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STATE OF NEW YORK
CITY OF MOUNT VERNON

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Minutes of
The City of Mount Vernon Zoning Board of Appeals
May 15, 2012 - 7:30 p.m.
at
City Hall
1 Roosevelt Square
Mount Vernon, New York 10550-2060
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B E F O R E:

- IRWIN S. DAVISON, Chairman
- KARL SCULLY, Member
- MAXINE GREEN, Member
- LUCINDA SLOAN FULLAN, Member
- ELVIRA CASTILLO, Member
- BARBARA ANDERSON, Member

P R E S E N T:

- WILLIAM LONG, Planning Administrator
- BRIAN G. JOHNSON, Associate
Corporation Counsel

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MR. DAVISON: Let's call the meeting of the Zoning Board of Appeals to order. We have a quorum is present and I would ask each member to identify themselves for the record to establish that quorum.

MS. GREEN: Maxine Green.

MS. SLOAN FULLAN: Lucinda Sloan Fullan.

MS. CASTILLO: Elvira Castillo.

MR. DAVISON: Irwin Davison.

I have this very bad neck condition, doesn't permit me to go to the full side. I have a medical disability, sorry.

MS. ANDERSON: Barbara Anderson.

MR. DAVISON: First item on today's agenda is the approval of the minutes of our last regular meeting April 17th. The minutes were distributed in advance to all the members of the Board who had ample opportunity to review them.

Having said that, is there a

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motion with respect to their approval?

MS. SLOAN-FULLAN: So moved.

MR. DAVISON: Is there a second?

MS. ANDERSON: Second.

MR. DAVISON: All in favor?

(A chorus of ayes.)

MR. DAVISON: Any opposed? The minutes are approved.

The next is testimony is calendar 2.1, the actual number 1615-Z, 241 South Fifth Avenue. As I was saying this, Mr. Scully just arrived. Nice to see you. All members of the Board are now here.

Mr. Steven Palmiotta, is that you, sir?

MR. PALMIOTTA: Yes.

MR. DAVISON: Step up. You were here last time. You had brought an application for an extension of time. As I recall, you and I and members of the Board have had a discussion about what that means in terms of whether or not applicants feel they are

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automatically entitled to it and what the circumstances are, and I think at the conclusion of that discussion resulted in you going home and coming back and working on your papers.

I think one of the requests had to do with encouraging you to come up with very specifics because I think we tried to make it quite clear that if there were an extension, that if there was an extension, this certainly would be it, there would be none after that.

MR. PALMIOTTA: Right.

MR. DAVISON: Was that fairly communicated to you?

MR. PALMIOTTA: Yes.

MR. DAVISON: Having said that, you did submit your papers and I will let you go through it.

MR. PALMIOTTA: I am looking to get started as soon as this is approved, and probably take about six to eight months to build, and I promise it will be done because I have

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financing in place and there will be no issues here.

MR. DAVISON: I thank you. Your letter came in, obviously, before you did, and I have had a chance to look at it before and I see the changes you made in the letter were very consistent with what we'd asked you to do, so I thank you for that.

The Board will decide this. Let me ask the Board. Let me ask first, any members of the Board who wish to ask the gentleman any questions?

MS. ANDERSON: No.

MS. CASTILLO: I just wanted to make sure of the timing because it will expire August 5th, 2013.

MR. PALMIOTTA: Yes.

MR. DAVISON: If there are no other questions, we thank you very much. You may have a seat and I think we'll probably-- my strong sense is we'll start your case almost immediately. It's time for our

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deliberations.

MS. CASTILLO: At this time, Mr. Chair, I would like to make a motion that we do grant the extension of time for the calendar number 1615-Z in that it will expire August 5th of 2013 without any further extension.

MR. PALMIOTTA: This is the last shot.

MS. GREEN: I will second.

MR. DAVISON: There is a motion made to approve this application on the conditions stated by the maker of the motion which include all the items that we are concerned about.

All in favor of that motion?

(A chorus of the ayes.)

MR. DAVISON: Anyone opposed? The motion is unanimously granted. Good luck with your construction and we'll probably see you again, unless you have another application.

MR. PALMIOTTA: How does that work, I get a letter in the mail?

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MR. LONG: What will happen is, you will get a letter from staff and you will follow it up with the department at that point.

MR. PALMIOTTA: Thank you very much, everybody.

MR. DAVISON: I would like to put this on the record. I think it's good to put on the record that I think this is kind of a transitional case where before our discussions, we granted extensions of time in such a liberal way as to create a feeling of entitlement by the person, like we were grouches if we didn't approve it, and I think we were able to establish just the opposite by saying, you know, there is no entitlement, and if it stays specifically within the period of time, I would hope next time, believe me, we'll get more cases like this.

MR. LONG: That's correct.

MR. DAVISON: We'll approach it this way, and I thank the Board for

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looking at this and helping me to kind
of rethink it which I think is
required.

The next matter, William, is not
on the calendar, it's something you
want to help us with.

MR. LONG: Just a couple of
things.

MR. DAVISON: Has to do with a
case we had last time, is that right?

MR. LONG: Just a couple of
things. The intent was changed, number
100 Lorraine Terrace.

MR. DAVISON: I remember that
case.

MR. LONG: The applicant asked for
an adjournment. Subsequent to that,
you know, staff having-- moving from
the agenda, what happened is, someone
from the public wrote a letter about
the requested adjournment. I just
received it today, and basically they
said that they are in favor of the
adjournment, they had no problem with

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it, and I guess it's a question of procedure as to whether or not the Board is going to grant the adjournment or not.

MS. CASTILLO: This is the second adjournment.

MR. LONG: For the record, this is the first adjournment.

MS. CASTILLO: The first?

MR. LONG: The first adjournment. The reason why is because arguably during the first-- when the applicant made the first request, it didn't come in in time. The Board decided at that time to still hold the public hearing even though the applicant wasn't here, so therefore this is really the first adjournment.

MR. SCULLY: I don't think that matters.

MS. CASTILLO: That's not accurate at all.

MS. SLOAN-FULLAN: Whose fault is that?

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MR. SCULLY: We received the request for the adjournment that day, but it was on such short notice, we felt it was in the interests of the public to give them an opportunity for those that were already here to make comments, but no, this is the second adjournment.

MS. CASTILLO: I agree.

MR. DAVISON: William, I think in all fairness after recalling it, listening to the conversation, it's hard not to perceive this as the second adjournment, so I think that's how I would kind of proceed. That's how we do proceed with it. I think you are looking at it in a different way. That's how we look at it.

(An off the record discussion took place.)

MR. LONG: Mr. Chairman, the last item on the agenda is calendar number 1550-Z, 130 Mount Vernon Avenue, Section 164.68.

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MR. DAVISON: Yes, sir.

MR. LONG: Lot one. At the last Board meeting you voted on the record to approve this application and the Board just needs to now go through and handle the SEQRA determination.

MR. DAVISON: Which means that we neglected it at the time to have something called a negative declaration which for the purposes of SEQRA Law meant that there are no infirmities with respect to the environment that would prohibit a case from going on, right?

MR. LONG: Correct.

MR. DAVISON: A negative declaration. Having said that, any member of the Board who would like to make such a motion to declaring such a negative declaration in that matter? What was the case number?

MR. LONG: Case number, calendar number 1550-Z, 130 Mount Vernon Avenue.

MR. DAVISON: Is there someone

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willing to make a negative declaration in that matter which would be added onto that and then it would be concluded?

MS. GREEN: Mr. Chair, I make a motion for a negative declaration to calendar number 1550-Z.

MR. DAVISON: Second?

MS. CASTILLO: Second.

MR. DAVISON: All in favor please say aye.

(A chorus of ayes.)

MR. DAVISON: Opposed? Approved. Does that conclude the work.

MR. LONG: That concludes all matters.

MR. DAVISON: Anything else?

MR. LONG: That's all.

MR. DAVISON: Okay. Someone like to make a motion to adjourn?

MS. SLOAN-FULLAN: So moved.

MR. DAVISON: So moved. All in favor?

(A chorus of ayes.)

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MR. DAVISON: I want to everyone.

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C E R T I F I C A T I O N

STATE OF NEW YORK)
) ss.
COUNTY OF WESTCHESTER)

I, HOWARD BRESHIN, a Court Reporter
and Notary Public within and for the State of New
York, do hereby certify:

That I reported the proceedings that
are hereinbefore set forth, and that such
transcript is a true and accurate record of said
proceedings.

I further certify that I am not
related to any of the parties to this action by
blood or marriage, and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand.

HOWARD BRESHIN,
COURT REPORTER