



City Planning Board
Department of Planning & Community Development
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Ernest D. Davis
Mayor

William Holmes
Chair

MINUTES
PLANNING BOARD
PUBLIC HEARING

A regular meeting of the City Planning Board will be held on, **Wednesday, April 2, 2014 at 6:30 p.m.** in the City Council Chamber, Second Floor, City Hall, Mount Vernon, New York at which time and place the Board shall consider the following:

ITEM # 1 ROLLCALL

PRESENT

Chairman Holmes
Board Member Gleason
Board Member Snyder
Board Member Justino
Board Member Selsey
Board Member Zamor

ABSENT

Board Member Trott

ITEM # 2 APPROVAL OF MINUTES

- 2.1** Approval of the minutes of the regular meeting held on Wednesday September 4, 2013. **Moved to May**
- 2.2** Approval of the minutes of the regular meeting held on Wednesday October 2, 2013. **Moved to May**
- 2.3** Approval of the minutes of the regular meeting held on Wednesday November 6, 2013. **Moved to May**
- 2.4** Approval of the minutes of the regular meeting held on Wednesday February 10, 2014. **Moved to May**

ITEM #3 ADMINISTRATIVE ACTION

3.1 Request to Allow Solar Panels to Reviewed By Staff Administratively

According to Chapter 53-3 of the City Charter, "The Planning Board may adopt such rules and regulations as it deems necessary and proper to the performance of its

powers and duties hereunder and may amend or repeal the same.”

The Building Department and Staff will coordinate together with regards to the Solar Panels for 1 – 3 family homes.

ITEM #4 CONTINUED PUBLIC HEARING

4.1 Case #1-2014 8 Alden Place (Section 159.63, Block 1001, Lots 7) in the RMF-15 zoning district.

Application of Robert Luiso by attorney Kory Salomone is proposing to construct a multifamily dwelling with associated on-site parking which requires site plan review.

SEQRA Determination: This action is a coordinated review and classified as an “Unlisted”. Therefore, the Zoning Board as the Lead Agency declared a negative declaration on November 19, 2013 ending the SEQRA process.

Tony Veneziano: Here also is Kory Salomone and John Sullivan the architect is here. We were here Monday night, we were here last time, we submitted a comprehended package and we are here to answer any questions you may have. We don't think there's anything left open and would like to closed it and get approval.

Chairman Holmes: It there any other correspondence from any City Agencies.

Staff Davis: I have no correspondence.

Chairman Holmes: Are there any members of the public who have come to speak in favor or opposition of this application?

Board Member Gleason: We have a plan examiners report.

Lest Marion: I'm speaking on behalf of the surrounding apartments. I would like to note that one of my clients went to the Building Department recently and my notes and their notes indicated that at the last meeting when staff member was asked if there are any objections, my notes indicate that the response was there was only one objection. This gentleman checked the files yesterday or today and there was in fact 27 objections that were filed in January, so I would like the staff to correct the record on that, being that it was a significant number of objections filed. I received a letter on Monday from Mr. Veneziano and his office dated March 24th to you. I have some comments and additional questions on that letter. First on page three of that letter, there was a mention of the site plans, the site plans that was submitted appears to show a two way driveway: there are arrows going in and out on the driveway. It's a fairly wide entrance and the site plans doesn't match the recent elevations that was giving to the Board at the last meeting when they changed the style and character of the building. It appears from that Building there's only a single car garage entrance way. So I think if the

applicant can clarify that and explain that iconicity it would be helpful to both the neighbors and to this the Board. Additional, the applicant's council has again attempted to address the business about the official map: it's been our position all along that Alden Place is not a street as that term is defined in your zoning code or by state law. They seemed to have pulled out of their hat that Alden Place is a street because it's shown on the official map and by state law and official map shows locations with some streets etc. and that's what it is. However, what they have referred to as the official map of Mount Vernon: does not show location, it does not show the width, doesn't show sewage, just because it's on the official map, it still does not meet the definition of a city road. Has Alden Place ever been dedicated to the City of Mount Vernon? Not to our knowledge, it's still private property. Is it plowed by the City, is it serviced by the City, patrolled by the City? Our understanding is no. The City doesn't enforce the parking along there, it's a private road. It's not a street, it's not a road defined by State law or by your local law. In the first place they can't have the building there, and the second place, there's no frontage because frontage talks about being on the street. There's no street, there's no frontage. The next point is the issue of yards, which was issue five that was raised in this letter.

The Veneziano letter appears to be explaining that the require parking is not in a yard. We understand that, in fact the required parking is under the building, however, there's other parking that's in their yard. Even if right a way it's still their yard. Yards are defined at open space open to the sky. Here we have a garage on one side of the building which is in the yard, which affects the setbacks, which was never addressed by the Building Department and we also have parking in two different yards of the property. So they're clearly, not open space to the sky. In this case we don't have it between parked cars and the garage structure. Also in point five they talked about the yard setbacks and these interpretations by their office are supported by the ZBA. The ZBA doesn't support anything, they just rule on and render opinions base on applications before them and what's presented. Just because they didn't grant variances, doesn't mean that's ok and complies with zoning. There's issue seven that they mentioned. They talk about the examiners report; they said that it doesn't indicate a need for a variance. It's our position that just because it's not there, doesn't mean that it's not required. They still haven't addressed the issue that is it on a street. Silence doesn't mean that it's ok. I think they have to affirmatively or your council has to affirmatively answer that question, because again it's been our position all along that this property is not on a street. With respect to their issue 11, the parking spaces, they said that there are not 29 spaces on Alden Place, we're previously informed this Board both in writing and orally that there is a covenant and deed restriction that there is suppose to be 29 parking spaces along this private road of Alden Place. They're relying on the fact that an early letter from the neighbor's prior council indicated that a study showed 22 spaces; well my clients have been out there, they've seen 27 spaces, they've seen 29 spaces even as of today and they've seen between six or seven cars directly in front of this building so we would be clearly losing a space. There are no painted lines on the street. Similar to Regular Street parking even though it's private property.

Chairman Gleason: Can I interrupt you for a second? I'm having a hard time visualizing this. The spaces that you're concerned about: losing space? If I remember correctly in the other meetings, those we're owned by you or not. Are the owned by the property owner?

Lest Marion: I don't have a site plan here, they're actually on the Loreco property, but that piece of the Loreco property is part of the right of way that forms Alden Place. In other words, they own an X number of feet. It runs to the middle of the island. So those parking spaces along Alden Place are actually on the Loreco property though by covenant and deed restriction they are suppose to be open to the public and everyone in the area, including the residents in the Loreco property to park on, cause the whole area is private property there's no public street there. It's actually physically on their property but it's deeded right a way that's allow ingress and egress and allow up to 29 cars to park along that area. 29 cars are just Alden Place not the area around the corner which we're heard talk about the 7 parking spaces around the back. This doesn't count in the 29 spaces nor does the spaces across the street. It's just 29 along Alden Place which is that straight run.

Board Member Gleason: Are we talking about all 29 or I thought you were talking about 7 spaces that are going to be interrupted?

Lest Marion: The 7 spaces are going to stay there and we're happy. Some of the clients are going to speak and indicate on the record, that they were out there and counted the spaces. Again, because there will be one of those spaces eliminated by this driveway, that does create a problem, because by putting that there, they will loose a space and that will violate the covenant and restrictions that will allow the parking. Additionally, the letter item twelve indicates they were advised by Con Ed that they can connect to our site: that's all well and good. Con Ed can say they can connect to anywhere: whether they have the legal right to go onto the property is another issue: and it's our position that they don't have the legal right to cross Alden Place or some of those other properties to get in there. The last thing that I had is that I just wanted to remind this Board is that the Fire Department had sent a letter recommending to this Board that there was safety issue that the Fire Department can only get there safely if the island is removed. That island is not getting removed. They will never get permission to remove the island, so I think you Fire Department has a serious safety issue on how they will be able to get into that site.

Board Member Selsey: With regards to the Fire Department: are they able to get to the site now comfortably?

Lest Marion: I suspect there is, because there's an island now. Someone has mentioned they are concerned about it.

The neighboring residents came up and spoke on their concerns. There were still no photo views in the latest architectural plans from the cemetery side: only sketchers. Second, deeply concerned about the wall and roof section that is beyond the 10' line, Third, the fire prevention issue: the closet fire hydrant is near the DPW work ground across from the Bronxville Village hall. The lighting: what will the lighting look like? The garage: when the garage was build, they date to 1927. The graves: don't want to see construction near the graves to be interfered with along the property line. The future graves as well. The setback went from 10' to 2'. The applicant addresses all

concerns. **The Board voted to close the public hearing and went into deliberations. The Planning Board determined that the site plan application provided all information required by § 267.33 of the City's Zoning Code; and the Planning Board determined that the site plan application provides "Safe, adequate and convenient vehicular and pedestrian traffic circulation both within and without the site" as well as provides. The application was subject to the following conditions: that all landscaping shall be maintained on and near the healthy growing conditions at all times. An accommodation for recycling shall be shown and clearly identified on the site plan. That Green Giant Arborvitae shall be planted along the rear property line behind the garbage enclosure That two (2) additional Pyramidal European Hornbeam trees with a minimum 3" – 3¹/₂" caliper are planted along the northwest rear property line similar to two (2) additional Pyramidal European Hornbeam trees that shall be planted along the northeast rear property line.**

ITEM #5 PUBLIC HEARING

5.1 Case #10-2013 22 East First Street (Section 165.70, Block 3112, Lots 1) in the DB (Downtown Business) zoning district.

Application of Y.B. Associates by attorney Jack Adesso is proposing to convert an existing bank into an adult daycare facility with associated off-site parking which requires site plan review.

SEQRA Determination: This action is a coordinated review and classified as an "Unlisted". The Zoning Board as Lead Agency issued a negative declaration on February 18, 2014 ending the SEQRA process.

The Chairman reads the item into the record. The applicant begins to explain the renovations and upgrading to the property and parking lot. The Board asks for more details on the security system, proposed lighting and fixtures, drainage system, basement layout, parking lot and interior layout for the inside of the building and to revise the plans to indicate that the main entrance will be on South 3rd Avenue and not East 1st St.

The item was adjourned.

ITEM #6 RECOMMENDATION

(All recommendations are classified as "Type II" actions; therefore, no further SEQRA assessment is necessary.)

6.1 Calendar No. 1708-Z – Zoning Board
60 South Third Avenue (Section 165.70, Block 3111, Lot 18)

The applicant is requesting a use variance and parking variance (60 parking spaces) to operate a school at the aforementioned premises.

6.2 Proposed Adoption of an Urban Renewal Plan – City Council

According to Section 267-56 of the Zoning Code **“If any amendment is to be considered by the City Council, it shall be referred for review and report to the Planning Board, the Corporation Counsel and other board (Architectural Review Board), agency or official of the city which the City Council deems appropriate. All boards, agencies and officials to which such proposed amendments are referred shall not have less than 30 days from the date of forwarding, or from the date of revision by the petitioner whichever is later, to submit their reports.”**

The Planning Board shall report to the City Council regarding the form and the advisability of the proposed amendment. Its report shall analyzed the proposed amendment and shall state the Board’s reasons for its recommendation, describing any conditions it believes make the amendment advisable or not, and specifically stating whether the amendment would be in accordance with purposes of this chapter as set forth in Section 267-1 of the Zoning Code.

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

Note: Items listed on the agenda are subject to change and amendments and/or additions may be placed on the agenda.

Note: The Planning Board will hold its work session on Monday, March 31, 2014 at 6:000pm in the Memorial Room, City Hall, 2nd Floor.

Following the April 2, 2014 regular Board Meeting, the next regular meeting of the City Planning Board is scheduled to be held on Wednesday, May 7, 2014.

William Long
Planning Administrator

cc: Ernest D. Davis, Mayor
Nichelle Johnson, Acting Chief of Staff
George Brown, City Clerk
Hina Sherwani, Corporation Counsel
Jaime Martinez, Acting Planning Commissioner
Mark Warren, Building Commissioner
Susanne Marino, Deputy Commissioner
Press