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2	STATE OF NEW YORK
	CITY OF YONKERS
3	x
	Minutes of The City of Yonkers
4	Zoning Board of Appeals
	February 21, 2024 - 6:13 p.m.
5	at
	City Hall
6	40 South Broadway, 2nd Floor
	Yonkers, New York 10701-3892
7	x
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9	
10	BEFORE:
11	Wilson Kimball, Chairperson(Absent)
12	Harry Singh, Member
13	Hector Lopez, Member (Absent)
14	Ralph Battista, Member(Interim Chairperson)
15	Jean Tickell, Member
16	Alfred Vasso, Member
17	Christian Gjelaj, Member
18	
19	
20	
21	
22	
23	Richard Herreria
	Court Reporter
24	
25	

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8	#5845 - James Dibbini - 62 Margaret Avenue 59	)
9		
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	Page 4
1	Proceedings
2	THE CHAIRPERSON: Good evening,
3	everybody. Welcome to the Zoning Board
4	meeting of February 21st, 2024. Thank you
5	for your patience. We are starting a little
6	bit late. If all of the members can state
7	their name, starting with Al.
8	MR. VASSO: Al Vasso.
9	MR. GJELAJ: Christian Gjelaj.
10	MS. TICKELL: Jean Tickell.
11	MR. SINGH: Harry Singh.
12	THE CHAIRMAN: Ralph Battista.
13	Chairwoman Wilson Kimball is absent, and
14	Hector Lopez will get here and we will make
15	sure he is accounted for.
16	First case number is 5790, area
17	variance, on behalf of Mehranco Limited
18	Liability. We are going to adjourn that one
19	until May 2024.
20	Next case is 5797, area variance,
21	Andrew Romano on behalf of 110 Ravine Realty
22	Corp.
23	MR. ROMANO: Andrew Romano, 55 Main
24	Street, Yonkers, New York, on behalf of the

applicant.

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behalf of 2248 aka 2270 Central Park Avenue.

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MR. PATRICK: Good evening. For the record, my name is Daniel Patrick with Cuddy & Feder on behalf of the applicant. submitted updated plans last month. We presented them to this board last month. believe they received a favorable response from most of the Board members. interim, there was no action last month so we had to renotice the hearing. There was a change to the variances that was required. We did submit to the Building Department and got an updated denial letter. We renoticed the hearing. We're here asking the Board close the public hearing this evening and take favorable action in the application. We have the plans and have the team here if you want to walk through the changes again. There's nothing changed on the plans from what we submitted last month and what was submitted on the 17th of January.

this up. Anyone here from the public that will like to speak on this?

Okay. We are going to

THE CHAIRMAN:

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THE WITNESS: I do.

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THE CHAIRMAN: State your name and

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address.

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THE WITNESS: My name is Joey

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project to be done. It's a slum landlord.

Barren (ph), 63 Beaumont Circle. I want this

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You should go there and see the sewers. The

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sewer has underwear, pants, stink leg --

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they are coming in with the garbage truck in

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the morning, two or three o'clock in the

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morning, waking me up and they're not

maintaining this area. This is a slum

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landlord. Please defeat this thing. We

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don't need a drive-thru thing. It's going

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to -- East Roxbury Drive, you are not going

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to get out of that intersection with

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Chick-fil-A there. This is premature. It's

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a slum landlord. You should go and look at

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the sidewalk and the street, all shit all

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over the place there. This is a slum

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landlord. We don't need it. They're not taking care of their property. Please

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defeat this. We don't need a slum landlord

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there.

	Page 8
1	Proceedings
2	And they need they only have 123
3	parking spaces now with their building, the
4	one in the back. We will lose 151 parking
5	spaces. Then it will go down to 142 parking
6	spaces. Without this project, they needed
7	150 parking spaces. We will lose the 151
8	parking spaces in the back, plus they're
9	making seats for 22 seats in the back. The
10	main entrance where this is going to be,
11	it's going to clog up the traffic and it's
12	going to be a disaster. Please defeat this.
13	We don't need a slum landlord not taking
14	care of the property, and this is not
15	mandatory for this area. Thank you so much.
16	THE CHAIRMAN: Thank you. Does anyone
17	have a motion to close?
18	MR. VASSO: Second.
19	THE CHAIRMAN: Al. Harry, on the
20	motion.
21	MR. VASSO: For the motion.
22	MR. GJELAJ: For the motion.
23	MS. TICKELL: For the motion.
24	MR. SINGH: For the motion.
25	THE CHAIRMAN: The motion passes

1	Proceedings
2	five-zero to close.
3	On Case Number 5818, 2248-2270 Central
4	Park Avenue, Block: 4800, Lot: 60, I make a
5	motion for the ZBA based on its review of
6	the completed Environmental Assessment Form,
7	EAF, and the supporting plans material
8	adopts a negative declaration for the
9	proposed action. Do I have a motion? I
10	make the motion. Do I have a second?
11	MR. VASSO: Second.
12	THE CHAIRMAN: Al, second. On the
13	motion, Al.
14	MR. VASSO: For the motion.
15	MR. GJELAJ: For the motion.
16	MS. TICKELL: For the motion.
17	MR. SINGH: For the motion.
18	THE CHAIRMAN: Motion passed five-zero.
19	I do have a motion on this case. Case
20	number 5818, area variance, 2248-2270
21	Central Park Avenue, William Null, Esq., of
22	Cuddy & Feder on behalf of UB Tanglewood
23	LLC, on premises known as 2248 a.k.a. 2270
24	Central Park Avenue, Block 4800, Lot: 60
25	Zone BR (B32155), to construct a 1600 SF

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2 3 building pad site with drive-through and associated site improvements, having:

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Insufficient parking, Section 43-128,

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Table 43-4. (Proposed Pad Site GFA: 1,600

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SF/200 SF = 8 additional parking spaces required; total parking spaces required 267 existing plus 8 proposed equal 275) (Total proposed: 166, parking variance required: 109). Basement or cellar areas devoted to

parking and mechanical equipment spare are the only areas excluded from calculation of gross floor area, as per definition of gross floor area in Yonkers Zoning Ordinance (YZO) Section 43-8, hence, landlord common space and all tenant spaces in basement are included in the calculation of required number of parking spaces.

Reduction or elimination of whatever quantity of parking space that may already exist, except to the extent that it may exceed the requirement for existing building or structures, shall not be permitted as per YZO Section 43-131.C.3.

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Existing number of parking spaces provided for existing building does not exceed the required minimum number of parking spaces, hence, reduction of existing number of parking is not permitted without ZBA approval.

The Subject Property. The Tanglewood Shopping Center has AutoZone as an anchor-tenant among other tenants. A significant amount of the parking required on the site is attributable to storage space in the AutoZone and other retail establishments, like Dunkin Donuts, that currently use the basement for storage. In addition, there is a satellite commercial building situated along Crisfield Street, the northern border of the property. The applicant seeks to add a 1,600-square-foot restaurant with a drive-up window to be situated in the southerly portion of the property parallel to Central Park Avenue.

I make a motion to approve the requested variance based on facts, findings, information, and testimony presented to this

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Board at the public hearing, site visits by members of the Zoning Board of Appeals, or otherwise obtained. In approving these variances, the Zoning Board of Appeals has taken into consideration the hardship faced by the applicant as weighed against the detriment to the health, safety, and welfare of the neighborhood and community.

Specifically, in making its determination the Board has considered the following:

1. Whether the benefit sought by the applicant can be achieved by other feasible means.

The benefit sought by the applicant cannot be achieved by other feasible means. The applicant went through several other configurations that were not ideal for the site because they created unacceptable queuing and traffic flow patterns.

2. Whether granting the requested variances would result in an undesirable change in neighborhood character or a detriment to nearby properties.

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The granting of the parking variances would not result in an undesirable change in the neighborhood and a detriment to nearby properties. A significant portion of the parking requirement is dictated by the basement space used by the retailers as storage and not as additional retail floor space. Further queuing is being done towards the back of the site which is insulated from neighbors by an existing fence and trees. Queuing will not spill out onto Central Park Avenue by design.

3. Whether the requested variance is substantial.

The variance is not substantial because a significant portion of the parking requirement is dictated by the basement space used by the retailers as storage and not as additional retail floor space.

4. Whether the variances will have negative effects to physical or environmental conditions in the neighborhood.

The variance will not have a negative

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effect on the physical and environmental conditions in the neighborhood. The parking lot is already covered by asphalt at the site of the potential drive through.

Drainage and other environmental issues have been addressed as required by New York State.

5. Whether the alleged difficulty is self-created.

The hardship is self-created. However, the self-created hardship rule is only one consideration and does not preclude the Board from granting the request.

I make a motion to approve this request based upon facts, findings, information, and testimony presented to this Board at a public hearing, site visits by members of the Zoning Board and otherwise obtained.

In granting the variance, the Board imposes the following:

1. All basement or cellar spaces are prohibited from being used by anyone other than the tenants on the site for any purpose other than storage;

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1	Proceedings
2	2. All fire, health, environmental,
3	safety, building and zoning codes shall be
4	adhered to at all times;
5	3. Any taxes or fines, if owed, shall
6	be paid within 60 days from today's date;
7	4. This approval shall be immediately
8	rescinded should the owner violate any of
9	these conditions, and;
10	5. All expenses associated with these
11	conditions shall be the responsibility of
12	the owner.
13	On the motion.
14	MR. VASSO: Al Vasso for the motion.
15	MR. GJELAJ: Christian Gjelaj for the
16	motion.
17	MS. TICKELL: Jean Tickell for the
18	motion.
19	MR. SINGH: Harry Singh for the motion.
20	MR. PATRICK: Can I ask for one
21	clarification? For the first condition I
22	believe it was related to the use of the
23	basement, so the applicant was proposing to
24	mark all the basement area for it's the
25	AutoZone area. I think there are existing

1	Proceedings
2	tenants currently using the basement spaces
3	for the other areas. Can those existing
4	tenants be excluded from that condition?
5	THE CHAIRMAN: It's all basement or
6	cellar spaces are prohibited being used by
7	anyone other than the tenants on the site
8	for purposes other than storage.
9	MR. PATRICK: Okay.
10	THE CHAIRMAN: So the current tenants
11	on the site can use it.
12	MR. PATRICK: Just for storage?
13	THE CHAIRMAN: Just for storage.
L <b>4</b>	MR. PATRICK: I think there's a few
15	tenants using it for other nonstorage
16	purposes currently, which is not we're
17	not proposing to change it. I'm being told
18	one of the tenants uses one of the basement
19	areas for an employee training area, so
20	that's a nonstorage use. We just don't want
21	that to become non-conforming. Future
22	tenants will be restricted only.
23	MS. KRAVITZ: The motion has been
24	passed as we currently sit here.
25	THE CHAIRMAN: The motion passed as it

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1	Proceedings
2	currently is. So it's passed and then I
3	guess if you'd like to amend the conditions,
4	you would have to come back.
5	MR. PATRICK: Okay. That's not a
6	problem.
7	THE CHAIRMAN: Just for clarity, we
8	will do it one more time on the motion. Do
9	I have a second? Al Vasso second. On the
10	motion.
11	MR. VASSO: For the motion.
12	MR. GJELAJ: For the motion.
13	MS. TICKELL: For the motion.
14	MR. SINGH: For the motion.
15	THE CHAIRMAN: The motion passes five,
16	two absent.
17	MR. PATRICK: Thank you very much.
18	THE CHAIRMAN: The next case is 5820,
19	area variance, Andrew Romano on behalf of
20	the Mountain Portfolio, 380 Riverdale
21	Avenue.
22	MR. ROMANO: Good evening. Andrew
23	Romano on behalf of the applicant.
24	THE CHAIRMAN: Mr. Romano.
25	MR. ROMANO: Can we close this?

Good evening.

MR. SINSABAUGH:

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Sinsabaugh, attorney with Zarin & Steinmetz, on behalf of applicant. So I spoke with the -- I did speak with the City in advance of this meeting. I know there's a possible change as to the SEQRA status for this application. We are before you tonight with regard to asking you to close the hearing on this, and given the change in SEQRA status, no change or no negative declaration is needed, but we will ask you to adopt the resolution of approval on this application.

THE CHAIRMAN: Is anyone here from the public -- the public hearing is closed on this case. Okay. So I make a motion that one, ZBA rescinds its intention to seek lead agency and all the directives to the Planning Director adopted by this Board on July 19, 2023. There is no record that notices pursuant to that direction were distributed. The ZBA is determined that this is a type two action under SEQRA and its regulations and no further action under SEQRA is required for this matter.

1	Proceedings
2	Do I have a second?
3	MR. VASSO: Al Vasso, second.
4	THE CHAIRMAN: On the motion.
5	MR. VASSO: For the motion.
6	MR. GJELAJ: For the motion.
7	MS. TICKELL: For the motion.
8	MR. SINGH: For the motion.
9	THE CHAIRMAN: For the motion. The
10	motion passes five, two absent. On this I
11	have decisions.
12	So case number 5823, area variance,
13	Zarin & Steinmetz, on behalf of CPD New York
<b>14</b>	Energy Corp, 1250 Nepperhan Avenue, Block:
15	3182 Lot: 2 Zone: I. I make a motion to
16	approve this variance.
17	Proposal: For interior/exterior
18	renovation of existing gas
19	station/convenience store with auto repair
20	bays; eliminating the repair bays and
21	expanding the convenience store, whereas:
22	All semipublic open-air parking areas
23	shall be set back a minimum of five feet
24	from any property line in accordance with
25	Section 43-44B(5) of the City of Yonkers

## Proceedings

Zoning Code. The proposed parking space located at the east end of the parking row in front of the main building is less than five feet for the side lot line. Applicant to submit application to the ZBA to request a variance to Section 43-44B(5) for the parking space located within five feet of side lot line.

All semipublic open-air parking areas shall be set back a minimum of 10 feet from any building on the same lot in accordance with Section 43-44B(5) of the City of Yonkers Zoning Code. The proposed parking spaces in front of the main building and one proposed parking space on the west side of the building are less than 10 feet from the building. Applicant to submit application to the ZBA to request a variance to Section 43-44B(5) for the parking spaces located within 10 feet of the building on the same lot.

90-degree angle parking space requires a 24 feet maneuvering aisle in accordance with Section 43-134A(12) of the City of

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#### Proceedings

parking spaces located at the east end of
the parking spaces row in front of the main
building have less than 24 feet of
maneuvering space within the property
boundary and will require maneuvering within
the adjacent property. Applicant to obtain
ZBA approval for a reduction of the required
maneuvering or to obtain a permanent
easement to be allowed to have automobiles

maneuvering within the adjacent property.

Yonkers Zoning Code. Two of the proposed

Based on facts, findings, information and testimony presented to this Board at the public hearing, site visits by Members of the Zoning Board of Appeals, or otherwise obtained, I make a motion to approve this variance. The Zoning Board of Appeals has taken into consideration the benefit to the applicant as weighed against the detriment to the health, safety, and welfare of the neighborhood and community. Specifically, in making its determination, the Board has considered the following:

1. Whether benefit can be achieved by

# Proceedings

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other means feasible to applicant.

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As per applicant, several site plan options were reviewed in an attempt to make the setback requirements but found that parking within the designated setbacks is the most efficient means of meeting the zoning requirements for off-street parking while providing safe vehicle maneuvering throughout the site.

Whether the area variance will lead to undesirable change in neighborhood character or to nearby properties.

The existing site does not meet the zoning requirements for parking, and it would benefit the neighborhood by providing dedicated spaces to meet zoning requirements. The property line, which accounts for some of the variances, divides the space between the existing building and neighboring Walgreens; however, there is an existing cross-access agreement between the two lots, which grants adequate maneuvering room for the vehicles parking in the spaces located close to the property line.

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. Whether the request is substantial.

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setbacks are minor in nature and will have

These variance requests for parking

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an unperceivable impact on the nature of the site and surrounding neighborhood.

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4. Whether the request will have

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adverse physical or environmental effects.

The variances that were sought amount

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to vehicular circulation on an existing

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site. Therefore, no adverse physical or

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environmental effects will occur from these

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variances.

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5. Whether the alleged difficulty was self-created.

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Transitioning from an auto repair garage to a convenience store does create a self-created difficulty under the current zoning laws as it pertains to off-street parking requirements under Section 43-44B(5) and 43-134A(12). Although the issue was self-created, consideration shall be relevant to the decision to the ZBA but shall not necessarily preclude the granting of the Area Variance. Further, as the Board

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is aware, the self-created hardship rule is merely a consideration and does not necessarily bar the granting of a variance. The ZBA enabling legislation plainly states that self-created hardships are just one of the five (5) factors that the ZBA must consider. Additionally, where the granting of the variance would only have a de minimis impact on the surrounding community, the self-created hardship factor may carry less weight.

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With granting this variance, the Board imposes the following conditions:

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 All health, safety, fire, building, and environment codes shall always be adhered to by the applicant.

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2. All curbs and sidewalks abutting the property that need repairing or replacement must be done by before the certificate of occupancy is issued.

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3. No commercial vehicle storage for overnight or long-term parking shall be permitted at this site.

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4. The applicant shall perform the

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## Proceedings

3 4 5 regular site maintenance for all landscape plantings and to repair pavement and striping on a regular basis to provide safe paths for pedestrian and vehicular circulation. The entire finished parking lot should be resurfaced due to uneven pavement.

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5. If any back real estate taxes and/or fines, if owed, shall be paid in full within 60 days of this hearing and proof

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must be submitted to the Board.

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certificate of occupancy and the applicant

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and/or property owner shall permit
inspections at the discretion of the City's

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Department of Housing and Buildings at least

These conditions shall be on the

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once every calendar year to determine that

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the conditions are being satisfied.

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property owner not comply with, breach or

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violate any of these conditions at any time,

Should the applicants and/or

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the approval of these variances is hereby

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Department of Housing and Building to take

rescinded. It authorizes the City's,

1	Proceedings
2	appropriate action.
3	8. All expenses associated with the
4	conditions shall be the sole responsibility
5	of the applicant and/or the property.
6	Do I have a second? Al Vasso.
7	MR. VASSO: For the motion.
8	MR. GJELAJ: For the motion.
9	MS. TICKELL: For the motion.
10	MR. SINGH: For the motion.
11	THE CHAIRMAN: For the motion. The
12	motion passes five, two absent.
13	Next case we 5826, area variance,
<b>14</b>	Steven Veneruso on behalf of 1270 Saw Mill
15	associates. Steven Veneruso.
16	MR. VENERUSO: Good evening,
17	Mr. Chairman, members of the Board. Steven
18	Veneruso on behalf of the applicant
19	regarding property 1270 Saw Mill Road.
20	Mr. Chairman, the last time we were here
21	last month, we presented the project, a
22	scaled-down project, which shows a six-story
23	self-storage facility with other
24	modifications made to the site, reducing and
25	eliminating some of the requested variances.

# Proceedings

Since that meeting, we met last week with members of the Planning Board staff, members of the engineering team, and discussed several topics regarding the project and had a resolution regarding all of the issues.

Our understanding is any resolution that will be passed by the Zoning Board will be contingent upon formal review and signing off by the engineering department regarding piping under the site.

With that, any questions from the Board, I have also spoken once to the property owner of 1280 Saw Mill River Road, who I believe is here tonight, Mr. Gerard Kitt. Mr. Kitt and I have agreed to meet outside of the Zoning Board process to resolve a dispute regarding a portion of the property between the site, his site and the other site. That dispute does not have any impact on the building, variances requested or the project as a whole. And Mr. Kitt and I have discussed having respective title companies discuss and resolve that matter.

THE CHAIRMAN: Thank you. Is there

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anyone here from the public to speak on this case, 5826, 1270 Saw Mill River Road. Sir, state your name and address.

MR. KITT: My name is Gerry Kitt and I own the property at 1280 Saw Mill River Road. I make an objection -- I have no objection to my neighbor putting the building up, providing he moves his property line away from my property line. He moved it two and a half years ago six feet into my property. I submitted paperwork to the Board to prove the property is mine. So I have no problem with the building, but I'd like to resolve it before the building planning goes ahead.

THE CHAIRMAN: Mr. Veneruso, does the area in question change the scope of your project and where the building will be?

MR. VENERUSO: No. So the disputed piece of property that he is talking about, which we acknowledge we will have our title company, and I mentioned to Mr. Kitt, have his title company and we will resolve this one way or another. It has no impact on

1	Proceedings
2	this building. Whether or not we have that,
3	does not impact any of the variances
4	requested. Our contention is, and I think
5	the City's contention, it might be owned by
6	the City. But again, that doesn't impact
7	the project that is the subject of this
8	Zoning Board application.
9	THE CHAIRMAN: Is there anyone else
10	here to speak on this project? I make a
11	motion to close. Do I have a second? Jean.
12	On the motion.
13	MR. VASSO: For the motion.
14	MR. GJELAJ: For the motion.
15	MS. TICKELL: For the motion.
16	MR. SINGH: For the motion.
17	THE CHAIRMAN: For the motion. The
18	motion passes five-zero to close. Five, two
19	absent to close.
20	On case number 5826, Block: 3270, Lot:
21	220, 1270 Saw Mill River Road. I make a
22	motion that:
23	1. The ZBA rescinds its intention to
24	seek lead agency and all directives to the
25	Planning Director adopted by this Board on

1	Proceedings
2	July 19, 2023. There is no record that
3	notices pursuant to that direction was
4	distributed. The ZBA determined that
5	coordinated review is not necessary and
6	undertook uncoordinated review for this
7	matter.
8	2. It's further resolved that the ZBA,
9	based upon its review on the completed
10	environmental assessment form and supported
11	plans and material adopts a negative
12	declaration for the proposed.
13	Do I have a second? Harry. On the
14	motion.
15	MR. VASSO: For the motion.
16	MR. GJELAJ: For the motion.
17	MS. TICKELL: For the motion.
18	MR. SINGH: For the motion.
19	THE CHAIRMAN: For the motion. The
20	motion passes five, two absent.
21	Decision on case number 5826, area
22	variance, 1270 Saw Mill River Road, Block:
23	3270, Lot: 220, Zone: CM.
24	Proposal: Construction of a new
25	self-storage facility with office area for

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operations and parking, having:

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ratio, Section 43-27, Table 43-3 (required

Exceeding maximum permitted floor area

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1.00, proposed 2.679).

6 7 Front yard (required 20', 1.5" proposed).

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Insufficient side yard; one side: 16', both 32' required, proposed 5'6" and 21'11".

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Exceeding maximum permitted height,

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Section 43-27, Table 43-3 (required 35

12

feet., 2 stories, proposed 69'4", 6

13

stories).

14

foot parcel located on the east side of Saw

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Mill River Road just south of Tompkins

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Avenue. It has been continuously operated

The subject property is a 25,135 square

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as a construction yard and equipment

19 20

and operations at the adjacent parcels to

facility for more than fifty years. The use

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the north and south consist of a rooking

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company, a building materials and yard storage facility, and a construction and

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vehicle storage use. To the rear of the

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property are several residences buffered by

## Proceedings

an existing, mature and relatively heavily wooded area. The proposed project involves the construction of a new self-storage facility that will be six stories in height with a ground floor office for operations and a display area. The remaining floors will contain self-storage units. Fifteen parking spaces and four loading spaces will be provided at the ground floor level. The project will not include truck rental opportunities and the use of box trucks at the property will not be permitted.

I make a motion to approve the requested variances based on facts, findings, information, and testimony presented to this Board at the public hearing, site visits by members of the Zoning Board of Appeals, or otherwise obtained. In approving these variances, the Zoning Board of Appeals has taken into consideration the hardship faced by the applicant as weighed against the detriment to the health, safety, and welfare of the neighborhood and community. Specifically,

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in making its determination the Board has considered the following:

<u>4</u> 

applicant can be achieved by other feasible

Whether the benefit sought by the

means.

The benefit sought cannot be achieved by any other means. The applicant has designed a straightforward building that fits onto the site and makes an accommodation for the easement by creating a fifteen foot direct height foot access.

2. Whether granting the requested variances would result in an undesirable change in neighborhood character or a detriment to nearby properties.

Granting the variances would not result in a detriment to nearby properties. The current use of the subject property as a construction yard results in loud construction noises and heavy traffic.

Self-storage units have less traffic and will have less impact on the neighborhood.

Additionally, ten neighbors have written letters of support for the project.

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3. Whether the requested variance is substantial.

The variances are not substantial given

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the topography of the site in which it is

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set below and buffered from residential

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homes.

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4. Whether the variances will have

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negative effects to physical or environmental conditions in the

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neighborhood.

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The variances do not present negative effects on the physical or environmental conditions in the neighborhood. There will be minimal impact to the surrounding area and that the project will not adversely effect the natural or environmental characteristics such as water use, pollution, energy use, drainage, run-off, and flooding nor create any noise, light, odor, visual or other nuisance conditions.

5. Whether the alleged difficulty is self-created.

The hardship is self-created. Although the hardship is self-created, the

	- m <b>y</b> = 0.0
1	Proceedings
2	self-created hardship rule is only one
3	consideration and does not preclude the
4	Board from granting the request.
5	In granting this variance, the Board
6	has taken into consideration the following
7	conditions:
8	1. Special condition No. 2 of ZBA case
9	3341, January 18th, 1983, prohibiting any
10	structures to be placed on the easement is
11	rescinded in accordance with all terms and
12	conditions acceptable to the City of Yonkers
13	city engineer, including but not limited to
14	a 15 foot clear height directly over the
15	easement;
16	2. All fire, health, environment,
17	safety, building and zoning code shall be
18	adhered to at all times;
19	3. Any taxes or fines, if owed, shall
20	be paid within 60 days from today's date;
21	4. This approval shall be immediately
22	rescinded should the owner violate any of
23	these conditions;
21	5 All expenses associated with these

conditions shall be the responsibility of

1	Proceedings
2	MR. VASSO: For the motion.
3	MR. GJELAJ: For the motion.
4	MS. TICKELL: For the motion.
5	MR. SINGH: For the motion.
6	THE CHAIRMAN: For the motion. The
7	motion passes five, two absent. Thank you,
8	Mr. Romano.
9	Next case I have is case number 5836,
10	use and area variance, Mastrogiacomo
11	Engineering on behalf of My Main Man, LLC,
12	47 High Street a.k.a. 102 Park Avenue. So
13	we will adjourn this until April. We will
<b>14</b>	adjourn it until March. I'm sorry.
15	Next case is case number 5838, use
16	variance, Shahin Badaly, 222 Lake Avenue.
17	MR. VENERUSO: Good evening, Shahin
18	Badaly, 2 Wilson Place, Mount Vernon, New
19	York, representing the applicant.
20	If I may, since our last meeting, we
21	did submit a parking study. I will just
22	briefly go through the results. The study
23	found there were 327 maximum available
24	parking spaces, of which the worst-case
25	scopario in the counts provided is Friday

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#### Proceedings

between 12 and 1 p.m., where there were 175 cars parked within that for a maximum available parking of 152 parking spaces.

With the study that we provided, there's also a statement within that study that it is adequate for the use. And I do also want to just express and remind the Board that the zoning district does not technically require parking, but that we are providing a maximum of 152 parking spaces.

I'd also like to mention, I do have the tenant of the space with me and, if I may, I'd like to introduce him to make a statement.

MR. GONZALEZ: Good evening. Thank
you, Council members. My name is Nestor
Gonzalez. I am currently the tenant on the
first floor for the restaurant that has been
approved called Kitchen at the Mills, and we
are prepared and hoping to expand the
operation upstairs for another dining venue.
We see a lot of positive foot traffic from
the brewery next door. We have an another

venue that got their TCL today and it has

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been positively received for the kids' activity. We will like to expand and do more for the area and the community. people keep coming to us and let us know they want things there, they want activities there, and we definitely want to be able to provide that. We are ready to go, ready to start building, ready to start hiring and hopefully make the project a vibrant part of the community. Thank you.

And, Mr. Badaly, after THE CHAIRMAN: reviewing the parking study, it seems incomplete.

MR. GIBBONS: Yes. Good evening, Mr. Badaly. James Gibbons. If you could finalize this draft study we received as a draft, and if you could conclude based on your study how many actual spots you think you will need during business hours of this location if the variance is approved, then take another look at the internal parking area behind 222 Lake and make sure those spots in the parking lot are available for 222 Lake versus the other property facing

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Nepperhan. If you can look at those few things, it will help the Board make the decision.

MR. BADALY: I do want to make the Board aware that a final version of the report was issued yesterday. We unfortunately didn't have time to get it into the Board's hands, but I will immediately submit that for your review. That final report essentially does state there's 152 parking spaces available.

May I ask one point of clarification on your statement? Was it for all the uses of the building that we should tally or is it specifically for the uses contained within this variance?

THE CHAIRMAN: It will just be for this space.

MR. BADALY: Thank you.

THE CHAIRMAN: Do the Members of the Board have any questions this project? Are there any members of the public that will like to speak on this case? Okay. Thank you, Mr. Badaly. We will look forward to

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MR. VASSO: Yes, Mr. Chair. Decision

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for Case Number 5841, area variance, Andrew Romano on behalf of 497 Van Cortlandt Park will LLC, owner, on premises known as 497 Van Cortlandt Park Avenue, Block: 40, Lot: 1, Zone A.

Proposal: interior alterations to convert store to apartment, having:
Insufficient parking, Section 43-128, Table 43-4 (Required: two additional spaces;
Proposed: no additional spaces).

The applicant is the owner of a ten (10) family dwelling containing a vacant grocery store on the ground floor located in an "A" zone. He purchased the premises in April 2022. He seeks to do interior alterations to change the existing use from a store to a conforming use as a three (3) bedroom apartment. However, due to this proposed change from non-conforming use, he has insufficient parking because a non-conforming use cannot have parking spaces given as a credit. Hence, this appeal to the Yonkers Zoning Board of Appeals has ensued.

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As such, I make a motion to approve the requested variance subject to conditions based on facts, findings, information, and testimony presented to this Board at the public hearing, site visits by Members of the Zoning Board of Appeals, or otherwise obtained. In approving this variance, the Zoning Board of Appeals has taken into consideration the benefit to the applicant as weighed against the detriment to the health, safety, and welfare of the neighborhood and community. Specifically, in making its determination the Board has considered the following:

Mr. Chairman, in making its determination, the Board has considered the following:

1. Whether it would cause an undesirable change in the neighborhood character or to nearby properties.

It would not cause an undesirable change in the neighborhood character or to nearby properties since the premises would remain in character with the surrounding

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## Proceedings

area, which consists of various size lots and dimensions as reflected on the area maps, photos and site visits. The premises with the apartment will not have any exterior alterations and will be in character with the neighborhood which has many buildings containing ground floor apartments.

2. Whether benefit can be achieved by other means feasible to applicant.

The variance cannot be achieved by other means feasible because the existing structure does not have parking and, as stated before, the need for parking for the store is more than the proposed apartments.

3. Whether the request is substantial.

The request is not substantial as there is no change to the existing exterior so there will be no additional stress to the neighborhood, and it will increase the usability and value of the premises with the improvement for the applicant as an apartment rather than a store. There will be no increase in occupancy, traffic, noise,

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smells because of the conversion to It would reduce the above apartments. because apartments use is substantially less onerous than stores.

Whether the request will result in no adverse physical or environmental effects.

There will be no adverse physical or environmental impact on the area because the premises will be as they currently exist with minimal visible changes. It will follow all building, housing, safety and environmental codes as the plans reflect. It will also provide the same air, light and greenery. This change from a non-conforming use (store to apartment) would comply with the zoning code because non-confirming uses have no parking credits carried over to conforming use. This parking credit as a store could be substantially more than the apartment.

Whether alleged self-difficulty was self-created.

This may be a self-created hardship

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## Proceedings

based on the location, size and zone.

However, in balancing the five points for an area variance, it is clear that there is no impact on the surrounding area whereas the benefit to the applicant is substantial and necessary as stated herein and it also provides needed housing.

Mr. Chair, I make a motion to approve the requested variance. By granting this request for an area variance, the Board imposes the following conditions:

- All health, safety, fire, building, and environmental codes shall always be adhered to by the applicant.
- 2. Fire, smoke, and carbon monoxide detectors shall be installed and connected to an outside 24-hour monitoring system, such as ADT, prior to the certificate of occupancy being issued.
- 3. All curbs and sidewalks abutting the property that need repairing or replacement must be done the certificate of occupancy is issued.
  - 4. That if any back real estate taxes

1	Proceedings
2	and/or fines, if owned, shall be paid in
3	full within 60 days of this hearing and
4	proof must be submitted to this Board.
5	5. These conditions shall be on the
6	certificate of occupancy and the applicant
7	and/or property owner shall permit
8	inspections at a discretion of the City's
9	Department of Housing and Buildings, at
10	least once every calendar year, to determine
11	that the conditions are being satisfied.
12	6. Should the applicant and/or
13	property owner not comply with, breach, or
14	violate any of these conditions, at any
15	time, the approval of these variances is
16	hereby rescinded. It authorizes the City's
17	Department of Housing and Building to take
18	appropriate action.
19	7. All expenses associated with the
20	conditions shall be the sole responsibility
21	of the applicant and/or the property owner.
22	THE CHAIRMAN: Do I have a second?
23	Jean. On the motion.
24	MR. VASSO: For the motion.
25	MR. GJELAJ: For the motion.

1	Proceedings
2	variance to be able to complete a renovation
3	of this home. I believe you have all of my
4	papers and I checked on to it, and I will
5	like to be able to close this, if that's the
6	proper statement for you tonight, please.
7	THE CHAIRMAN: Is there anyone here
8	from the public to speak on Case Number
9	5842, 140 Sweetfield Circle? I make a
10	motion to close. Do I have a second. Jean.
11	On the motion.
12	MR. VASSO: Al Vasso for the motion.
13	MR. GJELAJ: Christian Gjelaj for the
14	motion.
15	MS. TICKELL: Jean Tickell for the
16	motion.
17	MR. SINGH: Harry Singh for the motion.
18	THE CHAIRMAN: Ralph Battista for the
19	motion. It passes five, two absent.
20	MR. MASONE: Thank you very much.
21	THE CHAIRMAN: I believe we have a
22	decision on this case.
23	MR. SINGH: 5842, with the John Masone,
24	on behalf of Illuminare Realty, Inc., owner,
25	on premises known as 140 Sweetfield Circle,

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Block 6050, Lot: 96, Zone: S-50.

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Proposal: renovation to two family

The nonconforming use of land may be

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residence, whereas:

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continued; provided, however, that no such

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nonconforming use shall be physically

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enlarged or intensified, nor shall it be

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extended to occupy a greater area of land in

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accordance with Section 43-21B(1) of the

11 12 City of Yonkers Zoning Code. The proposed

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southwest ends of the building would

additions on the southeast and on the

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constitute an estimated 200 square feet

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increase to the occupied area of land. The

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owner shall request a variance to Section

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43-21B(1) from the Zoning Board of Appeals

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to allow for an estimated 200 square feet

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increase of the land occupied by the

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A building or structure, the use of

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which does not conform to the use

building.

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regulations for the district in which it is

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situated, shall not be enlarged, extended, or altered structurally in accordance with

# Proceedings

Section 43-21B(2) of the City of Yonkers Zoning Code. The proposed first floor additions on the southeast and on the southwest ends of the building would constitute an estimated 200 square feet enlargement. Additionally, the proposed reconstruction of the second floor to match the new building footprint (minus six inches alongside the west side lot line to maintain required setback) would constitute an estimated 640 square feet enlargement. Owner shall request a variance to Section 43-21B(2) from the Zoning Board of Appeals to allow for an estimated 840 square feet enlargement of the building.

Table 43-3 of the City of Yonkers

Zoning Code, schedules of dimensional regulations, requires a minimum six feet side yard setback. The existing building is encroaching six inches into the required setback alongside the west lot line. The proposed first floor addition at the southwest end of the building and the second floor addition would encroach six inches

## Proceedings

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into the required side yard. The owner shall request a variance to Dimensional

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Table 43-3 from the Zoning Board of Appeals

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to allow the proposed addition to encroach

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six inches into the required west side yard.

No permit shall be issued that will

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8 result in the increase of any dimensional

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nonconformity in accordance with Section

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43-21D of the City of Yonkers Zoning Code.

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The proposed first floor addition at the

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southwest end of the building and the second floor addition would create an increase in

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the dimensional nonconformity. The owner

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shall request a variance to Section 43-21D

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from the Zoning Board of Appeals to allow

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for a six-inch increase of dimensional

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nonconformity for the addition's

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encroachment into the required west side

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yard.

2122

applicant's subject property was abandoned

Pursuant to comment on file, the

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for many years. Prior to being abandoned,

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this house was neglected and run down.

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Unfortunately, due to the lack of care and

# Proceedings

maintenance, pipes corroded, the roof leaked, siding peeled off and the property was completely overgrown, camouflaging the extent of the damage to the house. architect submitted plans to restore the premises by replacing the front porch, the front doors, the roofing, the siding, the electric and plumbing. In addition, to make this two-family house more aesthetically pleasing and functional, the architect designed plans that extend the rear west side of the house by 100 square feet to enlarge the first-floor kitchen and extend the second story to match the current footprint of the first floor. extensions do not encroach on the existing setbacks. However, this property is an existing nonconforming two-family home for which any alterations require a Zoning Board approval.

As such, I make a motion to approve the requested variance, subject to conditions, based on facts, findings, information, and testimony presented to this Board at the

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#### Proceedings

public hearing, site visits by members of the Zoning Board of Appeals, or otherwise obtained.

Mr. Chairman, in making its determination, the Board has considered the following:

1. Whether it would cause an undesirable change in the neighborhood character or to nearby properties.

The addition of living space would not create an undesirable change in the appearance of the house or neighborhood character. In fact, it would enhance the appearance of the home and the neighborhood. Although many of the homes in the neighborhood were built throughout the 1940s and 1950s, most homes have had alterations to them to bring them up to date to current market trends in residential homes.

Whether the benefit can be achievedby other means feasible to applicant.

The benefit cannot be achieved without the addition and extension. These improvements will enhance the appearance of

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the house and add value to the surrounding area homes whose values have suffered

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because of the past neglect of this

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property.

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3. Whether the request is substantial.

The request is to add 840 additional

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square feet of living space. This addition

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does not interfere with the neighboring

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properties or setbacks. This variance is

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necessary because this home is

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non-conforming in an S-50 zone. Many of the

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neighboring homes in this zone are also

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The addition is a small multifamily homes. percentage of the overall floor plan of the

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house and will not increase occupancy.

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Whether the request will result in 4.

The request to enhance the building

18 19 adverse physical or environmental effects.

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will allow the kitchen and the bedrooms to

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be more efficient. Currently the bedrooms

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are 9.5 by 10 feet. The existing kitchen is

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12 by 12 feet. Therefore, there will be no

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adverse physical or environmental effects on

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Whether the alleged self-difficulty was self-created.

The additions will provide much needed living space for the home. Although the difficulty is self-created, it enhances the function of the dwelling and will be aesthetically pleasing.

Mr. Chairman, in granting this request for an area variance, the Board imposes the following conditions:

- 1. All health, safety, fire, building, and environmental codes shall always be adhered to by the Applicant.
- Fire, smoke, and carbon monoxide 2. detectors shall be installed and be connected to an outside 24-hour monitoring system, such as ADT, prior to the certificate of occupancy being issued.
- All curbs and sidewalks abutting the property that need repairing or replacement must be done before the certificate of occupancy is issued.
- 4. No commercial vehicle storage for overnight or long-term parking shall be

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#### Proceedings

permitted at these premises.

- 5. That if any back real estate taxes and/or fines, if owed, shall be paid in full within 60 days of this hearing, and proof must be submitted to this Board.
- 6. These conditions shall be on the certificate of occupancy, and the applicant and/or property owner shall permit inspections at the discretion of the City's Department of Housing and Buildings, at least once every calendar year, to determine that the conditions are being satisfied.
- 7. Should the applicant and/or property owner not comply with, breach or violate any of these conditions, at any time, the approval of these variances is hereby rescinded. It authorizes the City's Department of Housing and Building to take appropriate action.
- 8. All expenses associated with the conditions shall be the sole responsibility of the applicant and/or property owner.

Thank you, Mr. Chairman.

THE CHAIRMAN: Are you okay with the

1	Proceedings
2	conditions, sir?
3	MR. MASONE: I accept it. Thank you.
4	THE CHAIRMAN: Do I have a second?
5	Jean, second. On the motion.
6	MR. VASSO: Al Vasso for the motion.
7	MR. GJELAJ: Christian Gjelaj for the
8	motion.
9	MS. TICKELL: Jean Tickell for the not
10	motion.
11	MR. SINGH: Harry Singh for the motion.
12	THE CHAIRMAN: Ralph Battista for the
13	motion. It passes five, two absent.
14	Case number 5843, area variance,
15	286-290 Ashburton Avenue, that will be
16	adjourned one month until March.
17	Next case, Case Number 5845, area
18	variance, James Dibbini on behalf of Brian
19	and Aileen Doohan, owners, on premises known
20	at 62 Margaret Avenue. Any members of
21	public here to speak on Case Number 5845? I
22	make a motion close. Do I have a second?
23	Jean. On the motion.
24	MR. VASSO: Al Vasso for the motion.
25	MR. GJELAJ: Christian Gjelaj for the

1	Proceedings
2	motion.
3	MS. TICKELL: Jean Tickell for the
4	motion.
5	MR. SINGH: Harry Singh for the motion.
6	THE CHAIRMAN: Ralph Battista for the
7	motion. It passes five, two absent. I
8	believe we have a motion.
9	MS. TICKELL: Case Number 5845, area
10	variance, 62 Margaret Avenue, Block: 4707,
11	Lot: 33.34 in an S-50 zone in the official
12	city tax map, James Dibbini on behalf of
13	Brian and Aileen Doohan, owners. They have
14	applied to renovate and expand the existing
15	home. The existing single-family dwelling
16	has an existing nonconforming front yard.
17	The proposed enlargement of the garage
18	increase dimensional nonconformity and a
19	variance is required for the insufficient
20	front yard, required 31.8, existing 25.2,
21	and proposed 16.4.
22	Mr. Chairman, I would like to make a

motion to approve the requested variance

based on facts, findings, information and

testimony presented to this Board at the

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public hearing, site visits by members of the Zoning Board of Appeals or otherwise obtained. The subject is a two-story single family house.

To grant an area variance, the Board is required to consider five points of law.

1. Whether an undesirable change will be produced in the character of the neighborhood or the granting of this variance will create a detriment to nearby properties.

Granting this variance would not be an undesirable change.

2. Whether the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance.

Other than a variance, there is no other way to proceed. The house cannot be expanded from the backyard as the backyard is already small in light of the fact that it is a corner property.

3. Whether the requested variance is substantial.

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The variance is not substantial when viewed in the context of the entire application as a whole. The variances will still leave the house setback sufficiently to be similar to other houses on the block.

4. Whether the granting of the area variance to allow for the proposed improvements will have an adverse effect on the condition of the physical or environmental conditions in the neighborhood or district.

This variance will only improve the appearance of the house. The vinyl siding will be replaced with high-quality hardy board shingles.

5. Whether the alleged difficulty to the applicant was self created.

The hardship may be considered self-created, but the self-created hardship is only one consideration and does not necessarily preclude the Board from approving the applicant's request.

In granting this request, the Board imposes the following conditions:

Page 63
Proceedings
1. All health, safety, fire, building
and environmental codes shall always be
adhered to by the applicant.
2. All curbs and sidewalks abutting the
property that needs repairing or replacement
as per the City of Yonkers Department of
Engineering, then repair or replacement must
be done.
3. That if any back real estate taxes
and/or fines, if owed, be paid in full
within 60 days of this hearing and proof
must be provided to this Board.
4. These conditions shall be on the
Certificate of Occupancy and the applicant
and/or property owner shall permit
inspections, at the discretion of the City's
Department of Housing and Buildings, at
least once every calendar year to determine
that the conditions are being satisfied.
Thank you, Mr. Chairman.
THE CHAIRMAN: Do I have a second?
Harry. On the motion.
MR. VASSO: Al Vasso for the motion.
MR. GJELAJ: Christian Gjelaj for the

THE CHAIRMAN: Thank you. Case number 5846, use and area variance, Andrew Romano on behalf of 166 Yonkers Avenue, LLC, owner, on premises known as 166 Yonkers Avenue, Block: 446, Lot: 8, Zone: BA.

On this one, it's a proposal to change

On this one, it's a proposal to change of use to a dry cleaning plant, commercial laundry facility, having.

The proposed dry cleaning plant use is

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not permitted in a BA district in accordance with Section 43-27 Table 43-1 of the City of Yonkers Zoning Code. Owner shall request a use variance to the Schedule of Use Regulations listed Table 43-1 for the proposed use.

Parking for a change of use in an existing building shall be provided in accordance with Section 43-131C of the City of Yonkers Zoning Code. The proposed dry cleaning plant use requires 28 off-street parking spaces for the 11,010 square feet floor area in accordance with Section 43-128 Table 43-4 of the City of Yonkers Zoning Code. The proposed number of parking spaces is three. Owner to provide site plans showing the location of the required off-street parking, or provide alternate means of parking, or request a Zoning Code variance for a 25 parking spaces reduction requirement.

Mr. Romano.

MR. ROMANO: Mr. Chairman, members of the Board, one, I'm here with Tom Abillama,

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## Proceedings

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who's the architect in the matter, Steve Danza who's the principle. What we were seeking here is basically take the existing structure, which is a warehouse. it's been used as a retail tire center, manufacturing center, garage, and we believe this use is a lesser use clearly.

It's a two-story structure with a parking lot located in a BA zone that was, as I said, previously used as a tire store. Before that, it was a gas station, a garage, and office of light manufacturing. Because in fact we loss the use, since we couldn't rent out the property and we couldn't correct it, especially due to Covid and other various other infirmities, we are here before the Board as a use variance rather than a change of a non-conforming use. spent long hours with the Building Department attempting to try to get it to be a change of a non-conforming use, which is a lesser standard, but they were right and I was wrong. So we're here on the use variance.

## Proceedings

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We believe that the use is a commercial laundry facility to reduce traffic, noise, odors as opposed to its previous use as a tire center. Clearly the noise from the tire center, the smells, and the issues with traffic is much more extensively proposed, which will be discussed with my client a little bit later in my presentation.

The applicant would have 12 employees. There would be shifts. They start at six in the morning. Six employees will come in. Most of the employees will come on the bus or they are locals and are able walk to the The other six will come in for the site. rest of the hours. And so the Board is aware, this is seven days a week. The hours of operation we believe will be from 6 a.m. to 5 p.m. Essentially it will be the commercial laundry facility use. As I put in my points, it's used for hotels only. is basically for cleaning. It's not dry cleaning. It's just washers and dryers, so the environmental impact is basically nil. Considering the previous uses, it will

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probably be an improvement.

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Even though we do in Mr. Fonte's plan, which I give to the Board, talks about uniqueness. This is not needed based on case law that delineated Paragraph 3 and 4 The reasonable return cannot of my points. be made in a M or BA zone as pursuant to the dissertation or report by Robert Fonte. really gets into the concept that the area is a tough area to rent. And based on his experience as a broker over 30 years, it really is delineated in that report, and did a very nice job, indicating it is difficult to rent, it's difficult to use, and it is not a MA zone where you have residential. Clearly, I know the Board has been there and I am sure the Board will request an inspection of the site after this meeting to go and to indicate that you can't really put houses here. It is not realistic, which is what most of is regarding.

And if you look at the reasonable return, it is delineated why we can't use each and every use in a BA-M zone. I will

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direct the Board's attention to that. I couldn't have Mr. Fonte here tonight, but if the Board requires he will present on a future date. We don't believe there is any adverse physical, environmental change in the neighborhood. The exterior will not change. Based on the type of business, it will be a lesser onerous use than what existed before. Of course, becoming current on codes is always helpful in establishing safety and for the welfare of the area.

With your permission, I would like
Mr. Abillama speak as to the plan, a little
bit about the parking, before my client
discusses a little bit about the composition
of his business.

MR. ABILLAMA: Good evening,
Mr. Chairman. Tom Abillama. This is
providing the project here with a two-story
building. This is the building here that
we're showing you. It's a two-story
building with also residential on the top.
This area here allows us to come in with
three to four parking areas that we can show

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## Proceedings

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you with the rest of the building. We are trying to provide here for the trucks itself to come in on the right and then reach over there and able to go to the inside of the building. So we are providing a 40-foot-wide loading area. We have 14-foot-high building. We're going to go up to 15 existing, and then the width is 14 feet. We're going to require zoning for the 15-foot width.

The most important that we have, we have -- even though it's required 28 cars per the zoning, we only be able to provide At the most, we can have none for the people to come in here. And I will speak to the owner here, Mr. Danza, to come in and talk about those people. But we believe that the work really mostly is done for the machines. These in here show mostly for the laundry and this area as well going to the dryers, and going on the second floor for hot water designs. But mostly really we're going to provide as much as we can, mostly the elevator. We are going to put a lift to

1	Proceedings
2	go up from one level to the second level.
3	We're also providing two bathrooms per
4	level, and that allows us to provide the
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5	loading inside. And so that's what really
6	we are doing here. Thank you, Commissioner.
7	THE CHAIRMAN: Do the Members of the
8	Board have any questions?
9	MR. VASSO: Yes.
10	THE CHAIRMAN: Al.
11	MR. VASSO: So you said that it's open
12	seven days a week from 6 a.m. to 5 p.m.,
13	right?
14	MR. DANZA: Yes.
15	MR. VASSO: SO the trucking and the
16	drop-offs
17	MR. DANZA: Will be done after that.
18	MR. VASSO: Will be done after 5 p.m?
19	MR. DANZA: It's one truck going out.
20	In the beginning it will be one truck, one
21	time out and one time back until we build up
22	business and then maybe four times. Once
23	and back, once and back. So two times.
24	MR. VASSO: Two times a day? One
25	truck, two times a day?

	<b> </b>
1	Proceedings
2	MR. VASSO: How many washing machines?
3	MR. DANZA: One. It's called a tunnel.
4	A tunnel is so efficient, which is why you
5	need very few people to do it, very little
6	water, you load it onto the conveyor, every
7	two minutes 150 pounds is processed. It's
8	minimal. I have two other plants in New
9	Jersey, so I have been in the business for
10	quite a while.
11	MR. VASSO: Thanks.
12	THE CHAIRMAN: Any other members of the
13	Board have any questions? Harry.
14	MR. SINGH: Do you think you need also
15	permission to work from the county, New York
16	State, or DEP on this matter or just from
17	the Zoning Board?
18	MR. ABILLAMA: Really we are not
19	thinking of anything about the county,
20	just
21	MR. SINGH: Just Yonkers?
22	MR. ABILLAMA: Yes.
23	MR. SINGH: Thank you.
24	MS. TICKELL: The truck is yours?
25	MR. DANZA: No. We lease it.

	Page 74
1	Proceedings
2	MS. TICKELL: But it's controlled by
3	you, it's not somebody coming in with the
4	truck?
5	MR. DANZA: No.
6	THE CHAIRMAN: I have some questions.
7	Did you receive the city engineer's Paul
8	Summerfield's comments?
9	MR. ROMANO: No, sir.
10	THE CHAIRMAN: I'd like to discuss some
11	of them now. I can kind of read you some of
12	the comments.
13	MR. ROMANO: Sure.
14	THE CHAIRMAN: The first comment, and
15	one that I think is important, "The
16	applicant is seeking parking variance for 25
17	spaces, 28 are required, three provided,
18	which is significant. The request is an
19	especially troublesome considering that they
20	don't have enough parking spaces for
21	employees. The on-street parking on Yonkers
22	Avenue is mostly metered and is prohibited
23	during peak rush hour and we know that
24	on-street parking the adjacent neighborhood
2 5	is limited "

1	Proceedings
2	MR. ROMANO: If we can address that
3	point by point.
4	MR. DANZA: So all the employees that
5	we will have will be locals. It will either
6	be walking distance or coming by bus.
7	That's what I do in the other plants and I
8	have the same demographics that I have here
9	in Yonkers.
10	MR. ROMANO: And it closes at
11	five o'clock. It's not during rush hour.
12	They stop at five, and we are splitting the
13	12 employees. The most employees will be
14	there will be six. As Steve indicated, most
15	of them will be walking or taking a bus.
16	THE CHAIRMAN: But if they don't? You
17	are speaking about hypothetical employees.
18	Hypothetically they can all show up with a
19	car. And then what do we do?
20	MR. DANZA: I'm actually trying to buy
21	the building next door also, which is
22	vacant, right now for additional parking.
23	MR. ROMANO: It hasn't been done yet,
24	but we are trying.
25	THE CHAIRMAN: Also point number two on

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## Proceedings

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Mr. Summerfield's note, "The applicant is required to provide two loading spaces, whereas only one is provided. It should be noted that the proposed loading space is substandard. It seems as though the proposed use will rely heavily on deliveries to the site, so a lack of the loading spaces is also a concern."

MR. ROMANO: She can address it.

MS. CARNOZA: Hello. My name is Carla Carnoza (ph) and I work for Mr. Abillama. For the loading spaces, we have, you know, by code for laundromat or dry cleaning, we need like two, but really we don't need more than one since the truck comes and goes It's not going to stay on site. back. this is the only loading spot we have, and we don't need much. So we're doing -- the truck goes in and goes in that way and then backs up for dropoff or pickup in this area, and leaves the side to go straight on Yonkers Avenue or -- you know, can go on the street.

THE CHAIRMAN: So if the truck is

	rage //
1	Proceedings
2	headed into the City, right, it's going to
3	have to kind of make an U-turn and get back
4	into your space. Is it going to back in off
5	of Yonkers Avenue?
6	MS. CARNOZA: No. It's going to back
7	up inside of that the spot that we made for
8	them inside the building.
9	THE CHAIRMAN: So the truck will pull
10	into the lot and back in?
11	MS. CARNOZA: Yes. Back in inside the
12	property there's a spot, loading spot, in
13	the property that we made for that truck to
14	come in, drop off stuff or pick up, and then
15	leave the property. So there's a loading
16	spot inside the building. The height of the
17	building is 15 feet and the truck is not
18	that big. It's like like those U-Hauls
19	or FedEx truck, something small. It's not
20	like a big truck. It's 22.3 feet by 8.
21	THE CHAIRMAN: And then so I just I
22	guess my question is regarding what are
23	the hours that the plant will run as far as
24	washing and drying?
25	MR. DANZA: From six to five, 6 a.m. to

1	Proceedings
2	MR. DANZA: No.
3	THE CHAIRMAN: If it's possible,
4	Mr. Romano, if you can provide the addresses
5	of the two other plants that the gentleman
6	runs.
7	MR. ROMANO: Would you like the
8	addresses now?
9	THE CHAIRMAN: No. If you e-mail them
10	in to Shannon, this way we all have them.
11	Also just point number five from
12	Mr. Summerfield, "Under current New York
13	State DOT Driveway Design Policy, a driveway
14	would not be permitted within 100 feet of a
15	signalized intersection for traffic safety.
16	The existing driveway under the current
17	proposed use change will have to be
18	restricted to right turns in and right turns
19	out."
20	MR. ROMANO: That's fine. We will go
21	in and go out. I'm not going to make
22	illegal U-turns, if that's the thought
23	process.
24	THE CHAIRMAN: And the current
25	utilities in the building, are they

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## Proceedings

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sufficient for your use or do they need to be upgraded?

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MR. DANZA: No, they're sufficient.

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THE CHAIRMAN: I don't have any more questions. Do any Members of the Board have

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any more questions?

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Is there anyone here from the public to

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speak on Case Number 5846, 166 Yonkers

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Avenue? Sir, if you can please come up and

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state your name and address.

MR. HAVLIR:

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Havlir, 56 Croton Terrace. And the letter I

My name is John, John

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got, it didn't say anything about a

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laundromat. It said a dry cleaning plant.

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To me, a dry cleaning plant is a

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manufacturer of dry cleaning chemicals. So

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I just wanted to know, are we going to be

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manufacturing chemicals? Are we going to be

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using carbon tetrachloride, which is used in

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dry cleaning, which is a known carcinogenic?

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around that building is residential housing.

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There's three-, four-family houses right

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behind the building to the left, to the

And I want to be -- I want to be clear,

1	Proceedings
2	right. A little further down we have
3	Parkledge, which is multiple apartment
4	dwelling. I'm concerned about the chemicals
5	wafting in the air in that area and possibly
6	causing cancer. So that's my concern, and
7	I'd just like someone to address it.
8	MR. DANZA: It's a laundry. There is
9	no dry cleaning at all. They had to put
10	that in there for the category. It's the
11	definition. It's sheets, towels, pillow
12	cases.
13	MR. HAVLIR: Why in the world would you
<b>14</b>	call it a dry cleaning plant?
15	MR. DANZA: It's the code they have in
16	Yonkers, but there's no chemicals
17	whatsoever.
18	MR. HAVLIR: That was my concern.
19	MR. DANZA: It will smell pretty nice.
20	It will be clean.
21	MR. HAVLIR: That was my concern.
22	THE CHAIRMAN: Thank you. Anybody else
23	here from the public to speak for or against
24	this? Okay. Thank you, Mr. Romano.
25	Christian, do you have a question?

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1	Proceedings
2	MR. GJELAJ: Just given the proximity
3	to
4	MR. DANZA: I can't hear.
5	MR. GJELAJ: Given how close it is to
6	homes in the area, you said there's a truck
7	that comes every day. This is open every
8	day of the week, yes?
9	MR. DANZA: Yes.
10	MR. GJELAJ: Does that truck plan on
11	backing up during 5 p.m., 6 p.m.?
12	MR. DANZA: It will pull in, go into
13	the driveway making a right to the driveway,
14	make a left, and back up about 20 feet.
15	MR. GJELAJ: When it backs up, does it
16	have a beeper? If so, how loud is that?
17	MR. DANZA: I don't know the decibels
18	on it. I'm sure it has a beeper. I am sure
19	the law requires, but it's minimal and will
20	be done by eight, nine o'clock, the drivers.
21	MR. GJELAJ: And that's also happening
22	in the morning it's happening in the
23	morning at 6 a.m?
24	MR. DANZA: No, no. Not at all.
25	MR. GJELAJ: So there's no backing up

1	Proceedings
2	happening?
3	MR. DANZA: No. Only when the truck is
4	leaving. The truck comes in, drops off,
5	parks, and it stays there until the next
6	night.
7	MR. GJELAJ: So at 6 a.m. there will be
8	no noise from the truck?
9	MR. DANZA: No.
10	THE CHAIRMAN: Aside from starting it?
11	MR. DANZA: When you start it up at
12	night, in the afternoon.
13	MR. GJELAJ: Thank you. That's all.
14	THE CHAIRMAN: I have a motion here on
15	Case Number 5846, 166 Yonkers Avenue, Block:
16	446, Lot: 8. I make a motion that the ZBA,
17	pursuant to the New York State Environment
18	Quality Review Act and regulations declares
19	its intention to seek lead agency status for
20	the unlisted action for purposes of the
21	environmental review of this matter and
22	directs the Planning Director on behalf of
23	this Board to initiate lead agency
24	notification and coordinated review with all

other involved agencies in this action.

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no other involved agency seeks to be lead agency within 30 days of the effective date of notice, the ZBA shall assume lead agency status for the purpose of review of this matter. Do I have a second? Jean. For on the motion.  MR. VASSO: For the motion.  MR. GJELAJ: For the motion.  MR. SINGH: For the motion.  MR. SINGH: For the motion.  THE CHAIRMAN: Ralph Battista for the motion. The motion passes five, two absent.  Mr. Romano, did you submit the EAF on this application?  MR. ROMANO: Mr. Abillama.  MR. ABILLAMA: Yes, we did.  THE CHAIRMAN: Thank you. Thank you very much.  MR. ROMANO: See you next month. THE CHAIRMAN: Mr. Romano, can you reach out to Shannon to set up a site visit?  MR. ROMANO: Absolutely. I was waiting for that.  THE CHAIRMAN: So what we have left is		<b>j</b>
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	23	MR. ROMANO: Absolutely. I was waiting
THE CHAIRMAN: So what we have left is	24	for that.
	25	THE CHAIRMAN: So what we have left is
	25	THE CHAIRMAN: So what we have left is

1	Proceedings
2	other business. Case number 5749, 782 North
3	Broadway is an extension request. We will
4	extend that for a request to extend for 12
5	months, one year. Do I have a second?
6	Mr. Singh. On the motion.
7	MR. VASSO: Al Vasso for the motion.
8	MR. GJELAJ: Christian Gjelaj for the
9	motion.
10	MS. TICKELL: Jean Tickell for the
11	motion.
12	MR. SINGH: Harry Singh for the motion.
13	THE CHAIRMAN: Ralph Battista for the
14	motion. The motion passes five, two absent.
15	The next case 5772, 453 Bronxville
16	Road, extension request. This extension
17	request will be for 12 months, one year,
18	from today's date. Do I have a second?
19	Jean. On the motion.
20	MR. VASSO: Al Vasso for the motion.
21	MR. GJELAJ: Christian Gjelaj for the
22	motion.
23	MS. TICKELL: Jean Tickell for the
24	motion.
25	MR. SINGH: Harry Singh for the motion.

1	Proceedings
2	THE CHAIRMAN: Ralph Battista for the
3	motion. The motion passes five, two absent.
4	And I want to go back and make one
5	change on 5790. Case Number 5790, we had
6	asked an adjournment on that until May 2024,
7	which is correct. So we're good. Correct.
8	All good. Motion to close. Jean. On the
9	motion.
10	MR. VASSO: For the motion.
11	MR. GJELAJ: For the motion.
12	MS. TICKELL: For the motion.
13	MR. SINGH: For the motion.
14	THE CHAIRMAN: Ralph Battista for the
15	motion to close, five and two absent.
16	(Whereupon, at 7:24 p.m., the above
17	matter concluded.)
18	
19	
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1	Proceedings
2	CERTIFICATE
3	
4	STATE OF NEW YORK )
	: SS.:
5	COUNTY OF BRONX )
6	
7	
8	I, RICHARD HERRERIA, a Notary Public for and
9	within the State of New York, do hereby certify:
10	That the witness whose examination is hereinbefore
11	set forth was duly affirmed and that such examination is a
12	true record of the testimony given by that witness.
13	I further certify that I am not related to any of
14	the parties to this action by blood or by marriage and that
15	I am in no way interested in the outcome of this matter.
16	IN WITNESS WHEREOF, I have hereunto set my hand
17	this 1st day of March 2024.
18	
19	Richard Henerie
20	RICHARD HERRERIA
21	
22	
23	
24	
25	

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