



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

Shawyn Patterson-Howard
Mayor

a

Darryl Selsey
Chair

PLANNING BOARD MEETING/HEARING

AGENDA

A regular meeting of the City Planning Board will be held on **Wednesday, June 2, 2021 at 6:30 PM** via ZOOM (<https://zoom.us/>) at which time the Board shall consider the following:

Please see the City's Website (www.emvny.com) for "ZOOM" Instructions:

Meeting ID: **898 4047 0735**

Password: **072289**

Dial In: **(646) 876-9923**

ITEM #1 ROLL CALL

ITEM #2 APPROVAL OF MINUTES

- May 5, 2021

ITEM #3 REQUEST FOR AN EXTENSION OF TIME

3.1 Case No. 6-2021 I North Fulton 14 (Section 159.63, Block 1001, Lot 7) Located in the RMF-15 Zoning District. Request for an extension of time.

Planning Board reviewed their May 5, 2021 meeting. Applicant provided a construction schedule with a proposed start date. Applicant described the request for the extension of time and indicated that he had completed the architectural and construction drawings. The Planning Board approved the requested extension of time an authorized staff and land use counsel to prepare a draft resolution for the Board's consideration at this meeting.

The draft resolution was prepared and circulated to the Planning Board members for the Planning Board's review and consideration at this June meeting.

ITEM #4 Public Hearings

Continuation of Public Hearing

4.1 Case No. 3-2021 115 South Macquesten Parkway (Section 164.75, Block 1060, Lots 1, 2, 3, 6, 8, and 29) Located in the Mount Vernon West – Hub Transit Oriented zone (MVW-H), Request for Site Plan Review.

Applicant has provided supplemental information for the EAF. The Planning Board has already assumed lead agency for the environmental review of the application. The supplemental information provided is to demonstrate how the project conforms to the to the Findings Statement adopted by the City Council evaluating the environmental impacts of the proposed MVW TOD zoning. The document details the public benefits of the proposed project. Some of these benefits include the creation of 300 temporary construction jobs and 12 permanent jobs, increased real estate and retail sales taxes, exceed open space requirements, community space, mixed income range of workforce housing, identify and target inflow and infiltration improvements to sanitary sewers. The 3: 1 ratio is in line with Westchester County Planning recommendations. Also addressed is the planned landscaped promenade along South Macquesten Parkway. The document provides specific information on trip generation and impact on the area's intersections.

SEQRA Determination: The proposed action is a Type I action under SEQRA. The Planning Board has assumed lead agency status for the project's environmental review.

New Public Hearing

4.2 Case No. 5-2021 1 Wartburg Site Plan Application for Assisted Living Building at the Wartburg Campus (Section 165.42, Block 2160, Lot 1; Section 165.50, Block 2194, Lot 4; Section 165.51, Block 2194, Lot 5)

The Applicant has submitted a site plan application for the 5-story approximately 50,000 sf memory care, Assisted Living (AL) building with 48 units located in the southeast area of the campus where the Berkemeier Auditorium was previously located. The AL site replaces the existing auditorium and would have its own new parking with 26 at grade parking spaces. The AL project is the same as the prior plan approved by the Planning Board.

4.3 Case No. 7-2021 2 Wartburg – Independent Living Building at the Wartburg Campus (Section 165.42, Block 2160, Lot 1; Section 165.42, Block 2160, Lot 1; Section 165.50, Block 2194, Lot 4)

Applicant also submitted a separate site plan application for the Independent Living facility (IL). The Applicant in response to the City Council's comments and concerns has lowered the building height of the Independent Living Building to 8 stories and conforms to the 90- foot height limitation in the zone. This is a 210 unit building as compared to the 218 unit building previously reviewed.

The Technical Updated Traffic Memorandum dated March 5, 2021 supplementing the EAF addresses this revision by evaluating a range of units from 195 units to an upper count of 220

units. The final proposed unit count of 210 units falls within this range and results in an estimated increase of approximately 3 units from the 195 units at the bottom of the range. This was presented at the Planning Board meeting.

SEQRA Determination: The City Council as lead agency for the remapping of the Wartburg property in the RMF-SC zoning after evaluating the proposed projects issued a Negative Declaration. The City Council did a full and coordinated review of the proposed Unlisted action and considered the positive recommendations of the Planning Board and the ARB. The Long form EAF for both projects have been provided to the Planning Board.

Additionally, the City Council's Negative Declaration has been provided for the Planning Board's evaluation. Note that the Planning Board has previously reviewed these projects which are similar in scope to those previously reviewed. The Planning Board will conduct site plan review for both applications and evaluate their cumulative impacts. After the Planning Board's review, the Board can confirm and adopt the findings made by the City Council in their resolution filed 1/28/21.

The Planning Board can also consider conditions to any site plan approval including submission of a "*staging and construction plan*" to identify the location of construction equipment, construction materials and debris on the site and minimize disturbance to neighbors. This plan shall be submitted prior to any site disturbance or the location of construction equipment on the site and prior to issuance of a building permit. There are other conditions related to landscaping and maintenance as well as a stormwater management agreement to be filed with City Clerk's office. The plans will also be provided to the Fire Department for their review of access for fire safety and emergency vehicles.

4.4 Case No. 8-2021 434 Gramatan Avenue (Section 165.38, Block 1162, Lot 2) in the RMF-15 zone

The Applicant, CPD Group, received City Council approval for a text change to allow a gas station and accessory convenience store in the RMF-15 zone by special permit from the Planning Board. The property is located at 434 Gramatan Avenue between William Street and Fleetwood Avenue, across from the Westchester Gardens apartments. The subject property contains a one-story, 1,939 square foot Mobil service station and snack shop. The gas station has 3 service bays and three gas pumps with 6 fueling stations. Large curb cuts access the property from all three surrounding roadways.

The CPD Group is now seeking site plan and special permit approval for Proposed Gas Station Alterations and the Renovation/Conversion of the Existing 1,939 sf Building from motor vehicle repair/snack shop into a Convenience Store with 1,030 sf of net retail sales area. The existing footprint of the building will not be expanded. The flat roof of the building would be converted to a pitched roof. A new 24' x 52' canopy is proposed above the fuel pumps, which would be replaced and upgraded. An area variance will be required from the ZBA for the canopy which will encroach into the front yard setback. One corner of the canopy will be directly above the property line and the other corner on Gramatan Avenue will be approximately 2.7' from the property line.

It is unclear if the underground fuel tanks will also be replaced. A new sidewalk, dumpster and mechanical equipment enclosures are also proposed. The Planning Board will need to review stormwater management, landscaping, lighting, impervious coverage and compliance with the conditions of the special permit.

A Traffic Study was submitted in support of the application, prepared by Klein Traffic Consulting, LLC. The project is proposed with seven parking spaces and six fueling positions for a total of 13 parking spaces, where 13 parking spaces are required by the local Ordinance.

The Planning Administrator has developed a site plan review for the proposed project which will be provided to the Planning Board.

SEORA Determination: The proposed action is a Type II action based on 617.5(c)(9) *“construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls”*, therefore, ending the SEORA process.

ITEM #5 ADMINISTRATIVE ACTION – SEORA DETERMINATION: This action is a “Type II” action; therefore, ending the SEORA process.

5.1 City Council Recommendation – Rezoning Petition

The following petition was heard by the Planning Board at their May meeting.

- 1) **The Armory Terraces, 208 N. Fifth Avenue** – 8-story senior living facility; waivers and variance required. (Section 165.54, Block 1103, Lot 10)

The Petitioner returned with a Pro Forma for the proposed 73 unit building as well as a Pro Forma for a more compliant 41-unit Building.

The Board decided to retain a real estate consultant to review the two Pro Forma.

Pat Cleary, the planning consultant for the City Council, has indicated that Peter Gilpatric has been retained as a real estate advisor to review the Pro Forma for both development scenarios.

5.2 Proposed TOD EAST Zoning Ordinance Recommendation – City Council Request

Recommendation to City Council Regarding Proposed TOD East - Zoning Ordinance.

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”.

BFJ Planning has submitted the following: TOD East Neighborhood Plan, Full EAF with supplemental analysis covering potential development sites, land use and zoning, shadow study, fiscal impacts and study of public-school children generation, traffic and parking and utilities and drainage. BFJ also provided zoning text overlay regulations. Finally, BFJ will present a PowerPoint presentation to the Board members. He will also present the details of the Alexander Group development project proposed as part of the TOD East Overlay zone.

5.2 Proposed MX-1 Zoning Ordinance Recommendation – City Council Referral

The City received an inquiry from Mr. Ferrandino alleging the process of referring the MX-1 zoning code amendments to the land use boards was not followed according to the City Code.

The Acting Planning Commissioner requested that land use counsel research the issue and draft a memorandum addressing this question. After consultation with myself and Michael Zarin, land use counsel drafted the attached memo dated May 19, 2021. Her memorandum reviews the applicable City Code §267-56, Planning Board and ARB agendas, several email exchanges indicating that input from the Planning Board and ARB were incorporated into the MX-1 draft zoning text.

Counsel’s memorandum concludes that the MX-1 zoning amendment referrals under section §267-56 were successfully completed and that nothing in the code prohibits comments from the boards being directly incorporated into the draft zone, as seems to have been done in this case. It is counsel’s conclusion that there is no provision of the code that requires comments of the Planning Board or ARB regarding a new zone to be formalized or written. Comments seem to have been communicated by email and directly incorporated into the draft MX-1 zone. As such, the requirements of Zoning Code Section 267-56 have been met.

The Planning Board has been requested by the Acting Planning Commissioner to review the land use counsel’s memorandum and conclusions and provide a written determination on the conclusions of the counsel’s May 19, 2021 memorandum.

Note: Work Sessions will be open to the public but closed to public participation subject to the Open Meetings Law, [Section 105 of 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.

Upcoming Dates

- **TUESDAY, July 6, 2021 at 6:30 pm** Planning Board Work Session via Zoom videoconference.

- **Wednesday, July 7, 2021 at 6:30 pm** regular meeting of the Planning Board via Zoom videoconference.

Marlon Molina 2nd Deputy Planning Commissioner cc:

Shawyn Patterson-Howard, Mayor
Planning Board
Planning Commissioner
Building Department
Corporation Counsel City
Clerk; Lobby