



**City Planning Board**  
**Department of Planning & Community Development**  
City Hall - Roosevelt Square  
Mount Vernon, New York 10550-2060  
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Ernest D. Davis  
Mayor

William Holmes  
Chair

**SPECIAL MEETING MINUTES**  
**PLANNING BOARD**  
**PUBLIC HEARING**

A special meeting of the City Planning Board will be held on, **Wednesday, March 19, 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 Boncardo  
Board Member Justino  
Board Member Selsey  
Board Member Snyder  
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 May 1, 2013.  
**This item was adjourned.**

**2.2** Approval of the minutes of the special meeting held on Thursday August 15, 2013.  
**This item was approved.**

**2.3** Approval of the minutes of the regular meeting held on Wednesday September 4, 2013.  
**This item was adjourned.**

**2.4** Approval of the minutes of the regular meeting held on Wednesday October 2, 2013.  
**This item was adjourned.**

**2.5** Approval of the minutes of the regular meeting held on Wednesday November 6, 2013.  
**This item was adjourned.**

**2.6** Approval of the minutes of the regular meeting held on Wednesday December 4, 2013.

**This item was adjourned.**

**2.7** Approval of the minutes of the regular meeting held on Wednesday January 8, 2014.

**This item was approved.**

**2.8** Approval of the minutes of the special meeting held on Wednesday February 10, 2014.

**This item was adjourned.**

### **ITEM #3 DELIBERATIONS**

**3.1 Case #9-2013** 759 South Columbus Avenue (Section 169.56, Block 3138, Lot 1) in the I (Industrial) Zoning District.

Application of Jose Montero by engineer Chris Tartaglia of High Point Engineering seeks to reconfigure an existing site to accommodate a drive-thru and additional gas pump islands which requires site plan review and a special use permit.

SEQRA Determination: This action is a coordinated review and classified as an "Unlisted Action". Therefore, the Planning Board as Lead Agency must assess the environmental significance prior to deliberating on this matter.

The Chairman reads the item into the record at which point he asked the Board what is their pleasure in terms of voting on this application. The Board agrees that after ample time to thoroughly consider this application once the public hearing was closed, the Board was ready to make its' determinations and assessments. The Board then inquires about the condition of the sidewalk and the way to guarantee that all public improvements as indicated on the plans will occur. The applicant responds. The Board satisfied with this clarity then issues a Negative Declaration ending the SEQRA process. **At which point, Board Member Selsey makes a motion to approve the application with the following conditions and Board Member Zamor seconds the motion.**

- **That the applicant meets all rules and regulations as set forth by the City Council, all City Boards and City Departments.**
- **That all sidewalks shall be replaced in accordance Department of Public Works standards and documentation of compliance shall be provided to the Building Department prior to issuance of the Certificate of Occupancy.**
- **That the applicant shall submit an escrow agreement in the amount \$20,000.00 for intersection public improvements prior to the issuance of Certificate of Occupancy.**

- **That all landscaping that will be planted in the City's Right-of-Way shall live for at least a year prior to issuance of the Certificate of Occupancy.**
- **That all landscaping shall be maintained on and near the premises shall be properly trimmed and maintained in healthy growing conditions at all times.**
- **The tree lawn shall consist of a four foot (4') ribbon of red brick stamped concrete prior to the issuance of the Certificate of Occupancy.**

**The vote was unanimous of the Board Members present.**

**3.2 Case #2-2014** 316 West First Street (Section 168.28, Block 3008, Lots 6 & 7) in the NB (Neighborhood Business) zoning district.

Application of Nowrang Balgobin by attorney Jack Adesso is proposing to construct a self-storage facility 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.

The Chairman reads the item into the record at which point he asked the Board what is their pleasure in terms of voting on this application. The Board agrees that after ample time to thoroughly consider this application once the public hearing was closed, the Board was ready to make its' determination. **Board Member Selsey makes a motion to approve the application and Board Member Boncardo seconded the motion.**

- **That the applicant meets all rules and regulations as set forth by the City Council, all City Boards and City Departments.**
- **That sidewalk defects shall be removed in accordance Department of Public Works standards and documentation of compliance shall be provided to the Building Department prior to issuance of the Certificate of Occupancy.**
- **That three street trees shall be planted along Vista Place and all street trees shall live for at least a year prior to issuance of the Certificate of Occupancy.**

- **That the applicant shall merge all associated tax lots for municipal regulation and tax purposes through the Office of the City Tax Assessor prior to the issuance of the Certificate of Occupancy.**

**The vote was unanimous of the Board Members present.**

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

**4.1 Case #11-2013** 125 South Fifth Avenue (Section 165.78, Block 3088, Lots 32 & 33).

Application of MountCo by attorney Jack Adesso is proposing to demolish an existing commercial facility to construct a multifamily senior citizen housing with associated on-site parking which requires site plan review.

SEQRA Determination: This action is a coordinated review and classified as a "Type I". Accordingly, the City Council as Lead Agency declared a Negative Declaration ending the SEQRA process.

The Chairman read the item into the record. The applicant provides background on the case as a result of the applicant's previous appearance. The applicant discusses the items the Board requested clarification such as the internal traffic circulation pattern, the location and installation of bollards along the driveway, the easement for the adjacent property owner for fire/emergency egress, the location of the generator, the attenuation measures from the noise of the generator, the condition of the sidewalk, striping the driveway, a construction management plan and the location of a/c units. The applicant responded to all of these items. The applicant did not have these items shown, demonstrated, indicated nor drawn on the plans. The Board requested that these items are indicated on the plans. The Board then decided to close the public hearing. At which point, the Board considered whether to vote on the application. **Board Member Justino made a motion to approve the application with the following conditions and Board Member Boncardo seconded the motion.**

- **That the applicant meets all rules and regulations as set forth by the City Council, all City Boards and City Departments.**
- **That the applicant shall merge all associated tax lots for municipal regulation and tax purposes through the Office of the City Tax Assessor prior to the issuance of the Certificate of Occupancy.**

- **That all/any sidewalk shall be replaced in accordance Department of Public Works standards and written verification of compliance shall be provided to the Planning Department prior to issuance of the Certificate of Occupancy.**
- **That the proposed generator shall be shown and clearly identified on the site plan.**
- **That appropriate noise attenuation measures shall be taken in accordance with Department of Public Works standards and written verification of compliance shall be provided to the Planning Department prior to issuance of the Certificate of Occupancy.**
- **That applicant shall install decorative bollards along the driveway pick-up/drop-off area that look and are installed similar to the following specification (as discussed with the applicant):**
- **That the applicant shall make the appropriate provisions so that after construction is completed guaranteed unrestricted access for the adjacent property owner either through an easement or some other legal instrument which must be submitted to the Planning Department and Building Department for the file.**
- **That the aforementioned legal instrument shall be acceptable to the Fire Department and copy of the Fire Department's decision shall be submitted to the Planning Department and Building Department for the file prior to the issuance of the Certificate of Occupancy.**
- **That a construction management plan shall be submitted indicating the temporary sidewalk; shall also indicate the location where workers are designated to park private vehicles; shall indicate the staging area for construction vehicles; and shall include provisions for highly visible signs indicating where construction workers are permitted to park and shall include traffic circulation during construction. All of which shall be in accordance with DPW standards and provided to the Planning and Building Department prior to the issuance of the Building Permit.**

- **That the applicant shall install uniform a/c units as indicated on the rendering.**

**The vote was unanimous of the Board Members present.**

**4.2 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.

The Chairman reads the item into the record. The applicant then provides background concerning the events that took place at their previous Planning Board meeting appearance which occurred on January 8, 2014. The applicant explained that they submitted the documents requested during the previous Planning Board meeting and explained the contents of these materials. The Board inquired about the fence along the rear property line and the landscaping along the rear property line. The Board further discussed the location of the garbage area and the proposed screening of this enclosure. The Board discussed painting directional arrows on the pavement in the driveway. The Board then holds the public hearing to hear from the public. A few residents spoke; accordingly, the primary issues were the site having two primary structures; the legality of the subdivision; whether all of the appropriate variances were granted; access to public utilities; fire department access; the impacts on the surrounding parking; the location of the rear yard setback; the location of the side yard setback; and the fact that this lot was intended be a playground and not any other use. The Board discussed the updated Plan Examiner's Report; wherein, the Board requested an updated Plan Examiner's Report to clarify any zoning compliance concerns that were raised. The applicant then addressed the public's concerns. The applicant gets into detail about the reviewing the legality of the subdivision and variances granted. The applicant addresses the other concerns further. The Board request that the applicant returns at the next meeting with revised drawings so the Board can see any/all amendments regarding the fence and landscaping. **Board Member Zamor made a motion to adjourn the public hearing and Board Member Boncardo seconded the motion. All present were in favor.**

**4.3 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.

**This item was adjourned.**

## **ITEM #5 ADMINISTRATIVE ACTIONS**

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

### **5.1 Proposed Adoption of an Urban Renewal Plan – City Council**

#### Recommendation

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.

The Board decided to adjourn this matter.

### **5.2 Proposed Adoption of DB (Downtown Zoning) Zoning Text Amendment – City Council**

#### Recommendation

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.”**

**SEQRA Determination:** This action is a coordinated review and classified as a “Type 1” action. Therefore, the City Council seeks to declare itself as “Lead Agency”. The Planning Board may respond to this lead agency request.

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.

The Board had extensive discussion concerning their recommendation concerning the proposed DB zoning text amendment. **The Board recommended that the City Council considers:**

1. **Whether the proposed zoning text amendment is aligned with the City's proposed Comprehensive Plan, for the Physical Development of the City.**
2. **Whether the proposed zoning text amendment is aligned with a comprehensive a downtown business development plan.**
3. **Whether the proposed zoning text amendment has appropriate restrictions and adequately avoids elements of spot zoning.**
4. **Whether the proposed zoning text amendment should specifically state, with regard to mixed use, that all/any ground floor space must be used for commercial purposes.**
5. **Whether the proposed zoning text amendment will impact and/or improve traffic circulation locally and in particular along West Broad Street.**
6. **Whether the proposed zoning text amendment will assist in the creation of transit oriented development (TOD) centered around the Fleetwood Train Station.**
7. **Whether Section II-1c from the proposed zoning text amendment which states, "This Special Use Permit shall be applicable only to properties meeting the following standards: Within 200 feet of an exit to a limited-access highway or parkway, as measured in a direct line from the closest point of an entrance to or exit from such highway or parkway to the closest point of the property; and" is appropriate**
8. **Whether the proposed zoning text amendment allows for appropriate greater and higher density.**
9. **Whether the proposed zoning text amendment will positively impact and/or improve the parking situation in the area.**
10. **Whether the proposed zoning text amendment supports improved entrance, egress and traffic queuing at the Cross County Parkway intersection for Exit Number 7.**

**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 Wednesday, March 19, 2014 at 6:00pm in the City Council Chambers 2<sup>nd</sup> floor.

Following the March 19, 2014 Special Board Meeting, the next regular meeting of the City Planning Board is scheduled to be held on Wednesday, April 2, 2014.

William Long  
Planning Administrator

cc: Ernest D. Davis, Mayor  
Nichelle Johnson, Acting Chief of Staff

Jaime Martinez, Acting Planning Commissioner  
Mark Warren, Building Commissioner



City of Mount Vernon  
Planning Board Minutes

Meeting Date  
March 19, 2014

George Brown, City Clerk  
Hina Sherwani, Corporation Counsel

Susanne Marino, Deputy Commissioner  
Press