



**City Planning Board**  
Department of Planning & Community Development  
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Shawyn Patterson-Howard  
Mayor

Darryl Selsey  
Chair

**MEETING MINUTES  
PLANNING BOARD  
REGULAR MEETING  
for JULY 13, 2022**

A regular meeting of the City Planning Board was held on Wednesday, July 13, 2022, at 6:30 PM in the Memorial Room on the second floor of City Hall. Applicants and members of the public were permitted to attend and make public comments via in-person attendance.

The Chair read the meeting notice into the record then indicated that the roll call was the first item on the agenda. The Chair asked the staff to start the live streaming of the meeting on Facebook.

**Roll Call**

The Chair called the roll: In addition to Chairman Darryl Selsey, attending were the following Commissioners: Mr. Charles Whites, Mr. Jamael Thompson, Ms. Helene Thompson-Njenga, Mr. Frank Trolio and Mr. Lesly Zamor.

Also attending were Marlon Molina, Deputy Commissioner, Katherine Mella, Associate Commissioner of Planning, Maria Pace, Secretary to the Planning Board, and U. Nkechi Nwachukwu, land use counsel.

The Chair indicated that there was a quorum present and opened the meeting at 6:37 pm.

**APPROVAL OF MINUTES**

The Chair asked if the Commissioners had an opportunity to review the minutes of June 15, 2022 and if there were any corrections. There being no changes, the Chair asked for a motion to approve the minutes for June 15, 2022. The motion was made by Commissioner Whites, seconded by Commissioner Thompson-Njenga and carried by a vote of 5 with 1 abstention by Commissioner Zamor.

**New Public Hearings**

**The Chair** read the description of **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) - Request for a one-year extension of Site Plan Approval**

**The Chair** indicated that legal counsel for The Wartburg was present and asked her to state her name.

**Allison Fausner**, legal counsel from Cuddy & Feder on behalf of The Wartburg, reported that workers have cleared the area, removed trees, and started excavation. However, the reason for requesting the one-year extension is due to supply-chain issues which affect the back-end.

**The Chair** asked if there were any questions from the Planning Board and there were none.

**Land Use Counsel** noted that if the Planning Board wishes to attach any conditions to the resolution, this would be the time to do it.

**The Chair** asked if anyone present wished to make any public comments.

**Public Comment** - Several residents stated their concerns regarding landscaping issues, including damaged trees falling on adjacent property with no clean-up and damaging trees on neighboring property; cracks in residential foundations due to flooding issues; storm water drainage.

**Resident Sabena Wilkes** expressed concerns regarding runoff from the Hutchinson River onto the Parkway; flooding in the area; upkeep of trees; loss of outcropping; tree limbs falling onto neighboring properties; and lack of regular checks and maintenance of the grounds to address issues like fallen trees and weeds overgrowing onto neighboring properties.

**Irene Boykin, a resident for 45 years**, stated that she has a line of adult trees on her property which provided a nice separation between her home and the Wartburg. She said a Wartburg tree fell and knocked over 4 of her adult trees; the Wartburg replaced her trees with baby trees which affected the look of her landscape; when two of the baby trees died one year after planting, the Wartburg informed her that the trees only came with a one-year warranty; she ended up replacing the trees at her own expense. She also expressed concern over flooding that occurs after heavy rain; the water can take an hour to recede depending on how much rain falls.

**Resident Irwin Billy** said he is noticing cracks running from the top of his basement window down to the floor, inside and outside of his home; he is concerned as to whether work being done at the Wartburg is causing vibrations that affect his home. He also said he is seeing more rabbits and is concerned that wildlife is being pushed out of their natural habitat and into residential areas.

**The Chair** recommended that counsel for The Wartburg speak to the residents regarding these issues.

**Based on the public comments received, Land Use Counsel** noted that the Board may wish to incorporate four conditions from the Independent Living site plan resolution into the Assisted Living extension resolution, with modifications. The conditions addressed 1) a stormwater inspection and management agreement; 2) a stormwater protection plan; 3) a staging and construction plan; and 4) landscaping.

Additional conditions were proposed by the Planning Board:

1. Applicant is to check with DPW regarding the feasibility of installing vibration monitors. DPW can advise on the number of monitors, range, etc.
2. If any trees from The Wartburg's property damage neighboring properties' trees, The Wartburg needs to replace with comparable trees of at least 8-inch caliper. Also need to provide 2 to 3-year warranty.
3. Have an arborist conduct an annual check of trees on The Wartburg's property and provide the Planning Board with reports.

**Upon applicant's request, Chair Selsey** made a motion to adjourn Wartburg's extension applications to the August 3 meeting so that they can gather more information about the issues that the residents brought up, seconded by Commissioner Thompson and carried by a vote of 6-0.

The Chair read the description of **Case No. 17 – 2022 300 Nuber Avenue (Section 169.24, Block 4057, Lot 2) located in the R2-4.5 Zoning District.**

**Mr. Badaly** explained that the setback uses the property line and not the easement. He said he will provide floor plans and elevations; will speak with the Tree Surgeon; and would like comments on stormwater, trees, fencing, and landscaping. He also mentioned that Applicant may be open to doing more stormwater management than the minimum shown.

**Commissioner Zamor** asked if there was an opportunity to reduce the impervious surface of the proposed subdivision, perhaps by returning some paved areas to lawn or shrubs.

**Commissioner Zamor** asked how the existing garage structure to the north will affect the development of the property. There is an easement from Nuber Ave. which is used by a driveway leading to the resident's private garage north of the site.

**Mr. Badaly** explained that required parking is six spaces, 2 spaces per two-family unit.

**Commissioner Thompson expressed concern about density. He asked whether the lot would be sufficient to add six additional families where there used to be one.**

**Commissioner Njenga asked how many bedrooms. The answer was 3 bedrooms over 3 bedrooms.**

**Chair Selsey noted that six additional families may have friends coming over on holidays and weekends; is there enough parking in the area to support that or will neighboring homeowners be impacted?**

**Mr. Badaly responded that the proposal is zoning compliant.**

**Commissioner Whites noted that even if a project is zoning compliant, it doesn't mean it actually fits in the neighborhood.**

**Commissioner Thompson asked whether the project will be constructed as rentals.**

**Mr. Badaly responded that the project will sell as houses.**

**Chair Selsey noted that 24 new people in the area could include 12 new students.**

**Mr. Badaly indicated that the new tax base would help pay for any additional students.**

**Public Comment** - Several residents made public comments regarding the number of people that would be moving in, the lack of parking, garbage, and the overgrown shrubs on the property.

**Dr. Ronnie Lichtman, Secretary of Neighbors That Care**, expressed concern about the canopy of trees; trees on 4<sup>th</sup> Street come from the subject lot creating a canopy of trees; she wants to maintain a living in a leafy suburb; the owner of the lot is not maintaining the lot; garbage and shrubs cascade onto the street; shrub clippings are left on the street; the houses in the area are old, magnificent, and have a feeling of history; the neighborhood has a beautiful feel to it and she doesn't know if the proposed homes will look like cookie cutter houses; the resources for schools, fire and police are already limited and may not support a project of this scale; the last developer's proposal didn't fit the neighborhood; and she thinks this project will take away green space. Dr. Lichtman also said she found out 10 years ago that she has an easement to use the driveway and she is vehemently opposed to a shared driveway.

**Resident Michelle Purville** stated she is concerned with investors who are subdividing lots; there is a continuance of investors, not homeowners, who want to strongarm her out of her freedoms; she suggested putting a pause on all subdivision applications; she wants green space and wants to stop the community from being changed home by home. Ms. Purville also indicated that it's 2022 and notice methods should be updated and designed to reach people where they are, because people don't read newspapers anymore.

**Resident Mary Savage** noted that the lot is too small for three houses where one used to stand and there will not be enough parking; she also suggested putting monitors in place to check building vibrations.

**Resident Joan Horton** said she objects to investors coming into neighborhoods and not living there; she objected years ago to building 6 homes on that lot; the project may be zoning compliant, but the investor doesn't live there; a big boulder has been left on the sidewalk so there will be excavation issues; ConEd put a trench in front of her house to absorb water and now she gets flooding; her home insurance was canceled and now she must use all-risk insurance; she said we need green space because the area is so dense and we will have to grow food; she also said we are our neighbors' keepers.

**Commissioner Whites** suggested engaging the City Council to come up with a process whereby neighboring property owners have a right of 1<sup>st</sup> refusal to purchase abutting properties.

**Resident Carrie DeBruce** said she is a new homeowner from Brooklyn; she does not want cookie cutter homes; density is already an issue; she looks at a nearby hill and can imagine water flooding into the homes if adequate stormwater measures are not in place; she asks if we can salvage just a bit of the beauty of the neighborhood.

**Commissioner Zamor** indicated that a single entrance leading into a 2-family home can help preserve the single family feel of a neighborhood.

**MaryAnn Morris, who appeared on behalf of her father Wayne Morris,** said there is a flooding issue; flooding occurred this year that we have never experienced before; the family's home is on a slope so flooding issues are exponential.

**Chair Selsey** indicated that if the application were approved, Applicant would have to be responsible for 100% retention of runoff.

**SEQRA** – The Planning Board confirmed that the proposed action is an Unlisted action under SEQRA. The Planning Board declared its intent to serve as the Lead Agency for the environmental review of this three-lot subdivision. The Chair made the motion, seconded by Commissioner Whites and carried by a vote of 6-0.

The Chair read the description of **Case No. 18 – 2022 210 West Lincoln Avenue (Section 165.61, Block 1076, Lot 14) located in the Neighborhood Business (NB) District.**

**Mr. Badaly** explained that the plan is to expand from 3 bays to 4. He also proposed to enlarge the curb cut by 8' wide. Another tree would be added off-site. There will no modifications to the backyard.

**Land Use Counsel recommended that a Narrative and copy of the Certificate of Occupancy (CO) be provided.**

**The Chair expressed his concern that the warehouse is in the NB district and whether the warehouse was grandfathered in after rezoning. He also expressed concern regarding the use of the property, and whether a special use permit could be issued to allow for the use.**

**There being no further business, the Chair made a motion to adjourn the meeting until August 3, 2022, seconded by Commissioner Thompson, and carried by a vote of 6-0.**

**The meeting was adjourned at 9:15 PM.**

**Maria Pace  
Secretary to the Planning Board**