25 Now, as to the relief required here. One

1 thing I wanted to note, today we received an
2 updated denial statement from the Building
3 Department just clarifying some of the variances
4 required. So our presentation which we have
5 today includes those and we will circulate in a
6 supplemental submission the updated denial
7 statement just so we have that in the record and
8 it's clearly laid out for everyone. But just to
9 articulate that these variances include
10 variances for height, front, rear, and side yard
11 setbacks, parking both in terms of number of
12 parking spaces and location of parking, FAR
13 ratio, building coverage percentage, and fence
14 wall height with the four-foot cap on those.

15 Now, I know in our submission we were in
16 depth on each of the different factors in the
17 balancing test so out of respect for the Board's
18 time I'm not going to spend too much time on
19 each category but just to articulate some of
20 the--

21 THE CHAIRPERSON: Why don't you focus
22 your attention on the parking variance that
23 you're requesting and the height variance,
24 because it seems to me the required number of
25 parking spaces are 271 and you've applied for

1 138. And that building height is required 75
2 feet, but you've applied for 166 feet. So those
3 seem to be the most obvious variances.

4 MR. MAHALEK: Happy to go into those,
5 Madam Chair. So as you stated with the parking
6 requirement, technically there are 271 parking
7 spaces required and we have proposed 138 spaces.
8 Marc Petroro with our team --

9 (Court reporter requested spelling.)

10 MR. MAHALEK: M-a-r-c. Marc, correct me
11 if I'm wrong, the last name is P-e-t-r-o-r-o.

12 MR. PETRORO: Correct.

13 MR. MAHALEK: Great. I know JMC as a
14 part of this process they developed a pretty in
15 depth parking analysis and also a traffic
16 analysis that were submitted to the Planning
17 Board and that was strongly considered as part
18 of the issuance of the negative declaration.
19 And I'll let Marc go into further detail now
20 about this. But what was examined was looking at
21 what is the parking demand for similar
22 affordable communities high density affordable
23 communities applying a factor to the number,
24 that factor from that math to the number of
25 units to determine what would be necessary here

1 to accommodate residents and guests. And I do
2 know that there was a engineering memo received
3 -- I believe it was dated today -- that said --

4 MR. PETRORO: 16th.

5 MR. MAHALEK: Sorry?

6 MR. PETRORO: 16.

7 MR. MAHALEK: 16, great. Thank you.

8 That said that the factor they thought we might
9 be a little low and then they applied a slightly
10 higher factors, but even with that factor they
11 applied the number of parking spaces they
12 thought required is something that we exceed.

13 I'm going to have Marc go into a little
14 more detail on the parking design and efficiency
15 and the --

16 THE CHAIRPERSON: Okay. First of all --

17 MR. MAHALEK: -- reasoning behind our
18 number.

19 THE CHAIRPERSON: -- could we get a copy
20 to the Board Shannon at in the Building
21 Department get a copy of parking study and
22 traffic engineering report you've presented and
23 then feel free to start your presentation.

24 MR. MAHALEK: Will do.

25 MR. PETRORO: Correct. Absolutely. So

1 my name is Marc Petrero from JMC, just for the
2 record. Good evening, Members of the Board,
3 Chairwoman.

4 So we did prepare a parking analysis
5 which was briefly discussed. Was circulated and
6 was reviewed by the Engineering Department at
7 the City. What we did to support the
8 application what we have noticed is with
9 affordable housing what the required is per the
10 City of Yonkers does not reflect what actually
11 is occurring out there in affordable housing as
12 far as parking demand. So what we did to
13 support the application is provide the
14 supporting data, we actually counted four
15 similar affordable housing developments.
16 They're located here on this table that I have
17 here on the board and table too, we counted 125
18 Livingston Avenue, 217 South Waverly Street, 193
19 Ashburton Avenue, and 358 Nepperhan Avenue.

20 So we counted during the morning, during
21 the middle of the day and also at the evening at
22 those four facilities. And what we had noticed,
23 and you can see in there it would have the
24 number of units for each of those developments
25 as well as what's required from parking space

1 standpoint for developments. And it shows you
2 what the parking supply is but also what the
3 maximum observed parking occupancy ratio is on
4 the space per unit.

5 And then to provide a fifth data point
6 for everyone on the Board is we also included on
7 the fifth line here at Cottage Place Gardens, we
8 provided some vehicle ownership data to, to also
9 provide a fifth data point for the Board for
10 you. So what you can see here is for the
11 affordable developments, they range from .41
12 spaces per unit up to .62 spaces per unit as far
13 as what's being parked on those developments in
14 the parking spaces. I will remind the Board
15 that these parking spaces we counted incorporate
16 not only residents but also considers the guests
17 that will be parking during those counts that we
18 did.

19 So, to provide a conservative analysis
20 from a parking demand standpoint, what we did is
21 we applied the highest observed maximum
22 occupancy ratio which is .62 and we applied it
23 to our development in the AMI range of the 40 to
24 60. And what we did was we provided a higher
25 parking demand for the 70 to the 80 percent

1 being one per unit. And what we came up with
2 through our analysis is we would have a parking
3 demand of 131 parking spaces where we're
4 providing 138.

5 So we do provide, you know, a surplus but
6 it's above what is our looking in our
7 conservative analysis, we also are providing
8 some additional visitors spaces beyond that
9 surplus too.

10 So I do know that the Engineering memo
11 mentioned a higher spaces per unit, which is .71
12 but again if you apply that we're still above
13 what that parking demand is for that
14 development. So based on these five data points
15 here we provide sufficient parking supply to
16 accommodate not only residents for this
17 development, but also the visitors.

18 And what we did notice is vehicle
19 ownerships for these developments are relatively
20 low due to the affordable aspect of the
21 development.

22 THE CHAIRPERSON: Okay. So you're at 40
23 to 80 percent AMI. Cottage Place Gardens was at
24 30 percent or less in AMI.

25 MR. PETRORO: We took, we -- in the

1 aspect of the village Cottage Place we took out
2 only the ones that are applicable and similar in
3 uses. So we took out the 30 percent. We also
4 took out the townhouse-styled units. So we only
5 looked at the AMIs in our range, but also only
6 the apartment-styled units. So we --

7 THE CHAIRPERSON: So this isn't Cottage
8 Place Gardens, it's Ridgeway 1 2, 3, and 4.
9 These are the new buildings? Because Cottage
10 Place is down to two buildings that are being
11 demolished.

12 MR. PETRORO: The specific, there was in
13 the data we provided, there were four different
14 aspects of Cottage Place Gardens. This is an
15 overall development with different phases. I
16 can give you the actual addresses. I don't have
17 those handy --

18 THE CHAIRPERSON: 172 Warburton, 178
19 Warburton, that kind of thing.

20 MR. PETRORO: Yeah.

21 THE CHAIRPERSON: So you're talking about
22 the new buildings and actually not Cottage Place
23 Gardens.

24 MR. PETRORO: The one I believe it's the
25 multi-family off of --

1 THE CHAIRPERSON: Yeah, I'm familiar.

2 MR. PETRORO: What is it 188?

3 THE CHAIRPERSON: Yup. So, the other
4 buildings 125 Livingston, 217 South Waverly are
5 also all new buildings.

6 MR. PETRORO: I'm not aware of how recent
7 they were done, but they've been occupied and
8 they're, you know, fully utilized by residents.

9 THE CHAIRPERSON: Okay. And they are
10 also above 30 percent AMI. They are in the 40
11 to 80 and they are not senior housing?

12 MR. PETRORO: Correct. So, the 125
13 Livingston income level 50 to 60. Same for
14 Waverly. I don't have the specific AMI for
15 Ashburton. And then I believe the Nepperhan
16 location is 60 percent AMI.

17 THE CHAIRPERSON: Okay. Go ahead.

18 MR. GJELAJ: There's no public
19 transportation listed on the parking study.
20 Would you be able to provide the Board with a
21 study that shows --

22 MR. PETRORO: Sure.

23 MR. GJELAJ: -- public transportation?

24 MR. PETRORO: There is parking -- sorry.
25 We also did provide a traffic study with the

1 this application. But it wasn't noted in the
2 traffic study, but there are two bus stops in
3 the close vicinity of that development that are
4 located here on Vineyard Avenue as well as here
5 on Ridge, Ridge. And you can either walk on the
6 sidewalk to the site to access those bus stops,
7 or you can potentially use the sidewalk and the
8 crosswalk to access those bus stop locations.

9 MR. GJELAJ: And do you have a distance
10 from the site?

11 MR. PETRORO: The actual distance from
12 the door to walking?

13 MR. GJELAJ: Yes, half mile, quarter of a
14 mile?

15 MR. PETRORO: I don't know the exact
16 number, but within a half mile definitely.

17 So, again, that's from the traffic study
18 standpoint just even though I briefly had
19 mentioned it, but the traffic study was just
20 done conservatively in that it did not consider
21 a credit for utilization of public transit which
22 you would assume it would be utilized a lot with
23 vehicles not being owned for these types of
24 developments plus our traffic study was done
25 based on the volumes that were projected from

1 the transportation engineer but for a market
2 rate use. So the volumes were actually higher
3 than you anticipate for an affordable
4 development.

5 So what we had noticed is that when you
6 do the traffic, and project out the volumes on
7 there, what the operations are like in the
8 future with the development compared to in the
9 future without the development, there's no
10 significant level of service changes; however,
11 we are proposing an improvement at the
12 intersection of Nepperhan Avenue and Orchard
13 Place which would be the installation of a
14 vehicle detection loop in the road for that
15 approach to detect when vehicles are present to
16 give it a green light. If it's not, if there's
17 no vehicles there, the green light would still
18 stay on Nepperhan Avenue providing greater
19 efficiency.

20 The other item that we are proposing at
21 that intersection was additional traffic signal
22 timing modifications. These were reviewed by
23 your Traffic Department as well and they did
24 concur in their memo from March 16th to those
25 improvements.

1 THE CHAIRPERSON: Okay. Do you want to
2 speak now to the height of the building?

3 MR. MAHALEK: Yes. So, Madam Chair, as
4 discussed previously and just for the record to
5 read in the variance being requested. One
6 moment. So this is the permitted height at 75
7 feet, and what is being proposed is 156 feet.
8 So there's a couple of items I want to note
9 here. One of them, one of the largest reasons
10 for the height being 40 to 80 percent AMI,
11 there's a certain number of units that need to
12 be provided to realize a return for our client
13 for this project. This was the number of units
14 that was concluded upon further study and just
15 knowledge of the industry and knowledge of
16 returns and the market.

17 Now, looking at the shape of the site,
18 the topography of the site, the slope of the
19 site, and the design, this is a height that was
20 determined to be necessary to accommodate all
21 those units within the design that is before the
22 Board. Just to note when we're looking at the
23 impact of the height, we have to consider also
24 the circumstances of the context of the
25 community. Now, as noted previously just next

1 door we also have similarly tall structures. We
2 have the 13-story affordable community at the
3 Finian Sullivan Tower and then across the street
4 we have the 12-story Monastery Manor. So,
5 looking within the context of the built
6 environment the totality of the circumstances,
7 this is the type of character that we have seen
8 in the community and we are reflecting that
9 character. And I actually think in one of our
10 PowerPoint slides we have a comparison of the
11 rendering of the height proposed structure with
12 the height of some of the other nearby
13 structures.

14 We do realize, obviously, that the
15 structure is taller than what's permitted. But
16 we do think this higher -- here we go -- that
17 this taller density also does serve as a buffer
18 between some of the industrial areas on one side
19 of the site with the lower residential areas on
20 some of the other sides of the site. And here
21 is just a diagram, the top is showing
22 comparisons of the height of the proposed
23 structure with Monastery Manor and Finian
24 Sullivan Tower looking at also our topography
25 and the arrangement of the site impacts the

1 visual appearance. Just to really get an idea
2 of the visual impact or lack thereof, I would
3 say, of this proposed tower with the nearby
4 towers, we do have the rendering showing that
5 the character will be consistent within that
6 community. These slides, I believe, some of
7 these images are also in the PowerPoint that I
8 just handed out at the beginning. If not, we
9 will be happy to hand out those out. We just
10 want to make sure everyone can cite to those.
11 So those are some of my strongest points on
12 the--

13 THE CHAIRPERSON: Yeah, no, go ahead.
14 Hand them out.

15 MR. MAHALEK: -- on the height. Unless
16 our architect or Mr. Guccione of JMC have
17 anything to else to add to the discussion of the
18 height for the Board's benefit.

19 THE CHAIRPERSON: Before you get there,
20 did you do a shadow study?

21 MR. MAHALEK: Yes. So, in the February
22 24 submission to the Board there were a number
23 of attachments. In addition to the parking
24 analysis and the revised traffic study that was
25 submitted, there was a shadow study that was

1 submitted. And also just to keep in mind, the
2 shadow study was also submitted to the Planning
3 Board and was part of the basis for the negative
4 declaration reached by the Planning Board
5 several months ago. And that was at Exhibit "K"
6 of the February 24th submission to this Board.
7 In looking at the shadow study along with a
8 number of other studies and reports submitted,
9 the Planning Board found there would be no
10 significant adverse impact and we are happy to
11 further discuss topics on this.

12 THE CHAIRPERSON: Do any of the Board
13 Members have any questions?

14 MR. GJELAJ: Not at the moment, no.

15 THE CHAIRPERSON: No. So why don't you
16 have a seat and then we'll ask if the members of
17 the public have comments. And then you can
18 respond to them as they come up.

19 MR. MAHALEK: Understood. And, Madam
20 Chair, just a quick question, I defer to you,
21 our architect was prepared to present further on
22 the design, but I defer to you.

23 THE CHAIRPERSON: I guess my only
24 question, is there any climate resiliency or
25 green infrastructure or green incorporated into

1 the design of the building?

2 MR. D'AMORE: Yes, absolutely. Good
3 afternoon. My name is Emmanuel D'Amore.

4 THE CHAIRPERSON: So you're going to have
5 to slow down and speak up.

6 MR. D'AMORE: All at the same time. So
7 yes, absolutely. The team is absolutely into
8 providing quality of living. So besides the
9 over 3,800 square feet of indoor recreation
10 area, another 5,000 square feet of outdoor
11 recreation area throughout the different heights
12 of the buildings with the different terraces and
13 balconies, we do, you know, try to go on passive
14 house certification. So passive house besides
15 the sustainability benefit also provides great
16 indoor air quality and, you know, healthy habits
17 for the building tenants.

18 Quality issues is airtightness of each
19 unit and fresh air, constantly fresh air that it
20 gets cool or heat as it comes through the units.
21 So, you know, in times of COVID where you don't
22 want any transfer of air between any neighbors,
23 this is perfect because each individual
24 apartment it's air tight. And, again, you have
25 circulated air. Another benefit, these

1 apartments are very extremely quiet because of
2 this airtightness. So they're extremely well
3 sound insulated. As you see from the rendering
4 here, they're very large windows to maximize the
5 sound efficiency and, you know, you know,
6 improve the healthy habits for the building
7 tenants to use, you know, more of the outdoor
8 amenities. So again --

9 THE CHAIRPERSON: So just to sort of
10 clarify, you're building to passive house
11 standards?

12 MR. D'AMORE: Passive house.

13 THE CHAIRPERSON: Okay.

14 MR. D'AMORE: Yes. And we are seeking
15 also geothermal.

16 THE CHAIRPERSON: Geothermal.

17 MR. D'AMORE: Geothermal wells. So we
18 are talking with consultants to see, you know,
19 how to be incorporated depending on the
20 topography where it can be drilled.

21 THE CHAIRPERSON: I mean, is the solar,
22 are the solar panels going to be off-setting the
23 costs to the tenants or off-setting the costs to
24 the developer.

25 MR. D'AMORE: Usually they're not enough

1 to support the tenants, you know, meters. So
2 it's more for the use of the common areas such
3 as the community rooms, the corridors, the
4 overall use of the building. That's usually the
5 standard, they're not, you know, we don't have
6 enough technology to actually power up each
7 tenant.

8 THE CHAIRPERSON: Okay. Are there any
9 other questions? Thank you.

10 MR. BATTISTA: Question, so you're
11 requesting, you know, a big variance on the
12 height. But on the parking, there's no way to
13 fit more parking spaces with that large
14 requested variance on the height?

15 MR. MAHALEK: As I understand the way the
16 design relates to the site, with the site
17 features and trying to fit the number of units,
18 this was the most sufficient realistic parking
19 proposal that can be achieved. And, I believe,
20 they felt very confident in the efficiency of
21 the design highlighted by the fact that a
22 negative declaration was received. I don't know
23 if there's -- if we have any other comments on
24 the parking lot design, but just looking at the
25 site features, looking at the number of units

1 and trying to keep it to where we meet the
2 minimum variance necessary, this is the design
3 most landed on.

4 MR. D'AMORE: To add on, you know, like
5 he mentioned before due to the topography
6 restriction, from Father Finian, Glenwood
7 Avenue, to Sommerville it's above almost more
8 than 50 feet in height. And it actually, we
9 have an internal ramp for the parking spaces.
10 And we have, you know, to dig into the hill with
11 the parking where there's four floors of parking
12 allowing top level parking with Sommerville.
13 So, again, there is a cost incremental of adding
14 more parking and reducing the number of units
15 due to the fact that the ramp is going to be,
16 you know, excluded outside the actual shape of
17 the building. So this way the interior
18 circulated ramp it's all on the ground and it's
19 not visible. It's much more aesthetic and
20 pleasing.

21 MR. BATTISTA: Thank you.

22 THE CHAIRPERSON: Thank you. Are there
23 any other questions of the Board?

24 Why don't you have a seat for now and
25 then you we might circle back to you.

1 Okay. One moment. Are there any members
2 of the public to speak about this project? It
3 is number 5809, 273 Glenwood Avenue. I think
4 there's actually also other addresses, 146 Lake,
5 164 Lake, et cetera.

6 MR. MIDDLETON: Madam Chairwoman and
7 Members of the Board, I'm attorney Sam Middleton
8 from the Law Firm of Bleakly, Platt, and
9 Schmidt. I'm here on behalf of the nearby
10 senior living facilities Monetary Manor and
11 Finian Sullivan Towers.

12 The City of Yonkers Code Section 43-86(d)
13 states the Yonkers Zoning Board of appeals in
14 granting such variances shall grant the minimum
15 variance that it deems necessary and adequate.
16 And at the same time preserves, protects the
17 character of the neighborhood and health and
18 safety of the welfare of the community.

19 This structure is nothing but a wall in
20 between was it, I believe it's Sullivan Street
21 ending up on the west side. And barring the
22 view of the trees in the park and this structure
23 is very much a square peg that's getting forced
24 into a round hole. This is a sliver of land
25 that's almost essentially is undeveloped. It's

1 asking for more than double the height that's
2 permitted. And it's asking for less than half
3 of the necessary parking spaces. It by far is
4 not even close to what the standard requirements
5 are.

6 The parking availability in the area is
7 not even, is not able to handle any overflow
8 parking from another building in the area.
9 There's no parking on, I believe, it's Sullivan
10 -- Finian Sullivan Street as it is. We've had
11 one of our clients purchase overflow parking in
12 the area, because people cannot come and visit
13 their loved one in the senior centers. It is a
14 serious problem and if we start adding more and
15 more cars for parking in the area, I just don't
16 believe that there's any capacity in this
17 neighborhood to take on more cars. Especially
18 if they're only willing to give you half of what
19 is required per the Code.

20 If we look to the benefit that's sought,
21 whether it can be done by another reasonable
22 method, low income housing is permitted on this
23 lot as-of-right and we would welcome the
24 creation of affordable housing in the area so
25 long as the proposal complies with the local

1 Zoning Codes. The current proposed structures
2 essentially disregards the neighborhood and the
3 Zoning Codes for, for the purpose of achieving
4 maximum financial gain under the veil of
5 affordable housing. And it's unquestionable
6 that the benefit of the lot can be realized
7 through the creation of a much smaller
8 alternative structure that complies with the
9 Zoning Code, or at least meets the minimum
10 variance as opposed to entirely asking for
11 double and half of what is necessary.

12 You know how to tell a substantial a
13 variance request is, we can see it's quite
14 substantial. Nearly every requested variance is
15 beyond what the structure, beyond what's
16 required. And the side front yard, right, the
17 encroachment on Father Finian Sullivan Drive is
18 10 -- it goes from 20 feet to 10 feet. The rear
19 yard, 25 feet is required the applicant proposes
20 10. For the front yard, 25 feet is required,
21 the applicant proposes four. And with the
22 maximum, the maximum height of 75 feet, the
23 applicant proposes 156 feet. With the
24 requirement of 271 parking spaces, they offer
25 33. Not even close. Just not even close.

1 We're looking at the adverse effects of
2 the neighborhood, and as previously stated it's
3 unquestionable the proposed variance is
4 substantial with respect on the condition of the
5 neighborhood, particularly given physical
6 limitation on the site, the proposed population
7 influx and the impact that both will have on the
8 area and its parking.

9 Should the variance be granted, the
10 already strained parking in the area will become
11 impossible and the substantial increase to
12 population in the area will undoubtedly increase
13 traffic, make noise, air, light beyond what's
14 already --

15 The project proposed can only be
16 described as grossly inappropriate for the
17 neighborhood and would fundamentally alter the
18 neighborhood in a negative way.

19 The sheer number and extent of requested
20 variances demonstrates entirely self-created
21 issue, seeking to maximize the profit that the
22 applicant can realize through the development of
23 the lots. Affordable housing is permitted on
24 the lots yet it's not enough as the applicant
25 feels it's necessary to disregard the City Code

1 and the local neighborhood and for the sake of
2 capital gain.

3 Here the applicant fails to meet the
4 burden necessary for the Board to grant the
5 application. And, again, we look back to
6 Yonkers Code Section 43-86(d), the Zoning Board
7 of Appeals in granting such a variance shall
8 grant the minimum variance that it deems
9 necessary to have -- and at the same time to
10 preserve and protect the character of the
11 neighborhood health and safety and welfare of
12 the community.

13 The applicant's ten variance requests are
14 unquestionably a maximum request. And as the
15 applicant clearly demonstrates no regard for
16 Yonkers City Code or the neighborhood they wish
17 to be a part of, therefore the Board should deny
18 the applicant's request.

19 THE CHAIRPERSON: Okay. A couple of
20 questions: How do you respond to the fact that
21 Father Finian is 13 floors and Monastery Manor
22 is 12 floors and they would like, the applicant
23 would like to be 14 floors?

24 MR. MIDDLETON: We're slightly different
25 and differently situated than them. The

1 proposed structure is longer in length. Father
2 Finian Sullivan Tower is relatively a small
3 square footage on the ground. And Monastery
4 Manor is lower on elevation on the lower side of
5 the hill so it doesn't come up beyond an
6 unreasonable height. The top of the building I
7 believe it's only three or four floors that are
8 above the Father Finian Sullivan Drive.

9 THE CHAIRPERSON: Okay. What -- does
10 anyone else have any questions for this
11 gentleman? We did receive your letter. I mean
12 I was reading from it when I talked to the
13 applicant so we did, we are in receipt of that
14 letter.

15 MR. MIDDLETON: Thank you.

16 THE CHAIRPERSON: You're welcome. On the
17 parking -- hold on. On the parking study,
18 gentlemen, it appears if you look at your
19 parking numbers, that you're at point six. But
20 these units, residential units in these
21 buildings are much less than the site. Right?
22 The site has 177 residential units, but you're
23 looking at properties that have 15, 29 and 50.
24 Arguably not comparable.

25 MR. PETRORO: Correct.

1 THE CHAIRPERSON: So and that's giving
2 you a maximum occupancy ratio for spots at point
3 six.

4 MR. PETRORO: Correct so --

5 THE CHAIRPERSON: I think it might be
6 wiser if we could get some properties that are
7 at least over 100 and more like 358 Nepperhan
8 which has 195.

9 MR. PETRORO: Yeah, correct. We did get
10 that at a previous documentation in our earlier
11 circulations through the Planning Board for
12 SEQRA and everything and we did provide some
13 additional data, we'll try to find some
14 additional information. But like you had
15 mentioned the Nepperhan Avenue site does have a
16 lower occupancy ratio, parking ratio than what
17 was used in our parking study.

18 THE CHAIRPERSON: Right. Because if I
19 come in at 60 percent of 271, you would need 162
20 spaces. And you're presenting 138. I'm just
21 saying. So, that needs to be addressed because
22 that math isn't up in your favor.

23 MR. PETRORO: Correct. We're taking
24 conservative approach using the smaller data
25 point as to what's the most occupied. Is what

1 you mentioned. Using .62 from our number from
2 our study to what we could use.

3 THE CHAIRPERSON: But 60 percent of 271
4 is how much?

5 MR. GJELAJ: 162.6.

6 THE CHAIRPERSON: Right. So it's 162
7 which is what I said. So but you're proposing
8 138 spaces. So you're not meeting 60 percent.
9 You're down to 40 percent. You're, like,
10 whatever. Your documents are saying it's a .6
11 comparison at .6 of 271, you'd be at 162 you're
12 only proposing 138.

13 MR. D'AMORE: There might be -- sorry.

14 THE CHAIRPERSON: Yes. Feel free to come
15 up and speak.

16 MR. D'AMORE: There may be discrepancy
17 because we have the senior housing units that
18 will be calculated at a lower rate?

19 MR. PETRORO: No.

20 MR. D'AMORE: No? Sorry.

21 MR. PETRORO: No, so if we took the --
22 sorry, I'll open this slide. So if we used the
23 .62 spaces per unit, which is what we use for
24 majority of our units that we have there, if you
25 times that by the number of units it's a demand

1 of 110 spaces. 177 times the .62.

2 THE CHAIRPERSON: That's not a ratio.
3 Like, it's -- okay. We'll have to clarify that
4 point. It's not clear to me that that's the
5 same, that's the way you do these things.
6 That's not the way I do those things.

7 MR. MAHALEK: And, Madam Chair, we're
8 happy to supplement additional information on
9 that point and to work with the Board to make it
10 clear how the math is coming across.

11 THE CHAIRPERSON: Right.

12 MR. MAHALEK: And what factors are being
13 utilized. I do know that JMC utilizes standard
14 industry best practices when calculating these.
15 And took, took the initiative to look at other
16 communities as examples to ensure that we're
17 providing more than enough parking as
18 illustrated from our perspective in the site
19 that was submitted but we are happy to clarify
20 this point.

21 THE CHAIRPERSON: Yes, that would be key.
22 Okay. I'm sorry that I interrupted somebody
23 from the public, I believe, who wanted to speak.
24 So please whoever would like to speak, raise
25 your hand so I can recognize you.

1 MR. GJELAJ: Over here to the left.

2 THE CHAIRPERSON: Come on up and please
3 state your name for the record and your address.

4 PUBLIC SPEAKER BLAKELY: This is very
5 short. I just had three comments.

6 THE CHAIRPERSON: We need, I'm sorry,
7 ma'am, we need your name and your address for
8 the record.

9 PUBLIC SPEAKER BLAKELY: I can't hear
10 you. Oh, Lydia Blakely, 669 Warburton Avenue,
11 Yonkers.

12 The building is not consistent with the
13 rest of the neighborhood. The streets are too
14 small and narrow and winding. So there's going
15 to be a great deal of congestion in there.
16 There's no green space for the building for the
17 tenants in that building. And do you guys do a
18 traffic study?

19 THE CHAIRPERSON: They said they did and
20 they would --

21 PUBLIC SPEAKER BLAKELY: For these
22 projects?

23 THE CHAIRPERSON: They said they did and
24 they would be submitting it to us. It was also
25 submitted to the Planning Board. We will be

1 reviewing that.

2 PUBLIC SPEAKER BLAKELY: Okay. That will
3 be done before they come back here?

4 THE CHAIRPERSON: Yes.

5 PUBLIC SPEAKER BLAKELY: And will that be
6 available to us?

7 THE CHAIRPERSON: It should be on website
8 like the other documents that are in the file.

9 PUBLIC SPEAKER BLAKELY: Okay.

10 THE CHAIRPERSON: It you should be
11 accessible to the public. Absolutely.

12 PUBLIC SPEAKER BLAKELY: That's it.

13 PUBLIC SPEAKER CAPERS: May I talk?

14 THE CHAIRPERSON: Yes, just state your
15 name and address for the record.

16 PUBLIC SPEAKER CAPERS: Okay. My name is
17 Tonia Capers, C-a-p-e-r-s.

18 THE CHAIRPERSON: Ms. Capers, can you
19 speak up?

20 PUBLIC SPEAKER CAPERS: 210 Sommerville
21 Place aka 171 lake Avenue. I wrote it down,
22 because I'm not good at speaking in public.

23 THE CHAIRPERSON: Okay. Just take your
24 time and say what you need to say.

25 PUBLIC SPEAKER CAPERS: I live a few

1 yards away from where this project, where
2 they're trying to build this project. I am
3 against this project. I am one of the those
4 houses that doesn't have a parking space. I
5 don't have a driveway. We understand this is a,
6 this is a supposed to be affordable housing;
7 however, we already have parking issues. They
8 are building many amenities in this beautiful
9 buildings. But none of this, none of us can go
10 there or use them. And in reality the parking
11 space they're building will not accommodate all
12 these tenants and their visitors.

13 We are afraid of how long this project
14 will take. We have many families with kids in
15 our neighborhoods. The noise that they will be
16 making while building this place. And I get
17 emotional because I'm a mom of a toddler and a
18 12-year-old.

19 Our privacy has been taken away. We have
20 put our lifesavings into these houses for them
21 to just take it away building something that
22 will accommodate other people while we are
23 trying to build a better family, better house in
24 this neighborhoods. For other people to enjoy
25 and our families have to sacrifice even our time

1 in our backyards why all of this being built.
2 I'm sorry.

3 THE CHAIRPERSON: Take your time.

4 PUBLIC SPEAKER CAPERS: This is just
5 heartbreaking for me and all the families that
6 live in that neighborhood, because all of this
7 is great when you put it on paper, but what
8 about us who live there? I know some of the
9 neighbors who have, who are on this project or
10 they're happy to do this because they were
11 offered money by this company. So this is the
12 only reason why they don't mind this is
13 happening, but what about the rest of us? What
14 do we do with our families while you guys build
15 all this? And you guys get richer and we don't.
16 That's all I have to say. Thank you.

17 THE CHAIRPERSON: Thank you.

18 PUBLIC SPEAKER CAPERS: Sorry. Oh, I
19 also have another neighbor here.

20 THE CHAIRPERSON: Sure.

21 PUBLIC SPEAKER CAPERS: I don't know if
22 he would like to speak, but he's my next door
23 neighbor.

24 THE CHAIRPERSON: No problem.

25 PUBLIC SPEAKER GOMES: How you doing?

1 THE CHAIRPERSON: Good.

2 PUBLIC SPEAKER GOMES: My name is Firmino
3 Gomes. F-i-r-m-i-n-o. I have the house at 212
4 Sommerville. Just like she said the parking,
5 it's terrible. There's no parking for the
6 people that live there now. And that big
7 building for us, it's just a big wall.

8 THE CHAIRPERSON: Sir, is Summerfield a
9 dead end?

10 PUBLIC SPEAKER GOMEZ: Yes, it is.

11 THE CHAIRPERSON: Okay. Sorry, keep
12 going.

13 PUBLIC SPEAKER GOMES: And that's it.
14 We're not going to have no privacy at all. I
15 don't really have much to say. I mean beautiful
16 building, but for us it's no good. Thank you.

17 THE CHAIRPERSON: Thank for your comment.
18 Come up. Just state your name and address for
19 the record, ma'am.

20 PUBLIC SPEAKER GARAN: Yes, Judith Garan,
21 745 Warburton Avenue, Yonkers, New York.

22 I have a question for the team that
23 presented. And that question is, what
24 involvement did you get before you advanced so
25 much on this project from the community? Did

1 you give them an opportunity to understand the
2 depth of the concept and what it would mean for
3 that community?

4 I'm a little confused. First of all, I
5 appreciate the service of all of you on the
6 Zoning Board. As a participant it's very hard
7 to hear what you're saying. I didn't want to be
8 rude to keep interrupting, there should be
9 microphones. And clearly since we are an
10 interested party we would have like to have seen
11 those pictures so if it was reversed that they
12 were presenting to us as well as you, that we
13 would be helpful.

14 I also wonder if you're on Channel 78 so
15 that if you can't make the meeting, you could
16 follow it. Because right now Yonkers is in a
17 most critical position. With 500 million
18 dollars being invested, a lot of people are --
19 Yonkers is like a magnet. And the community,
20 the gentleman who made the presentation, you
21 know, saying that the fabric of Yonkers is being
22 altered, already we can see that. So, you're
23 becoming very important and I who likes to be
24 informed, if I was not accompanying someone
25 today, I would know nothing about this. And yet

1 I do feel that as someone who lived in Yonkers
2 my whole life, I want to know.

3 I am very concerned, and here's a
4 question that I have, in reading the agenda, it
5 seemed as if someone was presenting on behalf of
6 Yonkers as if Yonkers is sanctioning this
7 development? Am I reading that wrong?

8 THE CHAIRPERSON: No, it does say that.

9 PUBLIC SPEAKER GARAN: And so, it's
10 almost, I don't know if that's a truth or?

11 THE CHAIRPERSON: No.

12 PUBLIC SPEAKER GARAN: I don't mean
13 truth, I don't know if that's a fact or it's a
14 misprint, because it's almost as if this project
15 has been sanctioned by Yonkers, the City
16 Council, the Mayor, and everybody else. And so
17 I'm kind of at a loss, and that's why my
18 question to the committee is, did you get
19 community input? Because this in no way is
20 anything that anybody wants. And where Yonkers
21 has protected us through the Zoning Board with
22 the variances and what -- that this is -- I
23 think it's ten different variances.

24 Now, as a community member, I'm trying to
25 catch up. And if you guys didn't know our

1 intent, because I know you're representing us,
2 you'd never know that we're against it. You
3 know what I mean? So --

4 THE CHAIRPERSON: So can I just offer
5 some advice to you?

6 PUBLIC SPEAKER GARAN: Yes.

7 THE CHAIRPERSON: The whole project is on
8 the Zoning Board of Appeals website. All of the
9 documents that were presented this evening. We
10 did receive the letter as indicated as a Board
11 from the gentleman from the Law Firm of Bleakly,
12 Platt. And so he has obviously gone through the
13 items on the website. So what I would suggest
14 that you do, and your neighbors and your friends
15 or whoever has comments or reactions or
16 whatever, is to go on the website and look at
17 the project. We will be keeping this project
18 open for the next two or so meetings. Besides
19 this one. That's the general protocol. And
20 then you can come back with more sort of
21 informed questions or comments.

22 PUBLIC SPEAKER GARAN: And can I just ask
23 just another conceptual question?

24 THE CHAIRPERSON: Yes.

25 PUBLIC SPEAKER GARAN: Because this is

1 helpful for me to know how to be informed and
2 how to be effective. How is the City Council,
3 because we have representatives, you know. I
4 too, and I have to admit, you can see on I'm an
5 older person, I'm not into the website, I'm not
6 into all that stuff. I'm at a disadvantage.
7 That's why I was wondering if it's on TV or
8 something or that they can make it easier. Put
9 it in the libraries or something. I really
10 think that somehow we have to do a better job
11 informing the public. There is a lot that's
12 going to be happening that is unbeknownst to us.
13 You don't know our input and it's going to be
14 done and it could be a disaster. We want the
15 development, but we don't want it to destroy the
16 fabric of Yonkers, which has been known as the
17 City of Gracious Living and that we're supposed
18 to be 18th in happiness throughout the whole
19 United States. So I just say that to you.

20 Again, I thank you for the work you're
21 doing. This is not easy. But I think maybe I
22 have to speak with the City Council too that
23 someone is involved here. Someone has to help
24 the community even more. Because I could tell
25 you this, I'm going to be honest, I would

1 probably have to be full-time following this
2 project myself to really understand it. And
3 then I'm one little voice. I mean the work that
4 I would have to do. So, you know, somehow
5 someone has to be protecting us. Because this,
6 they've done a beautiful job, but it is not for
7 that location. And so I hope that -- I know
8 you're doing all your homework. This is getting
9 very complicated. Thank you very much for
10 listening to me.

11 THE CHAIRPERSON: Sure. No problem. Is
12 there anyone else who'd like to speak on that
13 project? Sir, can you approach? State your
14 name and address for the record.

15 PUBLIC SPEAKER SIMPSON: So, hi, my name
16 is Steve Simpson and I live at 161 Lake Avenue.
17 My neighbor's just down the hill. This will
18 generally impact me and inconvenience me
19 greatly.

20 Just to let you know, like, I'm not an
21 attorney. Right? I'm not an architect, you
22 know, and I don't have the means to hire one to
23 speak on my behalf tonight. But I can tell you
24 if you want to accept the traffic study, I'm the
25 best person to give it to you, because I drive

1 down those roads 365 days a year. And I can
2 tell you on Sommerville, Voss, Ridge Avenue,
3 Lake Avenue, we're dealing with serious parking
4 issues. You've heard that tonight from some
5 people. And you talk about putting in a
6 building with half the requirement, the
7 requirement isn't even enough. All right? And
8 this is an affordable housing building. It's
9 not a senior housing building, like Father
10 Finian or the other building where a lot of the
11 folks don't drive. Right? And they've also
12 paid for an off-sight parking facilities for
13 those folks that do drive. Right?

14 Just to give you an example two weeks
15 ago, I had to wait two hours to get into my
16 driveway because my driveway was blocked with
17 two young kids in the car. I'm being held
18 hostage due to parking issues which is
19 ridiculous because I'm a taxpayer. Right? And
20 I'm raising a family in this house, 16 years,
21 still paying mortgage. I bought when it was
22 high. I don't want to leave Yonkers, but this
23 sort of development is the type of development
24 that pushes homeowners out of Yonkers. All
25 right?

1 Forget about blocking out the sun.

2 I live at 161 Lake Avenue. This property
3 has an address on Lake Avenue. All right. I
4 don't know why that's not included in here, but
5 it is on Lake Avenue also. All right.

6 Furthermore, these folks talk about a
7 walking path that goes to Lake Avenue, which
8 none of this has been put into any of these
9 proposals. So we don't know what the future is
10 coming, we don't know what future ideas and
11 plans that they have for the neighborhood. And
12 to me that's concerning. It's really
13 concerning. Because as this moves forward, we
14 know how developers get through this process.
15 They get so far along where everybody just gives
16 up or they say, okay. All right. But I'm here
17 to tell you that now, you know, I'm a father of
18 two that left the family dinner table to come
19 here tonight to talk to you. And I like food,
20 so.

21 THE CHAIRPERSON: I like food too.

22 Mr. Simpson, you live at 161 Lake?

23 PUBLIC SPEAKER SIMPSON: That's right.

24 THE CHAIRPERSON: This is at 146 Lake and
25 164 Lake. So what I want to know from you is

1 did you receive notice about this project?

2 PUBLIC SPEAKER SIMPSON: I'm glad, I'm
3 glad you mentioned that. So, the last time I
4 wasn't able to speak at the City Council hearing
5 because the ten-day window, by the time I got
6 the mail was really seven days and it was a
7 weekend. And, you know, other than just showing
8 up and asking to speak, I wasn't afforded the
9 opportunity to write letter in opposition of the
10 Zoning change. All right? Here I received one
11 day a slip in my mailbox that says, we tried to
12 reach you with a registered letter. The mailman
13 never brought the letter back. Now I assume
14 that it was because of this. Because I don't
15 have attorneys, you know, sending me registered
16 letters or anything like that. So I kind of
17 figured it was because of this. So that
18 prompted me to go and do my own investigation.
19 Again, sole breadwinner, family of four, I
20 shouldn't have to do those things. These folks
21 should be holding community meetings on their
22 own far in advance before they get here before
23 you tonight with all these fancy drawings. I've
24 never seen any of these individuals on my
25 street. Okay? I don't know who they are. I

1 tried to call the numbers of all the different
2 firms that are involved in this situation. It
3 gets to a dead end, a voice mail, a
4 receptionist, and the phone hangs up on you.
5 There's no recourse for us to try to get
6 information before a meeting like this. And
7 when I talked to my neighbors -- by the way, I'm
8 a District Leader for that District, okay, 632
9 -- and when I went around my neighborhood and I
10 asked my neighbors on Sommerville, they either
11 said, I didn't know anything about it, or they
12 said, well, how can I go there, it's 6:00, it's
13 tough for me to get there. They have no idea
14 how to get information to you that's easy.
15 Right?

16 THE CHAIRPERSON: So, again, I would say,
17 the information about these, the whole project
18 and every other project on our agenda is on the
19 website for the ZBA but you can absolutely a
20 hundred percent email ZBApublic -- right -- @
21 Yonkersny.gov. So you don't have to show up,
22 your neighbors don't have to show up. We get
23 the letters.

24 PUBLIC SPEAKER SIMPSON: Okay.

25 THE CHAIRPERSON: You can email them. I

1 understand for people who are not as computer
2 literate, it's more difficult. You can probably
3 snail mail them, I think they call it, to the,
4 you know, the ZBA at 87 Nepperhan Avenue, 4th
5 Floor; is that right, Sam?

6 PUBLIC SPEAKER SIMPSON: And by the way,
7 I've been multiple times on the City of Yonkers
8 website through the departments, and if I put in
9 Zoning Board, it never really got me to your
10 site, so I don't even know what your site is
11 exactly.

12 MS. KRAVITZ: If you do -- you can do a
13 search on the Yonkers website. Do Yonkers
14 Zoning Board of Appeals and that will take you
15 to the web page.

16 PUBLIC SPEAKER SIMPSON: And that's where
17 this information lies?

18 THE CHAIRPERSON: All of this, everything
19 that's here today is up there.

20 PUBLIC SPEAKER SIMPSON: All right.
21 Great.

22 THE CHAIRPERSON: And it has been. This
23 is something we instituted I would say in the
24 last six months. So we wanted to be more
25 transparent to the public and so it should all

1 be up there.

2 PUBLIC SPEAKER SIMPSON: And the other
3 thing I'd just like to add about these setbacks,
4 I don't want really want to get into all that,
5 because I don't have all the, you know,
6 opposition talk to tell you why it's not good or
7 it's good.

8 THE CHAIRPERSON: Right.

9 PUBLIC SPEAKER SIMPSON: But I can tell
10 you that up Father Finian, there have been
11 several issues where seniors have been struck by
12 automobiles. Cars. Okay? There's very limited
13 area to walk on the sidewalk as it is. It's not
14 safe because everybody's zooming up the hill.
15 Now you're going to have an entrance in the
16 middle of that street where cars are going to be
17 pulling out and pulling in. And when I looked
18 at the conceptual drawings, they're actually
19 minimizing the sidewalk in front of the
20 building. Make it even smaller. So you're
21 going to be on usually it's like a 36 or a
22 four-foot wide sidewalk, what it looks like it's
23 very narrow. Now, I understand that conceptual
24 drawings may change over time. And I get that.
25 But it's very concerning that the cars -- if you

1 just -- you can just go out there and sit in the
2 park and watch the cars one day. How they
3 travel up there. They don't follow the traffic
4 signals. They don't stop at the stop signs.
5 And like I said several elderly folks have been
6 hit by vehicles over there. So you're going to
7 add this traffic load, not only there, also up
8 on Lake Avenue where I live. You know, it's a
9 huge load of traffic and it's a big problem.

10 Thank you.

11 THE CHAIRPERSON: Thank you for your
12 time.

13 PUBLIC SPEAKER SIMPSON: Thanks.

14 THE CHAIRPERSON: Is there anyone else to
15 speak on this project?

16 PUBLIC SPEAKER LIPSCOMB: I can't see the
17 pictures up here. Okay. Number one. But I'm a
18 lifelong Yonkers resident --

19 THE CHAIRPERSON: Sir, we just need your
20 name --

21 PUBLIC SPEAKER LIPSCOMB: My name is
22 Walter Lipscomb with the Community Voices Heard.

23 THE CHAIRPERSON: Address.

24 PUBLIC SPEAKER LIPSCOMB: I live at
25 Glenwood, 53 Glenwood Avenue. Okay. I do know

1 the site, where this is being proposed on.
2 Okay. And people gotta, like, think, okay, he
3 lives up on Lake Avenue, take that all the way
4 around that Vineyard or -- whatever down at the
5 bottom of the hill, they gotta build up. Going
6 to 14 stories. By the time they hit the top
7 floor it's still lower than Father Finian one.
8 Okay? You understand what I'm saying? So as
9 far as up on Lake Avenue, they're not even
10 messing with Lake Avenue. So if you're going to
11 complain, you have a right to complain, there's
12 no sidewalk there now. So what sidewalk traffic
13 are you going to mess up? Okay? So, before you
14 -- I don't know, I gotta go to online, what's
15 the name -- Okay. I know for them to do this
16 project, it's going to take a lot of hammering
17 because it sits on rock. Okay? And by the time
18 they finish, there's nothing on that corner
19 right now but a big ass rock. Okay? Traffic is
20 already bad. Okay? They're trying to improve
21 it. Me myself, let's just improve it. What
22 you're talking about going down on Woodworth
23 going up 35 stories. You're about to destroy
24 everything they do over there. You understand
25 what I'm saying? It makes no sense to me.

1 Let's get this, go to Woodworth 35 stories,
2 deliberate this here. Okay. But let's weigh
3 pros and cons. Okay. It'll beautify the
4 neighborhood because right now you drive past
5 there, you got the same traffic. You can't
6 widen up the street. You gotta park there.
7 Right down where he's at is the dead end part.
8 They on the other side of that dead end, and
9 they're building up, and it's affordable
10 housing. What's the issue? Okay. A little
11 noise. There's noise all over. If you go to
12 work, you won't hear the noise by the time you
13 come back, they're done. Okay.

14 THE CHAIRPERSON: Thank you, sir.

15 Is there anyone else to speak on this
16 topic? Please introduce yourself for the record
17 and state your address.

18 PUBLIC SPEAKER VAZQUEZ: Sure. My name
19 is Freddie Vazquez, 105 Lockwood Avenue. I'm
20 coming here to speak on, for a lot of people. A
21 lot of people have been reaching out to me in
22 regards to this project here and to other
23 projects going on here in the City of Yonkers.
24 What I'm hearing from the residents, the people
25 that live here is that they don't want a lot of

1 these projects. They don't -- no one bothered,
2 they don't know that they're happening, they're
3 not being informed, no one is communicating with
4 them. Obviously the women here, didn't know
5 about this. Many people are not finding out
6 until it's too late to really say anything about
7 it. They could come here and they could speak
8 all they want, but at this point, you're far
9 game it's not going to do much. So how do you
10 communicate to the people of the City of Yonkers
11 before you get to this point? Right? Are you
12 working with your elected officials, the City
13 Council members who represent these individuals
14 here in different districts so they can then
15 reach out to their constituents to say, this is
16 what is being proposed. We want to get
17 community input now before you have all the
18 agenda to spend all your money on, architect
19 plans, and all this stuff, right, and studies
20 and everything, to see what the people want, the
21 people that are from here. They're not getting
22 any of the jobs of these developments. A lot of
23 them can't afford to live in these developments.
24 Right? They're kicking the people that are from
25 here out of the water to bring in people that

1 are not from here. But guess what? Even the
2 people that are coming here, a year, year a half
3 ago don't even want to be here anymore because
4 they don't like what's happening. The traffic
5 is taking 20 minutes just to get from Saw Mill
6 to Downtown. Now, you're going to have Chicken
7 Island with five more luxury developments.
8 That's going to be a ten-year process. What is
9 that going to mean for the people who are going
10 to try to get from Saw Mill Parkway to the
11 Downtown area for the people who are trying to
12 get out? Have you thought about the routes that
13 people are going to take? It looks like
14 everyone is going to bottleneck in and out of
15 Yonkers and you're not even halfway done.
16 There's so many more developments that these
17 people probably don't even know about that you
18 guys are working on. That's going to completely
19 change the fabric, everything in the City of
20 Yonkers. Crowding, it's ridiculous. So how are
21 you communicating with people before we get to
22 this point? And then giving the people real
23 power, right? So they say, we don't want this,
24 then you guys say, you know what, they don't
25 want it, sorry, see you later. And we figure

1 out something else, that's going to benefit
2 those that are from here. That's what we --

3 THE CHAIRPERSON: So as --

4 PUBLIC SPEAKER VAZQUEZ: -- want,
5 communicate with people. This woman doesn't go
6 on your website. I've been on your website.
7 It's not the easiest thing to figure out. Most
8 people don't understand what you're talking
9 about. The terms that you're using. They don't
10 understand it. And you know that. You know
11 that. That's part of your plan. Right? Just
12 confuse the hell out of people until it's too
13 late.

14 THE CHAIRPERSON: Sir, I'm going to have
15 to ask you to wrap up. Thank you for your
16 comments.

17 Is there anyone else from the public to
18 speak. Please approach and give your name for
19 the record and your address.

20 PUBLIC SPEAKER PEMBERTON: Doris
21 Pemberton. I live at 73-83 Highland Avenue. I'm
22 a member of Community Voices Heard. And, yes,
23 we have heard of Hyatt, we just --

24 (Court reporter requested clarification.)

25 PUBLIC SPEAKER PEMBERTON: I understand

1 that some people do not --

2 (Background interruption.)

3 PUBLIC SPEAKER PEMBERTON: Well, now I
4 have looked at all of this, the project, because
5 Yonkers does need affordable housing. And you
6 stand for affordable housing. And we were
7 looking at the work that these gentlemen have
8 put together. And it's been a wonderful
9 experience. I sat with a group of Community
10 Voices Heard and City Council. And we have
11 looked at all of these, 177 units for affordable
12 housing. I don't know how long it would take,
13 but right now there's nothing there at this
14 location except for rock. But these gentlemen
15 said they would put in streets, they were fixing
16 up the area, they would put in the, the things
17 that's needed for this housing to be developed.
18 They even have thought about putting the solar
19 panel. So that, you know, that, that everything
20 would be taken care of. So, it's not the fault
21 of anyone except for those who did not look for
22 the affordable housing. But we need it here in
23 Yonkers. And I hope that you will approve this.
24 I know that there's a lot of glitches that you
25 found. But I hope they can be worked out and I

1 hope that we can get affordable housing here in
2 Yonkers which is sorely needed.

3 THE CHAIRPERSON: Thank you, ma'am, for
4 your comments.

5 Is there anyone else from the public who
6 would like to speak? Okay. We're are moving on
7 to the next project.

8 I'm sorry, Board Members, were there
9 other questions?

10 Yeah, could we get a sense of how many
11 notifications went out and how many came back
12 undeliverable?

13 MR. MAHALEK: Yes, happy to do that right
14 now. And, Madam Chair, I have quick couple of
15 points --

16 THE CHAIRPERSON: Sure.

17 MR. MAHALEK: -- following the comments,
18 if that's okay. So I'll start with the, I'll
19 start with the proof of service. And the reason
20 I'm pulling it up my phone because it's in the
21 folder in the back --

22 THE CHAIRPERSON: It's fine.

23 MR. MAHALEK: -- but I'll put it up here.
24 But this is proof of service that we sent out as
25 required under the City Code for notice. The

1 mailing was on March 6, 2023. And, oh, my Lord,
2 that's a long list of recipients. I could guess
3 just by a quick estimate, the range of 50 to 60
4 folks. It takes up two spreadsheets it was
5 submitted as part of the proof of service.

6 THE CHAIRPERSON: Okay. Thank you.

7 MR. BATTISTA: Do you know how many were
8 returned?

9 MR. MAHALEK: I can -- I know we
10 submitted what was required as part of the City
11 Code. And we included the stamped receipts of
12 when it was sent out. I have nothing here to
13 indicate that any number of returns, but I'll
14 double check with our staff and we can
15 articulate that in our submission.

16 MR. GJELAJ: Did you send that to Shannon
17 in the Building Department?

18 MR. MAHALEK: Yes, yes. They were
19 submitted to Shannon. And, actually, while
20 we're on that note, we did update the sign as
21 well. And we emailed the updated service to
22 Shannon. But so I have a hard copy, I wasn't
23 sure if I can just leave that with someone.

24 THE CHAIRPERSON: Sure.

25 MR. MAHALEK: Thank you, Madam Chair.

1 But that's just for the updated signage that was
2 emailed earlier.

3 Great. So we heard the many public
4 comments and we will be responding in the
5 supplemental submission. Right? I just wanted
6 to take some, make some quick notes here just
7 for the Board's consideration.

8 THE CHAIRPERSON: Sure.

9 MR. MAHALEK: Just one thing to note,
10 there was comments on substantiality of the
11 variance. As the Board knows substantiality is
12 not just a question of math. It's a question of
13 the totality of the circumstances. It's a
14 question of the context of the community. It's
15 a question of what's there and what is proposed.
16 We believe it fit within this context
17 particularly considering the higher density
18 developments that are just next to us and we
19 reflect that character. So this isn't not just
20 a matter of raw numbers, it's also a matter of
21 impact or lack thereof as recognized in the
22 negative declaration.

23 We actually submitted in our letter to
24 the Board, a zoning analysis for the Monastery
25 Manor and the Father Finian Sullivan Community

1 to look at what is there now and how would it
2 fall under today's zoning regulations. And we
3 found that they would both require variances if
4 they were to be built today. So we're all kind
5 of in the same boat in terms of how we conform
6 with the City Code. If everything was being
7 built anew today and we've articulated that in
8 the submission.

9 THE CHAIRPERSON: How many -- do you
10 happen to know how many units are at Father
11 Finian or Monastery Manor?

12 MR. MAHALEK: I'm just going to pull the
13 submission out unless someone on my team happens
14 to have that off the top of their heads.

15 THE CHAIRPERSON: I'm sorry, go ahead.
16 Can you --

17 MR. MIDDLETON: I'm unsure exactly what
18 the number is at the time.

19 THE CHAIRPERSON: Okay. Could you get
20 those numbers for us?

21 MR. MIDDLETON: Yes, we can get that to
22 you.

23 THE CHAIRPERSON: Okay. That'll be
24 great.

25 MR. MAHALEK: And what I will do is, we

1 will also supplement. But just so the Board
2 knows in terms of the zoning analysis for those
3 -- that was Exhibit "P" of our submission to
4 this Board of February 24.

5 Now, in terms of permitting low, what is
6 permitted by right terms of use versus what is
7 permitted under the variances being requested
8 here. There was a comment that low density
9 affordable housing would be permitted without
10 variances on this site. I can't attest to the
11 accuracy of that statement without having looked
12 into it myself. But one of the thing to keep in
13 mind here is this is 40 percent 80 percent AMI.
14 So the density has to be considered here to
15 realize a return to make the investment worth
16 the cost that's being put in it. This is not a
17 case of a luxury development where we are going
18 for the maximum return possible. But the
19 project does need to be feasible. And thus that
20 justifies the density being proposed here.

21 There were references to a projects
22 earlier on when the discussion about parking and
23 traffic studies. And some of them have less
24 AMI, there's reference to 30 percent, et cetera,
25 we're going higher than that. But we have to

1 make sure that it's feasible. So that not only
2 we can complete this development successfully
3 but others can bring additional affordable
4 housing to the community.

5 Just some other notes here. All of the
6 parking for this project will be taken care of
7 on-site. I know there are questions about
8 on-street parking. We are accommodating all of
9 our parking on-site.

10 In terms of the matter being before the
11 City for a while and publicly considered. As I
12 noted there was a City Council rezoning of the
13 site. Of course the Planning Board also
14 undertook the negative declaration as a part of
15 these processes, there are certain agenda
16 postings, and certain public updates that are
17 posted online and through other mechanisms as
18 required by the City Code to keep the community
19 abreast of the processes there.

20 In terms of variances especially for the
21 parking, I just want to note, we do know just
22 from other projects that are before the City
23 that when a parking lot is designed in a way
24 that things are efficient, and when there is a
25 sufficient number of units -- a sufficient

1 number of spaces for the number of units, one
2 can be shown that those spaces will be used
3 accordingly based on the type of unit, parking
4 variances are justified. I believe before this
5 Board recently we sought a variance for 345
6 McLean Avenue. Also I believe 632 South
7 Broadway. So we do know that just because one
8 doesn't adhere to what might be the underlying
9 parking requirement, when things are designed
10 smartly, it works. And I know some of the
11 projects before the Board including one of the
12 two that I just mentioned, had some pretty
13 significant parking variances I believe. So I
14 just wanted to highlight that conversation. And
15 --

16 THE CHAIRPERSON: Can you just address
17 Sommerville Place and the sort of confusing dead
18 end situation that's happening there?

19 MR. MAHALEK: Yes, happily. And I will
20 pull up a.

21 MR. BATTISTA: When you come down
22 Sommerville, right?

23 MR. MAHALEK: Let me pull this up. Then
24 I'm going to have my team just kind of explain
25 some of the traffic functioning, design

1 functioning.

2 MR. GUCCIONE: Good evening. My name is
3 Anthony Guccione I'm with JMC. Yeah,
4 Sommerville Place does dead end at the property.
5 What we've provided here is a little bit of an
6 area here we can get to a vestibule then there's
7 a turnaround here, we've been talking to Yonkers
8 Planning --

9 AUDIENCE MEMBER: Excuse me. Can't see.

10 MR. GUCCIONE: Well, we've been working
11 with Yonkers Planning and Yonkers Engineering
12 and the Traffic Engineering Department -- you
13 can show that one, yeah. And what, since the
14 property line is here, is this red arch here,
15 they asked that we do something to identify this
16 as a different, as a private property as opposed
17 to the right-of-way. So what we agreed upon
18 with the Traffic Department is to do a textured
19 paving. Basically pavers or a Bomanite type of
20 surface so you can identify where the public
21 right-of-way ends and the private property is.

22 And that property -- and that is really a
23 secondary access. The idea was the City was
24 insistent in our early meetings of planning and
25 engineering that we use the connection off of

1 Father Finian as the primary entrance. And this
2 would be a very low utilization entrance. This
3 is really where people are going to come in to
4 go get their units, and this is really just a
5 secondary access, second way to get in and out
6 the parking structure if necessary.

7 THE CHAIRPERSON: Do you have anymore of
8 these things that you can share with the
9 community members that are here?

10 MR. GUCCIONE: Sure.

11 MR. MAHALEK: Yeah, I brought extras too.

12 MR. GUCCIONE: Does that answer the
13 question.

14 MR. D'AMORE: In addition do you want to
15 explain also the entrance that was mentioned to
16 alleviate the traffic.

17 MR. GUCCIONE: This was added later after
18 meeting with staff at the City and they asked
19 for a separate drop-off where you can have Uber
20 pickups and drop-offs, where you can have
21 deliveries, mail. So there's an entrance to the
22 building here, and then we've created a one-way
23 drop-off here where you can have a lot less
24 activity at Sommerville Place. You know, it's
25 going to be identified as a Father Finian

1 Sullivan Drive address. So you don't want to
2 have Sommerville Drive access where people are
3 going to looking for the building entering from
4 Father Finian Sullivan. So that was another
5 recommendation that we saw in the engineering
6 memo from Mr. Micka that it does get a Father
7 Finian Sullivan Drive address so that people
8 access it from that and they put it in their GPS
9 and on their phone to get there. So this will
10 be how people get in and out, and this is just a
11 drop-off area for deliveries, Ubers, food
12 deliveries, and things like that. So that will
13 really help minimize any traffic on Sommerville
14 Place.

15 MR. BATTISTA: So if I come down
16 Sommerville, can I come out to Father Finian?

17 MR. GUCCIONE: You can. There's a
18 circular ramp there that you gets to all levels.
19 Typically Yonkers traffic lights has to connect
20 the parking levels, so you're not entering -- if
21 you're at different levels -- different
22 entrances, not different levels, you're
23 constantly circulating back out into the public
24 right-of-way. So we really make an effort to
25 have everybody come in here, circulate around,

1 up and back down and then come back out here.
2 So you can access all levels from here. This as
3 Mr. D'Amore said before enters the lowest level
4 parking structure number one and this goes into
5 the highest level four.

6 MR. BATTISTA: Oh, so the entrance on
7 Sommerville will come in on level four of the
8 parking garage?

9 MR. GUCCIONE: Correct, yeah. So it's
10 actually quite a bit shorter building on the
11 Sommerville place it's only like ten stories
12 there where it's 14 stories here.

13 MR. BATTISTA: Right. Got it. Thank
14 you.

15 MR. D'AMORE: I think also the neighbors
16 mentioned that there is, there is existing there
17 is no sidewalk on this side of the road. So we
18 are providing a sidewalk. And also in terms of
19 the facade, it's not a blank wall. The facade
20 has a lot of movement and activation in terms of
21 height and depth. To actually prevent that to
22 have a monotonous wall and make it something
23 attractive. And actually improve the area not
24 only, you know, green spaces and aesthetics, but
25 also safety, obviously. Because, you know, the

1 lighting, the, you know, going up and down the
2 stairs, there's no light, there is no garbage,
3 so that is all going to be improved. That would
4 be important to know.

5 And the top floor, I'm sorry, last thing
6 it is a upper floor the 15 feet -- the 15th
7 floor, it's not actually floor where people live
8 in. It's the mechanical room for elevators to
9 access the terrace. The outdoor terrace of the
10 building.

11 MR. MAHALEK: And do you want to speak
12 just to some of the recreational facilities for
13 residents?

14 MR. D'AMORE: Yes, absolutely, so --

15 MR. MAHALEK: And I'll kind of hold the
16 easel.

17 MR. D'AMORE: So, there are showing on
18 the renderings.

19 MR. BATTISTA: Guys, we're okay on the
20 recreational.

21 THE CHAIRPERSON: We got the packet.

22 MR. MAHALEK: And, Madam Chair, I do have
23 extra copies of our printout that I can grab
24 from my --

25 THE CHAIRPERSON: Yes, I think you should

1 offer them to the members of the public who are
2 here. Whoever wants them.

3 PUBLIC SPEAKER CAPERS: I'm sorry, can I
4 say something?

5 THE CHAIRPERSON: Yes.

6 PUBLIC SPEAKER CAPERS: This is a narrow
7 street. So if you're trying to make a turn,
8 it's already very narrow, you have people in
9 driveways sometimes in order to make a U-turn.
10 They're brushing Sommerville under the rug with
11 this project. And we're right there at that
12 dead end where they're trying to build this.

13 THE CHAIRPERSON: So I'd like you to join
14 us for a site walk-through.

15 PUBLIC SPEAKER CAPERS: Sure.

16 THE CHAIRPERSON: Can you contact Shannon
17 and please make sure that the residents are, you
18 know, invited and alerted to this.

19 PUBLIC SPEAKER CAPERS: Thank you.

20 THE CHAIRPERSON: Could you just give
21 your card?

22 MR. MAHALEK: Yes, Madam Chair, happy to
23 do that. I would just need anyone who wants to
24 get invited, I just need their contact
25 information. So I can give you my card.

1 PUBLIC SPEAKER CAPERS: Sure.

2 MR. MAHALEK: Which I'll grab from my bag
3 at the end of this.

4 PUBLIC SPEAKER CAPERS: I've been trying
5 to reach you guys too and like somebody
6 mentioned, I can never get to anyone. I left
7 messages. I talked to somebody's secretary and
8 nothing ever happened.

9 THE CHAIRPERSON: That would be great.

10 MR. MAHALEK: I will give her my card.

11 THE CHAIRPERSON: And we'll set up a site
12 visit for Board Members.

13 MR. SINGH: May I ask you a question?

14 MR. MAHALEK: Yes.

15 MR. SINGH: When you plan to do a shadow
16 study and a traffic count and traffic study?

17 MR. MAHALEK: So a traffic study, a
18 parking study and a shadow study were all
19 completed. They were basically the record of
20 the negative declaration before the Planning
21 Board and they were submitted as attachments to
22 letter to this Board a few weeks ago in
23 February.

24 THE CHAIRPERSON: Okay. I mean that's it
25 for me. Anybody else have any questions?

1 MR. LOPEZ: I have one. You said you
2 mailed out the letters, right? How long ago was
3 that?

4 MR. MAHALEK: So I'm just going to take
5 out my phone --

6 THE CHAIRPERSON: He said March 6th.

7 MR. MAHALEK: March 6, but the reason I
8 have my phone is because I have the date. I can
9 show you the PDF.

10 MR. LOPEZ: Okay. So, when we ask, when
11 you come to this Board, you need to be prepared.
12 So when we ask you questions, how many were
13 returned and how many sent out, we need to know.
14 Because some of these people out here never got
15 a letter or saying that they were not informed.
16 So you need to be prepared. And when we come to
17 this Board here to let us know; 10 were
18 returned, we mailed out 60. Make sure that
19 you're prepared with that.

20 MR. MAHALEK: Understood. And just to
21 clarify, we do follow the City Code's
22 requirements as to notice. And I think part of
23 the issue there might be, we have to, we have to
24 confirm if the requirements for the type of
25 mailing that the City requires and utilizes

1 include asking for rejections. So, based on the
2 type of mailing that's mandated by the City Code
3 we might not necessarily get those rejections.
4 But I can look into it with our staff to make
5 sure we do what we can to make sure we continue
6 to comply with City Code.

7 MR. SINGH: All right. Normally letter
8 goes to 200 feet. Right?

9 MR. MAHALEK: Yes.

10 MR. SINGH: So how many sent it, how many
11 returned?

12 MR. MAHALEK: Understood. We'll look
13 into it, but we did file the proof of service to
14 show that we did comply with that notice buffer
15 some days ago as required.

16 THE CHAIRPERSON: Okay.

17 MR. MAHALEK: And I will be happy to look
18 into that further.

19 PUBLIC SPEAKER SIMPSON: Madam Chair, I
20 have a question for you.

21 THE CHAIRPERSON: Sure.

22 PUBLIC SPEAKER SIMPSON: Those letters,
23 do they go to the owner of the premise?

24 THE CHAIRPERSON: Yes.

25 PUBLIC SPEAKER SIMPSON: Or the person

1 who actually lives there?

2 THE CHAIRPERSON: It goes to the person
3 who's listed in the Property Viewer, the City's
4 Property Viewer.

5 PUBLIC SPEAKER SIMPSON: Right. A lot of
6 those are apartments because the people who live
7 there, the tenants, they're not even notified.

8 THE CHAIRPERSON: Okay. Thank you.

9 MR. MAHALEK: Thank you.

10 THE CHAIRPERSON: We'll take a break.
11 We're are going to take a five-minute break
12 everyone. Five minutes.

13 (Brief recess taken.)

14 THE CHAIRPERSON: Okay. We are going to
15 restart. If everyone could just keep quiet
16 please, folks. We are going to start.

17 We are now on number 5810, 143-151
18 Woodworth Avenue. Sir, introduce yourself.

19 MR. AMIR: Thank you. Good evening,
20 Madam Chair, Members of the Board. My name is
21 Jacob Amir partner with Zarin and Steinmetz in
22 White Plains. And I'd like to introduce and I'm
23 pleased to be joined by our first for TCP Realty
24 Luis Perez and Ramon Perez, they are sitting in
25 the audience there. Mostly listening. And from

1 the design team Murat Mutlu from Noa
2 Architecture. Jonathan Bernz from Hudson
3 Property Advisors. And Mark Gratz from DTS
4 Provident Design Engineering.

5 The renderings are already up so the
6 design team has already taken the wind out of
7 me. But let me try to deduce a little bit. So
8 this is an unusual application in a sense. The
9 applicant is asking for both a use variance to
10 permit the construction of two residential
11 structures, which you see in the renderings
12 here. In what is now a commercial "C" Zoning
13 District and to seek area variances for setback,
14 building coverage, height, floor area ratio, and
15 parking dimensions. Before the design team gets
16 into more of the detail, my suggestion if --
17 respectfully is that this Board take a practical
18 and an historic look at this.

19 The Zoning Code defines the "C" District
20 where the property is in, and the property is
21 four or five lots together. Mostly fronting on
22 Woodworth with a side -- with a frontage on
23 Lamartine. This is in the "C" district which is
24 defined as wholesale business and storage.
25 Residences excluded from the first floor except

1 in predominately residential buildings. That's
2 how it's stated. So, it would seem to suggest
3 that maybe residences might be permitted where
4 it says except the first floor. But the
5 scheduled uses reflects that apartment houses
6 are not permitted in the "C" District. So we
7 have a little bit of a conundrum here.

8 What's interesting at least to the
9 applicant and the design team is that the "C"
10 District is kind of like a hybrid from --

11 THE CHAIRPERSON: I'm sorry. Kind of
12 like a?

13 MR. AMIR: Like a hybrid, it's like a
14 mix.

15 THE CHAIRPERSON: Okay.

16 MR. AMIR: From Babcock on the south to
17 -- well, let me back up. The "C" District runs
18 in this area from Babcock in the south to Union
19 in the north. Woodworth runs south north and
20 Ravine runs north south along the railroad
21 tracks. What is interesting is that there is
22 some industrial or light commercial from Babcock
23 to Lamartine where this property is. But if
24 you're standing on the property and you're
25 looking north to Lamartine, and you continue to

1 Union, it's all residential. I've driven by and
2 I've walked by this area many times during the
3 course of this preparation. And before, even at
4 inception. And you're really walking through a
5 residential zone as you're standing on
6 Lamartine.

7 The other thing to think about, and I'm
8 just jumping a little bit of ahead, is Lamartine
9 is a one-way street. So if you go up Woodworth
10 to Union, one way north then you turn west, then
11 you turn south on Ravine, and it's all one way.
12 And you really walking through a residence with
13 a park, Ravine Park, by the railroad tracks. So
14 that's the framework where this is, where this
15 property is. And we'll talk a little bit more
16 about the, about the area.

17 So the "C" District is generally a mixed
18 partially commercial partially residential. And
19 time has caught up with this applicant. The
20 applicant runs a salon and fragrance wholesale
21 distribution at the property. But it's no
22 longer suitable for commercial use and which is
23 why our first branch of the application is for a
24 use variance. There's difficulty in continuing
25 to use this as a commercial space. The turn

1 from Ravine to Lamartine, it's impossible for
2 freight trucks to deliver anymore. Such that
3 some freight operators are no longer stopping at
4 the loading area on Lamartine. They're going on
5 Woodworth and stopping on Woodworth and you have
6 to manually or with forklift load and unload
7 material. That's not good. Because if you're
8 standing in front of the property and, right in
9 front, and you're looking across the street, and
10 you're actually in the CM District, which is
11 another commercial district, there is a school,
12 learning center school for toddlers and children
13 and then there are residences. So imagine a
14 business trying to operate commercially loading
15 and unloading with that right across the street.

16 And what's unusual about that is we're in
17 the "C" district which is very residential
18 except for a few buildings. And across the
19 street is the CM district which is also
20 commercial, but there are residences. So it's a
21 little bit, it's a little bit mixed up in that
22 sense.

23 So the question becomes for a matter of
24 legalities is there anything that is a permitted
25 use that the applicant can reasonably utilize

1 for the property? Well, Jon Bernz who will talk
2 in a few minutes did an economic feasibility
3 study and looked at all 24 permitted uses. Not
4 one, not five, not ten all 24. To see if is
5 there anything that is feasible and reasonably
6 useful as a commercial site. And the answer is,
7 no. There is a possibility. I mean you can
8 theoretically put a bank on the site. You can
9 theoretically put a restaurant on the site. But
10 nobody is going to attend those businesses.
11 It's not conducive to those businesses or the
12 other 22 permitted uses.

13 In that regard the four-prong test for
14 granting the use variance, we submit are, are
15 shown and our application goes through each of
16 the four uses. My hope for this evening is to
17 just with the team to introduce the project over
18 the next month or months, get feedback from this
19 Board, get feedback from Traffic Engineer, from
20 City Engineer from various components of the
21 City so we can address those concerns as we go
22 through this process. And in that regard, as we
23 go through, we'd be happy to go through all of
24 the use variance elements.

25 Hopefully this Board will grant the use

1 variance and see that and then turn to the area
2 variances that are needed for this application.
3 As I said before those include height, and
4 setback, and parking and whatnot. And in that
5 regard through this process, we hope this Board
6 will find that the area variance elements will
7 be met. Will there be an undesirable change in
8 the neighborhood? Will be there a detriment?
9 Can the applicant achieve a more reasonable
10 result? Is it self-created, though self-created
11 is not the determining factor.

12 I'm going to turn it over to Murat in a
13 second to talk about the conceptuality of this.
14 But I just want to keep, I hope for the Board's
15 frame of mind, this seems like a big thing.
16 Right? This seems like a big thing. And it is.
17 We're not going to shy away from the fact that
18 this is a, this is a structure that is bigger
19 than other structures nearby. Nobody can, can
20 deny that. Two things, number one, the fact
21 that a variance might be substantial, or appear
22 to be substantial legally is not a grounds or
23 may not be a grounds to deny the variance.
24 Substantiality in and of itself as to dimensions
25 may not be the grounds.

1 And two, that the area variances which may be
2 significant which may be remarkable are
3 nevertheless permitted.

4 But, Murat, you have a few minutes?

5 MR. MUTLU: Murat Mutlu from Noa
6 Architecture. Murat M-u-r-a-t, first name.
7 Last name M-u-t-l-u. Noa, N-o-a, Architectures.

8 Good evening.

9 THE CHAIRPERSON: Good evening.

10 MR. MUTLU: So, our attorney has
11 mentioned on the property is located at 143
12 Woodworth Avenue. It is right off the railroad.
13 And next to the waterfront development that has
14 been happening. There's a strip of development
15 starting from east to all the way currently what
16 is developed by Extel(ph). It's called the
17 Hudson Pier Development with low rises and high
18 rise tower on sort of a north point. And we do
19 have a slide show that we're not able to
20 present, but there's sort of an extension of
21 this development that's already happening on, on
22 the right side of this picture. But more on the
23 south side, the downtown area, there's a project
24 that my office is actually had a chance of
25 designing and now currently under construction

1 at 44 Hudson, that's a 25-story building.
2 There's Sawyer Place building that is 25
3 stories--

4 AUDIENCE MEMBER: I apologize. Can you
5 speak up, sir?

6 MR. MUTLU: Sure. So I was trying to
7 mention there is D-MX Downtown which is sort of
8 south of this property. There's currently
9 taller and bigger buildings that is either route
10 or under construction. And downtown is
11 stretching towards north. And there is project
12 that is already under construction. And this
13 development is mostly happening in sort of a few
14 blocks of waterfront. So it's really the
15 waterfront strip that is being populated with
16 new development, because there is space to
17 develop. There's warehouse spaces -- there's a
18 whole history to this industrial,
19 industrialization is over, all these properties
20 on the waterfront are being developed for mixed-
21 use and residential properties. So it is sort
22 of that's what the market dictates, and that's
23 why we are here to present.

24 So we have a problem of parking and small
25 5,000 square feet of retail space. The property

1 lot shape is quite irregular. There's an
2 extension that is sort of unbuildable which
3 we're using it for services, garbage, and for
4 loading moving in and out. And the transformers
5 will be located on that, sort of Lamartine
6 Avenue, which is currently the loading dock so
7 it would be the same feeling that is currently
8 there. So we will not change that sort of urban
9 feeling. So given that the property shape is
10 irregular type, the only way to utilize and
11 create a viable property was to go vertical and
12 we'll present these new studies.

13 But we studied multiple options of
14 six-story building, 12-story building, 25-story
15 building and 32-story buildings. The efficiency
16 rates were not practical for a private developer
17 to actually take incentive and develop the
18 property. So, efficiency ratio is basically --
19 divided by -- gross floor area of the property.
20 And we were able to achieve 60 plus percent for
21 only the 32-story option which, which is why
22 we're here for the project of this magnitude.
23 We have 672 units, 672 parking spaces for
24 residential use, 30 parking spaces for
25 commercial use. We do have extensive amenity

1 spaces for residential, specifically for
2 residents of the building, 25,000 square feet of
3 outdoor space, 19,000 square foot of indoor
4 space. It is basically an enhanced waterfront
5 living with private outdoor terraces,
6 floor-to-ceiling glass. Basically we're
7 creating a landmark project to sort of enhance
8 the Downtown skyline and basically put the
9 Yonkers in sort of a more appealing and
10 attractive place in the Tri-state area. So,
11 this development is basically an evolution of
12 similar to Greenpoint in Brooklyn, Jersey City,
13 Hoboken. So this is what we're doing is not
14 uncommon. It is sort of an extension.

15 THE CHAIRPERSON: And is this market rate
16 or affordable?

17 MR. AMIR: We're designating 10 percent.

18 MR. BATTISTA: You said 672 units?

19 MR. AMIR: That's what's proposed. With
20 702 parking?

21 MR. MUTLU: 702 parking total.

22 MR. AMIR: Ten percent affordable.

23 Jon, do you want to speak to the income
24 feasibility?

25 MR. BERNZ: My name is Jonathan Bernz,

1 B-e-r-n-z. The company is Hudson property
2 Advisors. Thank you.

3 Madam Chairman, Members of the Board, I
4 was tasked with --

5 AUDIENCE MEMBER: Can you speak up --

6 MR. BERNZ: I was tasked with -- I'll do
7 what I can. I was tasked with evaluating
8 economic feasibility of a number of uses on this
9 property including the existing use, the
10 allowable per principle permitted uses in the
11 "C" Zone, and the proposed action.

12 As far as the existing use of the
13 property for a variety of reasons, it does not
14 make economic sense anymore. The building is
15 cut up into a lot of different spaces. There's
16 only one area with a loading at the northwest
17 corner of the building -- of the property. And
18 the only way to access is from Lamartine which
19 is a one-way street and it's problematic with
20 backing up trucks and so on and so forth.
21 There's one freight elevator. It just doesn't
22 meet today's standards in terms of warehouse
23 distribution or anything like that. And that
24 sort of use isn't really compatible with other
25 land uses in the area.

1 is higher than the rate of return, if you will,
2 for the construction costs. So it proved out to
3 be financially viable.

4 That's it in a nutshell. I didn't want
5 to go into the details of each individual of the
6 24 uses, but it's all in the report.

7 MR. AMIR: Yeah, the report is about a
8 hundred and some pages. It's a lot to digest.
9 We get that. It took me several turns to read
10 it and to go back and forth between the report
11 and what the Code says. So we understand
12 there's a lot to digest here.

13 I don't know if there are any engineering
14 issues that Marc, he can answer, if the board
15 has any.

16 THE CHAIRPERSON: I mean what else have
17 you done? Have you done, like, a traffic study,
18 have you done like a shadow study? Or this is
19 all going to be, you know, rolling out over the
20 next several meetings?

21 MR. AMIR: This we hope will be rolling
22 out over the next several meetings. As we get,
23 I think first principally feedback from the
24 City, from the various departments in the City,
25 that's going to be key. At the end of this

1 presentation, I was going to ask, and I guess I
2 can ask now, that your Board declare Lead Agency
3 and open it for a public hearing, so that we can
4 get the public comment process started because
5 we anticipate there's going to be -- and it's
6 going to be valuable for a number of reasons.
7 But least of which is in our submission package,
8 there are a couple of things that the applicant
9 is, is -- I don't want to say proposing, but
10 contemplating sort of throwing out; improvement
11 to Ravine Park, traffic study on Woodworth,
12 traffic study on Lamartine. That one-way is a
13 real impediment, probably not only to the
14 applicant, but maybe to the community. We don't
15 know. So those things are important to get
16 community input but also to see if there's
17 something that the applicant can do in addition
18 to just, to just this property.

19 Just on that point, it's, you know, it's
20 the uniqueness of this property that makes the
21 use variance interesting. Right? This property
22 sits, as I said, right at the border of
23 Lamartine, which separates what is residential
24 and what was commercial. There's a commercial
25 property here, I think it's an auto property of

1 some sort or repair, I'm not sure. But just to
2 the south. That's pretty much it. I mean,
3 these are the two, you know, commercial
4 properties in an entire district other than, I
5 believe, a delicatessen on the north side of
6 Lamartine. Everything else as I understand and
7 recall is residential. That's what makes this
8 unique. If there were a hundred properties in
9 the "C" District like this, we wouldn't be here
10 right now. But, you know, with all due respect
11 to the applicant, this is an antiquated
12 property. It doesn't belong here anymore as a
13 business, as a commercial business. And the
14 applicant I think has realized that.

15 The other thing is this property sits to
16 the west of Warburton. There's some businesses
17 there and there's the commercial corridor on the
18 other side. The residential feeds the
19 commercial, the businesses. So, this is
20 prospective, this is speculative in a way, but
21 the residents here and the improvement to the
22 residential, and the creation of the residential
23 building will dramatically feed and benefit the
24 businesses which are nearby. Either within
25 walking or vehicular access.

1 AUDIENCE MEMBER: Could he turn that
2 picture around so I can see it?

3 MR. AMIR: Do you want me to move it?

4 THE CHAIRPERSON: Sure.

5 MR. AMIR: So, that's what we wanted to
6 accomplish. We just wanted to get it to the
7 Board's attention, we want to do the
8 introduction. We would ask that your Board
9 declare Lead Agency, open it up to a public
10 hearing so that at the next hearing there could
11 be further discussion.

12 THE CHAIRPERSON: Okay. We can do that
13 now. I make a motion that the ZBA pursuant to
14 the New York State Environmental Quality Review
15 Act declare its intention to seek Lead Agency
16 status for purposes of environmental review of
17 this matter. And directs the Planning Director
18 on behalf of this Board to initiate Lead Agency
19 notification and coordinate a review with all
20 other involved agencies in this action. If no
21 other involved agency seeks to be Lead Agency
22 within 30 days of the effective date of the
23 notice, the ZBA shall assume Lead Agency status
24 for the purposes of review of this matter.

25 May I have a second?

1 MR. GJELAJ: Second.

2 THE CHAIRPERSON: Thank you, Anthony.

3 AUDIENCE MEMBER: Excuse me, I'm sorry to
4 interrupt.

5 THE CHAIRPERSON: All in favor -- we're
6 in the middle of a vote, Madam.

7 All in favor?

8 MR. GJELAJ: For the motion. Aye.

9 THE CHAIRPERSON: Aye.

10 (Chorus of ayes.)

11 THE CHAIRPERSON: Motion carries 5 for it
12 and 2 are absent.

13 Yes, ma'am, may I help you?

14 AUDIENCE MEMBER: I just wanted to know
15 if it's possible to sit closer so I can hear.

16 THE CHAIRPERSON: Yes, absolutely you
17 may.

18 AUDIENCE MEMBER: What was the vote for?
19 I didn't even hear.

20 THE CHAIRPERSON: Establishing Lead
21 Agency on the project.

22 AUDIENCE MEMBER: Okay. Thank you.

23 THE CHAIRPERSON: You're welcome. Okay.
24 That has been done. And did we need to make a
25 motion for retain --

1 (Brief conference.)

2 MS. KRAVITZ: We believe that this is
3 going to be a significant project and that
4 you'll -- for an environmental study, and that
5 you'll need an outside consultant. So I would
6 recommend that you make a motion just to seek --
7 that the Board would like to seek outside
8 consultant to assist in the SEQRA process here.
9 You don't pick one tonight obviously.

10 THE CHAIRPERSON: So, I would like to
11 make a motion to hire an outside consultant to
12 assist in the preparation for this project and
13 to help us better understand the implications of
14 it.

15 MS. KRAVITZ: With regard to SEQR.

16 THE CHAIRPERSON: With regard to SEQR and
17 Lead Agency status.

18 MS. KRAVITZ: Once you've been made Lead
19 Agency.

20 THE CHAIRPERSON: Yeah, should we be made
21 Lead Agency, that's really it.

22 MS. KRAVITZ: Yes.

23 THE CHAIRPERSON: Should we be Lead
24 agency. May I have a second?

25 MR. BATTISTA: Second.

1 THE CHAIRPERSON: Ralph. All in favor?

2 (Chorus of ayes.)

3 THE CHAIRPERSON: Any opposed? No.

4 Obviously two are absent.

5 The vote is for us as the ZBA to hire a
6 consultant to assist us in understanding SEQR
7 for this project. That was the vote taken. So
8 we will be hiring an outside consultant.

9 AUDIENCE MEMBER: Who pays for that?
10 Taxpayers or?

11 THE CHAIRPERSON: Okay. We're not
12 answering questions, we're taking comments.

13 MR. AMIR: The only remaining item is to
14 open a public hearing.

15 MS. KRAVITZ: No, you have to.

16 THE CHAIRPERSON: Okay. So we will be
17 opening this now for any public comments.

18 MR. AMIR: I'm sorry, I apologize, maybe
19 I misspoke. I meant let us get the comments
20 from the City from various agencies and at the
21 next session open it to the public.

22 THE CHAIRPERSON: We're going to allow
23 people to speak now. They're here.

24 MR. AMIR: Okay.

25 THE CHAIRPERSON: So let's not put it

1 off.

2 MR. AMIR: Okay.

3 THE CHAIRPERSON: Madam, approach.

4 Please state your name and address for the
5 record.

6 PUBLIC SPEAKER GARCIA: Hello, to all of
7 us, my community that is here today, I thank
8 you. My name is Jeannette Garcia. I live in
9 154 Woodworth Avenue, right across this proposed
10 project, because the property, this property is
11 not there yet and the community is against it.
12 There is currently a business there already that
13 isn't functioning. They distribute hair
14 products for more than 24 years in the City of
15 Yonkers. This development here, if allowed to
16 proceed, zoning regulation changes will have a
17 significant impact on the fabric of our city.
18 Also, we believe it detracts our quality of
19 life, exacerbate existence of inequality and
20 contributes to the segregation of our City that
21 we have been fighting for decades.

22 Zoning regulations exist to protect the
23 health, safety, and welfare of the people who
24 live and work in a community. With this
25 construction going on, how do they -- the health

1 of the neighbors that live across the street and
2 that live around with all the dust and all the
3 materials that they're going to use, how are we
4 going to be protected of that? These
5 regulations are in place to ensure that our City
6 grows in a responsible, sustainable, and
7 equitable way. And to protect the interest of
8 all residents. If this buildings are allowed to
9 proceed, they will set a dangerous precedent for
10 future developments in our City and will
11 undermine the integrity of our zoning
12 regulations.

13 The height of this buildings will exceed
14 the maximum allowable height limit, which is in
15 place to protect the integrity of our
16 neighborhoods and ensure a livable city for all
17 residents. The overcrowded school system, the
18 lack of service for residents and increasing
19 inequality in Yonkers will only be amplified by
20 the construction of this buildings. Our schools
21 are already over capacity and the additional
22 families and students that will come with the
23 development will further burden our education
24 system. The increase in population and density
25 will put a tremendous burden on our

1 transportation infrastructure, our streets, our
2 hospitals, and our health care access. If this
3 is zoning is changed and the development is
4 approved, it will affect the life quality of
5 residents in several ways amplifying inequality.
6 First, it will create an imbalance in the
7 community by attracting more affluent residents
8 while pushing away lower income families and
9 homeowners. This is for rent. A lot of us that
10 are here, we are homeowners that pay property
11 taxes. These residents are going to come here
12 just to sleep. They're not going to pay
13 property taxes to the City.

14 Second, it will eliminate natural light
15 to our homes and decrease access to natural view
16 from our homes while increase traffic on
17 Woodworth Avenue, on Lamartine, on Ashburton and
18 in Warburton which is horrible as it is right
19 now. It will increase air pollution and noise
20 levels in the area leading to a decrease in the
21 quality of life for those who lives nearby.

22 Finally, it will disrupt the local
23 economy affecting small businesses and harming
24 the already struggling residents. Moreover such
25 a development will contribute to gentrification

1 causing displacement and eviction of the
2 low-income families and homeowners and small
3 businesses that make our community unique and
4 diverse in exchange for a luxury apartment
5 building, catering to a wealthy and exclusive
6 clientele that do not participate or contribute
7 to local small business economy. This will only
8 serve to further divide our City along social
9 economic lines, exacerbating existing inequality
10 and driving a wedge between different parts of
11 our communities.

12 Now, I respectfully want to pose this
13 question: How many of the Zoning Board lives in
14 this side of town? How many of these people
15 that are here live on that side of town? How
16 many of you daily go through that side of town?
17 In the last ten years new developments have been
18 built in Yonkers in areas such as Getty Square,
19 Downtown Yonkers, and along the waterfront.
20 This is particularly concerning given the United
21 States versus Yonkers case, which demonstrate
22 how segregating a city has a detrimental effect
23 on life quality, overcrowded school systems,
24 lack of services, and an increase inequality.
25 We cannot let this happen again. The City was

1 ordered by the Court to build affordable housing
2 in predominately white neighborhoods to promote
3 integration. And not just this project but the
4 projects before that were presented here where
5 all buildings and construction on this side of
6 town. This development and others have
7 significantly been happening in the southwest
8 portion of the City and goes against this Court
9 order and we only further segregate our City
10 that it could end leading to a new segregation
11 and discriminatory case for the City of Yonkers.

12 We need to prioritize the needs and
13 concerns of our community in all revitalization
14 efforts. This includes listening to the voices
15 of those who are most affected by these changes.
16 Clearly this gentleman right here hasn't done
17 that.

18 And also involving us in the
19 decision-making process. It also means being
20 strategic on creating development projects
21 across the City that includes probably an
22 affordable housing to promote integration and
23 reduce inequality. We need to make sure that
24 our City grows in a way that benefits everyone.
25 Not just a selected few. We cannot allow greed

1 to take precedence over the well-being of our
2 community. We need to focus on building a more
3 equitable city where everyone has equal access
4 to resources and opportunities. This gentleman
5 right here in four months or less got through
6 the Building Department and got a decision of
7 the Building Department. I had an open permit
8 right across the street of them for one year
9 and-a-half just to close the permit and didn't
10 get a response.

11 AUDIENCE MEMBER: I second that.

12 PUBLIC SPEAKER GARCIA: We cannot let
13 developers disregard our Zoning laws to their
14 own benefit at the expense of our community. We
15 need to be mindful of the social economic and
16 cultural impact of development in our City.
17 Therefore I urge you to deny the application of
18 TCP Realty for the proposed zoning change and to
19 uphold the current zoning regulations. We must
20 not allow the segregation of our City and the
21 exacerbation of existence inequality. Let's
22 work together to build a more sustainable and
23 equitable city. We can ensure that Yonkers
24 remains a livable and inclusive community for
25 all. And I invite you to go down to my

1 community and understand it in a better way.
2 Because clearly I don't see anybody in this
3 Board right now that looks like me, or
4 understand my own struggles. Thank you.

5 (Audience applause.)

6 THE CHAIRPERSON: Is there anyone else
7 who would like to speak? Please approach and
8 tell your name and address.

9 PUBLIC SPEAKER ROBINSON: My name is
10 Joanne Robinson. I live in the community at 278
11 Warburton Avenue. I'm opposed to this project
12 because it would definitely have a negative
13 effect on the quality of life in this area.
14 Increased traffic in an area where the streets
15 are already too narrow. Carbon will definitely
16 have an affect on the health of the neighborhood
17 which already has a significant population of
18 children with asthma. The Fire Department does
19 not have the necessary equipment to deal with
20 fires in buildings of this height.

21 AUDIENCE MEMBER: Absolutely.

22 PUBLIC SPEAKER ROBINSON: They talked
23 about the cherry pickers where they were going
24 to on Chicken Island and they -- they came and
25 spoke about it, they were not prepared.

1 I hope that you in your heart will understand
2 you can't -- you can no longer, no longer
3 exploit the west side and think because people
4 of color live here and you can do anything you
5 want. You have to consider everything. And you
6 never go to the east side because it's probably
7 too expensive. But you take the statistics on
8 the backs of the poor and the working class and
9 you give them tax abatements. No more, we
10 cannot take this anymore. And I hope that you,
11 City fathers, will consider and that you,
12 Commissioner Kimball, will talk to the people
13 and talk to your Board and make them realize
14 that they must consider the City. Yes, we need
15 money, we need taxes. And when you built
16 Cottage(ph) you said you'd get 200 million in
17 City taxes? Have you gotten that yet? No. I'm
18 82 years old and I'm telling you.

19 (Audience applause.)

20 THE CHAIRPERSON: Is there anyone else
21 who'd like to speak on this project?

22 PUBLIC SPEAKER PRICE(ph): Yes.

23 THE CHAIRPERSON: Please introduce
24 yourself and state your address.

25 PUBLIC SPEAKER PRICE: Good evening. My

1 name is Ms. Price. I actually live on Woodworth
2 Avenue. And my concern is that just about three
3 years ago, four years ago, you tore up Cottage.
4 My property was destroyed by the rodent
5 infestation. I had to buy a whole room living
6 set. No one came out of pocket to me. I had to
7 do that. That's my home. I've lived there for
8 25 years since they built that construction.
9 Now, the street was torn up. We have been
10 living through, like, a construction zone for
11 the last three or four years. This is going to
12 be I think the second summer that we actually
13 have a real street that we can drive on. I have
14 a new vehicle. I've had to replace the tires
15 several times because of all the stuff that's
16 been all over the streets. Every other week
17 they're tearing up the street.

18 Now, that's a very nice project; however,
19 it's not for my community. 600 different
20 families living in a tower building in a little
21 community that we have? That's so
22 inappropriate. I am, like I said I've been a
23 long-time resident. I'm a registered nurse.
24 I'm retired now, now I'm working in the public
25 system again. I don't think that we have enough

1 space for our children to go to school. Now
2 they have a charter school up on Warburton
3 Avenue. I'm working at the school system now.
4 In the morning a five-minute walk, can take you
5 20 minutes in the car just getting up the road
6 because there are buses, there are public cars,
7 and there are children walking. This is not the
8 appropriate location for this beautiful
9 structure. It certainly is not. Thank you.

10 (Audience applause.)

11 THE CHAIRPERSON: Thank you for your
12 time.

13 Anyone else who would like to speak out
14 from the public?

15 PUBLIC SPEAKER LOVELL: I would like to
16 say something.

17 THE CHAIRPERSON: Sure. Come on up.
18 Please introduce yourself and state your name
19 and address for the record.

20 PUBLIC SPEAKER LOVELL: Albert Lovell.
21 L-o-v-e-l-l. I live at 281 Warburton Avenue. I
22 didn't even know about this project. I came
23 here for another issue, a different project.
24 But now that I see this. From my bedroom,
25 kitchen window I can see down to the pier. If

1 this goes up, I can't see down to the pier. I
2 can't say anything past the pier. For the past
3 20 years, I drive up Warburton every day to work
4 and I look across the river and I look at the
5 view, and I said, this is the most beautiful
6 spot in the country. And I would never want to
7 leave from this area just for that view of the
8 Hudson River. And that's what these buildings
9 are all about. Every one of these tall
10 buildings they're building is for -- because I
11 could never afford to live in one of these
12 buildings, and I'm making more money than I ever
13 made in my whole life now. But I could still
14 not live in one of these buildings, and that's
15 what they're building these buildings for. So
16 you can see the Hudson River view for \$4,000 a
17 month for a studio or a one-bedroom apartment
18 that none of us could ever think about living
19 in. And did somebody here say that it's going
20 to improve, the people in these buildings will
21 shop in the area and go to the Square? Are they
22 going to? I don't even go to the Square. So
23 if, if I lived in -- if I could afford to live
24 in one of these buildings, I'm not going to the
25 Square. I'm going to Ridge Hill or anywhere

1 other than the Square. I'm sure you guys work
2 right here in this building. What do you go to
3 the square for? To get your lunch every day or
4 breakfast. And you don't go there for anything
5 else or anybody. So, these buildings aren't
6 going to, aren't going to make anybody shop in
7 the Square. Because they built the fountain how
8 many years ago and everybody is supposed to go
9 shopping in the Square after they built the
10 fountain. Where's the fountain at now? Okay.
11 That was already that was the whole purpose of
12 the fountain. Okay. Oh, that will bring people
13 to the Square. It will be nice. And the bums
14 sat and swam in the fountain. And now the bums
15 are back at the Square and they don't even have
16 a fountain to swim in.

17 So like I said, I didn't even know about
18 this project and stuff. But that's all it's
19 for. Like you said it will be cut down to 16
20 stories. That's still 16 stories blocking my
21 view and I lived here my entire life. I was
22 born right there over at St. Joseph's Hospital.
23 I plan to die here in Yonkers. I'm just now
24 going to make the push to make my house the way
25 I want it to be to live out my retirement and

1 the rest of my life here in Yonkers.

2 But this is for anybody brand new coming
3 to Yonkers that I guess they figure is going to
4 live in the city, work in the city, come down
5 here, they're not even working in the city
6 anymore. People are staying home. They're not
7 going to work anymore. And from what I'm
8 hearing whatever properties have already been
9 built down here at the Waterfront, they're
10 trying to talk about putting homeless people in
11 them because they can't even fill them with
12 people that do make money. So let's put
13 homeless in them. I could be wrong, but that's
14 what I was told. That's what I heard. They
15 can't even fill them now so we're going to built
16 twin towers to be sitting empty. So.

17 THE CHAIRPERSON: Thank you for your
18 time.

19 PUBLIC SPEAKER LOVELL: That's what --
20 but I'll be back when you talk about the
21 Warburton project.

22 THE CHAIRPERSON: Thank you for your
23 comments.

24 PUBLIC SPEAKER BRANDON: Good evening.
25 My name is Symra Brandon and I have been a

1 resident in the City of Yonkers for over 70
2 years.

3 (Court reporter requested spelling.)

4 PUBLIC SPEAKER BRANDON: Symra Brandon.
5 S-y-m-r-a, last name Brandon, B-r-a-n-d-o-n.

6 I have listened to what the constituents
7 had to say. And I really implore you to listen
8 to them. I know that this is probably not the
9 time maybe to come back, and come to the regular
10 hearings and so forth. But when I look at these
11 twin towers, these twin towers don't fit in the
12 neighborhood. They do not fit at 35, 32, 15, 14
13 stories, they do not. We need to look at what
14 we're doing to our City. We need to look at
15 what we're doing to our waterfront. We have
16 several projects that are going on in the
17 waterfront. We have Lion's Gate buying up part
18 of the commercial part of our waterfront. So
19 what are we doing? We need to look at what we
20 are doing. We do not need twin towers on
21 Woodworth Avenue. Thank you.

22 (Audience applause.)

23 THE CHAIRPERSON: Thank you for your
24 comments.

25 PUBLIC SPEAKER GARAN: My name is Judith

1 Garan, 745 Warburton Avenue. As I'm sitting
2 here, I am thinking why doesn't Yonkers have an
3 office of development that is doing systemic
4 city planning that is taking all of this into
5 consideration even before it's coming that,
6 architects are coming to ask for variances. It
7 should be denied from the beginning anything
8 that looks out of place in Yonkers. If you've
9 ever been to Vancouver, you can see the
10 architect create the buildings in relation to
11 one another so that there's a harmony. It's not
12 that and someone characterized it as twin
13 towers. These are the twin towers of Yonkers
14 that do not in any way demonstrate the gracious
15 living that Yonkers has been known for.

16 So, I say that to the Zoning Board,
17 because I respect each one of you and I know
18 you're going to be doing the best for us, but
19 why you're put in this kind of position to make
20 decisions on flimsy evidence dependent upon the
21 very people who are creating, forgive me, these
22 monstrosities, you're depending upon their
23 information and then they're being very honest
24 and saying, well, this is the profit motive,
25 this is the prospective, this is how much we

1 get, this is why we have to build it. It's a
2 don't-build-it. Because if you're only thinking
3 about profit, we're thinking about quality of
4 life. So I say to people who are here, I think
5 the counselor, the lawyer from Yonkers is here,
6 someone else from Yonkers is here, you're here
7 as volunteers. Someone has to be looking out
8 for us so that we, who are trying to be, which
9 is just here getting this information without
10 being able to prepare, and yet we can see right
11 off the bat this has no place in Yonkers. So, I
12 also would say we've gone through this fight
13 when Capelli(ph) was coming in and wanting to
14 build big buildings by the riverfront. Same
15 fight. This is even worse than what was
16 proposed then and I would hope that someone in
17 Yonkers is following the history so that we all
18 don't have to become hysterical in order to make
19 the point that we don't want it. And, you know,
20 I'm just flabbergast as a professional that I
21 even have to make this kind of a statement that
22 we should have systematic city planning that
23 takes into consideration the design that we
24 want.

25 So please help us to help Yonkers because

1 we are the heart and soul of the Yonkers.
2 People are coming in who want to go to New York
3 City because it's cheaper to live here, they're
4 not the heart and soul of Yonkers. Please
5 listen to us.

6 (Audience applause.)

7 THE CHAIRPERSON: Sir, sir, approach.
8 Okay. I need, the gallery needs to be quiet so
9 this gentleman can speak.

10 AUDIENCE MEMBER: Okay.

11 THE CHAIRPERSON: You are not recognized.
12 You must be quiet. Sir, please state your name
13 for the record.

14 PUBLIC SPEAKER LIPSCOMB: My name is
15 Walter Lipscomb. I live here in Yonkers long
16 life resident and with Community Voices Heard.
17 If you look at this picture, you got the
18 waterfront property going up and you got this
19 monster in the back of it. Okay. It tells you
20 -- there's no affordable housing. Your location
21 is lousy. Okay. There's not enough traffic.
22 What is right about it? Okay. What is right
23 about putting that monstrosity in my
24 neighborhood? Because I'm two blocks away from
25 that. So where I gotta move for the next five

1 years if you put that up. Okay? What are you
2 doing to the school system? Okay. The IBA, the
3 LBA, get all the taxpayers, whatever they built
4 this monstrosity and for what? What street is
5 wide enough for the traffic to supply that
6 building? Warburton? No. Ashburton? You
7 ain't got enough. You ain't got enough of
8 what's there now. So how are you going to get
9 traffic in there? What about parking? You just
10 argued with the other guy what his property. So
11 where's the 800 parking spaces going? 1,400
12 parking spaces? Where you putting them at?
13 That's another monstrosity. In my neighborhood.
14 Where I live. Okay. I'm very sorry but, no.
15 That shouldn't even be up there, that shouldn't
16 even be a thought. This? It shouldn't even be
17 a thought. What are you thinking about?
18 Nothing. Because there's, there's nothing
19 there. Okay? It shouldn't happen. I'm sorry.

20 (Audience applause.)

21 THE CHAIRPERSON: Is there anyone else
22 here would like to speak? Please state your
23 name and address for the record.

24 PUBLIC SPEAKER HERTZ: Good evening. My
25 name is Michael Hertz. I live at One David Lane

1 here in Yonkers. I am one of the founding
2 members of the River Community Coalition of
3 Yonkers, we're the neighborhood association in
4 the Greystone area. I want to thank the
5 gentlemen who are the representatives of the
6 developer for explaining the project. I didn't
7 hear from these two gentlemen. Are you the
8 developer?

9 SPEAKERS: Design team.

10 PUBLIC SPEAKER HERTZ: You're the
11 architects. Okay. Thank you. And, you know, I
12 was just looking to this over a few days ago.
13 And I was astounded. I was astounded for being
14 so far out of context, so far from basic retail
15 understanding how the pandemic has really
16 changed people's willingness to get on a train
17 and has really undermined any of the theory of
18 transit-oriented development. Understanding
19 that the project where it is, is very far from
20 the central hub of the bus networks. Thinking
21 about how everyone is going to drive across
22 Ashburton Avenue to go on to the Saw Mill
23 Parkway. Knowing exactly what's going on at
24 that interchange and how it has failed post 2019
25 as other developments have come on to line and

1 we're not seeing the Metro North patronized the
2 way it once was.

3 I, you know, when I was kind of astounded
4 that the Zoning Board has requested to have a
5 consultant. I didn't hear the answer who's
6 paying for the consultant. But it kind of
7 reminds me, you know when I was a kid, I'd say,
8 mom, I want to go out. I don't know when I'm
9 going to get back. I don't know who I'm going
10 out with. I think I'll be home around 4 a.m.
11 Can I have the keys to the car? I got such a
12 hard, no. There was no dialogue. My mom didn't
13 need a consultant when things were so far out of
14 bounds, so far as out of norms. And I would go
15 to say that this particular proposal is very
16 challenge bounds. The property owner knows what
17 the zoning is. They know what the uses are.
18 The piece about that, you know, the loading dock
19 doesn't work. Well, it's zoned "C" for a
20 reason, because it's on the railroad tracks.
21 And, you know, let the business move their
22 freight in and out through the railroad. Right?
23 That would help alleviate some trucking and the
24 clean air issues that the residents have
25 identified. There's multiple issues with this

1 project and it is, again, way out of bounds and
2 I would say that myself and the River Community
3 the Coalition of Yonkers, I stand with HRCA with
4 the residents of, just to our south, in opposing
5 this.

6 I would also further say that the piece
7 that I see as a resident, because I heard things
8 about black and brown communities. I heard
9 things about east side, west side. I'm 58
10 and-a-half years old. I've lived in Yonkers my
11 whole life. I've lived in all four quadrants of
12 Yonkers. What I see happening is that with each
13 and every massive development, all of the
14 affordable units are being masked basically
15 within a mile of Getty square. It is exactly
16 what we were sued for in the '70s, and what we
17 fought in court and were found guilty of. And
18 so here we are, there's no more Federal funding
19 to build municipal housing. Right? And so
20 we're trying to meet the housing needs of the
21 community through inclusionary zoning. But we
22 don't see the zoning changes happening anywhere
23 much beyond a mile from Getty Square.

24 So, I would echo what I heard here that
25 it's time for us to redo the comprehensive plan

1 like we did in the, I believe it was early '90s.
2 I specifically remember Lee Ellman being over at
3 the Will Library and working on a comprehensive
4 plan with the community the comprehensive
5 master plan. Because right now the zoning is
6 very hodgepodge and only a few people understand
7 it and manipulate it very well. Thank you.

8 (Audience applause.)

9 THE CHAIRPERSON: Thank you. Are there
10 any more public comments? State your name and
11 address for the record, madam.

12 PUBLIC SPEAKER PARKER: Hi, good evening.
13 My name is Shatika Parker. And I live at 95
14 Ravine Avenue. I'm District Leader and so part
15 of the reason why I'm here tonight is because
16 there were residents who were concerned about
17 the project that I honestly wasn't too familiar
18 with. I echo the settlements earlier that the
19 website is a little bit hard to navigate. And
20 even when I was trying to find the application
21 for the Zoning, and the various changes, it was
22 very difficult to find and read through.

23 But, you know, as a District Leader one
24 of my main responsibilities or roles is to echo
25 the sentiments of the constituents that live in

1 that area. So even if I personally love this
2 project, like I'm sure some of the
3 representatives of the development and the
4 development themselves do, it's important that I
5 check in with the people in and around that area
6 to make sure that that is something that the
7 community welcomes. And it was evident tonight
8 here from the presentation and even when I
9 stepped into the gallery to be able to hear a
10 little better, that the gentleman that was
11 presenting doesn't really care about the
12 community or their input. He specifically
13 corrected you when you were telling him that you
14 were going to allow comments he said, no, I
15 thought, I was saying comments from the City,
16 you come back and thank you, Chairman Kimball,
17 for you know telling him that we had a right to
18 speak tonight.

19 I think what sums a lot of what was said
20 tonight is that when it comes to new
21 development, as beautiful as they may look, it's
22 not just about the graphics, it's not just about
23 the number, it's not just about the plan. All
24 the development is not good development and all
25 developers are not good developers. I think we

1 hold you guys to a higher standard and my City
2 Council representatives to make sure every IBA
3 who allow the project to come before to make
4 sure that their heart is at the core of this
5 project. And it's not just I'm going to make a
6 quick dollar on the back of the people who live
7 in and around my area.

8 When I was reading through the
9 application there was a lot of reference to the
10 specific language that said that in order for
11 these variances to be granted, they needed to
12 examine whether or not changes in the
13 neighborhood -- changes to the area was, you
14 know, would interrupt the essential character of
15 the neighborhood or if it will be, you know,
16 create something that's an undesirable change.
17 And I think the only way to find that out is by
18 talking with the residents in the area. Who on
19 the Zoning Board quite frankly with all due
20 respect to all of you, to decide what's
21 desirable and undesirable to an area that you
22 don't live in or frequent every day. Right?
23 And so I would pose the question to the
24 developers who's here and ask that, you know,
25 maybe after this meeting or before the next

1 meeting that you have a real conversation with
2 people. Because I think although there is a lot
3 of hesitation to this project that if they were
4 approached initially and differently, there
5 could have been some common ground even a lot of
6 time not wasted here tonight by, you know,
7 opposing the project.

8 I'm a big proponent of affordable
9 housing. I think that we have a very low
10 housing stock as we all know in the City. And
11 so I'm not one thousand percent opposed to
12 housing being placed in that area. It's just
13 the type of housing and then from the actions of
14 the people who presented tonight, the type of
15 developers and the people that we're doing
16 business with, that I think we should be careful
17 of.

18 I also want to echo sentiments about the
19 east side and expanding housing. Earlier I was
20 hearing about the 273 Glenwood project. It's a
21 beautiful project again and I thought it would
22 look beautiful on the other side of the Saw Mill
23 River Parkway. And so when projects like that
24 are coming before us, you know, it's not always
25 about shutting them down or telling the

1 developers, we don't want you here. But it's
2 really about figuring out if there's something
3 that we can move, something that we can adjust
4 so that we get the affordable housing that we
5 need but that it doesn't displace or interrupt
6 the current residents.

7 So, like I said I'm in favor of housing
8 specifically low income and affordable housing
9 because we need it so badly. But I think it's
10 important to make sure that with all these
11 projects, we are looking at the core and the
12 heart of the people who are developing and
13 making sure that it's not about the bottom
14 dollar for them. I know in their plans they
15 talk about, you know, helping out the day care
16 center across the street to mitigate some of the
17 traffic concerns that are there and they talk
18 about rehabilitating Ravine Park. That's not
19 enough. And I think that's, you know, that was
20 just a little razzle-dazzle a little fluff on
21 top to make it seem like there was some
22 community engagement. But real community
23 engagement would've been knocking on the
24 people's doors who are around that project
25 asking them what did they want, what did they

1 need fixed. And if they so named Ravine Park of
2 being one of those things, then so be it. But
3 there's no way for a person who does not live --
4 who likely does not live here let alone in that
5 area to decide what a community, you know,
6 benefit would be. You have to be of the
7 community to decide what would benefit that
8 community.

9 So I implore you to, you know, make them,
10 make some changes, do your due diligence and if
11 they are not willing to, to ultimately deny the
12 variances that they're asking for tonight.
13 Thank you.

14 (Audience applause.)

15 THE CHAIRPERSON: Thank you.

16 Okay. We are now going to move on to
17 5811. Which is -- was there anything else on
18 that, Mr. Amir?

19 MR. AMIR: No, no.

20 THE CHAIRPERSON: I didn't think so.

21 We are starting our next item. Please,
22 sit down or leave.

23 (Brief pause due to noise.)

24 THE CHAIRPERSON: All right, folks, we
25 are restarting the meeting. Go ahead, Mr. Amir.

1 MR. AMIR: Good evening, Madam Chair,
2 Members of the Board. Again my name is Jacob
3 Amir partner with Zarin and Steinmetz. I'm
4 pleased to be joined this evening on this
5 project by Nicholas Faustini project architect
6 and Zach Chaplin Stonefield Engineering. This
7 is for 289 Warburton and 230 Woodworth. And the
8 application before you this evening is for area
9 variances to develop a new 36-residential unit.
10 Once again the design team that's way ahead of
11 me on the rendering. They already put it up.

12 A 36-unit with full on-site parking on
13 the property fronting on Warburton and Woodworth
14 Avenue. I think I'm going to show you, the
15 development team here has configured a new
16 residential building on presently vacant land
17 which utilizes the dimensions and layout of the
18 property. Just before we turn it to Nick
19 Faustini the architecture.

20 THE CHAIRPERSON: Mr. Amir, could I just
21 point out one of the issues about having this,
22 this, 5811 on the agenda, and we're definitely
23 trying to cleanup these agendas, is that there
24 were some items that were listed as unknown.
25 For instance, exceeding the maximum permitted

1 height. Required unknown, proposed unknown.
2 Insufficient parking, required unknown. Provide
3 distance to train station, unknown.

4 MR. AMIR: Right.

5 THE CHAIRPERSON: So I mean do you have
6 this information? Because at some point as a
7 Board we're going to start denying these
8 applications to come to us because they're not
9 complete.

10 MR. AMIR: Right.

11 THE CHAIRPERSON: So --

12 MR. AMIR: I'm sorry, yeah, yeah. So
13 that's based upon the denial letter. Nick can
14 probably speak to both the height and the
15 distance to the train station which addresses
16 that parking. So why don't I turn to Nick since
17 that was raised.

18 THE CHAIRPERSON: That would be great.

19 MR. FAUSTINI: Good evening. Nick
20 Faustini on behalf of Hartman Design. Hartman
21 is the design architect of record.

22 The building here as Jacob had mentioned
23 is 36 units. The height is a seven-story
24 building. It's just under 75 feet tall. The
25 permitted zoning for an "A" district is 1.5 feet

1 times the right-of-way on the wider street that
2 it fronts. So Warburton would be the wider
3 street, it's 50 feet wide. Woodworth is the
4 narrower street at 45 feet wide. So 1.5 times
5 50 which is Warburton would bring us to 75 feet.
6 The building as designed in the initial filing
7 was just over 70 feet tall. Since we have
8 recently gathered information for the right-of-
9 way on Warburton, it would slightly increase the
10 building to just under 75 feet. I do have
11 elevations that I can run through just to show
12 you the height and how it's derived.

13 THE CHAIRPERSON: It's been a long night
14 can we like make it fast, make it quick? I hate
15 to give you the short shift but, you know.

16 MR. FAUSTINI: Sure, no problem.

17 MR. AMIR: Take them one height one
18 elevation.

19 MR. FAUSTINI: So, this is the front end
20 of the building. The height is established from
21 the average grade along the street frontage.
22 Warburton being the wider street. The elevation
23 is 95 feet at Warburton and our proposed
24 building is 74 feet 11 inches tall. So we're
25 within the height requirement under the Zoning

1 Code for "A" districts. So that I believe is no
2 longer a variance item.

3 MR. AMIR: And just, if we need to, the
4 applicant can supplement the submission with the
5 -- it'll be updated, the survey?

6 MR. FAUSTINI: Yeah.

7 MR. AMIR: Yeah, we'll supplement the
8 submission so that it's in the record as well.

9 Do you want to speak to the distance to
10 the train?

11 MR. FAUSTINI: With respect to the
12 distance to the train, that was mentioned
13 because there was some concern about the layout
14 of the units. All of the units are studio
15 units. They range in size from 450 square feet
16 to 470. They are zero bedroom units. So as a
17 studio unit, only one parking space is required
18 per unit. We presently show 36 parking spaces
19 on the property. There are 17 at the surface
20 level along Warburton and there is 19 parking
21 spaces at the subsurface service -- excuse me,
22 subsurface level accessible from Woodworth.

23 So, we basically fulfilled the parking
24 requirement for the number of spaces required.
25 Being further away than a quarter mile from the

1 train station, we're actually .4 miles from the
2 train station an eight-minute walk. But, again
3 it's -- we fulfilled our requirement for the
4 variance required for parking space count.

5 THE CHAIRPERSON: I'm just reading some
6 of the notes that the support staff sent over.
7 The one of the issues with the height is,
8 there's a number of issues, but the most
9 important one on the height is that apparently
10 Warburton Avenue is not symmetrical in its
11 width. So you would have to take a measurement
12 of Warburton Avenue to determine where it was
13 fully 50 feet across and not less on one side
14 than the other. So that's sort of a direction.

15 MR. AMIR: So that's something that the
16 applicant will update with the survey to show
17 that.

18 THE CHAIRPERSON: Yeah.

19 MR. AMIR: Yeah. So, if you get past
20 those two points then, what this Board is left
21 with is request for five area variances. Rear
22 yard lot size, front yard lot size, allowances
23 for parking within the minimum front yard,
24 parking within five feet of the property line,
25 parking within ten feet of the building on the

1 same lot.

2 I think what's interesting here is just
3 that we have a combined lot -- and what the
4 design what does, is it's really functional
5 here. Yes, we need variances for parking
6 on-site, but that eliminates the need for
7 off-site, or street parking so it doesn't
8 impact. Presumably impacts street parking. One
9 correction on the design plan, I think on the
10 first floor, one of the units has a notation,
11 bedroom, that's incorrect.

12 THE CHAIRPERSON: Okay.

13 MR. AMIR: So when we give you an updated
14 survey as to Warburton, we'll update the site
15 plan as to remove that incorrect notation. So
16 that leaves the parking in place.

17 I can go through the five elements. It's
18 in our cover letter. I know you said it's a
19 long night.

20 THE CHAIRPERSON: Yes, we can read. So
21 we're good.

22 MR. AMIR: Great. So then I am now going
23 to save my voice and turn it over.

24 Excuse me, Zachary, if you want to talk a
25 few minutes about impacts or engineering

1 concerns.

2 MR. CHAPLIN: Sure. For the record again
3 Zachary Chaplin. Last name is C-h-a-p-l-i-n.
4 Stonefield Engineering Design, located at 584
5 Broadway, Suite 310, New York, New York, civil
6 engineer for the project.

7 So the project itself, it's quite a small
8 lot, it's only 12,500 square feet. So really
9 from a site civil standpoint, our scope is a bit
10 limited. The building takes up the easterly
11 portion of the lot. Essentially, like, you
12 know, east of the lot lines. I think it's worth
13 pointing out the grade change. There's about a
14 25-foot grade change between Woodworth Avenue
15 and Warburton. So the way we designed the
16 building essentially is from Woodworth you're
17 going to drive up essentially in a ramp, get to
18 that first level of parking, and then on
19 Woodworth there's a separate entrance that's a
20 level above with additional parking. So you're
21 kind of working with the grading and entering in
22 two different levels from two different streets.

23 Aside from at that, you know, we'll have
24 a drain system proposed, roof leaders to into,
25 hopefully discharge to the City system. We'll

1 actually spoken with the engineer about that.
2 Just given the nature of the project. And
3 really the beyond that, you know, given the size
4 and the shape of the lot. I think there's a
5 reason for the variance. We need to provide
6 functional not just building but circulation,
7 you know, size of the parking spaces, et cetera.
8 So that we can get people in and out in a safe
9 and productive manner.

10 MR. AMIR: So unless the Board has any
11 questions for us specifically, we would ask that
12 the Board declare itself Lead Agency and open to
13 the public hearing and we are interested in
14 hearing comments.

15 THE CHAIRPERSON: Sure. I make a motion
16 that the ZBA pursuant to New York State
17 Environmental Quality Review Act declares its
18 intention to seek Lead Agency status for
19 purposes of environmental review of this matter
20 and directs the planning director on behalf of
21 this Board to initiate Lead agency notification
22 and coordinate a review with all other involved
23 agencies in this action. If no other involved
24 agency seeks to be Lead Agency within 30 days of
25 the effective date of notice. The ZBA shall the

1 lead agency status for purpose of review of this
2 matter. May I can have a second?

3 MR. BATTISTA: Second.

4 THE CHAIRPERSON: Ralph second. Anthony,
5 on the motion.

6 MR. GJELAJ: On the motion, for.

7 MR. SINGH: On the motion.

8 MR. LOPEZ: For the motion.

9 MR. SINGH: For the motion.

10 MR. BATTISTA: For the motion.

11 THE CHAIRPERSON: For the motion. The
12 motion carries 5, 2 are absent.

13 Okay. Are there any public comments on
14 this project?

15 AUDIENCE MEMBER: Yes.

16 THE CHAIRPERSON: Oh, my goodness. We
17 should've done this one first.

18 Just state your name for the record. I'm
19 sorry to have kept you.

20 PUBLIC SPEAKER D. LAURA: Good evening,
21 Board. My name is Danny Laura. This is my wife
22 Wendy. Lorenzo, Penelope and Emma. We live at
23 283 Warburton.

24 PUBLIC SPEAKER W. LAURA: And 285.

25 PUBLIC SPEAKER D. LAURA: 283-285

1 Warburton, which is directly on the property
2 line of this project. As you can see this is
3 important to us. I came out of work, my wife
4 came out, we grabbed the kids we came straight
5 over we've been sitting here since 6:00.

6 THE CHAIRPERSON: I'm so sorry.

7 PUBLIC SPEAKER D. LAURA: Yeah, had I
8 known this process, it's -- I already hate it
9 already. I already hate this project and it
10 hasn't even begun. This project will definitely
11 absolutely affect our livelihood. My kids play
12 in the backyard almost every day, every day. I
13 have not been contacted by anyone as far as this
14 project. And aside from giving low ball offers
15 from our home, that's the only contact I've got
16 from the developer. That's it. No one told me
17 exactly what's going on, when it's going to
18 happen, how it's going to happen. I found out
19 about this, because our neighbor got a notice in
20 the mail but we didn't and we're right on the
21 property line. You know. I've heard a lot of
22 things today about projects that are being built
23 here. And I agree with as far as like the air
24 condition, the air quality, the parking, and all
25 that. Warburton is, This is our home. Like

1 this is, she's -- there are not too many pretty
2 houses on Warburton but we consider ours like
3 the prettiest girl on the block. You know.

4 So we tried our best to make sure that
5 we're up to date with everything and keeping it
6 -- and she's 130 years old. So, I don't know
7 how this immense project will affect our home as
8 far as, you know, things fall apart every day.
9 And I don't know the process for this. I don't
10 know --

11 THE CHAIRPERSON: So, let me just outline
12 it for you, it's going to take awhile. There's
13 going to be multiple hearings. My suggestion
14 for you is that you can monitor uploads of
15 documents to ZBA website. And if that, if you
16 cannot make it, if you do not want to make it,
17 because you have your hands full, you can write
18 in any of your comments, objections, neighbors,
19 whatever, to the ZBApublic@Yonkersny.com. It's
20 letters, we take letters, and then we distribute
21 --

22 PUBLIC SPEAKER W. LAURA: I'm sorry, I'm
23 going to interrupt you right now. My name is
24 Wendy Laura. I live at 283, slash, 285
25 Warburton Avenue. I'm one of the property

1 homeowners. 283-285. We own two lots. Which
2 is directly connected to -- right next to as my
3 husband said, right next to 289, slash 293
4 Warburton.

5 We were not notified of this notice
6 officially, unofficially. Your website does not
7 describe when this was going to take place, how
8 it was going to take place. But you continue to
9 state something about this website that I am
10 very savvy with websites. I am. I'm an
11 educator, I work for the New York City
12 Department of Education Schools. I know how to
13 deal with government websites. I work for a
14 government. You do not make it easy. Even for
15 someone that knows. Okay?

16 The other thing is we were not notified
17 about the scope, the size, the parking, how it's
18 going to affect the quality of life for our
19 home, which is, again, right next to the
20 property line. This is my property, that's what
21 they're building on. They want to build right
22 up to the line. They did not notify us of the
23 scope, the size, the height. I'm not even
24 worried about the height. What I'm really
25 worried about, how close it is to my property

1 line, how it's going to affect my children.
2 Where are we going to park our stuff. How it's
3 going to affect the integrity, the structure,
4 and the foundation of our home. The roofing.
5 That has not been clarified to us. All of this
6 is brand new, I've never seen this before. And
7 that's what we're here to tell you and explain
8 to you. So you're telling us to check a website
9 and to stay up to date according to what? How
10 is anyone going to pay for us for the damage
11 that their structure may cause to our home?

12 THE CHAIRPERSON: So, all of the
13 documents and any changes that they make is
14 going -- is uploaded loaded to the website. You
15 go to agenda page first to find out what --

16 PUBLIC SPEAKER W. LAURA: Yeah, I'm aware
17 of that, ma'am.

18 THE CHAIRPERSON: And then you go into
19 the document --

20 PUBLIC SPEAKER W. LAURA: I understand.

21 THE CHAIRPERSON: Right.

22 PUBLIC SPEAKER W. LAURA: I understand
23 how to work the website.

24 THE CHAIRPERSON: Okay. But you just
25 said you didn't know how to get access,

1 information from it.

2 PUBLIC SPEAKER W. LAURA: I said, you did
3 not make it easy.

4 THE CHAIRPERSON: Okay. So, I'm telling
5 you where the information is, I'm telling you
6 how to send in your comments if you don't or
7 can't --

8 PUBLIC SPEAKER W. LAURA: You want me to
9 make comments?

10 THE CHAIRPERSON: I actually am welcoming
11 you to make comments. You're a member of the
12 public and you should be making comments.
13 You're a neighbor, you should be making
14 comments. That's why we have public hearings,
15 like tonight, that's why there will be several
16 more public hearings and that's why you can
17 always write into ZBApublic@Yonkersny.gov.

18 PUBLIC SPEAKER D. LAURA: Where would we
19 find like information as far as the rules and
20 regulations for their construction? Like the
21 attorney earlier said that only Monday through
22 Friday not on weekends, like, if you guys are
23 going to go forward.

24 PUBLIC SPEAKER W. LAURA: All their
25 permits were denied actually.

1 MR. BATTISTA: Yes, so this is the first
2 time we're hearing it all too, right? So we're
3 all learning about it --

4 PUBLIC SPEAKER W. LAURA: But all their
5 permits were denied.

6 MR. BATTISTA: This is like, this is
7 like--

8 THE CHAIRPERSON: But that's part of --
9 (Simultaneous speaking.)

10 PUBLIC SPEAKER W. LAURA: -- where we
11 live.

12 THE CHAIRPERSON: But that's part of the
13 process, right?

14 PUBLIC SPEAKER W. LAURA: So they're
15 trying to rezone so they're allowed to do what
16 they want to do.

17 THE CHAIRPERSON: No, that's not --

18 PUBLIC SPEAKER W. LAURA: So those
19 permits were denied because what?

20 THE CHAIRPERSON: Because they don't
21 confirm. And so the way the system works is
22 that anyone can apply to the Building Department
23 for something.

24 PUBLIC SPEAKER W. LAURA: Yes, of course.

25 THE CHAIRPERSON: And then if it's not in

1 conformity with the law, so they get denied.
2 And it's a process. And then once they get
3 denied they have to go and ask for a variance on
4 the issues for which they've been -- I'm sorry,
5 I'm trying to be helpful. If I'm not being
6 helpful, I can stop talking. But if you want
7 answers, and I'm trying to give them to you, I
8 don't know what to tell you.

9 PUBLIC SPEAKER W. LAURA: I'm sorry, I
10 missed it.

11 THE CHAIRPERSON: Thank you for your
12 comments.

13 PUBLIC SPEAKER D. LAURA: What's the next
14 process?

15 THE CHAIRPERSON: The next part of the
16 process is this will be on the agenda for the
17 next meeting. People are welcome to write in
18 without it being a meeting evening, you can
19 write in at any time to that public website.
20 And this is going to go through a process.
21 Whether it's two meetings or ten meetings, I
22 can't tell you because it goes through how it
23 goes through.

24 PUBLIC SPEAKER D. LAURA: Is there a way
25 that we have input in these plannings and these

1 designs or anything as far as -- not actually
2 designs but how will it affect us? Like do we
3 have a say in it?

4 THE CHAIRPERSON: So generally the way it
5 works is that you can either ask to meet with
6 the developer and have you and yourself and your
7 neighbors talk to them. Or you can, or have
8 them present to your neighborhood community or
9 however it works. And then you can also send in
10 comments, like there's a parking problem,
11 there's this issue, it abuts our property, it's
12 too close we have three young children so we
13 don't want a side variance because I don't want
14 their traffic right against my property line.
15 Any of those comments that you just made tonight
16 are totally right to be in an email that gets
17 sent to us so we can weigh that against the
18 building development.

19 PUBLIC SPEAKER W. LAURA: Is that the way
20 to proceed, through email? Is that the?

21 THE CHAIRPERSON: I'm sorry?

22 PUBLIC SPEAKER D. LAURA: Is that the way
23 to proceed through email, you need it in
24 writing?

25 THE CHAIRPERSON: That's for just the

1 variances that are here. The attorney made a
2 good point, there's also going to be a site plan
3 review when it goes to Planning and that's
4 another opportunity for you to have comments and
5 make, you know, ask to make changes to the plan.

6 PUBLIC SPEAKER D. LAURA: How do we get
7 incorporated into like the mailing? Because our
8 neighbor, he received it.

9 THE CHAIRPERSON: So they're supposed to
10 post signs on the property that has QR code and
11 information on meetings.

12 PUBLIC SPEAKER D. LAURA: Actually
13 received a letter in the mail.

14 THE CHAIRPERSON: No, there's both a
15 notice through the mail requirement.

16 PUBLIC SPEAKER W. LAURA: How big does
17 the notice have to be?

18 THE CHAIRPERSON: I'm sorry?

19 PUBLIC SPEAKER W. LAURA: Is there like a
20 limit to how big it has to be? Like if
21 they're--

22 MR. BATTISTA: It's a 200-square-foot
23 radius and on the site, you'll see all the
24 addresses that they sent it to.

25 PUBLIC SPEAKER W. LAURA: Oh, really?

1 THE CHAIRPERSON: Yes. And then you'll
2 also see the sign posted on the site.

3 PUBLIC SPEAKER LOVELL: You talking about
4 this site 289 Warburton?

5 PUBLIC SPEAKER W. LAURA: Is it on it?
6 Did you see a QR code?

7 THE CHAIRPERSON: All right. I'm sorry.

8 PUBLIC SPEAKER: My name is --

9 THE CHAIRPERSON: Wait. Hold on.

10 PUBLIC SPEAKER LOVELL: Not on this
11 letter here.

12 THE CHAIRPERSON: No, no, the QR code is
13 on the sign posted on the property.

14 PUBLIC SPEAKER LOVELL: That they're
15 going to be having a zoning variance?

16 THE CHAIRPERSON: Yes, that they're going
17 to --

18 (Simultaneous speaking.)

19 PUBLIC SPEAKER LOVELL: I've seen them on
20 other properties, but I don't think I've seen
21 one on that, on that fence between our house and
22 the post. But, again, like Danny and them said,
23 we've been dealing with three years construction
24 down the block, now we're looking at another
25 three years of construction right on top of us.

1 Our houses combined are 130 years old. There
2 already is cracks from shifting and just regular
3 settling of 130-year-old house that was built.
4 When I go through walls look like we cut trees
5 down in the area and built the house from
6 scratch. But it's, like, what's this
7 construction going to cause, digging out the
8 foundation and a sub-garage and all that.
9 What's that -- how that going to impact our
10 property? And, and if I put a new porch on my
11 house this year and a new roof, five years from
12 now and I see something shifted or it's pulling
13 away, where's my compensation, or what happens?

14 THE CHAIRPERSON: Right. You would have
15 to --

16 PUBLIC SPEAKER LOVELL: You know what I'm
17 saying?

18 THE CHAIRPERSON: You would have to track
19 that in there, I don't want to get into
20 construction, but there's ways to track whether
21 there's settlement due to construction adjacent
22 to your property. That's probably something you
23 should talk to the developers about whether
24 they're going to be monitoring. They usually
25 do, like, in any other every other construction

1 project, like, with the downtown construction
2 they had to put the monitors on Philipse Manor
3 Hall to make sure that there wasn't settlement
4 of that property.

5 PUBLIC SPEAKER LOVELL: So you mean the
6 developers that never contacted us?

7 THE CHAIRPERSON: Well, this is one
8 meeting out of a whole line of meetings. So you
9 now know who the developers are. I suggest you
10 pursue talking to them as we're going to tell
11 them to talk to you. We're also going to do a
12 site visit of the property. You're welcome to
13 join us.

14 PUBLIC SPEAKER D. LAURA: Yes,
15 absolutely. Anything that has to do with this
16 property, I would be more than hands on to come.

17 THE CHAIRPERSON: SO that would be
18 coordinated through the Building Department and
19 Mr. Amir will be coordinating to make sure he
20 has your address and can reach you and that you
21 will be contacted.

22 PUBLIC SPEAKER D. LAURA: We're right
23 next door. We're right next door.

24 PUBLIC SPEAKER ROBINSON: My name is
25 Joanne Robinson, again, 278 Warburton Avenue.

1 You have not considered that this house, this
2 house, our house and the twelve houses are in
3 the historical district of Yonkers. There are
4 only two historical districts of Yonkers. I
5 didn't receive a letter about this project going
6 on. And it can impact on the whole
7 neighborhood. We have go to Landmarks
8 commission if we change a light, if we change
9 the paint, if we do this, or do that to our
10 property. We have tried to keep our neighbors,
11 when I meet my new neighbors coming I take them
12 the book that tells you what to do for a
13 historical house, how to take care of it, and
14 what you're supposed to do. Obviously, the City
15 the people who buys these properties don't even
16 consider what's happening to us.

17 I have lived in the house since 1946. My
18 parents bought the house. When they bought it,
19 they could not buy it because they were Black
20 and a White appraiser had to buy it for them to
21 turn it over to them. It was not Mississippi,
22 it was not, you know, Louisiana, it was right
23 here in New York State. And we kept this house.
24 And we can continue to keep it. But it is a
25 historical district. We tried to maintain the

1 house and the house in ways and there's 12
2 houses and their house is -- the two houses are
3 on Warburton Avenue, one is the funeral parlor.

4 Please consider the neighborhood when you
5 do all these ridiculous buildings that don't
6 even think about the architectural design or
7 character of the area. This is a historical
8 area. This is not just one little dinky
9 neighborhood. This is one of two. It is on the
10 State, State registry and I think it's also on
11 the national registry. Think about all these
12 things about before these developers who know
13 nothing and who don't care and who only think
14 about the green back. I'm sorry. This is a
15 historical neighborhood, only two. And these
16 are my neighbors.

17 THE CHAIRPERSON: Thank you,
18 Ms. Robinson. Is there anyone else? Come on up
19 Ms. Garan.

20 AUDIENCE MEMBER: They build in Park Hill
21 area.

22 THE CHAIRPERSON: And in Cedar Knolls.

23 PUBLIC SPEAKER GARAN: Judith Garan, 745
24 Warburton Avenue. As I've been sitting here
25 this evening, I've gotten a big education. And

1 part of that is there is certain assumptions
2 that I have had and now those assumptions have
3 been eroded. It seems as if there's different
4 committees; the Office of Development, the
5 Zoning Board, the Planning Board, the IDEA(ph),
6 the Affordable Housing, everybody is doing their
7 own thing and no one is having an oversight over
8 the whole process. And here's my concern, we
9 hear a lot of people come and based on your
10 saying they have to do this and that, you know,
11 I don't know how you people can function because
12 you have an enormous responsibility and here's
13 my concern: Who's holding the people
14 accountable to find out if they're really are
15 doing what they're doing and who also is doing
16 the kind of an analysis to see that the promise
17 of the money that's coming in. Because that's
18 just coming into Yonkers that the jobs are being
19 sustained, that the quality life is going up,
20 who's that level of accountability? And it
21 really seems, I don't see -- if I was a City
22 Council Member, I would want to be here to be
23 protecting my area. And my concern is that
24 there's not the kind of interactive dialogue
25 that is essential to preserve what we all want.

1 Because you're all, I think, volunteers. We all
2 want to have quality of life and we want the
3 best for Yonkers. And right now, things are
4 different than ever before. Now, Yonkers is
5 attractive because there is 500 million dollars
6 coming in. So it's almost critical, and I guess
7 I'm appealing to you as the Zoning Board, to
8 really work with whoever you have to work with
9 to say, we gotta have a more comprehensive view.
10 Because right now I see everything is
11 fragmented. And just this small group of people
12 here, how do we stand up against the
13 professionalism that I can see? The investment
14 and time is enormous. You know what I mean?
15 And I just worry about it.

16 So something has to be done on a --
17 someone has to have oversight over this. You
18 know, that's my -- thank you for all of your
19 patience and listening, but I think a lot of
20 work has to be done.

21 THE CHAIRPERSON: Thank you, Ms. Garan.

22 So please exchange email addresses,
23 please set up a time for site, you know, walk
24 through.

25 MR. AMIR: Sure.

1 THE CHAIRPERSON: A site visit with the
2 residents also invited.

3 MR. AMIR: Sure.

4 THE CHAIRPERSON: Is there anything else
5 you want to comment on?

6 MR. AMIR: No, ma'am, not tonight. We'll
7 get you the materials.

8 THE CHAIRPERSON: Yes, that's wise.
9 Mr. Amir, don't go anywhere.

10 We need to make a motion to reconsider
11 number 5799, 165 aka 165 North Broadway. Do I
12 have a second?

13 MR. BATTISTA: Second.

14 THE CHAIRPERSON: Thank you, Ralph. All
15 in favor?

16 (Chorus of ayes.)

17 THE CHAIRPERSON: Aye. Any opposed? No.
18 Okay. So we have opened the motion to
19 reconsider. Voted on the motion. And now we're
20 going to put it back on agenda. So we have to
21 repeal the decision?

22 MR. GALLAGHER: Yes.

23 THE CHAIRPERSON: Okay. So, I need to
24 make a motion --

25 MR. GALLAGHER: Well, it's actually to

1 pass it again. So it's a motion to reconsider
2 the vote to pass the motion again. And this
3 time you'll it pass 0-5 -- you won't pass it.
4 You just shot it down.

5 THE CHAIRPERSON: So I'm going to make a
6 motion to put 5799, 165 aka 167 North Broadway
7 back on the agenda for decision for the next
8 meeting. Do I have a second?

9 MS. KRAVITZ: Well, it might not be the
10 next meeting.

11 THE CHAIRPERSON: All right, whatever.
12 So the next --

13 MS. KRAVITZ: When appropriate.

14 THE CHAIRPERSON: The next appropriate
15 meeting. Second, Ralph. All in favor?

16 (Chorus of ayes.)

17 THE CHAIRPERSON: Aye. Okay. Passed, 5.

18 MS. KRAVITZ: Now, we're going to make a
19 motion for Lead Agency on this one.

20 THE CHAIRPERSON: Okay. So Lead Agency
21 on 5799 165 aka 167 North Broadway. Make a
22 motion to the ZBA pursuant to the New York State
23 Environmental Quality Review Act declares its
24 intention to seek Lead Agency status of the
25 environmental review of this matter and directs

1 the Planning Director on behalf of this Board to
2 initiate Lead Agency notification and coordinate
3 a review with all other involved agencies in
4 this action. If no other involved agency seeks
5 to be Lead Agency within 30 days of the
6 effective date of notice, the ZBA shall assume
7 Lead Agency status for purposes of review of
8 this. Matter may I have a second?

9 MR. BATTISTA: Second.

10 THE CHAIRPERSON: Ralph. All in favor?
11 (Chorus of ayes.)

12 THE CHAIRPERSON: 5, 2 absent.

13 We are now going to fly through other
14 business. Case 5680, 80 Orchard Street,
15 extension request. I make a motion to extend.
16 We are going to do all of them, we're going to
17 do all of them together: Case 5650, 80 Orchard
18 Street; Case 5424, 77 Deerhurst Street; Case
19 5758, 45 Water Grant Street; Case 5667 and 5494,
20 581 Saw Mill River Road. These are all
21 extension requests, I make a motion to extend
22 all of them for one year from this date. Do I
23 have a second? Ralph. All in favor?

24 (Chorus of ayes.)

25 THE CHAIRPERSON: I need a motion to

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adjourn.

MR. SINGH: Motion.

THE CHAIRPERSON: Harry, everybody.

Quick at the draw. Ralph second. All in favor.

(Chorus of ayes.)

THE CHAIRPERSON: There we go.

(Time Noted: 9:48 p.m.)

1 CERTIFICATION

2

3 STATE OF NEW YORK)

4) ss.

5 COUNTY OF WESTCHESTER)

6

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

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

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

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

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LYNNETTE MAZZA,
COURT REPORTER