

ZONING BOARD OF APPEALS AGENDA

City of Yonkers

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MIKE SPANO, Mayor
WILSON KIMBALL, Chairperson

May 9, 2024

ZONING BOARD OF APPEALS AGENDA

PLEASE TAKE NOTICE:

THE CITY OF YONKERS ZONING BOARD OF APPEALS MEETING SCHEDULED FOR WEDNESDAY, MAY 15, 2024 AT 6:00 PM, WILL BE HELD IN YONKERS CITY HALL, 40 SOUTH BROADWAY, 4TH FLOOR (building is handicapped accessible).

PLEASE BE SURE TO CHECK OUR WEBSITE FOR INFORMATION AND UPDATES

WWW.YONKERSNY.GOV .

CLOSED HEARINGS

5797 – Area Variance - Andrew Romano, Esq., on behalf of Marketin Hila/110 Ravine Realty LLC, owner, on premises known as **110 Ravine Avenue**, Block: 2118, Lot: 39, Zone: A (B29521)

Proposal: for proposed new 8 story, 14 unit apartment building on vacant lot, whereas:

- *Complete zoning review requires survey - owner to submit prior to review.*
- *Insufficient side yard, YZO Section 43-27, Table 43-3. (Required: 16'-0"/32'-0", Proposed: 12'-1"/24'- 7").*
- *Rooftop bulkhead or elevator penthouses shall not exceed 20% of the horizontal area of the roof on which they are located or 10% of the lot area, whichever is lesser, YZO Section 43-33.O.1. (Allowed: 20% , Proposed : /- 33%).*
- *Rooftop bulkhead or elevator penthouse shall be set back from the edge of the roof at least 1'-0" for each 1'-0" by which features exceed the maximum height specified for the district when located in or adjacent to residence district, YZO Section 43-33.O.1 . (Required: /- 9' for stairs bulkhead and /-15' for elevator bulkhead, Proposed: None on two sides edge of the roof).*
- *The total area covered by accessory residential uses and structures must not exceed sixty percent (60%) of the rear yard or sixty percent (60%) of each side yard or a total of seventy-five percent (75%) of rear and side yards when added together, YZO Section 3-40.D.2. (Allowed: 75%, Proposed: 91.1 % coverage of rear and side yards combined).*
- *Insufficient parking, YZO Section 43-138 for reduced parking requirements. (required: 14, proposed: 12).*
- *Parking within 5 feet of all property lines not permitted, YZO Section 43-44.A.9.b.*
- *Parking within 10 feet of a building on the same lot is not permitted, YZO Section 43-44.A.9.b.*
- *Required minimum width of driveway for two-way traffic is not provided, YZO Section 43-121.D.4. (Required: 20'-0", Proposed: 12'-6").*

ZBA Web Page: www.YonkersNY.gov/ZBA

For public comments: <https://yonkers.seamlessdocs.com/f/ZBA Comment>

- Concrete sidewalks shall be provided along the perimeter of the building adjoining a driveway or parking area, where entry to the building is located for pedestrian safety, YZO Section 43-121.A.2 and 4.

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5836 – Use & Area Variance – Mastrogiacomo Engineering PC, on behalf of My Main Man LLC, owner, on premises known as **47 High Street aka 102 Park Avenue**, Block: 2167, Lot: 1.3, Zone: MG (B32874)

Proposal: construct a third floor addition for medical offices, whereas:

- An existing building on a nonconforming lot shall be deemed nonconforming, and no permit shall be issued that will result in the increase of any dimensional nonconformity in accordance with §43-21D. The building owner shall request a variance to §43.21D from the Zoning Board of Appeals (ZBA) to allow for a building permit to be issued for an increase of the building size on a dimensional nonconforming lot.
- The proposed third floor addition to the building will increase the building height to 37.52 feet above the average grade. The maximum permitted height for non-residential use buildings in a MG district is 36 feet in accordance with dimensional regulations Table 43-3. Design professional shall revised the plans or owner shall request a variance to the Dimensional Regulations Table 43-3 from the ZBA for a 1.52 foot building height overage.
- The proposed third floor addition to the building will encroach in the required 25 feet front yard setback on High Street per Dimensional Regulations Table 43-3. Design professional shall revised the plans or owner to request a variance to the Dimensional Regulations Table 43-3 from the ZBA to allow the proposed third floor to encroach 5.5 feet into the required front yard.
- The proposed third floor addition to the building will encroach in the required 25 feet side front yard setback on Park Avenue per Dimensional Regulations Table 43-3. Design professional shall revised the plans or owner to request a variance to the Dimensional Regulations Table 43-3 from the ZBA to allow the proposed third floor to encroach 1.5 feet into the required front yard.
- The proposed use stated for the new third floor in the Application for a Building Permit is “Medical Offices”. Medical Establishment is not a permitted use in a MG district per Use Regulation Table 43-1 of the City of Yonkers Zoning Code. Owner to request a variance to the Use Regulations Table 43-1 from the ZBA to allow for Medical Establishments to operate on the proposed Third Floor.
- The current use of the building as Medical Establishments is a permitted nonconforming use. The enlargement of a nonconforming use is not permitted in accordance with §43-21B(2) of the COY Zoning Code. Owner to request a variance to §43-21B(2) from the ZBA to allow for an increase in the nonconforming use for the proposed Medical Offices operate on the proposed Third Floor.
- The proposed 3rd floor Medical Offices will cover an estimated area of 2,738 square feet. The Parking Requirements Table 43-4 requires 1 parking space per 200 square feet of Medical Establishment area. No additional parking is being proposed. Design Professional to demonstrate how the 14 required additional parking spaces will be provided or owner to request a variance to the Parking Requirement Table 43-4 from the ZBA to be exempted from providing the required 14 parking spaces.

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OPEN CONTINUED HEARINGS

5790 – Area Variance - James Veneruso, Esq., on behalf of Mehranco Limited Liability Co., owner, on premises known as **1999 Central Park Avenue**, Block: 4385, Lot: 42.43, Zone: BR (B30132)

Proposal: to construct a new retail, self-storage building, having:

- *Exceeding maximum permitted height, Section 43-27, Table 43-3 (required 48 ft., proposed 74.5 ft.).*
- *Parking within the minimum front yard not permitted, Section 43-133 (A)1.*
- *Insufficient loading spaces Ref. 43-128, Table 43-5 (required 5, proposed 4).*
- *Insufficient depth of retail space measured from the front of the structure, Ref. 43-36.M.(1) (required 60 ft. minimum, proposed 51.3 ft.).*
- *Parking within 10 ft. of a public right-of-way is not permitted, Ref. 43-134.A.(4). (proposed 2.4 ft.).*
- *Parking within 10 feet of a building on the same lot is not permitted, Reference Yonkers Zoning Ordinance 43-44.A.9.b. (proposed 1.5 ft.).*

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5810 – Use & Area Variance – David S. Steinmetz, Esq. & Jacob E. Amir, Esq., on behalf of TCP Realty LLC, owners, on premises known as **143-151 Woodworth Avenue**, Block: 2102, Lots: 4, 5, 11, 39 & 41, Zone: C (B32117) *****ADJOURNED to JUNE 2024**

Proposal: to construct two 32-story residential towers with ground floor commercial space, parking garage, landscaping and other improvements, whereas:

- *Proposed use not permitted, Section 43-27, Table 43-1. (proposed: apartment houses).*
- *Exceeding maximum permitted floor area ratio, Section 43-27, Table 43-3. (required: 6.00, proposed: 13.14).*
- *Exceeding maximum permitted height, Section 43-27, Table 43-3. (required: 75', proposed: 372').*
- *Insufficient rear yard, Section 43-27, Table 43-3. (required: 20'0", proposed: 9'2").*
- *Insufficient parking, Section 43-128, Table 43-4. (required: 944, proposed: 702).*

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5849 – Area Variance - Andrew Romano, Esq., on behalf of Sherena Doldron, owner, on premises known as **26 Cornell Ave**, Block: 111, Lot: 22.32, Zone: A (B28235)

Proposal: legalize two front yard parking spaces, having:

- *Insufficient side yard, Section 43-27, Table 43-3 (required 3 ft. ; proposed zero ft., encroachment of support column for the porch);*
- *Parking within the minimum front yard not permitted, Section 43-133(A)1.*

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5850 – Area Variance – Kathleen Bradshaw, Esq., on behalf of 194 Yonkers Avenue LLC, owner, on premises known as **182 Fillmore Street aka 194 Yonkers Avenue**, Block: 405, Lots: 1, 2, 3, 5, 7, 8, 9, 13, 14, 15, 16, 17, 18, 19, 20, 21, Zone: BA (B31340)

Proposal: new residential apartment building, having:

- *Exceeding maximum permitted floor area ratio, Section 43-27, Table 43-3, (required 3.0, proposed 5.20).*

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NEW HEARINGS

5851 - Area Variance – Maximillian Mahalek, Esq. of Cuddy & Feder LLP, on behalf of Islamic Community Center of Mid-Westchester, owner, on premises known as **20 aka 2 Grandview Boulevard**, Block: 4600, Lot: 114, Zone: S-100 (B21187)

Proposal: variances to permit existing mosque to operate, having:

- *Insufficient front yard: The required front yard for non-residential use in a S-100 District is 50 feet in accordance with §43-35C(2) and Schedule of Dimensional Regulations for Nonresidential Uses Table 43-3 of the COY Zoning Code. The existing building is encroaching into the required front yard on Underhill Street. Owner shall request a variance to §43-35C(2) and Table 43-3 from the ZBA to allow for a 9.8 feet reduction of the required front yard setback.*
- *Insufficient front yard: The required front-side yard for non-residential use in a S-100 District is 50 feet in accordance with §43-35C(2) and Schedule of Dimensional Regulations for Nonresidential Uses Table 43-3 of the COY Zoning Code. The existing building is encroaching into the required front-side yard on Grandview Boulevard. Owner shall request a variance to §43-35C(2) and Table 43-3 from the ZBA to allow for a 5.75 feet reduction of the required front-side yard setback.*
- *Insufficient distance between accessory structure and residential lot line: No accessory building shall be located closer than 20 feet to any residential property line for Places of Worship use in a S-100 District in accordance with §43-35C(3) of the COY Zoning Code. The existing two car garage is located 3.2 feet from the East residential lot line. Owner shall request a variance to §43-35C(3) from the ZBA to allow for a 16.8 feet reduction of the required accessory structure setback.*

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5852 – Area Variance – Jared Smith, R. A., on behalf of Rupert Clarke, owner, on premises known as **115 Morris Street**, Block: 156, Lot: 26, Zone: M (B34263)

Proposal: new residential apartment building, whereas:

- *Proposed new buildings or structures for multifamily dwelling on lots smaller than the minimum required area or dimension requires approval from Zoning Board of Appeals (ZBA). (Reference Yonkers Zoning Ordinance (YZO) Section 43-33.F.1).*
- *Exceeding maximum permitted floor area, YZO Section 43-27, Table 43-3. (Permitted FAR: 1.25/3,299.38 SF., Proposed FAR: 1.38/ 3,648 SF).*
- *Insufficient lot area per family, YZO Section 43-27, Table 43-3. (Required: 800 SF, Proposed: 439.92 SF).*
- *Insufficient lot width, YZO Section 43-27, Table 43-3. (Required: 25'-0"; Proposed: 25'-0").*
- *Insufficient side yard, YZO Section 43-27, Table 43-3 and Section 43-33. (Required for Existing Lots Narrower Than 50 feet : 8.875', Proposed: 3'-0").*
- *Insufficient side-front yard, YZO Section 43-27, Table 43-3. (Required: 10'-0", Proposed: 3'-0").*
- *Exceeding maximum permitted building coverage, YZO Section 43-27, Table 43-3. (Permitted: 40%/ 1,055.8 SF, Proposed: 46%/ 1,216 SF).*
- *Insufficient parking, YZO Section 43-138 for reduced parking requirements. (Required: 6, Proposed: 4).*
- *Insufficient length for parking space, YZO Section 43-134.A.9. (Required: 18'-0", Proposed: 17'-6").*
- *Indicate outline of parking space on plans with dimensions.*

- Provide map or parking analysis to demonstrate compliance with reduced parking requirements of YZO Section 43-138.
- Coordinate proposed front yard shown on proposed site plan with zoning chart.
- Provide breakdown of gross floor area of each apartment.
- Proposed site plan requires Planning Board approval as per YZO Section 43-94.

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5853 - Area Variance – Kevin Solli, P.E., on behalf of Chipotle Mexican Grill, owner, on premises known as **1201 Nepperhan Avenue**, Block: 3395, Lot: 64, Zone: BA (B34130)

Proposal: Chipotle Mexican Grill restaurant with pickup window, requiring:

- Parking variance. *WAITING FOR REVISED OBJECTION LETTER FROM DHB

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5854 – Area Variance – Stephen A. Veneruso, Esq., on behalf of P and B Yonkers LLC, owner, on premises known as **37-43 Post Street**, Block: 158, Lots: 66 & 68, Zone: M (B31035)

Proposal: construction of a four story twelve unit residential building, whereas:

- *The combined side yard setback shall be 25 feet in accordance with Schedule of Dimensional Regulations for Residential Uses Table 43-3 of the City of Yonkers (COY) Zoning code. The total combined side yard setback for the proposed building is 22.87 feet. Design Professional shall revised the plan to show the required side yard setbacks or owner shall request a variance to Table 43-3 from the Zoning Board of Appeals (ZBA) to allow for a 2.13 feet reduction in the required combined side yard setbacks.*
- *The front yard setback shall be 15 feet in accordance with Schedule of Dimensional Regulations for Residential Uses Table 43-3 of COY Zoning code. The proposed building is located 5 feet from the front lot line. Design Professional shall revised the plan to show the required front yard setbacks or owner shall request a variance to Table 43-3 from the Zoning Board of Appeals (ZBA) to allow for a 10 feet reduction in the required front yard setback.*
- *The proposed Apartment Houses use requires 16 “usable” off-street parking spaces in accordance with §43-128 Table 43-4 of the COY Zoning Code. The plans show 11 usable parking spaces and 5 non-usable tandem parking spaces as defined in §43-134A(5). The Design Professional shall correct the plans to show the required number of parking spaces or owner to shall request a variance to Table 43-4 from the ZBA for a reduction of 5 required parking spaces, or request a variance to §43-134A(5) to allow the 5 non-usable tandem parking spaces to be counted as usable spaces.*
- *All semipublic open-air parking areas shall be setback a minimum of five feet from any property line in accordance with §43-44B(5) of COY Zoning Code. Parking spaces located on the West side of the lot are only 1 foot from the lot line. Design Professional to correct the plans to show the parking spaces not less than five feet from the side lot lines or owner to apply for a variance to §43-44B(5) from the ZBA to allow for a 4 feet reduction to the required parking setback from the property line.*
- *All semipublic open-air parking areas shall be setback a minimum of five feet from any property line in accordance with §43-44B(5) of COY Zoning Code. Parking spaces located along the rear property boundary are only 2.2 feet from the lot line. Design Professional to correct the plans to show the parking spaces not less than five feet from the lot lines or owner to apply for a variance to §43-44B(5) from the ZBA to allow for a 2.8 feet reduction to the required parking setback from the rear property line.*

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OTHER BUSINESS

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|-------------|-------------------------|-------------------|
| Case # 5642 | 750 Central Park Avenue | Extension Request |
| Case # 5692 | 1097 North Broadway | Extension Request |

*Please be advised that speakers are first come, first served. There will be a sign-in sheet upon arrival and the speaking time will be limited to 2 minutes.