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STATE OF NEW YORK
CITY OF YONKERS

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Minutes of
The City of Yonkers Zoning Board
November 15, 2016, 6:00 P.M.
at
City Hall
40 South Broadway
Yonkers, New York 10701-3892
-----X

B E F O R E:

JOSEPH CIANCIULLI, Chairman
JAMES BLANCHARD, Member
DIANE PEARSON, Member
NANCY LITTLE, Member (Absent)
HARRY SINGH, Member
JEFFREY LANDSMAN, Member
VINCENT GIORGIO, Member

P R E S E N T:

WILLIAM SCHNEIDER, Commissioner
ALAIN NATCHEV, Assistant
Corporation Counsel
LEE ELLMAN, Planning Department

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PROCEEDINGS

THE CHAIRMAN: Ladies and gentlemen, the November 15, 2016 Zoning Board of Appeals public hearing is now in session. Will the members introduce themselves? Mrs. Pearson.

MRS. PEARSON: Diane Pearson.

MR. BLANCHARD: James Blanchard.

MR. GIORGIO: Vincent Giorgio.

MR. LANDSMAN: Jeffrey Landsman.

MR. SINGH: Harry Singh.

THE CHAIRMAN: I'm Joseph Cianciulli. Ms. Little is absent. On my immediate right is the Building Commissioner Bill Schneider. On my left is Corporation Counsel who represents the Board, Alain Natchev. To my far right is the Planning Director, Lee Ellman. Will everybody please stand for the Pledge of Allegiance.

(Pledge of Allegiance.)

THE CHAIRMAN: Board members, we'd like to wish everybody and happy and healthy Thanksgiving next week. Okay.

1 PROCEEDINGS

2 Please be seated.

3 Can I have a motion to accept the
4 minutes of the last hearing?

5 Mr. Singh?

6 MR. SINGH: Yes.

7 THE CHAIRMAN: Anybody second?

8 MR. GIORGIO: Second.

9 THE CHAIRMAN: Everybody in favor,
10 say aye.

11 (Chorus of Ayes.)

12 THE CHAIRMAN: Anybody opposed?

13 That passes six, one absent. We have
14 some decisions tonight, ladies and
15 gentlemen. And I will set a few rules
16 that we have. One rule is that we
17 don't allow talking. If you talk, I'm
18 going to ask you to please go outside.
19 Otherwise, I'm probably going to tell
20 you to go outside and I don't want to
21 do that really.

22 If you have a cell phone, turn it
23 off, please. If it goes off, I'm going
24 to take up here and keep it here, and
25 tonight I may get out of here at

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PROCEEDINGS

10 o'clock. I don't know what time we're going to get out tonight. Turn that one off. Please, that's disrespectful.

If you have any magazines or newspapers, we don't allow that in here either. That's disrespectful to everybody in the room. As Chairman of the Board I have the right to take the decisions and the cases in any order I wish.

Tonight we're not going to have any decisions on -- I'm going to give a read-back. We're not going to have a decision on Case 5506. That's Warburton Avenue. We're not going to make a decision on that tonight.

There will not be a decision on 5509. That's Hawthorne Avenue/Prospect Avenue.

We're not going to have a decision on 22 Marion Avenue. So I'm going to make a motion that we put those on for the last hearing. Do I have a second?

1 PROCEEDINGS

2 MR. GIORGIO: Second.

3 THE CHAIRMAN: Everybody in favor,
4 say aye.

5 (Chorus of Ayes.)

6 THE CHAIRMAN: Any opposed? That
7 carries six, one out.

8 We do have a decision on 290
9 Palisade Avenue. Is there anybody here
10 representing 290 Palisade Avenue?
11 Okay.

12 We're going to have a decision
13 tonight on 307 Hawthorne Avenue. Is
14 there anybody here representing 307
15 Hawthorne Avenue? Is there anyone here
16 representing 307 Hawthorne Avenue?
17 Okay. We're going to put that decision
18 over until after the hearing -- at the
19 end of the hearing, since there is
20 nobody here.

21 We will have decision tonight on
22 70 Douglas Avenue. Is there anybody
23 here representing 70 Douglas Avenue.
24 At the same time we will have -- have a
25 seat.

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PROCEEDINGS

THE WITNESS: Mr. Chairman --

THE CHAIRMAN: There's no open floor here. You want to come up here and talk to me, come up and talk to me.

Is there anybody here tonight on 74 Inwood Street? Okay. We have a decision on that.

Mr. Veneruso is here tonight on Central Park Avenue. Is there anybody else here on Central Park Avenue? We have a decision on that tonight, too.

First case up for decision tonight, ladies and gentlemen, is on this Case No. 5474A, 290 Palisade Avenue. If you'd like come up here and sit here, you can come up and see us. Mr. Landsman.

MR. LANDSMAN: Yes, Mr. Chairman.

THE CHAIRMAN: Forget about reading that top part. Just start from the motion.

MR. LANDSMAN: I make a motion to approve the variances referred above, based on facts, findings, and

PROCEEDINGS

1
2 information presented to the Zoning
3 Board at the public hearing and
4 otherwise obtained.

5 The subject property is an
6 apartment building of three stories
7 with 100 apartments on Palisade Avenue
8 between High Street and Flagg Street.
9 Verizon is proposing the installation
10 of six panel antennas and related
11 equipment to be placed on the roof of
12 the building. In February of this
13 year, 2016, variances were granted to
14 affix the six cell towers on the
15 bulkhead at an actual height for the
16 building then of 57 feet 5 inches, but
17 it was revised to higher at 66 feet and
18 11 inches. The owner objected wishing
19 the placement be at the lower height.
20 The revised new proposal as of this
21 date is that the height be less, at 57
22 feet 5 inches as requested by the
23 owner, and recently represented to the
24 Zoning Board of Appeals a second time.
25 The Zoning Board is satisfied and,

PROCEEDINGS

1
2 again, requires the applicant to
3 install any related equipment according
4 to safety regulations and Mr. Ellman's
5 recommendation and in consultation with
6 the City Engineers.

7 In essence, therefore, the use
8 variances are permitted once again by
9 the Zoning Board of Appeals, as
10 explained in the former motion,
11 August 16, 2016.

12 In order to grant the use
13 variance, the Board must be satisfied
14 on four points of law:

15 1. The applicant cannot realize a
16 reasonable return as shown by competent
17 financial evidence.

18 2. The alleged hardship is unique
19 and does not apply to a substantial
20 portion of the district or
21 neighborhood.

22 3. The requested variance will
23 not alter the essential character of
24 the neighborhood.

25 4. The alleged hardship is not

PROCEEDINGS

1
2 self-created.

3 All of these points as relates to
4 the use variance are not required to be
5 proven in the case of the public need
6 provision and Telecommunications Act of
7 1996, which allows telecommunication
8 carriers to assess public need in the
9 case of cell towers and in this case
10 the FCC ruling prevails to allow the
11 use for this case as presented.

12 In order to grant an area
13 variance, the Board must be satisfied
14 on five points of the law:

15 1. Whether an undesirable change
16 would be created in the neighborhood or
17 detriment to nearby property would be
18 caused by the granting of the variance.

19 The property in question is in an
20 MG primarily residential neighborhood,
21 with many similar type of apartment
22 buildings. The Zoning Board has
23 visited the site multiple times and
24 finds that there is no apparent
25 detriment to the neighbors in granting

PROCEEDINGS

1
2 this area variance. It is to be noted
3 that as a public facility and in
4 accordance with federal law, the
5 permission must be granted to
6 telecommunication companies, though
7 working closely with the City the
8 applicant is bound to make the cell
9 structures themselves compliant to the
10 aesthetic requirements.

11 2. Whether the benefits sought by
12 the applicant can be achieved by some
13 other method feasible for the applicant
14 other than the variance.

15 It appears to the Board that the
16 benefit to the applicant outweighs the
17 detriment to the neighborhood, and is
18 not bound to suggest another feasible
19 means.

20 3. Whether the requested
21 variances are substantial.

22 It is the position of the Board
23 that the variance requested appears to
24 be substantial, however, does not
25 preclude the granting of the variance

PROCEEDINGS

1
2 for reasons cited above.

3 4. Whether the proposed variance
4 will have an adverse effect or impact
5 on the physical or environmental
6 conditions in the neighborhood or
7 district.

8 As indicated above, the Board
9 believes that there will not be an
10 adverse effect or impact on the
11 physical or environmental conditions in
12 the neighborhood.

13 5. When the alleged hardship is
14 self-created.

15 It is the opinion of the Board
16 that the hardship is not self-created
17 and, in fact, must comply with the
18 government mandate in the
19 Telecommunications Act of 1996, that
20 service be made available to cellular
21 services.

22 However, there are conditions that
23 will need to be met before the granting
24 of the variance:

25 1. That all health, safety, fire,

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PROCEEDINGS

building and environmental codes shall be adhered to at all times by the applicant and the owner.

2. That the owner agrees to permit the inspection of the Department of Housing and Building to determine the conditions are being met.

3. That all taxes or fines, if owed, must be paid in full 45 days from today's date.

4. That any repairs to the roof or sidewalk be the responsibility of the applicant.

5. That all mounting and security of the equipment be according to the plans most recently submitted.

6. All expenses associated with these conditions shall be the responsibility of the applicant and/or owner.

THE CHAIRMAN: Do I have a second on the motion?

MR. SINGH: Second.

THE CHAIRMAN: For the motion,

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Mrs. Pearson.

MRS. PEARSON: For the motion.

THE CHAIRMAN: Mr. Blanchard.

MR. BLANCHARD: For the motion.

THE CHAIRMAN: Mr. Giorgio.

MR. GIORGIO: For the motion.

THE CHAIRMAN: Mr. Landsman.

MR. LANDSMAN: For the motion.

THE CHAIRMAN: Mr. Singh.

MR. SINGH: For the motion.

THE CHAIRMAN: Chairman votes for the motion. Motion is carried six, one absent.

We have one case -- Mr. Giorgio, can I see you? Is there anybody here on Case 5511, School Street? You're here, okay. We are going to make a motion on that case tonight. If you want to come up to listen, you can come up here and listen.

Case 5511, which is a use variance, is at 153 School Street, Block: 192, Lot: 14, a C Zone.

Mr. Giorgio.

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MR. GIORGIO: Case No. 5511, use
variance --

THE CHAIRMAN: You can forget
about the top line. Start from "The
property".

MR. GIORGIO: The property is
located on the western side of School
Street between Bright Place and Herriot
Street. The site is developed with an
abandoned, two-story residential
building.

Mr. Chairman, I make a motion to
deny the requested use variance based
on facts, findings, information, and
testimony presented to this Board at
the public hearing, site visits by
members of the Zoning Board of Appeals,
or otherwise obtained. The Board is
not satisfied that the applicant has
proven that the regulations and
restrictions as contained within the
Yonkers Zoning Ordinance have caused
unnecessary hardship, such that the
applicant has not demonstrated to the

PROCEEDINGS

1
2 satisfaction of the Board such
3 unnecessary hardship for each and every
4 permitted use under the Zoning
5 Ordinance.

6 Specifically, in making its
7 determination, the Board has considered
8 the following:

9 1. Whether the applicant can
10 realize a reasonable rate of return,
11 provided that lack of return is
12 substantial, as demonstrated by
13 competent financial evidence.

14 In order to be granted a use
15 variance, the law is clear that an
16 applicant must prove that he or she
17 cannot realize a reasonable rate of
18 return from each of the uses permitted
19 in the Zoning District, including any
20 existing non-conforming uses. The
21 Board finds that the evidence submitted
22 in support of this application failed
23 to prove that a reasonable rate of
24 return cannot be achieved for each
25 permitted use in the zone. Absent

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adequate dollars-and-cents proof as for each permitted use, the Board must deny the requested relief.

2. Whether the alleged hardship is unique or applies to a substantial portion of the district.

The Board finds that there is no evidence that this particular property suffers a singular disadvantage to an extent that would justify a use variance on the grounds of unnecessary hardship. The applicant did not submit any evidence which spoke to the uniqueness of the alleged hardship.

3. Whether the requested variance, if granted, alter the essential character of the neighborhood.

Based on review of the submitted materials and numerous site visits to the property, the Board finds that the proposed use has the potential to adversely impact the surrounding neighborhood. Most notably, and as

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discussed by the City Engineer in his memo to the Board dated October 13th, the proposed three-family dwelling with no proposed off-street parking spaces would further stress already limited parking resources in the vicinity.

4. Whether the alleged hardship is self-created.

The Board believes the alleged hardship is self-created as the applicant purchased the property approximately two years ago and could have and should have determined the extent to which the zoning may restrict use at the site.

THE CHAIRMAN: Do I have a second on the motion?

MR. LANDSMAN: Second.

THE CHAIRMAN: For the motion, Mrs. Pearson.

MRS. PEARSON: For the motion.

THE CHAIRMAN: Mr. Blanchard.

MR. BLANCHARD: For the motion.

THE CHAIRMAN: Mr. Giorgio.

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MR. GIORGIO: For the motion.

THE CHAIRMAN: Mr. Landsman.

MR. LANDSMAN: For the motion.

THE CHAIRMAN: Mr. Singh.

MR. SINGH: For the motion.

THE CHAIRMAN: Chairman votes for the motion. The motion is carried six, one absent.

Once again, is there anybody else on 307 Hawthorne Avenue? Is there anybody here on 70 Douglas Avenue? You're here on 70 Douglas Avenue?

MS. GRAY: Yes.

THE CHAIRMAN: You want to come up here and hear the decision? We're going to give it.

Case 5513, an area variance, Jennifer L. Gray on behalf of 70 Douglas Avenue, Block: 3037, Lot: 19, in a T Zone. Do I have a motion, please?

MRS. PEARSON: Mr. Chairman.

THE CHAIRMAN: Mrs. Pearson.

MRS. PEARSON: Mr. Chairman, I

PROCEEDINGS

1
2 will like to make a motion to grant
3 this area variance on information
4 supplied at the public hearing, site
5 visits by members of the Zoning Board,
6 and based upon facts and findings
7 otherwise obtained by the Zoning Board
8 of Appeals.

9 This applicant has made an appeal
10 to legalize the front yard parking that
11 has existed for over 40 years. The
12 property is a one-family dwelling that
13 the garage, one car, was converted in
14 the 1960s to livable space and the
15 front of the garage is a single-space
16 concrete driveway.

17 In granting of an area variance,
18 the Board must be satisfied on five
19 points of law:

20 1. Whether an undesirable change
21 would be created in the neighborhood or
22 a detriment to nearby properties would
23 be caused by the granting of the
24 variance.

25 The granting of this variance will

PROCEEDINGS

1
2 not be a detriment to the nearby
3 properties or be an undesirable change
4 in the character of the neighborhood.
5 The front yard parking has existed for
6 40-plus years without complaint from
7 neighbors and three similar houses on
8 Douglas Ave.

9 2. Whether the benefits sought by
10 the applicant can be achieved by some
11 method feasible other than the
12 variance.

13 To relocate the parking is not
14 feasible because the applicant would
15 have to reopen the garage and living
16 space.

17 3. Whether the requested variance
18 is substantial.

19 The variance is not substantial.
20 The front yard parking has existed for
21 over 40 years.

22 4. Whether the proposed variance
23 will have an adverse effect or impact
24 on the physical or environmental
25 conditions in the neighborhood.

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The continuation of the front yard parking will have no adverse effect or impact on the physical or environmental conditions in the neighborhood.

5. Whether the alleged difficulty was self-created.

The hardship is self-created, but that factor alone does not outweigh the other merits of this application.

The Board imposes the following conditions:

1. That all fire, building, zoning and environmental codes, laws and regulations must be adhered to at all times.

2. That smoke, fire and digital read-out carbon monoxide detectors be installed and hooked to a 24-hour outside monitoring system such as ADT.

3. That this dwelling remains one family, no in-law or boarding house set-up.

4. No businesses be operated from this premises.

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5. That the Building Department have the right to inspect the property at least once a year to ensure all Zoning Board conditions are adhered to.

6. That any and all back real estate taxes and/or fines owed be paid within 45 days of today.

Thank you.

THE CHAIRMAN: I'd like to add a condition. Is that okay with you, Mrs. Pearson?

MRS. PEARSON: Pardon?

THE CHAIRMAN: I'd like to add a condition. Is that okay say with you?

MRS. PEARSON: That's fine.

THE CHAIRMAN: That any sidewalks or curbs that are determined by the City Engineer that need replacement or repair be done by the applicant before the CO is issued and paid for by the applicant before the CO, or the applicant or the owner before the CO is issued. Is that okay, Mrs. Pearson?

MRS. PEARSON: Yes.

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THE CHAIRMAN: Do I have a second on the motion as amended?

MR. LANDSMAN: Aye.

THE CHAIRMAN: For the motion, Mrs. Pearson.

MRS. PEARSON: For the motion.

THE CHAIRMAN: Mr. Blanchard.

MR. BLANCHARD: For the motion.

THE CHAIRMAN: Mr. Giorgio.

MR. GIORGIO: For the motion.

THE CHAIRMAN: Mr. Landsman.

MR. LANDSMAN: For the motion.

THE CHAIRMAN: Mr. Singh.

MR. SINGH: For the motion.

THE CHAIRMAN: Chairman votes for the motion. The motion is carried six, one absent.

The next case is Mr. O'Meara on behalf of Case 5514, 66 a/k/a 74 Inwood Street, Block: 6033, Lot: 1.2 in an S-50 Zone. Do I have a motion?

MR. BLANCHARD: Yes, Mr. Chairman.

THE CHAIRMAN: Okay. Mr. O'Meara, would you like to bring your clients up

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PROCEEDINGS

so he can hear it? It's okay with me.

MR. O'MEARA: It's just me.

THE CHAIRMAN: Okay. Who has that motion? Mr. Blanchard, go ahead. Don't read the top part, Mr. Blanchard.

MR. BLANCHARD: Mr. Chairman, the subject property is and has been an oversized lot of 8,500 square feet in a 5,000-square-foot zone improved by a single-family residence for at least 11 years. This has been the Kelly family home and primary residence for Mr. and Mrs. Kelly and their four children, under the age of ten years old. As their family has grown and matured, they have been faced with the reality of providing adequate room for their children while complying with modern day demands.

Mr. Chairman, based on facts and findings submitted to the Zoning Board of Appeals, at a public hearing or otherwise obtained, I make a motion to

PROCEEDINGS

1
2 grant this area variance to
3 Brendan O'Meara, Esq., on behalf of
4 Sean and Heather Kelly, owners, on
5 premises known as 66 a/k/a 74 Inwood
6 Street, Block: 6033, Lot: 1.2 in an S50
7 zone.

8 Mr. Chairman, to grant an area
9 variance it requires to satisfy five
10 points of law.

11 Point No. 1. Whether an
12 undesirable change will be produced in
13 the character of the neighborhood or a
14 detriment to nearby properties will be
15 created by the granting of this area
16 variance.

17 The record contains that the
18 neighbored is compromised of varied
19 residential sizes of different styles
20 on lots of various sizes, including
21 multi-family and single-family homes on
22 similar size and smaller lots.

23 Point No. 2. Whether the benefit
24 sought by the applicant can be achieved
25 by some other method, feasible for the

1 PROCEEDINGS

2 applicant to pursue, other than an area
3 variance.

4 In order to build a safe home that
5 provides the customary modern
6 amenities, including sufficient indoor
7 and outdoor parking, efficient climate
8 control equipment for heating and
9 cooling, the addition of this small
10 addition for their one-family use will
11 cost little hardship to the
12 neighborhood. There is no other
13 feasible method at this location.

14 Point No. 3. Whether the
15 requested variance is substantial.

16 The requested variance is not
17 substantial numerically or practically.
18 It is only a 10-foot addition to the
19 home that extends less than 12 feet
20 into the rear yard setback.

21 Point No. 4. Whether the proposed
22 variance will have an adverse effect or
23 impact on the physical or environmental
24 conditions in the neighborhood or
25 district.

1 PROCEEDINGS

2 The proposed application is a
3 small addition to the one-family home
4 which will be used for the immediate
5 Kelly family only.

6 Point No. 5. Whether the alleged
7 difficulty is self-created which
8 consideration shall be relevant to the
9 decision of the Board of Appeals, but
10 shall not necessarily preclude the
11 granting of the area variance.

12 The variance is self-created.

13 Mr. Chairman, we wish to grant
14 this area variance under the following
15 conditions.

16 1. That all fire, health,
17 environmental, safety, building and
18 zoning codes be adhered to at all times
19 by the applicant and/or owner.

20 2. Smoke, fire, and carbon
21 monoxide detectors be installed
22 throughout the house, and the systems
23 be a hardwired application, linked to a
24 24-hour monitoring service.

25 3. That no business shall operate

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from the premises. This property and structure shall be a one-family home, no in-law, second family or boarding house.

4. That an inspection by the City of Yonkers Building Department be done yearly to ensure all Zoning Board conditions are adhered to.

5. That all, if any, back real estate taxes and/or fines be paid within 45 days of this hearing.

6. That all of the following conditions be completed before a certificate of occupancy is granted.

7. That the garage and driveway be used for non-commercial vehicles and no construction materials be stored on this property.

Thank you, Mr. Chairman.

THE CHAIRMAN: You're welcome. Do I have a second on the motion? Somebody raise their hand.

MR. GIORGIO: Second.

THE CHAIRMAN: On the motion,

1 PROCEEDINGS

2 Mrs. Pearson.

3 MRS. PEARSON: For the motion.

4 THE CHAIRMAN: Mr. Blanchard.

5 MR. BLANCHARD: For the motion.

6 THE CHAIRMAN: Mr. Giorgio.

7 MR. GIORGIO: For the motion.

8 THE CHAIRMAN: Mr. Landsman.

9 MR. LANDSMAN: For the motion.

10 THE CHAIRMAN: Mr. Singh.

11 MR. SINGH: For the motion.

12 THE CHAIRMAN: Chairman votes for
13 the motion. Motion is carried six, one
14 absent.

15 We're going to go to it right now,
16 5512, 307 Hawthorne Avenue. Do I have
17 a motion, please?

18 MR. LANDSMAN: Here. Skip the
19 top?

20 THE CHAIRMAN: What?

21 MR. LANDSMAN: Skip the top part?

22 THE CHAIRMAN: Yes, skip it.

23 What, are you trying to embarrass me?

24 Go ahead.

25 MR. LANDSMAN: I make a motion to

PROCEEDINGS

1
2 approve the request for a area variance
3 subject to the conditions, based upon
4 facts, findings, information and
5 testimony presented to this Board at
6 the public hearing, site visits by
7 members of the Zoning Board and
8 otherwise obtained.

9 The subject property in question
10 is in a residential neighborhood of
11 single- and multi-family homes in the
12 Yonkers neighborhood of Ludlow Park.
13 It is located on the east side of
14 Hawthorne Avenue between Morris
15 Crescent and Beechwood Terrace. In
16 making this determination, the Zoning
17 Board of Appeals shall take into
18 consideration the benefit to the
19 applicant and/or owner if the variance
20 is granted as weighed against the
21 detriment to the health, safety and the
22 welfare of the neighborhood or
23 community by such a grant.

24 In order to grant an area
25 variance, the Board must be satisfied

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PROCEEDINGS

on five points of law:

1. Whether undesirable changes will be produced in the neighborhood or a detriment to nearby properties will be created by granting of the area variance.

The Zoning Board has visited the site multiple times and finds there is no detriment to the neighbors granting this minor variance. Many homes in the area have a garage so this will not be out of the ordinary.

2. Whether the benefits sought by the applicant can be achieved by some other method feasible for the applicant or owner to pursue other than the area variance.

The benefit sought cannot be achieved by any other means since the width of the lot could not accommodate a garage on the side.

3. Whether the request of the variance is substantial.

The variance is substantial. The

1 PROCEEDINGS

2 existing home does not conform to the
3 Building Code requirement for a
4 one-family in T zone. It's the
5 position of the Board that the variance
6 requested appears to be substantial,
7 but does not preclude the granting of
8 the variance for the reasons cited
9 above.

10 4. Whether the proposed variance
11 will have an adverse effect on the
12 physical or environmental conditions of
13 the neighborhood or district.

14 There will be no adverse physical
15 or environmental impact on the
16 neighborhood. The applicants are
17 adding a garage on their property that
18 in no way will adversely affect the
19 environment or the neighborhood. This
20 variance would do nothing to negatively
21 alter the quality of life.

22 5. Whether the alleged difficulty
23 is self-created.

24 The difficulty is self-created.
25 It is clearly so, on the part of the

PROCEEDINGS

1
2 applicant when they decided to build
3 this garage. However, this will
4 greatly improve the quality of life for
5 the applicant. He now needs more than
6 his allocated handicapped space in
7 front of his house for inclement
8 weather.

9 However, there are conditions that
10 will need to be met for the granting of
11 the variance.

12 1. All health, safety, fire,
13 building and environmental codes shall
14 be adhered to at all times by the
15 applicant and/or owner.

16 2. Should the applicant and/or
17 property owner not comply with, breach
18 or violate any of these conditions at
19 any time, the area variance is hereby
20 rescinded and the Zoning Board
21 authorizes the City of Yonkers
22 Department of Housing and Buildings to
23 take appropriate action.

24 3. All expenses associated with
25 these conditions shall be the

PROCEEDINGS

1
2 responsibility of the applicant and/or
3 owner.

4 4. Fire, smoke and carbon
5 monoxide detectors shall be installed
6 and hardwired throughout the dwelling
7 and connected to a 24-hour monitoring
8 system.

9 5. That no business shall operate
10 from this property.

11 6. As determined by the City of
12 Yonkers Engineering Department, if any
13 sidewalks or curbs need repairing or
14 replacing in front of the dwelling,
15 then the owner or applicant must comply
16 with their request before occupancy.

17 7. All taxes and fines, if owed,
18 must be paid in full 60 days from
19 today's date.

20 8. These conditions shall be
21 listed on the C of O and the applicant
22 and/or property owner shall permit
23 inspections at the discretion of the
24 Department of Housing and Buildings,
25 City of Yonkers, at least once per year

1 PROCEEDINGS

2 to determine that conditions are being
3 met.

4 9. That this home shall remain a
5 one-family dwelling, no in-law or
6 boarding house set-up.

7 10. Applicant shall not be
8 allowed to park vehicles in the
9 driveway, in front of the proposed
10 garage, as doing so will block
11 pedestrian traffic on the sidewalk.

12 Thank you.

13 THE CHAIRMAN: You're welcome. On
14 condition No. 6, you say as determined
15 by the City of Yonkers Engineering
16 Department, if any sidewalks or curb
17 need repairing or replacing in front of
18 the dwelling then the owner or
19 applicant must comply with their
20 request. Take out the word occupancy,
21 if it's okay with you, before C of O is
22 issued; is that okay?

23 MR. LANDSMAN: Yes, sir.

24 THE CHAIRMAN: It's already
25 eliminated.

1 PROCEEDINGS

2 MR. LANDSMAN: Yes.

3 THE CHAIRMAN: Thank you. Do I
4 have a second on the motion as amended?

5 MR. GIORGIO: Seconded.

6 THE CHAIRMAN: For the motion,
7 Mrs. Pearson.

8 MRS. PEARSON: For the motion.

9 THE CHAIRMAN: Mr. Blanchard.

10 MR. BLANCHARD: For the motion.

11 THE CHAIRMAN: Mr. Giorgio.

12 MR. GIORGIO: For the motion.

13 THE CHAIRMAN: Mr. Landsman.

14 MR. LANDSMAN: For the motion.

15 THE CHAIRMAN: Mr. Singh.

16 MR. SINGH: For the motion.

17 THE CHAIRMAN: Chairman votes for
18 the motion. The motion carries six,
19 one absent.

20 The next case for a decision is
21 Mr. Veneruso, 5515, it's the Yonkers
22 Honda number 2020 Central Park Ave. If
23 you want to sit down and take some
24 notes, Mr. Veneruso. Do I have a
25 motion, please?

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PROCEEDINGS

MR. GIORGIO: Yes, Mr. Chairman.

THE CHAIRMAN: Mr. Giorgio, forget about reading the top part.

MR. GIORGIO: Mr. Chairman, I make a motion to approve the requested area variances subject to conditions based upon facts, findings, information, and testimony presented to this Board at the public hearing, site visit by the members of the Zoning Board of Appeals or otherwise obtained.

In granting these variances, the Zoning Board of Appeals has taken into consideration the hardship faced by the applicant as weighed against the detriment to the health, safety, and welfare of the neighborhood and community. Specifically, in making its determination, the Board has considered the following:

1. Whether the requested variances would cause an undesirable change in neighborhood character or a detriment to nearby properties.

PROCEEDINGS

1
2 Members of the Zoning Board of
3 Appeals have visited the site multiple
4 times and find no apparent detriment in
5 granting the requested variances. The
6 setbacks relative to parking, parking
7 access lanes, and the property line and
8 structure from the perspective of
9 aesthetics and the use of the physical
10 activity at the property and visibility
11 to neighbors or the surrounding
12 community will not create adverse
13 change. The property fronts on an
14 extremely commercialized street with
15 many of the existing businesses having
16 the same circumstances as they related
17 to parking and setbacks. The lack of a
18 loading berth will have no adverse
19 impact given that the nature of the
20 proposed use does not require one. The
21 height of the retaining wall in the
22 rear of the property will not be
23 visible from either Central Avenue or
24 from the properties behind the site due
25 to the existing stockade fence and

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trees.

2. Whether the benefit sought by the applicant can be achieved by some other feasible means other than granting the proposed variances.

Given existing property characteristics, property usage on all sides, as well as the applicable building code requirements, topography, site conditions and the character of the neighborhood, the Board finds that the benefit sought cannot be achieved by other feasible means.

3. Whether the area variance is substantial.

While some of the requested variances may be numerically substantial, the Board finds that they are not substantial with regard to potential impacts as previously described.

4. Whether the proposed variances will have an adverse effect or impact on the physical or environmental

1 PROCEEDINGS

2 condition of the neighborhood or
3 district.

4 Granting the proposed variances
5 would not result in significant adverse
6 changes to physical or environmental
7 conditions. The site is already built
8 out such that there would not be any
9 significant impacts to physical or
10 environmental conditions when compared
11 to existing conditions. All
12 construction would be conducted under
13 the supervision of the City of Yonkers,
14 Department of Housing and Building and
15 any construction-related impacts would
16 be temporary in nature.

17 5. Whether the alleged difficulty
18 was self-created.

19 While it is possible that the
20 applicant had actual or constructive
21 knowledge of the zoning law prior to
22 acquiring the property, the
23 self-created hardship rule is merely a
24 consideration and does not necessarily
25 preclude the Board from granting the

PROCEEDINGS

requested variances.

In granting these variances, the Board imposes the following condition:

1. All fire, health, environmental safety, building and zoning codes shall be adhered to at all times by the applicant.

2. Fire, smoke, and carbon monoxide detectors, and a fire sprinkler system shall be installed and electrically hardwired and connected to an outside 24-hour monitoring system.

3. All taxes or fines, if owed, must be paid in full within 45 days from today's date.

4. Any repairs and replacement required by the City Engineer to the sidewalks or curbs along Central Avenue or Verona Place shall be repaired and replaced by the owner or applicant before the certificate of occupancy is issued.

5. There shall be no employee parking or parking of stock vehicles on

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PROCEEDINGS

the residential streets behind the
subject property.

6. Construction shall be Monday
through Friday 7:00 a.m. to 5:30 p.m.
only.

7. Any additions or changes must
come back to the Zoning Board of
Appeals for an additional public
hearing and decision.

8. No servicing, washing,
polishing or cleaning of vehicles is
allowed on-site.

9. These conditions shall be
specified on the certificate of
occupancy and the applicant and/or
property owner shall permit periodic
inspections at the discretion of the
City of Yonkers, Department of Housing
and Building at least once every
calendar year to determine that the
conditions are being satisfied.

10. This approval shall be
immediately rescinded should the
property owner violate any condition of

1 PROCEEDINGS

2 this variance at any time.

3 11. All expenses associated with
4 these conditions shall be the
5 responsibility of the applicant and/or
6 owner.

7 Thank you.

8 THE CHAIRMAN: Did you hear the
9 conditions?

10 MR. GIORGIO: Sure.

11 THE CHAIRMAN: Read your last
12 condition to me again.

13 MR. GIORGIO: All expenses?

14 THE CHAIRMAN: The last condition.

15 MR. GIORGIO: All expenses
16 associated with these conditions shall
17 be the responsibility of the applicant
18 and/or property owner.

19 THE CHAIRMAN: You can put down
20 any changes to conditions to the Board
21 shall come back to the Board.

22 MR. GIORGIO: Number 7, any
23 additions or changes back to the Zoning
24 Board of Appeals for additional hearing
25 and decision.

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PROCEEDINGS

THE CHAIRMAN: The last condition, no servicing of vehicles or washing, polishing or cleaning the vehicles in the new building, is that okay with you?

MR. GIORGIO: That is.

THE CHAIRMAN: And I have one more. All outside lighting shall be shown away from the neighbors to the east, is that okay with you?

MR. GIORGIO: That is.

THE CHAIRMAN: Do I have second on the motion as amended?

MR. SINGH: Second.

THE CHAIRMAN: On the motion, Mrs. Pearson.

MRS. PEARSON: For the motion.

THE CHAIRMAN: Mr. Blanchard.

MR. BLANCHARD: For the motion.

THE CHAIRMAN: Mr. Giorgio.

MR. GIORGIO: For the motion.

THE CHAIRMAN: Mr. Landsman.

MR. LANDSMAN: For the motion.

THE CHAIRMAN: Mr. Singh.

1 PROCEEDINGS

2 MR. SINGH: For the motion.

3 THE CHAIRMAN: Chairman votes for
4 the motion. The motion is carried six,
5 one absent.

6 Mr. Veneruso, step up one second.
7 Just identify yourself.

8 MR. VENERUSO: James Veneruso,
9 Veneruso, Curto, Schwartz and Curto, 35
10 East Grassy Sprain Road, Yonkers, New
11 York.

12 THE CHAIRMAN: When we were over
13 there and Ms. Lucadamo was there and
14 myself and Mr. -- was there, the owner
15 of the corporation, we talked about one
16 five-foot piece of property between the
17 property that's there now and the
18 property that you intend to build this
19 new addition on.

20 MR. VENERUSO: Yes.

21 THE CHAIRMAN: And we thought that
22 might be a waste to leave it like that.

23 MR. VENERUSO: Correct.

24 THE CHAIRMAN: So what I'm going
25 to do, if you want to, if your client

1 PROCEEDINGS

2 wants to, if you want to make another
3 case for next month, send it in, you
4 can eliminate that and see what we can
5 do to help you out with that. Maybe we
6 can give you the decision next month
7 also. I'm not guaranteeing anything.
8 All I'm telling you is I thought that
9 was a waste of space.

10 MR. VENERUSO: Agreed,
11 Mr. Chairman. Thank you.

12 THE CHAIRMAN: So you can do what
13 you want. It's up to you.

14 MR. VENERUSO: Thank you, Mr.
15 Chairman.

16 THE CHAIRMAN: Thank you, sir.

17 We're going to take a five-minute
18 recess, please. Thank you.

19 (Whereupon, a brief recess was
20 taken.)

21 THE CHAIRMAN: Ladies and
22 gentlemen, the first case tonight on
23 the agenda -- we're going to hold off
24 comment for a few minutes. The first
25 case tonight is 5516, an area variance,

PROCEEDINGS

1
2 Frank Fontana, owner, on behalf of
3 himself, to legalize a shed in the rear
4 year having exceeded maximum permitted
5 height of the shed, Section 43-41.0.3,
6 required 8 foot maximum, proposed 10
7 foot 6 inches, on the premises known as
8 6 Via Trenta Court, Block: 4867, Lot:
9 2, an C60 zone.

10 Is Mr. Fortuna here?

11 MR. FONTANA: Yes.

12 THE CHAIRMAN: Are you an
13 attorney, sir?

14 MR. FONTANA: Excuse me?

15 THE CHAIRMAN: Are you an
16 attorney?

17 MR. FONTANA: No, I am not.

18 THE CHAIRMAN: Raise your right
19 hand. Do you solemnly swear to tell
20 the truth, nothing by the truth, so
21 help you God?

22 MR. FONTANA: Yes, I do.

23 THE CHAIRMAN: State your name and
24 address.

25 MR. FONTANA: Frank Fontana, 6 Via

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PROCEEDINGS

Trenta Court, Yonkers, New York, 10710.

THE CHAIRMAN: Is your last name Fortuna?

MR. FONTANA: Fontana.

THE CHAIRMAN: I apologize to you. Mr. Fontana, has everybody within a 200-foot radius been notified?

MR. FONTANA: I can't hear you. I'm sorry.

THE CHAIRMAN: Has everybody within a 200-foot radius been notified?

MR. FONTANA: Yes.

THE CHAIRMAN: Did anything come back that was undeliverable?

MR. FONTANA: Yes, two envelopes.

THE CHAIRMAN: At the end of this hearing give them to the Commissioner. At the end of this hearing you hand them to the Commissioner.

MR. FONTANA: I didn't know I had to bring them with me.

THE CHAIRMAN: Then you mail them in.

MR. FONTANA: Yes.

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PROCEEDINGS

THE CHAIRMAN: Is there anybody here tonight on this case? This case is on Via Trenta Court. It's off of Jackson Avenue, off of Fort Hill Road. Mr. Fontana's house is the second house on the right as you go in. Is there anybody here tonight on this? Present your case, please.

MR. FONTANA: I bought the shed. I didn't know I had to even get a permit for it. I saw it at Home Depot and it had a barn roof on it and I didn't know there was any restrictions. When I went for the building permit, they -- for my certificate of occupancy, they told me that I need a building permit and then they told me that it's too high. So I don't know what to do at this point because it's up and they told me to file for a variance.

THE CHAIRMAN: All right. So you bought the shed at Home Depot and you brought it home?

1 PROCEEDINGS

2 MR. FONTANA: I didn't bring it
3 home. I had -- Sheds USA comes over
4 and puts it up for you. It's a prefab
5 thing and they put it together.

6 THE CHAIRMAN: Is it on a
7 foundation?

8 MR. FONTANA: It's not a
9 foundation. It's hooked up with a
10 wire, they said. It's a wire system is
11 what they told me.

12 THE CHAIRMAN: There's no kitchen
13 in it, is there?

14 MR. FONTANA: A who?

15 THE CHAIRMAN: Is there a kitchen
16 in?

17 MR. FONTANA: A kitchen?

18 THE CHAIRMAN: Kitchen.

19 MR. FONTANA: It's a shed, your
20 Honor. It's a shed.

21 THE CHAIRMAN: Don't call me your
22 Honor. It's Mr. Cianciulli or
23 Mr. Chairman, and anything I say is not
24 funny.

25 MR. LANDSMAN: Call him

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PROCEEDINGS

Mr. Chairman.

THE CHAIRMAN: I have been here a long time. I have seen it all, believe me. That's why I asked you if there's a kitchen in it. And your answer is no?

MR. FONTANA: No.

THE CHAIRMAN: Okay. Fine. What do you use the shed for?

MR. FONTANA: For storage basically of my holiday decorations and seasonal decorations and stuff for the backyard.

THE CHAIRMAN: Do we have permission to come over and look at the shed?

MR. FONTANA: Yes, you do.

THE CHAIRMAN: At the end of the hearing you talk to the Commissioner, give him your phone number. He is going to call me and I'm going to come over with a member of the Board and the Commissioner. We're going to take a look at the shed. We're working around

1 PROCEEDINGS

2 your schedule, okay?

3 MR. FONTANA: Sounds good to me.

4 THE CHAIRMAN: It sounds good to
5 me, too. If I find a kitchen in
6 there -- if I find a kitchen in there,
7 you better have a big piece of filet
8 mignon for me.

9 Any questions of the Board? I
10 hope not. Anybody here tonight in
11 favor of this application? Anybody
12 here tonight against it? This case is
13 closed. Reserve the right to reopen at
14 any time whatsoever, and for any reason
15 whatsoever, and that includes after the
16 decision is made. Make your
17 arraignments now. Come up.

18 MR. FONTANA: Thank you.

19 THE CHAIRMAN: Everybody is
20 laughing, but the Commissioner was just
21 telling me a story. His mother lives
22 in Long Island. About three houses
23 down from his mother this guy buys a
24 shed and he is living in there. He
25 doesn't want to live with his wife, so

PROCEEDINGS

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2 he's living in there. He has a
3 kitchen, he has everything. I live
4 with my wife. Don't worry.

5 Mr. Romano, step up, please. The
6 next case tonight is Mr. Romano's case.
7 It's an area variance, 5517,
8 Mr. Romano, on behalf of 44 Sea Cliff
9 Avenue Corporation, owner, for a
10 rehearing of existing approval of 4473,
11 expired, that's a case we had, to
12 continue construction of a new
13 one-family dwelling having insufficient
14 lot width, per Section 43-55, Table
15 43-7, required is 60; proposed is 30,
16 also height of the structure and
17 driveway grade to be clarified for
18 zoning code compliance, on premises
19 known as 18 Via Trenta Court, Block:
20 4866, Lot: 5 in an S50 zone.

21 Mr. Romano, will you please
22 introduce yourself?

23 MR. ROMANO: Andrew Romano, 20
24 South Broadway, Yonkers, New York on
25 behalf of the applicant Sea Cliff

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PROCEEDINGS

Avenue Corporation, the owners of 18
Via Trenta.

THE CHAIRMAN: Mr. Romano, has
everybody within a 200-foot radius been
notified, sir?

MR. ROMANO: Yes, Mr. Chairman.

THE CHAIRMAN: Did any of them
come back as undeliverable?

MR. ROMANO: Yes, sir. One
return.

THE CHAIRMAN: You will give it to
the Commissioner at the end of the
hearing.

MR. ROMANO: Yes, sir.

THE CHAIRMAN: Is there anybody
here tonight on this case also on Via
Trenta Court? This case is about the
fourth house up on the right-hand side.
It's on the corner. Is there anybody
here on it tonight? Proceed,
Mr. Romano.

MR. ROMANO: Mr. Chairman, I was
here when this case was approved in
2002 or 2001, actually. As the Board

1 PROCEEDINGS

2 is aware, we kept getting extensions on
3 this. There was a foreclosure,
4 bankruptcy --

5 THE CHAIRMAN: One second,
6 Mr. Romano. Mr. Landsman, you said
7 there was a gentleman who was hard of
8 hearing?

9 MR. LANDSMAN: That was the last
10 man.

11 THE CHAIRMAN: That guy?

12 MR. LANDSMAN: Don't you think so?

13 THE CHAIRMAN: Why didn't you say
14 so? When is your term up?

15 MR. LANDSMAN: It's over any
16 minute.

17 THE CHAIRMAN: I'm sorry,
18 Mr. Romano.

19 MR. ROMANO: That's all right. I
20 went to the ear doctor today, too.

21 THE CHAIRMAN: I don't want to
22 hear this from you.

23 MR. ROMANO: Yes, sir.

24 Mr. Chairman, we built the house,
25 probably 90 percent of the house. We

PROCEEDINGS

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2 needed another extension and we were
3 denied that extension. Apparently my
4 client sent a letter. I understand
5 it's been 15, 16 years on this. If the
6 Board goes up there, you will see the
7 house pretty much is built. There's
8 utility connections, most of the work
9 inside has been done, most of the work
10 outside has been done. What we're
11 looking is to extend the permit on the
12 house that the Board approved. We met
13 every zoning condition that was
14 originally approved on this house back
15 in 2001. All we're trying to do is
16 complete it, God willing.

17 The headache for the last couple
18 of years, there were secondary leans on
19 the property which prohibited
20 financing. That took lawyers about
21 four or five years to eliminate. As
22 this Board knows, the foreclosure
23 business is a nightmare. It takes so
24 many years, as a broker can tell you.
25 So all we're looking -- the house is

1 PROCEEDINGS

2 already there and we'd like the same
3 Board conditions because we've already
4 complied with them, and that's about
5 it.

6 THE CHAIRMAN: How many kitchens
7 are in the house?

8 MR. ROMANO: One, sir.

9 THE CHAIRMAN: How many electrical
10 heaters?

11 MR. ROMANO: One, sir.

12 THE CHAIRMAN: Have all the taxes
13 been paid and all up to date?

14 MR. ROMANO: Yes, sir.

15 THE CHAIRMAN: They have?

16 MR. ROMANO: Yes, sir.

17 THE CHAIRMAN: Any fines due?

18 MR. ROMANO: I don't know,
19 Mr. Chairman. I was not made aware of
20 any fines. I can check with Corp.
21 Counsel on this. I can find out for
22 you. I don't think so. We had one
23 about eight years ago, but I don't know
24 of any recent.

25 THE CHAIRMAN: So what you're

1 PROCEEDINGS

2 going to get me is you're going to get
3 me a certified letter of a -- not a
4 certified letter.

5 MR. ROMANO: Notarized?

6 THE CHAIRMAN: An affidavit saying
7 that the taxes have been paid in full
8 for the last tax payment and that there
9 are or aren't any fines paid. If
10 there's fines due and taxes due, you're
11 going to pay them before the decision
12 is handed down.

13 MR. ROMANO: That's my
14 understanding.

15 THE CHAIRMAN: It's my
16 understanding.

17 MR. ROMANO: That's my
18 understanding of you.

19 THE CHAIRMAN: I'm telling you
20 what you're going to do. You're going
21 to pay the taxes and pay the fines.
22 Case closed.

23 MR. ROMANO: Yes, sir.

24 THE CHAIRMAN: That's the first
25 thing. Let me ask you a question. Is

1 PROCEEDINGS

2 there a piece of property involved in
3 this in the back of this house?

4 MR. ROMANO: A piece of property
5 in the back?

6 THE CHAIRMAN: Yes, if I remember
7 correctly.

8 MR. ROMANO: That my client owns?

9 THE CHAIRMAN: What?

10 MR. ROMANO: That my client owns?

11 THE CHAIRMAN: Yes.

12 MR. ROMANO: I don't know, sir.

13 THE CHAIRMAN: Will you find out
14 for me?

15 MR. ROMANO: Yes, sir.

16 THE CHAIRMAN: And is it part of
17 this appeal -- part of this appeal,
18 part of this case.

19 MR. ROMANO: Sure.

20 THE CHAIRMAN: If it isn't part
21 it, if there's a piece back there, a
22 semi-landlocked or landlocked, I want
23 to know about it. So you notify the
24 Board.

25 MR. ROMANO: Absolutely.

1 PROCEEDINGS

2 THE CHAIRMAN: Any questions of
3 the Board? Okay. Let me ask you
4 another question. If we give you
5 permission and you answer these
6 questions that I gave you tonight and I
7 have you back here in the next 10 or 15
8 days, if we give you permission to do
9 this, do I have to make you post a bond
10 or when are you going to start and when
11 are you going to finish?

12 MR. ROMANO: There's really not
13 that much left to do it.

14 THE CHAIRMAN: I can do it via the
15 code.

16 MR. ROMANO: What's that?

17 THE CHAIRMAN: I can do it via the
18 code, if I want to. I don't want to.

19 MR. ROMANO: That's true.

20 THE CHAIRMAN: I want to see this
21 thing finished.

22 MR. ROMANO: It's 15 years,
23 Mr. Chairman. We both were much
24 younger.

25 THE CHAIRMAN: I'm the one that's

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PROCEEDINGS

telling you. You get from your client in writing to this Board, if we give him permission next month, that means he will probably -- the very next day after he gets his building permit, when is he going to start and when he is going to finish the construction. The house is almost finished now.

MR. ROMANO: Right. If I get the permit extension, I can continue tomorrow. The second the permit is extended, if the Board approves it, we can begin tomorrow.

THE CHAIRMAN: You get that information for us. We're tired of seeing the house.

MR. ROMANO: Sure.

THE CHAIRMAN: On the west side of the piece of property there's a vacant lot. Do you own that?

MR. ROMANO: Not that I'm aware, sir. I only dealt with this piece of property. I will find out who owns that property for you. On the area

1 PROCEEDINGS

2 map --

3 THE CHAIRMAN: I'm not going to
4 leave that up to you. You don't think
5 your client owns it?

6 MR. ROMANO: No. I will check it
7 for you.

8 THE CHAIRMAN: Go check it and let
9 me know.

10 MR. ROMANO: Yes, sir.

11 THE CHAIRMAN: I'm going to ask
12 the Building Commissioner to take a
13 look at this. It's a vacant piece of
14 property with a back lot.

15 MR. ROMANO: Right.

16 THE CHAIRMAN: Maybe somebody
17 built a kitchen in the back lot. If
18 your client owns that, I want to know
19 about it.

20 MR. ROMANO: Absolutely.

21 THE CHAIRMAN: Any questions of
22 the Board? Mr. Landsman.

23 MR. LANDSMAN: There's another
24 issue. A Board member on the -- this
25 house has been on the market for years.

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And as public safety, you know, your client has been wanting to sell the house and it's not safe for real estate agents to go into that house. You're climbing over the dirt. Your client has no regard for safety of real estate agents.

MR. ROMANO: I'm not aware of --

MR. LANDSMAN: I'm telling you.

MR. ROMANO: If the permit is extended and there's a mound of dirt --

MR. LANDSMAN: It's been on the market with the dirt and you have to climb through it. Not very satisfactory in my book.

MR. ROMANO: I don't disagree with it.

THE CHAIRMAN: The last gentleman who lives almost next door, we're going to see his shed in the back of his yard. At that time we are going to come over and see this house. You're going to make your arrangements.

MR. ROMANO: Yes, sir.

1 PROCEEDINGS

2 THE CHAIRMAN: Is that okay with
3 you?

4 MR. ROMANO: Absolutely.

5 THE CHAIRMAN: So we're going to
6 come over and see the house inside and
7 out. Make your arrangement with the
8 Commissioner.

9 MR. ROMANO: Yes, sir.

10 THE CHAIRMAN: We will go on from
11 there. At the time I come over, I hope
12 that dirt pile is not in my way because
13 if it is, I have a shovel in the back
14 of the car and you're going to get it.

15 MR. ROMANO: Yes, sir.

16 THE CHAIRMAN: You're going to dig
17 it out.

18 MR. ROMANO: I was doing that this
19 weekend.

20 THE CHAIRMAN: I'm an old man.

21 MR. ROMANO: You're not an old
22 man.

23 THE CHAIRMAN: Don't worry about
24 me. Any other questions for the Board?
25 Is there anybody here tonight to speak

PROCEEDINGS

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2 in favor of this application? Is there
3 anybody here tonight to speak in
4 opposition of this application?
5 Mr. Romano, you will make your
6 arrangements now with the Building
7 Commissioner. This case is hereby
8 closed. Reserve the right to reopen
9 for any reason whatsoever, at any time
10 whatsoever, and that includes after the
11 decision is made.

12 MR. ROMANO: Mr. Chairman, if I
13 may.

14 THE CHAIRMAN: Yes.

15 MR. ROMANO: I apologize. My
16 associate, Ms. Jacqueline Boone. I
17 apologize I didn't introduce her. She
18 is here trying to learn.

19 MS. BOONE: Good evening. How are
20 you?

21 THE CHAIRMAN: Fine. Thank you.
22 Are you a member of the New York Bar?

23 MS. BOONE: I am.

24 THE CHAIRMAN: Good. I hope to
25 see you soon.

1 PROCEEDINGS

2 MS. BOONE: Thank you.

3 THE CHAIRMAN: You're very
4 welcome.

5 The next case is an area variance,
6 5518, an area variance and improvement
7 to a non-conforming use. Peter
8 Clements, Registered Architect of the
9 Property Resources Corporation, on
10 behalf of Municipal Housing Authority,
11 owner, for accessibility modification
12 to entranceway of the Housing Authority
13 owned affordable apartment housing
14 department buildings to bring into
15 accessibility compliance with the code;
16 proposal includes 8 by 8 entranceway
17 work and ramp for handicap access
18 whereas improvement to a non-conforming
19 use requires Zoning Board approval,
20 references Yonkers Zoning Ordinance
21 43-21G; insufficient lot area,
22 Section 43-27, Table 43-3, required
23 80,000 square feet, they're proposing
24 55,000 square feet for Planning Cluster
25 Development; insufficient front yard,

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PROCEEDINGS

Section 43-27, required 20 feet, proposed is 17.7 feet, on 10 Kenmore, proposed 17.5, on 20 Kenmore, proposed 16.7 on 15 Dunbar, proposed 16.8 on 25 Dunbar; on premises known as 15 and 25 Dunbar Street also known as 10 and 20 Kenmore Street, Block: 3116, Lot: 30 in the T zone. Will you introduce yourself, please?

MR. CLEMENTS: Good evening, Mr. Chairman. My name is Peter Clements. I'm the architect for the project. I'm here on behalf of the Housing Authority.

THE CHAIRMAN: Raise your right hand. Do you solemnly swear to tell the truth, the whole truth, and nothing but the whole truth so help you God?

MR. CLEMENTS: I do.

THE CHAIRMAN: What is your address, sir?

MR. CLEMENTS: My residence is at 3 Brookside Lane, Ossining, New York.

THE CHAIRMAN: What we'll do is

1 PROCEEDINGS

2 get to these gentlemen in a little
3 while. Sit down for a minute. Thank
4 you. Now, has everybody within a
5 200-foot radius been notified, sir?

6 MR. CLEMENTS: Yes, sir.

7 THE CHAIRMAN: Did anything come
8 back to you that was undeliverable?

9 MR. CLEMENTS: Not to my
10 knowledge.

11 THE CHAIRMAN: Is there anybody
12 here tonight on this case? This case
13 is over on Runyon Heights. It's
14 between Dunbar Street and Kenmore
15 Street. I'm going to date myself.
16 It's the old School One, which was made
17 into housing at a later date between I
18 think the '50s or early '60s. Is
19 anybody here tonight on this case?

20 To tell you to truth, I have to be
21 honest with you, I don't even know why
22 you should be here. That's the
23 Chairman of the Board. I've been
24 around a long time. It's a public
25 building. I don't know why you should

1 PROCEEDINGS

2 be here. I'm being told by the experts
3 over here that you have to be here.
4 This is something that we ought to
5 change.

6 Present your case, please.

7 MR. CLEMENTS: Yes, sir. Is it
8 all right if we put some boards up --

9 THE CHAIRMAN: Present your case
10 right now. I have other cases. I have
11 a lot of people. I'll decide if I want
12 it.

13 MR. CLEMENTS: I will just relay
14 the basics of the case. At present
15 there are these four buildings that
16 have no handicap access into any of the
17 residences, and we are undertaking to
18 do a renovation of the existing
19 buildings. As part of that, we are
20 proposing to introduce accessibility
21 into one of the four buildings so that
22 the first floor apartments can all be
23 made fully handicap accessible. That's
24 really the purpose of the entire
25 project.

1 PROCEEDINGS

2 We have proposed with this new
3 exterior vestibule that's necessary to
4 physically make it work to get into the
5 building at the level where the floor
6 structure is to do a kind of
7 aesthetically similar vestibule at the
8 other three buildings as well so that
9 there's an aesthetic conformance to the
10 entire four buildings of the project,
11 but the handicap-accessible units will
12 all be in the building that have the
13 ramp.

14 THE CHAIRMAN: So each building is
15 going to have one entrance on Kenmore
16 and one entrance on Dunbar; am I
17 correct?

18 MR. CLEMENTS: Not exactly.
19 There's two buildings that have the
20 entrances on Kenmore and two on Dunbar.

21 THE CHAIRMAN: That's what I'm
22 talking about. You have two on Dunbar,
23 you have one entrance and one other
24 entrance is going to have these
25 handicap facilities, correct? Don't

1 PROCEEDINGS

2 worry about it, please. Let me talk.
3 Then on the other one you're going to
4 have the same thing. I have your plans
5 right here. I read the plans. These
6 are the handicap accessibility and
7 comes into the front yard.

8 MR. CLEMENTS: Right.

9 THE CHAIRMAN: Any questions of
10 the Board? Is there anybody here
11 tonight in favor of this application?
12 Is there anybody here tonight in
13 opposition to it? Do you have anything
14 else to say to me? I didn't eat my
15 dinner yet.

16 MR. CLEMENTS: No, your Honor --
17 Mr. Chairman.

18 THE CHAIRMAN: I don't get paid
19 for this. Believe me when I tell you I
20 don't get paid for this. This case is
21 hereby closed. Reserve the right to
22 reopen for any reason whatsoever, at
23 any time whatsoever, even after the
24 decision is made. Thank you.

25 MR. CLEMENTS: Thank you.

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PROCEEDINGS

THE CHAIRMAN: The next case is a continuation. Mr. Romano, Case 5504 on an area variance, on behalf of Anthony Charles, owner, 5 Conway Terrace, Block: 3215, Lot: 35 in an S50 zone. Mr. Romano.

MR. ROMANO: Yes, sir.

THE CHAIRMAN: Has everybody been notified?

MR. ROMANO: Yes, sir.

THE CHAIRMAN: Is anybody here tonight on this case? If you want to come up here, we have more room in the jury box over here, if you want to take a minute. We have some more room if anybody wants to come up. We can take a few more people up in the front.

Proceed, Mr. Romano.

MR. ROMANO: Mr. Chairman, we're here today on the continuing public hearing at 5 Conway Terrace. The proposal is to build a one-family house on the tax lot located between Conway Terrace and Sudbury Place. The last

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PROCEEDINGS

time I was here I was asked to have a document submitted regarding the blasting, regarding drainage.

Mr. Adalay (ph) I understand has a copy of the letter here regarding why the location of the house and where it will be.

There will be no -- I spoke with Mr. Adalay. There is no blasting proposed on this site at all. It's a very severely sloped site, which the Board is aware. Mr. Adalay indicates in his letter that the reason why we're short on the rear yard is because of the location of the retaining walls and the drainage area and the dry wells, which is explained in the letter dated November 7, 2016.

Overall, I have nothing much more to add, Mr. Chairman, as we already previously talked about. And the owner is here tonight, again, Mr. Chairman.

THE CHAIRMAN: One second, please.

Any questions of the Board? Is there

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PROCEEDINGS

anybody here tonight to speak in favor
of this application? Is there anybody
here tonight to speak in opposition?
This gentleman right here.

Are you an attorney, sir?

MR. FAUSTINI: No.

THE CHAIRMAN: Raise your right
hand. Do you solemnly swear to tell
the truth, the whole truth and nothing
but the whole truth so help you God?

MR. FAUSTINI: Yes, I do.

THE CHAIRMAN: State your name and
address, please.

MR. FAUSTINI: My name is Fernando
Faustini.

THE CHAIRMAN: You have to talk
up.

MR. FAUSTINI: The name is
Fernando Faustini.

THE CHAIRMAN: Your address?

MR. FAUSTINI: 20 Sudbury Drive.

THE CHAIRMAN: Proceed, sir.

MR. FAUSTINI: I'm definitely
against this variance on the house of

PROCEEDINGS

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2 Sudbury Place and the current address
3 is 5 Conway Terrace. I'm against it
4 because this variance, again, because
5 this is going to affect all the people
6 on Sudbury Drive and Sudbury Place
7 because parking is bad the way it is
8 now. There's no parking right now,
9 especially when it snows. On a sunny
10 day, yes, people park on the driveway.
11 When it snows Sudbury Place, which is a
12 short street, it's like 120 feet from
13 Sudbury Drive and it's a dead-end
14 street, there's no parking there. This
15 street is so small.

16 Like I said, the street ends.
17 There's no where -- when these two
18 houses were finished, those cars on
19 Sudbury Place or Sudbury Drive, it's a
20 small street. When it snows, it is bad
21 completely. You cannot go in the
22 driveway. Nobody can go in the
23 driveway, especially on Sudbury Place.
24 Plus, Sudbury Drive, I put my car
25 myself on Sudbury Drive right in front

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PROCEEDINGS

of my house. If I do leave the house for 20 minutes, I come back and the parking is already taken. It's not the neighbor. Other streets around, they leave the car there until the snow melts.

The sanitation do not plow the snow there. There are five driveways there now. With the two new houses, the house that is built and one that has to be built -- there's no parking there. One or two parking is on Sudbury Place. When these houses are finished, when these two houses are finished, they're huge houses. One is already built. The other one is also going to be big.

One of these houses are people moving in into these houses. If it's big house, there probably going to have a lot of people. We don't even know if it's a rental or if they sell the house, but what I'm trying to say is they're big houses and there's going to

1 PROCEEDINGS

2 be a lot of people. A lot of people,
3 that means they're going to have more
4 than one, two cars, perhaps six cars.
5 More than now. Where are they going to
6 put all these cars? There's no place
7 on Sudbury Place entrance. We are
8 tired of the way it is now. The car
9 parked over there, and the car moving
10 around from one side to the other, it
11 is impossible to live like this.

12 I live in the same house 45 years.
13 My house is right at the corner. It's
14 attached to the big house. All I see
15 is a big wall right now there, which I
16 don't mind. We expect it to be either
17 two small houses or one big house. One
18 big house is already there. The owner,
19 he is a business man. He builds the
20 house, two big houses, he sells, makes
21 money and he goes away. He leaves us
22 with a mess in there. This house on
23 Sudbury Place does not belong there.
24 This house does not belong there. If
25 they cannot use Conway, the house

1 PROCEEDINGS

2 should not be there at all, should not
3 be there. The variance should not be
4 given.

5 THE CHAIRMAN: I have to move the
6 hearing. Are there any questions from
7 the Board? Thank you, sir. Anybody
8 else that wants to speak in opposition?
9 This gentleman there.

10 Are you an attorney, sir?

11 MR. CERRA-LIMA: No, I'm not.

12 THE CHAIRMAN: Raise your right
13 hand. Do you solemnly swear to tell
14 the truth, the whole truth, and nothing
15 but the whole truth so help you God?

16 MR. CERRA-LIMA: I do.

17 THE CHAIRMAN: State your name and
18 address, please.

19 MR. CERRA-LIMA: Jack Cerra-Lima,
20 C-E-R-R-A, dash, L-I-M-A, 17 Chatham
21 Terrace.

22 THE CHAIRMAN: Proceed, sir.

23 MR. CERRA-LIMA: I'd like to point
24 out the signs just went up last night
25 by our street. What I heard last

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night -- there wasn't any.

More importantly, this situation was entirely self-created. He bought the property knowing the zoning will not allow for the second house there. There's no surprises. He is saying that it's only going to be as high as the other houses. When you look at Sudbury, it's not going to be an eyesore. But when we look up at it from Conway, are we going to see 30 feet of unsightly support structures from our side from the back of the house? That will be an eyesore. And he's built one big house there already. There's going to be a profit already. It's not a hardship. It's just a matter of wanting to squeeze more money from it.

I know Ridge Hill is completely irrelevant. The fact of our neighborhood is really stressed should be relevant because when you balance the benefit to Mr. Charles against the

PROCEEDINGS

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2 detriment to our neighborhood, that
3 detriment is magnified by the noise
4 pollution that we're already suffering
5 from. A lot of people are being pushed
6 to the point where they've almost had
7 enough and they're ready to leave the
8 neighborhood. There's a lot of uneven,
9 irregular lots that are not level where
10 we are. This case is not unique and
11 it's a substantial variance. If we
12 grant it to him, how can you not grant
13 the same variance for anybody who wants
14 to build on all these other lots and
15 have any concern of the density of the
16 character of the neighborhood? There's
17 a lot of people that think the
18 character of the neighborhood is at
19 risk, so the only thing protecting us
20 now are the zoning laws and we ask that
21 you please protect the neighborhood.

22 THE CHAIRMAN: Any question for
23 this gentleman? Thank you, sir.

24 Is there anybody else here to
25 speak in opposition? This lady right

1 PROCEEDINGS

2 over here, please.

3 Are you an attorney, ma'am?

4 MS. LARENGINI: No.

5 THE CHAIRMAN: Please raise your
6 right hand. Do you solemnly swear to
7 tell the truth, the whole truth, and
8 nothing but the whole truth so help you
9 God?

10 MS. LARENGINI: I do.

11 THE CHAIRMAN: State your name and
12 address, please.

13 MS. LARENGINI: Cindy (ph)
14 Larengini (ph), 2 Sudbury Drive.

15 THE CHAIRMAN: Proceed.

16 MS. LARENGINI: My dad is the one
17 that sold Mr. Charles the property, and
18 at the time he told my father and the
19 entire community he was building a home
20 for himself and his family, and the
21 entire community and neighborhood
22 embraced him and welcomed him since he
23 seemed like a nice family guy. And one
24 of the neighbors even gave her
25 electricity and water to him to help

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PROCEEDINGS

build his house and it turns out he is not moving there with his family. The house is either sold or up for sale. So you need to understand that's the back-story that we all feel duped that that's really not what happened and that wasn't the case.

And I think that is a lot of the reason why so many of us are upset because we feel lied to. And it's not that, oh, not in our community, we don't want this. We did embrace him at first, but then we found out he just wants to do -- he wants to maximize his profit with the land and then somebody else mentioned leave us with the mess.

Something else. Prior it was brought up about the drainage problem. I took pictures from Conway Terrace. For some reason all of the water from Sudbury Drive comes through my father's property at 2 Sudbury Drive and comes down Conway Terrace. And to upset that with construction, the water has to go

1 PROCEEDINGS

2 somewhere, and I don't know whose
3 property that will disturb and what
4 flooding that will cause. I know
5 flooding has been brought up before.

6 I did bring some photos and the
7 gentleman prior to me mentioned about,
8 you know, seeing these walls from
9 Conway Terrace and I do have some
10 photos from some other homes that were
11 built there. To see more of that is
12 just -- it's not acceptable to us as a
13 community and we no longer want to
14 welcome somebody who just wants to
15 maximize the land for a profit and not
16 moving there for his family.

17 THE CHAIRMAN: Any questions of
18 this lady? Thank you, ma'am.

19 MS. LARENGINI: I have the photos,
20 if you want them.

21 THE CHAIRMAN: Thank you.

22 MS. LARENGINI: Those are for you.

23 THE CHAIRMAN: Let the record
24 reflect that this lady has given us
25 one, two, three, four pictures that she

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explained, and we're going to enter them into the minutes. Thank you.

Is there anybody else to speak in opposition? This lady in the back.

Are you an attorney, ma'am?

MS. RIZZO: No, sir.

THE CHAIRMAN: Raise your right hand. Do you solemnly swear to tell the truth, the whole truth and nothing but the whole truth so help you God?

MS. RIZZO: I do.

THE CHAIRMAN: State your name and address.

MS. RIZZO: My name is Lorraine Rizzo, R-I-Z-Z-O, 25 Chatham Terrace.

THE CHAIRMAN: Proceed, please.

MS. RIZZO: Your Honor, I have been there 45 years --

THE CHAIRMAN: Mr. Chairman. Don't forget, I don't get paid for this.

MS. RIZZO: I'm sorry. I've been there 45 years. My dad lived there ten years prior to me living there. I have

1 PROCEEDINGS

2 seen this neighborhood change. It was
3 a nice community, small homes for
4 families. Now all these big monstrous
5 things are coming up. I know they all
6 spoke about some of the stuff, as far
7 as the drainage.

8 Conway Terrace is a disaster.
9 When it snows, it doesn't get plowed.
10 Now, if he builds this house and it's
11 all ice when he builds this house
12 there, all that water from his house is
13 going to come down Conway Terrace, then
14 we can't get up to Chatham because we
15 have to come down Sprain Road onto
16 Conway up to Chatham. The streets are
17 never plowed. We have to call, we have
18 to call, we have to call. We slide
19 down. I have a Jeep and I still slide
20 down.

21 The thing that bothers me is the
22 lying this gentleman has told the
23 people in the neighborhood. Like the
24 young lady said, we welcome people in
25 there, we want a community, we want

PROCEEDINGS

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2 neighbors. But like she also said,
3 when you start building these homes,
4 all these men come, they build these
5 big homes, they leave a mess in the
6 neighborhoods, people park everywhere.
7 The streets you can barely get a car
8 through. Another big house is going to
9 be a disaster. It's a nice, small
10 community, and then they go home with
11 their pockets full and we're suffering.
12 It's not happening only there, but on
13 Conway. It's happening on the bottom
14 of Sprain Road, and it just keeps going
15 and keeps going.

16 I have property across from my
17 house. I don't want to sell it. You
18 know why? I can use the money, but I
19 won't because I don't want somebody to
20 come in, build in front of my house
21 this monstrous home and then leave me
22 with the garbage.

23 THE CHAIRMAN: Any questions of
24 this lady? Thank you, ma'am. Is there
25 anybody else to speak? This lady,

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please.

Are you an attorney, ma'am?

MS. PATTERSON: No, I'm not.

THE CHAIRMAN: Raise your right hand, please. Do you solemnly swear to tell the truth, the whole truth, and nothing but the whole truth so help you God?

MS. PATTERSON: Yes, I do.

THE CHAIRMAN: State your name and address, please.

MS. PATTERSON: Linda Patterson, 46 Chatham Terrace.

THE CHAIRMAN: Proceed, please.

MS. PATTERSON: I'm going to bounce off what everyone is talking about houses being built in our quiet little neighborhood. Most people that have build there haven't lived there. So they build houses, they rent them. And one house that was on Sprain Road at one time that they rented it it was a pot house. The detectives were up there, the house --

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THE CHAIRMAN: It was a what?

MS. PATTERSON: A pot growing house, whoever they rented it to. So we don't know these people that build houses and then leave and rent them. I mean, I have grandchildren living at my house at the time and the bottom of the hill was filled with a house full of pot. I came home, there were detectives everywhere. What is going on here? That's what it was. We're in our community, we're one family, little houses, quaint little houses, quaint neighborhood. We all kind of know each other and then builders come in and build for their profit, they leave and leave us with people that shouldn't be in our neighborhoods, people that we don't want in our neighborhoods, that grow pot or sell drugs and that's what we're worried about. Not only the massive houses that people want to build in our little community but drainage problems, ice problems.

1 PROCEEDINGS

2 Our Councilman John Larkin has
3 been great with us as far as the snow.
4 We call his office, he gets us on the
5 list as soon as possible because we are
6 downstream. We do slide down onto
7 Conway Terrace. And the variance sign
8 that is down on Conway and Chatham
9 Terrace isn't even near the property.
10 We went to the property --

11 THE CHAIRMAN: Ma'am, you speak to
12 me, not to him.

13 MS. PATTERSON: Sorry. We went up
14 to the property last night and the last
15 variance sign that was there was for
16 the October 18th. I don't think a lot
17 of people in the neighborhood even knew
18 there was a meeting tonight.

19 THE CHAIRMAN: Any questions for
20 the young lady? Thank you, ma'am. Is
21 there anybody else to speak in
22 opposition? This gentleman at the top.

23 Are you an attorney, sir?

24 MR. MARTIN: No, I'm not.

25 THE CHAIRMAN: Raise your right

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PROCEEDINGS

hand. Do you solemnly swear to tell the truth, the whole truth, and nothing but the whole truth so help you God?

MR. MARTIN: I do.

THE CHAIRMAN: State your name and address, please.

MR. MARTIN: John Martin. I live on Sudbury Drive.

THE CHAIRMAN: Proceed.

MR. MARTIN: I'm opposed to this because of the parking and how they built it. The street is small enough and they're going to say they're going to put six to eight cars with the two houses. There's not even room for one house with cars if they both park in the driveways. Then six cars are going to be out in the intersection around that circle.

Then they're going to have to park up on Sudbury Drive because when they snowplow, they don't plow that street at all. Maybe once a year, every couple of years. And the drainage

1 PROCEEDINGS

2 problem, we agree with them it's all
3 going to go down hill. I don't care
4 what drainage -- it's going to go in
5 the storm drain and everything is going
6 to go down that hill.

7 It's just even the way he did
8 everything. He worked every weekend
9 until Thanksgiving and I called John
10 Larkin's office and he said I have to
11 call the police department, and then
12 they stopped working on the weekend
13 after Thanksgiving. Thanksgiving I
14 wake up, have a cup of coffee outside
15 and they're working. You just don't go
16 by the rules. So that's pretty much
17 what I have to say.

18 THE CHAIRMAN: Any questions of
19 this gentleman? Thank you. Anybody
20 else to speak? This gentleman.

21 Are you an attorney, sir?

22 MR. NORTH: No.

23 THE CHAIRMAN: Raise your right
24 hand, please. Do you solemnly swear to
25 tell the truth, the whole truth, and

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nothing but the whole truth so help you
God?

MR. NORTH: Yes, sir, I do.

THE CHAIRMAN: State your name and
address, please.

MR. NORTH: My name is Gregory
North. I reside at 2 Sudbury Drive,
Yonkers, New York.

THE CHAIRMAN: Proceed.

MR. NORTH: My father is the one
who sold Mr. Charles the property and
at the time he said he wanted to build
a house for his family. He said he had
three kids. And included with the sale
of the property of the house that he
just recently built we gave him the
other property as well with the
stipulation that it could not be built
on or be built with extreme difficulty,
as what's happening now. I know one
day he came by and he said to me
brazenly that he was just going to
bulldoze through the backyard, and I
said this is going to be a problem. So

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this is what we're experiencing now.

I have to echo a lot of what the other people are saying, and I've also taken a look at the plans that he has and I notice there's going to be a very large concrete wall with a few bales of hay, which I really don't believe it's going to hold a property back, although I'm not an architect, but it's going to dramatically change the topography of the area in my dad's backyard and for the people down below on Chatham Terrace. You don't really know where the water is going to go until it's too late and everything is built. By that time it can be too late to change anything. And I don't think the wall with a few bales of hay will hold back that mountain and all the water that is going to come off of that for decades to come.

THE CHAIRMAN: Any questions of this gentleman? Thank you, sir.

Mr. Romano, will you like to say

1 PROCEEDINGS

2 something?

3 MR. ROMANO: I can sum up, if
4 that's appropriate, Mr. Chairman.

5 THE CHAIRMAN: What?

6 MR. ROMANO: I can sum up, if
7 that's appropriate.

8 THE CHAIRMAN: I didn't hear you.

9 MR. ROMANO: I can sum up, if
10 that's appropriate at this time.

11 THE CHAIRMAN: You can sum up, if
12 you want.

13 MR. ROMANO: The variances
14 requested tonight have nothing to do
15 with the dimensions of the house, the
16 parking or anything else that's been
17 discussed here tonight. The variances
18 that are discussed here, there's only
19 two. One of them is because it's
20 located between Conway and Sudbury.
21 It's one of only other reasons is
22 because we're in between two streets.
23 The other reason is because what we
24 tried to do is to solve the drainage
25 problem which is reflected in

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Mr. Adalay's letter, in which if we pushed the house closer to the street on Sudbury so we can put in dry wells, put in drainage, put in things that will actually probably solve the problem that apparently exists now in the neighborhood.

It's a one-family house. I have heard every excuse under the sun about a proposed house. It's a one-family house with one family that lives in the neighborhood. And I know the Board has been out there and they've seen the house that my client built next to it, which is a good house. It's not a ramshackle or bad house. He builds quality work and he will comply with each and every code requirement and each and every need in order to be a part of the neighborhood.

Yes, he probably will sell the house if the Board approves it. But the bottom line is there's been no specific reasons generated by the

1 PROCEEDINGS

2 community as to the variances
3 themselves. The general opposition, as
4 the Board is aware, is not something to
5 take recognition of. But the bottom
6 line is I haven't heard anything that
7 addressed the variances, in fact to the
8 contrary. The construction of the
9 house and the drainage and the dry
10 wells will actually alleviate some of
11 the problems that people have
12 experienced.

13 THE CHAIRMAN: Like what?

14 MR. ROMANO: That they
15 experienced. They talked about
16 drainage but with the walls --

17 THE CHAIRMAN: You made a
18 statement. Explain the statement. How
19 is it going --

20 MR. ROMANO: According to
21 Mr. Adalay's --

22 THE CHAIRMAN: How is the house --

23 MR. ROMANO: Sorry?

24 THE CHAIRMAN: How is the house
25 going to alleviate the problems of the

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water?

MR. ROMANO: In looking at Mr. Adalay's plan pursuant to the letter dated November 7, 2016, which was requested by the Board, regarding why the location was pushed up to avoid the necessity of extra long tall retaining walls and to accommodate the required water retention using dry wells, which is reflected on the plans, on the lower part of the lot which has less rock area, better water filtration into the ground in the middle of the lot. So the design of the house is permitting the house to control the drainage better than obviously what's there now. Because apparently what is there now is not wells. It's a disaster apparently.

THE CHAIRMAN: You want to move that housing closer to the street?

MR. ROMANO: We moved it up higher to avoid the issue of higher retaining walls, higher dry wells -- and run off.

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That's why it's up there higher.

THE CHAIRMAN: How close to the street did you move it?

MR. ROMANO: It's supposed to be 25; it's 15. And remember --

THE CHAIRMAN: That's a side yard, no?

MR. ROMANO: There are side yards according to the --

THE CHAIRMAN: No. The side yards -- what are side yards? They're not 25 and 15.

MR. ROMANO: No. Actually, one is 15 and I believe one is 12 of the side yard.

THE CHAIRMAN: What is the front yard? When you move it up, what is the front yard?

MR. ROMANO: The front yard is -- we meet front yard requirement because you have to do it from Conway, not from Sudbury. So we are meet the front yard. We're way up on the front yard. That's the problem --

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THE CHAIRMAN: What is the distance from the curb -- from the front yard of the house --

MR. ROMANO: On Sudbury?

THE CHAIRMAN: On Sudbury.

MR. ROMANO: On Sudbury it's 15 feet. It's considered a rear yard because Conway is deemed to be the front and that is well beyond any front --

THE CHAIRMAN: So you have two front yards? You have --

MR. ROMANO: Exactly. That's why we're here on the one variance regarding the height because you have to take into consideration the height of both Sudbury and of Conway. And that's -- remember, it's a lot, it's a taxable lot. It's separate. We're not taking land from anybody else. There's an existing tax lot in the map of Yonkers. It's not like we're creating a lot. It's already there. We're just trying to take a difficult lot and to

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PROCEEDINGS

build upon it and protect the drainage as reflected on the plans and reflected by Mr. Adalay.

When he was here, he spoke two sessions ago, two public meetings ago. He indicated what he wanted to do on the plans was based on the new requirements after Hurricane Sandy was actually to retain even more water and prevent more drainage, and then he backed it up with a letter as we know dated November 2nd.

THE CHAIRMAN: We have a lot of concerned people here that live on --

MR. ROMANO: Absolutely. What would be the purpose of building a house that is going to make it worse for the neighborhood? It doesn't serve my client any purpose, it doesn't serve the neighborhood any purpose.

UNKNOWN SPEAKER: Yes, it does.

MR. ROMANO: The concept is -- nonsense.

THE CHAIRMAN: Don't you do that

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PROCEEDINGS

again. Wait a minute. You listen to me. Don't do that again.

MR. ROMANO: I have heard every excuse --

THE CHAIRMAN: Don't you do that again.

MR. ROMANO: I'm dealing drugs --

THE CHAIRMAN: Behave yourself.

MR. ROMANO: I'll behave myself. But I'm dealing drugs out of the house?

THE CHAIRMAN: Don't you act up.

MR. ROMANO: Fine. I apologize.

THE CHAIRMAN: Behave yourself or you are going --

MR. ROMANO: I don't want to be accused of dealing drugs.

THE CHAIRMAN: Nobody accused you of dealing drugs.

MR. ROMANO: They just said it.

THE CHAIRMAN: They did not. They said there was a house there that she seen, they thought there was drugs there. She did not say that you --

MR. ROMANO: I was told that we

1 PROCEEDINGS

2 created a --

3 THE CHAIRMAN: She did not say
4 your client was dealing drugs.

5 MR. ROMANO: I hope not.

6 THE CHAIRMAN: Because that's a
7 lie. She said that somebody in the
8 house over there she thought because
9 the police were they were dealing with
10 drugs.

11 MR. ROMANO: So you're not casting
12 dispersions on my client?

13 THE CHAIRMAN: No. She didn't say
14 your client --

15 MR. ROMANO: Why is it even an
16 issue?

17 THE CHAIRMAN: It didn't come that
18 way to me and I'm Chairman of the
19 Board.

20 MR. ROMANO: Why is it even raised
21 as an issue?

22 THE CHAIRMAN: Because that's the
23 way it is. The citizens can raise any
24 issue they want.

25 MR. ROMANO: That's what I'm

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doing.

THE CHAIRMAN: If I think they're out of order, I'll tell them they're out of order. And right now with that nonsense, that's out of order. You're a subject of the court.

MR. ROMANO: That's absolute fine. I have no problem. I have heard every excuse under the sun. I have non-existing -- what else excuse do you want to put down? It's a one-family house.

THE CHAIRMAN: Mr. Romano, listen to me. I don't know, you have a lot of people here that are awfully upset. They're awfully upset. I don't know why -- listen to them. I listened to them. They're upset. They're upset.

MR. ROMANO: I understand that.

THE CHAIRMAN: Isn't it your job as the attorney to find out if you can maybe come to some kind of compromise or something?

MR. ROMANO: We tried that,

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Mr. Chairman. We tried that --

THE CHAIRMAN: Did you ever think of talking to the neighbors about it? Did you ever think of going up there and going to the back with your client and showing them?

MR. ROMANO: I think my client has been there and spoken to several people.

THE CHAIRMAN: It seems to me there's an awful lot of people here that are upset.

MR. ROMANO: Mr. Chairman, if I meet the parking, how is that an issue? If I meet the drainage requirement set by the state of New York, how is that an issue if I meet each and every standard? They talked about a height. I'm 17 feet below grade, so how is that an issue?

THE CHAIRMAN: Maybe you ought to explain it to them. Maybe you ought to meet with them.

MR. ROMANO: I think we tried that

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PROCEEDINGS

and it didn't go too well two sessions ago. My client is more than willing to try it again.

THE CHAIRMAN: Maybe you ought to make an appointment and go up there and explain it to the people.

MR. ROMANO: I have no problem with that.

THE CHAIRMAN: That's up to you, not up to me.

MR. ROMANO: I understand.

THE CHAIRMAN: Do you have anything else to say to me?

MR. ROMANO: No, sir. I apologize.

THE CHAIRMAN: I'm going tell you something, don't ever act up to me again. You're here all the time. I'm telling you again, don't act up to me again.

MR. ROMANO: Yes, sir.

THE CHAIRMAN: This case is hereby close. Reserve the right to open this case at any time whatsoever, for any

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reason whatsoever, even after the decision is made. Thank you. The case is closed. You can go home if you want. There's not going to be any more tonight.

Mr. Romano, come up here, please.

We have one more piece of legislation to do.

Did you want something, sir?

MR. ROMANO: He always chills.

THE CHAIRMAN: We have one more piece of legislation. It's Case No. 4915, an extension. We're going to give one more extension for this and we're going to try to get this thing finished and mapped up. I'm requesting to make a motion that we give this case at 616 Saw Mill River Road a one-year extension from the October meeting. That's when it ran out. Do I have a second?

MR. GIORGIO: Second.

THE CHAIRMAN: Everybody in favor say, aye.

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(Chorus of Ayes.)

THE CHAIRMAN: I make a motion to
adjourn.

(Chorus of Ayes.)

(Whereupon, at 8:04 P.M., the
above matter concluded.)

I, RICHARD HERRERIA, a Notary
Public for and within the State of New
York, do hereby certify that the above
is a correct transcription of my
stenographic notes.



RICHARD HERRERIA

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