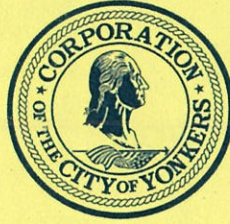


ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 13, 2023



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

TIME: 7:08PM

PRESENT: PRESIDENT OF THE COUNCIL
 LAKISHA COLLINS-BELLAMY (ABSENT)

DISTRICT:

3	MAJORITY LEADER TASHA DIAZ
4	MAJORITY WHIP JOHN RUBBO
5	MINORITY LEADER MICHAEL B. BREEN

COUNCIL MEMBERS:

DISTRICT:

1	SHANAE V. WILLIAMS
2	CORAZON PINEDA- ISAAC
6	ANTHONY MERANTE

Recitation of the Pledge of Allegiance to the Flag followed by a minute of silence to invoke God's guidance and Blessing upon our deliberations.

Minutes of the stated meeting held on May 23, 2023 and Special Meeting held at May 26, 2023 approved on motion of Majority Leader Diaz.

ANNOTATED AGENDA
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COMMUNICATIONS FROM CITY OFFICIALS

NO COMMUNICATIONS

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CITY COUNCIL OF THE CITY OF YONKERS
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COMMUNICATIONS – GENERALLY

NONE

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CITY COUNCIL OF THE CITY OF YONKERS
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COMMITTEE OF THE WHOLE

NO SPEAKERS

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LOCAL LAW NO.12-2023

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

A LOCAL LAW AMENDING CHAPTER 47 OF THE CODE OF THE CITY OF YONKERS ENTITLED "OUTDOOR SIGNS"

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

Section 1. Chapter 47 of the Code of the City of Yonkers entitled "Outdoor Signs" is hereby amended, in part, by amending subsection I of §47-3 entitled "General provisions" to read as follows:

§47-3. General provisions

I. All applications for permits and licenses pursuant to any provision of this article shall be granted or denied within ~~30~~ 10 days of the filing of a complete application. Decisions upon such applications shall be nondiscretionary, based solely upon compliance with the explicit terms of this article and other applicable law. Appeals of denials of applications by the Commissioner, or of any other change to the permit other than the fee, may be filed within 10 days of denial or change with the Commissioner of Planning and Development, who shall make a decision on such appeals within 10 days of the filing of a complete appeal.

Section 2. This Local Law shall take effect pursuant to requirements of law upon filing with the Secretary of State.

THIS LOCAL LAW WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JUNE 13, 2023. BY A VOTE OF 6-0. COUNCIL PRESIDENT COLLINS-BELLAMY WAS ABSENT.

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GENERAL ORDINANCE NO.13-2023

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

A GENERAL ORDINANCE IN RELATION TO ESTABLISHING A TEMPORARY MORATORIUM ON THE ISSUANCE OF LICENSES FOR BUSINESSES SELLING TOBACCO AND RELATED PRODUCTS IN THE CITY OF YONKERS PENDING APPROPRIATE REVIEW

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

Section 1. Statement of legislative purpose and finding. The City Council of the City of Yonkers hereby states its concerns regarding the problem of the proliferation of “smoke shops” and convenience stores selling tobacco and related products in the City of Yonkers. In particular, the Administration has advised that many smoke shops and other cigarette retail dealers (as defined in section 31-152 of the Code) are selling cannabis products in contravention of New York State law. However, the City is currently preempted from legislating the sale of cannabis. The sale of illegal cannabis is a health and safety concern for consumers. Products have reportedly been labeled in such a way as to make them appealing to children. Furthermore, there are reports of products which have been laced with other chemicals or otherwise not subject to any safety measures. While New York State, who has reserved for itself the bulk of police powers regarding the sale of illegal cannabis, is aware of these issues they have been slow to respond to the issue. It is our understanding that they are in the process of working on enforcement measures to meet the proliferation of the illegal sale of cannabis products. The City Council hereby finds that current unrestricted growth of such businesses present a health concern for the community and wants to explore what avenues it can take and also see what measures the State takes in the coming months, including enforcement of its current license requirements.

Therefore, pursuant to its police power, the City Council hereby enacts a temporary limited moratorium on the issuance of “Cigarette Dealer Licenses” pursuant to section 31-153 of the Code. It is the City Council’s intention, that pending governmental review, the moratorium be expeditiously superseded by a long-term policy by both the City and State and founded appropriate police power concerns, to be reflected in appropriate legislation.

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GENERAL ORDINANCE NO.13-2023(CONTINUED)

Section 2. Notwithstanding any other ordinance, law or resolution, no person shall be issued a new license under section 31-153. This moratorium shall not impact current license holders.

Section 3. The provisions of this ordinance shall be severable and if any phrase, clause, paragraph, subsection or section of this ordinance or the applicability thereof to any person or circumstances, shall be held invalid, the remainder of this ordinance and the application thereof shall not be affected thereby.

Section 4. This ordinance shall take effect upon publication of notice pursuant to Section C4-6 of the Charter of the City of Yonkers, and shall expire and have no further force or effect on or after November 1, 2023.

THIS GENERAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JUNE 13, 2023. BY A VOTE OF 6-0. COUNCIL PRESIDENT COLLINS-BELLAMY WAS ABSENT.

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SPECIAL ORDINANCE NO.26-2023

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

A SPECIAL ORDINANCE AUTHORIZING AN ENCROACHMENT IN THE RIGHT-OF-WAY ON PIER STREET, SUBJECT TO CERTAIN TERMS AND CONDITIONS.

The City of Yonkers, in City Council convened, hereby ordained and enacts:

Section 1. Permission is hereby granted to 70 PIER, LLC, as owner of 70 Pier Street, Yonkers, New York 10705, also known as Section 1, Block 146, Lots 1.4 and 5, on the Official City Tax Map (the "owner"), to maintain an encroachment consisting of a vehicle driveway ramp and walls upon the City right-of-way located on Pier Street, in accordance with and as shown on a survey, to be approved by the City Engineer;

Section 2. This permission to encroach is granted subject to the following terms and conditions, to wit:

- (a) That the entire cost and expense of obtaining and thereafter maintaining the encroachment on Pier Street shall be paid by the owner, its successors and/or assigns without expense to or contribution by the City of Yonkers;
- (b) That neither the approval of the above-referred survey by the appropriate city official, nor the placement of any improvements by the owner of Pier Street upon said encroachment shall be deemed a waiver, or in any way affect the right, of the City of Yonkers to provide for construction or otherwise improve its right-of-way; provided further that the City of Yonkers reserves the right to assess the property benefited in like manner and in like effect as if approval had not been given by the City of Yonkers. That the granting of this permission shall in no way free or release said owner or any successors or assigns from the payment of any assessment hereafter imposed;
- (c) That no permanent improvements other than those authorized herein shall be allowed on, above or under the encroachment area;

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SPECIAL ORDINANCE NO.26-2023 (CONTINUED)

(d) That the permitted encroachment will consist of a proposed driveway along the northwesterly property line over two city sewers and two walls along the easterly and westerly sides of the proposed driveway which are required for pedestrian safety purposes. In the event of required repair or maintenance of the city sewer line(s) within the encroachment area, the owner shall be responsible for any driveway, hardscape or landscape restoration other than city backfilling soil to subgrade;

(e) That the encroachment is a condition of site plan approval granted by the Yonkers Planning Board to owner on March 8, 2023;

(f) That the owner, its successors and/or assigns, shall secure all necessary permits and consents and shall secure and maintain a property damage and public liability insurance policy naming the City of Yonkers as insured, or as an additional named insured in the amount (\$1,000,000 minimum) and form satisfactory to the City Engineer and the Corporation Counsel of the City of Yonkers and provide the City of Yonkers with evidence thereof within thirty (30) days of approval of this permission to encroach. Thereafter, Owner shall be responsible to provide, each January, a valid certificate of insurance confirming the coverages listed above to the Department of Engineering with a copy to the Corporation Counsel;

(g) The City of Yonkers reserves the right to revoke or terminate this permission to encroach for any default of terms or conditions or for any other reason, upon thirty (30) days written notice to the owners, whenever it may deem such revocation necessary; Upon revocation or termination of this permission, the owner, its successors and/or assigns shall immediately remove any improvement placed within said encroachment at the express direction of the City of Yonkers, at the owner's cost and expense;

(h) That the owner, its successors and/or assigns shall, for whatever period this permission remains in effect, save harmless and indemnify the City of Yonkers for any and all claims, actions, suits, judgments, demands, losses, damages, causes of action, including personal injury and/or death, including all costs related to the defense thereof;

(i) That the City of Yonkers or its authorized representatives shall be permitted entry upon the area of encroachment at any time and for any reason;

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SPECIAL ORDINANCE NO.26-2023 (CONTINUED)

- (j) That the owner shall remit a one-time administrative fee of \$1,100.00 payable to City of Yonkers.

Section 3. This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JUNE 13, 2023. BY A VOTE OF 6-0. COUNCIL PRESIDENT COLLINS-BELLAMY WAS ABSENT.

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SPECIAL ORDINANCE NO.27-2023

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

A SPECIAL ORDINANCE AUTHORIZING AN ENCROACHMENT IN THE RIGHT-OF-WAY ON SOUTH BROADWAY, SUBJECT TO CERTAIN TERMS AND CONDITIONS.

The City of Yonkers, in City Council convened, hereby ordained and enacts:

Section 1. Permission is hereby granted to Saint Joseph's Medical Center ("SJMC"), as owner of 81 South Broadway, Yonkers, New York 10701, also known as Section 1, Block 495, Lot 125, on the Official City Tax Map (the "owner"), to maintain an encroachment upon the City right-of-way located on South Broadway, in accordance with and as shown on a survey, to be approved by the City Engineer;

Section 2. This permission to encroach is granted subject to the following terms and conditions, to wit:

- (a) That the entire cost and expense of obtaining and thereafter maintaining the encroachment on Nepperhan Avenue shall be paid by SJMC, its successors and/or assigns without expense to or contribution by the City of Yonkers;
- (b) That neither the approval of the above-referred survey by the appropriate city official, nor the placement of any improvements by SJMC upon said encroachment shall be deemed a waiver, or in any way affect the right, of the City of Yonkers to provide for construction or otherwise improve its right-of-way; provided further that the City of Yonkers reserves the right to assess the property benefited in like manner and in like effect as if approval had not been given by the City of Yonkers. That the granting of this permission shall in no way free or release SJMC or any successors or assigns from the payment of any assessment hereafter imposed;
- (c) That no permanent improvements other than those authorized herein shall be allowed on, above or under the encroachment area;
- (d) That the permitted encroachment up to a maximum of 16" (+/-) will consist of a portion of the facade extending from SJMC's building onto South Broadway;

ANNOTATED AGENDA
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SPECIAL ORDINANCE NO.27-2023 (CONTINUED)

(e) That SJMC, its successors and/or assigns, shall secure all necessary permits and consents and shall secure and maintain a property damage and public liability insurance policy naming the City of Yonkers as insured, or as an additional named insured in the amount (\$1,000,000 minimum) and form satisfactory to the City Engineer and the Corporation Counsel of the City of Yonkers and provide the City of Yonkers with evidence thereof within thirty (30) days of approval of this permission to encroach. Thereafter, SJMC shall be responsible to provide, each January, a valid certificate of insurance confirming the coverages listed above to the Department of Engineering with a copy to the Corporation Counsel;

(f) The City of Yonkers reserves the right to revoke or terminate this permission to encroach for any default of terms or conditions or for any other reason, upon thirty (30) days written notice to SJMC, whenever it may deem such revocation necessary; Upon revocation or termination of this permission, SJMC, its successors and/or assigns shall immediately remove any improvement placed within said encroachment at the express direction of the City of Yonkers, at SJMC's cost and expense;

(g) That SJMC, its successors and/or assigns shall, for whatever period this permission remains in effect, save harmless and indemnify the City of Yonkers for any and all claims, actions, suits, judgments, demands, losses, damages, causes of action, including personal injury and/or death, including all costs related to the defense thereof;

(h) That the City of Yonkers or its authorized representatives shall be permitted entry upon the area of encroachment at any time and for any reason; and

(i) That SJMC shall remit a one-time administrative fee of \$1,100.00 payable to City of Yonkers.

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SPECIAL ORDINANCE NO.27-2023 (CONTINUED)

Section 3. This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JUNE 13, 2023. BY A VOTE OF 6-0. COUNCIL PRESIDENT COLLINS-BELLAMY WAS ABSENT.

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RESOLUTION NO.91-2023

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

RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF YONKERS AND THE YONKERS UNIFORMED FIRE OFFICERS ASSOCIATION

WHEREAS, the City of Yonkers and the Yonkers Uniformed Fire Officers Association (“UFOA”) have agreed to a successor collective bargaining agreement for the period July 1, 2019 through June 30, 2024; and

NOW, THEREFORE, BE IT RESOLVED that the successor collective bargaining agreement between the City of Yonkers and the UFOA for the period July 1, 2019 through and including June 30, 2024, as stated in the attached Memorandum of Agreement, is hereby approved; and

BE IT FURTHER RESOLVED, that the above constitutes a “Type II” action under the State Environmental Quality Review Act (“SEQRA”), and its implementing regulations, 6 NYCRR Part 617, which is an action determined not to have a significant effect on the environment and therefore does not require further environment review.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JUNE 13, 2023. BY A VOTE OF 6-0. COUNCIL PRESIDENT COLLINS-BELLAMY WAS ABSENT.

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RESOLUTION NO.92-2023

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

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

That the settlement by the Corporation Counsel in the amount of NINE HUNDRED FIFTY THOUSAND DOLLARS and 00/100 (\$950,000.00) in the matter entitled "LIZA COSME, Plaintiff v. ANTHONY SEVERO and THE CITY OF YONKERS, Defendants," for personal injuries arising out of an alleged incident on December 3, 2019 where the plaintiff, while driving on Nepperhan Avenue, was struck by a City vehicle driven by Anthony Severo, be and the same hereby is approved, and the Comptroller of The City of Yonkers is directed to draw his warrant in the amount of FOUR HUNDRED SEVENTY-FIVE THOUSAND DOLLARS and 00/100 (\$475,000.00) in favor of LIZA COSME and WILLIAM SCHWITZER & ASSOCIATES, P.C., as attorneys, and on or before August 1, 2024 to draw his warrant in the additional amount of FOUR HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$475,000) in favor of LIZA COSME and WILLIAM SCHWITZER & ASSOCIATES, P.C., as attorneys.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JUNE 13, 2023. BY A VOTE OF 6-0. COUNCIL PRESIDENT COLLINS-BELLAMY WAS ABSENT.

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RESOLUTION NO.93-2023

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

RESOLUTION OF THE CITY COUNCIL TO ACCEPT THE RECOMMENDATION OF THE LANDMARKS PRESERVATION BOARD TO DESIGNATE THE AREA COMMONLY KNOWN AS THE WHEELER BLOCK HISTORIC DISTRICT AS AN HISTORIC DISTRICT PURSUANT TO CHAPTER 45 OF THE CODE OF THE CITY OF YONKERS

WHEREAS, an application pursuant to Chapter 45 of the City Code of the City of Yonkers (the “Yonkers City Code”) regarding Historic and Landmarks Preservation has been submitted to the Landmarks Preservation Board of the City of Yonkers, to designate the area commonly known as the “Wheeler Block Historic District” and located at Section 2, Block 2003, Lots 20, 22, 25 and 27 on the property known as 15-23 North Broadway (The Wheeler Block Building) and 25-29 North Broadway (The McCann Building), Yonkers, New York as an historic district under the Yonkers City Code; and

WHEREAS, Chapter 45 of the Yonkers City Code provides, in part, that the City Council of the City of Yonkers finds and declares it desirable to take measures to provide for the designation of historic districts and landmarks, to serve the public purpose of promoting the economic benefit, cultural and educational advantage and general welfare of the City of Yonkers; and

WHEREAS, in furtherance of the foregoing, the Yonkers City Code provides for the formation of a Landmarks Preservation Board, and for procedures by which an application for landmark status may be submitted to the Landmarks Preservation Board for its review and consideration and possible recommendation of such designation to the City Council; and,

WHEREAS, the procedures by which the Landmarks Preservation Board shall review a recommendation for designation as an historic district include a referral to Planning Board for its advisory recommendation, receipt of a Planning Board advisory recommendation, the publication of notice of a public hearing with the name of owner of record and address of property under consideration and delivery of a notice of public hearing and proposal to the said owner by registered mail, return receipt requested (the “Notice Requirements”), the holding of a public hearing, and based on information received, the issuance of a report of its findings which may recommend to the City Council a designation as an historic district, to be filed with the City Council (hereinafter, a “Review Process”); and

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RESOLUTION NO.93-2023 (CONTINUED)

WHEREAS, to be deemed an historic district, the subject property must possess one or more of the characteristics of an historic district as listed in section 45-2 of the Yonkers City Code, including its (i) having special character and special historic value, (ii) representing one or more periods or styles of art or architecture typical of one or more past eras, and (iii) geographically combining such factors in a distinct and identifiable portion of the city so as to constitute a discernible entity; and

WHEREAS, in consideration of the foregoing application for the Wheeler Block Historic District to be designated as an historic district, the Landmarks Preservation Board has undertaken and completed the Review Process (including, without limitation, referral to the Planning board on November 3, 2022, of the application for its advisory recommendation, receipt from the Planning Board on November 9, 2022, of its recommendation for the designation of an historic district, and a public hearing having been held on December 7, 2022, following satisfaction of the Notice Requirements), and it found that the Wheeler Block Historic District possess the above-described characteristics, more specifically, (1) that it has special character and special historic value with the Wheeler Block Building and the McCann Building each being constructed during 1896 and both being associated with very prominent Yonkers families; (2) that it represents one or more periods or styles of art or architecture typical of one or more past eras given the Wheeler Block Building's and McCann Building's construction during 1896 as a four-story, masonry edifices with classical hierarchies expressed across late 19th-Century mercantile scale and openings; and (3) that the Wheeler Block Historic District geographically combines the foregoing described factors in a distinct and identifiable portion of the City so as to constitute a discernible entity given its joining of Romanesque Revival architecture with the spirit of the Industrial Revolution of the late 1800s, thereby demonstrating that Commerce and Industry were thriving in Yonkers and venerated in these new temples to American capitalism which reflect the marrying of classical design with the investment of significant financial resources to utilize then newly available, quality materials transformed by the expertise of an influx of an inexpensive, but highly skilled, immigrant labor force; and

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RESOLUTION NO.93-2023 (CONTINUED)

WHEREAS, at its meeting of January 4, 2023, the Landmarks Preservation Board therefore voted unanimously to recommend designating the Wheeler Block Historic District as an historic district under the Yonkers City Code, finding that it meets the criteria for preservation as an historic district as set forth in Chapter 45 thereof regarding Landmarks and Historic Preservation, and the Landmarks Preservation Board then forwarded its favorable resolution and report to the City Council for consideration and a final decision; and

WHEREAS, section 45-5(J) of the Yonkers City Code provides that if the Landmarks Preservation Board recommends designation of a proposed historic district, then the City Council shall review said recommendation and may accept the recommendation as an historic district.

NOW, THEREFORE, BE IT RESOLVED, that City Council of the City of Yonkers hereby accepts the recommendation of the Landmarks Preservation Board and does hereby designate the Wheeler Block Historic District at Section 2, Block 2003, Lots 20, 22, 25 and 27 on the property known as 15-23 North Broadway (The Wheeler Block Building) and 25-29 North Broadway (The McCann Building), Yonkers, New York as an historic district pursuant to Chapter 45 of the Code of the City of Yonkers; and it be further

RESOLVED, that the above constitutes a "Type II" action under the State Environmental Quality Review Act ("SEQRA"), and its implementing regulations, 6 NYCRR Part 617, which is an action determined not to have significant effect on the environment and therefore does not require further environmental review; and it be further

RESOLVED, that the resolution will take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JUNE 13, 2023. BY A VOTE OF 6-0. COUNCIL PRESIDENT COLLINS-BELLAMY WAS ABSENT.

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RESOLUTION NO.94-2023

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

BE IT RESOLVED, that the following applicant(s) are hereby appointed and/or reappointed to the office of Commissioner of Deeds for a period of two years to expire June 30, 2025.

Rabindranauth Ikram
139 Hayward Street
Yokers, New York 10704

Bookkeeper NEW

Vanessa Rios
1500 Noble Avneue
Bronx, New York 10460

Administrative Assistant NEW

Tatyana Elizabeth Allison
12 Frank Davis Court
New Rochelle, New York 10801

Paralegal NEW

Sara M. Donovan
538 Riverdale Avenue
Yonkers, New York 10705

Attorney RENEWAL

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
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TUESDAY, JUNE 13, 2023

RESOLUTION NO.94-2023

Sarah Sayegh
840 Bronx River Road
Yonkers, New York 10708

Grants Director

NEW

THIS RESOLUTION WAS ADOPTED AS AMENDED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JUNE 13, 2023. BY A VOTE OF 6-0. COUNCIL PRESIDENT COLLINS-BELLAMY WAS ABSENT.

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STATED MEETING
TUESDAY, JUNE 13, 2023

RESOLUTION NO.95-2023

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

A RESOLUTION DECLARING THE YONKERS CITY COUNCIL'S DESIRE TO SERVE AS LEAD AGENCY AND TO REFER THE CITY AND COUNTY PLANNING BOARDS AND ALL OTHER INVOLVED AGENCIES A PROPOSED AMENDMENT OF CHAPTER 43 OF THE CODE OF THE CITY OF YONKERS, KNOWN AS THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF YONKERS TO RECLASSIFY AND REZONE THE PROPERTY LOCATED AT 900 NORTH BROADWAY ON THE TAX MAP AS BLOCK 3415, LOT 23, SECTION 3, FROM ITS PRESENT PEP DISTRICT DESIGNATION TO THE MG DISTRICT

WHEREAS, on May 24, 2023, a petition was filed in the Office of the Yonkers City Clerk by Sana Sayegh ("Applicant"), seeking an amendment to the City of Yonkers Zoning Code, to reclassify and rezone 900 North Broadway, designated on the City's tax map as Block 3415, Lot 23, Section 3, from its present Planned Executive Park ("PEP") District to the MG District ("900 North Broadway");

WHEREAS, the 900 North Broadway consists of 46,453 square feet of vacant land;

WHEREAS, 900 North Broadway is bordered to its north by an office building located at 944 Broadway; by 206 Odell Terrace to its east; the Gateway Apartments to its south; and by North Broadway and the Untermeyer Gardens Conservancy on its west side;

WHEREAS, the proposed amendment to the Zoning Ordinance would extend in a northerly direction the MG District to thereby allow the Applicant to develop a four-story senior citizen residential apartment complex;

WHEREAS, crucially, the proposed amendment to the Zoning Ordinance would thus expand the City's capacity to provide much needed quality and affordable housing for seniors;

WHEREAS, the City Council desires to establish itself as Lead Agency in accordance with the provisions of 6 NYCRR Part 617 of the New York State Environmental Quality Review Act ("SEQRA"), in order to initiate a review process for the proposed amendment of the Zoning Ordinance and Zoning Map of the City of Yonkers;

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RESOLUTION NO.95-2023 (CONTINUED)

NOW, THEREFORE, BE IT RESOLVED, that the City of Yonkers City Council hereby declares its intention to serve as Lead Agency for the environmental review of the proposed amendment of the Zoning Ordinance and Zoning Map of the City of Yonkers; and

BE IT FURTHER RESOLVED, that the City Clerk is directed to circulate Lead Agency notice, together with all other relevant environmental review documents, to all Involved and Interested Agencies and to allow thirty (30) days from the mailing of the Lead Agency Notice for Agency review of the City Council's Lead Agency designation;

BE IT FURTHER RESOLVED, that if no other Involved Agency seeks to be Lead Agency within thirty (30) days from the effective date of said Notice, the City Council shall assume Lead Agency status for purposes of the environmental review of this matter;

BE IT FURTHER RESOLVED, that said petition be referred for review and report to the City and County Planning Boards; and

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

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JUNE 13, 2023. BY A VOTE OF 6-0. COUNCIL PRESIDENT COLLINS-BELLAMY WAS ABSENT.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 13, 2023

RESOLUTION NO.96-2023

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

RESOLUTION OF THE CITY COUNCIL: 1) AUTHORIZING AND DIRECTING THE REFERRAL OF THE PETITION OF TITAN REAL ESTATE DEVELOPMENT LLC TO THE PLANNING BOARD FOR REVIEW AND RECOMMENDATION AS REQUIRED BY SECTION 43-164(A) OF THE ZONING ORDINANCE OF THE CITY OF YONKERS; AND 2) SCHEDULING A PUBLIC HEARING ON: (A) AMENDMENTS TO THE ASHBURTON AVENUE MASTER PLAN OF THE CITY OF YONKERS; AND (B) AMENDMENTS TO THE ASHBURTON AVENUE URBAN RENEWAL PLAN.

WHEREAS, on May 10, 2023, Titan Real Estate Development LLC (the “Petitioner”) filed a Petition with the City Council seeking: (i), amendments to the Ashburton Avenue Master Plan of the City of Yonkers (the “Master Plan”); (ii) amendment to the Official Map of the City of Yonkers (the “Official Map”) to discontinue an unimproved private right-of-way designated as “Cavalli Circle”; (iii) approval of amendments to the Ashburton Avenue Urban Renewal Plan (the “URP”); and (iv) approval of the disposition by the City of Yonkers (the “City”) to Petitioner of an approximately 3.88 acre portion of the property located at 50 St. Joseph Avenue, 56 St. Joseph Avenue, 1 Cavalli Circle, 7 Cavalli Circle, 36 St. Joseph Avenue, 6 Cavalli Circle, 55 Vineyard Avenue, and 10 Cavalli Circle, Yonkers, which property is also designated on the tax assessment map of the City as Block 2081, Lots 1, 2, 3 and 4 and Block 2082, Lots 1, 2, 3 and 4, respectively (collectively, the “(the “Project Site”) to facilitate the development of a six (6) story, mixed-use commercial and residential development containing approximately 451,631 gross square feet, including 340 studio and one-bedroom dwelling units, residential amenity space, approximately 20,000 square feet of commercial space, approximately 420 structured parking spaces to serve all uses in the project, and related infrastructure (the “Project”) on the Project Site; and

WHEREAS, the City Council is required to refer: (i) the proposed amendments to the Master Plan; and (ii) the proposed amendment to the Official Map to discontinue an unimproved private right-of-way designated as “Cavalli Circle” to the Planning Board of the City for its review and recommendation; and

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RESOLUTION NO.96-2023 (CONTINUED)

WHEREAS, City Council is required to conduct a public hearing on: (i) the proposed amendments to the Master Plan; (ii) the proposed amendment to the Official Map to discontinue an unimproved private right-of-way designated as "Cavalli Circle"; and (iii) the amendments to the URP;

NOW THEREFORE BE IT RESOLVED, that the City Council hereby refers (i) the proposed amendments to the Master Plan; and (ii) the proposed amendment to the Official Map to discontinue an unimproved private right-of-way designated as "Cavalli Circle" to the Planning Board for its review and recommendation; and

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized and directed to transmit: (i) the proposed amendments to the Master Plan; and (ii) the proposed amendment to the Official Map to discontinue an unimproved private right-of-way designated as "Cavalli Circle" to the Planning Board; and

BE IT FURTHER RESOLVED, that the City Council that the City Council hereby schedules a public hearing to be held on held on June [28], 2023, at the City Council Chamber, located at 40 South Broadway, Yonkers, New York, at 7:00 p.m. or as soon as possible thereafter, to consider: (i) a Resolution of the City Council Approving Amendments to the Ashburton Avenue Urban Renewal Plan and Ashburton Avenue Master Plan affecting the real property known as 50 St. Joseph Avenue, 56 St. Joseph Avenue, 1 Cavalli Circle, 7 Cavalli Circle, 36 St. Joseph Avenue, 6 Cavalli Circle, 55 Vineyard Avenue, and 10 Cavalli Circle, Yonkers, which property is also designated on the tax assessment map of the City as Block 2081, Lots 1, 2, 3 and 4 and Block 2082, Lots 1, 2, 3 and 4, respectively; and (ii) a Special Ordinance Discontinuing Cavalli Circle as a Public Street pursuant to Section 29 of General City Law; and

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to publish notice of the Public Hearing as required by law; and

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

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JUNE 13, 2023. BY A VOTE OF 6-0. COUNCIL PRESIDENT COLLINS-BELLAMY WAS ABSENT.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 13, 2023

COMMITTEE REPORTS

THIS MEETING WAS ADJOURNED AT 7:38PM