



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

Irwin S. Davison, Esq.
Chair

MINUTES

ZONING BOARD OF APPEALS

PUBLIC HEARING

A regular meeting of the Zoning Board of Appeals will be held on Tuesday **August 26, 2014 at 7:30 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 Davison
Barbara Anderson
Maxine Greene
Lucinda Sloan-Fullan

Absent

Elvira Castillo
Karl Scully

ITEM # 2 APPROVAL OF MINUTES

2.1 Approval of the minutes of the special meeting held on Tuesday, March 18, 2014.

2.2 Approval of the minutes of the special meeting held on Tuesday, April 8, 2014.

Motion to approve by Board Member Sloan-Fullan Second by Board Member Greene. All in favor

ITEM # 3 PUBLIC HEARING

3.1 Calendar # 1709-Z 131-141 E. Third Street (Section 165.79, Block 3159, Lot 22) Located in the NB Zone and RMF 6.75 Zone.

The application of Oneness Rehoboth Apostolic Church represented by attorney Jack Addesso, is requesting the following variances: The applicant is requesting the aforementioned variances to construct a new church and garage at this premise.

- **Use Variance.** The applicant seeks to construct a new Church to be erected in a NB and RMF6.75 zoning district, where a church is not a permitted use by right. This is a deviation from the uses permitted within the NB zone.
- **Parking.** The applicant is required to have 399 on-site parking spaces. The applicant is proposing 114 parking spaces in a new parking structure on-site, which can not exceed one story and 12' in height. Variance required for RMF- 6.75 District – This is a deviation from dimensional regulations of the Zoning Code (§267-14M).

The Chairman reads the application into record.

Jack Adesso – The attorney for the application begins with in the introduction of members of the church.

Staff Long – Mr. Chair....before we begin, Board Secretary would like to inform you of the public notifications.

Staff Davis – The applicant has met all requirements; we received one consent and two comments from the agencies. The Fire Department has no objection to the applicants as long as the NYS Fire and Building codes are followed and all necessary permits are granted. The Westchester County.Gov stated that the reviewed this matter under the provisions of Section 239 L, M, and N of the General Municipal Law Section 277.61 of the County Administrative Code and we off the following comments:

- 1) Need for zoning ordinance update.**
- 2) Impact of current zoning standards on site plan**
- 3) Sewage flows**
- 4) Recycling**
- 5) Green technology.**

That's all the comments from the agencies.

Jack Adesso – Thank you Mr. Chairman. The church that we have before you today is a long time City residence. The applicant provides background for the Board. They now have over 500 members and have now outgrown the space, fortunately they have this big open area that they utilized this space to set up a tent to have their annual fund raising events or whatever activities the church had. So the members of the church were very interested in developing that parcel to contain a building to make their permanent residence. We're here before the Zoning Board because as the Plan Examiner's Report indicates, there are a number of variances that have to be dealt with. Some variances are area variances and one of those variances is a use variance. The reason for that is that part of that building lot area is in the NB zone. Approximately: one third of the property or twelve to thirteen thousand square feet that's in the residential district. The church also purchased a two family home that's adjacent to this vacant lot. The fact that the applicant is in the NB zone, is the reason why the red light went on with the Plan Examiner and she listed it is a use variance. We have basically the

same argument as we have in the past, that this is a split lot zone. It's a lot that's residential and business. We need both uses to be granted to be developed.

Chairman Davison – We are going to consider your application very carefully and have at least one other meeting. We are going to ask the Planning Board to give us their comments, there in the business of looking at the applications in view of traffic and how a property fits in. The information or advise they give us is very helpful. Another Board is the ARB who is authorized to make recommendations to how buildings look. Hopefully the schedule will work out and we will have heard from them by our next meeting. Is there anyone in the public that would like to be heard or in opposition of this application? Let the record show: no one has come forward. I would like to ask the Board to declare a motion so we can declare ourselves lead agent for SEQRA purposes and at the same time we can notify the ARB and Planning Board for their recommendations.

Board Member Greene – Makes motion: that we declare ourselves as Lead Agency for Applications Calendar # 1709-Z 131-141 E. Third Street and also make a motion that we submit this application to the Planning Board and the ARB.

Board Member Anderson - Second. All in Favor

Meeting adjourned.

SEQRA Determination: This action is a coordinated “Unlisted Action”; therefore, the Zoning Board seeks to declare itself “Lead Agency.

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].

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

Note: The next regular meeting of the Zoning Board of Appeals, is scheduled to be held on Tuesday, September 16, 2014).

Note: The Zoning Board will host its work session on September 10, 2014 at 4:00pm in the Memorial Room, City Hall

William Long
Planning Administrator

cc: Mayor Ernest D. Davis
Jaime Martinez, Acting Commissioner
Susanne Marino, Deputy Commissioner
George Brown, City Clerk

Building Department
Lobby
Press