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CITY OF YONKERS

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Minutes of
The City of Yonkers Zoning Board
September 20, 2023 - 6:00 p.m.

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B E F O R E:

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

P R E S E N T:

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

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#5752 50 Vineyard Ave 19

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#5799 165 North Broadway Ave 25

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#5826 1270 Saw Mill River Road 25

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#5699 76 Point St 26

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#5810 143-151 Woodworth Ave 5

24

25

1 ACTING CHAIRMAN: Everyone can please
2 take your seats. We would like to start the
3 session.

4 Okay. So the time is 6:30, September 20,
5 2023. This is the September Zoning Board
6 hearing. My name is Anthony Gjelaj, I'll be the
7 Acting Chairman. Would the Board Members please
8 introduce themselves starting with Jean.

9 MS. TICKELL: Jean Tickell, member.

10 MR. VASSO: Al Vasso, member.

11 MR. SINGH: Harry Singh.

12 ACTING CHAIRMAN: To my right I have
13 Commissioner Sam Borelli from the Building
14 Department, to my left I have Corporation
15 Counsel Rachael Kravitz.

16 Due to some unprecedented events to some
17 family matters between the Board Members, we
18 will end this hearing at 7:15. I would like to
19 first start, we're not going to hear any new
20 matters, so anyone here for New Matters, I would
21 just like to make a motion to continue all new
22 hearing items for October -- sorry, for October.
23 Okay. I would like to continue all New Hearings
24 for case numbers 5830 through 5837 to the
25 meeting on October 18, 2023. So I would invite

1 everyone -- is there a second on motion?

2 MS. TICKELL: I will second.

3 ACTING CHAIRMAN: So, we'll start the
4 voting. Jean, please.

5 MS. TICKELL: For the motion.

6 MR. VASSO: For the motion.

7 MR. SINGH: For the motion.

8 ACTING CHAIRMAN: I'm for the motion.

9 The motion passes 4-0, 3 absent.

10 Next, we will continue with Case 5810. I
11 know many of you were probably here for that.
12 We will push that to next month's meeting after
13 two scoping sessions. Apologize. One working
14 session, one scoping session. Those will be
15 held at the Yonkers Riverfront Library from
16 6 p.m. to 8 p.m. That will be held from 6 p.m.
17 to 8 p.m. on September 27, 2023 and October 16,
18 2023. Is anyone here for that hearing?

19 Just for the record, the working session
20 is a hearing between the consultant and the
21 Zoning Board. It's kind of just a teaching
22 lesson for the Zoning Board Members. The public
23 is invited to join that meeting, but they're not
24 invited to participate. Participation will be
25 on the October 16, 2023 public session. I'm

1 sorry, the scoping session. Where the public
2 will be invited to add comments to that meeting.

3 Next we'll continue with decisions.

4 I have a decision on Case Number 5825.

5 Would anyone from Case 5825 please step forward.

6 AUDIENCE MEMBER: What's the address?

7 ACTING CHAIRMAN: That's 1 Greystone
8 Terrace.

9 MR. VENERUSO: Good evening, Mr. I
10 Chairman, Members of the Board, and staff,
11 Stephen Veneruso on behalf of the applicant
12 Veneruso, Curto, Schwartz and Curto, 35 East
13 Grassy Sprain Road, Yonkers, New York.

14 ACTING CHAIRMAN: Thank you,
15 Mr. Veneruso. I have a decision, a resolution,
16 I apologize.

17 Zoning Board Members, I make a motion to
18 approve the requested variance subject to
19 conditions based on facts, findings, information
20 and testimony presented to this Board at the
21 public hearing, site visits by Members of the
22 Zoning Board of Appeals or otherwise obtained.
23 The conditions are as follows:

24 All health, safety, fire, building and
25 environmental codes shall be adhered to by the

1 applicant.

2 All curbs and sidewalks abutting the
3 property that need repairing or replacements
4 must be done by the certificate -- must be done
5 before the certificate of occupancy is issued.

6 If any back real estate taxes and/or
7 fines, if owed, shall be paid in full within 60
8 days of this hearing and proof must be submitted
9 to this Board.

10 These conditions shall be on the
11 certificate of occupancy and the applicant
12 and/or property owner shall permit inspections
13 at the discretion of the City's Department of
14 Housing and Buildings at least once every
15 calendar year to determine the conditions are to
16 being satisfied.

17 There will be fire, carbon monoxide and
18 smoke detectors on the premises hooked up
19 outside 24 hours monitoring system such as ADT
20 before the certificate of occupancy is issued.

21 Should the applicant and/or property
22 owner not comply with, breach, or violate any of
23 those conditions at any time, approval of those
24 variances is hereby rescinded. It authorized
25 the decision of the Department of Housing and

1 Buildings to take appropriate action.

2 All expenses associated with these
3 conditions shall be the sole responsibility of
4 the applicant and/or property owner.

5 Stephen, do you have any comments?

6 MR. VENERUSO: Yes, Mr. Chairman, we are
7 okay with those conditions, with the exception
8 of the one, I would ask the Board to reconsider.
9 The condition regarding the 24-hour monitoring
10 service. This property is -- the variance at
11 the issue here is a fence that sits on top of a
12 retaining wall. I know during my presentation I
13 made it clear this was a mix-up with the
14 builder. If that fence was six inches on either
15 side of that retaining wall, we wouldn't have
16 had to go to Zoning Board. The variance is in
17 connection with that wall nothing interior. And
18 I would therefore on behalf of the applicant
19 request that, that condition be removed. We're
20 happy to comply with all other conditions as
21 stated by the Chairman.

22 ACTING CHAIRMAN: Do I have a second on
23 the motion?

24 MR. SINGH: Second.

25 ACTING CHAIRMAN: Before we have a second

1 on the motion, I apologize, would anyone like to
2 add comments about the removal that Mr. Veneruso
3 just spoke about?

4 MS. TICKELL: No.

5 MR. VASSO: Okay. No comment.

6 ACTING CHAIRMAN: Okay. In my opinion I
7 would I believe that it is wise that the Board
8 remove that condition. Therefore I would like
9 to continue with the motion removing that
10 condition. Do I have a second on the motion?
11 Jean, second. Thank you. Jean.

12 MS. TICKELL: In favor for the motion.

13 ACTING CHAIRMAN: Al.

14 MR. VASSO: For the motion.

15 ACTING CHAIRMAN: Harry.

16 MR. SINGH: For the motion.

17 ACTING CHAIRMAN: I'm as also for the
18 motion. Motion passes 4-0, 3 absent.

19 Thank you, Mr. Veneruso.

20 MR. VENERUSO: Thank you, Mr. Chairman.

21 ACTING CHAIRMAN: Okay. The next case
22 we're going to have a decision on is Case 5824.
23 That is 167 Saw Mill River Road.

24 MR. SCIARRETTA: Good evening, Lino
25 Sciarretta. Part of the Law Firm Bleakley,

1 Platt and Schmidt on behalf of the applicant.
2 We presented to your Board many times. Unless
3 there are any questions, we did receive the
4 approval resolution this evening. We are,
5 totally acceptable to the applicant, unless
6 there are any questions from the Board.
7 Hopefully we get a vote this evening on the
8 Decision.

9 ACTING CHAIRMAN: Yes. I just have to
10 make a motion to adopt negative declaration,
11 I'll do that now.

12 I make a motion to the Board Members
13 based upon its review of the completed
14 Environmental Assessment Form and the supporting
15 plans and materials, adopts a negative
16 declaration for the proposal on this action.

17 Do I have a second on the motion? Harry,
18 second. Jean.

19 MS. TICKELL: For the motion.

20 ACTING CHAIRMAN: Al.

21 MR. VASSO: For the motion.

22 ACTING CHAIRMAN: Harry.

23 MR. SINGH: For the motion.

24 ACTING CHAIRMAN: I am for the motion,
25 the motion passes 4-0. And then I will read the

1 decision.

2 Board Members, I make a motion to approve
3 the requested variances based on facts,
4 findings, information, and testimony presented
5 to this Board at the public hearings, site
6 visits by Members of the Zoning Board of Appeals
7 or otherwise obtained. In approving these
8 variances the Zoning Board of Appeals has taken
9 into consideration the hardship placed by the
10 applicant has weighed by the detriment to the
11 health, safety and welfare to the people in the
12 community. Specifically making this
13 determination the Board has considered the
14 following. In respect for time, I will skip
15 that part and go right over to the conditions --

16 MR. SCIARRETTA: Thank you.

17 ACTING CHAIRMAN: -- are as follows:

18 The Board will require New York State
19 permits must be obtained by the applicant, Saw
20 Mill River Road is a state route.

21 We encourage the applicant to include as
22 much as green and sustainable building
23 technology as possible in the proposed
24 development.

25 All fire, health, environmental, safety,

1 building and zoning codes shall be adhered to at
2 all times.

3 Any taxes or fines, if owed, shall be
4 paid within 60 days from today's date.

5 This approval shall immediately be
6 rescinded should the owner violate any of these
7 conditions.

8 And all expenses associated with these
9 conditions shall be the responsibility of the
10 owner.

11 Do I have a second on the motion?

12 MS. TICKELL: Motion.

13 ACTING CHAIRMAN: Jean, thank you. Jean.

14 MS. TICKELL: For the motion.

15 ACTING CHAIRMAN: Al.

16 MR. VASSO: For the motion.

17 ACTING CHAIRMAN: Harry.

18 MR. SINGH: For the motion.

19 ACTING CHAIRMAN: I'm for the motion.

20 The motion passes 4-0, 3 absent. Thank you.

21 MR. SCIARRETTA: Thank you very much.

22 Have a good evening.

23 ACTING CHAIRMAN: You too.

24 Next item on the agenda is Case 5812,

25 that's for 61 Sherwood Avenue.

1 Is there anyone on behalf of this case?

2 Board members, I make a motion to deny
3 the requested variance based on facts, findings,
4 information and testimony presented to this
5 Board at the public hearing, site visits by the
6 Members of the Zoning Board of Appeals or
7 otherwise obtained. In denying the variance,
8 the Zoning Board of Appeals has taken into
9 consideration the hardship faced by the
10 applicant as weighed against the detriment of
11 the health, safety, welfare of the neighborhood
12 and the community. Specifically in making its
13 determination the Board must consider the
14 following. Again, with respect to time, we will
15 skip that part and go straight to the
16 conditions. No. Apologize. There are no
17 conditions. So, do I have a second? Jean,
18 thank you.

19 MS. TICKELL: For the motion.

20 ACTING CHAIRMAN: Al.

21 MR. VASSO: For the motion.

22 ACTING CHAIRMAN: Harry.

23 MR. SINGH: For the motion.

24 ACTING CHAIRMAN: I am for the motion.

25 The motion passes 4-0, 3 absent. Thank you.

1 Okay. The next Case we have is 5821,
2 that is 664 Saw Mill River Road. Is there
3 anyone here to speak on that?

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

6 MR. POST: Warren Post, 63 Orange Ave,
7 Walden, New York. I'm here on behalf of the
8 AIS, LLC at 664 Saw Mill River Road.

9 ACTING CHAIRMAN: Thank you. So, what
10 we're waiting on for this is we're missing a
11 short form EAF as requested at the last hearing
12 in July.

13 MR. POST: That was emailed back in July.

14 ACTING CHAIRMAN: I personally couldn't
15 find it. And Rachael just told me that she
16 couldn't find it. Were any of the Board Members
17 able to find it?

18 Would you mind please sending it again.

19 MR. POST: Yeah, I can resend it.

20 ACTING CHAIRMAN: Okay. We won't be able
21 to do the vote on the Decision tonight until you
22 send that over. That concludes that so thank
23 you. So, to give you further explanation, we're
24 not able to make a negative declaration without
25 a short form EAF. So we will not be able to

1 vote on the motion. So, therefore it will head
2 over to the next meeting, so.

3 MR. POST: Okay.

4 ACTING CHAIRMAN: Do you have any
5 questions?

6 MR. POST: No, I mean I did, like I said
7 I did send it, I can resend it.

8 ACTING CHAIRMAN: Yeah, please, if you
9 don't mind. Sorry about that.

10 MR. POST: Even if I resend it, it has to
11 go to the next meeting?

12 ACTING CHAIRMAN: Yes, because without
13 the negative declaration we can't move forward
14 with the Decision.

15 MR. POST: Here is the form.

16 MS. KRAVITZ: You can submit it to the
17 DHB to Shannon.

18 MR. POST: Yes, I'm sorry, could you
19 say--

20 MS. KRAVITZ: Resubmit it to the Zoning
21 Board through Shannon so we can all have it for
22 review.

23 MR. POST: Okay. Thank you.

24 ACTING CHAIRMAN: Sorry about that.

25 Next item on the agenda is 5827, 163

1 Crescent Place. Is there anyone here on behalf
2 of that?

3 Jean, could I just bother you for your
4 paper copy. Thank you.

5 Okay. Board members, I would like to
6 make a motion to approve the requested variance
7 based on facts, findings, information and
8 testimony presented to this Board at the public
9 hearings, site visits by Members of the Zoning
10 Board of Appeals or otherwise obtained. The
11 subject is a two-story multi-family house with
12 an in-law apartment on the lower level. The
13 following conditions are imposed:

14 All health, safety, fire, building,
15 environmental codes shall be always, shall be
16 adhered to at all times by the applicant;

17 And all curb and sidewalks abutting the
18 property that needs repairing or replacement as
19 per the City of Yonkers Department of
20 Engineering must be repaired or replaced;

21 If any back real estate taxes and/or
22 fines that were owed, those must be paid within
23 60 days of this hearing and proof must be
24 provided to the Board;

25 These conditions shall be on the

1 certificate of occupancy;

2 And the applicant and/or property owner
3 shall permit inspections at the discretion of
4 the City's Department of Housing and Building at
5 least once every calendar year to determine that
6 the conditions are satisfied.

7 Do I have a second on the motion?

8 MR. VASSO: Second.

9 ACTING CHAIRMAN: Al. Thank you. Jean.

10 MS. TICKELL: For the motion.

11 ACTING CHAIRMAN: Al.

12 MR. VASSO: For the motion.

13 ACTING CHAIRMAN: Harry.

14 MR. SINGH: For the motion.

15 ACTING CHAIRMAN: I'm for the motion.

16 Motion passes 4-0, 3 absent.

17 That concludes tonight's Decisions.

18 We'll move onto Other Business. Is there anyone
19 for case 5499, 10 Warwick Road? Okay. That
20 will be put over to next month's meeting.

21 Is anyone from Case Number 5242, 251
22 Valentine Lane?

23 MR. ROMANO: That's for the extension?

24 ACTING CHAIRMAN: Yes.

25 MR. ROMANO: Andrew Romano, 55 Main

1 Street, Yonkers, New York.

2 ACTING CHAIRMAN: Thank you. I'm going
3 to make a motion to approve the extension
4 request. Do I have a second on the motion?
5 Jean. Thank you. Jean.

6 MS. TICKELL: For the motion.

7 ACTING CHAIRMAN: Al.

8 MR. VASSO: For the motion.

9 ACTING CHAIRMAN: Harry.

10 MR. SINGH: For the motion.

11 ACTING CHAIRMAN: I am for the motion,
12 motion passes 4-0, 3 absent. Thank you,
13 Mr. Romano.

14 MR. ROMANO: Thank you.

15 ACTING CHAIRMAN: Next item on the agenda
16 is Case Number 4552A. That's 101 North
17 Broadway, it's an extension request. I'm going
18 to make a motion to approve that extension
19 request. Do I have a second on the motion?

20 MR. VASSO: Second.

21 ACTING CHAIRMAN: Al, thank you. Jean.

22 MS. TICKELL: For the motion.

23 MR. VASSO: For the motion.

24 MR. SINGH: For the motion.

25 ACTING CHAIRMAN: I'm for the motion, the

1 motion passes to extend that request, 4-0, 3
2 absent.

3 The next item on the agenda is Case
4 number 5752, 50 Vineyard Avenue. Is there
5 anyone here for that?

6 MR. ROMANO: They asked me to show up.

7 ACTING CHAIRMAN: That's fine. Please.

8 MR. ROMANO: I did the original for this.
9 Andrew Romano, 55 Main Street, Yonkers, New
10 York.

11 ACTING CHAIRMAN: Okay. That's an amend
12 approval?

13 MR. ROMANO: It was a approved Zoning a
14 couple of years ago. This is just an extension
15 request.

16 ACTING CHAIRMAN: Okay. Over here it
17 says, amend approval. Not an extension request.

18 MR. ROMANO: Not sure about that. They
19 said an extension. You want to put over to next
20 month, I'll figure it out?

21 ACTING CHAIRMAN: Yeah, we'll put that
22 over to next month. Thank you, Mr. Romano.

23 MR. ROMANO: Okay. You're welcome. Have
24 a good night, all.

25 ACTING CHAIRMAN: You too.

1 The next item on the agenda is Case 5567,
2 that's 18 Trinity Street. Is there anyone here
3 to speak on 18 Trinity?

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

6 MR. LERNER: Lanny Lerner, excuse me,
7 Lanny Lerner, architect, One Wolfs Lane, Pelham,
8 New York.

9 (Court reporter requested spelling.)

10 MR. LERNER: Lanny is L-a-n-n-y. Lerner,
11 L-e-r-n-e-r.

12 MR. MATHAI: Philip Mathai, St. Mary's
13 Catholic Church.

14 (Court reporter requested spelling.)

15 MR. MATHAI: Philip, P-h-i-l-i-p. Last
16 name M-a-t-h-a-i.

17 ACTING CHAIRMAN: Okay. Can you explain
18 to the Board what condition it is that you're
19 seeking to amendment for?

20 MR. LERNER: Yeah, we are seeking waiver
21 of the special conditions for the sprinklers and
22 fire alarm.

23 ACTING CHAIRMAN: And you wish that to be
24 waived?

25 MR. MATHAI: Yes.

1 MR. LERNER: Wish that to be waived
2 because in this case we don't meet the
3 conditions of the code in order to have the
4 requirement for the fire sprinklers. We have
5 fewer than 300 occupants. We have fewer than
6 12,000 square feet both of which are required
7 before we need to have those conditions in
8 place.

9 ACTING CHAIRMAN: And what kind of
10 business is it?

11 MR. MATHAI: Church.

12 MR. LERNER: It's a church gymnasium.
13 It's a one-story building completely not
14 combustible.

15 MR. MATHAI: Plus this is a metal
16 building. I have pictures of building, if
17 anyone wants to see it. It's completely metal
18 and concrete. There's no mold or anything.
19 There's nothing to burn, fire, catch fire on it.
20 So it's completely metal and concrete.

21 ACTING CHAIRMAN: If any of the other
22 Board members have any questions.

23 MR. VASSO: One question. It's a church?

24 MR. MATHAI: It's a church.

25 MR. VASSO: So there's no wood structures

1 inside?

2 MR. MATHAI: No, no, it's concrete.

3 MR. VASSO: Not even pews or any chairs?

4 MR. MATHAI: No, I have pictures of the
5 building. It's completely metal and concrete.

6 ACTING CHAIRMAN: How many ports of exit
7 are there?

8 MR. MATHAI: I'm sorry?

9 ACTING CHAIRMAN: Exit doors?

10 MR. LERNER: The required exits are in
11 place.

12 ACTING CHAIRMAN: I'm asking how many are
13 there?

14 MR. LERNER: Two.

15 MR. MATHAI: Three actually. Three.

16 ACTING CHAIRMAN: All right. I am going
17 to make a motion to approve the, amend the
18 condition, we'll take that condition off. Do I
19 have a -- I make a motion to remove the
20 condition. Do I have a second on the motion?
21 Jean, thank you. Jean.

22 MS. TICKELL: For the motion.

23 ACTING CHAIRMAN: Al.

24 MR. VASSO: For the motion.

25 ACTING CHAIRMAN: Harry.

1 MR. SINGH: For the motion.

2 ACTING CHAIRMAN: Okay. I'm for the
3 motion, the motion passes 4-0.

4 MR. LERNER: Thank you very much.

5 MR. MATHAI: Thank you.

6 ACTING CHAIRMAN: Next item on the agenda
7 is Case 5713, that's 76 Locust Hill Avenue.
8 Please state your name and address.

9 MR. VENERUSO: Good evening,
10 Mr. Chairman, Members of the Board, staff,
11 Stephen Veneruso, 35 East Grassy Sprain Road,
12 Yonkers, New York on behalf of the applicant.

13 Mr. Chairman, in order to speed this up
14 and not take up too much of your time tonight,
15 I'll skip through the project details and
16 procedural history here because I believe the
17 Board is aware of it. It became aware -- it
18 became obvious to the applicant during the
19 construction review process as well as the
20 consultants, they realized that one of the
21 drawing sheets specifically sheet Z100.00
22 contained arithmetical and typographical error
23 with respect to the proposed minimum lot area
24 per apartment. It incorrectly stated that it
25 was proposed 417 square feet. Whereas that

1 should have read 369 square feet. The error was
2 contained on that drawing sheet only. As the
3 balance of the application materials and
4 drawings which were submitted and approved are
5 and were consistent with proposed minimum lot
6 area per apartment being 369. So it was a
7 typographical error that was caught recently.
8 So in order to not have any issues later on when
9 a CO is sought and to further accurately have
10 the record of the Zoning Board be accurate, we
11 proposed this amendment to the approval.

12 ACTING CHAIRMAN: So can you just clarify
13 exactly the amendment that you're seeking.

14 MR. VENERUSO: So, the amendment would
15 state that the -- I'm sorry, it would be per --
16 I'm sorry, strike that. On sheet Z100 of the
17 submitted materials, the correct proposed
18 minimum lot area per apartment should read 369
19 square feet rather than what it says on that
20 sheet of 417.

21 ACTING CHAIRMAN: Okay. Thank you.

22 Do any Board Members have any questions
23 at this time?

24 Okay. I make a motion to, I make a
25 motion to move to accept the amendment to the

1 plan as stated by the applicant. Do I have a
2 second? Jean, Thank you. Jean.

3 MS. TICKELL: For the motion.

4 ACTING CHAIRMAN: Al.

5 MR. VASSO: For the motion.

6 ACTING CHAIRMAN: Harry.

7 MR. SINGH: For the motion.

8 ACTING CHAIRMAN: I'm for the motion, the
9 motion passed 4-0, 3 absent.

10 MR. VENERUSO: Thank you, Mr. Chairman.
11 Have a good evening.

12 ACTING CHAIRMAN: Thank you.

13 Next item we have is Case 5799, 165 North
14 Broadway. Is there anyone here to speak on that
15 case? So we'll put that over for next meeting.
16 That is a correct approval request.

17 Next we got Case 5826, that's 1270 Saw
18 Mill River Road. That's an adjournment request.
19 I'm just going to make a motion to approve that
20 adjournment request. Do I have a second?

21 MR. VASSO: Second.

22 ACTING CHAIRMAN: Al, thank you. Jean.

23 MS. TICKELL: For the motion.

24 ACTING CHAIRMAN: Al.

25 MR. VASSO: For the motion.

1 ACTING CHAIRMAN: Harry.

2 MR. SINGH: For the motion.

3 ACTING CHAIRMAN: I'm for the motion.

4 The motion passes 4-0, 3 absent.

5 Next we have Number 5699, 76 Point
6 Street, there's an extension request. Is there
7 anyone here to speak on that case? Okay. I'm
8 going to make a motion to approve that extension
9 request. Do I have a second? Harry, thank you.
10 Jean.

11 MS. TICKELL: For the motion.

12 ACTING CHAIRMAN: Al.

13 MR. VASSO: For the motion.

14 ACTING CHAIRMAN: Harry.

15 MR. SINGH: For the motion.

16 ACTING CHAIRMAN: Okay. I'm for the
17 motion. The motion passes 4-0, 3 absent.

18 Next case is -- that's it. Okay. I make
19 a motion to close the September Zoning Board of
20 appeals meeting. Do I have a second? Jean,
21 thank you. Al.

22 MR. VASSO: For the motion.

23 ACTING CHAIRMAN: Harry.

24 MR. SINGH: For the motion --

25 MR. NULL: We are here on the agenda,

1 Mr. Chairman.

2 ACTING CHAIRMAN: Yes, are you a New
3 Hearing?

4 MR. NULL: No.

5 ACTING CHAIRMAN: Are you a Continued
6 Hearing?

7 MR. NULL: Correct.

8 ACTING CHAIRMAN: Yes, we only taking
9 Decisions at this time due to a time constraint
10 for the Board Members.

11 MR. NULL: I guess I misunderstood when
12 you said you were only taking New Matters we
13 stayed anticipating Continued Hearings you were
14 going to hear.

15 ACTING CHAIRMAN: I apologize. I should
16 have clarified in the beginning of meeting, but.

17 MR. NULL: Can we, can we briefly tell
18 you what we have since we waited here? Is that
19 possible?

20 ACTING CHAIRMAN: Yes. What case number
21 are you?

22 MR. NULL: I don't know Case Number, this
23 is concerns 2248 Central Avenue, UB Tanglewood,
24 LLC.

25 AUDIENCE MEMBER: 5818.

1 MR. NULL: Matter of 5818, Mr. Chairman.
2 I'm sorry, my name is William Null partner with
3 the firm Cuddy and Feder.

4 (Court reporter requested clarification.)

5 MR. NULL: William Null, N-u-l-l.

6 We have one item that we just want to
7 show you.

8 ACTING CHAIRMAN: Just give us a second.

9 MR. NULL: Sure, thank you. Thank you
10 for the courtesy of being able to --

11 ACTING CHAIRMAN: Yes. One second.

12 MR. NULL: -- present. We'll be brief.
13 But the last session of Zoning Board of Appeals
14 we were talking about concerns that the Traffic
15 Engineer had with regard to the 2,200 square
16 foot satellite restaurant building a drive-in
17 restaurant that's been proposed to be
18 constructed on this property. And we reviewed
19 further our options in how to address concerns
20 about circulation. And are proposing that we
21 reduce that building from 2,200 to 1,600 square
22 feet, which opens up circulation in a manner
23 that we think significantly addresses concerns
24 that were had.

25 As you know the main component of this

1 application is to try to and update the center
2 by adding a satellite drive-in restaurant. And
3 to legalize the parking for the existing center
4 which has been in place for decades. I'm not
5 going to go back to the history here. We laid
6 it out in the letter, and an application, also
7 in presentation. But we would respectfully ask
8 that this Board refer -- plan, we're going to
9 hand out a plan that shows, shows this. So we
10 formally submit that tomorrow, but if we
11 possible we would appreciate you referring that
12 plan to the Traffic Engineer for comment back to
13 the Board.

14 The concern that we had understood by the
15 Traffic Engineer is that the 2,200 square foot
16 footprint potentially constrained traffic
17 circulation in a way in which he thought might
18 be a pinch point on the property as cars queue
19 to go to the drive-in and otherwise circulate in
20 the parking area.

21 I don't know if you want to talk to that.

22 But we understand we only have a short
23 period of time, we're holding you from, from
24 adjourning at this point. But we wanted to
25 bring that up so that you don't have it in your

1 head next meeting that this is the same
2 application. And that we formally are able to
3 get input from the Traffic Engineer in the
4 interim period of time.

5 ACTING CHAIRMAN: Well, thank you for
6 that. First thing's first, I would like to
7 invite you to schedule a site visit with Shannon
8 in the Building Department, invite the Board
9 Members and anyone from the public that would
10 like to come out and see that.

11 Do any of the other Board Members have
12 any questions at this time?

13 MR. VASSO: Yeah. So, the last time you
14 presented this, I know one of the issues was the
15 drop-off or delivery of, you know --

16 MR. NULL: To the loading docks.

17 MR. VASSO: To the loading docks, yes,
18 thank you. Lost my train. So, I see there's
19 one entrance to the loading docks. Again when
20 you have a 18-wheeler and then traffic how is
21 that?

22 MR. NULL: I believe that this is an
23 existing condition for the site.

24 MR. VASSO: Okay.

25 MR. NULL: And, and we, we've addressed

1 the ability, we have the truck radius plans that
2 the template has been put on to the plans to
3 show how it works. So, we can walk through that
4 now if you'd like.

5 You want to do that? Rob, you want to
6 address that? Thank you.

7 MR. AIELLO: Hi, good evening. Rob
8 Aiello with JMC engineers for the applicant.

9 So with regard to the loading at the
10 site, the northern loading area is the main
11 loading area. Is the main recess loading area
12 that's the side that faces Crisfield.

13 MR. NULL: Right.

14 MR. AIELLO: So we did provide turning
15 movements for the WB-50 trucks.

16 MR. NULL: Correct.

17 MR. AIELLO: Which are semi trucks.
18 Coming in and out of Crisfield being able to
19 traverse into either side, the main loading area
20 on the north side with Crisfield or on the south
21 side which can also receive deliveries but it's
22 not a formal loading dock. So, we have
23 identified on the plan, you know, how those
24 trucks can make those maneuvers. It would
25 actually, in our submission that we made on June

1 27th, we did make some modifications on that
2 northern parking area. Which we can, you know,
3 detail further in our formal submission. And
4 that is able to accommodate the truck maneuvers
5 so that WB-50 truck.

6 Yeah, on the south side there was also
7 discussion about assigning the lower parking lot
8 where the truck will need to go into some of the
9 parking spaces as employee parking spaces. And
10 that's been modified and addressed on the plan.

11 MR. NULL: The other point to note is
12 that by reducing the square footage of the
13 restaurant building from 2,200 to 1,600, we've
14 reduced by, was it two -- how many parking
15 spaces total?

16 MR. AIELLO: Three.

17 MR. NULL: Three parking spaces the total
18 number of parking spaces needed. And that
19 reduces the variance by that number of spaces as
20 well. It doesn't change the layout
21 configuration as far as number of parking
22 spaces. It does open up the drive aisles as I
23 said because of the change in the width and
24 length of the building.

25 MS. TICKELL: Do you know what's going in

1 there? I know you thought it was Dunkin Donuts
2 but it wasn't 100 percent.

3 MR. NULL: We don't have a definitive
4 tenant. By reducing the building to 1,600
5 square feet, we really have narrowed what sort
6 of tenant would go in there. And in the last
7 submission told you what sorts of tenants we
8 thought were possible. Dunkin remains a
9 possibility, but this size is smaller than
10 McDonald's or than most of other fast food
11 operators. So we thought that, that reduction
12 in size so that we only have ten seats inside
13 addresses --

14 MR. AIELLO: Twenty.

15 MR. NULL: Twenty seats. I'm sorry, 20
16 seats inside. Also further addresses concern
17 about volume of traffic and the type of user
18 that might be there.

19 MS. TICKELL: But you're still going to
20 have the drive-through?

21 MR. NULL: Yes. The drive-through
22 particularly following the experience of the
23 pandemic is something that's critical to most
24 any establishment.

25 MS. TICKELL: That's just a tough

1 shopping center there. I worked for ten years
2 in that, in that shopping center. And parking
3 is a disaster without a separate building with a
4 drive-through.

5 MR. NULL: So we did, we did parking
6 analyses. We provided those to the Board. And
7 this area of a parking lot has a very low
8 utilization. And the reports that we prepared
9 including drone photographs of different hours
10 showing the actual number of cars --

11 MS. TICKELL: I saw those. I actually
12 worked there though. So, that's just my
13 experience.

14 MR. NULL: When did you work there?

15 MS. TICKELL: From 2010 until 2018, 2019.

16 MR. NULL: I'm sure you have a lot of
17 anecdotal information. The market has changed
18 in recent years. And the data that we provided,
19 we believe is current and accurate for what now
20 is, is the issue. As I mentioned through the
21 pandemic, drive-up windows are the way the
22 people will get takeout. They also, many of the
23 restaurants have particular areas where if you
24 order on the Internet you can pull in and
25 somebody might bring out your food.

1 MS. TICKELL: Right.

2 MR. NULL: But there are a lot of people
3 who will not go to a restaurant you have to walk
4 into and pick up. So, that's the reason
5 particularly for such a small building to
6 require the drive-in. Because it's really the
7 kitchen, that's the majority of the space in the
8 building now with very little room for seating.
9 So it's accommodating takeout significantly.

10 MS. TICKELL: Right. Okay.

11 MR. AIELLO: And just one additional
12 point, when we first submitted our original
13 application, we've done a parking utilization
14 study which looked at the morning to afternoon
15 hours. Based on comments from the Board at the
16 meeting in May, I believe it was. In our June
17 submission we did go out and do supplemental
18 counts in the morning, from six in the morning
19 until when we started the prior study I think
20 around 11 a.m --

21 MR. NULL: Yup.

22 MR. AIELLO: Eleven a.m. So we have
23 provided additional information with regard to
24 the parking and parking utilization study.

25 And the four drawings that were handed

1 out to you tonight, and we're going to be
2 formally submitting, it includes an overall site
3 plan, a rendered site plan. And also the last
4 sheet is a architectural floor plan that shows
5 the 20 seats that we were talking about and the
6 ratio of about 60/40, round numbers, of 60
7 percent back-of-the house space and about 40
8 percent, I'm rounding, customer space where the
9 seating is. So it really limits the potential
10 users in this building to ones that based on our
11 conversations with Jeff, ones that might have
12 more significant use. But we look forward to
13 the, you know, formally making that submission
14 and discussing it more detail with the Board and
15 Traffic Department.

16 ACTING CHAIRMAN: Thank you. And I do
17 apologize for, you know, kind of moving you guys
18 along. But due to the time constraints I do
19 have to ask is there any members of the public
20 to speak on this matter?

21 AUDIENCE MEMBER: Yes.

22 ACTING CHAIRMAN: I'm going to give them
23 the few minutes that we have left.

24 MR. NULL: Certainly. Thank you.

25 ACTING CHAIRMAN: Thank you.

1 And just for the record, that case will
2 be put over to next month's hearing.

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

5 PUBLIC SPEAKER PENA: Teresa Pena, I'm
6 the general manager for Crestwood Lake
7 Apartments 90 Beaumont Circle, Yonkers, New York
8 10701.

9 ACTING CHAIRMAN: Thank you.

10 PUBLIC SPEAKER PENA: We had previously
11 submitted a letter to the Committee. And I'm
12 just going to read it into the record.

13 As an adjacent owner to the Tanglewood
14 Shopping Center, Woodner Company was notified of
15 the public hearing to be held on June 19, 2023
16 at the Yonkers Zoning Board of Appeals. The
17 purpose of this letter is to express our
18 concerns related to the proposed improvements at
19 the Tanglewood Shopping Center and the potential
20 impact to our residents at the Crestwood Lakes
21 Apartments managed by Woodner Company located at
22 90 Beaumont Circle, Yonkers, New York
23 immediately adjacent to the south.

24 We have the following concerns:

25 To address this potential visual impacts

1 to our residents from a new structure so close
2 to the property line, we request both a solid
3 screen fence and evergreen landscape plantings
4 to be installed along the common property line
5 between Crestwood Apartments and Tanglewood
6 Shopping Center.

7 To address potential noise impacts,
8 please provide the hours of the operation of the
9 drive-through and the restaurant. A solid fence
10 as described above is also requested to screen
11 noise to the apartments from the drive-through.

12 We also ask that the Tanglewood -- that
13 Tanglewood consider directing the speakers away
14 from the apartments if possible.

15 We ask that the applicant provide any
16 suggested measures to address potential adverse
17 air quality due to increased traffic idling at
18 the new drive-through.

19 Security and lighting are also concerns
20 of ours with the proposed building so close to
21 the residents of the Crestwood Lake.

22 We are concerned about any new impacts
23 from flooding. We ask that the applicant
24 provide assurances that the new development
25 being added would not create any new drainage

1 discharge that could negatively affect Crestwood
2 Lake Apartments property.

3 During construction we are concerned
4 about potential impacts due to noise, air
5 quality, rodents, construction, waste and
6 security as well.

7 Thank you for providing the opportunity
8 to comment on the proposed development.

9 ACTING CHAIRMAN: Thank you.

10 PUBLIC SPEAKER PENA: Thank you.

11 ACTING CHAIRMAN: Sir, please state your
12 name and address --

13 PUBLIC SPEAKER BERA: Yeah, my name is
14 Joey Bera. I live at 63 Beaumont Circle. I
15 live in the back of the project. All right. We
16 don't need nothing, a restaurant there. He
17 needs a one hundred -- he has a 190 -- 193
18 parking spaces? He's going to lose 131 parking
19 spaces with the drive-through. And he's only
20 going to need 142 parking spaces. 12:00 this
21 place is crowded. I will read you the stores
22 that we have there right now. We have Crestwood
23 Convenience Store. We have a nail salon. We
24 have a bicycle shop. We have a deli. And that
25 deli gets very busy. Tanglewood Deli gets very

1 busy. We have a State Farm. Tanglewood laundry
2 mat is going to open up there. J, a hair salon.
3 We have a dry cleaner, dry cleaners. A
4 stationary store. AutoZone. We have a
5 pizzeria. A shades store. A store that's not
6 vacant, it's not rented. He can rent that store
7 out. That's 1,100 square feet. He can put that
8 restaurant in there. We have a jewelry store.
9 We have a, a chicken place. A Wing Stop. And
10 Dunkin Donuts. They get very crowded. This
11 property is not qualified to have an open, to
12 have a drive-through. That driveways is too
13 small. The property is not accurate for this
14 situation. Please take this, this situation,
15 please, deny this construction. This wasn't
16 proposed, proposal, they got 16 stores there,
17 and this store gets very crowded. With this
18 store we have a problem with them right now,
19 it's from all the garbage in the back and
20 they're not cleaning their stuff up. They're
21 throwing stuff in the back, they didn't clean it
22 up. They're not cleaning the, the sidewalk and
23 the gutters and the sewers are all filled with
24 garbage and they're not cleaning the garbage up.
25 We don't need rats there. And we don't need a

1 problem. chucky chicken -- chicken filet is
2 going across the street. It's going to be a
3 tie-up on that street and it will be another
4 tie-up going north and south. All right?
5 Crestwood Lake going into, down into Roxbury
6 Drive is going to be a, going to be a tie-up
7 there. We only got three lanes there. The
8 right lane is going to be tied up. Cars is
9 going to be getting out, have to --

10 (Simultaneous speaking.)

11 ACTING CHAIRMAN: Thank you, sir. I have
12 to interrupt. I have to interrupt due to a time
13 constraint on the Board Members. We have to
14 close all public comments and make a motion to
15 close the hearing. I'm sorry not --

16 PUBLIC SPEAKER BERA: I'd like to give
17 you this. I'd like to give you this.

18 ACTING CHAIRMAN: Yes, you can give me
19 that. But I'd like to rephrase what I said,
20 we're going to continue that hearing until next
21 session.

22 I would like to make a motion to close
23 the September 2023 Zoning Board of Appeals
24 session. Do I have a second?

25 MR. VASSO: Second.

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ACTING CHAIRMAN: Al, thank you.

MS. TICKELL: For the motion.

ACTING CHAIRMAN: Jean, thank you. Al.

MR. VASSO: For the motion.

ACTING CHAIRMAN: Thank you. Harry.

MR. SINGH: For the motion.

ACTING CHAIRMAN: I'm for the motion.

The motion passes 4-0. This session is now closed. Thank you. Have a good night.

(Time Noted: 7:14 p.m.)

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CERTIFICATION

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

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand.

LYNNETTE MAZZA,
COURT REPORTER