

**Application of Ziad Jaber**

**Property: 1 Beechwood Avenue (Sheet 165.73, Block 4008, Lot 21 and CB Zone)**

**RESOLUTION  
CITY OF MOUNT VERNON PLANNING BOARD  
(Adopted April 6, 2022)**

**Application of Ziad Jaber**

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CB Zone)**

**Resolution of Site Plan and Special Permit Approval**

**Background**

1. The Applicant requested site plan approval for the renovation and extension of an existing auto repair facility which includes exterior elevation updates, additional third repair bay, new handicapped toilet and new office space. Site improvements include new parking stalls, site lighting, plantings and site security with new fence in the Commercial Business (CB) district. The size of the existing building is 1,840 sf. Applicant also requires a special permit from the Planning Board for a Motor Vehicle Filling Station pursuant to §267-28 (G) (4).

2. The Planning Board on January 5, 2022 determined this to be a Type II Action under NYS DEC 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 1,800 sf. Therefore, no further environmental review is required.*

3. The Planning Board has conducted a duly noticed public hearing on January 5, 2022 and continued the public hearing on February 2, 2022, at which time all those wishing to be heard were given the opportunity to be heard.

4. The Planning Board has carefully examined the Application and reviewed the Applicant's Civil Engineering drawings including site plan, zoning and special permit compliance, existing and proposed floor plans, elevations, photographs and aerial view of the site, lighting, landscaping and erosion control plans. Planning Board also reviewed the *Plan Examiner's Report* and revised plans submitted in response to comments by the Planning Board that included a photometric plan showing no light spillover beyond the property line, replacement of chain link fence with new black wrought iron fence, relocation of trash enclosure, stormwater calculations, and location of security cameras. Planning Board also reviewed the Applicant's *Narrative for Traffic Circulation* and proposed parking on-site and received comments and recommendations from the City Planning Administrator in work session memoranda dated 1/2/22 and 1/29/22, which they have considered.

5. The Zoning Board of Appeals held a duly noticed public hearing on August 17, 2021,

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to review the Applicant's request for an area variance for five parking spaces for the addition of a third service bay. The property currently has two service bays with ten parking spaces. The addition of the third service bay would require another five parking spaces onsite. The ZBA heard the application, reviewed the submissions and closed the public hearing and approved the requested off-street parking variance area variance on August 17, 2021.

5. The Planning Board closed their public hearing on February 2, 2022. After closing the public hearing, the Planning Board deliberated in public on March 2, 2022, on the Applicant's request for approval.

### **Determination**

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

#### **I. Findings**

The Planning Board considered the standards set forth in City of Mount Vernon Zoning Code ("Zoning Code") §267-34, Article VII and finds that subject to the conditions set forth below, the proposed site plan is consistent with the site plan design and development principles and standards set forth therein.

The Planning Board has reviewed the Applicant's site plan and application. The subject property which is occupied by a building with a car repair shop allowed by special permit. The subject property is located on the corner of Beechwood Avenue and South Columbus Avenue. The owner is not asking for a change of use and is not making any changes to the front yard setback. The existing car repair shop has 10 parking spaces for 2 bays. The Code required 5 parking spaces per bay. The ZBA reviewed and approved the parking variance for the third bay on August 17, 2021.

The project includes the following work: renovation and extension of existing auto repair facility, which include exterior elevations updates, new overhead doors, additional bay, new handicapped toilet, new office space, site improvements with new parking stalls, site lighting, planting and site security with new fence. The exterior building will be red brick on the bottom and stucco on top.

The Planning Board reviewed the landscaping and site lighting plans. The photometric plan indicated no light spillover beyond the property line. The stormwater management system consists of 13 culvert chambers. Trench drains are being provided at the curb cuts on Beechwood and North Columbus Avenues. Stormwater calculations were provided for review as well as the erosion control plans. The sidewalk around the property was replaced two years ago. The plans

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have reduced the impervious surface on the site from 100 percent to 80 percent which now complies with the CB zoning requirements. Applicant provided revised plans addressing the issues raised by the Planning Board. These included: moving the existing sign from the City right of way; the chain link fence replaced with wrought iron fence at the rear and side of the property; the trash enclosure has been relocated from the front of the site and the plans now note the locations of the security cameras which will retain their video for at least 60 days.

In addition, the Planning Board has considered the special permit standards set forth in the City of Mount Vernon Zoning Code (“Zoning Code”) for motor vehicle filling stations §267-28 (G) (4) Chapter 305, Article VII and finds that the proposed plan provides the required landscape screening along Beechwood Avenue and North Columbus Avenue. Applicant is providing 34 boxwood shrubs and 38 perennial plantings plus grass and maintenance of existing trees along the property’s street frontage. The proposed site meets the conditions of the special permit.

### 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:

Civil Engineering Plans by Tedesco Design Studio Architects, prepared by Ralph Angel Tedesco Architect, RA for 1 Beechwood Avenue, Mount Vernon, NY 10553 dated 4/6/21 unless otherwise noted entitled:

- T-1 “Notes, Plot Plan and Location Map”
- A-1 “Existing Floor Plan, Proposed Floor Plan”
- A-2 “Proposed Front, Rear, Left Side and Right Side Elevations”
- A-10 “General Notes, Site Lighting Plan, Landscape, Details”
- A-11 “Details”

(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, 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.”

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- (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 Department to ensure that all permits and approvals have been obtained and to establish an inspection schedule. **Failure to comply with this provision shall result in the immediate revocation of all permits** issued by the City along with the requirement to reapply (including the payment of application fees) for all such permits, the removal of all work performed and restoration to its original condition of any portion of the site disturbed and such other and additional civil and criminal penalties as the courts may impose.
  
- (f) ARB Review: No construction may take place and a building permit may not be issued until Applicant has obtained approval from the Board of Architectural Review in accordance with applicable provisions of the City of Mount Vernon Code.
  
- (g) Landscaping: All landscaping on the approved planting plan shall be installed in a healthy and vigorous state and shall be inspected at the beginning and end of the growing season within the first and second year of installation. Individual species that do not survive beyond the first and second year shall be replaced at the beginning of the next growing season.

#### IV. Specific Conditions

1. Security Camera videos shall be retained for at least 60 days unless the Mount Vernon Police Department requests a longer time period.
  
2. Applicant shall install a drip irrigation system along the landscaped area in the front of the property.

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Vote Record				
Motion By: <u>Chairperson Selsey</u>				
Seconded By: <u>Commissioner Zamor</u>				
Resolution Re: <u>1 Beechwood Avenue</u>				
Date: <u>April 6, 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"/>
Jamael 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 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: April 6, 2022

Date Signed: 4/7/2022

By:   
Darryl Selsey, Chair