

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
THURSDAY, OCTOBER 13, 2016



Committee of the Whole 6:30 P.M.
Stated Meeting 7:00 P.M.
City Council Chambers

TIME: 7:12PM

PRESENT: PRESIDENT OF THE COUNCIL
 LIAM J. MCLAUGHLIN

DISTRICT:

6	MAJORITY LEADER JOHN J. LARKIN
3	MINORITY LEADER MICHAEL R. SABATINO

COUNCIL MEMBERS:
DISTRICT:

1	CHRISTOPHER A. JOHNSON
2	CORAZON PINEDA - ISAAC
4	DENNIS E. SHEPHERD (ABSENT)
5	MICHAEL B. BREEN

Recitation of the Pledge of Allegiance to the Flag followed by a minute of silence to invoke God's guidance and Blessing upon our deliberations.

Minutes of the stated meeting held on September 27, 2016 approved on motion of Majority Leader Larkin.

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COMMUNICATIONS FROM CITY OFFICIALS

NO COMMUNICATIONS

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COMMUNICATIONS - GENERALLY

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COMMITTEE OF THE WHOLE

NO SPEAKERS

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LOCAL LAW NO.8-2016

BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA-ISAAC, SHEPHERD AND BREEN:

LOCAL LAW AUTHORIZING THE CONVEYANCE OF CITY PROPERTY AT 170 AND 174 WARBURTON AVENUE TO THE MUNICIPAL HOUSING AUTHORITY OF THE CITY OF YONKERS FOR THE REDEVELOPMENT OF SAID PROPERTY.

Be it enacted by the City Council of the City of Yonkers, as follows:

Section 1. General City Law Section 23 and Second Class Cities Law Section 37 are hereby superseded to the extent herein, provided as follows:

The Municipal Housing Authority of the City of Yonkers (hereinafter referred to as "MHACY") is committed to providing decent, safe, and sanitary housing for eligible families through the acquisition, development, construction and preservation of affordable housing in the City; and

MHACY has expressed an interest to the City of Yonkers, as part of its commitment to the revitalization of the Cottage Place Gardens public housing development and of its surrounding neighborhood in southwest Yonkers, to acquire for redevelopment certain property located at 170 and 174 Warburton Avenue, Yonkers, New York, as identified on the Official Tax Map of the City of Yonkers as Section 2, Block 2094, Lots 55 and 58, respectively, and which property is not currently being used nor has it been designated for specific use in the future nor can it be utilized by the City of Yonkers for its intended municipal purpose and is thereby considered surplus; and

The City Council of the City of Yonkers hereby authorizes the Mayor to execute a contract of sale containing substantially the same terms and conditions as set forth below with MHACY, its assignee or designee, for the sale and redevelopment of said property for future redevelopment as stated above. The terms and conditions as set forth below are hereby approved by the City Council, as the redevelopment of this property as stated hereinabove would be in the best interest of the City.

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LOCAL LAW NO.8-2016 (CONTINUED)

Section 2. The above constitutes either a "Type II" action under the State Environmental Quality Review Act ("SEQRA"), specifically a legislative decision in connection with routine or continuing agency administration and management, not including new programs or major reordering of priority (6 NYCRR 617.13 (d) (15) and (21)), and its implementing regulations, 6 NYCRR Part 617, or is not an action under SEQRA, both of which constitute actions determined not to have a significant effect on the environment and therefore do not require further environment review.

Section 3. The consideration for this sale will be One Hundred Thirty-Five Thousand Seven Hundred Seventeen Dollars and 17/100 (\$ 135,717.30), subject to the following express terms and conditions:

1. The property and all improvements situate thereon shall be conveyed on an "as is" basis, without warranty or indemnification as to environmental conditions.
2. MHACY shall have the unilateral right to assign its interest hereunder to an affiliate of MHACY, but any assignment to an unaffiliated third party shall require the City's consent, which consent shall not be unreasonably withheld.
3. MHACY, its assignee or designee shall be required to pay all title costs, applicable transfer taxes and all other costs or fees in connection with the sale.
4. Closing to take place shortly after approval by City Council whereby the total sales price will be due.
5. The Mayor or his authorized designee shall negotiate such other terms and conditions which are in the best interest of the City of Yonkers.

Section 4. This local law shall take effect as provided by law.

THIS LOCAL WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON THURSDAY, OCTOBER 13, 2016 BY A VOTE OF 6-0. COUNCILMEMBER SHEPHERD WAS ABSENT.

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SPECIAL ORDINANCE NO.33-2016

BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA-ISAAC, SHEPHERD AND BREEN:

A SPECIAL ORDINANCE AUTHORIZING AN ENCROACHMENT IN THE CITY RIGHT OF WAY AT 150 ROUND HILL DRIVE, BLOCK 4414, LOTS 17-19, SUBJECT TO CERTAIN TERMS AND CONDITIONS.

The City of Yonkers, in City Council convened, hereby ordained and enacts:

Section 1. Permission is hereby granted to LLC Giovanni as owner (hereinafter "owner") of 150 Round Hill Drive, Yonkers, New York, being designated as Section 4, Block 4414, Lots 17-19, on the Official City of Yonkers Tax Map (the "Property"), to modify, construct and maintain encroachments upon the City right-of-way located on 150 Round Hill Drive, Yonkers, New York in accordance with and as shown on a survey to be approved by the City Engineer and the Commissioner of the Bureau of Housing and Buildings.

Section 2. This permission is granted subject to the following terms and conditions, to wit:

(a) That the entire cost and expense of obtaining and thereafter maintaining the encroachment on 150 Round Hill Drive, Yonkers, New York shall be paid by the owners, its successors and/or assigns without expense to or contribution by the City of Yonkers, for as long as this encroachment shall remain in force. The encroachment will consist of a wall and steps located 4.4 feet south of the southern property line of 150 Round Hill Drive measuring 4.0 feet in height and 33.5 feet in length from the southeast corner of the parcel. Existing steps located south of the wall are to be removed and relocated inside the parameter set #1. Both site plan and survey show removal and relocation.

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SPECIAL ORDINANCE NO.33-2016 (CONTINUED)

(b) That neither the approval of the above-referred survey by the appropriate City official, nor the placement of any improvements by the owner of 150 Round Hill Drive, Yonkers, New York upon said encroachments shall be deemed a waiver, or in any way affect the right, of the City of Yonkers to provide for construction or otherwise improve its right-of-way; provided further that the City of Yonkers reserves the right to assess the property benefited in like manner and in like effect as if approval had not been given by the City of Yonkers. The granting of this permission shall in no way free or release said owner or any successors or assigns from the payment of any assessment hereafter imposed;

(c) That no permanent improvements will be allowed in the encroachments area;

(d) That the owner, its successors and/or assigns, shall secure all necessary permits and consents and shall secure and maintain a property damage and public liability insurance policy naming the City of Yonkers as insured, or as an additional named insured in the amount and form satisfactory to the City Engineer and the Corporation Counsel of the City of Yonkers and provide the City with evidence thereof within thirty (30) days of approval of these encroachments;

(e) The City of Yonkers reserves the right to revoke or terminate this permission for whatever reason, upon thirty (30) days written notice to the owner, whenever it may deem such revocation necessary; upon revocation or termination of this permission, the owner, successors or assigns shall immediately remove any improvement placed within said encroachments at the express direction of the City, and at the owners cost and expense;

(f) That the owner, its successors and/or assigns shall, for whatever period this permission remains in effect, save harmless and indemnify the City of Yonkers for any and all claims, actions, suits, judgments, etc., including all costs related to the defense thereof.

Section 3. This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON THURSDAY, OCTOBER 13, 2016 BY A VOTE OF 6-0. COUNCILMEMBER SHEPHERD WAS ABSENT.

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SPECIAL ORDINANCE NO.34-2016

BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA-ISAAC, SHEPHERD AND BREEN:

A SPECIAL ORDINANCE AUTHORIZING AN ENCROACHMENT IN THE CITY RIGHT OF WAY AT 150 GAILMOR DRIVE, BLOCK 4463, LOT 1, SUBJECT TO CERTAIN TERMS AND CONDITIONS.

The City of Yonkers, in City Council convened, hereby ordained and enacts:

Section 1. Permission is hereby granted to David and Juliana Villalobos as owners (hereinafter "owner") of 150 Gailmor Drive, Yonkers, New York, being designated as Section 4, Block 4463, Lot 1, on the Official City of Yonkers Tax Map (the "Property"), to modify, construct and maintain encroachments upon the City right-of-way located on 150 Gailmor Drive, Yonkers, New York in accordance with and as shown on a survey to be approved by the City Engineer and the Commissioner of the Bureau of Housing and Buildings.

Section 2. This permission is granted subject to the following terms and conditions, to wit:

(a) That the entire cost and expense of obtaining and thereafter maintaining the encroachment on 150 Gailmor Drive, Yonkers, New York shall be paid by the owners, its successors and/or assigns without expense to or contribution by the City of Yonkers, for as long as this encroachment shall remain in force. The encroachment will consist of a wall and fence measuring 8.0 feet in height and 0.67 feet in width and located 3.18 feet north of the southerly curb line of 150 Gailmor Drive and continuing for 45.00 feet in length, starting at a point approximately 30.00 feet east of the western property line from a point where the extended property lines of this parcel for the west and south meet.

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SPECIAL ORDINANCE NO.34-2016 (CONTINUED)

(b) That neither the approval of the above-referred survey by the appropriate City official, nor the placement of any improvements by the owner of 150 Gailmor Drive, Yonkers, New York upon said encroachments shall be deemed a waiver, or in any way affect the right, of the City of Yonkers to provide for construction or otherwise improve its right-of-way; provided further that the City of Yonkers reserves the right to assess the property benefited in like manner and in like effect as if approval had not been given by the City of Yonkers. The granting of this permission shall in no way free or release said owner or any successors or assigns from the payment of any assessment hereafter imposed;

(c) That no permanent improvements will be allowed in the encroachments area;

(d) That the owner, its successors and/or assigns, shall secure all necessary permits and consents and shall secure and maintain a property damage and public liability insurance policy naming the City of Yonkers as insured, or as an additional named insured in the amount and form satisfactory to the City Engineer and the Corporation Counsel of the City of Yonkers and provide the City with evidence thereof within thirty (30) days of approval of these encroachments;

(e) The City of Yonkers reserves the right to revoke or terminate this permission for whatever reason, upon thirty (30) days written notice to the owner, whenever it may deem such revocation necessary; upon revocation or termination of this permission, the owner, successors or assigns shall immediately remove any improvement placed within said encroachments at the express direction of the City, and at the owners cost and expense;

(f) That the owner, its successors and/or assigns shall, for whatever period this permission remains in effect, save harmless and indemnify the City of Yonkers for any and all claims, actions, suits, judgments, etc., including all costs related to the defense thereof.

Section 3. This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON THURSDAY, OCTOBER 13, 2016 BY A VOTE OF 6-0. COUNCILMEMBER SHEPHERD WAS ABSENT.

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RESOLUTION NO.109-2016

BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA-ISAAC, SHEPHERD AND BREEN:

RESOLVED, by the City Council of the City of Yonkers, in meeting assembled:

That the settlement by the Corporation Counsel in the amount of SIX THOUSAND FIVE HUNDRED DOLLARS (\$6,500.00) of the case entitled "IAN BROWN, an infant under the age of Fourteen (14) years by his parent and natural guardian CHRISTOPHER BROWN", residing at 105 Garth Road, Scarsdale, New York 10583, plaintiffs, against "THE CITY OF YONKERS", defendant, for personal injuries and medical expenses arising out of an alleged incident alleging that the infant plaintiff fell from a bleacher at Redmond Park in the City of Yonkers, be and the same hereby is approved and the Comptroller of the City of Yonkers is directed to draw his separate warrants in the first amount of TWO THOUSAND NINE HUNDRED FIFTY-SEVEN DOLLARS (\$2,957.00) in favor of O'Dwyer & Bernstein, LLP, as attorneys, and the second in the amount of THREE THOUSAND FIVE HUNDRED FORTY-THREE DOLLARS (\$3,543.00) in favor of Christopher Brown, as parent and natural guardian of Ian Brown, an infant under the age of fourteen (14) years, jointly with an officer of COUNTRY BANK located at 80 Garth Road, Scarsdale, NY 10583.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON THURSDAY, OCTOBER 13, 2016 BY A VOTE OF 6-0. COUNCILMEMBER SHEPHERD WAS ABSENT.

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RESOLUTION NO.110-2016

BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA-ISAAC, SHEPHERD AND BREEN:

RESOLVED, by the City Council of the City of Yonkers, in meeting assembled:

That the settlement by the Corporation Counsel in the amount of THIRTY THOUSAND DOLLARS (\$30,000.00) of the case entitled RUDOLPH BOONE, Plaintiff v. CITY OF YONKERS, Defendant; court index number 15 Civ. 3665; for violations of civil rights allegedly sustained by plaintiff in the course of arrest by City of Yonkers police officers on April 11, 2013; be and the same hereby is approved and the Comptroller of the City of Yonkers is directed to draw his Warrant in the amount of THIRTY THOUSAND DOLLARS (\$30,000.00) in favor of said plaintiff and his attorney, Devon M. Wilt, payable to "Rudolph Boone and Devon M. Wilt, as Attorney".

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON THURSDAY, OCTOBER 13, 2016 BY A VOTE OF 6-0. COUNCILMEMBER SHEPHERD WAS ABSENT.

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RESOLUTION NO.111-2016

BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA-ISAAC, SHEPHERD AND BREEN:

RESOLUTION OF THE COUNCIL OF THE CITY OF YONKERS
COMMEMORATING THE 89th ANNUAL YONKERS COLUMBUS DAY
PARADE

WHEREAS, it is the sense of this Legislative Body to pay tribute to those whose true purpose and worthy accomplishments foster a spirit of community as they promote and recognize the goals and ideals of the rich cultural heritage of the Italian community; and

WHEREAS, attendant to such concern, and in full accord with its long-standing traditions, this Legislative Body is justly proud to commemorate the 89th Annual Yonkers Columbus Day Parade, to be held on Sunday, the 2nd of October, 2016; this auspicious occasion will be organized by the Yonkers Columbus Day Celebration Committee; and

WHEREAS, the City of Yonkers is truly blessed and proud of its many diverse community groups who play an integral leadership role in preserving and displaying the rich history of each organization represented in our beautiful mosaic of neighborhoods, and

WHEREAS, foremost among these groups is the Yonkers Columbus Day Celebration Committee, who lead the efforts each year to highlight the tremendous achievements and contributions of the Italian-American Community, and

WHEREAS, each year the Yonkers Columbus Day Celebration Committee hosts a series of weeklong events recognizing Columbus Day, which culminates with the Columbus Day Parade up Seminary Avenue to Midland Avenue in October to commemorate its proud heritage with all the residents of Yonkers, and

WHEREAS, a fitting choice to serve as a Grand Marshal of the 2016 Yonkers Columbus Day Parade, the Congress of Italian American Organizations (C.I.A.O) embodies the spirit and the cherished ideals and values of Italian-Americans of this great City; and

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RESOLUTION NO.111-2016 (CONTINUED)

WHEREAS, this parade and its attendant celebrations, including the annual dinner dance, would not be possible without the support and dedication of the Yonkers Columbus Day Celebration Committee, whose board is composed of prominent members of Yonkers Italian-American community led by President Robert Ferrito, and his board members, Lucia Trovato, Dinner Co-Chair; Anthony Gambardella, Dinner Co-Chair and Anthony Merante, General Chairman; and

WHEREAS, these special events provide opportunities for the Committee to bestow well-deserved honors upon outstanding members of the Italian-American community who have selflessly given of their time, expertise and resources to promote the welfare and advancement of not only the Italian American community but also that of our beloved City of Yonkers, and

WHEREAS, this year the Yonkers Columbus Day Celebration Committee has selected distinguished individuals as honorees for the 2016 Columbus Day festivities; Frank & Laura Sinatra, Humanitarian Award Recipients; The Rubbo Family (Carmine, John, Sr. & John, Jr.), Hall of Fame Inductees; and Gia Gambardella, Miss Columbus 2016; and

WHEREAS, the anniversary of Christopher Columbus's arrival in the Americas in October of 1492 has been celebrated unofficially since the late 18th century and officially since the early 20th century in countries around the world; and

WHEREAS, the first recorded celebration of Columbus Day in the United States took place on October 12, 1792 in New York City, in recognition of the 300th anniversary of Columbus' landing in the New World; and

WHEREAS, Columbus Day has also been observed as a celebration of Italian-American heritage since October 12, 1866; and

WHEREAS, in 1937, President Franklin Delano Roosevelt proclaimed October 12th as Columbus Day and a Federal holiday; and

WHEREAS, in 1971, Congress declared the second Monday of October a national holiday in celebration of Columbus Day; and

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RESOLUTION NO.111-2016 (CONTINUED)

WHEREAS, it is only fitting and proper that these joyous festivities take place during October 2016, which is designated as Italian Heritage and Culture Month in the State of New York; and

WHEREAS, the Yonkers Columbus Day Parade provides an opportunity to celebrate the significant contributions of Italian Americans so that all people may know and appreciate Italian history and traditions, and of the role Italian Americans have played, and will continue to play, in our society;

NOW, THEREFORE, BE IT RESOLVED, that this City Council pause in its deliberations to commemorate the 89th Yonkers Columbus Day Parade, to be held on Sunday, October 2nd, 2016; and

BE IT FURTHER RESOLVED, that copies of this Resolution, suitably engrossed, be transmitted to the Yonkers Columbus Day Celebration Committee.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON THURSDAY, OCTOBER 13, 2016 BY A VOTE OF 6-0. COUNCILMEMBER SHEPHERD WAS ABSENT.

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RESOLUTION NO.112-2016

BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA-ISAAC, SHEPHERD AND BREEN:

WHEREAS, § C14-1 of the Yonkers City Charter provides for the creation of a Parks, Recreation and Conservation Board for the City of Yonkers (hereinafter the "Parks Board"); and

WHEREAS, § C14-3 of the Yonkers City Charter provides that the members of the Parks Board are appointed by the Mayor with the advice and consent of the Yonkers City Council; and

WHEREAS, Mayor Mike Spano has appointed Henry Djonbalaj, to be a member of the Parks Board; and

NOW, THEREFORE, BE IT RESOLVED, that, pursuant to § C14-3 of the Yonkers City Charter, the Yonkers City Council hereby gives its approval and consent to the designation of Henry Djonbalaj as a member of the Parks Board for a term to expire on December 31, 2016; and be it

FURTHER RESOLVED, that this Resolution take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON THURSDAY, OCTOBER 13, 2016 BY A VOTE OF 6-0. COUNCILMEMBER SHEPHERD WAS ABSENT.

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RESOLUTION NO.113-2016

BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA-ISAAC, SHEPHERD AND BREEN:

RESOLUTION OF THE CITY COUNCIL OF YONKERS DECLARING THE MONTH OF OCTOBER "ITALIAN AMERICAN HERITAGE AND CULTURE MONTH"

WHEREAS, Italian Americans compose a significant portion of the population of the City of Yonkers; and

WHEREAS, generations of Italian Americans have helped shape the City of Yonkers, and steer the course of our local and national history; and

WHEREAS, bound by enduring values of faith and family, Italian Americans have flourished in all areas of our public and economic life while preserving their proud Italian traditions; and

WHEREAS, despite the fact that many Italian Americans faced social and religious discrimination, they have persevered with hope and hard work to reach for the American dream and helped build our great country; and

WHEREAS, the legacy of these intrepid immigrants is found in the millions of American men, women, and children of Italian descent who strengthen and enrich our country; and

WHEREAS, Italian Americans both in Yonkers and nationwide operate thriving businesses, teach our children, serve at all levels of government, and succeed in a myriad of occupations; and

WHEREAS, drawing on the courage and principles of their forebears, they lead in every facet of American life, dedicating their knowledge and skills to the growth of our great City and country;

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RESOLUTION NO.113-2016 (CONTINUED)

NOW, THEREFORE, BE IT RESOLVED, the City Council of Yonkers recognizes the rich heritage of Americans of Italian descent and celebrates their immeasurable contributions to our Nation by declaring the month of October to be Italian American Heritage and Culture Month.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON THURSDAY, OCTOBER 13, 2016 BY A VOTE OF 6-0. COUNCILMEMBER SHEPHERD WAS ABSENT.

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RESOLUTION NO.114-2016

BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA-ISAAC, SHEPHERD AND BREEN:

WHEREAS, the owner of the property located at 146 Tuckahoe Road, more properly known as Block 2305, Lot 23 on the Tax Assessment Map of the City of Yonkers has submitted an application for a Site Plan Review and a Special Use Permit for the operation of a convenience store in conjunction with an automobile service station to the Planning Board which was approved by the Planning Board in accordance with Article VII and Article IX of the Zoning Code of the City of Yonkers; and

WHEREAS, said Site Plan Review and Special Use Permit had been previously granted by the Planning Board and City Council in 2004, in accordance with Sections 43-74 (A) and Section 43-75 (A) of the Zoning Code, and the applicant is removing three service bays and increasing the size of the convenience store so the owners must submit a new application because of these changes; and

WHEREAS, the site plan was approved by the Engineering Department, the Police Department issued a favorable report on the midnight to 6 a.m. use of the property and the owner submitted a security plan for the site; and

WHEREAS, upon review of the application and the record, this City Council believes it to be in the best interest of the City to grant said application.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Yonkers, in meeting assembled, that the proposed Site Plan and Special Use Permit should be granted and;

BE IT FURTHER RESOLVED, that upon the record and findings of the Planning Board, with respect to the application submitted by the property owner, for a Site Plan Review and Special Use Permit, for the operation of a convenience store in conjunction with an automobile service station at Block 2305, Lot 23 on the Tax Assessment Map of the City of Yonkers, on the property known as 246 Tuckahoe Road Yonkers, New York, pursuant to Article VII and Article IX of the Zoning Code of the City of Yonkers, the decision and actions of the Planning Board of the City of Yonkers are hereby approved, and this approval is subject to any conditions set forth in the decision of the Planning Board and;

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RESOLUTION NO.114-2016 (CONTINUED)

BE IT FURTHER RESOLVED, that all of the conclusions, findings and conditions of the January 13, 2016, February 10, 2016 and March 16, 2016, Public Hearings and the Planning Board Resolution of March 16, 2016, are hereby referenced to and made a part hereof; and;

BE IT FURTHER RESOLVED, that the above constitutes a "Type II" action under the State Environmental Quality Review Act ("SEQRA"), and its implementing regulations, 6 NYCRR Part 617, which is an action determined not to have a significant effect on the environment and therefore does not require further environmental review; and

BE IT FURTHER RESOLVED, that the City Council based upon complaints that may have been received by City Departments, Agencies, including but not limited to the Yonkers Police Department and the City Council reserve the right to review, reconsider and/or revoke the grant of the Special Use Permit for a gas station / convenience store facility to operate between the hours of 12:00 midnight and 6:00 a.m. Said complaints shall be referred to the City's Corporation Counsel who shall report and make recommendations to the City Council based upon a review of verifiable complaints and provide a legal analysis/conclusion thereof. If the City Council should disagree with the analysis and recommendation of the Corporation Counsel, then the City Council may by a majority vote, seek a second opinion from an expert selected by and to be paid for by the City Council. All of the conclusions, findings and conditions of the March 16, 2016, Planning Board Resolution not otherwise inconsistent herewith, are hereby referenced to and made a part hereof; and be it further

RESOLVED, that this Resolution shall take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON THURSDAY, OCTOBER 13, 2016 BY A VOTE OF 6-0. COUNCILMEMBER SHEPHERD WAS ABSENT.

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STATED MEETING
THURSDAY, OCTOBER 13, 2016

RESOLUTION NO.115-2016

BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA-ISAAC, SHEPHERD AND BREEN:

A RESOLUTION AMENDING A PLANNED URBAN REDEVELOPMENT (PUR) SPECIAL USE PERMIT AT BLOCK 2608, LOTS 29, 35 AND 37 ON THE PROPERTIES KNOWN AS 80 & 94 ALEXANDER STREET; BLOCK 2615 LOTS 1, 23 & 29 ON THE PROPERTIES KNOWN AS 35 WATER GRANT AND 145 & 137 ALEXANDER STREET, AND BLOCK 2610 LOTS 12,14, 18, 22, 30, 35,44 AND 48 ON THE PROPERTIES KNOWN AS 33C, 33F AND 33 ½ WATER GRANT AND 79, 85 AND 91 ALEXANDER STREET PURSUANT TO CHAPTER 43, ARTICLE VII OF THE YONKERS ZONING CODE.

WHEREAS, in order to further the development of the aforementioned properties an application for a Planned Urban Redevelopment Special Use Permit for the redevelopment of said property as a Planned Urban Redevelopment project in accordance with Article VII, Section 43-72 (C) of the Zoning Code of the City of Yonkers, has already been submitted to, and approved by the City of Yonkers Planning Board (the "Planning Board"); and

WHEREAS, upon review of the application and the record before it, this City Council believes that the proposed special use complies with Section 43-60 of the Zoning Code and believes it also to be in the best interest of the City to approve the actions taken by the Planning Board; and

WHEREAS, upon review of the application and the record before it, this City Council believes it to be in the best interest of the City to grant said application dated July 13, 2016, subject to all of the conditions and findings approved by the Planning Board and contained in its resolution; and

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
THURSDAY, OCTOBER 13, 2016

RESOLUTION NO.115-2016 (CONTINUED)

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Yonkers, in meeting assembled and in accordance with Section 43-55, that upon the record and findings of the Planning Board with respect to the application, which is included by reference as if fully set forth herein, submitted pursuant to Article VII, Section 43-72 (C) of the Zoning Code of the City of Yonkers for a Planned Urban Redevelopment Special Use Permit at Block 2608, Lots 29, 35 and 37 on the properties known as 80 & 94 Alexander Street; Block 2615 Lots 1, 23 & 29 on the properties known as 35 Water Grant and 145 & 137 Alexander Street, and Block 2610 Lots 12,14, 18, 22, 30, 35,44 and 48 on the properties known as 33C, 33F and 33 ½ Water Grant and 79, 85 and 91 Alexander Street, the decision and actions of the Planning Board of the City of Yonkers are hereby approved.

RESOLVED, this resolution shall take effect immediately.

THIS RESOLUTION WAS ADOPTED AS AMENDED BY THE CITY COUNCIL AT A STATED MEETING HELD ON THURSDAY, OCTOBER 13, 2016 BY A VOTE OF 6-0. COUNCILMEMBER SHEPHERD WAS ABSENT.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
THURSDAY, OCTOBER 13, 2016

RESOLUTION NO.116-2016

BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA-ISAAC, SHEPHERD AND BREEN:

BE IT RESOLVED, that the following applicant(s) are hereby appointed and/or reappointed to the office of Commissioner of Deeds for a period of two years to expire on October 31, 2018

Spiros Kokkoris
735 Palisade Avenue
Yonkers, New York 10703

Floral Designer

RENEWAL

Jacqueline Rega
112 Cook Avenue 1st floor
Yonkers, New York 10701

Clerk

NEW

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON THURSDAY, OCTOBER 13, 2016 BY A VOTE OF 6-0. COUNCILMEMBER SHEPHERD WAS ABSENT.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
THURSDAY, OCTOBER 13, 2016

COMMITTEE REPORTS

THIS MEETING WAS ADJOURNED AT 7:33PM