

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, FEBRUARY 9, 2010

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

TIME: 8:05 PM

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 January 26, 2010 approved on motion of Majority Leader Patricia McDow.

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COMMUNICATIONS FROM CITY OFFICIALS

NONE

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COMMUNICATIONS GENERALLY

A COMMUNICATION FROM ADAM FALK, VP OF OPERATIONS AT CABLEVISION ANSWERING THE COUNCILS LETTER REGARDING THE TEMPORARY UNAVAILABILITY OF FOOD NETWORK AND HGTV. THIS LETTER IS TO INFORM THE COUNCIL THAT ON JANUARY 21, 2010 CABLEVISION AND SCRIPPS ANNOUNCED AN AGREEMENT AND RESTORED THESE PROGRAMMING NETWORKS.

FILED

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COMMITTEE OF THE WHOLE

SPEAKERS

<u>NAME:</u>	<u>ADDRESS</u>	<u>ITEM NO.:</u>
1. Kevin Gorman	6 Jervis Road	1
2. Jim Castro-Blanco	Yks Resident	Schools

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SPECIAL ORDINANCE NO.3-2010

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

A SPECIAL ORDINANCE AMENDING THE CITY OF YONKERS GRANT BUDGET FOR FISCAL YEAR 2009/2010.

The City of Yonkers hereby ordains and enacts:

Section 1: The City's Grant Budget for fiscal year 2009/2010 is hereby amended by increasing revenues and appropriations for the Development Department for a grant from the Department of State, to cover expenses associated with the promotional outreach and mobilization of the Census process.

Increase Estimated Revenues

NYS Dept. of State	049-G05-8308-0125	\$96,456.00
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Increase Appropriation

Planning – Miscellaneous Supplies	049-G05-8308-0313	\$25,660.00
Contractual Services	049-G05-8308-0413	70,796.00

Section 2: The unencumbered balance of such appropriation equals or exceeds the estimated expenditures the City requires for such purpose during the remainder of the budget year.

Section 3: This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY FEBRUARY 9, 2010 BY A VOTE OF 7-0.

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SPECIAL ORDINANCE NO.4-2010

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

A SPECIAL ORDINANCE GRANTING TO VERIZON A PERMIT TO INSTALL A NEW CONDUIT AND RELATED SERVICES AT 30 SOUTH BROADWAY TO UPGRADE THE TELECOMMUNICATIONS FACILITIES, THE ESTIMATED DIMENSIONS ARE IN EXCESS OF 100 LINEAR FEET.

WHEREAS, Verizon, in a communication forwarded to the City Engineer, dated November 13, 2009, has made application pursuant to an ordinance adopted by the Board of Aldermen of the City of Yonkers on May 31, 1892, to excavate in excess of 100' and to install a new conduit and related services at 30 South Broadway; and

WHEREAS, the said Company will required, prior to the commencement of the work, to insure the restoration of said streets in the same condition as said streets were in prior to said excavation and indemnifying and saving harmless the City of Yonkers against loss or losses, damages, action, or proceedings arising out of said excavation;

NOW, THEREFORE, the City of Yonkers, in City Council convened, hereby ordains and enacts:

Section 1. Permission is hereby given to Verizon, in accordance with the terms of an ordinance adopted by the Board of Aldermen of the City of Yonkers on May 31, 1892, to excavate in excess of 100 linear feet to install a new conduit and related services at 30 South Broadway.

Section 2. This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY FEBRUARY 9, 2010 BY A VOTE OF 7-0.

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SPECIAL ORDINANCE NO.5-2010

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

A SPECIAL ORDINANCE GRANTING TO CONSOLIDATED EDISON COMPANY A PERMIT TO INSTALL 4 FEEDERS AND RELATED SERVICES IN SMART AVENUE, WENDOVER ROAD, MIDLAND AVENUE, FULLERTON AVENUE, CENTRAL PARK AVENUE SOUTH, CENTRAL PARK AVENUE NORTH, YONKERS AVENUE AND HALL PLACE, THE ESTIMATED DIMENSIONS ARE IN EXCESS OF 100 LINEAR FEET, IN ACCORDANCE WITH LAYOUT PLAN CO2-01666.

WHEREAS, Consolidated Edison Company, in a communication addressed to the City Engineer, dated November 24, 2009, has made application pursuant to an ordinance adopted by the Board of Aldermen of the City of Yonkers on May 31, 1892, to excavate in excess of 100' and to install 4 feeders from the Rockview substation and other related services in Smart Avenue, Wendover Road, Midland Avenue, Fullerton Avenue, Central Park Avenue South, Central Park Avenue North, Yonkers Avenue and Hall Place in accordance with Layout Plan #CO2-01666; and

WHEREAS, the said Company will required, prior to the commencement of the work, to insure the restoration of said streets in the same condition as said streets were in prior to said excavation and indemnifying and saving harmless the City of Yonkers against loss or losses, damages, action, or proceedings arising out of said excavation;

NOW, THEREFORE, the City of Yonkers, in City Council convened, hereby ordains and enacts:

Section 1. Permission is hereby given to Consolidated Edison Company, in accordance with the terms of an ordinance adopted by the Board of Aldermen of the City of Yonkers on May 31, 1892, to excavate in excess of 100 linear feet to install 4 feeders from the Rockview substation and other related services in Smart Avenue, Wendover Road, Midland Avenue, Fullerton Avenue, Central Park Avenue South, Central Park Avenue North, Yonkers Avenue and Hall Place in accordance with Layout Plan # CO2-01666.

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SPECIAL ORDINANCE NO. 5-2010 (CONTINUED)

Section 2. This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY FEBRUARY 9, 2010 BY A VOTE OF 7-0.

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RESOLUTION NO.19-2010

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

WHEREAS, the City of Yonkers has been awarded a grant by the State of New York, as one of 31 municipalities or community groups and will receive \$96, 456.00 which is part of \$2,000,000 grant which will assist the Federal Government in counting every resident of New York in the upcoming census; and

WHEREAS, these grant monies obtained by the City of Yonkers, will be used to fund public education, community outreach and other activities targeted at hard to count and low response rate populations for promoting awareness of the 2010 census, improving census questionnaire mail back rate and encouraging cooperation with census takers; and

WHEREAS, the Mayor of the City of Yonkers, or his designee, is hereby authorized to execute such grant agreement with the State of New York, in order to provide such funds to the City of Yonkers; and

NOW, THEREFORE BE IT RESOLVED, that the Mayor of the City of Yonkers is hereby authorized to execute the grant agreement for \$96, 456.00 which is a portion of the \$2,000,000 total, from the State of New York for the use by the City of Yonkers in the upcoming census; 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 FEBRUARY 9, 2010 BY A VOTE OF 7-0.

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RESOLUTION NO.20-2010

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

WHEREAS, the City of Yonkers has been awarded twenty five signs and two banners for use in the 2010 Census Program by the United States Government in a Partnership Support Program agreement with the United States Department of Census, totaling \$2,999.00, and at no cost to the City of Yonkers, in order to assist the Federal Government in counting every resident of New York in the upcoming census; and

WHEREAS, the signs and banners will be located throughout southwest and south central Yonkers and are expected to be visible to the approximately 85,000 people who live in the area and will alert the public in the target areas as to the existence of the census and the need to fill out the census forms; and

WHEREAS, the Mayor of the City of Yonkers, or his designee, is hereby authorized to execute such grant agreement with the United States Government, in order to provide such signs and banners to the City of Yonkers; and

NOW, THEREFORE BE IT RESOLVED, that the Mayor of the City of Yonkers is hereby authorized to execute the grant agreement for \$2,999.00, from the United States government to be used for signs and banners to be used by the City of Yonkers in the upcoming census; 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 FEBRUARY 9, 2010 BY A VOTE OF 7-0.

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RESOLUTION NO.21-2010

6. BY: MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, SHEPHERD AND LARKIN:

BE IT RESOLVED, that the Yonkers City Council hereby gives its advice and consent to the appointment of Mr. Dan Schorr, as Inspector General of the City of Yonkers, effective February 16, 2010.

A FRIENDLY AMENDMENT WAS OFFERED BY MAJORITY LEADER McDOW, SECONDED BY MINORITY LEADER MURTAGH, TO ADD THE FOLLOWING LANGUAGE TO THE ABOVE RESOLUTION "EFFECTIVE FEBRUARY 16, 2010". THE MOTION WAS CARRIED UNANIMOUSLY.

THIS RESOLUTION WAS ADOPTED, AS AMENDED, BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY FEBRUARY 9, 2010 BY A ROLL CALL VOTE OF 5-2, COUNCIL PRESIDENT LESNICK AND COUNCILMEMBER GRONOWSKI VOTING "NAY".

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RESOLUTION NO.22-2010

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

WHEREAS, CONSOLIDATED EDISON has submitted an application for a Special Use Permit for property it owns at 15 Grassy Sprain Road, also known as Block 4001 Lots 1 and 25; and

WHEREAS, that the proposed use is a minor change to the Con Edison site, as the proposal is to create a turn around area on the Con Edison substation access road for travelers who inadvertently travel on this road and have to turn around to exit the site; and

WHEREAS, this minor alteration to the site was acceptable to the Planning Board on the condition that the applicant has committed to the landscaping or screening of the area, as there are nearby homes adjacent to the site;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Yonkers, in meeting assembled that that aforementioned application of CONSOLIDATED EDISON should be approved; and be it further

RESOLVED, that upon the record and findings of the Planning Board with respect to the application submitted on behalf of CONSOLIDATED EDISON (owner) for a Special Use Permit and Site Plan approval for a turn around area for the road leading to the substation at Block 4001, Lots 1 and 25, on the property known as 15 Grassy Sprain Road, pursuant to Article VII, Section 43-73 (N) 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, subject to the conditions set forth in the decision of the Planning Board.

MOTION BY MAJORITY LEADER McDOW, SECONDED BY MINORITY LEADER MURTAGH TO REPLACE THE LANGUAGE IN PARAGRAPH 3 ABOVE BY REMOVING "INVESTIGATE THE POSSIBILITY" AND REPLACING IT WITH "HAS COMMITTED TO THE". THE MOTION WAS CARRIED UNANIMOUSLY

THIS RESOLUTION WAS ADOPTED, AS AMENDED, BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY FEBRUARY 9, 2010 BY A VOTE OF 7-0.

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RESOLUTION NO.23-2010

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

WHEREAS, the Public Service Commission (PSC), regulates the state's electric, gas, steam, telecommunications, and water utilities.

WHEREAS, the Commission is charged by law with responsibility for setting rates and ensuring that adequate service is provided by New York's utilities.

WHEREAS, the Commission exercises jurisdiction over the siting of major gas and electric transmission facilities and has responsibility for ensuring the safety of natural gas and liquid petroleum pipelines.

WHEREAS, Consolidated Edison Company of New York, Inc. (ConEd) as a public utility comes under the jurisdiction of the Public Service Commission.

WHEREAS, over the last several years, ConEd has undertaken several major projects in the City of Yonkers, specifically the installation of the M-29 power line through multiple streets caused serious traffic issues and road disruption.

WHEREAS, most recently ConEd has cut down numerous trees throughout the City of Yonkers causing a `devastation, which many in the community believe has lowered the property values in the specific neighborhoods.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Yonkers believes that community and local concerns are not adequately being addressed through the current rules and regulations of the Commission.

BE IT RESOLVED, the City Council of the City of Yonkers respectfully requests the PSC to review their relevant rules and regulations and consider amending them to allow for more meaningful community input before projects are undertaken that place undue burdens on neighborhoods.

FURTHER BE IT RESOLVED, that the City Council of the City of Yonkers respectfully requests that New York State Legislature and Governor pass legislation mandating the PSC to allow more meaningful

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RESOLUTION NO.23-2010 (CONTINUED)

community input to lessen the burdens on local residents directly affected by actions of regulated utilities.

RESOLVED, that the City Clerk be and is hereby authorized and directed to send a certified copy of this resolution to U.S. Senators Charles Schumer and Kirsten Gillibrand; U.S. Representatives Nita Lowey and Eliot Engel,; New York State Governor David Paterson; New York State Senators Jeff Klein and Andrea Stewart-Cousins New York State Assembly Members Gary Pretlow, Richard Brodsky, and Michael Spano,; the President Pro Tem of the New York State Senate; the Speaker of the New York State Assembly; the Majority and Minority Leaders of New York State Senate and Assembly; Westchester County Executive Robert Astorino, Westchester County Board of Legislators Chairman Kenneth Jenkins, Chairman Kevin Burke of Consolidated Edison, Inc.; the New York State Public Service Commission and the New York State Department of Environmental Conservation.

RESOLVED, that this Resolution shall take effect immediately.

A FRIENDLY AMENDMENT WAS MADE BY MINORITY LEADER MURTAGH, SECONDED BY MAJORITY LEADER McDOW TO ADD THE LAST PARAGRAPH FROM RESOLUTION NO. 24-2010 TO THE ABOVE RESOLUTION. THE MOTION WAS CARRIED UNANIMOUSLY.

THIS RESOLUTION WAS ADOPTED, AS AMENDED, BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY FEBRUARY 9, 2010 BY A VOTE OF 7-0.

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RESOLUTION NO.24-2010

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

REQUESTING CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. TO CEASE IMPLEMENTATION OF THE NEW YORK STATE PUBLIC SERVICE COMMISSION'S "ENHANCED TRANSMISSION RIGHT OF WAY MANAGEMENT PRACTICE" RULES AND FURTHER REQUESTING THAT THE NEW YORK STATE PUBLIC SERVICE COMMISSION RESCIND OR UNDERTAKE A REVIEW OF SAME

WHEREAS, the Yonkers City Council has received numerous complaints from property owners throughout the City of Yonkers on whose property, or adjacent to whose property, Consolidated Edison Company of New York, Inc., ("Con Edison") has an easement or right-of-way for the erection and maintenance of high voltage towers and wires, concerning the cutting and/or removal of trees and other vegetation thereon by Con Edison and/or by contractor(s) hired by Con Edison for that purpose; and

WHEREAS, Con Edison has asserted that its tree clearing activities are mandated by rules adopted by the New York State Public Service Commission ("PSC") "Requiring Enhanced Transmission Right of Way Management Practices by Electric Utilities" in Case 04-E-0822 issued and effective June 20, 2005 ("PSC's Rules"); and

WHEREAS, the tree clearing activities allegedly mandated by the PSC's Rules have been implemented in an arbitrary and intermittent manner; and

WHEREAS, Con Edison's interpretation and implementation of PSC's Rules has resulted in the unlawful and unreasonable cutting of trees in such a way that often amounts to unnecessary clear-cutting, excessive and unsightly debris piles, and extreme vegetation removal that exposes bare soil in the entire easement area and beyond resulting in a "scorched earth" appearance; and

WHEREAS, Con Edison has not provided adequate public notice of its plans to implement the PSC Rules, including failure to properly survey affected properties and failure to communicate with affected property owners regarding the work that is to be performed by contractors of Con Edison; and

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RESOLUTION NO.24-2010 (CONTINUED)

WHEREAS, a lack of an appropriate communication and complaint handling protocol between Con Edison, its contractors, PSC and the public has caused significant frustration and exacerbated the problem; and

WHEREAS, the PSC has failed to properly oversee Con Edison's implementation of its transmission vegetation management plan, resulting in unnecessary economic, environmental, and aesthetic harm to numerous property owners and communities; and

WHEREAS, the PSC's Rules were not accompanied by a fair and adequate environmental review, as only a limited, inaccurate review was conducted, with little notification to the affected public; and

WHEREAS, the PSC's Rules remain unrevised, even though the North American Electric Reliability Corporation ("NERC"), under authority provided by Congress in the Energy Policy Act of 2005, has developed national transmission vegetation management standard FAC-003-1 in 2007 and as of January 2010 is reviewing a revised standard FAC-003-2; and

WHEREAS, the City Council believes that given the size and location of many of the trees being removed, the trees are not now, nor in the future, likely to reach or otherwise interfere with Con Edison's transmission lines and towers; and

WHEREAS, the City Council believes that the PSC's Rules, to the extent the Rules actually mandate the practices being employed by Con Edison and/or Con Edison's interpretation of the regulations far exceed those steps reasonably required to protect Con Edison's transmission assets and the legitimate public interest in maintaining an uninterrupted flow of power through the region; and

WHEREAS, the City Council believes that Con Edison's practices, as they are being implemented in Westchester County's densely populated suburban communities, violates the real property rights of the immediately affected property owners and otherwise adversely affects the legitimate land use interests of the residents of Westchester County, resulting in unsightly visual impacts, unnecessary and uncontrolled erosion due to denuded land, and the virtual decimation of carefully planned and maintained buffers; and

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RESOLUTION NO.24-2010 (CONTINUED)

WHEREAS, there are equally important City, county and state laws that must be enforced and honored, which regulate land usage, zoning, permits, land preservation, easement agreements, trespassing outside of legal easements and right-of-ways, that are being violated and ignored by the Public Service Commission and Con Edison;

NOW THEREFORE BE IT RESOLVED, that the Yonkers City Council requests that the New York State Public Service Commission direct Con Edison to immediately cease its current vegetative management practices, until such time as there has been a full, open public examination by the PSC, within the communities affected, as to the conditions that exist and the management steps required to be taken in Westchester County, to ensure compliance with City, county and state law and to revisit the PSC Rules as being interpreted by Con Edison and to make adjustments to same so that certain goals can be achieved, including but not limited to (i) preservation of non-offensive vegetation, (ii) control of erosion and run-off, (iii) retention and maintenance of sight lines and integrity of the residential appearance, (iv) retention and maintenance of vegetation providing noise abatement, (v) preservation of woodland and wetland habitats to the greatest extent possible, (vi) avoidance of herbicide use for vegetation management, but if required, that only herbicides approved by NYS DEC for use along wetlands and watercourses be utilized, and (vii) compliance with local and state laws; and be it further

RESOLVED, that Con Edison should further be directed to implement a full mitigation plan, establish a proper plan of public notification of future work sites, establish a management plan that requires it to properly remove and dispose of all debris generated by its clearing and/or cutting activities within three weeks, including but not limited to the remnants of any tree cut or cleared from its easements or other right-of-ways, as well as to develop a replanting plan whereby any tree removed as undesirable is replaced with a more desirable and right-of-way compatible species and not by seedlings but rather more mature trees. Such replanting plan should apply both going forward and to those areas already affected by Con Edison's clearing activities; and be it further

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RESOLUTION NO.24-2010 (CONTINUED)

RESOLVED, that the City Council urges the United States Congress to enact legislation requiring the North American Electric Reliability Corporation to include proper environmental review, dispute resolution, and mitigation and restitution measures in the revision of its transmission vegetation management standard; and be it further

RESOLVED, that the Mayor of the city of Yonkers is requested to determine what actions can be taken with regard to the PSC's Rules and the way same have been implemented in the City of Yonkers and to take whatever actions may be necessary to achieve the goals stated herein, including but not limited to initiating litigation against Con Edison or bringing a proceeding against the Public Service Commission on behalf of the City of Yonkers; and be it further

RESOLVED, that the City Clerk be and is hereby authorized and directed to send a certified copy of this resolution to U.S. Senators Charles Schumer and Kirsten Gillibrand; U.S. Representatives Nita Lowey and Eliot Engel,; New York State Governor David Paterson; New York State Senators Jeff Klein and Andrea Stewart-Cousins New York State Assembly Members Gary Pretlow, Richard Brodsky, and Michael Spano,; the President Pro Tem of the New York State Senate; the Speaker of the New York State Assembly; the Majority and Minority Leaders of New York State Senate and Assembly; Westchester County Executive Robert Astorino, Westchester County Board of Legislators Chairman Kenneth Jenkins, Chairman Kevin Burke of Consolidated Edison, Inc.; the New York State Public Service Commission and the New York State Department of Environmental Conservation.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY FEBRUARY 9, 2010 BY A VOTE OF 7-0.

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RESOLUTION NO.25-2010

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 594 aka 600 Nepperhan Avenue, more properly known as Block 2415, Lot 10 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, including the report from the Planning Bureau, the Traffic Department and the City Engineer, this City Council believes it to be in the best interest of the City of Yonkers to grant said application.

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 for the operation of a convenience store in conjunction with an automobile service station at Block 2415, Lot 10 on the Tax Assessment Map of the City of Yonkers, on the property known as 594 aka 600 Nepperhan Avenue, 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 business must stop operating at or before 12 midnight and may not open until 6 a.m. unless the applicant seeks permission to be open for 24 hours; and (3) Fuel deliveries must be made when the site is closed for business; and (4) The sign must be 20 feet off the property line, if the applicant cannot prove the sign is 20 feet off the property line, the applicant must file three revised plans with the Planning Board showing the sign is 20 feet off the property line; and (5) Front window signage is limited to no more than 25 percent of the window area; and (6) The applicant must maintain all of the landscaping on the site; and

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RESOLUTION NO.25-2010 (CONTINUED)

(7) Curbing should be installed around the perimeter of the parking lot to prevent the car wash water from flowing onto adjacent properties; and (8) Stormwater or car wash runoff must not flow onto the City's right of way. Provisions must be made to prevent water from flowing down the driveway ramps (9) Overflow from the oil/waste separator must be connected directly to the sewer at Nepperhan Avenue and not to the existing catch basin; and (10) Parking area pavement must be re-graded to drain to proposed and existing drainage systems; and (11) Nepperhan Avenue is a NYS DOT road and will require street opening permits for all utility cuts in the roadway, lane closures (i.e. temporary) will require a permit from the City of Yonkers Engineering Department; and (12) The ENTER ONLY sign on page A3c should be a minimum 18 inches by 24 inches, preferably 24 inches by 24 inches, the minimum mounting height of 7 feet is acceptable; and (13) The EXIT sign should be the same size as the ENTER ONLY sign, its mounting height will be greater than 7 feet to the bottom of the sign and the 20 foot height indicated is excessive and must be lowered; and (14) The pavement directly in front of the convenience store should be hatched out with paint and parking prohibitions indicated; and (15) All of the conclusions, findings and conditions of the October 14, 2009, Planning Board Resolution not otherwise mentioned 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 TUESDAY FEBRUARY 9, 2010 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, FEBRUARY 9, 2010

RESOLUTION NO.26-2010

9. 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 "EAMONN GOODWIN, Plaintiff, (residing at 49 Beverly Road, Yonkers, New York 10710), against the CITY OF YONKERS, Defendant", for property damage arising out of an incident wherein it is alleged that on August 20, 2009 damage was sustained when a City truck operated by Anthony Martelli, a City of Yonkers employee assigned to the Department of Public Works, Environmental Services, backed up into claimant's vehicle which was parked in front of the Department of Public Works Service Center on Nepperhan Avenue 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 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 MEETING HELD ON TUESDAY FEBRUARY 9, 2010 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, FEBRUARY 9, 2010

RESOLUTION NO.27-2010

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 March 31, 2012.

Anthony Leroy Irniss
31 Runyon Avenue
Yonkers, New York 10701

City of Yonkers

RENEWAL

Michelle A. Paz
1 Purser Place
Yonkers, New York 10705

Law Firm

NEW

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY FEBRUARY 9, 2010 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, FEBRUARY 9, 2010

RESOLUTION NO.28-2010

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

WHEREAS, Our Lady of Fatima School, located at 963 Scarsdale Road. in Yonkers will hold its annual Penny Social on Friday, May 7, 2010, and has requested permission from the City Council to place two banners in the area promoting this event, and

WHEREAS, Our Lady of Fatima School has asked that they be permitted to place two (2) banners at the location of Central Park Ave. & Sadore Lane, on the pedestrian over-pass, or where ever convenient in that same area on Central Park Ave., in early April 2010 and to be removed as soon after May 7, 2010 as is possible.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Yonkers hereby grants permission to Our Lady of Fatima School to place two banners 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 FEBRUARY 9, 2010 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, FEBRUARY 9, 2010

COMMITTEE REPORTS

THIS MEETING WAS ADJOURNED AT 9:20 P.M.