

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
SPECIAL MEETING
TUESDAY, APRIL 28, 2009

TIME: 10:05PM

PRESENT: PRESIDENT OF THE COUNCIL
 CHUCK LESNICK

DISTRICT:
2 MAJORITY LEADER SANDY ANNABI
4 MINORITY LEADER LIAM J. McLAUGHLIN

COUNCIL MEMBERS
DISTRICT:

1 PATRICIA D. McDOW
3 JOAN GRONOWSKI
5 JOHN M. MURTAGH
6 DEE BARBATO

I, THE UNDERSIGNED PRESIDENT OF THE CITY COUNCIL, PURSUANT TO RULE 1 (2) OF THE CITY COUNCIL RULES, DO HEREBY CALL A SPECIAL MEETING OF THE CITY COUNCIL, TO BE HELD ON TUESDAY, APRIL 28, 2009 IN THE CITY COUNCIL CHAMBERS, FOURTH FLOOR, CITY HALL, YONKERS, NEW YORK AT 8:00 P.M. FOR THE FOLLOWING PURPOSE:

TO DISCUSS AND TAKE ACTION ON:

1. RESOLUTION – RESTORE NEW YORK GRANT FOR 54 AKA 56 WARBURTON AVENUE.
2. ALL OTHER BUSINESS PROPERLY COMING BEFORE THE COUNCIL.

CHUCK LESNICK
CITY COUNCIL PRESIDENT

COUNCIL PRESIDENT LESNICK ANNOUNCED THAT THE CITY COUNCIL WAS OPENING AND CLOSING THIS SPECIAL COUNCIL MEETING BECAUSE THE COUNCIL IS NOT READY TO VOTE ON THESE PROPOSALS. A SPECIAL CITY COUNCIL MEETING WAS SET FOR THURSDAY, APRIL 30, 2009 AT 5:00 P.M.

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COMMITTEE OF THE WHOLE

ANNOTATED AGENDA
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RESOLUTION

1. BY COUNCIL PRESIDENT LESNICK:

WHEREAS, the Greyston Foundation, Inc. (the "Applicant") is the owner of the property located at 54 Warburton Avenue, Yonkers, which property is also known and designated on the tax assessment map of the City as 54 AKA 56 Warburton Avenue, Block 2017, Lots 3, 5, 6, 7, 8, 21, 22, 23, and 24 (the "Property"); and

WHEREAS, in July, 2007, on behalf of the Applicant, an application was filed with the Zoning Board of Appeals for several area variances to permit the construction of a sixteen (16) story "live-work" building containing 108 workforce housing units and an approximately 8,200 square foot restaurant together with 147 parking spaces and related infrastructure on the Property (the "Project"); and

WHEREAS, in October, 2007, persons unrelated to the Applicant filed an "Application for Landmarking and Historic Districting" pursuant to the City's Historic and Landmarks Preservation Law (Chapter 45 of the Yonkers City Code), requesting the establishment of an historic district which would encompass the Property and other parcels in the immediate vicinity of the Property (the "Landmark Application"); and

WHEREAS, the City's Landmarks Preservation Board (the "Landmark Board") referred the Landmark Application to the Planning Board of the City of Yonkers (the "Planning Board") for its review and recommendation as required under the Historic and Landmarks Preservation Law; and

WHEREAS, on January 9, 2008, after considering the Landmark Application at two (2) meetings, the Planning Board recommended against the establishment of a historic district; and

WHEREAS, on February 26, 2008, after considering the Landmark Application at two (2) meetings, the Landmark Board transmitted a favorable report to the City Council for the establishment of a historic district; and

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RESOLUTION (CONTINUED)

WHEREAS, on April 22, 2008, the City Council voted unanimously to establish the historic district; and

WHEREAS, in response to the establishment of the historic district, the Applicant and its consultants redesigned the Project to preserve and restore the facades of six existing structures located on the Property by integrating them into the design of the proposed new building; and

WHEREAS, as redesigned, the Project consists of a twelve (12) story “live-work” building containing 105 workforce housing units and approximately 8,870 square feet of neighborhood retail space, together with 151 on-site parking spaces and infrastructure (the “Modified Project”); and

WHEREAS, on June 6, 2008, the Applicant submitted an amended application (the “Amended Application”) to the Zoning Board of Appeals for variances to permit the construction of the Modified Project; and

WHEREAS, the Amended Application also included an expanded Full Environmental Assessment Form which included an expanded narrative description of the Modified Project and additional supplemental materials; and

WHEREAS, on December 24, 2008, an application for Site Plan and Special Use Permit Approval for the construction of the Modified Project was filed with the Planning Board (the application for Site Plan Approval and Special Use Permit collectively referred to as the “Special Use Permit Application”); and

WHEREAS, on January 9, 2009, the Zoning Board of Appeals, acting as lead agency under the State Environmental Quality Review Act for environmental review of the Modified Project and all related actions, adopted a negative declaration of environmental significance; and

WHEREAS, on January 9, 2009, the Zoning Board of Appeals of the City of Yonkers granted the Amended Application for variances to permit construction of the Modified Project; and

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RESOLUTION (CONTINUED)

WHEREAS, on February 11, 2009, following a duly noticed public hearing (the "Public Hearing"), the Planning Board adopted a resolution approving the Site Plan and Special Use Permit Application for the Modified Project; and

WHEREAS, pursuant to Section 43-51 of the Yonkers Zoning Ordinance, a Special Permit shall not be valid nor take effect until the City Council approves the issuance of such Permit by an affirmative resolution; and

WHEREAS, on February 18, 2009, in accordance with Section 43-55 of the Yonkers Zoning Ordinance, the City Council received a transcript of the Public Hearing and a copy of the Planning Board's Resolution (the "Findings and Decision"); and

WHEREAS, the City Council has duly considered the Special Use Permit Application submitted by the Applicant, together with the transcript of the Public Hearing, the Findings and Decision, and the criteria set forth in Article VII of the Yonkers Zoning Ordinance; and

WHEREAS, the Modified Project remains subject to review and the issuance of a Certificate of Appropriateness by the Landmark Board in accordance with the City's Historic and Landmarks Preservation Law; and

WHEREAS, no demolition, alterations or construction activities may take place on the Property prior to the issuance of a certificate of appropriateness by the Landmark Board;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Yonkers, in meeting assembled that the proposed 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 for a Special Use Permit at Block 2017, Lots 3, 5, 6, 7, 8 & 21-24 on the property known as 54 AKA 56 Warburton Avenue, pursuant to Article VII, §§ 43-51, 43-74(C), 43-78 (C) and Article IX of the Zoning Code of the City of Yonkers, the decision and actions of the Planning Board are hereby approved, subject to the following conditions:

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RESOLUTION (CONTINUED)

- 1) All improvements and conditions to the site shall remain in full force and effect as long as the site remains occupied.
- 2) The historic façade elements of the project and the aesthetic design of the new elements of the project shall remain the responsibility of the Yonkers Landmarks Preservation Board.
- 3) Each unit shall comply with the New York State Building and Fire Prevention Code requirements at the time of occupancy. Any change in use from resident to commercial, or from one commercial use to another commercial use or from a commercial use to a residential use shall require a new certificate of occupancy.
- 4) No live-work unit is permitted on the first floor of any structure
- 5) Vents and other air handling or ventilation equipment, excluding residential type air conditioning sleeves, shall not be permitted to be placed upon any principal façade of any live work building.
- 6) No signs may be erected in any window or on any wall of the building except for a one-foot by one foot flush mounted sign at the building entry for any live-work use within the building. In the case of a building devoted entirely to live-work units, an exception may be made and a building identification or name sign may be permitted. Additionally a three foot by two foot flush mounted directory sign may be permitted at ground level immediately adjacent to the entrance of the building.
- 7) Signage for the first floor commercial uses shall conform to the Yonkers Sign Code. The initial signage provided for these uses shall be reviewed by the Planning Board staff to insure a high level of graphic quality.

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RESOLUTION (CONTINUED)

- 8) This building must conform to all of the conditions pursuant to § 43-78 (C) of the Yonkers Zoning Ordinance, the live-work requirements for a special use permit.

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RESOLUTION

2. BY COUNCIL PRESIDENT LESNICK:

RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR A GRANT FROM NEW YORK STATE'S RESTORE NY COMMUNITIES INITIATIVE IN ORDER TO ASSIST WITH THE REDEVELOPMENT AND RESTORATION OF AND A PORTION OF THE PHILIPSE MANOR HISTORIC DISTRICT ALONG WARBURTON AVENUE AND WELLS AVENUE

WHEREAS, the City of Yonkers is eligible to apply for up to Ten Million Dollars (\$10,000, 000.) in grant funds, from the RESTORE NY Communities Initiative and by the application demonstrate qualifications for the grant and request the full amount it is eligible for; and

WHEREAS, the RESTORE NY Communities Initiative requires that any municipalities who receive grants provide matching contributions of no less than ten percent (10%) of the aggregate amount awarded for each grant; and

WHEREAS, the City of Yonkers' matching contributions may consist of grants from other federal, state and local entities which will be used to provide the matching contributions required should the RESTORE NY Communities Initiative grants be awarded; and

WHEREAS, the project consist of the restoration and rehabilitation of a part of the Philipse Manor Historic District, along Warburton Avenue and Wells Avenue, including Greyston's proposed workforce housing component, two privately owned properties located at 40 and 42 Warburton Avenue; and

WHEREAS, the public notice for the public hearing for the project proposal was noticed in the local daily newspaper for three consecutive days, April 20, April 21, and April 22, 2009, which included the property assessment list for all affected properties in the proposal: and

WHEREAS, the project proposed as described in the attached applications for the RESTORE NY Communities Initiative are consistent with many of the goals in the Yonkers existing Comprehensive Plan,

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RESOLUTION (CONTINUED)

Connections, adopted in 2000, the proposed financing is appropriate for the implementation of the specific project as described in the application and the project described therein facilitate effective and efficient use of public and private resources so as to promote economic development, preserve community resources, and develop and enhance the neighborhoods and surrounding communities, including the infrastructure of said communities in such a way as to attract, create and sustain employment opportunities in the affected areas and in the City in general; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Yonkers hereby authorizes the Mayor to make a grant application for available funding under the RESTORE NY Communities Initiative to which the City shall apply for the maximum amount available for the Philipse Manor Historic District ; and be it further

RESOLVED, that this resolution shall take effect immediately,

