



Zoning Board of Appeals

Department of Planning & Community Development
City Hall - Roosevelt Square
Mount Vernon, New York 10550-2060
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Shawyn Patterson-Howard
Mayor

Michael Justino
Chair

ZONING BOARD OF APPEALS MEETING/HEARING AGENDA MARCH 21, 2023

A work session of the Zoning Board of Appeals will be held on Tuesday, March 21, 2023, at 6:00 PM in City Council Chambers on the second floor of City Hall. The regular meeting of the Zoning Board of Appeals will be continued at 6:30 PM. Applicants and members of the public will be permitted to attend and make public comment via in person attendance.

ITEM #1 ROLL CALL

ITEM #2 APPROVAL OF MINUTES

- January 17, 2023

ITEM #3 PUBLIC HEARINGS

Continued Public Hearing

3.1 Calendar #1769-Z: 123 Haven Avenue (Section 165.73, Block 4009, Lot 09) in the R2-4.5 Zoning District

Regarding public notice:

The Board previously received proof of mailing, proof of publication in the Journal News, and proof of initial sign posting for the application.

The Board has also received an Affidavit of Sign Posting stating that on March 3, 2023 a sign was posted at the site giving notice of the Zoning Board's March 21, 2023 meeting. The Board also received photographs showing that the sign posting on the property has been updated providing notice of today's meeting.

Theresa Martinez is the owner of the subject property located at the corner of Haven Avenue and Carpenter Place. The owner is represented by Mr. Shahin Badaly, PE. Applicant is requesting an area variance to increase the impervious area in front of the property.

The Applicant proposes to provide pavers on the two front yards as well as additional asphalt pavement to the existing asphalt driveway in order to create two additional parking spaces.

Exterior alterations will also include a new retaining wall, new stone steps, new concrete sidewalk, and a new vinyl fence. The Applicant proposes to provide erosion control measures to prevent any adverse effects to the environmental conditions of the neighborhood.

At the January meeting, the ZBA requested that the Applicant provide a stormwater management plan, develop a landscaping plan, and develop a temporary solution for the hazard at the corner of the property.

Area Variance Requested:

Item	Required / Permitted	Proposed	Variance Requested
Impervious surfaces coverage (%)	70% maximum	96.91%	26.91%

SEORA Determination: The proposed action is a Type II action based on 617(c)(17) “granting of an area variance for a single-family, two-family or three-family residence” in SEQR handbook.

New Public Hearing

3.2 Case # ZB- 22-3: 114 – 118 E. Third Street (Section 165.79, Block 3157, Lots 5 and 6) in the Neighborhood Business (NB) District.

Regarding public notice, the Board has received:

An Affidavit of Mailing stating that on March 6, 2023 notice was mailed to property owners within a 500-foot radius of the site;

An Affidavit of Sign Posting stating that on March 8, 2023 a sign was posted at the site giving notice of the Zoning Board of Appeals' March 21, 2023 meeting. The Board also received photographs showing that the sign posting on the property has been updated providing notice of today's meeting.

Proof of publication was submitted showing that notice was published in the Journal News on March 9, 2023 and March 10, 2023.

The owner, East Third Street Equities (Conrad Cutler), is represented by his attorney, Mr. Neil Alexander, Esq. from Cuddy & Feder, and his architect, Mr. Mohammed Badaly.

The subject property is on the south side of East Third Street, approximately 335' west of Franklin Street in the Neighborhood Business district. The NB district extends approximately nine blocks from South Fulton Avenue on the east to South 7th Street on the west. The subject property lots 5 & 6 are 7,162 sf or .16 acres. The property's frontage is approximately 76'. It is occupied by a two story, approx. 3,000 sf commercial building, which is vacant.

The Applicant is seeking a use variance as well as area variances to construct a new, 28,788 sf apartment building. The proposed multi-family building would be 8 stories and approximately 75' in height with 49 units (21 studios, 21 one-bedrooms and 7 two-bedroom units). Applicant has provided a Zoning Analysis on the submitted site plan.

The Plan Examiner's Report indicates approvals from the ZBA, the Planning Board, and the ARB.

Mr. Alexander, Cuddy & Feder, had provided the *Principal Points* in support of the use variance and the area variances. The Attorney indicated that the owner has owned the property since June 19, 1972 (some 50 years). He presented the financial hardship criteria needed for a use variance. He provided a letter from RM Friedlander dated 11/11/22 which described the firm's unsuccessful marketing efforts for the last three years and their recommendations. Mr. Alexander also provided a description of the nature of the area, indicating that there are multi-family buildings at the northeast and southwest corners of East Third Street and Union Avenue (1/2 block to the west of the site in the NB zone). He also notes that the 13-story Randy Daniels Towers (20 East Third Street) is one of several mid-rise, multi-family buildings approximately 2 blocks to the west of the subject property. Applicant has also provided a summary of

construction and financing costs for the Zoning Board members.

Area Variances Requested: (§ 267-Attachment 2)

Item	Required / Permitted	Proposed	Variance Requested
Floor Area	1.0 maximum	5.36	4.36
Building Height (stories)	2 stories maximum	8 stories	6 stories
Building Height (feet)	30' maximum	74.67'	44.67'
Lot Coverage – Building (%)	60% maximum	67%	7%
Lot Coverage-Impervious Surface (%)	90% maximum	100%	10%
# off-street parking spaces	98 spaces (2 per dwelling unit)	12 spaces	86 spaces

SEQRA – The proposed action is a use variance and as such it is classified as an Unlisted action under SEQRA. The ZBA would need to establish itself as the Lead Agency for the environmental review of this proposed action. The application has been referred to Westchester County Planning for GML review.

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, April 18, 2023, at 6:00 pm for ZBA Work Session**
- **TUESDAY, April 18, 2023, at 6:30 pm for Regular Meeting of the ZBA**

Marlon Molina 2nd Deputy Planning Commissioner.

City of Mount Vernon
Zoning Board of Appeals Agenda

Meeting Date
March 21, 2023

cc: Shawyn Patterson-Howard, Mayor
Chair, Planning Board
James Rausse, Planning Commissioner
Building Commissioner
Corporation Counsel
City Clerk
Lobby