

Application of Romaine Stanberry

Property: 21 Bertel Avenue (Sheet 169.41, Block 4084, Lot 49 and Industrial Zone)

**RESOLUTION
CITY OF MOUNT VERNON PLANNING BOARD
(Adopted January 5, 2022)**

Application of Romaine Stanberry

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Resolution of Special Permit Approval

Background

After due deliberation, on motion by Chairman Selsey, seconded by Commissioner Thompson and carried, the following resolution was adopted:

1. Applicant is requesting special permit approval to legitimize the existing motor vehicle repair shop auto repair shop at 21 Bertel Avenue in order to obtain a Certificate of Tenancy from the Building Department. The Applicant recently acquired the existing auto repair shop and will not be making any changes to the facility. The motor vehicle repair shop is allowed by special permit in the Industrial zone per §267-19(F)(3)(e) of the Mount Vernon Zoning Code.
2. The Planning Board on November 3, 2021, determined the proposed action to be a Type II Action under 6 NYCRR 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.*" *The building's total proposed gross floor area consists of 3,486 sf. Therefore, no further environmental review is required.*
3. The Planning Board opened and conducted a duly noticed public hearing on November 3, 2021, and continued the public hearing on December 8, 2021, at which time all those wishing to be heard were given the opportunity to be heard.
4. The Planning Board carefully examined the Application including, but not limited to, site plan Sheet A-001.00 (General Notes), Sheet A-200.00 (Accessory Parking Lot) showing the accessory parking lot located 260' from the subject property at 98 Bertel Avenue, the Plan Examiner's Report dated April 6, 2021, the Materials and Submission Checklist dated October 5, 2021, and received comments and recommendations from the City Planning Administrator in a work session memoranda dated November 1, 2021 and December 4, 2021, which they have considered.
5. The Planning Board closed their public hearing on December 8, 2021. After closing the public hearing, the Planning Board deliberated in public on January 5, 2022, regarding the Applicant's request for approval.

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Determination

The Planning Board determines that based upon the findings and reasoning set forth below, the Application for special permit for a motor vehicle filling station is granted subject to the conditions set forth below.

I. Findings

The Planning Board has considered the special permit standards for motor vehicle repair shops set forth in City of Mount Vernon Zoning Code ("Zoning Code") §267-28 (G), and finds that subject to the conditions set forth below, the existing motor vehicle repair shop meets all of the standards of the special permit. *Specifically, the existing motor vehicle facility meets the following standards: a) the existing repair shop is located within a completely enclosed building; b) the subject property is completely contained within the Industrial zone and is not within 30' of any residence district or 15' of any residential lot line. The closest zone to the north is Commercial Business (CB) along East Sandford Blvd; c) The wall of the existing building is of masonry construction (faced in brick) and provides adequate screening from the motor vehicle repair operations. Moreover, the existing building is across the street from the large parking lot for Restaurant Depot and adjacent to Creative Site Services, Pro Tiles, W Beverage Group and Motorcraft warehouse. All of these are commercial, or warehousing uses; and d) all vehicles in the process of repair or servicing are stored within a fully enclosed building; vehicles not in process of repair or servicing are stored in Applicant's accessory parking lot located at 98 Bertel Avenue and not in the City's right of way.*

Additionally, the Planning Board has reviewed the Applicant's drawings. The subject property is occupied by an existing building which is fully enclosed with no setbacks. The lot frontage is 60' with an overhead metal door at the entrance/exit. The building contains a 3,486-sf existing motor vehicle shop. The facility performs auto body repairs that include but not limited to replacement of brakes, tires, shocks, headlights and other types of engine parts. The Planning Board has reviewed the on-street parking in the area, the parking capacity of the existing building (7-10 vehicles) and the Applicant's accessory parking lot approximately 260' down Bertel Avenue from the subject property to 35 Betel Avenue, located at the northwest corner of South Columbus Avenue/Bertel Avenue. The accessory parking lot which is enclosed by a fence is used for the parking of Amazon and FedEx vans and typically holds no more than 10 vehicles on a daily basis. The total capacity is approximately 20 vehicles.

II. Approved Plan:

Except as otherwise provided herein, all work shall be performed in strict compliance with the plan submitted to the Planning Board and approved by the Planning Board as follows:

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Architectural Drawings prepared by Shahin Badaly, PE for *Certificate of Tenancy: 19-21 Bertel Avenue, Mount Vernon, NY 10550* dated 10/1/19 unless otherwise noted entitled:

Architectural Drawings

- A-001.00 "Genera Notes"
- A-200.00 "Accessory Parking Lot"
(the "Approved Plans").

III. General Conditions

- (a) Requirement to Obtain Approvals: The Planning Board's approval is conditioned upon Applicant receiving all approvals required by other governmental approving agencies without material deviation from the Approved Plans.
- (b) Changes to Approved Plans: If as a condition to approval any changes are required to the Approved Plans, the Applicant shall submit: (i) final plans complying with all requirements and conditions of this Resolution except as considered by condition d, and (ii) a check list summary indicating how the final plans comply with all requirements of this Resolution. If said final plans comply with all the requirements of this Resolution as determined by the Village Engineer, they shall also be considered "Approved Plans."
- (c) Force and Effect: No portion of any approval by the Planning Board shall take effect until (1) all conditions are met, (2) this Final Site Plan resolution is signed by the Chair of the Planning Board and (3) the Final Site Plan resolution signed by the Planning Board Chair has been filed with the City Clerk.
- (d) Field Changes: In the event, the Building Commissioner agrees that, as a result of conditions in the field, field changes are necessary to complete the work authorized by the Approved Plans and deems such changes to be minor, the Building Commissioner may, allow such changes, subject to any applicable amendment to the approved building permit(s). If not deemed minor, any deviation from or change in the Approved Plans shall require application to the Planning Board for amendment of this approval. In all cases, amended plans shall be submitted to reflect approved field changes.
- (e) Commencing Work: No work may be commenced on any portion of the site without first contacting the Building Inspector to ensure that all permits and approvals have been obtained and to establish an inspection schedule.

Application of Romaine Stanberry

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IV. Specific Conditions

1. Vehicles belonging to or being worked on by the Applicant are not allowed to be parked off-site in the public right of way. This condition shall be noted on the Certificate of Tenancy.
2. Pursuant to Art. VII, § 267-27 of the Mount Vernon Zoning Code, all of the above general and specific conditions required by the Planning Board shall be noted on the original and all file copy prints of the site plan. All of the above conditions shall be complied with prior to issuance of the Certificate of Occupancy and/or Certificate of Tenancy. Failure to comply with any of the above conditions may be deemed grounds for revocation of the Certificate of Occupancy and/or Certificate of Tenancy.
3. Lighting Plan shall be submitted to the Planning Department showing all exterior lighting being downlighted with a color temperature of 3500 Kelvin providing adequate lighting for the width of the sidewalk in front of the building.
4. Applicant shall repair the sidewalk in front of the building per DPW specifications.
5. Applicant shall provide at least two street trees planted in the front of the building which shall be maintained by the Applicant.
6. Applicant will provide security cameras on the exterior of the building with the videos being retained for 60 days unless the Mount Vernon Police Department requests a longer time period

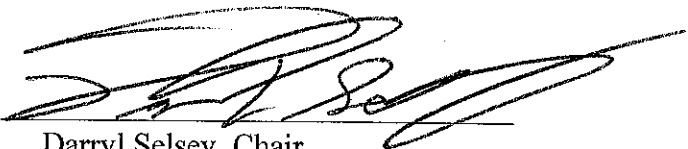
Application of Romaine Stanberry

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Vote Record				
Resolution Re: 21 Bertel Avenue				
Date: <u>1/5/2022</u>				
Ayes: <u>6</u>				
Nays: <u>0</u>				
	Yes/Aye	No/Nay	Abstain	Absent
Chair Darryl Selsey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jamel Thompson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Helene Thompson-Njenga	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Frank Trolio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Charles Whites	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lesley Zamor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date Approved: 1/5/2022

Date Signed: 1/12/2022

By: 
Darryl Selsey, Chair