

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, APRIL 27, 2010**

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

TIME: 8:23PM

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 April 13, 2010 on approved on motion of Majority Leader Patricia McDow.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, APRIL 27, 2010**

INDEX

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
1. REAL ESTATE	RES – SPECIAL USE PERMIT- 574 TUCKAHOE RD	6/7
2. R-58-2010	RES – SETTLEMENT – MORAN (\$1,500.00)	8
3. R-59-2010	RES – COMMISSIONERS OF DEEDS	9
4. PUBLIC HEAR	RES – PUBLIC HEARING REQUEST-HONORARY STREET RENAMING PFC. GEORGE LATHAN	10/11
5. R-60-2010	RES – BANNER – ST MARY’S ORTHODOX CHURCH	12
6. R-61-2010	RES – BANNER – BRAHMA KUMARIS	13
7. R-62-2010	RES – BANNER – ST. JOHN THE BAPTIST	14

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, APRIL 27, 2010**

**COMMUNICATIONS FROM CITY OFFICIALS**

1. FROM PLANNING BOARD CHAIRMAN ROMAN KOZICKY; A LETTER DATED APRIL 15, 2010 REGARDING A RESOLUTION FORWARDING AN UNFAVORABLE RECOMMENDATION TO THE COUNCIL RELATIVE TO THE PROPOSED AMENDMENT TO THE YONKERS ZONING ORDINANCE CREATING A NEW HISTORIC OVERLAY ZONE.  
COPIES ON DESKS
  
2. FROM THE YONKERS PLANNING BOARD DATED APRIL 15, 2010 REGARDING; GREYSTON WORK FORCE HOUSING. THE PLANNING BOARD ISSUES THIS NOTICE FOR THE PURPOSE OF DETERMINING LEAD AGENCY PURSUANT TO THE REQUIREMENTS OF THE STATE ENVIRONMENTAL REVIEW ACT (SEQRA)  
COPIES ON DESKS

FILED

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, APRIL 27, 2010**

**COMMUNICATIONS - GENERALLY**

1. FROM THE TOWN BOARD OF THE TOWN OF GREENBURGH;  
NOTICE OF A PUBLIC HEARING AT GREENBURGH TOWN HALL, 177  
HILLSIDE AVENUE, GREENBURGH, NEW YORK, 10607 ON  
WEDNESDAY, APRIL 28, 2010 AT 8:30 P.M. REGARDING; AMENDED  
SITE PLAN AND TREE REMOVAL PERMIT FOR HACKLEY SCHOOL,  
LOCATED AT 293 BENEDICT AVENUE, TARRYTOWN , NY.  
**COPIES ON DESKS**

**FILED**

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, APRIL 27, 2010**

COMMITTEE OF THE WHOLE

NO SPEAKERS

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, APRIL 27, 2010**

**RESOLUTION**

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

WHEREAS, the owner of the property located at 574 Tuckahoe Road, more properly known as Block 5530, Lot 650 on the Tax Assessment Map of the City of Yonkers has submitted an application for a Site Plan Review and a Special Use Permit for the operation of a convenience store in conjunction with an automobile service station to the Planning Board which was approved by the Planning Board in accordance with Article VII and Article IX of the Zoning Code of the City of Yonkers; and

WHEREAS, upon review of the application and the record, 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 Site Plan and Special Use Permit should be granted; and be it further

RESOLVED, that upon the record and findings of the Planning Board, with respect to the application submitted by MOTIVA ENTERPRISES INC., as the property owner, for a Site Plan Review and Special Use Permit, for the operation of a convenience store in conjunction with an automobile service station at Block 5530, Lot 650 on the Tax Assessment Map of the City of Yonkers, on the property known as 574 Tuckahoe Road, Yonkers, New York, pursuant to Article VII and Article IX of the Zoning Code of the City of Yonkers, the decision and actions of the Planning Board of the City of Yonkers are hereby approved, and this approval is subject to the conditions set forth in the decision 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, including the resolution relating to the site plan and special use permit, shall remain in full force and effect as long as the site remains occupied; and (2) No signage shall be permitted on this site that has not been expressly approved by the Planning Board as part of the site plan approval, and signage required by law is exempt from this condition; and (3) Outdoor merchandise display racks in the front of the convenience store shall be prohibited; and (4) All operations of the convenience store and gas station shall be closed between the hours of midnight and 6:00 A.M.. All of the conclusions, findings and conditions of the March 4, 2010, Planning Board resolution are hereby referenced to and made a part hereof; and be it further

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, APRIL 27, 2010**

**RESOLUTION (CONTINUED)**

RESOLVED, that this Resolution shall take effect immediately.

THE ABOVE RESOLUTION WAS SENT TO THE REAL ESTATE  
COMMITTEE.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, APRIL 27, 2010**

**RESOLUTION NO.58-2010**

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 FIVE HUNDRED AND 00/100 DOLLARS (\$1,500.00) of the action entitled, "Matter of Ramon Moran, residing at 601 Pelham Parkway North Apt. 509 Bronx, NY 10467, claimant, against THE CITY OF YONKERS, respondent", for property damage arising out of an alleged accident alleging that the claimant's vehicle was legally parked and unoccupied on Kent Road when it was backed into by Anthony Martelli, a Sanitation Employee, who was collecting garbage on January 6, 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 FIVE HUNDRED DOLLARS AND 00/100 CENTS (\$1,500.00) in favor of said claimant Ramon Moran.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, APRIL 27, 2010 BY A VOTE OF 7-0.



**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, APRIL 27, 2010**

**RESOLUTION NO.59-2010**

3. 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 May 31, 2012.

Vincent E. Spano  
510 Midland Avenue 2C  
Yonkers, New York 10704

Deputy Clerk

RENEWAL

Richard Marmolejos  
55 Bennett Avenue  
Yonkers, New York 10701

Council President's Office

RENEWAL

Renee Marjeh  
1 Gail Road  
Yonkers, New York 10710

RENEWAL

Lawrence Scerno  
57 Saratoga Avenue  
Yonkers, New York 10705

Retired

RENEWAL

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A  
STATED MEETING HELD ON TUESDAY, APRIL 27, 2010 BY A VOTE OF 7-0.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, APRIL 27, 2010**

**RESOLUTION**

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

Whereas, many Yonkers Residents enlisted in the Armed Forces and have fought in many wars not only defend our country but also our allies, and

Whereas, George Lathan was born November 8, 1949 and resided in the City of Yonkers, New York at 28 Lamartine Terrace. He was an active baptized member of Messiah Baptist Church and graduated from the High School of Commerce in 1967 where he was active in basketball, baseball and football, and

Whereas, after graduation, George Lathan immediately enlisted in the United States Army, and

Whereas, Private First Class George Lathan was sent to Saigon, Vietnam. He was a member of Company A 2nd Battalion (101st Airborne) 327 Infantry and was mortally wounded on Sunday, April 28, 1968 in Phu Bai, Republic of Vietnam, and

Whereas, Pfc. Lathan's mother, Mrs. Rosemyer Lathan received the Bronze Star and the Purple Heart posthumously, and

Whereas, the awards for bravery were for this heroism in ground combat against a hostile force in the Republic of Vietnam. Pfc. George Lathan distinguished himself while on a combat operation near Phu Bai, Republic of Vietnam, and

Whereas, Pfc. Lathan's Platoon was under attack by an undetermined size enemy force. He suffered a wound from an enemy grenade in the initial firing, but Pfc. Lathan continued to fire and maneuver, enabling the elements of his platoon to gain fire superiority. Disregarding his own safety, Pfc. George Lathan exposed himself to the hostile fire, personally killing the sniper and succeeded in routing two others and as he maneuvered to another firing position he was mortally wounded by enemy fire. His actions contributed greatly to the successful routing of the enemy by his platoon, and

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, APRIL 27, 2010**

**RESOLUTION (CONTINUED)**

Whereas, Pfc. George Lathan's personal bravery and devotion to duty were in keeping with the highest tradition of the military service and reflect great credit upon himself; his unit; his community; City of Yonkers; Westchester County; State of New York ; the United States and the United States Army, and

Whereas, Pfc. George Lathan was the 21st Yonkers resident to be killed in the Republic of Vietnam, as a result of his longtime Yonkers residence; bravery and unselfish act to defend his platoon and country, the family of Pfc. George Lathan is requesting that Lamartine Avenue and Lamartine Terrace be honorably named "Pfc. George Lathan" and that there is a Honorary Street Naming Ceremony, and

Whereas, at least 50 percent of the number of residents according to the City Assessor's Records adjoining the street(s) or portion of the street(s) proposed for such honorary naming have signed the required petition, and

Whereas, Council Rules of April 2010 require a public hearing take place for such a request, and

Now, therefore be it resolved, that the City Council of Yonkers hereby directs the City Clerk to set a public hearing date for the consideration of a honorary street renaming for the late Pfc. George Lathan.

Be it further resolved, that barring any unforeseen circumstance, a honorary street renaming ceremony may thereafter be scheduled.

A PUBLIC HEARING HAS BEEN SET BY THE COUNCIL FOR THE NEXT COUNCIL MEETING MAY 11, 2010.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, APRIL 27, 2010**

**RESOLUTION NO.60-2010**

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

WHEREAS, St. Mary's Orthodox Church, located at 485 North Broadway in Yonkers will be holding its Annual Spring Flea Market on Saturday, June 12<sup>th</sup>, 2010 and has requested permission from the City Council to display their banner in a specific area promoting this event starting Thursday, May 17<sup>th</sup>, 2010 and can be removed after the event, and

WHEREAS, St. Mary's Orthodox Church requested that they be permitted to place one banner in the following locations:

1st Choice

\*Banner on Nepperhan Avenue and Odell Avenue

2nd Choice

\*Banner at Saw Mill River Road at the Intersection of Lockwood Avenue (before St. Bart's)

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Yonkers hereby grants permission to St. Mary's Orthodox Church to place a banner in the aforementioned locations, 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, APRIL 27, 2010 BY A VOTE OF 7-0.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, APRIL 27, 2010**

**RESOLUTION NO.61-2010**

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

WHEREAS, Brahma Kumaris World Spiritual University will hold its "Spiritual Celebration of Human Greatness" Community Festival on Saturday, May 22, 2010, at the JFK Marina, and

WHEREAS, Brahma Kumaris has requested permission from the City Council to have their banner displayed to promote this event as soon as possible but no later than May 8, 2010 and remove the banner on May 23, 2010, the day after the event in the following locations:

\*The corner of North Broadway and Gateway Road

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

A FRIENDLY AMENDMENT WAS MADE TO ADD A SECOND BANNER LOCATION AT CENTRAL PARK AVE AND McLEAN AVE.

THIS RESOLUTION WAS ADOPTED AS AMENDED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, APRIL 27, 2010 BY A VOTE OF 7-0.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, APRIL 27, 2010**

**RESOLUTION NO.62-2010**

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

WHEREAS, St. John the Baptist Church, located at 670 Yonkers Avenue in Yonkers will be holding it's Annual Carnival, Friday , June 4th , 2010, and has requested permission from the City Council to place two banners in the area promoting this event, and

WHEREAS, St. John the Baptist Church has asked that they be permitted to place three banners: (1) banner on the Mclean Avenue bridge over Central Park Avenue and (2) Sadore Lane bridge ( at Central Park Avenue) Southbound and Northbound or other appropriate location, on or around May 11th, 2010 and to be removed as soon after June 4th, 2010 as is possible.

NOW, THEREFORE BE IT RESOLVED, the City Council of the City of Yonkers hereby grants permission to St. John the Baptist Church 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, APRIL 27, 2010 BY A VOTE OF 7-0.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, APRIL 27, 2010**

**COMMITTEE REPORTS**

THIS MEETING WAS ADJOURNED AT 8:30PM