

ZONING BOARD OF APPEALS AGENDA

City of Yonkers

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MIKE SPANO, Mayor
WILSON KIMBALL, Chairperson

June 14, 2023 *revised

ZONING BOARD OF APPEALS AGENDA

PLEASE TAKE NOTICE:

THE CITY OF YONKERS ZONING BOARD OF APPEALS MEETING SCHEDULED FOR WEDNESDAY, JUNE 21, 2023 AT 6:00 PM, WILL BE HELD IN YONKERS CITY HALL, 40 SOUTH BROADWAY, 4TH FLOOR (building is handicapped accessible).

PLEASE BE SURE TO CHECK OUR WEBSITE FOR INFORMATION AND UPDATES

WWW.YONKERSNY.GOV

OPEN CONTINUED HEARINGS

5790 – Area Variance –

James Veneruso, Esq., on behalf of Mehranco Limited Liability Co., owner, on premises known as **1999 Central Park Avenue**, Block: 4385, Lot: 42.43, Zone: BR (B30132) (*Adjourned to Nov. 2023*)

Proposal: to construct a new retail, self storage building, having:

- *Exceeding maximum permitted height, Section 43-27, Table 43-3 (required 48 ft., proposed 74.5 ft.).*
- *Parking within the minimum front yard not permitted, Section 43-133 (A)1.*
- *Insufficient loading spaces Ref. 43-128, Table 43-5 (required 5, proposed 4).*
- *Insufficient depth of retail space measured from the front of the structure, Ref. 43-36.M.(1) (required 60 ft. minimum, proposed 51.3 ft.).*
- *Parking within 10 ft. of a public right-of-way is not permitted, Ref. 43-134.A.(4). (proposed 2.4 ft.).*
- *Parking within 10 feet of a building on the same lot is not permitted, Reference Yonkers Zoning Ordinance 43-44.A.9.b.(proposed 1.5 ft.).*

5797 – Area Variance –

Shahin Badaly, P.E., on behalf of Marketin Hila/110 Ravine Realty LLC, owner, on premises known as **110 Ravine Avenue**, Block: 2118, Lot: 39, Zone: A (B29521) *

ZBA Web Page: www.YonkersNY.gov/ZBA

For public comments: https://yonkers.seamlessdocs.com/f/ZBA_Comment

Proposal: for proposed new 8 story, 14 unit apartment building on vacant lot, whereas:

- *Incorrect calculation of permitted building height, Yonkers Zoning Ordinance (YZO) Section 43-27, Table 43-3. (Max. Building Height: 75'-0").*
- *Insufficient side yard, YZO Section 43-27, Table 43-3. (Required: 16'-0", Proposed: 12'-0").*
- *Rooftop bulkhead or elevator penthouses shall not exceed 20% of the horizontal area of the roof on which they are located or 10% of the lot area, whichever is lesser, YZO Section 43-33.O.1 (Allowed: 20% , Proposed : 35.6%).*
- *Rooftop bulkhead or elevator penthouse shall be set back from the edge of the roof at least 1'-0" for each 1'-0" by which features exceed the maximum height specified for the district when located in or adjacent to residence district. (Required: /- 9' for stairs bulkhead and /-15' for elevator bulkhead, Proposed: None on two sides edge of the roof).*
- *Indicate stairs and elevators bulkhead distance from front and rear edge of roof.*
- *The total area covered by accessory residential uses and structures must not exceed sixty percent (60%) of the rear yard or sixty percent (60%) of each side yard or a total of seventy-five percent (75%) of rear and side yards when added together, YZO Section 43-40.D.2. (Allowed: 75%, Proposed: 86%).*
- *Parking within 5 feet of all property lines not permitted, YZO Section 43-44.A.9.b.*
- *Insufficient parking, YZO Section 43-138. (Reduced parking requirements = 1/DU, Required: 14 spaces, Proposed: 5).*
- *Required parking aisle width for parking space no. 2 is not provided, YZO Section 43-134.A.12. (Required: 24'-0").*
- *Concrete sidewalks shall be provided along the perimeter of the building adjoining a driveway or parking area, where entry to the building is located for pedestrian safety, YZO Section 43-121.A.2 and 4.*
- *Roof area on Lot Coverage Tabulation is not the same value as the roof area used in calculation of total area of bulkhead. Coordinate calculation with the dimensions shown in plans.*
- *Incorrect calculation of building coverage, YZO Section 43-8.*

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5809 – Area Variance –

Neil J. Alexander, Esq., on behalf of City of Yonkers, owner, and Lemor Development Group & Empire Development Capital Holdings, LLC, contract vendees, on premises known as **273 Glenwood Avenue**, Block: 2172, Lots: 29-41, 43 & 44, Zone: A (B32120) (*Adjourned to July 2023*)

Proposal: to construct a 177 unit, residential building consisting of ten residential floors above a four level parking garage, having:

- *Exceeding maximum permitted height, Section 43-27, Table 43-3 (required: 75 ft., proposed: 156 ft.).*
- *Insufficient side yard, Section 43-27, Table 43-3 (required: 16 ft., proposed: 15 ft.).*
- *Insufficient side-front yard, Section 43-27, Table 43-3 (required: 20 ft., proposed: 17 ft. Sommerville Pl & 10 ft. Fr. Finial Sullivan Dr.).*
- *Insufficient rear yard, Section 43-27, Table 43-3 (required: 25 ft., proposed: 10 ft.).*
- *Insufficient front yard, Section 43-27, Table 43-3 (required: 25 ft., proposed: 4 ft.).*
- *Insufficient parking, Section 43-128, Table 43-4 (required: 271 spaces, proposed: 138 spaces).*
- *Parking within the minimum side-front yard on Sommerville Place, not permitted, Section 43-133(A)2.*
- *Parking within 10 feet of a building on the same lot is not permitted, Reference Yonkers Zoning Ordinance 43-44.A.9.b.*
- *Exceeding maximum permitted floor area ratio, Section 43-27, Table 43-3 (required 3.0, proposed 4.23).*
- *Exceeding maximum permitted building coverage, Section 43-27, Table 43-3 (required 40 percent, proposed 42.6 percent).*
- *Fences and walls, including retaining walls, must not exceed 4 feet in height in a required front yard setback or in any other required setback abutting a street and 6 feet in height within any other required yard setback (Reference Yonkers Zoning Ordinance 43-41.D.3.a).*

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5810 – Use & Area Variance -

David S. Steinmetz, Esq. & Jacob E. Amir, Esq., on behalf of TCP Realty LLC, owners, on premises known as **143-151 Woodworth Avenue**, Block: 2102, Lots: 4, 5, 11, 39 & 41, Zone: C (B32117)

Proposal: to construct two 32-story residential towers with ground floor commercial space, parking garage, landscaping and other improvements, whereas:

- *Proposed use not permitted, Section 43-27, Table 43-1. (proposed: apartment houses).*
- *Exceeding maximum permitted floor area ratio, Section 43-27, Table 43-3. (required: 6.00, proposed: 13.14).*
- *Exceeding maximum permitted height, Section 43-27, Table 43-3. (required: 75', proposed: 372').*
- *Insufficient rear yard, Section 43-27, Table 43-3. (required: 20'0", proposed: 9'2").*
- *Insufficient parking, Section 43-128, Table 43-4. (required: 944, proposed: 702).*

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5811 – Area Variance –

Daniel Richmond, Esq. & Jacob E. Amir, Esq., on behalf of Warburton Equities LLC, owners, on premises known as **289 Warburton Avenue & 230 Woodworth Avenue**, Block: 2116, Lot: 40 & 7, Zone: A (B31973)

Proposal: to construct a multifamily building with 36 residential units and on-site ground floor parking on vacant land, having:

- *Insufficient rear yard, Section 43-27, Table 43-3 (required 25 ft., proposed 11.5 ft. +/-, measured to 2 ft. outdoor decks).*
- *Insufficient front yard, Section 43-27, Table 43-3 (required 25 ft., proposed 23 ft. +/-, measured to 2 ft. outdoor decks).*
- *Insufficient parking, Section 43-128, Table 43-4 (required unknown - provide distance to train station, proposed unknown).*
- *Parking within the minimum front yard not permitted, Section 43-133(A)1.*
- *Parking within 5 feet of all property lines not permitted, Reference Yonkers Zoning Ordinance 43-44.A.9b. (proposed one foot).*
- *Parking within 10 feet of a building on the same lot is not permitted, Reference Yonkers Zoning Ordinance 43-44.A.9b. (parking in rear yard).*

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5812 – Use Variance –

Junisa A. Fondeur, owner, on behalf of herself, on premises known as **61 Sherwood Avenue**, Block: 6381, Lot: 20, Zone: MG (B31054)

Proposal: to create a commercial kitchen for home catering business, whereas:

- *Proposed use not permitted, Section 43-27, Table 43-1.*

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5816 – Use Variance –

John J. Phelan, Esq., on behalf of Croton Terrace Enterprises Inc., owner, on premises known as **14 Orchard Street**, Block: 2076, Lot: 17, Zone: MG (B31141)

Proposal: to construct a contractor's warehouse for storage of construction equipment and supplies, whereas:

- *Proposed use not permitted, Section 43-27, Table 43-1. (warehouse in an MG Zone).*

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5818 – Area Variance –

William Null, Esq. of Cuddy & Feder LLP, on behalf of UB Tanglewood LLC, owner, on premises known as **2248 aka 2270 Central Park Avenue**, Block: 4800, Lot: 60, Zone: BR (B32155)

Proposal: proposed 2200 SF building pad site with drive-through and associated site improvements, having:

- *All parking spaces for the proposed use shall be indicated on site plan.*

- *Insufficient parking, Section 43-128, Table 43-4 (required 278, proposed 174) 104 Parking space variance required.*
- *The minimum backup area for 60 degree parking is 18'-0" as per 43-134 illustration 32. Plans provide 16'-0" which is not permitted. 2'-0" back-up aisle variance required.*
- *Drive-through lanes shall be set back at least 15.0' from all residential property lines (14.6' shown on plans), and be screened from adjacent residential property by means of a six-foot-solid screen fence or vegetative screen, as per COY Zoning Code 43-36.G.4. 0.4' variance required. Screening to be called out.*

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5819 – Improvement & Intensification to a Non-Conforming Use & Area Variance -

Andrew Romano, Esq., on behalf of Leticia Narceda-Tan, owner, on premises known as **24 Greenvale Avenue**, Block: 2475, Lot: 114, Zone: S-50 (B32233)

Proposal: proposed two car garage, whereas:

- *Improvement to a non-conforming use requires Zoning Board of Appeals approval (Reference Yonkers Zoning Ordinance 43-21.G).*
- *A non-conforming use shall not be enlarged, intensified, altered structurally or extended without Zoning Board of Appeals approval, (Reference Section 43-21.B.1 and 43-21.B.2). S-50 zoning not T zone two family existing.*
- *Insufficient front yard, Section 43-27, Table 43-3 (required 20, proposed 0). Section 43-8, height of building, average angle of inclination of the ground above the horizontal, as measured perpendicular to the selected front at its center, exceeds 25 degrees, the height of the building may be measured, at the option of the owner, from the average level of the lot adjacent to the building prior to any excavation or fill.*

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5820 – Area Variance –

Andrew Romano, Esq., on behalf of Mountain Portfolio Owner NY LLC, owner, on premises known as **380 Riverdale Avenue**, Block: 130, Lot: 1, Zone: BA (B22026)

Proposal: two story structure containing convenience store, whereas:

- *Proposed vacuum (accessory structure) not permitted in minimum front yard/side-front yard per 43-42C(1).*
- *Proposed loading space width as per COY Zoning Code 43-134 B (3). (required 15'-0", proposed 9'-4").*
- *Proposed loading space length as per COY Zoning Code 43-134 B (3). (required 40'-0", proposed 32'-6").*
- *Proposed loading space height as per COY Zoning Code 43-134 B (3). (required 14'-0", proposed 11'-6"+/-).*
- *Insufficient parking, Section 43-128, Table 43-4 (required 13, proposed 8).*

- All parking spaces shall be located minimum of 5'-0" from any property line as per COY Zoning Code 43-44 B (5). (required 5'-0", proposed 3'-0").

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NEW HEARINGS

5821 – Area Variance –

Warren Post, on behalf of AIS LLC, owner, on premises known as **664 Saw Mill River Road**, Block: 3116, Lot: 39, Zone: CM (B31328)

Proposal: gas station underground fuel tank replacement to include new canopy, whereas:

- *Insufficient front yard at new canopy. (Required : 20'-0", Provided: 0'-0") (Reference Yonkers Zoning Section 43-27, Table 43-3).*
- *Insufficient side-front yard at new canopy. (Required : 20'-0", Provided: 12'-0") (Reference Yonkers Zoning Section 43-27, Table 43-3).*

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5822 – Request for - Extension of Time

Housing Action Council, Inc., on behalf of 81 Elliott Avenue Housing Development Fund Corporation, owner, on premises known as **81 Elliott Avenue**, Block: 159, Lot: 19, Zone: M (B32256)

Proposal: extension of period of cessation to reconstruct building destroyed by fire, whereas:

- *A dimensionally non-conforming building that is destroyed, may be reconstructed, provided that the reconstruction is commenced within one year of the date of such damage, and further provided that it shall be reconstructed in accordance with a plan approved by the Zoning Board of Appeals. Ref 43-21.E & 43-144.K. Request by applicant to extend the permitted maximum time of one year to commence, to the present time (date of Fire was December 26, 2021).*

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OTHER BUSINESS

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#5652	159-163 Warburton Avenue	Extension Request
#5657	35 Vark Street	Extension Request*
#5788	1111-1113 Central Park Avenue	Extension Request*
#5765	671 Yonkers Avenue	Amend Conditions*
#5642	750 Central Park Avenue	Extension Request*

*Please be advised that speakers are first come, first served. There will be a sign-in sheet upon arrival and the speaking time will be limited to 2 minutes.