



**Zoning Board of Appeals**  
Department of Planning & Community Development  
City Hall - Roosevelt Square  
Mount Vernon, New York 10550-2060  
(914) 699-7230 • FAX (914) 699-1435

Clinton I. Young, Jr.  
Mayor

Irwin S. Davison, Esq.  
Chair

## **MEETING NOTICE**

**March 8, 2011**

A regular meeting of the Zoning Board of Appeals will be held on **Tuesday, March 15, 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, February 15, 2011.

### **ITEM #2 CONCEPT PLAN**

**2.1 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 variance:

- 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

SEQRA Determination: Unlisted Action – This action does not require any SEQRA assessment.

### **ITEM # 3 CONTINUED PUBLIC HEARING**

**3.1 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 on Lot 2 to create an accessory off-street parking facility for the multi-family dwelling located on Lot 1.

SEQRA Determination: Unlisted Action - The Zoning Board must declare itself as “Lead Agency” prior to any action being taken. The Zoning Board must also determine whether further environmental investigation needs to occur prior to rendering any decisions.

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

**4.1 Calendar No. 1687-Z:** 14 Hamilton Avenue Map Page 165.33, Block 2043, Lot 6 in the R1-7 Zoning District.

Application of Patrick Bayens by attorney Hannah Gross is requesting the following area variance:

- Front Yard Setback: Required 20’ft. minimum at the porch entry and the applicant is proposing 14’ft. 3”inches – This is a deviation from Section 267-13A(3a) of the Zoning Code;
- Side Yard Setback: The terrace is required to have a 3’ft. minimum and the applicant is proposes a 1’ft. 5”inches – This is a deviation from Section 267-13A(1a) of the Zoning Code.

The applicant is requesting variances to allow a front porch which has been reconstructed and enlarged without a permit. The West side of the property consists of concrete pavers which encroach into the required side yard setback without a permit as well.

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

**4.2 Calendar No. 1683-Z:** 701 South Fulton Avenue Map Page 169.48, Block 4090, Lot 1 in the I (Industrial) Zoning Districts.

Application of GFX, Inc, by attorney Jack Adesso is requesting the following area variances:

- Front Yard Setback (along E. 8<sup>th</sup> Street): The site is required to have a 15' ft. minimum setback and the applicant is proposing a 2' ft. setback. This is a deviation from §267-28(G3) of the Zoning Code;
- Front Yard Setback (along Miller Place): required- The site is required to have a 15' ft. minimum setback and the applicant is proposing a 2' ft. setback. This is a deviation from §267-28(G3) of the Zoning Code;
- Rear Yard Setback: The site is required to have a 15' ft. minimum setback and the applicant is proposing a zero setback.

The applicant is requesting the variances to operate a motor vehicle body repair shop which includes a spray painting booth in the I - (industrial) Zoning District.

SEQRA Determination: Type II Action- No SEQRA assessment is required for this application.

**4.3 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 SEQRA assessment is necessary for this application.

**4.4 Calendar No. 1684-Z:** 602 South Third Avenue Map Page 169.47, Block 3105, Lot 1 in the LI-7.5 (Landscape Industrial) Zoning District.

Application of Kovar Hills Associates, LLC by attorney Jack Adesso is requesting an interpretation of Section 267-18E.

The applicant is proposing to operate a construction company with "outdoor storage". Section 267-18E does not explicitly state that "outdoor storage" as the applicant is proposing is a permitted use within LI-7.5 Zoning District.

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

**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, April 12, 2011.

William Long  
Planning Administrator

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