



Zoning Board of Appeals
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

Irwin S. Davison, Esq.
Chair

MINUTES

ZONING BOARD OF APPEALS

PUBLIC HEARING

A regular meeting of the Zoning Board of Appeals will be held on Tuesday **March 18, 2014 at 7:30 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

Irwin Davison
Barbara Anderson
Lucinda Solan-Fullan
Maxine Greene

Absent

Karl Scully
Elvira Castillo

ITEM # 2 APPROVAL OF MINUTES

2.1 Approval of the minutes of the special meeting held on Tuesday, January 28, 2014.

Minutes were adjourned till next meeting. Motion by Solan-Fullan, second Greene. All in favor

ITEM #3 CONTIUNED PUBLIC HEARING

3.1 Calendar No. 1707-Z 112 Washington Street (Section 165.71, Block 3163, Lot 3) located within the RMF-6.75 Zoning District.

Application of Ivan Hall represented by architect John Power, is requesting the following variances:

- Side Yard Setback. The applicant is required to have a side yard setback 7'. The side yard setback proposed is 2'1" and 2'3". – This is a deviation from dimensional regulations of the Zoning Code.
- Combined Side Yard Setback. The applicant is required to have a combined side yard setback 18'. The combined side yard setback proposed is 4'4". – This is a deviation from dimensional regulations of the Zoning Code.

The applicant is requesting the aforementioned variances to construct a two-story addition with a rear deck on an existing home.

SEQRA Determination: This action is a "Type II" action; therefore, no further SEQRA assessment is necessary.

Chairman Davison reads item into record.

Mr. Ivan Hall of 112 Washington Street speaks on behalf of his property. The applicant gives background details about the case. He states that the issues from the last meeting needed to be identified were being address in the letter from his architect "The proposed project at 112 Washington Street in Mount Vernon is a modest addition with living space of 232 square feet and 248 square feet open deck. The project satisfied the needs for an additional bedroom for a growing family and a new kitchen to replace a fully functional and tiny existing kitchen on the second floor." In reference to the responses to the five issues related to the area variances request: 1) Our substantial the variation in relations to requirements: "The new living area on the second floor matches an existing first floor wing that does not comply, but provides the foundation with the second floor addition. The deck addition matches the width of the existing one story section and remains substantially with the part of the structure which leaves only 2.1 – 2.41 feet on each side of the property line. In other words the proposed addition does not approach the property line as much as the main body of the existing structure." Being that this property was first constructed in the early part of the last century. 2) Whether the proposed variance would have an adverse effort or impact on the physical or environmental conditions in the neighborhood or district. "The proposed project will have no adverse effort or impact on the neighborhood. The proposed project is in the rear of the residence and will not block the view or natural light of the rear section of the neighboring properties, since the neighboring structures have very few or no side facing windows." 3) Will the substantial change produced in the character of the neighborhood or a substantial detriment to the nearby properties – "The proposed project will not produced a substantial change to the character of the neighborhood, in fact the current residents is not keeping the current character of the neighborhood due to the lack of updated materials in the surrounding homes. This proposed project includes residing of the entire project. If anything it will increase the property value of the home both on the side of the home and across the street." 4) Whether the difficulty can be achieved by submitted to pursuit other than a variance.. "The owner has no other option then the proposed project to increase the living space for his family. 5) Whether the difficulty alleged by the applicant was self-created. This consideration shall be relevant to the decision of the board of appeals, but shall not necessary preclude the granting of the area variance. "The difficulty of expanding the existing lot was not self-created. The existing lot is the narrowest lot in the neighborhood.

Chairman Davison - Thank you. Any Board members have and immediate questions on what you just heard? I believe we received some communications since your last visit. Will you read the communications into the record? Please.

Staff Davis- The Fire Department has no objections as long as the New York State Fire and Building codes and NFPA13 are followed and all necessary permits are granted.

Chairman Davison – Asked if the Fire Department took a look at it, because the side yards were kinda narrow and it might be narrower. They past to share that concern.

Staff Davis – The Police Department – The Department of Public Safety has reviewed the attached application for area variance to 112 Washington Street. The applicant is proposing the addition of a bedroom and kitchen at said location. The undersigned finds that the proposed conversion will not create any public safety concerns. The Department of public has no objection to the application as submitted.

The ARB recommendation:

At a regular meeting of the Architectural Review Board held on Wednesday, February 26, 2014, we the Architectural Review Board began reviewing and assessing the aesthetic features of this proposal and; therefore, recommend:

- That the Zoning Board should consider that the proposed zoning envelope which will be created by the variances if granted will permit a structure which may be architecturally appropriate.
- However, the proposed rear deck should conform to the zoning code in order for the house and structure to be architecturally appropriate.

Note: This recommendation does not restrict the Architectural Review Board during Certificate of Appropriateness review (when applicable) from abiding by Chapter 10-6 and Chapter 10-7 of the City's Charter.

Applicant stated that he will follow up with his architect with the ARB recommendations received by Mr. Long.

Chairman Davison – Asked if any other members of the Board have any questions for the applicant. Are there any members of the public who wish to speak in favor or opposition of this applicant? Let the record show no one has stepped forward. Is there a member of the Board that would like to make a motion to close public hearing?

Board Member Greene – Makes a motion to close public hearing.

Board Member Solan-Fullan - Second

Chairman Davison All in Favor – (4) Board members The motions is granted. Chairman Davison advised the applicant that they are welcome to stay for deliberations later in the public hearing.

3.2 Calendar No. 1708-Z 60 South Third Avenue (Section 165.70, Block 3111, Lot 18) located within the DB Zoning District.

Application of Amani Charter School represented by attorney Jack Adesso, is requesting the following variances:

- Use Variance. The applicant seeks to operate a school. Schools are not permitted in this zone. – This is a deviation from the uses permitted within the DB zone.
- Parking. The applicant is required to have x number of parking spaces. The applicant is not proposing any parking spaces – This is a deviation from dimensional regulations of the Zoning Code.

The applicant is requesting the aforementioned variances to operate a school at this premise.

SEQRA Determination: This action is a coordinated “Unlisted Action”; therefore, the Board must declare its intent to be “Lead Agency” to assess the environmental significance.

Chairman Davison reads item into record.

Jack Addesso – He has seated with him is Debra Stern from the Amani School and her husband Charles Stern one of the School Board of Trustees. The applicant gives background details about the case. The last time the applicant was before the Board the meeting was adjourned and awaiting comments from the Planning Board, who has not responded to the parking request and would like to move on to the one item that can be addressed. We received a revised Plan Examiners report dated February 4, 2014 which occurred pretty soon after the last meeting before the Board. The architect has addressed that the top part of the school was not part of the application and they are only leasing the building he would like to only address the parking being used by the Amani School.

Chairman Davison - You have no intentions to occupy this part of the building.

Jack Addesso - They have no intentions on occupying per say, the top floor of the building and they should only be accountable for the space of the building they are occupying. If you in the future would like to occupy that space, the Board and the City would be in their rights to have you come back and request a various for the additional parking for that space or to show you have additional parking for that space, because any approval by the Board will be based upon the plans you've submitted, the occupy of the floors as you indicate them to be and the parking that's associated with those floors. We've provided 50 parking spaces, ten of them are within a lot that's 200 feet from the building and the other 40 are in a lot that about 600- 800 feet away. One of the things that the Zoning Board would be asked to do is to wave the requirement that we have those spaces on site and that we are allowed the space off site at these two locations that we indicate on our plans. On our plan: our site plan and the development of the application that we've made. So we provide basically 50 spaces. So even if in the future Amani comes back before the Board the parking would be an additional 10 spaces, based on these calculations. The only other issues we would want to address are issues raised by the Planning Board: I don't know if they are going to raise any issues which you were asking them to do, since there's no response, when it does come in, I would like to get it and address it promptly.

Chairman Davison – What we are trying to do is to get them to respond by the next meeting. If you're not at the meeting, we will try at best we can to get you a copy, so you will have a fair opportunity to address it. I would like to be a position to resolve this matter at our next meeting, it's been on the calendar for three or four occasions and we've had a lot of discussion about this, but we haven't had much public discussion I'll try and take some tonight but I think we're ready to resolve this matter at the next meeting.

Jack Addesso – The fact the Planning Board meets tomorrow night, I will be at that meeting because I'm on the agenda presuming that they respond at that meeting, I will be right there.

Chairman Davison - Are there any other issues you want to raise Mr. Addesso?

Jack Addesso - No, I would just say that, if Board in granting approval, would make a condition that the development of that top floor would require by Amani would come back to apply for the necessary various on the spaces or provide the necessary spaces. We will be willing to consent to such a condition. And finally just want to pose upon the Board the importance of moving this case along; they have to get into this building by August.

Chairman Davison - I think we can resolve this at the very next meeting , some of these questions are answered. Let me take this opportunity: is there anyone here present tonight that would like to be heard

in support of opposition to this application. Let the record show that no one has stepped forward. Would someone like to make a motion that this matter be adjourned to the next meeting?

Board Member Anderson – So moved and second by Board Member Green.

All in Favor

ITEM #4 CONCEPT PLAN

4.1 1 Bradford Road (Section 165.66, Block 2204, Lot 1 & 1.1)

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

Chairman Davison reads item into record.

Mark Wyngart - introduces himself and begins to speak on behalf of One Bradford Road. We have a potential project which we approached the Mayor's Office and the City Planning Department a few weeks ago explaining our client had a piece of property under contract and would be developing plans that would be interested to knowing whether or not this was a project that the City would be interested in. One of the reasons is that it requires re-zoning. We approached the Mayor's Office and he encouraged us to go forward and last week with the City Council and has a conversation with the City Planning Commissioner who said has a very positive response with the City Council.

Chairman Davison – I would like to Board to understand that we will be going back and forth with this and no matter what we say or do tonight no way limit our future action when it comes back to us when it's official.

Mark Wyngart - We think we've located a very unique piece of property. 2.8 acres over on Bradford Road. It's over by Wilson Wood Park off the Hutchinson River Parkway. It's idea is to find the highest and best use for that particular property which is why this idea came up, which would require re-zoning to get it from the LI over to the M15. It would be a luxury high end rental apartment multi family homes in that area. It's a 30 million project, a long term owner and the big issue is parking.

Stewart Lachs - We have designed pre design for a 5 story residential building, approximately 24,000 square feet footprint. It's a mixture of studio, one bedroom and two bedrooms. There's outdoor amenities and indoor as well. He continues to show the floor and parking plans.

Chairman Davison – Asked if the Board had any questions for this presentation. No members had questions. Thank you for your presentation. The Chair then went into deliberation for 112 Washington Street Calendar #1707Z. The applicant and architect made a very good presentation in what was asked from the Board. I have had the opportunity to visit the applicants block and I think that the applicant should be commended in trying to improve his house in a neighborhood, where other people are making improvements as well. The applicant has met all the elements for his application. The ARB has made a recommendation that the deck should conform to the shape of the house. We might want to make that a condition of the relief that we grant.

Board Member Green: Made motion to granting the relief of the application

Board Member Sloan-Fullan: Second

All in Favor

Roll call...

**Irwin Davison
Barbara Anderson
Lucinda Solan-Fullan
Maxine Greene**

Meeting adjourned.

**ITEM #5 RECOMMENDATION AND LEAD AGENCY NOTICE – Mount Vernon
Urban Renewal Agency**

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

5.1 Proposed Adoption of an Urban Renewal Plan

Recommendation

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”.**

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

Note: The Zoning Board will host its work session on March 12, 2014 at 4:00pm in the City Council’s Committee Room.

The next regular meeting of the Zoning Board of Appeals, following the upcoming meeting on March 18, 2014 the next public meeting is scheduled to be held on Tuesday, April 8, 2014.

William Long

Planning Administrator

cc: Mayor Ernest D. Davis
Nichelle Johnson, Chief of Staff
George Brown, City Clerk
Jaime Martinez, Acting Commissioner

Building Department
Lobby
Press
Susanne Marino, Deputy Commissioner