



**Zoning Board of Appeals**  
Department of Planning & Community Development  
City Hall - Roosevelt Square  
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Clinton I. Young, Jr.  
Mayor

Irwin S. Davison, Esq.  
Chair

## **MEETING NOTICE**

**June 20, 2011**

A regular meeting of the Zoning Board of Appeals will be held on **Tuesday, June 28, 2011 at 7:30 p.m.** following a work session facilitated by Planning Department Staff at 7:15 p.m. in the City Council Chambers, Second Floor, City Hall, Mount Vernon, New York at which time and place the Board shall consider the following:

### **ITEM # 1 APPROVAL OF MINUTES**

1.1 Approval of the minutes of the regular meeting held on Tuesday, May 17, 2011.

### **ITEM # 2 EXTENSION OF TIME**

**2.1 Calendar No. 1634-Z:** 25 Melrose Avenue (Section No. 165.38, Block 1046, Lots 11 & 12) in the RMF-10 Zoning District.

Application of Melrose Mount Vernon, LLC by Attorney Hannah S. Gross is seeking a one (1) year extension of time to comply with the Zoning Board's original approval which was granted on February 5, 2008 and expired on February 5, 2009. Subsequently, the applicant requested an extension of time on May 13, 2009 which expired on May 13, 2010. The applicant requested a second extension of time on May 13, 2010 which expired May 13, 2011. The most current request for an extension of time is February 5, 2011 which will expire on February 5, 2012 if granted.

SEQRA Determination: Type II – No further SEQRA assessment is necessary for this application.

### **ITEM # 3 DELIBERATIONS**

**3.1 Calendar No. 1689-Z:** 1 Wartburg Place (Map Page 165.42, Block 2160, Lot 1) in the R1-7 Zoning District.

Application of The Wartburg by attorney William Null is requesting the following area variances:

- Height Requirement: A maximum building height of 35' feet is allowed and the applicant is proposing 45.5' ft and 50.5' ft at the mechanical penthouse of the proposed skilled nurse facility. – This is a deviation from the dimensional regulations of the Zoning Code;
- Height Requirement: A maximum building height of 3 stories - 35' feet is allowed and the applicant is proposing 4 stories 56.3' ft. of the proposed supportive housing facility – This is a deviation from the dimensional regulations of the Zoning Code

The applicant is proposing to construct two (2) new buildings and to create various accessory parking facilities on the premises.

SEQRA Determination: The proposed action is a coordinated review and classified as an "Unlisted Action". The Planning Board as "Leading Agency" declared a negative declaration on June 1, 2011. Accordingly, the Zoning Board may make its determination without needing to make any other assessments concerning SEQRA.

#### **ITEM # 4 CONTINUED PUBLIC HEARING**

**4.1 Calendar No. 1679-Z:** 223 Westchester Avenue (Map Page 165.46, Block 1130, Lot 18) in the RMF-6.75 Zoning District.

Application of Esteban Ruiz by attorney Hannah Gross is requesting the following area variance:

- Side Yard Setback (One): A 5'ft. side yard setback is required and the applicant is proposing 4'ft. 2" inches– This is a deviation from the dimensional regulations of the Zoning Code;
- Off-Street Parking: Two (2) enclosed parking spaces are required and the applicant is proposing one (1) enclosed parking space and one (1) unenclosed parking space – This is a deviation from Section 267-37B of the Zoning Code.

The applicant is proposing to convert a single family house into a two-family dwelling which requires the previously mentioned variances.

SEQRA Determination: Type II – No further SEQRA assessment is necessary for this application.

**4.2 Calendar No. 1682-Z:** 485 Gramatan Avenue and 8 East Cedar Street (Map Page 165.30, Block 1036, Lots 1 and 2) in the RMF-15 Zoning District.

Application of Cedar Manor, LLC by its attorney Hannah S. Gross of Gross & Stabile, LLP is requesting the following area variances:

- Impervious surface coverage: permitted-70% maximum; proposed-76.6%;
- Secondary front yard at parking lot: required-20 feet minimum, § 267-13 B (1) (G) & § 267-37 A; proposed- 2 feet
- Side yard at parking lot: required-3 feet minimum, § 267-37 B; proposed-2 feet;
- Rear yard at parking lot: required-3 feet minimum, § 267-37 B; proposed-2 feet;

- Landscaping: required-6 % of the total area within the perimeter of the parking facility shall be landscaped, when 25 or more parking spaces are proposed. § 267-40 A and at least shade tree shall be provided for every 12 parking spaces. A landscaped area of 360 square feet within the parking lot perimeter and 3 shade trees are required
- Fence height: fence in front yard must be 4 feet high maximum, made of wrought iron, aluminum or masonry, 25% open construction. A 4 feet vinyl fence is proposed. Notwithstanding the above, no fence shall be permitted at the driveway entrance if it obstructs visibility as defined and required in § 267-13 C (1).

The variances are requested to demolish an existing one-family dwelling to create an accessory off-street parking facility for an existing multi-family dwelling located on the premises.

SEQRA Determination: This action is a coordinated review and classified as an “Unlisted Action”. Therefore, the Zoning Board as “Lead Agency” must assess whether further environmental investigation needs to occur prior to rendering any decisions.

**Note:** Work Sessions will be open to the public but closed to public participation subject to the Open Meetings Law, [§ 105 of the New York State Public Officers Law, Article 7].

The next regular meeting of the Zoning Board of Appeals is scheduled to be held on Tuesday, July 19, 2011.

Patricia Fleming  
Zoning Board Secretary

cc: Mayor Young  
Yolanda Robinson, Chief of Staff  
City Clerk  
Jeffrey Williams, Planning Commissioner  
Building Department  
Lobby  
Press