

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, OCTOBER 24, 2023**



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

TIME: 7:52PM

PRESENT:           PRESIDENT OF THE COUNCIL  
                          LAKISHA COLLINS-BELLAMY

DISTRICT:

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

COUNCIL MEMBERS:  
DISTRICT:

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

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

Minutes of the stated meeting held on October 10, 2023 approved on motion of Majority Leader Diaz.

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**COMMUNICATIONS FROM CITY OFFICIALS**

**NO COMMUNICATIONS**

**ANNOTATED AGENDA**  
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**COMMUNICATIONS – GENERALLY**

**NONE**

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**COMMITTEE OF THE WHOLE**

<u>NAME</u>	<u>ADDRESS</u>	<u>ITEM#</u>
1. PHILLIP ARMSTRONG	YONKERS RESIDENT	1 & 6
2. EILEEN O'CONNOR	YONKERS RESIDENT	1 & 6
3. GREG MARRIET	YONKERS RESIDENT	1
4. HECTOR SANTIAGO	YONKERS RESIDENT	1 & 6
5. JAMES CARPENTER	YONKERS RESIDENT	1
6. JEANEETTE GARCIA	YONKERS RESIDENT	1 & 6

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
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**RESOLUTION NO.135-2023**

1. BY COUNCIL MAJORITY LEADER DIAZ, MAJORITY WHIP RUBBO, MINORITY LEADER BREEN, COUNCILMEMBER WILLIAMS:

WHEREAS, § 43-142 of the Yonkers City Code provides for the establishment of a Zoning Board of Appeals in and for the City of Yonkers; and

WHEREAS, § 43-142 of the Yonkers City Code provides that the members of the Zoning Board of Appeals are appointed by the Mayor with the advice and consent of the Yonkers City Council; and

WHEREAS, Mayor Mike Spano has appointed Christian Gjelij to be a member of the Zoning Board of Appeals; and

WHEREAS, Christian Gjelij, a resident of the City of Yonkers, has experience in the field of business management, most recently as a private lending analyst for Citibank, carrying out, among other duties, market research, industry comparisons for industrial and multifamily commercial real estate loans, and previously as a business development analyst; and

WHEREAS, such knowledge and experience will be a valuable asset to the Zoning Board of Appeals.

NOW, THEREFORE, BE IT RESOLVED, that, pursuant to § 4-142 of the Yonkers City Code, the Yonkers City Council hereby gives its approval and consent to the designation of Christian Gjelij as a member of the Zoning Board of Appeals to finish the term of Anthony Gjelij set to expire on December 31, 2025; and be it

FURTHER RESOLVED, that this Resolution take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, OCTOBER 24, 2023. BY A ROLL CALL VOTE OF 4-2. COUNCIL MEMBERS PINEDA ISAAC AND MERANTE VOTING NAY. COUNCIL PRESIDENT COLLINS-BELLAMY ABSTAINED.

**ANNOTATED AGENDA**  
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**GENERAL ORDINANCE NO.14-2023**

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 EXTENDING 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 reiterates its concerns regarding the proliferation of “smoke shops” and convenience stores selling tobacco and related products in the City of Yonkers. Having been informed by City staff that additional time is needed for a thorough and reliable plan to address the situation, the Council finds it appropriate and necessary to extend the time imposed by General Ordinance No. 13-2023 A limited extension will prevent a hiatus in effective City oversight prior to the enactment of a permanent new legislative scheme.

Section 2. Section 4 of General Ordinance No. 13-2023 is amended to read as follows:

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~~ May 1, 2024.

Section 3. This ordinance shall take effect immediately.

THIS GENERAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, OCTOBER 24, 2023. BY A VOTE OF 7-0.



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**SPECIAL ORDINANCE NO.41-2023**

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

A SPECIAL ORDINANCE ACCEPTING DEDICATION OF A PORTION OF WELLS AVENUE (FUTURE BLOCK 2600, LOT 46) LYING BETWEEN ALEXANDER STREET AND BLOCK 2605, LOT 73 AND BLOCK 2600, LOT 45 ON THE OFFICIAL ASSESSMENT MAP OF THE CITY OF YONKERS, AND DIRECTING THE SAME TO BE A PUBLIC STREET OF THE CITY OF YONKERS.

The City of Yonkers, in City Council convened, hereby Ordains and Enacts:

Section 1. That the offer of dedication of a portion of Wells Avenue, which is bounded and described below, as a public street of the City of Yonkers, be and the same is hereby accepted:

ALL that certain plot, piece or parcel of land situate, lying and being in the City of Yonkers, County of Westchester and State of New York being known and designated as Wells Avenue on that certain map entitled "Subdivision Map of Parcel B & C Yonkers Waterfront", dated April 15, 2013 and filed in the Westchester County Clerk's Office, Division of Land Records on August 9, 2013 as Map No. 28703 and being bounded and described as follows:

BEGINNING at a point where the southeasterly corner of the terminus of Wells Avenue intersects the westerly side of Alexander Street (a public road), said point being 4.67 feet along a course running North 28 degrees 15 minutes 17 seconds East from the southwesterly corner of the terminus of Alexander Street;

THENCE North 76 degrees 35 minutes 58 seconds West, along the southerly side of Wells Avenue, a distance of 19.15 feet to a point, said point being the northwesterly end of a curve connecting the southerly side of Wells Avenue with the westerly side of Alexander Street South;

THENCE CONTINUING North 76 degrees 35 minutes 58 seconds West, along the southerly side of Wells Avenue, a distance of 194.83 feet to the easterly end of a curve connecting the easterly side of Peene Lane with the southerly side of Wells Avenue;

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**SPECIAL ORDINANCE NO.41-2023 (CONTINUED)**

THENCE North 75 degrees 07 minutes 09 seconds West, along the southerly side of Wells Avenue, a distance of 60.69 feet to the westerly side of Peene Lane;

THENCE North 76 degrees 44 minutes 25 seconds West, a distance of 84.09 feet to a point of curvature at the westerly terminus of Wells Avenue;

THENCE northerly along the westerly terminus of Wells Avenue and along a curve to the right having a radius of 100.19 feet, a distance of 1.64 feet to a point;

THENCE North 13 degrees 12 minutes 26 seconds East, along the westerly terminus of Wells Avenue, a distance of 48.44 feet to the northerly side of Wells Avenue;

THENCE South 76 degrees 44 minutes 25 seconds East, along the northerly side of Wells Avenue, a distance of 163.94 feet to a point;

THENCE South 77 degrees 16 minutes 38 seconds East, along the northerly side of Wells Avenue, a distance of 209.88 feet to the westerly side of Alexander Street;

THENCE South 28 degrees 15 minutes 17 seconds West, along the westerly side of Alexander Street, a distance of 56.12 feet to the point where the southeasterly corner of the terminus of Wells Avenue intersects the westerly side of Alexander Street, the point or place of BEGINNING.

Section 2. Such road and sidewalks bounded and described above in Section 1 is subject to Water Main Easements, Sanitary Sewer Easements, Storm Water Sewer Easements, Aerial (overpass) Easement as shown on the "Subdivision Map of Parcel B & C Yonkers Waterfront" originally dated April 15, 2013 and last dated May 8, 2013, as filed in the office of the Westchester County Clerk, Division of Land Records, on August 9, 2013, Map No. 28703.

Section 3. The City Engineer and all other affected City departments, bureaus and agencies shall amend the official city map and all other necessary City records accordingly.

Section 4. Said Wells Avenue is shown on the map annexed hereto as Exhibit A and made a part hereof.

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**SPECIAL ORDINANCE NO.41-2023 (CONTINUED)**

Section 5. The sidewalk improvements as part of this dedication shall be subject to the requirements of the City of Yonkers Code, as overseen by the City Engineer.

Section 6. The description set forth herein shall be entered at length in the minutes of the City Council, and the map annexed hereto shall be filed in the office of the City Clerk; and copies thereof duly certified by the City Clerk shall be presumptive evidence in any proceeding of the location of said street or highway.

Section 7. This Special Ordinance shall take effect upon the execution of all necessary and relevant documents and agreements related to the dedication of Wells Avenue and the relevant utilities and infrastructure, all of which must be in a form and substance satisfactory to the Corporation Counsel and which shall be completed within thirty (30) days of the passage of said Special Ordinance, or as extended by a vote of a majority of the City Council.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, OCTOBER 24, 2023. BY A VOTE OF 7-0.

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**SPECIAL ORDINANCE NO.42-2023**

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

A SPECIAL ORDINANCE ACCEPTING DEDICATION OF A PORTION OF ALEXANDER STREET SOUTH (FUTURE BLOCK 2600, LOT 47) LYING BETWEEN CERTAIN LANDS OF METRO NORTH AND BLOCK 2600, LOT 45 ON THE OFFICIAL ASSESSMENT MAP OF THE CITY OF YONKERS; A PORTION OF DOCK STREET (FUTURE BLOCK 2600, LOT 48) LYING BETWEEN BLOCK 2600, LOT 45 AND BLOCK 2600, LOT 35 ON THE OFFICIAL ASSESSMENT MAP OF THE CITY OF YONKERS; AND PEENE LANE (FUTURE BLOCK 2600, LOT 49) LYING BETWEEN BLOCK 2600, LOT 45 AND BLOCK 2600, LOT 77 ON THE OFFICIAL ASSESSMENT MAP OF THE CITY OF YONKERS; AND DIRECTING THE SAME TO BE PUBLIC STREETS OF THE CITY OF YONKERS.

The City of Yonkers, in City Council convened, hereby Ordains and Enacts:

Section 1. That the offer of dedication as to a portion of Alexander Street South, a portion of Dock Street and Peene Lane, which are bounded and described below, as public streets in the City of Yonkers, be and the same is hereby accepted:

ALL that certain plot, piece or parcel of land situate, lying and being in the City of Yonkers, County of Westchester and State of New York being known and designated as Alexander Street South, Dock Street and Peene Lane on that certain map entitled "Subdivision Map of Parcel B & C Yonkers Waterfront", dated April 15, 2013 and filed in the Westchester County Clerk's Office, Division of Land Records on August 9, 2013 as Map No. 28703 and being bounded and described as follows:

BEGINNING at the southwesterly corner of the terminus of Alexander Street (a public road);

RUNNING THENCE North 28 degrees 15 minutes 17 seconds East, a distance of 4.67 feet to a point where the southeasterly corner of the terminus of Wells Avenue intersects the northwesterly side of Alexander Street;

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**SPECIAL ORDINANCE NO.42-2023 (CONTINUED)**

THENCE North 76 degrees 35 minutes 58 seconds West, along the southerly side of Wells Avenue, a distance of 19.15 feet to a point, said point being the northwesterly end of a curve connecting the southerly side of Wells Avenue with the westerly side of Alexander Street South;

THENCE easterly, southeasterly and southerly along a curve to the right having a radius of 10.00 feet, a distance of 18.78 feet;

THENCE South 30 degrees 59 minutes 05 seconds West, along the westerly side of Alexander Street South, a distance of 292.79 feet to the corner formed by the intersection of westerly side of Alexander Street South with the northerly side of Dock Street;

THENCE North 76 degrees 35 minutes 58 seconds East, along the northerly side of Dock Street, a distance of 133.95 feet to the corner formed by the intersection of the northerly side of Dock Street with the easterly side of Peene Lane;

THENCE North 13 degrees 24 minutes 02 seconds East, along the easterly side of Peene Lane, a distance of 43.50 feet to a point;

THENCE continuing along the easterly side of Peene Lane, North 15 degrees 05 minutes 31 seconds East, a distance of 204.83 feet to a point;

THENCE CONTINUING along the easterly side of Peene Lane, North 13 degrees 24 minutes 02 seconds East, 31.89 feet to a point of curvature;

THENCE northerly, northeasterly and easterly, continuing along Peene Lane and along a curve to the right having a radius of 12.00 feet, a distance of 18.85 feet to the easterly end of a curve connecting the easterly side of Peene Lane with the southerly side of Wells Avenue;

THENCE North 75 degrees 07 minutes 09 seconds West, along the southerly side of Wells Avenue, a distance of 60.69 feet to the westerly side of Peene Lane;

THENCE South 15 degrees 05 minutes 31 seconds West, along the westerly side of Peene Lane, a distance of 312.36 feet to the northerly end of a curve connecting the westerly side of Peene Lane with the southerly side of Dock Street;

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**SPECIAL ORDINANCE NO.42-2023 (CONTINUED)**

THENCE southerly, southeasterly and easterly along a curve to the left having a radius of 50.00 feet a distance of 80.02 feet to the easterly end of the curve connecting the westerly side of Peene Lane with the southerly side of Dock Street;

THENCE South 76 degrees 35 minutes 58 seconds East, along the southerly side of Dock Street, a distance of 112.91 feet to a point;

THENCE South 15 degrees 40 minutes 01 second West, a distance of 3.26 feet to a point;

THENCE South 81 degrees 34 minutes 01 second East, a distance of 77.76 feet to the easterly side of Alexander Street South;

THENCE North 28 degrees 15 minutes 54 seconds East, along the easterly side of Alexander Street South, a distance of 371.31 feet to the southerly terminus of Alexander Street;

THENCE North 81 degrees 44 minutes 13 seconds West, along the southerly terminus of Alexander Street, a distance of 53.02 feet to the southwesterly corner of the terminus of Alexander Street, the point or place of BEGINNING.

Section 2. All such roads and sidewalks bounded and described above in Section 1 are subject to Water Main Easements, Sanitary Sewer Easements, Storm Water Sewer Easements, Aerial (overpass) Easements as shown on the "Subdivision Map of Parcel B & C Yonkers Waterfront" originally dated April 15, 2013 and last dated May 8, 2013, as filed in the office of the Westchester County Clerk, Division of Land Records, on August 9, 2013, Map No. 28703.

Section 3. The City Engineer and all other affected City departments, bureaus and agencies shall amend the official city map and all other necessary City records accordingly.

Section 4. Said portion of Alexander Street South, portion of Dock Street and Peene Lane are shown on the map annexed hereto as Exhibit A and made a part hereof.

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**SPECIAL ORDINANCE NO.42-2023 (CONTINUED)**

Section 5. The sidewalk improvements as part of this dedication shall be subject to the requirements of the City of Yonkers Code as overseen by the City Engineer.

Section 6. The description set forth herein shall be entered at length in the minutes of the City Council, and the map annexed hereto shall be filed in the office of the City Clerk; and copies thereof duly certified by the City Clerk shall be presumptive evidence in any proceeding of the location of said street or highway.

Section 7. This Special Ordinance shall take effect upon the execution of all necessary and relevant documents and agreements related to the dedication of a portion of Alexander Street South, portion of Dock Street and Peene Lane and the relevant utilities and infrastructure, all of which must be in a form and substance satisfactory to the Corporation Counsel and which shall be completed within thirty (30) days of the passage of said Special Ordinance, or as extended by a vote of a majority of the City Council.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, OCTOBER 24, 2023. BY A VOTE OF 7-0.

**ANNOTATED AGENDA**  
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**RESOLUTION NO.136-2023**

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

RESOLUTION AUTHORIZING THE INITIATION OF THE REVIEW PROCESS FOR THE DISCONTINUANCE AND REMOVAL OF PORTIONS OF YERKS PLACE AND PIER STREET FROM THE OFFICIAL MAP OF THE CITY OF YONKERS.

WHEREAS, in connection with the creation of a riverfront park, the proposed streets to be discontinued and removed from the Official Map of the City of Yonkers (the "Official City Map") are portions of Yerks Place and Pier Street as depicted and described more fully in Appendix A, which is attached hereto and incorporated herein by reference (the "Proposed Discontinued Streets"); and

WHEREAS, initiating and conducting a round robin review process whereby information is gathered by various departments of the City of Yonkers (the "City") to determine whether a certain street may be properly discontinued and removed from the Official City Map is required as well as referral to the Planning Board prior to such discontinuance.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Yonkers hereby authorizes and directs (a) the City Clerk to initiate the round robin review process for the discontinuance and removal from the Official City Map of the Proposed Discontinued Streets; and (b) the City Clerk shall refer a copy of this Resolution to the City Planning Board for review and recommendation with respect to the Proposed Discontinued Streets; and be it further

RESOLVED, that this resolution shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, OCTOBER 24, 2023. BY A VOTE OF 7-0.



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**RESOLUTION NO.137-2023**

6. 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 AUTHORIZING AND DIRECTING THE REFERRAL OF THE AMENDED AND RESTATED PETITION FOR AMENDMENT OF CHAPTER 43 OF THE CODE OF THE CITY OF YONKERS, COMMONLY KNOWN AS THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF YONKERS, FOR PREMISES KNOWN AS 590-610 AND 614 SOUTH BROADWAY, DESIGNATED AS BLOCK 30 LOT 56,58,60,62-66 59, & 52.54 FOR THE EXTENSION OF THE SOUTH BROADWAY SPECIAL DISTRICT.

WHEREAS, on April 3, 2023, MYBroadway Developers LLC filed a petition with the City Council of the City of Yonkers (“City Council”) for a zone change amendment and other related approvals at Block 30, Lots 56, 58, 60, 62-66 on the property known as 590-610 and Block 30, Lot 52.54 on the property known as 614 South Broadway (the “Proposed Action”) to change the zone district designation from South Broadway South Subdistrict to the South Broadway Central Subdistrict; and

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

WHEREAS, the Amended and Restated Petition reflects modifications to the proposed project made by Petitioner in response to comments received from the Yonkers Planning Board, the public and other agencies, and requests amendments to the Zoning Ordinance, Zoning Map and Downtown Master Plan which have been revised to correspond to the project as modified and currently proposed by Petitioner, and as discussed in the Final Environmental Impact Statement (FEIS) accepted by the Planning Board as SEQRA lead agency; and

WHEREAS, Section 43-164(A) of the Zoning Ordinance requires referral of all petitions to be considered by the City Council to the Yonkers Planning Board for its review and report; and

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**RESOLUTION NO.137-2023 (CONTINUED)**

WHEREAS, Section 239-m(2) of New York General Municipal Law requires referral of any proposed amendments to the Zoning Ordinance to the Westchester County Planning Board;

NOW THEREFORE BE IT RESOLVED, that in accordance with Section 43-164(A) of the Zoning Ordinance, the City Council hereby refers the Amended and Restated Petition to the Yonkers Planning Board for its review and report; and

BE IT FURTHER RESOLVED, that in accordance with Section 239-m of NY General Municipal Law, the City Council hereby refers the Amended and Restated Petition to the Westchester County Planning Board; and

BE IT FURTHER RESOLVED, the City Clerk is hereby authorized and directed to transmit the Amended and Restated Petition to the Yonkers Planning Board and the Westchester County Planning Board; and

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

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, OCTOBER 24, 2023. BY A VOTE OF 7-0.

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**COMMITTEE REPORTS**

**THIS MEETING WAS ADJOURNED AT 8:52PM**