



Zoning Board of Appeals
Department of Planning & Community Development
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Shawyn Patterson-Howard
Mayor

Michael Justino
Chair

**ZONING BOARD OF APPEALS
MEETING MINUTES
for July 19, 2022**

A regular meeting of the Zoning Board of Appeals was held at 6:30 PM on Tuesday, July 19, 2022, at 6:30 PM in the City Council Chambers on the second floor of City Hall. Applicants and members of the public were permitted to attend and make public comment via in person attendance.

The Chair indicated that the roll call was the first item on the agenda.

ROLL CALL

The Chair called the roll: In addition to the Chair, attending were the following Commissioners: Mr. Cutler and Ms. Darden. Commissioner Elvira Castillo and Commissioner Henry Solly were not present.

Also attending were Maria Pace, Land Use Board Secretary, Katherine Mella, Associate Commissioner, and Nkechi Nwachukwu, Land Use Counsel.

With a quorum of three members present, the Chair opened the regular meeting at 6:30 pm. The Chair read the notice for the Zoning Board of Appeals meeting for Tuesday, July 19, 2022.

Item 2 - APPROVAL OF MINUTES

The Chair asked if the Commissioners had reviewed the minutes of the June 21, 2022. The Commissioners indicated that they had reviewed. The Chair asked for a motion to approve the minutes for June 21, 2022. Commissioner Cutler made the motion, seconded by Commissioner Darden. The motion was approved 3-0.

The Chair then asked if the Commissioners had reviewed the minutes for May 21, 2022. Commissioner Cutler indicated that he had not completely reviewed the minutes. The Chair then asked for a motion to hold over the minutes of May 21, 2022, until the next meeting.

Commissioner Cutler made a motion to adjourn the approval of the May 21, 2022, minutes until the next meeting, seconded by Commissioner Darden. The motion was approved 3-0.

Continued Public Hearing

The Chair read the description for Calendar #1764-Z 219 Tecumseh Avenue (Section 165.82, Block 4041, Lot 19) located in the R2-4.5 Zoning District.

The Chair indicated that the Applicant has requested an adjournment to allow more time to revise plans addressing landscaping and proposed driveways for the property.

Commissioner Cutler made a motion to accept the adjournment for 219 Tecumseh Avenue. Commissioner Darden seconded the motion. The motion passed 3-0.

Continued Public Hearing

The Chair read the description for Calendar #1749-Z 339A - 341 North High Street (Section 165.45, Block 1094, Lot 43) located in the RMF-10 Zoning District.

The Chair indicated that this was a continuation of the public hearing. Applicant is proposing the existing 2 story office and industrial structure to be converted into residential and office use with a third-floor addition. The subject property is in the RMF-10 zoning district. The subject property has undersized frontages along North High Street and Oakley Place. There is an access easement to the parking lot for the property from West Lincoln Avenue. There is also 24' driveway easement from North High Street leading to small parking area.

Applicant's Attorney, Mr. Adesso, indicated that the architect has reviewed the comments from the ZBA Commissioners and has revised the plans. He asked Mr. Abillama, the architect, to review the changes in the plans.

Mr. Abillama indicated that the revised plan increases the number of residential units from 10 to 11 units. The 11th residential unit would be a loft apartment. The plan reduces the office space from 5,053 sf to 1,793 sf and eliminates the proposed storage use. The existing parking is 25 spaces. The 11 residential units require 22 spaces. Applicant is providing 14 residential parking with request for variance for 8 spaces. The grade will be 30" lower. Apartments will be lofts. Of the 14 parking spaces being provided, three spaces will be used for the reduced office space.

Mr. Abillama showed the parking areas. He indicated the seven parking spaces in the outdoor lot and the seven spaces in the indoor garage. The architect showed the turning radius information for the vehicles in the parking areas. He discussed how tenants would access parking and the building and separation between residential

and the 3 offices. Office tenants would access their offices from the rear and the indoor garage. Residents would use an elevator for access to the apartments.

Commissioner Cutler asked about the 11th apartment and is it shown in the elevations?

Mr. Abillama indicated where it was shown on the elevations.

Commissioner Cutler indicated that he had no further questions at this time.

The Chair indicated that parking is still an issue and asked that the applicant reduce the number of apartment units from 11 to 10 units and add one parking space. This is important for the parking area.

The Chair asked if there were any public comments.

Public Comment – Ms. Cynthia Crenshaw indicated that there were problems with parking in the area. Each unit can have 2-3 cars.

Public – Ms. Annette Chen spoke to the parking issue and density. The residents of the city pay more in taxes and is more crowded.

Mr. Abillama indicated that one apartment could be eliminated, and 15 parking spaces could be provided. This would then result in ten apartments and 15 parking spaces. The residential parking requirement would be reduced from 22 spaces to 20 spaces. The parking variance needed would be reduced to 5 spaces.

Mr. Adesso indicated that this is a difficult site and the building is well-designed. He asked the Board to vote on the requested variances. Applicant will revise the plans to reflect the elimination of the 11th apartment and provide 15 parking spaces. This would provide ten apartments and 15 parking spaces.

The Chair indicated that the motion would allow the one additional parking space and elimination of one apartment unit and approve the parking variance for five parking spaces. The plans would be revised to include 15 parking spaces and ten apartment units.

The Chair asked for a motion to close the public hearing. Commissioner Cutler made the motion, seconded by Commissioner Darden, and carried by vote of 3-0.

Commissioner Cutler made the motion to approve revised plan with updates to document the reduction of residential units from 11 to ten units with one additional 15th parking space, seconded by Commissioner Darden, and carried by a vote of 3-0.

New Public Hearing

The Chair read the description for **Calendar 1769-Z 357 Bedford Avenue (Section 169.25, Block 4052, Lots 12 and 13) in the R2-4.5 Residential District**

The Chair indicated that this is a new public hearing. The Applicant is Sanatkumar Muhajir (Testamentary Trust). The Applicant's representative and architect is Mr. Tom Abillama. Application consists of two properties on the east side of Bedford Avenue at East Fifth Street. The property at 357 Bedford Avenue (Lot 13) is an existing two-family residence consisting of 5,075 sf (0.12 acres). The adjacent property (Lot 12) consists of 7,500 sf (0.172 acres) located at the northeast corner of Bedford Avenue and East Fifth Street. The properties are situated across from Graham Elementary School (which extends the entire length of the west side of Bedford Avenue).

Lot 12 has an existing two-car garage accessed from Bedford Avenue. The Applicant proposes to demolish the garage and subdivide Lot 12 into two separate 50' x 75' lots. The subdivision would include two attached 2-family residential units on each lot. This would be a total of 4 units. Parking is provided in a one-car garage under each unit and an outdoor space at Lot 12.1 A. Two outdoor spaces are provided in Lot 12.2 B in the rear yard accessible by a driveway from East Fifth Street.

Applicant is requesting the following area variances:

Lot 13 (357 Bedford Avenue) – outdoor parking spaces – parking variance for two new outdoor parking spaces which are being added on a new driveway at 357 Bedford Avenue.

Subdivided lots on Lot 12 (12.1.A and 12.2 B).

Lot Area: 4,500 sf minimum required – 3,750 sf provided

Floor Area per Dwelling Unit – 2,250 sf minimum required – 1,875 sf provided

Front Yard: 20' minimum required – 18' 4" (12.1 A) and 12'.4" (12.2 B) provided

Rear Yard: 20' minimum required - 10'.8" provided on 12.1A

Side Yard – 5' each and 12' combined required – 10' combined provided

Building Coverage: 40% minimum – 45% provided

Off Street Parking: one per unit, both in garage. - 1 garage space per unit provided - 1 outdoor parking space provided in the front of the garage for Lot 12.1 A. Two outdoor spaces provided in the rear yard for Lot 12.2 B.

SEQRA Determination: The proposed action is a Type II action based on 617.5(c)(16) “*granting of individual setback and lot line variances and adjustments*”. Based on the *SEQRA Handbook*, this section covers all variances for setback and lot line requirements including front, side, back, width, and depth.

The Chair indicated that the Applicant’s Attorney, Mr. Jack Addesso, will introduce the project. Mr. Addesso indicated that **Mr. Abillama** will review and show the plans.

Mr. Abillama stated that the Applicant proposes to demolish the 2-car garage on lot 12 in order to subdivide the property into 2 lots with four units. Proposal is for the construction of two attached two-family residences on each lot. Required parking is one space per dwelling unit with both in a garage. Owner will live in the family home at 357 Bedford Avenue. He will rent out the second unit at 357 Bedford Avenue as well as the other two-family residences on Lot 12.

Commissioner Darden said that she is concerned about adding 12 more potential residents to the area. Density is an issue. She asked about the size of the basements.

Commissioner Darden asked the applicant to try to build single-family residences instead of two-family residences.

The Chair asked if the basement has a full bathroom with a shower, and if so, is it necessary? Maybe make it a powder room or home office.

Land Use Counsel indicated that the ZBA has the authority to impose restrictions.

The Chair stated he was not comfortable with full bathroom in the basement.

The Chair opened up public comments.

Public Comments: **Ms. Cynthia Crenshaw** asked if the sewer issue has been addressed. There is no green space.

Public – Ms. Aysha Shannon – received letter that only mentioned parking spaces and not 2 family units and added number of residents. Concerned about parking from Memorial Field impacting Bedford Avenue. Bedford Avenue is already crowded.

Mr. Addesso indicated that they would remove the full bath and come back with revisions.

The Chair asked for a motion to keep the public hearing open. Commissioner Cutler made the motion to keep the public hearing open, seconded by Commissioner Darden, and carried by a vote of 3-0.

New Public Hearing

The Chair read the description for **Calendar 1767-Z 454 South Ninth Avenue (Section 169.38, Block 3047, Lots 14 & 15) in the RMF-6.75 Residential District.**

The Chair indicated that this is a new public hearing. The Applicant is Derri Kreshnik. He acquired the house in 2019. He is represented by Mr. Shahin Badaly, PE. Applicant is requesting area variances to subdivide and reapportion two existing lots (lot 14 & 15) consisting of 10,500 sf and 2,525 sf, respectively. Applicant is requesting area variances to allow subdivision of total 13,025 sf property into 4 lots.

Applicant proposes to build attached 2-family residence on each of the 4 lots (total of 8 units). The property is zoned RMF-6.75. *The attached 2-family units are regulated under the R2-4.5 zoning district.*

ZBA discussed the parking requirements, the number of units and number of bedrooms in each unit, and the tandem parking spaces (for renters) and maneuverability of these spaces. Comment from a Commissioner indicated that the applicant should do attached single family residences which would address the parking and the maneuverability of the spaces.

Area Variances Requested

Lot area is a minimum of 4,500 sf. Area variance for lot area is required for each of the lots: Lot A and D have 3,158.85 sf and Lots B and C are 3,414.1 sf.

Lot Area minimum per dwelling unit is 2,250 sf Area variance needed for Lot A and D which have 1,579.42 sf. Lot B & C have 1,707.1 sf.

Lot width and frontage requirement is 50' Area variance needed for Lots A & D which provide 30.07 and Lots B & C which provide 32.5 '.

Side yard setback requirement is 5'. Since the proposal is for attached dwellings on each lot, there is a party wall between the structures which would result in a 0' side yard setback.

The total side yard setback requirement is 12" An area variance needed for Lots A & D which provide 7.67' while Lots B & C provide 7.83'

Number of off-street parking spaces. Parking requirement is 1 space per unit, both spaces required to be in a garage. Applicant is providing only a one-car garage on each lot where two off-street parking spaces in garages are required for each lot. Applicant is supplying 8 parking spaces- four in garages and 4 outdoors.

SEQRA Determination: The ZBA confirmed that the proposed action was a Type II action at their May meeting.

The Architect, Shahin Badaly, explained the plans. He described the townhouse development to the north of the subject property. The owner is a General Contractor who has his business in Mount Vernon and lives in Brewster. The owner indicates that the units will be rentals and he is looking to increase his real estate portfolio.

The Chair indicated that he is concerned with the parking.

Commissioner Cutler indicated that the driveways should be widened.

Mr. Badaly indicated that if they widened the driveways, there would be a loss of parking spaces on the street.

Commissioner Cutler commented that it looks better not to have wider driveways.

The Chair indicated that the off-street parking requirement for the R2.45 zone indicates one space per dwelling unit, both of which shall be in a garage (§267- Attachment 3).

The Chair opened the meeting for public comment.

Public Comment: Ms. Wilson spoke about parking and the development would negatively impact other lots.

Ms. Sharon Wood – She lives on 10th Avenue. Parking is a problem on 9th Avenue. She lives in the townhouse development, which is owner-occupied, affordable for first time home owners.

The Chair asked Ms. Wood if she was in a duplex.

Ms. Wood indicated that she lives in a duplex, and she is an owner with 2 cars. The tenant has one car.

The ZBA Commissioners discussed the parking requirements, the number of units and number of bedrooms in each unit, the tandem parking spaces (for renters) and the maneuverability of these spaces.

Commissioner Darden indicated that the applicant should consider single-family residences which would address the parking and maneuverability of the spaces.

The Chair indicated that the ZBA needs clarification on the parking requirements and parking maneuverability with the two-family residences.

The Chair asked for a motion to adjourn this application to the August meeting. Commissioner Cutler made the motion seconded by Commissioner Darden and carried by a vote of 3-0.

The Applicant will return to clarify the parking requirements and parking maneuverability.

New Public Hearing

The Chair read the description for **Calendar 1768-Z 405 South Fifth Avenue (Section 169.31, Block 3090, Lot 01) in the RMF-6.75 Residential District.**

The Chair indicated that the Applicant is Derri Kreshnik. The Applicant's representative is Mr. Shahin Badaly, PE. Applicant is requesting an area variance to subdivide the 10,500-sf property into two 5,250 sf lots.

It has an existing residence on the site. The subject property has 105' of frontage along West Fifth Street and 100' frontage on South Fifth Avenue. Each lot is proposed to be developed for two attached single-family residences on each lot.

The subject property is in the RMF-6.75 district and located at the south east corner of West Fifth Street and South Fifth Avenue. The subject property is across from an auto repair shop at the northwest corner and a vacant commercial (formerly auto repair at the south west corner. West Fifth Street is one-way west and South Fifth Avenue is two-ways. There are two commercial lots adjacent to the east on West Fifth Street.

South Fifth Avenue has residential properties along both sides. The Cecil Parker Elementary School and parking lot is located on the west side of South Fifth Avenue mid-way down the block. There is also a commercial parking lot at 417 South Fifth on the east side of the block together with five commercial properties (only two spaces are occupied by a deli and church; remaining are vacant).

The Applicant proposes to construct (2) attached one-family dwellings on each lot. The proposed two lots will front on West Fifth Street. The existing residence on the site is proposed to be demolished. The proposed units will share a party wall at the property line. The result will be four attached single-family residences facing onto West Fifth Street. The new lot on South Fifth Avenue will be a corner lot with the secondary front yard being 12'6" on South Fifth Avenue.

This exceeds the minimum allowable secondary front yard of 12'. The second lot will have a 12'.6" side yard. Both lots will have 52'6" frontage and front yards of 30'.

Mr. Badaly described the project and showed the plans. He indicated that the Applicant is seeking an area variance from the required minimum side yard setback 5' where 0' is proposed. Applicant will be providing 2 parking spaces per unit in a garage under the residence, accessible from driveway from West Fifth Street. The proposed impervious surface is 62.7% where 70% is the maximum permitted. The 4 units are 3 story residences which is below the maximum allowable height of 35'.

SEQRA Determination: The proposed action is a Type II action based on 617.5(c)(16) "*granting of individual setback and lot line variances and adjustments*". Based on the *SEQRA Handbook*, this section covers all variances for setback and lot line requirements including front, side, back, width, and depth.

The Chair asked if there is a full bath in the basement.

Mr. Badaly responded that there is a full bath in the basement. The basement also has parking for one car and storage. There is a side door to the basement. He went through the floor plans and indicated that on the first floor there is living room, dining room, kitchen, family room and ½ bath. On the second floor, there is master bedroom, master bath and 2 additional bedrooms. On the third floor, there are 3 bedrooms. In total each residence has six bedrooms.

Commissioner Cutler indicated that there was little demand for six-bedroom, single-family residences in the City of Mount Vernon.

The Chair agreed with this and said that four 3-bedroom units would be more appropriate. He would not be prone to approve six-bedroom residences.

Commissioner Cutler recommended that the applicant revise the layout of the units.

Mr. Badaly indicated that he would recommend adjournment to the August meeting to rethink the proposal.

The Chair asked for a motion to adjourn to rethink the proposal and revise the layout of the units. Commissioner Cutler made the motion, seconded by Commissioner Darden, and carried by a vote of 3-0.

Meeting Adjournment

The Chair asked if there was any other business. There being none, he asked for a motion to adjourn the meeting.

Commissioner Cutler made a motion to adjourn the meeting, seconded by Commissioner Darden, and carried by a vote of 3-0.

Meeting was closed at 9:23 pm.

City of Mount Vernon
Zoning Board of Appeals Agenda

Meeting Date
July 19, 2022

Maria Pace
Land Use Board Secretary

Robert Galvin, AICP
Planning Administrator