

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 27, 2009

Committee of the Whole 7:30 P.M.
Stated Meeting 8:00 P.M.
City Council Chambers

TIME: 8:30 PM

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

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

Minutes of the stated meeting held on October 13, 2009 approved on motion of Majority Leader Sandy Annabi.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 27, 2009

INDEX

OLD BUSINESS

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
1.LL-9-2009	RACEWAY PERMIT PARKING	6/8
2.GO-7-2009	McMANSIONS	9/12
3.SO-26-2009	CAPITAL IMPROVEMENT BUDGET	13/16
4. R-166-2009	CAPITAL IMPROVEMENT BUDGET (SEQRA)	17
5. R-167-2009	McMANSIONS (SEQRA)	18/19

NEW BUSINESS

6.R-168-2009	SETTLEMENT – SMITH (\$1,000.00)	20
7.R-169-2009	SETTLEMENT – OROSZ (2,750.00)	21
8.R-170-2009	SETTLEMENT – MONTES (\$5,000.00)	22
9.R-171-2009	SETTLEMENT – SULLIVAN (\$15,000.00)	23
10.R-172-2009	MUFORD GARDENS – HOPE VI INTER- MUNICIPAL AGREEMENT	24/25
11.R-173-2009	COMMISSIONER OF DEEDS	26/27
12.R-174-2009	BANNER – SACRED HEART HIGH SCHOOL	28
12A R-175-2009	INSPECTOR GENERAL – BOARD OF EDUCATION AUDITS	29/30
13.R-176-2009	HONARARIUM – PULASKI ASSOC.	31

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 27, 2009

COMMUNICATIONS

1. From Alfred B. DelBello to all Councilmembers, correspondence dated September 23, 2009 forwarding a request and proposed ordinance by Stew Leonard's for an Amendment to the City's Sign Ordinance. REFERRED TO REAL ESTATE
2. From the Westchester County Planning Board a response to the City Council's referral for zone text amendment: Off Street Parking. Copies on Desks. REFERRED TO REAL ESTATE
3. From the Westchester County Planning Board a response to the City Council's referral for McMansion and Downtown Parking Zoning Amendments. Copies on Desks. FILED
4. From the Yonkers Planning Board SEQRA Lead Agency Determination/Coordinated Review for the Buena Vista Avenue Teutonia Development, dated October 16, 2009. Copies on desks. REFERRED TO REAL ESTATE
5. From the Town of Eastchester, notice of a public hearing to be held on Wednesday, November 4, 2009 regarding a zoning amendment to allow for "Senior Citizen Development". Copies on Desks. FILED

RECEPTION OF PETITIONS

A petition to rename a portion of Onondaga Street In memory of Staff Sergeant Hollinsworth. A public hearing has been set for the November 10, 2009 stated city council meeting.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 27, 2009

COMMITTEE OF THE WHOLE

NO SPEAKERS

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 27, 2009

PUBLIC HEARING

PROPOSED GENERAL ORDINANCE

A GENERAL ORDINANCE AMENDING VARIOUS SECTIONS OF THE ZONING CODE OF THE CITY OF YONKERS IN REGARD TO THE BULK OF DETACHED SINGLE AND TWO FAMILY DWELLINGS AND AMENDING DEFINITIONS AND USES. (McMANSIONS).

<u>NAME</u>	<u>ADDRESS</u>
Taffy Williams	Yonkers Resident
Mel Goldstein	Yonkers Resident

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 27, 2009

LOCAL LAW NO.9-2009

1. BY MINORITY LEADER McLAUGHLIN; COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, COUNCILMEMBERS McDOW, GRONOWSKI, MURTAGH AND BARBATO:

A LOCAL LAW AMENDING CHAPTER 109 OF THE CODE OF THE CITY OF YONKERS ENTITLED "VEHICLES AND TRAFFIC" IN REGARD TO RESIDENTIAL PARKING PERMITS IN THE YONKERS RACEWAY/EMPIRE CITY NEIGHBORHOOD.

BE IT ENACTED, by the City Council of the City of Yonkers, as follows:

Section 1.Chapter 109 of the Code of the City of Yonkers entitled "Vehicles and Traffic" is amended, in part, by adding thereto a new Section 109-130 entitled "Residential Parking System, Yonkers Raceway/Empire City Neighborhood" to read as follows:

"Section 109-130. Residential Parking System, Yonkers Raceway/Empire City Neighborhood.

- A. Authority. In accordance with Section 1640-e of the Vehicle and Traffic Law of the State of New York and this Code of the City of Yonkers, the City Council of the City of Yonkers hereby establishes a residential parking permit system in the Yonkers Raceway/Empire City neighborhood of the City of Yonkers, notwithstanding the provisions of any law to the contrary.
- B. Findings and purpose. The City Council has found and determined that residents living in Yonkers Raceway/Empire City neighborhood are suffering interference with the tranquility and quiet enjoyment of their neighborhood by reason of patrons, employee and users of the nearby Yonkers Raceway/Racino who do not use the complimentary parking spaces and shuttle services available at the Raceway/Racino and who use the abutting Yonkers residential streets as a free and convenient alternative, despite the availability of free self parking, valet parking and continuous shuttle service to the parking spaces. These users park on the nearby streets for the perceived convenience and accessibility to the Raceway/Racino. The resulting lack of parking for two hundred and sixty residents on the streets

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 27, 2009

LOCAL LAW NO.9-2009 (CONTINUED)

near their homes in this area has led to traffic hazards, congestion, noise pollution and litter and debris on the streets, sidewalks and lawns. These factors necessitate the enactment of a residential parking system for the residents of this neighborhood.

- C. Exemption. This section shall not apply to motor vehicles registered pursuant to Section 400-a of the Vehicle and Traffic Law.
- D. Restriction. No vehicles shall be parked in the area generally bounded within the Yonkers Raceway/ Empire City area of the City of Yonkers consisting of the following roadways:
 - (1) Belmont Avenue from Orient Street to Yonkers Avenue;
 - (2) Boone Street from Central Park Avenue to Dead End;
 - (3) Clark Street from Central Park Avenue to Orient Street;
 - (4) Loring Avenue from Central Park Avenue to Orient Street; and
 - (5) Chamberlain Avenue from Belmont Avenue to Central Park Avenueunless said vehicle has prominently displayed a permit, obtained from the Parking Violations Bureau of the City of Yonkers, properly affixed to the automobile, allowing parking in said area, for the period of seven days per week, twenty-four hours each day, for each and every day of the year.
- E. Permit fees. The Parking Violations Bureau of the City of Yonkers shall have available for issuance blank permits to be used in this area, at least 20% of which shall be available to be purchased by nonresidents of the Raceway/Empire City parking area. The permit fees shall be paid for any calendar year or part thereof and be set as \$25 for residents and \$50 for nonresidents of the City. The moneys received from said fees shall be credited to the general fund of the City of Yonkers.
- F. The City of Yonkers shall post appropriate signs to be conspicuously posted in the area advising the public of the restricted permit parking.
- G. Penalties. A violation of this provision shall subject the violator to pay a fine not to exceed \$70.”

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 27, 2009

LOCAL LAW NO.9-2009 (CONTINUED)

Section 2. This local law shall take effect immediately.

THIS LOCAL LAW WAS ADOPTED BY THE CITY COUNCIL AT A STATED
MEETING HELD ON TUESDAY OCTOBER 27, 2009 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 27, 2009

GENERAL ORDINANCE NO.7-2009

2. BY: COUNCILMEMBER BARBATO; COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, GRONOWSKI AND MURTAGH:

The City of Yonkers, in City Council convened, does hereby ordain and enact:

Section 1.General Ordinance No. 4-2000 and the accompanying map, also known as Chapter 43 of the Code of the City of Yonkers and more commonly known as the Zoning Code of the City of Yonkers, is hereby generally amended and revised in part as follows:

“Section 43-8 of the Code of the City of Yonkers entitled “Definition of Terms” is hereby amended in part by the addition of the following terms to be placed in alphabetical order within the section:

BASEMENT – The portion of a building that is partly or completely below grade. A basement shall be counted as a story if the distance between the grade and elevation to the floor immediately above equals or exceeds

- a. More than 6 feet above grade elevation;
- b. More than 6 feet above the finished grade elevation for more than fifty percent (50%) of the total building perimeter; or
- c. More than 12 feet above the finished ground level at any point (See Illustration #4.)

Dormer - Any structure whose framing projects out of a sloping roof to form a vertical wall suitable for windows or other openings.

Gross Floor Area

- a) For detached single- and two-family homes - the sum of the gross horizontal areas of the several floors and mezzanine floors of a building and its accessory buildings on the same lot. All dimensions shall be measured between exterior faces of walls.
- b) For all other buildings - the sum of the gross horizontal areas of the several floors and mezzanine floors of a building and its accessory buildings on the same lot, excluding basement or cellar area devoted to parking and mechanical equipment space. All dimensions shall be measured between exterior faces of walls.”

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 27, 2009

GENERAL ORDINANCE NO.7-2009 (CONTINUED)

Section 2. Table 43-3 of the Table of Dimensional Regulations for Dimensional Regulations for Residential Uses is hereby amended in part, by amending the regulations regarding Side yard and Floor Area Ratio for Single and Two-Family Dwellings to read as follows

	<u>S-200</u>	<u>S-100</u>	<u>S-75</u>	<u>S-60</u>	<u>S-50</u>	<u>T</u>
<u>Side yard; one/both (feet)</u>						
<u>Single and two-family dwellings</u>	<u>20/40</u>	<u>15/30</u>	<u>11/23</u>	<u>8/17</u>	<u>6/15</u>	<u>6/15</u>
<u>Side yard; one/both (feet)</u>	<u>MG</u>	<u>M</u>	<u>A</u>	<u>B</u>	<u>BA</u>	
<u>Single- and two-family dwellings</u>	<u>6/15</u>	<u>6/15</u>	<u>6/15</u>	<u>6/15</u>	<u>6/15</u>	
<u>Floor Area Ratio</u>	<u>S-200</u>	<u>S-100</u>	<u>S-75</u>	<u>S-60</u>	<u>S-50</u>	<u>I</u>
<u>Single and two – family dwelling</u>						
Base F.A.R.	.56	.56	.60	.68	.75	1.00
Portion of lot exceeding:						
5,000sf ⁴	...	...	...	...	.50	.67
6,000sf	...	...	...	.46	...	...
7,500sf	...	...	.40	...	...	...
10,000sf	...	.38	...	...	...	...
20,000sf	.38	...	...	...	...	...
<u>Floor Area Ratio</u>	<u>MG</u>	<u>M</u>	<u>A</u>	<u>B</u>	<u>BA</u>	
<u>Single- and two-family dwellings</u>						
Base F.A.R.	1.00	1.00	1.00	1.00	1.00	1.00
Portion of lot exceeding ;						
5,000sf ⁴	.67	.67	.67	.67	.67	.67

Footnote 4: For single and two –family dwellings, the floor area ratio for the lot area that exceeds the minimum lot size in that zone will be sixty seven percent (0.67) of the zone’s base F.A.R.)”

Section 3. Section 43 – 34 of the Code of the City of Yonkers entitled “Supplemental regulations for certain residential uses”, specifically, is hereby amended in part by the addition of new section 43-34 (H) entitled “Detached Single and Two – Family Dwellings” to read as follows:

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 27, 2009

GENERAL ORDINANCE NO.7-2009 (CONTINUED)

(H) Detached Single- and Two-Family Dwellings: Detached single- and two-family dwelling in all residential districts shall be subject to the following additional regulations:

a) Side Setback Plane. Except as provided in subsection B, below, an inwardly sloping 45-degree angle side setback plane begins at a horizontal line 20-feet directly above each side setback line. The 20-foot height of the horizontal line is established for 40-foot deep portions of the lot beginning at the front setback line and extending to the rear of the lot, except that the last portion at the rear of the lot may be less than 40 feet deep. (see Illustration). The side setback plane may be rotated ninety degrees on the lot and provided as a front/rear set back plane to accommodate alternative lot orientations. In such cases, no side setback plane is required.

b) Exceptions to the side setback plane and rear setback plane requirements: The requirements of the side and rear setback planes shall not apply to:

- i) Dormers that do not exceed fifty (50) percent of the horizontal area of the roof upon which they are located;
- ii) Radio or television antennae
- iii) Chimneys or vents

Provided that such features shall exceed the required plane only to the extent necessary to accomplish the purpose for which they are intended to serve.

c) Side Wall Articulation. A side wall of a building that is more than 15 feet tall and is an average distance of 15 feet or less from a side lot line may not extend in an unbroken plane for more than 30 feet along a side lot line. To break the plane, a wall articulation of not less than two (2) feet for a distance of not less than ten (10) feet is required. (See Illustration).

d) Maximum exposed wall height. The maximum exposed height of any wall of a detached single- or two-family dwelling shall be 35 feet as measured from the finished grade at the base of the wall to the eave.(See Illustration.)

e) Administrative relief permitted. The Commissioner of Housing and Buildings shall have the power to grant, in a S-200, S-100, S-75, S-60, S-50, or a T zone, a permit for alteration or extension not exceeding two thousand five hundred (2,500) cubic feet to an detached single- or two-family dwelling, wherein front yard, side yard, rear yard or FAR requirements are at variance with the provisions of this chapter, provided that the applicant for such a permit shall file with the Commissioner written and notarized consents for such alteration or extension of the immediately abutting lot owners. The administrative relief shall be specifically noted on the certificate of occupancy for the building and only one such permit shall be granted. Any additional alterations or extensions in variance with the zoning code may be granted only after compliance with Article VIII, Variances, of the Yonkers Zoning Code.”

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 27, 2009

GENERAL ORDINANCE NO.7-2009 (CONTINUED)

Section 4. These amendments to the Zoning Code of the City of Yonkers shall take effect immediately, excepting completely filed plans for construction or alteration of detached single or detached two family dwellings, filed before the effective date of these amendments, shall be exempt from these requirements.

THIS GENERAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY OCTOBER 27, 2009 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 27, 2009

SPECIAL ORDINANCE NO: 26-2009

3. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, GRONOWSKI, MURTAGH AND BARBATO:

BOND ORDINANCE OF THE CITY OF YONKERS, NEW YORK AUTHORIZING FISCAL YEAR 2009/10 FUNDING FOR VARIOUS CAPITAL PROJECTS INCLUDED IN THE CAPITAL BUDGET FOR THE CITY; STATING THE TOTAL ESTIMATED MAXIMUM COST THEREOF IS \$22,556,476; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF \$22,556,476 BONDS OF SAID CITY TO FINANCE SAID APPROPRIATION.

THE CITY COUNCIL OF THE CITY OF YONKERS, IN THE COUNTY OF WESTCHESTER, NEW YORK, HEREBY ORDAINS (by the favorable vote of not less than two-thirds of all the members of said City Council) AS FOLLOWS:

Section 1. The City of Yonkers, in the County of Westchester, New York (herein called "City"), is hereby authorized to finance the cost of various capital projects as referenced in column A of the attached schedule, each as more fully described in column F of the attached schedule. For each of the objects or purposes, as specified in column A of the attached schedule, the respective estimated maximum costs, including preliminary costs and costs incidental thereto and to the financing thereof, are set forth in column B of the attached schedule, and said respective amounts are hereby appropriated therefor pursuant to the duly adopted Capital Budget for fiscal year 2009/10 of the City. The plan of financing includes the issuance of \$22,556,476 aggregate principal amount of bonds of the City and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriations, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of and interest on said bonds and notes as the same shall become due and payable. Any amounts received by the City or Board of Education from the United States of America and/or the State of New York are hereby authorized to be expended, as referenced column D of the attached schedule, towards the cost of the applicable objects or purposes or the redemption of any notes and bonds issued therefor or to be budgeted as an offset to the taxes for the repayment of the principal of and interest on said notes and bonds.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 27, 2009

SPECIAL ORDINANCE NO: 26-2009 (CONTINUED)

Section 2. Bonds of the City in the respective principal amounts set forth in column C of the attached schedule are hereby authorized to be issued, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriations.

Section 3. The respective periods of probable usefulness for said objects or purposes for which said bonds herein authorized are to be issued, within the limitations of the applicable paragraphs under §11.00 a. of the Law, is set forth in column E of the attached schedule.

Section 4. Each of the bonds authorized by this ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by general tax upon all the taxable real property within the City without limitation of rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this ordinance and of the Law and pursuant to the provisions of Section 30.00, Section 50.00, Sections 56.00 to 60.00, and Section 168.00 of the Law, the powers and duties of the City Council relative to authorizing bond anticipation notes and prescribing the terms, form and contents and all other powers or duties pertaining or incidental to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, and the power to enter into agreements for credit enhancement for said bonds and notes, are hereby delegated to the Commissioner of Finance & Management Services of the City.

Section 6. Pursuant to the provisions of Section 17 of the Special Local Finance and Budget Act of the City of Yonkers constituting Chapters 488 and 489 of the Laws of 1976 of the State of New York (herein called the "Act"), the City is authorized and directed to include the following pledge and agreement of the State of New York (herein called the "State") contained in said Section 17 in this ordinance, and the Act provides that

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 27, 2009

SPECIAL ORDINANCE NO: 26-2009 (CONTINUED)

upon payment for the Bonds by the original and all subsequent holders thereof the inclusion of such pledge and agreement shall be deemed conclusive evidence of valuable consideration received by the State and City for such pledge and agreement and of reliance upon such pledge and agreement by any holder and that any action by the State contrary to or inconsistent with the provisions of such pledge and agreement shall be void: "The state does hereby pledge to and agree with the holders of obligations of the city issued pursuant to the local finance law or this act that the state will not (a) repeal, revoke, repudiate, limit, alter, stay, suspend or otherwise reduce or rescind or impair the power or duty of the city to exercise, perform, carry out and fulfill its responsibilities under this act to the extent that the city incorporates in any bond ordinance or credit agreement covenants and agreements to so exercise, perform, carry out and fulfill such responsibilities, (b) repeal, revoke, repudiate, limit, alter, stay, suspend or otherwise reduce or rescind or impair the rights and remedies of any such holders to fully enforce in a court of law such covenants and agreements so incorporated in the bond ordinance or credit agreement or to enforce the pledge and agreement of the state contained in this section, or (c) otherwise exercise any sovereign power contrary to or inconsistent with the provisions of such bond ordinance or credit agreement, it being hereby determined and declared that the provisions of this act and the powers and duties of the city authorized and imposed hereunder are proper, reasonable and appropriate means by which the state can and should exercise and has exercised its duty under section twelve of article eight of the constitution to prevent abuses by the city in taxation and in the contracting of indebtedness and that the provisions hereof are necessary and in the public interest and proper means to improve market reception for the purchase of bonds and other obligations of the city; provided, however, the foregoing pledge and agreement shall be of no further force and effect if at any time there is on deposit in a separate trust account with the fiscal agent sufficient moneys or direct obligations of the United States of America or the state the principal of and/or interest on which will provide moneys to pay punctually when due at maturity or prior to maturity by redemption in accordance with their terms all principal and interest on all such obligations of the city outstanding, (i) irrevocable instructions from the state and city to the fiscal agent for such payment of such principal and interest with such moneys have been given, and (ii) notice to the holders of such obligation as provided in the bond ordinance or credit agreement has been given, and provided further that such pledge and agreement by the state may be temporarily suspended upon the declaration of martial law in the city in the event of circumstances in the city deriving directly out of a natural disaster

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 27, 2009

SPECIAL ORDINANCE NO: 26-2009 (CONTINUED)

(such as an earthquake or major conflagration or flood but not a snowstorm) or civil disturbance (such as military invasion or civil insurrections but not strikes or crises created by financial abuses or economic events).”

Section 7. The validity of the bonds authorized by this ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such ordinance are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 8. This bond ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish the foregoing ordinance, in full, together with a Notice attached in substantially the form prescribed by §81.00 of the Law in “THE JOURNAL NEWS,” a newspaper published in Yonkers, New York, and in “YONKERS RISING”, a newspaper published in Yonkers, New York, each having a general circulation in the City and hereby designated the official newspapers of said City for such publication.

MOTION BY MINORITY LEADER McLAUGHLIN, SECONDED BY MAJORITY LEADER ANNABI, TO ACCEPT AMENDMENTS THAT WERE HANDED OUT FOR THE ABOVE BOND ORDINANCE IN THE AMOUNT OF \$22,556,476. THE MOTION WAS CARRIED UNANIMOUSLY.

MOTION BY MAJORITY LEADER ANNABI, SECONDED BY COUNCIL PRESIDENT LESNICK, TO ADD IN THE LANGUAGE “AND CONSTRUCTION OF SOUTHWEST YONKERS COMMUNITY CENTER” TO ITEM 15 ON THE ATTACHED BOND CHART. THE MOTION WAS CARRIED BY A ROLL CALL VOTE OF 5-2, COUNCILMEMBERS McDOW AND BARBATO VOTING “NAY”.

THIS SPECIAL ORDINANCE WAS ADOPTED, AS AMENDED, BY A ROLL CALL VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 27, 2009

RESOLUTION NO.166-2009

4. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, GRONOWSKI, MURTAGH AND BARBATO:

WHEREAS, the City of Yonkers City Council is the only agency empowered to approve the Yonkers Capital Budget and amendments and the bond ordinances which fund the plan, and as such is the lead agency for SEQRA approval of all aspects of the Capital Budget:

WHEREAS, the proposed projects for the FY 2009 and 2010 Capital Budget was Type II actions except for the Ashburton Avenue Renewal Project which has a 2006 EIS. Type II actions are those activities that have been defined in Part 617, the statewide implementing regulation pertaining to SEQRA, for requiring no further environmental actions.

NOW, THEREFORE, the City Council hereby issues a negative declaration that the projects in the Capital Budgets for Fiscal Year 2009/2010 except for the projects noted above will not result in any significant adverse environment impacts.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY OCTOBER 27, 2009 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 27, 2009

RESOLUTION NO.167-2009

5. BY COUNCILMEMBER BARBATO: COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, GRONOWSKI AND MURTAGH

RESOLUTION OF THE YONKERS CITY COUNCIL AUTHORIZING THE ISSUANCE OF A DETERMINATION OF SIGNIFICANCE PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT ("SEQRA") RELATING TO THE AMENDMENT OF VARIOUS SECTIONS OF THE ZONING CODE OF THE CITY OF YONKERS.

WHEREAS, there is pending before the Yonkers City Council an ordinance for the amendments of the Zoning Code of the City of Yonkers, specifically § 43-8, Table 43-3 and §43-34 ; and

WHEREAS, the City Council has determined that the proposed amendments of the Zoning Code is a Type I Action under the State Environmental Quality Review Act ("SEQRA") requiring the City Council to comply with the regulations promulgated pursuant to SEQRA; and

WHEREAS, an Environmental Assessment Form has been prepared to assist the City Council in complying with its responsibilities under SEQRA; and

WHEREAS, The City Council has carefully considered the proposed actions and has reviewed the Environmental Assessment Form and the criteria set forth in Section 617.7 of 6 NYCRR Part 617 of the SEQRA regulations and has identified and carefully considered the relevant areas of environmental concern as are fully set forth in said Environmental Assessment Form to determine if the proposed actions will have a significant impact upon the environment; and

NOW THEREFORE, BE IT RESOLVED by the Yonkers City Council that based upon it's review of the Environmental Assessment Form and for the reasons set forth in said Environmental Assessment Form, it is determined that there will be no adverse impact on the environment from the proposed amendments of the Zoning Code of the City of Yonkers; and,

BE IT FURTHER RESOLVED, that the Council President is authorized and directed to sign the Determination of Significance on the

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 27, 2009

RESOLUTION NO.167-2009 (CONTINUED)

Environmental Assessment Form, on behalf of the City Council pursuant to Article 8 of the Environmental Conservation Law, indicating that the proposed actions will not result in any significant adverse environmental impacts and to immediately transmit same to be filed and made available pursuant to the requirements of 6 NYCRR Part 617; 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 TUESDAY OCTOBER 27, 2009 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 27, 2009

RESOLUTION NO.168-2009

6. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, GRONOWSKI, MURTAGH AND BARBATO:

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

That the settlement by the Corporation Counsel in the amount of one thousand dollars 00/100 (\$1,000.00), of the action entitled, "In the Matter of the Claim of Annie G. Smith, (residing at 678 Warburton Avenue, Yonkers, New York) claimant against The City of Yonkers, Respondent", for an alleged accident that resulted in property damage incurred to her vehicle, by a City of Yonkers vehicle on the 23rd of April, 2009, 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 one thousand dollars 00/100 (\$1,000.00), in favor of said claimant.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY OCTOBER 27, 2009 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 27, 2009

RESOLUTION NO.169-2009

7. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, GRONOWSKI, MURTAGH AND BARBATO:

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

That the settlement by the Corporation Counsel in the amount of TWO THOUSAND SEVEN HUNDRED FIFTY DOLLARS AND NO CENTS (\$2,750.00) of the claim entitled, "IN THE MATTER OF THE CLAIM OF ROBERT B. OROSZ AND VERONICA I. OROSZ, (residing at 23 Hillview Avenue, Yonkers, New York) claimants against THE CITY OF YONKERS, respondent", for property damage arising out of an accident in which it is alleged that a City vehicle (a front end loader) backed into their vehicle causing damage on July 13, 2009, 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 TWO THOUSAND SEVEN HUNDRED FIFTY DOLLARS AND NO CENTS (\$2,750.00) in favor of said claimants.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY OCTOBER 27, 2009 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 27, 2009

RESOLUTION NO.170-2009

8. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, MURTAGH AND BARBATO:

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

That the settlement by the Corporation Counsel in the amount of Five Thousand Dollars (\$5,000.00) of the action entitled, "Josephine Montes, (residing at 123 Linden Street, Yonkers, NY 10701), Plaintiff against THE CITY OF YONKERS, Defendant", for emotional injuries arising out of an incident on March 31, 2005 when plaintiff's apartment was searched by Yonkers Police Officers, 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 Five Thousand Dollars (\$5,000.00) in favor of said plaintiff and her attorney Rosenbaum & Rosenbaum, P.C., 110 Wall Street, 21st Floor, New York, New York 10005.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY OCTOBER 27, 2009 BY A ROLL CALL VOTE OF 6-1, COUNCILMEMBER GRONOWSKI VOTING "NAY".

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 27, 2009

RESOLUTION NO.171-2009

9. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS, MURTAGH AND BARBATO:

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

That the settlement by the Corporation Counsel in the amount of Fifteen Thousand Dollars (15,000.00) of the action entitled, "CARLOS SULLIVAN, Individually and as Legal Guardian of Infant, FRANCESCA COLLAZO and Infant, VICMARIE ARCE, ZULEYKA SULLIVAN and THOMAS COLLINS, (residing 363 Walnut Street - Apt 1N, Yonkers, New York 10701), Plaintiffs against THE CITY OF YONKERS, Defendant", for damage arising out of an incident alleging that on June 14, 2007 Yonkers Police Officers improperly conducted a search of plaintiffs residence, 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 Fifteen Thousand Dollars (\$15,000.00) in favor of said plaintiffs and their attorneys Hecht, Kleeger, Pintel & Damashek, 19 West 44th Street, Suite 1500, New York 10036.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY OCTOBER 27, 2009 BY A ROLL CALL VOTE OF 5-2, COUNCILMEMBERS McDOW AND GRONOWSKI VOTING "NAY".

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 27, 2009

RESOLUTION NO.172-2009

10. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, GRONOWSKI, MURTAGH AND BARBATO:

A RESOLUTION AUTHORIZING THE MAYOR OR DEPUTY MAYOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY IN CONNECTION WITH WESTCHESTER COUNTY'S HOUSING IMPLEMENTATION FUND ON BEHALF OF MULFORD I, LP IN SUPPORT OF THE DEVELOPMENT OF THE MULFORD HOPE VI SITE, CONTAINING UP TO APPROXIMATELY 100 DWELLING UNITS ON A PORTION OF THE PROPERTY

WHEREAS, MULFORD I, LP, an affiliate of The Richman Group Development Corporation (the "Developer"), the developer for the Municipal Housing Authority for the City of Yonkers ("MHACY") has received site plan, special permit and subdivision approvals from the Yonkers Planning Board to construct a mixture of 4-6 story elevator buildings, 2-3 story garden walk-up apartments, town houses, and single family homes along with pocket parks, two community buildings that will accommodate management staff, resident amenities and meeting space, for approximately one hundred dwelling units (the "Project"); and

WHEREAS, pursuant to Resolution 144-2009, adopted by the City Council on September 22, 2009, the City was authorized to convey the property by Bargain and Sale Deed to the MHACY to lease to the Developer in an "as-is" condition for the public purpose of providing relocation housing for the Mulford I Hope VI Project; and

WHEREAS, pursuant to the MHACY lease to the Developer, the Developer shall construct the Project; and

WHEREAS, pursuant to Resolutions 42-2009, 43-2009, 44-2009, 45-2009, and 46-2009 each adopted by the City Council on April 14, 2009, the Mayor was authorized, among other things, to apply for available funding under the County of Westchester (the "County") Housing Implementation Fund for the property commonly referred to as "Mulford Hope VI Sites 'D', 'E' and 'I' (also known as the "Vineyard Firehouse Site")"; and

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 27, 2009

RESOLUTION NO.172-2009 (CONTINUED)

WHEREAS, the County has agreed to make such funds available in support of the Project pursuant to an intermunicipal agreement; and

WHEREAS, so as to comply with the County Housing Implementation Fund Program, the City must grant an easement or other recordable interest in the property to the County for the public infrastructure improvements to be located in the public streets.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Yonkers that the Mayor or the Deputy Mayor is hereby authorized to (i) execute any and all documents necessary to enter into an intermunicipal agreement with the County; (ii) grant an easement or other recordable interest in the property and adjoining city streets and lands to the County for the public infrastructure improvements to be located in the public streets; and (iii) execute any and all other documents necessary and convenient to carry out this Resolution, including executing and any other documents, certificates or affidavits as may be approved by the Corporation Counsel of the City of Yonkers; 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 TUESDAY OCTOBER 27, 2009 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 27, 2009

RESOLUTION NO.173-2009

11. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, GRONOWSKI, MURTAGH AND BARBATO:

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 December 31, 2011.

Theresa O’Gorman
517 Riverdale Avenue
Yonkers, New York 10705

Law Firm

RENEWAL

Vincent A. Massaro
21 Hillbright Terrace
Yonkers, New York 10703

City of Yks

RENEWAL

Sinthya Gertrudys Gonzalez
538 Riverdale Avenue
Yonkers, New York 10705

Law Firm

RENEWAL

Yohany Garcia
538 Riverdale Avenue
Yonkers, New York 10705

Law Firm

NEW

M. Ruth Hunt
440 Warburton Avenue 4L
Yonkers, New York 10703

Julia Dyckman

RENEWAL

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 27, 2009

RESOLUTION NO.173-2009 (CONTINUED)

Arlene Bonante
37 Carlton Avenue
Yonkers, New York 10710

Real Estate RENEWAL

Kelly Ann O'brien Kelly
80 Grassy Sprain Road
Yonkers, New York 10710

COY NEW

Jeanett Chantal Carrillo
90 Park Hill Avenue Apt#3
Yonkers, New York 10701

Secretary NEW

Alice Manix
25 Abbott Street
Yonkers, New York 10703

COY RENEWAL

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY OCTOBER 27, 2009 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 27, 2009

RESOLUTION NO.174-2009

12. BY COUNCIL MEMBER GRONOWSKI: COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, MURTAGH AND BARBATO:

WHEREAS, Sacred Heart High School has an up coming production called "Lost in Yonkers" November 20, 21, and 22, 2009. Sacred Heart High School has requested permission from the City Council to place a banner in an area promoting this event, and

WHEREAS, Sacred Heart High School has asked that they be permitted to place one (1) banner on the corner of North Broadway and Gateway Road on or before October 28, 2009 and to be removed as soon after November 23, 2009 as is possible.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Yonkers hereby grants permission to Sacred Heart High School to place one banner in the aforementioned location, subject to any terms and conditions deemed appropriate by the Administration to protect the best interests of the City of Yonkers.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY OCTOBER 27, 2009 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 27, 2009

RESOLUTION NO: 175-2009

12A. BY COUNCILMEMBER MURTAGH; COUNCIL PRESIDENT LESNICK;
MAJORITY LEADER ANNABI; MINORITY LEADER McLAUGHLIN,
COUNCIL MEMBERS McDOW; GRONOWSKI AND BARBATO:

WHEREAS the Inspector General of the City of Yonkers is charged with the duty of conducting objective and independent audits, reviews and investigations relating to Yonkers City Government and the administration of the Yonkers Public Schools in order to:

- promote economy, efficiency and effectiveness
- detect and deter fraud, waste, and abuse
- promote ethical, fiscal and legal accountability

and;

WHEREAS the focus of the Office's efforts is, first and foremost, to help promote effective, efficient and honest government administration and to aid in the prevention of conduct that undermines the integrity of government and;

WHEREAS the Inspector General has attempted in the proper exercise of his duties to gather financial and other information from the City of Yonkers Board of Education and the Board of Education has refused to cooperate with the Inspector General in the performance of his duties and;

WHEREAS in the proper exercise of his duties the Inspector General issued a subpoena to the Board of Education which subpoena the Board has unilaterally disregarded in violation of New York State law and;

WHEREAS the Yonkers Board of Education has now commenced litigation against the Office of the Inspector General seeking a declaration that it is not subject to the oversight of the Inspector General;

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Yonkers hereby directs its legal counsel explore appropriate steps provided for by the New York Civil Practice Laws and Rules and such

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 27, 2009

RESOLUTION NO.175-2009 (CONTINUED)

other statutes as may govern, to intervene on behalf of the City Council in said litigation in support of the Inspector General and against the attempt by the Board of Education to prevent public scrutiny and disclosure of its use of taxpayer money.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, OCTOBER 27, 2009 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 27, 2009

RESOLUTION NO.176-2009

13. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, GRONOWSKI, MURTAGH AND BARBATO:

WHEREAS, the City of Yonkers is truly blessed and privileged to have a spectacularly beautiful montage of communities that proudly represent many nations from all over the world making the City of Yonkers a splendidly diverse display of "citizens of the world"; and

WHEREAS, foremost among these groups is the Polish American Community which has made countless noteworthy contributions to this city and our county endlessly seeking to promote the cherished traditions that have endured for many generations; and

WHEREAS, the annual observance of PULASKI DAY is a time of celebration and remembrance with a healing, uplifting spirit of love and compassion that touches the hearts of many; and

WHEREAS, the many Polish Americans in our community and beyond are firmly committed to bettering the quality of life for all who live and work in our beloved city, most especially for those who treasure the storied history of the Polish American men, women and children who have endeavored so tirelessly to add their magnificently rich culture to the special tapestry that defines life in Yonkers; and

WHEREAS, adding to this illustrious history with great pride and admiration are: *Parade Grand Marshal* Anna O'Lear; *Miss Polonia* Jennifer K. Pitt; *Coordinator* Stephen M. Schurick; *Community Service Recognition* Edward Sroka, Zygmunt Zielinski; John Ulanski and Veronica (Ronnie) Trancynger Fillo;

NOW, THEREFORE, BE IT RESOLVED that the Yonkers City Council hereby joins the Westchester Pulaski Association in honoring these distinguished individuals and extends its most sincere thanks to all who have worked with a never-ending passion to make such extraordinary contributions to this city and each of its residents.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, OCTOBER 27, 2009 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 27, 2009

COMMITTEE REPORTS

THIS MEETING WAS ADJOURNED AT 11:20 PM.