

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, JANUARY 12, 2010**

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

TIME: 8:05 P.M.

PRESENT:           PRESIDENT OF THE COUNCIL  
                          CHUCK LESNICK

DISTRICT:

          1            MAJORITY LEADER PATRICIA D. McDOW  
          5            MINORITY LEADER JOHN .M. MURTAGH

COUNCIL MEMBERS:  
DISTRICT:

          2            WILSON A. TERRERO  
          3            JOAN GRONOWSKI  
          4            DENNIS E. SHEPHERD  
          6            JOHN LARKIN

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 December 8, 2009 and special meetings held on December 8, 2009 and December 22, 2009 approved on motion of Majority Leader Patricia McDow.

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**COMMUNICATIONS FROM CITY OFFICIALS**

1. From Mayor Philip Amicone, dated December 23, 2009, correspondence to the Council President and all Councilmembers forwarding his veto of Local Law No. 11-2009, entitled "Sustainable Development (LEED Legislation).
  
2. From Mayor Philip Amicone, dated December 29, 2009, correspondence to Dan Schorr, Esq., appointing Mr. Schorr as Inspector General for the City of Yonkers for a five year term.

**FILED**

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**COMMUNICATIONS – GENERALLY**

- 1 From the Village Clerk of the Village of Scarsdale, a notice of public hearing to be held on Tuesday, February 9, 2010 at 8 p.m. regarding the Village Center Component of the Comprehensive Plan dated November 2009. *Copies on Desks.*

**FILED**

2. Council President Lesnick introduced a package of 9 Home Rule Requests sent to his office from Assemblyman Gary Pretlow. These were referred to the Legislation, Codes and Intergovernmental Relations Committee.

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COMMITTEE OF THE WHOLE

NO SPEAKERS

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**GENERAL ORDINANCE**

1. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

A GENERAL ORDINANCE AMENDING GENERALORDINANCE 4 – 2000 CHAPTER 43 OF THE CODE OF THE CITY OF YONKERS, COMMONLY KNOWN AS THE ZONING ORDINANCE OF THE CITY OF YONKERS

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 amended, by amending Table 43-1 of the Schedule of Use Regulations for Business, Commercial and Office Uses in part, regarding the regulations concerning use for Live/work buildings to add two new vertical columns captioned GC and DW and to make Apartments Houses a permitted use (P) in the Government Center (GC), Central Business (CB) and Downtown Waterfront (DW) zone districts to read as follows:

<b>Residential Uses</b>		<b>CB</b>	<b>GC</b>	<b>DW</b>
Apartment Houses		P	P	P

S

Section 2. 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 amended, by amending Table 43-1 entitled “Schedule of Use Regulations” to delete the footnote No. 1 that reads as follows “ Permitted only on a Designated Development Site” and to remove the note from the use “Apartment Houses.”

Section 3. 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 amended, by amending Table 43-2 entitled “List of Uses

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**GENERAL ORDINANCE (CONTINUED)**

Regulations by District” to show Apartment Houses as a permitted use in the Government Center (GC), Central Business (CB) and Downtown Waterfront (DW) zone districts by inserting the term “Apartment Houses” alphabetically under Principal Uses Permitted Uses as follows:

“CB District: central business  
Principal Uses

Permitted Uses:  
    Apartment Houses

DW District: downtown waterfront  
Principal Uses  
Permitted Uses:  
    Apartment Houses

GC District: central business  
Principal Uses  
Permitted Uses:  
    Apartment Houses”

Section 4. This general ordinance will take effect immediately.

THIS GENERAL ORDINANCE IS TO BE AMENDED AND FORWARDED TO THE YONKERS PLANNING BOARD AND WESTCHESTER COUNTY PLANNING BOARD.

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**RESOLUTION NO. 1-2010**

2. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

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 AND 00/100 DOLLARS (\$1,000.00) of the action entitled MELISSA BEDJAN, Plaintiff against City of Yonkers, as Defendant, for property damage resulting from an alleged accident when her car was hit by a City of Yonkers truck at the intersection of Tuckahoe Road and Wainwright Road, Yonkers hereby is approved and the Comptroller of the City of Yonkers is directed to draw his warrant in the amount of ONE THOUSAND AND 00/100 DOLLARS (\$1,000.00) in favor of said plaintiff.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED CITY COUNCIL MEETING HELD ON TUESDAY, JANUARY 12, 2010 BY A VOTE OF 7-0.



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**RESOLUTION NO. 2-2010**

3. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

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 FOUR HUNDRED AND NINETY-FIVE DOLLARS AND NINETY-SEVEN CENTS (\$1,495.97) of the action entitled, "LIDIO AGLIETTI (residing at 15 Rossiter Avenue, Yonkers, New York 10701), plaintiff against THE CITY OF YONKERS, Defendant", for property damage arising out of an alleged incident alleging that a City of Yonkers sanitation vehicle struck plaintiff's 2003 Mitsubishi Galant on January 30, 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 FOUR HUNDRED AND NINETY-FIVE DOLLARS AND NINETY-SEVEN CENTS (\$1,495.97) in favor of said plaintiff.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED CITY COUNCIL MEETING HELD ON TUESDAY, JANUARY 12, 2010 BY A VOTE OF 7-0.

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**RESOLUTION NO. 3-2010**

4. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

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

That the settlement by the Corporation Counsel in the amount of THREE THOUSAND DOLLARS (\$3,000.00) of the action entitled, "MIAH HEDGEPEETH plaintiff against THE CITY OF YONKERS AND GABRIELE BARILE, Defendants", for personal injuries arising out of an incident that allegedly occurred on November 26, 2007, 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 THREE THOUSAND DOLLARS (\$3,000.00) in favor of said plaintiff and her attorneys Elliot Iffrimoff & Associates, P.C., 116-16 Queens Blvd., Suite 230, Forest Hills, New York 11375.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED CITY COUNCIL MEETING HELD ON TUESDAY, JANUARY 12, 2010 BY A VOTE OF 7-0.

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**RESOLUTION NO. 4-2010**

5. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

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 HUNDRED SEVEN THOUSAND ONE HUNDRED FORTY TWO AND 86/100 DOLLARS (\$107,142.86) in the action entitled, "AMETEK INC., et al., Plaintiffs v. KRAFT FOODS NORTH AMERICA, et al., Defendants", for contribution under Section 113(f) of the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA"), for contamination remediation costs at the Croton Point Landfill previously collected from the Plaintiffs to the State of New York and the same hereby is approved and the Comptroller of the City of Yonkers is directed to draw his warrant in the amount ONE HUNDRED SEVEN THOUSAND ONE HUNDRED FORTY TWO AND 86/100 DOLLARS (\$107,142.86) in favor of said plaintiffs the AMETEK INC., et al.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED CITY COUNCIL MEETING HELD ON TUESDAY, JANUARY 12, 2010 BY A VOTE OF 7-0.

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**RESOLUTION NO. 5-2010**

6. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

WHEREAS, it is in the public interest for government entities to obtain goods and services of maximum quality at the most economical price; and

WHEREAS, all participating government entities would benefit from a program designed to purchase those items that are in common use under the umbrella of a cooperative single-bid procedure; and

WHEREAS, It is the plan of a number of local municipalities in New York State to bid jointly on various commodities or services; and

WHEREAS, the City of Yonkers is desirous of participating with other local municipalities in New York State in the joint bidding of the commodity or services as authorized by General Municipal Law, Section 119-o, and,

WHEREAS, the various municipalities' Purchasing Departments would not be bound to any greater degree than at present when bids are taken, and the inclusion of said entities in the selected bids would afford them the opportunity for cost savings at no additional cost burden to the municipal entity;

WHEREAS, it is the desire of the City of Yonkers, a municipality in the County of Westchester, in adopting this resolution, to bid jointly on various services or commodities:

NOW, THEREFORE, BE IT RESOLVED that (1) Under this agreement, it is understood and agreed that each participating entity will make its own separate purchase agreement with selected bidders, that each entity shall only be liable to the successful bidder for material/supplies/services contracted for by such entity, without any liability for purchases contracted for by any other participating entity, and each bid winner shall be required to bill each participating entity directly for purchase contracted by it. (2) It is further understood that in the event of any dispute between participating entities and the bid winner arising after a contract of purchase has been executed, such dispute shall be handled by and between the affected parties with said parties holding harmless the City of Yonkers and be it further

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**RESOLUTION NO. 5-2010 (CONTINUED)**

RESOLVED, that the specifications as prepared by the City of Yonkers or the participating entities under this agreement be accepted for purchase at the lowest responsible bid price recommended by the City of Yonkers or the Lead Agency; however, each entity has the right to reject all or part of the designated agency recommendation for the local bid award; and be it further

RESOLVED, that this resolution shall take effect immediately.

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**RESOLUTION NO. 6-2010**

7. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

WHEREAS, the owner of the property located at 597 South Broadway, more properly known as Block 28, Lot 1 on the Tax Assessment Map of the City of Yonkers has submitted an application for 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, 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 for a Special Use Permit to allow the operation of a convenience store in conjunction with an automobile service station at Block 28, Lot 1 on the Tax Assessment Map of the City of Yonkers, on the property known as 597 South Broadway, Yonkers, New York, pursuant to Article VII 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 the conditions set forth in the Resolution of the Planning Board, which includes but is not limited to, (1) All improvements made to this site and all conditions imposed by the Planning Board shall remain in full force and effect as long as the site remains occupied; and (2) The applicant must remove the car wash and vacuum operations entirely from the site ; (3) The applicant must maintain the planter boxes with flowers or other plants; (4) The business must stop operating at or before 12 midnight and may not open until 6 A.M; (5) Front window signage is limited to no more than 25% of the window area; (6) Signage not shown on the plan is expressly prohibited; (7) New concrete driveway aprons will be required for all three drop curb entrances that will

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**RESOLUTION NO. 6-2010 (CONTINUED)**

match the existing pigmented concrete and existing streetscape; (8) The applicant must replace the deteriorated sidewalk and raise the curb on Fanshaw Avenue ; (9) The applicant must submit provisions for containing stormwater runoff on site and prevention water from flowing onto South Broadway's right of way to the City Engineer; (10) All of the conclusions, findings and conditions of the October 14, 2009, Planning Board Resolution not otherwise mentioned herein 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 CITY COUNCIL MEETING HELD ON TUESDAY, JANUARY 12, 2010 BY A VOTE OF 7-0.

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**RESOLUTION NO 7-2010**

8. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

WHEREAS, the owner of the property located at 15 North Broadway, more properly known as Block 2003, Lot 25 on the Tax Assessment Map of the City of Yonkers has submitted an application for Site Plan Review and a Special Use Permit for a Live-Work Building at the aforementioned site to the Planning Board which was approved by the Planning Board in accordance with Article VII, §43-78 © and Article IX of the Zoning Code of the City of Yonkers; 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 for a Special Use Permit to allow the operation of a Live-Work Building at Block 2003, Lot 25 on the Tax Assessment Map of the City of Yonkers, on the property known as 15 North Broadway, Yonkers, New York, pursuant to Article VII, §43-78© 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 the conditions set forth in the Resolution of the Planning Board, which includes but is not limited to, (1) All improvements made to this site and all conditions imposed by the Planning Board shall remain in full force and effect as long as the site remains occupied; and (2) Any changes from the approved façade must be approved by the Planning Board; (3) Vents/air handling equipment are prohibited on the front ©; (4) Window air conditioning units are prohibited on the street façade, with the exception they shall be permitted in the sleeves; (5) Signs for the first floor commercial spaces shall conform to the Yonkers Sign Code, but shall not exceed the size of the sign board area shown on the façade plans. Design approval over these signs is delegated to the Planning Bureau for the initial installation of signs to insure a high quality of design, but they shall not exceed the size of the sign board area shown



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**RESOLUTION NO. 7-2010 (CONTINUED)**

on the façade plans; (6) No sign for live work units may be erected in any window or wall of the building except for a one (1) foot by one (1) foot flush mounted sign at the building entry. Additionally, a three (3) foot by two (2) foot-flush mounted directory may be permitted at ground level immediately adjacent to the entrance of the building; (7) The building must conform to all the conditions pursuant to §43-78 © of the Zoning Code of the City of Yonkers, the live work requirements for a special use permit; (10) All of the conclusions, findings and conditions of the October 14, 2009, Planning

Board Resolution not otherwise mentioned herein are hereby referenced to and made a part hereof; and be it further

RESOLVED, that this Resolution shall take effect immediately.

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**RESOLUTION NO. 8-2010**

9. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

BE IT THEREFORE RESOLVED, that the City Council of the City of Yonkers hereby approves the following tax certiorari settlements. (See attached list.)

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED CITY COUNCIL MEETING HELD ON TUESDAY, JANUARY 12, 2010 BY A VOTE OF 7-0.

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**RESOLUTION NO. 9-2010**

10. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

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 February 28, 2012

Nancy Pagan  
16 Tower Place  
Yonkers, New York 10703

Legal Assistant

RENEWAL

Marwan Wadi Dahdal  
343 Hawthorne Avenue  
Yonkers, New York 10705

Architect

RENEWAL

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED CITY COUNCIL MEETING HELD ON TUESDAY, JANUARY 12, 2010 BY A VOTE OF 7-0.

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**RESOLUTION NO. 10-2010**

11. BY MAJORITY LEADER McDOW; COUNCIL PRESIDENT LESNICK, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

BE IT HEREBY RESOLVED, that the City Council of Yonkers hereby renews DOMINIC MORELLI (37 Nimitz Road, Yonkers, New York 10701), as a Commissioner of the Yonkers Commission on Human Rights, for a term of three years, which expires December 18, 2012.

BE IT FURTHER RESOLVED, that the City Clerk is directed to forward a copy of this Resolution to the Human Rights Office.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED CITY COUNCIL MEETING HELD ON TUESDAY, JANUARY 12, 2010 BY A VOTE OF 7-0.

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**RESOLUTION NO. 11-2010**

12. BY MAJORITY LEADER McDOW; COUNCIL PRESIDENT LESNICK, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

BE IT HEREBY RESOLVED, that the City Council of Yonkers hereby renews LINDA BOHAN (1 Pondview Lane, Yonkers, New York 10710), as a Commissioner of the Yonkers Commission on Human Rights, for a term of three years, which expires December 18, 2012.

BE IT FURTHER RESOLVED, that the City Clerk is directed to forward a copy of this Resolution to the Human Rights Office.

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**COMMITTEE REPORTS**

**THIS COUNCIL MEETING WAS ADJOURNED AT 8:15 P.M.**