



City Planning Board
Department of Planning & Community Development
City Hall - Roosevelt Square
Mount Vernon, New York 10550-2060
(914) 699-7230 • FAX (914) 699-1435

Ernest D. Davis
Mayor

William Holmes
Chair

MINUTES
PLANNING BOARD
PUBLIC HEARING

A special meeting of the City Planning Board will be held on, **Wednesday November 6, 2013 at 6:30 p.m.** in the City Council Chamber, Second Floor, City Hall, Mount Vernon, New York at which time and place the Board shall consider the following:

ITEM # 1 ROLLCALL

Present

Chairman Holmes
Vice-Chair Griffith
Board Member Trott
Board Member Selsey

Absent

Board Member Snyder
Board Member Justino
Board Member Zamor

ITEM # 2 APPROVAL OF MINUTES

- 2.1** Approval of the minutes of the regular meeting held on Wednesday May 1, 2013.
- 2.2** Approval of the minutes of the special meeting held on Thursday August 15, 2013.
- 2.3** Approval of the minutes of the regular meeting held on Wednesday September 4, 2013. Present Chairman Holmes/ Vice Chair Griffith/ Board Members Justino/Selsey/Snyder/Trott/
- 2.4** Approval of the minutes of the regular meeting held on Wednesday October 2, 2013.

All minutes were adjourned.

ITEM #3 CONCEPT PLAN

- 3.1** 125 South Fifth Avenue (Section 165.78, Block 3088, Lot 32 & 33)

The presentation is to allow an informal discussion pertaining to the proposed improvements at the aforementioned location.

Planning Administrator Mr. Long - Good Evening Board Members - This is a concept of plan regarding 125 S. Fifth Avenue: it is currently a daycare if not mistaken the Bereshith Institute. The proposal is in for site plan review: it will be coming to you for site plan review in the near future for a Senior Citizen Housing Structure. Currently, in order for that to happen, they have to proceed to the City Council to ask for a zone change to the proposed RMF-SC Zoning, which is the proposed Senior Citizen Floating housing overlay Zone. As part of that, any deviations wherein the applicant deviates from the requirements of the Zoning Code can be granted by the City Council. With regard to your Board, you will be providing at that time, a recommendation to the City Council regarding the rezoning: and however, will still have purview over the Site Plan elements of the proposal. So, again with the site plan you will be dealing how the site: the applicant would have to demonstrate the way the operation of the Senior Citizen Building works in conjunction with the surrounding area and the way it ties into the surrounding neighborhood and not cause a detriment to the surrounding area businesses or residences. As part of the Senior Citizen Housing Floating Overlay Zone, the applicant is required to submit a traffic study, shadow study and a market demand analysis. The proposal will consist of 67 units, of which there will be 66 One-bedroom apartments and a one Two-Bedroom apartment which is for the superintendent to say on site. The applicant is proposing 17 parking spaces at grade which will be located under the building. The building will be located above that with the lobby on the ground floor. Therefore, the parking spaces are located at the rear and the under the super structure of the building. The FAR is 4.31. The building height will be 10 stories. The building height is 94 feet. The building coverage will occupy 46% of the lot. The impervious surface is 71% of the lot. The lot area is 15,750 square feet. The lot area per dwelling unit is 235 square feet. The lot frontage is approximately 101 feet. The front yard setback will be approximately 10 feet. The side yard setback is approximately 5 feet and approximately 33 feet combined.

Chairman Holmes: What is the rear yard setback?

Staff Long: The rear yard setback is approximately 28 feet.

Board Member Selsey: And that includes the parking?

Chairman Holmes: It will be from the building to the property line.

Staff Long: Yes

Board Member Selsey: So that includes the parking?

Staff Long: It will go across the parking

Board Member Selsey: Exactly

Chairman Holmes: Thank you. What is the distance between from the end of the parking lot to the building property Line: from the wall structure to stop the cars and so what is the real setback? If you're not sure - follow up.

Staff Long: I'll have to follow up. Any other questions?

Board Member Griffith: How are cars getting into the back of the lot underneath the building?

Staff Long: The driveway is located here: They will be able to drive off of South Fifth, turn into the driveway, the drive way then goes under the building and they will be able to located the parking spaces.

Chairman Holmes: Is that a new curb cut or does it exists?

Staff Long: I am not sure if it is a new or existing.

Chairman Holmes: This is the current lot?

Staff Long: This is the current lot. Yes.

Chairman Holmes: Current lot, the curb cut is on the right of the building, to the right side of the 100 foot frontage. So that's indicating to the left, right? So then you're talking about a curb cut. That's the whole lot: unless the curb cut is there. Unless there's a second cut from a previous usage. Do you recall commissioners? That's a visible lot. We all know that lot pretty well. Everybody in Mt. Vernon does. Yes, new cut. Current ownership: who currently owns the Lot?

Staff Long: As far as I'm aware: it's Bereshith, if I'm not mistaken.

Chairman Holmes: Is Bereshith the applicant?

Staff Long: No, the applicant is MountCo in co-junction with Grace Baptist Church.

Chairman Holmes: So, there's going to be a change of ownership.

Staff Long: Yes.

Chairman Holmes: What it the timeframe of that?

Staff Long: That, I'm not sure.

Board Member Griffith: Do you have the square footage of the side yard area?

Staff Long: No I do not know that. That's a question that the applicant can answer when they're present for site plan approval.

Board Member Griffith: When will they be presenting?

Staff Long: Probably December or January.

Chairman Holmes: As what? We don't know when ownership will transfer. Can applicant appear prior to transfer of ownership?

Staff Long: Yes, even if the transfer of ownership does not occur, it will still come before you as a Contract Vendee.

Chairman Holmes: I'm sorry??

Staff Long: As a Contract Vendee.

Chairman Holmes: As a Contract Vendee. Got Ya.. Thank you.

Board Member Trott: What are the parking requirements? Are they in compliance with the 17spaces required for parking?

Staff Long: Yes, if I'm not mistaken, they're required to have 17 parking spaces and they meet the requirements.

Board Member Trott: But they have 67 units.

Staff Long: For senior citizen buildings, 1 parking space is required for every 4 units.

Board Member Trott: This is based that the seniors will not be driving as much?

Staff Long: Yes

Board Member Griffith: And is that this based on the overlay zone requirements.

Staff Long: Yes

Board Member Griffith: And that's if that passes. What if it does not pass?

Staff Long: If it doesn't pass, then I think the applicant will need major variances from the ZBA. The intent behind having the ordinance changed and to put the ordinance in place is to force the orderly development within the city and to alleviate the need for people to have to seek variances.

Board Member Trott: There will be three senior citizen developments almost right next to each other. The one that's coming up as a college: the one that's currently there:

Board Member Selsey: There will actually be four. There are two at the corner of 5th and 3rd, right across the street from one another.

Board Member Trott: But they are going to be providing information showing that there's a need for them?

Staff Long: Yes, they have to provide a market demand analysis: which you'll received as part of your recommendation to the City Council for the proposed zone change.

Chairman Holmes: Thank you

ITEM #4 CONTINUED PUBLIC HEARING

4.1 Case #6-2013 260 South Third Avenue (Section 169.23, Block 3106, Lot 16) located within the CB (Commercial Business) Zoning District.

The application of Arthur Kahane on behalf of Michael Sherry is seeking site plan review and a special use permit to convert an existing printing plant into a wholesale business which includes warehouse and distribution.

SEQRA Determination: This action is an uncoordinated review and classified as an "Unlisted Action". Therefore, the Planning Board as "Lead Agency" must assess the environmental significance prior to rendering any decisions.

Chairman Holmes: Welcome back.

Judson Seiburt: is with K and is representing the applicant, as you mentioned this is an application is for a special use permit to allow these premises to be utilized as a warehouse and distribution center for proposed tenant, "World Pack". We've had prior discussion at the last two public hearing sessions concerning their operations and the focus particularly at the last public hearing was on the routing plan for the one delivery truck that will come to and leave the premises during the week. I have with me this evening; Richard Pearson from John Myer consulting will go through the routing plan. We've provided schematics and maps as part of October 25th package. I just wanted; before Rich gets up and not to steal his thunder. But just so that you're aware: you got a map, both with an areal and also a street map: and it has all sorts of lines and all sorts of colors on it. The one that is emphasized for the board is the red route on both maps because that is what we view as the most adventitious and the routing plan that we would propose.

Chairman Holmes: You're a little with those instructions, we've fort with those colors. So we're on the same page now. We're color blind.

Judson Seiburt: Green also because it simply provides access because we're off of the Deegan. Our objective has been, quite frankly, to limit the amount of traffic within the confines of the city and when in the city to use the streets that are most appropriate to lend themselves to the delivery trucks. So focus on our red and green and I'll turn it over to Rich.

Richard Pearson: John Myers Consulting, I'm a Professional Engineer and Professional Traffic Operation Engineer, I've been before your board before. As Jud did mentioned, I've prepared the routing plans and should have told you to focus on the red as the preferred route that comes from I-95 Route-1, and South Fulton and the vehicles are anticipated to come up South Fulton and take a left on East 3rd Street and a left on 4th

and come to the Site. After the delivery which would take place 6:30 in the morning.

One truck a day is anticipated, the vehicle will leave the site it will take an immediate left on 4th and proceed down to South Fulton and right along South Fulton and return. We did have alternative routes, as Jud mentioned: but both the green route which is from I-87 and the red route that I have previously mentioned do have the same route through the vicinity of the Site. I also have the aerial photo at a larger scale it that helps at all. It's the same route: some people prefer the areal photo as things they recognize, so I can do either way. We also have one of the graphics that was a smaller version of what was submitted and this is showing a vehicle making the delivery to the Site. This is a 42 ½ foot trailer known as a WB 50' wheel base and it's a single trailer with a cab: this vehicle will come down 4th Avenue and will back into the existing loading dock. It is shown that it could be moved in one maneuver. There is a vehicle shown parked and it is prohibited parking along that portion of South 4th Avenue between 4am and 7am, so at the time of the delivery that parked vehicle will not be permitted to park there at that time. We also looked at truck maneuverability for coming down 4th Avenue and turning on the 4th St. I have that graph I can show you as well that will demonstrate that it does work. (Reviewing graph)

Judson Seiburt: OK, this is the 42 ½ foot trailer leaving the site and this is the truck coming down and taking a left turn on East 4th St. Parking is prohibited on the South side of E. 4th Street from 4AM – 7AM. So there's nothing there that would impede that truck from making that turn. All other turns in the study area are easier to make than this. We did look at this turn as the one that would determine the size of the delivery vehicle. This would be the largest vehicle that they would use and that they believe that often times, they would use a smaller 32 foot box truck, which would have more of a maneuverability for which we designed for. I believe that addresses your concerns?

Chairman Holmes: I have questions. Could you go back to the other display? What would be normally stored in the court yard in front of the loading dock?"

Judson Seiburt: In this area?

Chairman Holmes: Yes.

Judson Seiburt: You have the site plan? (Reviewing site plan)

Richard Pearson: It's actually a loading and parking area. We have our required to loading spaces that are confined to the area, if you recall, this is where the existing loading base are situated. The intention is to have employee parking dedicated on this lot, which is 57 spaces and quite frankly giving the number of employees they will have and the number of vehicles in our fleet can be kept on Site all factored into off street parking computations. This is the lot that will be utilized, but was going to be under utilized even with full capacity in terms of employees and fleet.

Chairman Holmes: Is this where the delivery précis are going to be keep?

Richard Pearson: The delivery précis will be kept in this lot because and is under schedule of off street parking requirements. They have been followed and planning examiners cleared them, but even with those there's an abundance of parking here. So, that's where they will be kept keeping this area free: the loading area will be striped. The only other improvement that's being made to the over existing condition is indicated that they put caution striping. A speed bump will be placed in the entrance of this lot for purposes of avoiding pedestrian's conflict. We're also confident in giving the hour of delivery, which is 6:30 in the morning that this could be effectively policed, in terms of keeping our own folks out: it's not going to have that kind of traffic or parking demand at that hour.

Chairman Holmes: Will there be nothing in that courtyard at all kept regularly?

Judson Seiburt: The intention quite frankly is there to serve as a loading area and to meet our off street parking requirements. If you want to keep it free from parking to the extent or maximum as practical: we can do that and limit all the employee parking to this lot.

Chairman Holmes: That's not my desire, because that would in pack someone's business needs for their space. My main question is how they will avoid any vehicles from being flushed out on to the lot out of the property to accommodate the delivery truck.

Judson Seiburt: The delivery truck: we'll deal with that operational: the delivery truck comes 6:30 in the mornings, so again, we're not going to have a lot of parking specify on the lot at the hour, but it serves the interest of our tenant to make sure that when the truck pulls in, it free. Because: that truck is leaving this facility and probably going to another facility. So the efficiency is in everybody's interest. Long story short, they will take measures to make sure that when the truck comes in, it can pull in, take care of the unloading, which will be approximately 15 to 30 minutes and leave. And one other point Rich mentioned the fact that we're now dealing with a 42 ½' trailer or box van will we're prepared to make that a condition of the approval as well. That no vehicle greater than 42 ½' will be utilized for delivery purposes. A 42 ½ trailer, not vehicle.

Chairman Holmes: You're talking about a box WB 50', nothing bigger?

Judson Seiburt: Correct nothing bigger.

Chairman Holmes: Is there something bigger?

Judson Seiburt: Yes, a 53'

Chairman Holmes: Thank you.

Board Member Griffith: Is there a gate onto 3rd Avenue?

Judson Seiburt: Onto 3rd Avenue?

Board Member Griffith: Is there an exit onto 3rd Avenue?

Judson Seiburt: No 3rd Avenue is completely closed and fenced in. The only point of ingress into this lot is on South 4th, and this is currently a green space, which we will continue to maintain with trees, we have screening here, we'll have continued screening on this corner, but there is no access on or off S. 3rd.

Board Member Trott: How many deliveries are you expecting each day?

Judson Seiburt: One, the truck is one delivery each morning.

Board Member Trott: So there will be no idling. I missed the last meeting but before that the residents were complaining that the noise...

Judson Seiburt: Right and we indicated in our submission, the truck will not idle during the unloading, the typical and this is average on the base operating experience elsewhere, but we expect five to seven pallets, and we expect the unloading time to be between 15 and 30 minutes. The truck will not idle while in place.

Chairman Holmes: How will the applicant insure that least the neighbors are not inconvenienced with the increase noise and lights during those off loading hours?

Judson Seiburt: Other than the vehicle will pull in: it will shut down. We're not dealing with a residential situation immediately to the opposite side, well, but again the Planning Department has issued a comment letter to the Board indicating that with their perspective, providing the conditions they mentioned were considered and attached. We are consistent with the Urban Renewal Plan. And I, quite frankly, looking at the Urban Renewal Plan, when I look at some of the uses that are contemplated down here, the amount of traffic this will engender compared to some of the other uses, this will hopefully come to pass down there: really compels in comparison, so I hear the concern but particularly with respect to that one delivery, I don't think it will come to pass. The other way we've moved to accommodate those issues, is again, we have moved to use to commitment to use the précis only for off site delivery during the day

Chairman Holmes: Now you were mentioning that there were 18 deliveries of précis per day? Can you refresh me memory?

Judson Seiburt: No, we have a fleet of 11 précis. The average anticipation is five trips per vehicle per day. It may be more, it may be least, and we're a business. It depends on our particular demands on a particular day.

Chairman Holmes: 11 précis?

Judson Seiburt: Yes. And: quite frankly, given existing conditions, given the fact that they're passenger vehicles. That would tend to utilize the same route in terms of ingress or egress: we're talking also about fairly utilizing the street for that type of passenger vehicle traffic.

Chairman Holmes: Questions? Commits?

Board Member Griffith: Can you make any recommendations for us preventing the trucks from keeping straight and forcing them to turn on East Fourth Street?

Judson Seiburt: First it would be to adopt the routing plan as a condition of approval, so that will become a condition by which the City can enforce to that routing plan. The other method of enforcement that World Pack will have is if they use a third party carrier. So with that carrier, they can stipulate, you're going to utilize the size vehicle that the City has mandated that we utilize, you're going to following this routing plan, if we find that they are adhering to that: particular World Pack finds that they're not adhering to that particular protocol then we get another carrier. So we do have the contractual method of binding them to adhere to the condition of the approvals. I also, again stepping back and looking at the plan, I think the natural tendency is going to be to make the first turn and try to get back out to South Fulton as readily as possible. We've indicated and know that's an easy turn for either the 42 ½ or the box van. So in some respects, I recognize that this isn't a method of automatic enforcement, but it will be a natural tendency for that route to be followed. You can do it by imposing, by adopting a routing plan as condition of approval. We will see to it and World Pack will abide by stipulating with our carrier and they will follow it.

Board Member Griffith: Is there anyway we can? Traffic study right, traffic: Is it a common place to put a sign at the next block saying No Commercial Traffic.

Judson Seiburt: If you want attach the approval to approach the City about doing so, we can certainly do that. But we can't guarantee what the City will or won't do.

Board Member Griffith: I would recommend that.

Board Member Selsey: I have a question in terms of when your clients go on line to order parts to pick up. What percentage of the business?

Judson Seiburt: I don't have the percentage other than that, it's not anticipated to be a big driver in terms of traffic to and from. The business is built around direct distribution of parts by....

Board Member Selsey: I understand, I've spoken with a few people are actually very glad that World Pack is coming here, because they actually utilize your service, but did indicate to me that they sometimes go on line and that they do pick up. I just wanted to get an idea.

Judson Seiburt: Other than having talking to World Pack and been told that the demand at the Wilco window is very small. I can't give a specific percentage.

Board Member Selsey: What about at the current location, where they are?

Judson Seiburt: What they're telling me in terms of low demand is based on their current operation.

Board Member Selsey: I'm just trying to find out, what this low demand actually means.

Judson Seiburt: I can't quantify it. This is not a destination

Board Member Selsey: Is it going to be around 400 people.

Judson Seiburt: I'd be guessing: maybe 5, the way it's been characterized to us is : this is not a destination, in other words, this is not a retail operation, something people tend to come to, we take the products to them, so I think it's going to be very minimal.

Board Member Selsey: Thank you.

Chairman Holmes: Any other questions, comments? Any other correspondence from staff: or from City Agencies?

Staff Long: No correspondence.

Chairman Holmes: Any correspondence sent in for public comment?

Staff Long: No public correspondence.

Chairman Holmes: Then I'll open to the Public to seek any additional public hearing comments. Any members of the Public wish to speak in favor or opposition to the application? 260 S. 3rd Avenue? Again, I'll ask if any members of the Public wish to speak in favor or opposition to the application. Being that there are none. Then I'll entertain a motion to close public hearing.

Board Member Griffith – Motion to close.

Board Member Selsey - Second

Chairman Holmes – All those in favor say I.

All Board Member – I

Chairman Holmes – The I's have it. The vote is unanimous. I'll seek a motion for SEQRA determination. Where there any questions to the applicant's council?

Any questions or commits to our SEQRA determination? We have to make that determination.

Board Member Trott: I make a motion for a negative declaration for a SEQRA determination.

Chairman Holmes: Do I hear a second.

Board Member Selsey: Second

Chairman Holmes: All those in favor. All I's: Motion carries. We are in deliberations for Council since he's been so nice enough to stand here. Any questions for the applicant in general or to our traffic expert. Being that there are no questions. I'll entertain a motion on the determination for the application.

Board Member Selsey: I would like to make a determination on this application: with a couple of conditions. Being that they agree to the truck route noted in red and the second condition that they apply the City Council in terms of traffic signs and to stop traffic from going southward bound of 4th Avenue: to make sure that they make a left onto 4th Street.

Board Member Griffith: Commercial traffic?

Board Member Selsey: Commercial traffic that's correct. Well there's two types of traffic right: there's the regular commercial traffic, anything with commercial plates for New York State: I believe.

Board Member Griffith: Does the précis have commercial plates?

Board Member Selsey: If the précis have commercial plates: then no précis as well. I think we're talking about truck traffic.

Board Member Griffith: Does the précis have commercial plates?

Board Member Selsey: Any van going the street will have to turn. Précis is a truck. We're talking about truck traffic.

Board Member Selsey: So should we clarify this motion? I would like to make a motion in favor of this application with the conditions that they agree to the truck route in red as noted: also that they apply to the City Council to regulate traffic southbound on 4th Avenue, that all truck traffic is routed to 4th Street.

Chairman Holmes: I'll offer to amend that motion to add the specifics of maximum truck size no greater than a WB50, which has been demonstrated to be able to turn into the critical points that we shown concern in and that the applicant adhered to the designated routes and designated time: I'm not sure if you mentioned the time.

Board Member Selsey: No, I did not mention the time. You should mention time

Chairman Holmes: Which is 6:30AM, or before: help me Commissioners, do we seek a time frame or no greater than or before?

Board Member Trott: Before 6:30AM. The kids start going to school.

Chairman Holmes: Prior to 6:30AM.

Board Member Selsey: Is that a no prior to or is that an only prior to.

Chairman Holmes: Great excellent clarification.

Board Member Selsey: I'm not sure about the only prior to, because prior to 6:30AM could be a disturbance. I would say between the hours of six and eight.

Board Member Griffith: I don't think we need do a time limit on truck delivery, because it's not truly enforceable anyway. So we have problems either way. Before six you have the noise, after six you have the kids going to school. So, limiting the time that the trucks can deliver at a commercial site is worth it. If it was on Gramatan Avenue, I could see where it's holding up traffic. I don't think a time limitation restriction is warranted here.

Chairman Holmes: Let me ask staff: Staff from your experience with other: either previous applicants or other agencies in the City, that have deliveries, are there some general guidance or references you can provide.

Staff Long: Well the only thing I would suggest is to have it delivered between 6:30 and 7:00

Chairman Holmes: That's a tight 30 minutes. I would hate to be the driver.

Board Member Selsey: My only concern is, prior to 6AM is the noise factor, after 7:30-8:00AM you have traffic school buses so on and so forth. When the truck has to stop and back up, now the traffic is coming, now they stop.

Board Member Griffith – But in this case it kinda doesn't apply, because it's a commercial site. So you can't restrict trucks from going to a commercial site. Because that's what a commercial site is for.

Board Member Selsey: I agree. I'm looking at it from a traffic stand point. Not in terms of really restricting them, in terms of making it less traffic impact.

Judson Seiburt: We made the representation for 6:30. If we had a widow from 6:00AM – 7:00AM that's a condition we can live with.

Chairman Holmes: Done. You OK with that: everybody OK with that?

Board Member Selsey: Let's even expand that, up until 8. I was just stuck on the

Deegan for almost 2 hours. Reasonably 6 – 8. I'm fine with.

Board Member Griffith: Reality if they get there at 9. Nobody is going to stop them. That's just the reality. I'm not going to be on the corner and we're not going to allow the Police force to wait for the truck to come late. It's just not enforceable.

Board Member Selsey: There's not a lot of things not enforceable, including the truck route.

Chairman Holmes: It's too early to get into a worm hole here, so let's go back to the motion.

Board Member Selsey: So you're recommending that we don't do the time?

Board Member Griffith: Yes, I'm recommending that we don't do the time. The applicant suggested 6:00 -7:00 leave it at that.

Chairman Holmes: So, Commissioner, will you restate that. Thank you.

Board Member Selsey: I would like to make a motion in favor of the application for 260 S. 3rd Ave with the conditions with the approval that the truck size no greater than the WB50 or equivalent to and that they agree to the truck route in red as noted. The truck delivery hours are in the AM between 6 & 7. And that they apply to the City Council for traffic signs that will be placed at the corner of south 4th Avenue and East 4th St. so the southbound truck traffic will not go down that street.

Chairman Holmes: I thought we hit all the points.

Board Member Justino: May I make one minor clarification? Red is the route, but we also have the green route which is the connection to the Deegan, which does run up 22. It's just a sliver

Board Member Selsey: The designated routes as noted in red or green

Chairman Holmes: Are we comfortable with those Commissioners?

Board Member Griffith: Yes, and within the agreement we would like to see the agreement with the third party truck drivers to be included in the approval process also. As well as the plans that are on the board there.

Chairman Holmes: You need clarification?

Board Member Justino: We want to make sure that the contract you have with the third party truck drivers' with the route is included in the application.

Chairman Holmes: Is that contractual?

Judson Seibert: To provide that and put it into public record, if you have a condition,

we have to adhere to it. I think, well take care of it from there.

Chairman Holmes: Is that acceptable to you Commissioner?

Judson Seiburt: A lot of these agreements may not be in writing.

Board Member Griffith: So, it's not going to be in writing?

Judson Seiburt: No, I'm saying that, if it's a spot delivery, all sorts of things can happen, it the nature of the business. I'm saying.

Chairman Holmes: Let's ask you a different way Commissioner. How will you enforce your vendor to:

Judson Seiburt: He will be directed to utilize the routing plan, he will be directed to adhere to the conditions in terms of time of delivery and if they're not adhered to, we get another carrier.

Chairman Holmes: Is that fine with you or do you need a copy of correspondence?

Board Member Griffith: I'm not understanding. So you're going to get a delivery from a vendor, and how are you going to provide them with that information? You're going to tell them.

Judson Seiburt: We're going to tell them.

Board Member Griffith: You're not going to have a piece a paper showing the route?

Judson Seiburt: We can direct them in writing to do so, to take the extra step to make it tendering to the City every time we go from carrier to carrier.

Board Member Griffith: The wording that you put in that. Can you put that in the application so we can see the wording? That's what I'm asking. Can you put the wording in there: so we can see that?

Judson Seiburt: We can put a condition in that; all third parties engaged by World Pack will be directed to adhere to the routing plan and to the hours of operation and we'll abide by that condition. And we can post those directions by the loading area as well.

Board Member Griffith: Alright: and how will you enforce it, if that truck goes straight up that street? Can you?

Judson Seiburt: We can by virtue the fact that if it's a stipulation provided by their engagement we get somebody else. We take them off the job and we get somebody else.

Chairman Holmes: Does that satisfy your concerns, Commissioner?

Board Member Griffith: Yes

Chairman Holmes: Excellent. Any other questions, commits or concerns? Thank you very much Commissioner for your effect with this resolution. I think we have it correct, and that we have all the features, and conditions and that designated route, delivery times, signage on South 4th Avenue and the third party carrier both as far as truck route, signage being placed and delivery hours. I need a second on that. Do I here a second?

Board Member Griffith: Second

Chairman Holmes: How bout that. All those in favor?

All Board Members: I

Chairman Holmes: **Motion carries.** Congratulations. Thank you very much. Welcome to Mount Vernon.

4.2 Case #7-2013 403 East Third Street (Section 165.73, Block 4032, Lot 26 & 42) located within the R2-4.5 and NB Zoning District.

The application of Jack Adesso, Esq. on behalf of Patrice Miller is seeking site plan review and a special use permit to convert an existing commercial facility into a funeral parlor.

SEQRA Determination: This action is a coordinated review and classified as an "Unlisted Action". Therefore, the Zoning Board as "Lead Agency" assessed the environmental significance. The Zoning Board issued a negative declaration on August 20, 2013.

Jack Adesso: Good evening Mr. Chairman and Members of the Board. Jack Adesso, 153 Stevens Avenue. Mt. Vernon, NY. The last time we were here: after multiple presentations, we've narrowed it down to a few that you asked us to place on the amended site plan. I think you all received that, and that site plan should contain all of the issues addressed by the applicant in a manner of what we believe should satisfy the Board. There was also a concern, by members of the public with respect to the operation of the funeral hall, the disposition of the fluids and things of that nature. We submitted to you the OSHA standards that are set forth for the funeral industry, as well as a series of documents reflecting the types of receptacle that's located at the in booming section, with reference to catching the material and fluids during the in booming. So we believe we've addressed those issues, I think we're provided information regarding the over all operation of the funeral parlor that should satisfy everybody, that there's nothing coming from the site, that would in anyway, shape or form will harm to the public or get into a sewer system or storm drainage system. What so ever. So if you have any specific question that you would like to address, I'll do the best I can.

Chairman Homes: If you or the applicant can take us through the changes and show us the revisions to your visuals that would be appreciated.

Jack Addesso: You want to show the locations of the changes. One of things that as requested was additional screening. There were two concerns about the screening. One had to do with the area that was most closely, adjacent to the residents that were located to the corner of the property: and you can see here Mr. Tedesco has added additional planting all the way along the fencing area that will grow to a height of approximately six – eight feet that should be more than enough to screen any visual negative aspect of the site from anybody residing in that location.

Board Member Griffith: What kind of plants?

Jack Addesso: They're evergreens. There was also a question about some screening along Haven Avenue site of the property. Mr. Tedesco has also shown addition screening here, this is an existing concrete wall which we really can't do much with cause its right on the property line: but coming around Columbus Avenue, which is another site which you've asked us to softly impact of the building façade. He's added some evergreens at this location too. At the front of the property, he also added evergreens along East Third Street, and we believe that, that screening is about as much as we can get at the location with the building being where it is. We're not to changing the buildings exterior at all, this is an existing structure. In fact the fencing along the property line is existed. It's not something that we added there or put there. In fact, we're enhanced it at the request of the Board in reference to the screening, and I think we're done that. Now I'm going to let Ralph explain how we've change the parking layout within the site, because you have a concern regarding the way the parking space was configured: that there would be difficulty in maneuvering . so what Mr. Tedesco did, is he took the site and reconfigured the parking spaces, and I think he'll explain to you how he done that and what other steps he's taken to be sure that traffic coming in is separated from pedestrians coming out and some of the other concerns that you had. So Ralph will you please explain.

Board Member Selsey: I'm Sorry. I just wanted to address one thing in terms of the buffering. On the East side of the lot you said you may have some arborvitaes that are about six to seven feet: are there any two story resident's structures on that side of the property? That overlooks that side of the property?

Jack Addesso: There's a house.

Board Member Selsey: Is it a single story, or two stories?

Jack Addesso: It's probably a two story home. It's a little bit below grade of this site, so in other words. This site is higher, it's not at the same ground level, even though the building it's self is two stories next to it: it's really not two stories above the fence area.

Board Member Selsey: I know: it' just a question. Do you think that it's possible that from their second story window, that would have clear vision of this parking lot: or do

you think the six foot arborvitaes will be sufficient?

Jack Addesso: I don't believe so. But then again Ralph: you have a picture there right. Picture #3 is this one here. You see the building is down here, which is first floor grade, and our property is almost a story up. The ground level of our parking lot is here and the first floor of the building is almost directly across from it. So there's going to be no visual impact on the first floor with the existing buffering. Then as you go along with this screening hedge, which is probably a three to four foot hedge and even that does a pretty good job of screening it. But we're going to come up another couple of feet above that. If you look across you'll see that it pretty much comes just below the roof line of that property next door. So we don't believe.

Board Member Selsey: Can you please bring that a little closer. It just appears to me that it's clearly well above the buffer area. Is it just not as easy to plant 6 footers verses eight feet to 10 footers?

Jack Addesso: Regardless of what the height of the building is. If you look at it side by side with our site

Board Member Selsey: Your site is a litter higher

Jack Addesso: Correct

Board Member Selsey: What I see here is a three story structure.

Jack Addesso: 2 ½ stories

Board Member Selsey: It just appears to me that it's clearly well above the buffer area. Is it just not as easy to plant 6 footers verses eight feet to 10 footers?

Mr. Tedesco: In that area, we have 26 trees on that whole east area.

Jack Addesso: Arborvitaes will grow, as long as you don't cut it.

Board Member Selsey: When we asked the maximum growth, I believe your statement was six feet.

Jack Addesso: So can you put something that will grow 10 feet.

Chairman Holmes: Alright, so one of the first things we're talking about is buffering on the Northeast side retaining wall, to consist of evergreens with a minimum of 10 feet. Mr. Addesso you were saying that you were open to the conditions: I don't think quantity is the issue, we're talking about height.

Mr. Tedesco: We have increased the number of trees based on 6 feet. If you have higher tree, now you loose the number of trees on the line.

Chairman Holmes: How many do you need to take out?

Mr. Tedesco: The wider tree: the base has to get larger. You can't go by the plan: you have to go by the quantity.

Board Member Selsey: I understand that. But your plan has a scale correct? Based on your plan, how wide is the scale? $\frac{1}{4}$ " , $\frac{1}{8}$ "?

Mr. Tedesco: 1/10

Board Member Selsey: 1/10 scale.

Mr. Tedesco: 1 foot equals 10.

Board Member Selsey: Ok, 1 foot equals 10 feet. How many inches on this plan equal the foot? So you're saying one inch equals 10 feet? So you've got here about an inch. I've never seen a 10' wide arborvitae. The argument here was based on making them 10' arborvitae; that it's going to reduce the amount of trees. My proposal to you is: based on the scale on this plan, these trees are about one inch. One inch you just said is ten feet. The diameter of this is about: based on the plan...

Mr. Tedesco: Every four feet, there's a tree.

Board Member Selsey: Based on the plan, you have 1,2,3,4,5,6,7 trees on this Eastern border. So you're saying that it's double that? It's 14? So it's not according to plan? That's hard for us to determine.

Mr. Adesso: It's listed on the bottom there. Tells you how many he's putting there. Eight trees.

Chairman Holmes: What would help with this discussion: is a little more clarification. You're on evergreens, arborvitae: probably you can lock down on what type of tree then you'll have some better idea as to what would go there and what would be right. A little more clarification will help. Do you agree with that Commissioner?

Board Member Selsey: I think we're pretty close here. Just go with a higher growing tree. Start off with ten to twelve feet you'll be fine.

Chairman Holmes: Ten to twelve feet we're talking. Any other questions: about the landscaping or additional buffering while we're at buffering? Any in the southeast buffering?

Board Member Selsey: The street trees, I believe you provided for one street tree. How many street trees are providing along 3rd Street. Your landscaping included the trees along the parameter of the building.

Chairman Holmes: Does your +’s indicate the number of plantings?

Board Member Selsey: No it doesn’t. There’s a broad number like for example: it would say evergreen tree 26 of them, but that’s for the entire property. Not necessarily saying how many will be on the eastern boarder.

Mr. Tedesco: Those trees are on the sidewalk portion of the property

Board Member Selsey: I believe right now there’s an empty bed along Third Street where a tree used to be. My first recommendation would be to replace that one.

Chairman Holmes: You’re talking about the one just to right of the entrance?

Board Member Selsey: Right.

Chairman Holmes: Just East of the bus stop. That’s the one I’m looking at too. There’s nothing on the West pass the bus shelter. I’m looking at figure # 13. That doesn’t indicate anything.

Board Member Selsey: What I would like to see: because I believe there’s a shortage of trees: especially on Third Street, is two street trees in front of the property on Third Street.

Mr. Tedesco: Not a problem.

Board Member Selsey: That’s great news.

Jack Adesso: The reconfiguration of the parking lot. If you have this drawing: it should be in the new pack, you’ll see that there’s a parking layout that’s different from the parking layout that preceded this initially. Ralph why don’t you show how you reconfigured the parking?

Mr. Tedesco: Well if you remembered, the cars were facing toward Third Street. Now it’s designed much better. Nothing on the top was changed.

Board Member Selsey: You also made the change going out?

Jack Adesso: Yes, we made that change as well.

Board Member Selsey: Will there be lines?

Mr. Tedesco: We have provided signage. There will be signage “Rest in Peace” valet. There will be a sign stating left turn only.

Jack Adesso: So pedestrians and vehicles can be viewed coming out of the parking lot. They will have a view of the sidewalk and the street, so you’re not coming out of a blind location. None of which exist on the site now. Nor did it exist on the site before.

Board Member Griffith: So help us understand: A heavy funeral: celebrities, somebody well known passes, there's going to be valet.

Jack Addesso: Always valet.

Board Member Griffith: Always

Jack Addesso: Always, the difference is: if it's not a big time funeral, we may have two valets. If it's a big time funeral, we may have six to eight valets. Depending upon what they estimate their needs.

Chairman Holmes: You're indicating 100 % valet parking:

Jack Addesso: All the time: whenever there's a funeral there: there will be valet parking.

Board Member Trott: The guesses are going to pay for valet parking?

Jack Addesso: This is part of our service. No paid valet. Most people will give a dollar or so. It's not a big expense for the owner for the funeral polar, but there is the obligation on our part to provide it without charging the people attending

Board Member Griffith: You're saying that this is not a big expense to her. I would think this would be a big expense.

Jack Addesso: The offset: she can pay the valets obviously minimum wage: because they will be making tips: and at a big funeral, they could be making an extra \$50 - \$70. Depends on how people tip. That usually how it goes. But we made the change to accommodate: which was a very good point about having to move 4 cars to get one out; this reduces it to about 50%.

Board Member Griffith: Are people going to be allowed to park at all? So when you pull in: you're kind a stuck: can you drive out, if you decide not to say.

Jack Addesso: Yes, because you're going to come in to a point. If you decide that you're in a wrong place or don't have enough time. You can drive out.

Chairman Holmes: Take me through your configuration, when there's non funeral: I assuming the hours, when a customer comes to make arrangements: vendors approaching, all those non times, what is your parking configuration going to be? That will be a self parking time: correct?

Mr. Tedesco: It will be a self parking time. In the rear portion of the building, there's the rear entrance: where you enter and park anywhere in the back and just walk down to the back entrance.

Chairman Holmes: So that rear entrance is where all the flower deliveries as well.

Jack Addesso: Correct. Now a lot of times there are funerals on going and people are constantly making arrangements for funerals. Those days, people can come in and park themselves. If a funeral is going on and they have to make an arrangement, the valet will park their car.

Board Member Selsey: Can you address the sidewalk? I don't believe the sidewalks are consistent with the sidewalks in Mt. Vernon. I would hate to see that every building that pops up they come up with their own idea of the design of the sidewalk. So I'm not opposed to the brick patterns, as an apron, I would hate to see it on the entire length of the sidewalk. More consistent with the pattern we're seeing around the City. That's the ribbon being textured brick.

Jack Addesso: That can be done very easily. It's not a problem.

Board Member Selsey: The textured color.

Jack Addesso: I'm presuming the ARB at some point will have the input on that. So it's just a matter of having to do it.

Board Member Selsey: Plenty of examples.

Board Member Griffith: Pertrillo plaza will be a good example as to how to put it. But I don't think we need it down Columbus. As you go down the road you don't see it any place else.

Board Member Selsey: I'm in favor of both sides.

Chairman Holmes: Actually, the visibility will be better on S. Columbus, because when you're heading south, you'll see the whole strip. That's the only place you'll see it. You won't see it on Third. You won't see it heading north.

Jack Addesso: So either way, we have no problem, doing it both ways.

Chairman Holmes: Great...So brick textured ribbon?

Board Member Griffith: The lighting out front and down the side.

Mr. Tedesco: The lighting in the parking lot?

Board Member Griffith: No, in front of the building.

Mr. Tedesco: There's plenty of light from the street.

Board Member Griffith: the street light? Are you going to illuminate the sign? What kind of signage are you going to do along the side and in the front? It's going to be lite...OK

Jack Adesso: There was one other thing that you were concerned about and that was separating the pedestrians from cars as people move from the valet. One of the things that was suggested was utilizing cones. The orange construction cones or something like that during the periods of time when the valet parking was being utilized and having cars only go on one side of the cone and pedestrians on the other side of the cone. So the people coming out would be constrained to stay on the inside part of the cone and vehicles coming in will be on the outside part of the cone. They would leave their cars on the outside part of the cone: the valets will take them out, park them and the cars would move up long the line without coming close to the pedestrians traffic coming in and out of the building. That's something you can't really put a permanent isle: it's going to be the duty of the people attending to the parking lot to make sure those cones are placed in the proper location.

Mr. Tedesco: We can also opened up a gate on the side of the parking lot for pedestrians to go through to get to the sidewalk: without going to the parking lot.

Chairman Holmes: Do your visual change that, because I remembered the old one didn't pic that?

Jack Adesso: This is the amended plan, with what we're going to do. I think that's all the items.

Chairman Holmes: Show's proposed entry: and see a gap in your broken line, but I don't see an additional entry. I see proposed entry that arrow, but I don't see an entry there. I don't see that whole slot.

Mr. Tedesco: There's a gate there that swings out.

Chairman Holmes: What's the (en) stands for.

Mr. Tedesco: Entry

Chairman Holmes: Entry (en), thank you. Help me understand, the gates double the width of the pass way?

Mr. Tedesco: It's one three foot gate, for the pedestrians.

Board Member Selsey: Do you have a pic of that in the elevations? So you have a three foot gate at the entry opening out.

Mr. Tedesco: No. It opens against the building, it doesn't approach the sidewalk.

Board Member Selsey: Ok, so it doesn't open out to the sidewalk?

Jack Adesso: No.

Chairman Holmes: Ok, so what is that other three feet of it: It looks like its about six feet or double? Your gate right in front of the (en)...

Mr. Tedesco: This is an existing wall. About a ten foot wall. So what we did was created an opening into the wall for the gate.

Board Member Selsey: Now you feel that two pedestrians can walk into three feet? Do you feel that, that's a little narrow?

Jack Addesso: Technically, we have two: the main entrance is in the front and the secondary one is the gate.

Board Member Selsey: So the main entrance is in the front.

Chairman Holmes: One of my concerns is that the auxiliary parking is a bit of a distance and concerned that with the overflow: your parking attendants will use Haven Avenue as their overflow.

Jack Addesso: No

Chairman Holmes: How will you prevent that from happening?

Jack Addesso: That's a matter of supervision of your employees. You tell them, they go into the parking lot. You see, from the customer or clients prospective, the personal attending the funeral polar this isn't a factor, because he's waiting for the car to come. Time is his factor. If you had to park it five blocks away on the street and back over to the valet, that's a factor too. The valets will be instructed that there's no parking on the street. That it's either in the lot or the auxiliary lot, where we have the arrangement with the church to park. And that will be it. It's very easy to enforce and get fired.

Board Member Trott: Jack which church are you using for parking?

Jack Addesso: Bowen Memorial Baptist Church.

Board Member Griffith: Underneath the tracks.

Board Member Trott: Down the hill.

Jack Addesso: Down the hill exactly. Again, we believe that certain times it will be utilized and the majority of the time it probably won't be. But if it is, that's their function, they take it and they park it. They'll have a system in place where when they have to retrieve the cars, they retrieve them. That's their job. It will keep cars off the street. Which is a considerations and it will save the people from attending the funerals from walking any distance.

Chairman Holmes: Any other questions? We have any correspondence staff?

Staff: You have four objections and two consents

Chairman Holmes: Thank you; please add those to the records. Any members of the public wish to speak in favor or opposition of the applicant while the public hearing is still open?

Jack Adesso: Those are the original? Correct?

Chairman Holmes: Original what?

Jack Adesso: Correspondence. I didn't see any of those. I didn't see any additional objections come in.

Chairman Holmes: Let the record note that Staff has presented the applicant with four objections and two consents. Thank you. Any members of the public wish to speak in favor or opposition? Let the record know, there are none. I'll entertain a motion to either suspend or close public hearing.

Board Member Selsey: I'll make a motion to close public hearing

Board Member Griffith: I'll second that motion.

Chairman Holmes: All in favor?

All Board Members are in favor.

Chairman Holmes: It was unanimous.

Board Member Griffith: Yes.

Chairman Holmes: Do we have a SEQRA determination? No we do not, therefore we are in deliberations. Are there any questions, commits, concerns?

Board Member Trott: What was this property used for prior to?

Chairman Holmes: It was a home for check cashing, armor car service, money management. It was a highly secured area. They parked their vehicles on site. There's no SEQRA, it was issued on October 20, 2013 by the Zoning Board. Any questions about the fourteen points that the applicant submitted? If not, I'll entertain a motion.

Board Member Selsey: I'll make a motion in favor of this application with conditions: that what was previously mentioned, including that the Easterly boarder evergreens are a minimum of ten feet in height at the planting time. That the two exits to the parking lot, (one on Haven Avenue and one onto the South Columbus Avenue) must affix signs stating left turn only. There will be proper mirrors for pedestrians and vehicles safety when exiting the property. That the applicant must always use valet parking during the hours of operation: during funeral services: that the sidewalk only has a ribbon of the stamped brick (the red color that was picked on the plan) the center of the sidewalk must be consistent with the concrete. That the applicant plant three

new street trees along Third Street and three along South Columbus Avenue. And that the NO smoking sign is within 100 feet of building.

Chairman Holmes: Ok, we have it all. We've got the ten to twelve foot planting at plantings time, the deciduous trees or evergreen with the buffer.

Board Member Selsey: The street trees will be deciduous at planting time will be 3 inch caliber minimum.

Chairman Holmes: Three inch caliber at planting. The brick ribbon along Third and Columbus.

Board Member Selsey: That's consistent with Petrillo Plaza and other City sidewalks. The signage upon exiting onto Haven and Columbus read left turn only. That the traffic mirrors be affixed to the building for visibility for pedestrians and vehicle traffic.

Chairman Holmes: I believe there are two mirrors that the applicant indicated.

Staff Long: Board Members, do you have a size for the mirrors.

Board Member Selsey: They should be 18"s.

Chairman Holmes: I would like to add that you have a designated smoking area within 100 feet building, per State ordinance.

Jack Adesso: Whatever the State ordinance are, we will abide by the law on our site.

Chairman Holmes: Are there any other conditions, I have eight conditions. In that case I seek a second.

Board Member Selsey: Second.

Chairman Holmes: All in Favor. There's 3 "I" Board Member Trott- One abstention.

Motion carries with one abstention.

ITEM #5 PUBLIC HEARING

5.1 Case #2-2012 8 East Cedar Street / 485 Gramatan Avenue (Section 165.30, Block 1036, Lots 1 & 2) in the RMF-15 Zoning District.

Application of Cedar Manor, LLC by attorney Hannah S. Gross of Gross & Stabile, LLP is proposing to demolish an existing one-family dwelling on lot 2 to create an accessory off-street parking facility for multi-family building located on lot 1 which requires site plan review.

SEQRA Determination: This action is a coordinated review and classified as an "Unlisted Action". Therefore, the Zoning Board as "Lead Agency" assessed the

environmental significance. The Zoning Board issued a negative declaration on February 15, 2011.

Hannah Gross: I believe we need Mr. Longs input.

Chairman Holmes: Mr. Long, please tell us, if our friends have noticed properly.

Staff Long: They have met all the proper notifications Mr. Chair.

Chairman Holmes: Thank you very much. Is there any corresponds from City Agencies?

Staff Long: If you want to continue Mr. Chair, we'll come back to that.

Chairman Holmes: Thank you, I will. Good evening Ms. Gross, Welcome back I understand you have an application?

Hannah Gross: Yes Sir. We have an application Sir. As you recall, we originally came to this Board with an application for 25 parking spaces on the area behind the building at 485 Gramatan Avenue on part of that lot and the lot that's known as 8 East Cedar Street. In the course of our previous appearance, we have reduced the number of parking spaces from 25 to 23. And we had agreed to some enhancements in terms of street trees, specifically we have agreed to four new street trees on Gramatan Avenue as part of our zoning application, we've agreed to one new street tree on East Cedar Street. We've gone back and reconsidered this application after our prior experience and the article 78 preceding: we've consulted with an arborist, who's report we provided to you, who's given us some guidance on planting and what he feels what would work best and we did perk test so that we were able to revise the drainage system and know that it is absolutely going to work and we've revised the parking lot layout. As we submitted we're at 23 spaces, we're proposing planting beds with new arborvitaes, on the advice of the arborist; we're going to plant 6 foot trees on 6 foot centers, that planting will allow for the best growth. Arborvitaes are purchased in a bucket, 4', 6' whatever, but there's nothing to stop them from growing to a full height of 50 - 60 feet, if the roots have not been stunted prior to planting, if the planting bed is sufficiently fertilized in the early years so they can really take hold. What the arborist told us was that we could expect growth of about 2 feet a year, the internet suggest that we might get lucky and get more growth then that, which would mean that after passage of time they would become 20' trees. He said that the trees in the back that have to come out were arborvitaes once. So what we're specifically saying is that we're going to take out the trees on the lot. In terms of the trees on the lot, there are 24 trees of 4" caliber: which is what the ordinance requires us to discuss. Of those trees, the arborist said, all but three were not in good condition or should come out for varies reasons. If a tree has a lean of more then 10%, if a tree is showing other sign if distress. He said the line of cedar trees along the side in the back, are too close together. So, what we are saying to you tonight: is my client has read this report and wants to avoid liability for tree falling on any neighbors lots, as soon as he is legally able to do so. Which means: once this matter is determined, one way or the other,

because right now we're in hold due to the zoning code, he's going to be removing the trees. He will probably remove the two trees in the rear that we're not designated as dangerous. One is an overgrown scrub hedge which has grown up to about 20' the other is one cedar sort of at the corner of the house, he said he would take that out, whichever way we go.

Chairman Holmes: He's held up from with taking the trees, for what reason again?

Hannah Gross: The zoning code says that once you start this process, you can't take any steps into further development. So, unless this Board says ok we accept the findings of the arborist, you can take out the trees that might be dangerous. We're holding our breath and hoping there's no hurricanes. But if the application goes forward, the trees will come out; if the application is rejected, the trees will come out.

Chairman Holmes: That law doesn't apply to the Zoning Board process: it also applies to this process?

Hannah Gross: I believe it does. It's in the zoning code and I don't want to jump the gun and have the Board be upset with my client, he's just trying to comply. We've spent more money on more studies, more plans.

Chairman Holmes: Check into that please. My understanding is that the Board didn't control its actions, because he owns the property. Correct.

Hannah Gross: Yes, but the zoning code states that once you submitted the application, you may take no steps to further the development until the application is determined. There is one tree: as you know, I was at your work session listening and you were talking about one particular tree. There is one tree which the arborist indicates it's in good, it's an oak tree, it's about 6 feet from the East line, and 6 feet from the north or front line of the property: to save that tree, based on what the arborist told us: we have looked at it, we think we can give you a proposal that leaves that tree in place: it would mean reducing the parking lot to 22 spaces. It's not as nice a 25, if you're trying to service an 85 unit apartment house. We've made a couple of other changes in the plan: I'm going to need Nick to help me point those out to you because they will show up on the elevations.

Mr. Nick: We're added an additional layer of block along the eastern property line: eastern and southern property lines to create a planter effect. The arborvitaes we planted over that planter. It's detailed 6B on sheet 201. You can see it a little more detailed. The front of the property remains two feet lower than the adjacent property line: but the property continues to descend toward the southern line: so it descends not only to the west but also to the south, so that wall become to daylight at a certain point, that's why we have that planter effect. Its two layers of mesa block with arborvitaes planted within the planter bed and we also have the fence that's also contained within that planter bed.

Hannah Gross: Because the fence is within the planter bed, which is higher than the adjoining property to the east, there's actually going to be 8 foot: because the natural sloop of the neighbor's property is downward, we're going to make the top of the fence level, by using the mesa block underneath. So that will raise up to the neighbor the level of the fence although it's still a six foot fence. I wanted to talk to you about the fence type. We had suggested a vinyl fence in natural color. We're willing to revisit that and look at some other types of fences. We do think the panel type fences: for easy installations, when we have to get pretty close to the property line and we want to go up 6 feet, would be a good choice for the side and rear lines: as an alternative to the vinyl, we've looked today at a cedar fence with a shadowbox style. It should provide privacy with an attractive look. We're a little concern because these photos are from the internet: and not sure if a car coming in at an angle wood bleed through: so we want to check on that further. We want to know if the Board thinks that: that would be a preferred alternative. I have some preliminary drawings to show you with the tree in it as well. Just to get a sense: if we're going in the right direction. They're not finalized yet. The first shows you, where the tree is relative to everything else and what would have to happen to reduce it to the 22 spaces and make those changes. The second page shows you the elevation with the tree, the hedges and the proposed fence. The challenge here is that the slope of East Cedar Street, meant we had to do shallow steps on one side of the driveway and much more on the other side of the driveway to keep the fence down to ground level. The pillars we're talking about are five foot and the decorative lanterns on top: those are accent lights that we don't believe they make any change in the lighting plan that was previously submitted: that would be one of the details that we would have to confirm for you. There would be no change to the drainage plan, although we would reduce the impervious surface. As we've resubmitted the plan, we now have buffering all along about 56 feet of the perimeter we would be down to about 42 ½ feet: if we go with the proposal to eliminate space one and try to retain the oak tree. We think this is a good compromise and we're willing to make that compromise, we're willing to do the additional decorative work in the front where we feel it would have the biggest impact on the neighborhood in general. As part of our research on this, we did take a look around, informally, at other places in the City of Mt. Vernon and where there's a parking lot that adjoins residential property: where it adjoins one to three family houses, many of those lots have no buffers. They have chain link fences. They have no plantings except, if you count the weeds.

Chairman Holmes: Your buffer is eight, right?

Hannah Gross: In the code, by the way, there are related provisions: one requires a ten foot setback and says buffering landscape will be within the setback as in accordance with the 267.40. We have a variance on the setback requirement, so the buffering to be provided, should be in the setback that allowed by the variance. We're actually given up portions of the variance to try to provide a more buffered parking area.

Board Member Selsey: Isn't that consistent with what we just talking about with the previous applicant. You made a great point about your question were to clarify whether or not that setback is included in the lot.

Hannah Gross: Ours is slightly different, because we do have that variance.

Board Member Zamor: Setback is within the variance: rather the buffering is within the setback. So that's the same correct?

Hannah Gross: The variance is on the setback so that's where we should be doing our buffering.

Board Member Griffith: Is the variance expired? Do you have to get that from the Zoning Board?

Hannah Gross: We're tabled, yet again. Yes, Mr. Long? The variance; at the last meeting of the Zoning Board, you told me it was put over again.

Chairman Holmes: I just want establish that your buffering will be within your setback in the lot.

Hannah Gross: Within the setback, but in terms of this particular lot and this application, we have a variance for a smaller setback. It was three feet; we're doing more than that. Except, for that 42 ½ foot.

Board Member Zamor: Along the first half of the eastern boarder, just the fence

Hannah Gross: A couple more points and I will let you go. A point has been made in some of the objections, that there are other parking facilities that our tenants could use. A prior public hearing commit was made about the garage facilities on Fleetwood Avenue.

Chairman Holmes: We didn't have an issue with that. That was mute. We're ok with this.

Board Member Zamor: Have you research a masonry wall.

Hannah Gross: We have spent some time on that, Mr. Zamor, A masonry wall is significantly expense than the fence we proposed and in terms of a pre-standing masonry wall is six feet tall. Not ordinary or customary in a residential area. There are some: along RT. 22 in Bronxville, those are on oversize lots, well away from the houses that are behind them. We're talking about a fence that boarder a driveway, the other side is a house. So it's maybe eight, nine feet above the fence position and the side of the house.

Board Member Zamor: Before you go, would you be opposed to a 6 foot masonry fence?

Hannah Gross: My client said that he doesn't want to do that. We're doing the masonry pillars as an accent in the front. We've talked about additional pillars, but they won't work, because of the height difference.

Board Member Zamor: So is the only objection to the masonry fence is the cost to your client?

Hannah Gross: No I think it's more complex than simply cost, but cost is obviously a factor.

Chairman Holmes: I have a question about the shadowbox. Can you address that question on whether the light bleed through?

Hannah Gross: No, I think someone will have to actually see how that fence is constructed. Looking at the photograph on the internet, we can't tell whether the boards touch one another or are a quarter inch apart.

Chairman Holmes: Do you have any specification on it?

Hannah Gross: When I clicked on it. I could not find specs. It was an ad, if I've gone to buy it; maybe it would have told me more. That's why I said these are suggestions: wanted to know if we were going in the right direction. Should we be going in this direction? Should we go in another direction?

Chairman Holmes: There's another direction?

Hannah Gross: There are alternative styles of fences. The one my client found today, that he thought provided a softer textured look: that seems to meet the requirement of the job. We can look at some alternatives, because we need the privacy aspect: the fence panels are probably our best application here. The panels that we have originally suggested to you: or something of a similar type. A panelized fence: where the units are constructed are for the very purpose of providing privacy.

Board Member Selsey: I just want to go back to what Commissioner Zamor has said, related to cost: I suppose I was waiting to hear the rest of the answer, you said that cost was a factor, what else?

Hannah Gross: Maintenance and installation. The vinyl fence is easier to maintain, if it gets dirty, you can wash it.

Board Member Selsey: You have a beautiful wall, and

Hannah Gross: That's the mesa block that we would be using for the garden wall.

Board Member Selsey: I think the question was how high it could go.

Hannah Gross: What he's telling us is that it's used as a retaining wall. Not to be used as a free standing wall. If you drive around and look where there are areas of free standing masonry walls, usually they're at the end of a retaining wall. And most of the masonry walls that you see in Mt. Vernon are retaining walls. The only thing that we're retaining, actually we're not retaining; we're building up on the property line

those two feet in the rear for that application the mason block is sufficient.

Board Member Zamor: I think what we're trying to seek here is a balance of what would be taken away and what could be replaced to keep the ecstastic value of the neighboring properties something that is relevant, so taking away from its natural habitat, what we can do to replace it with something of substance.

Hannah Gross: The arborvitaes are going to provide much of the same look over the cause of time, in fact they'll be better, because

Board Member Zamor: This section that we're speaking of:

Hannah Gross: That section? That's were we don't have that much flexibility because of the size of the lot: and we're trying to enhance the areas where we do have the flexibility, we've altered the lot to provide the flexibility where we can. Because of the size of the lot at that area we don't have the option for providing that planting bed. The size of the parking spaces plus the size of the isles means that we need to use the full width.

Chairman Holmes: What commits did the Plan Examiner make as far as some of these changes?

Hannah Gross: We did not get a new plan examiners report. We've reduced everything that was originally a variance. We've reduced the impervious surface, we've increased the setbacks and we've reduced the number of parking spaces.

Chairman Holmes: You've reduced them to the level that you wouldn't need the variance?

Hannah Gross: No. If we do the change with the oak tree, we probably will no longer need the variance and impervious surface. That area will provide space for annual plantings or other plantings. All we're concentrating on right now is the tree and making that change; if that's what the Board is indicating that's what they want us to do.

Chairman Holmes: Ok. Are there any members of the public who wish to speak in favor or opposition to this application? We have four oppositions. Can council please come forward and answer the questions please

Hannah Gross: First we need to remember the history. My client brought the property: looked at the zoning map, it certainly looks like it's in the RMF15, but I'm not the arbiter. We went back and forth with the Building Department. First they said yes then no then yes and that happened at the public meeting. It was based on the map maintained by the Building Department and the interpretive potion of the zoning code: that determination is no longer subject to review. Our variances are area variances; hardship isn't practically and important factor and some of the things that were said are simply untrue. There was an issue with the Assessor's office prematurely merging the lots: transferring the assets value of the house to the lot on which the apartment

house is situated in listing the lot as a zero: that has been corrected because we did not ask for that to happen. There was a question raised: who benefits: my client came to me and said that he has trouble with vacancies, his vacancy rate in this building exceeds other buildings that he manages and he had trouble re-renting. First when they call up they want to know how large is the apartment and amount, then the question is, where do I park? And that's fairly typical for the neighbor and the type of building it is. When he tells them, no parking available at the building a lot of the calls terminate then. To resolve that issue, they purchased the house. So who benefits: my client benefits, but also the City benefits. If my client doesn't receive rents, my client files for tax review and get a lower assessment on his apartment house and truly the deductions on the apartment house would exceed anything that would come in from a one family house. A question came up about danger. The driveway has a two way access. No one will be backing out of this driveway.

Board Member Zamor: Is there street parking aloud on Cedar Street on the eastern side right before the entrance of your lot.

Hannah Gross: Yes, there is.

Board Member Zamor: Will a parked car impede in visibility?

Hannah Gross: No more than any other parking lot. I understand the concerns with Mr. Brown with the domino affect on his trees and the other trees down the line and Ms. Bellmen's concern on her property. In picking the fence, one of the points is what we're going to do: should not require us to come on her property. With the mesa wall we may have to come on property for installation.

Chairman Holmes: Can you address the drainage on the potential walls?

Hanna Gross: I'm not entirely clear on what she's saying. She's saying that our wall is somehow going to somehow prevent water from draining off of her property onto our property. I'm sure we have more than enough draining for the water on our lot, and there's no reason for water from our lot would migrate to hers. She seems to be saying something different that water will be impounded on her lot. Another concern was the tree on the corner and whether it's my client's tree or Ms. Bellmen or Mr. Brown's tree: it may be straddling the line: one of the things we would do in getting into actual construction is have a surveyor mark the line, because the trees were supper imposed on the survey. If indeed the tree is straddling the line, we'll have to fine a way to deal with that tree. We could run the fence on our side of the tree and since we're not excavating in that corner, there should be no problem with that tree.

Board Member Zamor: One of the concerns that were told that while you're excavating your tree on your side: as to post excavation will you be damaging the neighboring trees on neighboring lots.

Hanna Gross: I don't believe so. I understand her concern, we're leaving 8 ½ feet, which should be sufficient for that tree. We will have the surveyor do the marking on the ground.

Chairman Holmes: Motion to suspend public hearing?

Hanna Gross: We're going to come back to you with more information about the proposed fence and if the indication is that should: we'll come back with the finalized version of the plans I've given you for retaining the oak tree and the more decorative treatment in the front.

Chairman Holmes: Repeat that again please counselor.

Hanna Gross: The revised plans based on the preliminaries we've shown you: to retain the oak tree in the front. Reduce the spaces to 22. Give the decorative treatment in the front with the two pillars and metal segments with the accent lights. We've given you a sample of a fence that may have a superior in look, but we can look at other fences.

Chairman Holmes: Plan Examiners report will also be needed.

Staff Long: Also the drainage calculations as well.

Hanna Gross: Mr. Long did not share the communication with you from the public and City agencies.

Staff Long: 20 objections- The Fire Dept has no objections to the applicant as long as New York State Fire and Building codes and the NFPA13 are followed and all necessary permits are granted – The Police dept. the undersigned finds that the proposed parking lot will assist in alleviating parking in the area and will not create a traffic or safety issue therefore the Department of Public Safety has no objects to this proposal as submitted. That concludes all correspondence.

Chairman Holmes: Thank you. I'll entertain a motion to suspend public hearing to the next meeting.

Board Member Griffith: I'll make a motion to suspend.

Board Member Selsey: Second

All in favor "I" The "I's" have it.

5.2 Case #9-2013 759 South Columbus Avenue (Section 169.56, Block 3138, Lot 1) in the I (Industrial) Zoning District.

Application of Jose Montero by engineer Chris Tartaglia of High Point Engineering seeks to reconfigure an existing site to accommodate a drive-thru and additional gas pump islands which requires site plan review and a special use permit.

SEQRA Determination: This action is a coordinated review and classified as an "Unlisted Action". Therefore, the Planning Board must declare its intent to be "Lead Agency" to assess the environmental significance.

Chris Tartaglia: High Point Engineering. I'm the engineer of record for the application. Atlantis Management is proposing to redevelop the site which is known as 759- 767 South Columbus Avenue. They are going to remove a 876 sq foot portion of the existing building, currently operated as a diner. That building current contains 2500 sq feet. The remaining portion of 1621 sq feet will be redeveloped as a Dunkin Donut restaurant with a drive-up window. There's an existing 2000 sq foot convenient store, which currently houses a Dunkin Donut counter within it, the Dunkin Donut counter will be discontinued. Within that counter area will be a larger sells area. The west side of the facility which is currently vacant, will be constructing a fueling area with two diesel pump islands, double sided islands located underneath a fueling canopy. There's currently one existing gasoline and diesel dispenser area located underneath the existing gasoline canopy. The diesel will be removed and will be dispensed at the fueling area to the west. The total site area is about 37,700 sq feet, it's owned in Industrial I. Restaurants with drive-up window service and motor vehicle fill up station both require special permit uses in this district. In terms of the existing development, as discussed, there's an existing diner that is going to be reduced, there's an existing convenient store that is going remain and four pump islands that's underneath the existing canopy will remain. Existing access points are as follows: on South Fulton Avenue there is an existing two way curb cut approximately 20' in width, that curb cut offers full movement entry and exit. On South Columbus Avenue, there are three full movement curb cuts located along the frontage. Currently along Leona Lane there is really no right a way improvement along that roadway. In terms of proposed conditions: the canopy located along the diesel side will have dimensions of 25' by 57' underneath that canopy with the two diesel fueling islands there will be four total fueling positions created. Four vehicles can fuel at once. In terms of the development of the site the zoning code does permit a maximum building footprint area of 75% of the total lot area. That calculates to a little over 28,000 sq feet. Combined our two buildings will only have 9.6% of the lot. If we were to include the canopy cover, it would be 17.6%. In terms of parking: the code requires one stall per 200 sq feet for the convenience store and one stall per pump Island for the gasoline component and one stall per 100 sq feet for the Dunkin Donut restaurant use, 32 stalls are required. Our proposed plan provides 32 parking stalls per request. In terms of additional site details and one of the more important components, which we worked with the Planning Department: the drive-thru components, that's located behind the building is actually being created by a reduction of that building. The reduction of that building was sufficiently smaller; however there was a recommendation to create a pass by or out lane as shown on the plan. In terms of the proposed access point on South Fulton will have a new proposed curb cut, however, there will be a restriction to right turn exits only. Some of the additional features to the site which we're not changing per say: there are three 10,000 gallon double wall fiber glass underground storage tanks: those are projected to remain, they are in conformance with County, State, and Federal standards with regards to leak protection

which meets all requirements. In terms of landscaping, we are landscaping every portion of the property that can be landscaped. We are providing shade trees, the zoning code has required one shade tree per every 12 parking stall only three shade trees are required, but we're putting in six. Along Columbus we're putting a decorative fence. We're also doing landscaping outside of the property line. The planting will be no taller than three feet. That's for site line and for safety.

Board Member Zamor: What is the construction of the fence that's going to be between the plantings?

Chris Tartaglia: We were thinking of PVC's durable and the longevity in the fact that you don't have to maintain it, or a really nice option is decorative black aluminum. So with regards to some other issues such as environmental conditions at the site, we have done some research. There is what's called an open spill number on record with the State DEC and found that, that spill was identified as opened in 1990 by the DEC: the reputed cause of that was the leaking underground storage tank. Chevron was and still is responsible for that impact. We submitted a letter to Mr. Long from DEC: a 2008 letter from DEC to the environmental consultant of Chevron Texaco: confirming my telephone message to your request to shut down and decommission the soil vapor extraction system and reduce sampling to semi annual is approved. We additionally submitted a letter to Mr. Long for the Board's review is just a letter dated November 1, 2013 to Atlantis Management what I just reviewed and that Chevron is responsible for this spill till closure. I'll be happy to answer any questions.

Board Member Griffith: The existing diner building is being reduced in size to allow for the drive-thru, and redo the whole facade.

Chris Tartaglia: The entire exterior will be done and the existing building itself we're moving approximately 11' off of the back of the building and the total that is being removed is about 870 sq feet. It's a significant reduction. The 2500 current floor area is going down to 1621, and the entire lot is owned by one owner.

Chairman Holmes: What considerations need to be taken from your perspective? Talk to us about signage and

Chris Tartaglia: In terms of the existing signage on the property, we're proposing a significant upgrade. Right now there are two separate signs located right at the corner. One advertising the diner, one actually advertising the Dunkin' at this building and the other sign is the price of gasoline and brand sign. We're removing all existing free standing signs. What we're proposing that the corner is a new Dunkin' Donut sign: these signs are small as compared to what's out there. Only 22 sq feet in the area for the Dunkin' sign which complies with the Zoning ordinance 12' height. The gas sign is 48 sq feet and 12' in height. Taking down three signs and putting up two that are much more esthetically pleasing.

Board Member Griffith: Where's the gas sign going to be?

Chris Tartaglia: The gas sign is going in the same spot as the old. The Dunkin' sign is

going on the corner cut.

Board Member Trott: Is there seating in the restaurant?

Chris Tartaglia: Approximately 32 seats. We're staying with the BP brand gas.

Board Member Zamor: What is the width of the sidewalk along Columbus?

Chris Tartaglia: The area along the east of Columbus curb cut, rapping the corner is eight foot wide. The area where there's a grass strip is four feet wide. Also we would like to know if there's any commits from the public.

Staff Long: This action is a coordinated review under SEQRA and you would have to declare intent and it would be 30 days minimum before you can close public hearing. The ARB and possible DEC would have to respond.

Board Member Griffith: Makes a motion to declare as Lead Agency for SEQRA purposes.

Board Member Trott: Second

Chairman Holmes: All in favor. One abstention. Motion carries. Do we have a motion to carry hearing?

Board Member Griffith: Makes a motion to close public hearing.

Board Member Trott: Second

Chairman Holmes: All in favor: motion carries.

ITEM #6 RECOMMENDATIONS – Zoning Board of Appeals

(All recommendations are classified as "Type II" actions; therefore, no further SEQRA assessment is necessary.)

6.1 Calendar No. 1703-Z 8 Alden Place (Section 159.63, Block 1001, Lot 7) located within the RMF-15 Zoning District.

The applicant was originally seeking to construct a 4-story, nine unit multifamily townhouse style dwelling. The applicant has revised the application so that a 4-story, four unit multifamily townhouse style dwelling is being sought.

Staff Long: As you recall a couple months ago. This was presented before you for recommendation, at which time you basically said, you thought it was appropriate for the area. At this time they have again revised the plans and the Zoning Board is now seeking your recommendation. The Zoning Board is seeking your guidance whether the proposal is appropriate for the neighborhood considering the fact that the applicant is exceeding the impervious coverage and the Zoning Board is seeking your guidance

whether the proposal is appropriate for the neighborhood considering the fact that the applicant wants to construct on a lot that does not meet the minimum lot standards.

Board Member Griffith: They went from a five story to a four story.

Staff Long: It's still four stories: they went from nine units to four units.

Chairman Holmes: Based on the information we were given. One of the concerns I had was the standard lot size. My commit to the Zoning Board would be to be considerate to the increased density. As well as retaining the natural beauty.

Board Member Griffith: Makes a motion that we don't make a commit and let the Zoning Board make their determination.

Chairman Holmes: Based on the information we were given. The only commit we can have is to suggest that height and overall size of the building be taken into consideration in light of the environmental and the social impact of that section. All are in agreement. Motion to close?

6.2 Sale of City Owned Property – Real Estate Committee

The Real Estate Committee according to Section 205-5G of the City's Charter, requires that the Planning Board provides a recommendation regarding whether the subject property is or may be used for municipal purposes.

440 Garden Avenue (Section 169.33, Block 4071, Lot 9)

460 South Second Avenue (Section 169.39, Block 3116, Lot 13)

Board Member Trott: Motion to sell

Board Member Griffith: Second

6.3 Proposed Adoption of an Urban Renewal Plan

Recommendation – Deadline is approximately February 2014

According to Section 267-56 of the Zoning Code "If any amendment is to be considered by the City Council, it shall be referred for review and report to the Planning Board, the Corporation Counsel and other board (Architectural Review Board), agency or official of the city which the City Council deems appropriate. All boards, agencies and officials to which such proposed amendments are referred shall not have less than 30 days from the date of forwarding, or from the date of revision by the petitioner whichever is later, to submit their reports".

ITEM #7 – Administrative Action

Review and vote on the calendar dates for 2014 Planning Board Work session and Public Hearing Dates.

Note: Work Sessions will be open to the public but closed to public participation subject to the Open Meetings Law, [Section 105 of the 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.

City of Mount Vernon
Planning Board Minutes

Meeting Date
November 6, 2013

Following the November 6, 2013 Regular Board Meeting the next regular meeting of the City Planning Board is scheduled to be held on Wednesday, December 4, 2013.

Note: The Planning Board will hold its work session on Monday November 4, 2013 at 6:30pm in the Planning Commissioner's Office.

William Long
Planning Administrator

cc: Ernest D. Davis, Mayor
Lou Albano, Acting Planning Commissioner
Nichelle Johnson, Acting Chief of Staff
Mark Warren, Building Commissioner
George Brown, City Clerk
Hina Sherwani, Corporation Counsel
Press