

1 CITY OF YONKERS

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4 Minutes of
5 The City of Yonkers Zoning Board
6 November 15, 2023 - 6:00 p.m.
7 -----x

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10 B E F O R E:

- 11
12 WILSON KIMBALL, Chairperson
13 HARRY SINGH, Member (in late)
14 HECTOR LOPEZ, Member (not present)
15 RALPH BATTISTA, Member
16 JEAN TICKELL, Member
17 ALFRED VASSO, Member
18 CHRISTIAN GJELAJ, Member

19
20 P R E S E N T:

- 21 SAM BORELLI, Building Department
22 JAMES GIBBONS, Building Department
23 RACHEL KRAVITZ, Associate Corporation Counsel
24
25

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1 THE CHAIRPERSON: Board Members, please
2 state your name for the record, please.

3 MR. BATTISTA: Ralph Battista.

4 MR. VASSO: Al Vasso.

5 MR. GJELAJ: Christian Gjelij.

6 MS. TICKELL: Jean Tickell.

7 THE CHAIRPERSON: Wilson Kimball. We
8 have a quorum. I believe we're expecting Harry
9 and will be here as soon as possible.

10 To begin we're looking at Case 5790 1999
11 Central Park Avenue. That has been adjourned to
12 February of 2024.

13 The next case that's adjourned is Case
14 5826, 1270 Saw Mill River Road.

15 The next case we have is 5797, 110 Ravine
16 Avenue. Is there anyone here to speak on that?
17 Okay. Moving along.

18 Next case is 5810 143-151 Woodworth
19 Avenue. That is the SEQRA scope adoption. Do
20 we have Bill Brady? No, can we wait until we
21 get Bill Brady? Okay. So we'll come back to
22 that one.

23 5818, 2248 aka 2270 Central Park Avenue.
24 Please introduce yourself for the record.

25 MR. PETRORO: Sorry. Marc Petroro from

1 JMC. But I'm just here to kind of confirm the
2 last page it's mentioned that item is adjourned.

3 THE CHAIRPERSON: Okay. We will adjourn
4 it. That case is adjourned. Thank you.

5 Case 5820, 380 Riverdale.

6 5823, 1250 Nepperhan, is anyone going to
7 speak on the 1250?

8 MR. AMIR: Yes. Good evening Madam
9 Chair, Members of the Board, my name is Jacob
10 Amir. I'm filling in for Brian Sinsabaugh on
11 1250 Nepperhan Avenue, Marc Petrero from JMC is
12 also here with me.

13 Just two things I came to update the
14 Board from what I understand the site visit was
15 done at the property. And I think there was
16 discussion about a cross easement between lots
17 which the -- we've tried to obtain from the
18 owner to facilitate that. I don't think that's
19 going to be a problem. There's a prior letter
20 from the owner that that's not an issue. If the
21 Board has any questions of me or has any
22 questions for Mr. Petrero.

23 THE CHAIRPERSON: I don't think so but I
24 think we had a question as to whether SEQRA was
25 done on this case; is that right?

1 (Brief pause.)

2 THE CHAIRPERSON: We're not expecting any
3 issues.

4 MR. AMIR: Okay.

5 THE CHAIRPERSON: Does the Board have any
6 questions on 1250 Nepperhan Avenue?

7 Is there anyone from the public have any
8 questions on 1250 Nepperhan?

9 Okay. Move to close the public hearing.
10 Okay, Ralph. Do we have a second?

11 MR. VASSO: Second.

12 THE CHAIRPERSON: Al, second. By name.

13 MR. BATTISTA: Ralph Battista.

14 MR. VASSO: Al Vasso.

15 MR. GJELAJ: Abstain.

16 THE CHAIRPERSON: Christian is abstaining
17 as this is his first meeting; is that right?

18 MR. GJELAJ: Yes.

19 THE CHAIRPERSON: I'm for the resolution.

20 MS. TICKELL: For the resolution.

21 THE CHAIRPERSON: The resolution passes
22 4, 1 abstention, 2 absent.

23 Thank you.

24 5826 -- oh, that was adjourned. Sorry.

25 5828, 23 Lawrence. I need a vote to

1 close the public hearing. This is case 5828, 23
2 Lawrence Street.

3 Is there anyone from the public to speak
4 on this? Okay.

5 Then I need a motion to close the public
6 hearing. Ralph.

7 MR. BATTISTA: Motion to close.

8 THE CHAIRPERSON: Al, second.

9 MR. VASSO: Second.

10 THE CHAIRPERSON: By name.

11 MR. BATTISTA: For the motion.

12 MR. VASSO: Al Vasso for the motion.

13 MR. GJELAJ: Christian Gjelij, abstain.

14 MS. TICKELL: Jean Tickell for the
15 motion.

16 THE CHAIRPERSON: Wilson Kimball for the
17 motion. So the public hearing is closed.

18 This is 5828, 23 Lawrence Street,
19 Block: 122, Lot: 32, I make a motion that the
20 Zoning Board based upon its review of the
21 completed Environmental Assessment Form, the
22 EAF, and supporting plans and materials adopts a
23 negative declaration for the proposed unlisted
24 action. May I have a motion? Jean. May I have
25 a second?

1 MR. VASSO: Al.

2 THE CHAIRPERSON: Ralph. By name.

3 MR. BATTISTA: For the motion.

4 MR. VASSO: Al Vasso for the motion.

5 MR. GJELAJ: Christian Gjelij, abstain.

6 MS. TICKELL: Jean Tickell for the
7 motion.

8 THE CHAIRPERSON: Wilson Kimball for the
9 motion. Motion passes 4, 2 absent, 1
10 abstention. We have a decision on this case.

11 Ralph, I think you need to read your
12 decision into the record.

13 MR. BATTISTA: Case number 5828 area
14 variance, Andrew Romano on behalf of JSJ
15 Lawrence Realty Corp., owners, on premises known
16 as 23 Lawrence Street, Block: 122, Lot: 32, Zone
17 A. Proposal to convert store to two residential
18 units having insufficient parking Section
19 43-127, Table 43-4.

20 Madam Chair, I make a motion to approve
21 the requested variance on the following
22 conditions:

23 One, all plans and renderings must be
24 approved by the Department of Housing and
25 Buildings before granting a final certificate of

1 occupancy. The applicant should consider --

2 Two, the applicant should consider
3 storage space for bicycles and personal
4 e-mobility devices and utilizing green building
5 technology;

6 Three, all fire, health, environmental,
7 safety, building and zoning codes shall be
8 adhered to at all times;

9 Four, any taxes or fines, if owed, shall
10 be paid within 60 days from today's date;

11 Five, this approval shall be immediately
12 rescinded should the owner violate any of these
13 conditions;

14 And six, all expenses associated with
15 these conditions shall be the responsibility of
16 the owner.

17 THE CHAIRPERSON: Thank you. Do I have a
18 second?

19 MS. TICKELL: Second.

20 THE CHAIRPERSON: Jean, Thank you. By
21 name.

22 MR. BATTISTA: For the motion.

23 MR. VASSO: Al Vasso for the motion.

24 MR. GJELAJ: Christian Gjelij, abstain.

25 MS. TICKELL: Jean Tickell for the

1 motion.

2 THE CHAIRPERSON: Wilson Kimball for the
3 motion. The motion passes as 4, 1 abstention, 2
4 absent.

5 5829, 173 Linden Street. Is there anyone
6 here to speak on that?

7 5830, 13 Randolph Street.

8 MR. RIEPER: Good evening, Madam Chair,
9 and Board. My name is Ted Rieper, I'm the
10 architect for the client representing 13
11 Randolph Street. What we were trying do is park
12 two cars in the front yard of their home which
13 is on Randolph Street. There are eight, nine
14 other single-family homes on that block which
15 suffer from overload parking on Randolph. By
16 putting two spots in front of their homes
17 relieves the street of one space and they would
18 get two spaces. There's, one of the houses on
19 Randolph Street from 1985 have had the legal
20 right to park their cars in front of their house
21 on that lot when it was an A zone, it is now BR
22 zone or B zone. And now all the houses and the
23 apartment buildings on Randolph are
24 non-conforming. So the fact that they would
25 like to park their cars in front of the Chen

1 house would be that they would be able to pull
2 into their house, their cars are smaller that
3 they would fit in a 15 foot 8 parking lot,
4 parking space. And they would not to have the
5 usual turn around you would have in a parking
6 facility because they would be pulling in and
7 out of their driveway. We would like to
8 persuade the Board to agree to this. And if it
9 would do a great deal for the block because it
10 would eliminate at least the two parking spaces
11 on the street.

12 THE CHAIRPERSON: Thank you. Are there
13 any questions from the Board on this?

14 Is there anyone to speak from the public
15 on this, 13 Randolph Street?

16 I'd entertain a motion to close the
17 public hearing.

18 MR. BATTISTA: Motion.

19 THE CHAIRPERSON: Ralph. Jean, second.
20 Thank you. By name.

21 MR. BATTISTA: For the motion.

22 MR. VASSO: Al Vasso for the motion.

23 MR. GJELAJ: Christian Gjelij, abstain.

24 MS. TICKELL: Jean Tickell for the
25 motion.

1 THE CHAIRPERSON: Wilson Kimball for the
2 motion. Motion passes 4, 1 abstention, 2
3 absent. Thank you. I believe we have a
4 decision on this case.

5 MR. BATTISTA: Madam Chair, I have a
6 decision, yes. Case number 5830, improvement to
7 a non-conforming use and area variance, Theodore
8 Rieper, RA, on behalf of Yumi Chen, owner, for
9 construction of two front yard parking pad with
10 curb cut and driveway. Madam Chair, I make a
11 motion to approve the requested variance on the
12 following conditions:

13 One, all fire, health, environmental,
14 safety, building and safety code shall be
15 adhered to at all times;

16 Two, any taxes or fines, if owed, shall
17 be paid within 60 days from the today's date;

18 Three, this approval shall be immediately
19 rescinded should the owner violate any of these
20 conditions;

21 And four, all expenses associated with
22 these conditions shall be the responsibility of
23 the owner.

24 THE CHAIRPERSON: Thank you, Ralph. Do I
25 have a second?

1 MS. TICKELL: Second.

2 THE CHAIRPERSON: Jean, thank you. By
3 name.

4 MR. BATTISTA: For the motion.

5 MR. VASSO: Al Vasso for the motion.

6 MR. GJELAJ: Christian Gjelij, abstain.

7 MS. TICKELL: Jean Tickell for the
8 motion.

9 THE CHAIRPERSON: Wilson Kimball for the
10 motion. The motion passes 4, 1 abstention, 2
11 absent. Thank you, sir.

12 MR. RIEPER: Thank you very much.

13 THE CHAIRPERSON: Case 5831, 44 New
14 Avenue.

15 Case 5832, 20 aka 16 Wiltshire Place.

16 MS. KAUFMAN: Marisa, M-a-r-i-s-a, last
17 name Kaufman, K-a-u-f-m-a-n. Owner.

18 MR. KAUFMAN: Chris.

19 MS. KAUFMAN: Same last name.

20 THE CHAIRPERSON: Hi. Thank you for
21 coming. Do you have any statements?

22 MS. KAUFMAN: No, we're just homeowners.

23 MR. KAUFMAN: Waiting on a decision.

24 THE CHAIRPERSON: Okay. Member of the
25 public, does any member of the public have any

1 comment on 20 aka 16 Wiltshire Place? No. Then
2 I'll have to entertain a motion to close the
3 public hearing.

4 MR. BATTISTA: Motion to close.

5 THE CHAIRPERSON: Thank you, Ralph.
6 Jean, second. By name.

7 MR. BATTISTA: For the motion.

8 MR. VASSO: Al Vasso for the motion.

9 MR. GJELAJ: Christian Gjelij, abstain.

10 MS. TICKELL: Jean Tickell for the
11 motion.

12 THE CHAIRPERSON: Wilson Kimball for the
13 motion. The public hearing is closed. I
14 believe we have a decision on this case as well.

15 MR. VASSO: Yes. For Case 5832, area
16 variance, Marisa Kaufman on behalf of herself as
17 owner to relocate a driveway from the side of
18 the house to the front of the house for a better
19 drainage on premises known as 20 aka 16
20 Wiltshire Place, Block: 5608, Lot: 6, Zone S-50.

21 Madam Chair, I make a motion to approve
22 the requested variance. And in granting this
23 variance the Board imposes the following
24 conditions:

25 One, all fire, health, environmental,

1 safety, building and zoning codes shall be
2 adhered to at all times;

3 Two, any taxes or fines, if owed, shall
4 be paid within 60 days from today's date;

5 Three, this approval shall be immediately
6 rescinded should the owner violate any of these
7 conditions;

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

11 THE CHAIRPERSON: Thank you, Al. Do I
12 have a second? Jean, thank you. By name.

13 MR. BATTISTA: For the motion.

14 MR. VASSO: Al Vasso for the motion.

15 MR. GJELAJ: Christian Gjelij, abstain.

16 MS. TICKELL: Jean Tickell for the
17 motion.

18 THE CHAIRPERSON: Wilson Kimball for the
19 motion. The motion passes. Thank you.

20 MR. KAUFMAN: Thank you.

21 MS. KAUFMAN: Can I ask one question?

22 THE CHAIRPERSON: Of course.

23 MS. KAUFMAN: Do we submit as a amendment
24 to our current permit or do we do it as a
25 completely separate permit?

1 MR. BORELLI: You should file an
2 amendment.

3 MS. KAUFMAN: Amendment. Okay. Will do.
4 Thank you.

5 THE CHAIRPERSON: Thank you.

6 Case 5834, 444 Park Hill Avenue.

7 MR. DIBBINI: Madam Chair, the Board,
8 James Dibbini on behalf of the applicant. We
9 had a site visit as you know a few weeks ago.
10 And we've provided additional information as per
11 your request confirming that the City of Yonkers
12 Water Department, Building Department, DPW are
13 on board with this application provided our
14 variance gets approved. I have nothing further
15 to add at this time.

16 THE CHAIRPERSON: Thank you, Mr. Dibbini.

17 Are there any members of the public to
18 talk on 444 Park Hill Avenue?

19 I will entertain a motion to close the
20 public hearing on this case.

21 MR. BATTISTA: Motion to close.

22 THE CHAIRPERSON: Thank you, Ralph. May
23 I have a second? Jean, second.

24 MR. BATTISTA: For the motion.

25 MR. VASSO: Al Vasso for the motion.

1 MR. GJELAJ: Christian Gjelij, abstain.

2 MS. TICKELL: Jean Tickell for the

3 motion.

4 THE CHAIRPERSON: Wilson Kimball for the
5 motion. The public hearing is closed.

6 Do we have a decision on this case?

7 MR. BATTISTA: We do, Madam Chair.

8 Number 5834, area variance James Dibbini on
9 behalf of Stephen Johnson, owner, to legalize a
10 new driveway. Madam Chair, I'm making a motion
11 to approve the requested variance with the
12 following conditions:

13 One, all fire, health, environmental,
14 safety, building and zoning codes shall be
15 adhered to at all times;

16 Two, any taxes or fines, if owed, shall
17 be paid within 60 days from today's date;

18 Three, all expenses related to moving the
19 fire hydrant and/or the light pole if needed
20 will be paid for by the applicant;

21 Four, this approval shall be immediately
22 rescinded should the owner violate any of these
23 conditions.

24 And five, all expenses associated with
25 these conditions shall be the responsibility of

1 the owner.

2 THE CHAIRPERSON: Do I have a second?

3 Jean, thank you. By name.

4 MR. BATTISTA: For the motion.

5 MR. VASSO: Al Vasso for the motion.

6 MR. GJELAJ: Christian Gjelij, abstain.

7 MS. TICKELL: Jean Tickell for the
8 motion.

9 THE CHAIRPERSON: Wilson Kimball for the
10 motion. The motion passed, carried 4-1-2.

11 MR. DIBBINI: Thank you. Have a good
12 evening, all.

13 THE CHAIRPERSON: 5835, 39 Spruce Street.
14 Is there any member of the public here to talk
15 about 5835, 39 Spruce Street? A motion to close
16 the public hearing?

17 MR. BATTISTA: Motion.

18 THE CHAIRPERSON: Do I have a second?

19 Thank you, Jean. By name.

20 MR. BATTISTA: For the motion.

21 MR. VASSO: Al Vasso for the motion.

22 MR. GJELAJ: Christian Gjelij, abstain.

23 MS. TICKELL: Jean Tickell for the
24 motion.

25 THE CHAIRPERSON: Wilson Kimball for the

1 motion. The public hearing is closed on 5835.
2 Do we have a decision on this?

3 MR. BATTISTA: Madam Chair, we have a
4 decision. Case Number 5835, area variance,
5 Andrew Romano, Esq. on behalf of Jesus Rebutti,
6 owner, to construct front yard parking spaces on
7 premises known as 39 Spruce, Block: 438, Lot:
8 24, Zone M.

9 Madam Chair, I make a motion to approve
10 the requested variance with the following
11 conditions:

12 One, all fire, health, environmental,
13 safety, building and zoning codes shall be
14 adhered to at all times;

15 Two, any taxes or fines, if owed, shall be
16 paid within 60 days from today's date;

17 Three, this approval shall be immediately
18 rescinded should the owner violate any of the
19 these conditions;

20 And four, all expenses associated with
21 these conditions shall be the responsibility of
22 the owner.

23 THE CHAIRPERSON: Do I have a second?
24 Jean, thank you.

25 MR. BATTISTA: For the motion.

1 MR. VASSO: Al Vasso for the motion.

2 MR. GJELAJ: Christian Gjelij, abstain.

3 MS. TICKELL: Jean Tickell for the
4 motion.

5 THE CHAIRPERSON: Wilson Kimball for the
6 motion. The motion passes 4, 2 absent, one
7 abstention. Thank you.

8 Case 5836, 47 High Street aka 102 Park
9 Avenue.

10 Case 5837, 1051 Yonkers Avenue.

11 MR. FERNANDEZ: Good evening, Chairperson
12 and Board Members, City staff. My name is Joe
13 Fernandez, I'm the architect for the project.
14 During this past month we had a site visit and
15 went through some of the issues that had been
16 brought up or concerns. And I'm here really for
17 any other questions or concerns the Board might
18 have.

19 THE CHAIRPERSON: Thank you,
20 Mr. Fernandez.

21 Are there questions of the Board?

22 Is there anyone from the public to speak
23 on 1051 Yonkers Avenue Case 5837? Then I'll
24 need a motion to close the public hearing.

25 MR. BATTISTA: Motion to close.

1 THE CHAIRPERSON: Thank you, Ralph. Do I
2 have a second? Jean, thank you. By name.

3 MR. BATTISTA: For the motion.

4 MR. VASSO: Al Vasso for the motion.

5 MR. GJELAJ: Christian Gjelij, abstain.

6 MS. TICKELL: Jean Tickell for the
7 motion.

8 THE CHAIRPERSON: Wilson Kimball for the
9 motion. The motion passes 4, 1 abstention, 2
10 absent.

11 Do we have a decision on this or no?
12 We're waiting on SEQRA. Okay.

13 Thank you, Mr. Fernandez, we'll have a
14 decision in the next month.

15 MR. FERNANDEZ: Thank you.

16 THE CHAIRPERSON: Case 5838, 222 Lake
17 Avenue.

18 MR. BADALY: Good evening, Shahin Badaly
19 representing the applicant, 222 Lake Avenue.
20 Since we were last before you we submitted
21 several documents, an appraiser's report, as
22 well as a broker's opinion report. A letter was
23 also submitted regarding the parking concerns as
24 well as a site visit was conducted on October
25 24. I was hoping to understand if the Board had

1 any commentary in regards to the reports that
2 were submitted or the letter in regards to the
3 parking?

4 THE CHAIRPERSON: Do any Board Members
5 have any questions?

6 Mr. Badaly, there was some question as to
7 whether you -- the applicant is a catering
8 facility or a restaurant. Could you clarify
9 that point for us?

10 MR. BADALY: Yes, the application was
11 originally submitted to the Building Department
12 and labelled as a restaurant but we are seeking
13 a catering facility. So there will be no retail
14 sales of food.

15 MR. BORELLI: No retail?

16 MR. BADALY: Correct. There wouldn't be
17 any walk-in customers on that floor.

18 THE CHAIRPERSON: Okay. Is anyone here
19 from the public to speak at 222 Lake Avenue,
20 case 5838?

21 PUBLIC SPEAKER ARMSTRONG: Phil
22 Armstrong, 50 Landscape Avenue. Just have a
23 question. If it's going to be catering now,
24 when I was in a club, I ran it, ran the house,
25 and I understand how much parking is involved

1 with that. What size the events are going to
2 be? Are they going to run three, four hours,
3 what hours are they going operate their
4 catering? These are all questions that need to
5 be asked as far as how this unit is going work
6 within that community. So we'd really like to
7 know that information.

8 And, again, the last time we talked about
9 the how taxes are paid and how something should
10 come back, and you said that income tax or sales
11 tax would help offset that. But that generally
12 doesn't work in the City of Yonkers. We make
13 some of it up, but not enough to cover the
14 increases of my real estate taxes every year.
15 So, thank you.

16 THE CHAIRPERSON: Mr. Badaly, do you want
17 to address the question of the hours of
18 operation?

19 MR. BADALY: Excuse me. Thank you. Yes,
20 we did also originally submit a narrative and so
21 the hours of operation are for generally past
22 five or six o'clock mostly on weekends. We
23 don't expect many events, if any, during the
24 weekdays, it is possible. And the space does
25 hold approximately a little more than 300

1 people. It would be unlikely that most events
2 would hit that threshold, but it does have that
3 capacity.

4 We have submitted a plan that does show
5 well beyond that amount of parking availability
6 that the tenant can secure in the immediate
7 area. As well as a plan to provide valet
8 parking. And so we believe we've mitigated that
9 both through the valet, the amount of parking
10 that's there, and that the timing of the
11 business is offset and not in conjunction with
12 any of the other industrial uses in the area.

13 We do have some uses such as the brewery
14 that will be open at sometimes that the banquet
15 hall may be open. But based on our analyses we
16 don't believe that the parking for the brewery
17 and the catering hall will clash.

18 THE CHAIRPERSON: Does your parking plan
19 involve either a privately-owned lots or the
20 City lot and if so do you have agreements with
21 these individuals or groups to indicate that
22 they, you know, would allow you access to those
23 sites?

24 MR. BADALY: Thank you. Yeah, so the lot
25 on Nepperhan, the applicant is currently seeking

1 to obtain about 20 parking spaces, that's a
2 municipal lot. So they are seeking
3 approximately 20 spaces. I don't believe they
4 have that yet from the City, but they're in
5 active talks. The adjacent lots, they
6 essentially have a handshake agreement. We
7 don't have a written easement or agreement of
8 that nature yet. But we are seeking that and we
9 will obtain it in writing as well.

10 THE CHAIRPERSON: Okay. But you can
11 understand an agreement for 20 spots for a
12 300-person catering hall might raise eyebrows
13 amongst the Board as well as the public.

14 MR. BADALY: I do understand that. And I
15 do want to mention that the adjacent lots do
16 hold, I believe, and I can pull up the number, I
17 believe, it's around 500 spaces or more that
18 we're displaying in total in the area that we
19 have access to. I can pull up the exact amount.

20 THE CHAIRPERSON: That would be helpful.
21 Any other Board Member have any other questions?

22 MR. BATTISTA: I do. So what time at
23 night will the events end? Right, so, 11:00,
24 12:00? It needs to be a definitive end time.

25 MR. BADALY: Right now we're proposing

1 midnight.

2 MR. BATTISTA: Midnight. And the brewery
3 wouldn't be able to use this space in
4 conjunction, are they two separate entities?

5 MR. BADALY: They are two separate
6 entities. I mean if they wanted to rent out the
7 space, they could. But there's no financial
8 interest between the two.

9 MR. BATTISTA: And the brewery operates
10 as an everyday retail, slash, restaurant space?

11 MR. BADALY: Well, yeah, I mean so they
12 are everyday retail. You can walk in and buy
13 beer. There's a tasting room where you can sit
14 down and have beer. And then but the majority
15 of their floor area is really the production of
16 the beer. But, yeah, you can definitely at --
17 when they're opened which starts in the
18 afternoon, they're not opened in the mornings,
19 you can walk in and just buy stuff, yeah.

20 So just to briefly go through that, the
21 parking lots, the adjacent lot behind our area
22 can hold approximately 149 cars. That's the lot
23 that is bound between all of the buildings
24 behind us. And there's also a passenger
25 drop-off area behind the building associated

1 with our basement floor. But it does have steps
2 into the first floor, but most likely people
3 will come into the basement floor and it's
4 accessible to the elevate up. On the front of
5 Lake Avenue, there's also a passenger drop-off
6 area as well as 23 available metered spaces.
7 And then across the street in the bus depot we
8 have approximately 50 additional spaces that we
9 can secure. And directly adjacent on the other
10 side of the river on the driveway easement area,
11 where there's the large warehouse, we also have
12 an availability of approximately 360 cars. So
13 that's really the largest overflow area we would
14 have. All three of those lots, the applicant
15 has spoken with ownership and they would be able
16 to coordinate in a way where the trucks or the
17 buses are parked and the valet come after that
18 and essentially blocks those trucks in. But
19 their businesses would not be open during the
20 times our cars are parked there. And then all
21 the cars are removed before their business opens
22 up back in the morning. So that's how they
23 would be able to coordinate in that matter.

24 THE CHAIRPERSON: We're going to need a
25 written statement from those, the bus depot, the

1 360-car lot, and I think the 149 refers to YOHO
2 Arts District quadrant in there.

3 MR. BADALY: There's three buildings
4 associated with it, correct.

5 THE CHAIRPERSON: Okay.

6 MR. BADALY: There's also a contractor
7 and like a granite shop in the other building.
8 So we'll secure a written statement from the
9 adjacent properties.

10 THE CHAIRPERSON: Yes. Thank you.

11 MR. BADALY: Thank you.

12 THE CHAIRPERSON: Are there other
13 questions of the Board?

14 MR. VASSO: Yes. When we did a site
15 visit, the parking in the back, so between the
16 two buildings or three buildings, there was no
17 parking lines. So it's kind of a haphazard
18 parking situation. What's the --

19 MR. BADALY: So the intent is for events
20 for -- unless somebody decides to drive up to a
21 metered space and park themselves, it would
22 strictly be valet. We would not want people to
23 park themselves back there. And certainly not
24 in any of the other lots that we would secure
25 from adjacent properties. It is pretty tight

1 back there. The bridge over as you can tell is
2 really tight too, so it's really, I don't think
3 it's meant for self parking.

4 MR. VASSO: So all the locations that you
5 just stated is all going to be valet parking?

6 MR. BADALY: Except for the metered
7 spaces along Lake Avenue and the municipal lot
8 on Nepperhan.

9 MR. VASSO: Right.

10 MR. BADALY: But I'm not certain, I
11 believe most people would rather valet usually
12 in this type of event.

13 THE CHAIRPERSON: Are there any other
14 questions of Mr. Badaly?

15 Thank you, Mr. Badaly.

16 MR. BADALY: Thank you.

17 THE CHAIRPERSON: 5839, 743 Central Park
18 Avenue.

19 MS. MOTEL: Good evening, Chair, Members
20 of the Board. Kristen Motel, I'm a partner from
21 the Law Firm Cuddy and Feder here on behalf of
22 the applicant. Adam and Josh Raskin
23 representing ASkone Dispensary are also here as
24 well as Steve Tarabokija from DTS Provident, the
25 design parking and traffic engineer. Nick

1 Girardi who is a business consultant and partner
2 and Ruben Lindo who's from Grid Iron Management
3 who's also a consultant for the business.

4 Since we were here before you last, there
5 was a site visit with several Board Members and
6 Mr. Borelli. As outgrowth of that site visit
7 discussions there as well as comments received
8 from the Board at the October meeting, we
9 amended the revised plans to relocate the 88
10 parking spots. You'll recall that 88 space was
11 located in the front of the building parallel to
12 it. It's since been relocated to the main
13 parking row. As a result of the width for the
14 88 spaces we did have to lose two regular spaces
15 from that main row which brings us to a total of
16 ten spaces, nine plus the one ADA. So that's
17 decrease in two so we do need another variance
18 for the number of parking spaces required. That
19 being said this configuration still improves the
20 existing conditions on site. If you'll recall
21 there are only 8 spaces on-site now. Not only
22 are adding parking spaces, we're adding an ADA
23 space and we're also improving the ingress and
24 egress from the property by doing a double,
25 utilizing both curb cuts here and expanding the

1 width of the property through the acquisition of
2 half of the paper street. So, you know, we
3 would plan to use that space the former location
4 of the ADA space as off-hours loading only.
5 State law requires that loading be during off
6 hours so there's really not going to be any
7 conflict with customers or traffic throughout
8 the day there.

9 So, you know, I don't know, Steve, if you
10 want to just walk through the plans we did.
11 Also examine a few other ingress and egress
12 configurations to try to get those extra spaces.
13 But, you know, I'll let Steve go into that. But
14 ultimately this is the best of configuration we
15 could come up with.

16 MR. TARABOKIJA: Yeah, so the current
17 site has a single curb cut right around the
18 middle of the property. So we looked at
19 bifurcating that driveway, provide a better
20 circulation through, through the parking lot.
21 We did look at keeping the bifurcation but
22 bringing vehicles in on the south end and exit
23 them out on the north end. Unfortunately it was
24 just too tight of a turn to make to come out
25 here, traffic out to the middle of the second

1 lane. So we did keep it in this direction so
2 the vehicle can come in and continue in a single
3 direction come back out here.

4 THE CHAIRPERSON: Great. So just to
5 clarify you're adding a parking variance?

6 MS. MOTEL: Correct. Yes. And I believe
7 that an updated determination was issued from
8 Mr. Borelli on this.

9 THE CHAIRPERSON: Yes. Are there any
10 questions of the Board? Thank you.

11 Are there any members of the public with
12 questions on 5839, 743 Central Park Avenue?

13 Okay. Then I will entertain a motion to
14 close this public hearing.

15 MR. BATTISTA: Motion to close.

16 THE CHAIRPERSON: Jean, second. By name.

17 MR. BATTISTA: For the motion.

18 MR. VASSO: Al Vasso for the motion.

19 MR. GJELAJ: Christian Gjelij, abstain.

20 MS. TICKELL: Jean Tickell for the
21 motion.

22 THE CHAIRPERSON: Wilson Kimball for the
23 motion. The motion carries 4, 1 abstention, 2
24 absent. Thank you, Ms. Motel.

25 MS. MOTEL: Thank you. So is there any

1 additional information required for your SEQRA
2 determination, or we'll see you in December?

3 THE CHAIRPERSON: We'll see you in
4 December.

5 MS. MOTEL: Okay. Thank you very much.

6 THE CHAIRPERSON: 5752, 50 Vineyard
7 Avenue. This is in the Other Business section.
8 This is to amend the approval by three inches.
9 So I'll entertain a motion. Thank you, Jean.
10 Do I have a second?

11 MR. BATTISTA: Second.

12 THE CHAIRPERSON: Ralph. By name.

13 MR. BATTISTA: For the motion.

14 MR. VASSO: Al Vasso for the motion.

15 MR. GJELAJ: Christian Gjelij, abstain.

16 MS. TICKELL: Jean Tickell for the
17 motion.

18 THE CHAIRPERSON: Wilson Kimball for the
19 motion. The motion passes 4, 2 absent, 1
20 abstention.

21 165 North Broadway, 5799, correct the
22 approval. To correct the approval, I'm sorry.
23 Do we have what the correction needed to be on
24 this case? All right. We'll come back to that
25 one. I'll try to figure out what that is.

1 The next one is 5840, 59 Virginia Place.

2 MS. MURRAY: Good evening, Madam Chair
3 and Board. My name is Regina Murray. And I'm
4 here on behalf of the homeowner at the premises
5 59 Virginia Place. The proposal is to convert
6 the single family with an in-law apartment into
7 a legal two-family dwelling. I am aware it is a
8 S-60 zone; however 68 Virginia Place and 71
9 Virginia Place are also same zone and they are
10 two-family. They were one and they are now
11 two-family.

12 THE CHAIRPERSON: Ms. Murray, I think the
13 last time we were here the issue was secondary
14 egress and things like that. Has that been
15 addressed and has a revised architectural been
16 submitted to the Building Department?

17 MS. MURRAY: Well, there is two means of
18 egress for both apartments, front, back. And
19 that's the way that property was built in, what
20 was it, 1991 I believe. Those plans the
21 Building Department has.

22 THE CHAIRPERSON: Are there any questions
23 from the Board?

24 Are there any comments from the public?

25 Okay. Thank you, Ms. Murray.

1 MS. MURRAY: Thank you, Madam Chair and
2 the Board.

3 THE CHAIRPERSON: That brings us to 5810,
4 143 Woodworth. 143 Woodworth.

5 MR. AMIR: Good evening, Madam Chair,
6 Members of the Board, again, Jacob Amir of Zarin
7 and Steinmetz on behalf of the applicant TCP
8 Realty at 143 Woodworth. Madam Chair, I believe
9 this was a public work session for scoping on
10 October 16th and it was on this Board's agenda
11 on October 18. I believe that if I understand
12 correctly that a scoping statement had been
13 prepared so that the applicant can proceed with
14 environmental review.

15 THE CHAIRPERSON: Yes. Mr. Brady, do you
16 want to approach, please.

17 MR. BRADY: Good evening, Bill Brady
18 William Brady, Nelson, Pope Voorhis, planning
19 consultants for the Zoning Board on this matter.
20 Since the public hearing on October 16th, we
21 have worked, reviewed all the comments that were
22 received in writing. There were over at least
23 30 comments received in writing. And also
24 reviewed the dozens of comments that were spoken
25 at the public hearing. We've since provided the

1 Board with a draft, a revised draft, scope of
2 the environmental review and that has been
3 provided. And so tonight the Board is going to
4 consider that revised scope of, final scope for
5 the preparation of Environmental Impact for the
6 project. Madam Chair, I can just summarize the
7 nature of some of the comments.

8 THE CHAIRPERSON: Yes, please.

9 MR. BRADY: That'll be great. So, again,
10 both in writing and the comments provided at the
11 public hearing in October, the variety of
12 comments that we've incorporated now into the
13 new revised final draft scope. Everything from
14 adding to the list of plans and documents to be
15 considered is the Yonkers Climate Action Plan.
16 There have been six additional locations to be
17 considered in the visual analysis. There are
18 several references to impacts on the adjacent
19 Metro North railroad tracks. There is a new
20 comment on the impact to potential to geothermal
21 heating and cooling. There's an additional item
22 on on-street parking impacts. There's an
23 additional comment on impacts on low-flying air
24 craft. There's also added discussion of adding,
25 getting rental units into the project and the

1 impact it's going to have on the area. There's
2 a new comment or a new item on the access for
3 fire department apparatus and the ability to
4 access the site. There are several new comments
5 on the impacts on open space and recreation
6 provided in the area. There are some new
7 comments, there's new language on the
8 methodology to assess the air quality impacts.
9 There are additional comments on truck traffic
10 during construction and also impacts on older
11 buildings adjacent and nearby the site. And as
12 well as impact on foundation of existing
13 buildings coming from things like vibrations
14 during construction.

15 So, again, that's just the variety of the
16 additions to the draft scope of the
17 environmental review and I will see if, does
18 anyone have any questions on that, on the Board?

19 THE CHAIRPERSON: Thank you, Mr. Brady.

20 MR. BRADY: Thanks.

21 THE CHAIRPERSON: Do you have any
22 questions, Mr. Amir?

23 MR. AMIR: I have no questions, nothing
24 further.

25 THE CHAIRPERSON: Thank you. With that

1 we'll adopt put forth the resolution adopting
 2 publishing and posting final scope for
 3 preparation of the Environmental Impact
 4 Statement SEQRA review for 143 Woodworth Avenue
 5 project.

6 WHEREAS, at the January 21, 2023, City of
 7 Yonkers Zoning Board Appeals meeting, the Zoning
 8 Board of Appeals adopted a positive declaration
 9 under the New York State Environmental Quality
 10 Review Act, SEQRA.

11 (Brief pause.)

12 Sorry, I stand corrected. June 21, 2023.
 13 In connection with the proposed 143 Woodworth
 14 Avenue project which triggered the need for
 15 preparation of an Environmental Impact study,
 16 EIS, for the review of any potentially
 17 significant adverse impacts that may result from
 18 the project.

19 And WHEREAS, as on October 16, 2023, the
 20 ZBA held a public scoping session and commenced
 21 a public comment period until October 31, 2023,
 22 and

23 WHEREAS, the draft scope was then
 24 provided to all involved agencies made available
 25 to the public and interested agencies; and

1 WHEREAS, the ZBA has now collected,
2 compiled, reviewed and considered all comments
3 on the draft scope received at the public
4 scoping session and during the scoping comment
5 period, and is now prepared to meet its
6 obligations pursuant to SEQRA regulations at
7 CRR-NY 617.8 and adopt a final written scope
8 which will direct the preparation of a Draft
9 Environmental Impact Statement, a DEIS, on the
10 proposed 143 Woodworth Avenue project.

11 NOW, THEREFORE, BE IT RESOLVED, that the
12 ZBA hereby adopts a final written scope for the
13 DEIS in connection with the proposed with 143
14 Woodworth Avenue project which fulfills the
15 stated goals of scoping set forth in SEQRA
16 regulations at 6 CRR-NY 617.S(a) to, quote,
17 focus the EIS on potentially significant adverse
18 impacts and to eliminate consideration of those
19 impacts that are irrelevant or not significant,
20 end quote, and

21 BE IT FURTHER RESOLVED, that the ZBA
22 hereby directs publication of notice of the
23 Final Scope in the Environmental Notice Bulletin
24 in accordance with CRR-NY 617.12(c)(1) and
25 further directs that the Final Scope and any

1 related documents responding to comments on the
2 draft scope, be posted on the project-specific
3 public website in accordance with 6 CRR-NY
4 617.12(c)(5) and

5 BE IT FURTHER RESOLVED that the ZBA
6 directs the preparation of a DEIS based upon the
7 Final Scope.

8 May I have a motion?

9 MR. BATTISTA: Motion.

10 THE CHAIRPERSON: Thank you, Ralph.

11 Second.

12 MR. VASSO: Second.

13 THE CHAIRPERSON: Al. By name.

14 MR. BATTISTA: Ralph Battista for the
15 motion.

16 MR. VASSO: Al Vasso for the motion.

17 MR. GJELAJ: Christian Gjelij, abstain.

18 MS. TICKELL: Jean Tickell for the
19 motion.

20 THE CHAIRPERSON: Wilson Kimball for the
21 motion. The motion, the resolution carries 4, 1
22 abstention, 2 absent. Thank you.

23 MR. AMIR: Thank you.

24 THE CHAIRPERSON: Is there any other
25 property that was not called this evening for

1 which people are here to speak?

2 Sir, approach.

3 MR. PEPAJ: Kastriot Pepaj. 44 New
4 Avenue.

5 THE CHAIRPERSON: I'm sorry, speak up.

6 MR. PEPAJ: Sure. It's 44 New Avenue.
7 Andrew Romano was supposed to be here.

8 THE CHAIRPERSON: Okay. Great.

9 MR. BATTISTA: If you can just restate
10 your name please.

11 MR. PEPAJ: Kastriot Pepaj.

12 K-a-s-t-r-i-o-t. Last name is P-e-p-a-j.

13 THE CHAIRPERSON: Proceed, sir.

14 MR. PEPAJ: I was supposed to have my
15 lawyer here tonight but I don't know what
16 happened.

17 THE CHAIRPERSON: His mother passed away.

18 MR. PEPAJ: I'm sorry.

19 THE CHAIRPERSON: I'm sorry to report.

20 Okay. We'll just put this over to the next. Is
21 there anything that you, you know, would like to
22 add while you're here?

23 MR. PEPAJ: We did have like a, like I
24 said a visit last time like a week ago or ten
25 days ago. So that's all I know. I don't think

1 I'll be much of a help.

2 THE CHAIRPERSON: Okay. We'll review
3 this for December, but possibly January
4 decision.

5 MR. PEPAJ: Okay. Thank you.

6 THE CHAIRPERSON: Thank you. Sorry for
7 the miscommunication with your attorney.

8 Is there any other -- 5836, 47 High
9 Street aka 102 Park Avenue.

10 MR. MASTROGIACOMO: Hi, good evening.
11 Michael Mastrogiacomo here for project. When we
12 were last here in October, we scheduled a site
13 visit, which I believe a couple of Members of
14 the Board were there. As we walked the site
15 what our discussion was is there's this section
16 of property which is also owned by the same
17 property owner. So we were preparing,
18 reapportion the maps to pick this up area of
19 property and put it with our property. And what
20 that will do is reduce the 50-foot variance down
21 to like 24 or 25 foot variance as far as the
22 frontage. And it'll also reduce the lot area
23 about 3,200 square feet. So currently we have
24 about 10,200 square feet of lot area. By
25 picking up this property we're going to be close

1 to 13,400, so it'll reduce the variance from
2 4,800 square feet to 1,600 square feet.

3 And we also spoke about the parking. So
4 they were able to see that the Portuguese
5 American Culture Club is directly across the
6 street and we have a written agreement with
7 them. So what we're doing right now is working
8 with the assessor's office to get all the
9 reapportionment maps approved so then we can to
10 revise the drawings and resubmit to you.

11 THE CHAIRPERSON: Great. Is there any
12 Members who have questions?

13 Are there any members of the public to
14 speak on 5836, 47 High Street aka 102 Park
15 Avenue?

16 Thank you. We are not sure about the
17 December meeting, it might be a decisions only,
18 we might not have one, but, you know, just check
19 the website for that information. It might be
20 on the agenda for January for a decision.

21 MR. MASTROGIACOMO: Okay. Thank you very
22 much.

23 THE CHAIRPERSON: Thank you.

24 This is case 5799, 165 North Broadway to
25 correct the approval. Mr. Borelli tells me that

1 the Building Department has addressed this
2 issue. May I have a motion to accept the
3 corrected approval?

4 MR. BATTISTA: Motion to accept.

5 THE CHAIRPERSON: Thank you. May I have
6 a second? Al. By name.

7 MR. BATTISTA: For the motion.

8 MR. VASSO: Al Vasso for the motion.

9 MR. GJELAJ: Christian Gjelij, abstain.

10 MS. TICKELL: Jean Tickell for the
11 motion.

12 MR. SINGH: Harry Singh for the motion.

13 THE CHAIRPERSON: Thank you, Harry.
14 Please note that Harry Singh has joined us.

15 Wilson Kimball for the motion. The
16 motion carries 5, 1 abstention, 1 absent.

17 We also have 5736, 83-94 Vineyard Avenue
18 an extension request. Make a motion to extend
19 for one year from this date.

20 MR. BATTISTA: Second.

21 THE CHAIRPERSON: Thank you, Ralph. By
22 name.

23 MR. BATTISTA: For the motion.

24 MR. VASSO: Al Vasso for the motion.

25 MR. GJELAJ: Christian Gjelij, abstain.

1 MS. TICKELL: Jean Tickell for the
2 motion.

3 MR. SINGH: Harry Singh for the motion.

4 THE CHAIRPERSON: Wilson Kimball for the
5 motion. The motion passes 5, 1 abstention, 1
6 absent.

7 Are there any other cases, questions,
8 Board Members? Have a motion to close the
9 meeting? Thank you, Jean. Ralph, that seems
10 like a second.

11 MR. BATTISTA: Second.

12 THE CHAIRPERSON: By name.

13 MR. BATTISTA: For the motion.

14 MR. VASSO: Al Vasso for the motion.

15 AUDIENCE MEMBER: 5752?

16 MR. BATTISTA: 5752 we amended the
17 approval.

18 THE CHAIRPERSON: We amended the
19 approval.

20 AUDIENCE MEMBER: Okay. Thank you.

21 THE CHAIRPERSON: Thank you.

22 AUDIENCE MEMBER BERA: Tanglewood
23 Shopping Center that was supposed to be on for
24 today?

25 THE CHAIRPERSON: That was adjourned,

1 sir.

2 AUDIENCE MEMBER BERA: When is that
3 coming back?

4 THE CHAIRPERSON: I believe they
5 adjourned it until -- they didn't say. It might
6 be adjourned if we have -- to December if we
7 have a December meeting or it may be adjourned
8 until January.

9 AUDIENCE MEMBER BERA: Okay. Thank you.

10 THE CHAIRPERSON: Thank you. Sorry. Can
11 we have the vote again for the close of the
12 meeting.

13 MR. BATTISTA: For the motion.

14 MR. VASSO: Al Vasso for the motion.

15 MR. GJELAJ: Christian Gjelij for the
16 motion.

17 THE CHAIRPERSON: Okay. I think you can
18 go for that.

19 MS. TICKELL: Jean Tickell for the motion.

20 MR. SINGH: Harry Singh for the motion.

21 THE CHAIRPERSON: Thank you. Wilson
22 Kimball for the motion. Motion passes. Thank
23 you, all.

24 (Time Noted: 7:02 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

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