

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 22, 2013

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

TIME: 10:13PM

PRESENT: PRESIDENT OF THE COUNCIL
 CHUCK LESNICK

DISTRICT:

 2 MAJORITY LEADER WILSON A. TERRERO
 6 MINORITY LEADER JOHN J. LARKIN

COUNCIL MEMBERS:
DISTRICT:

 1 CHRISTOPHER A. JOHNSON
 3 MICHAEL R. SABATINO
 4 DENNIS E. SHEPHERD
 5 MICHAEL B. BREEN

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 8, 2013 approved on motion of Majority Leader Wilson Terrero.

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COMMUNICATIONS FROM CITY OFFICIALS

NONE

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COMMUNICATIONS - GENERALLY

NOTICE FROM THE TOWN OF GREENBURGH OF A PUBLIC HEARING TO BE HELD ON WEDNESDAY, JANUARY 23, 2013 AT 7:30PM AT GREENBURGH TOWN HALL, 177 HILLSIDE AVENUE, GREENBURGH, NEW YORK, 10607 RE; A SPECIAL PERMIT APPLICATION BY NY FUEL DISTRIBUTORS FOR A GASOLINE SERVICE CENTER LOCATED AT 1000 SOUTH CENTRAL PARK AVENUE.

FILED

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COMMITTEE OF THE WHOLE

SPEAKERS

<u>NAME:</u>	<u>ADDRESS</u>	<u>ITEM</u>
1. Vinny Marchionni	8 Marrow Avenue	1/2
2. Charles Hemsley	116 Shonnard Terrace	1/2
3. Jerry Longarzo	110 Hyatt Avenue	1/2
4. Sandy Jakominic	6 Winthorp Avenue	1/2
5. Marge Mc Laughlin	5 Lawrence Place	1/2
6. Larry Wilson	Hyatt Association	1/2
7. Kevin Gorman	6 Drive Road	1/2
8. Rosalyn Koca	60 Grassy Sprain	1/2
9. Justin Tubiolo	25 Churchhill Avenue	1/2
10. Gerry Esposito	31 Ridgewood Avenue	1/2
11. Eileen O'Connor	Valentine Avenue	1/2
12. Bob Walters	767 Warburton Avenue	1/2
13. Howard Warner	73 Roxbury Drive	1/2
14. Kurt Poller	Urban Agricultural Planner	1/2
15. Ira Goldman	Park Hill Residents Association	1/2
16. Nicola Connalton	Irvington Bee Keeper	1/2
17. Todd Pattoni	Professional Bee Keeper	1/2
18. Robert Hauthan	Yonkers Resident	1/2

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GENERAL ORDINANCE

1. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

A GENERAL ORDINANCE GENERALLY AMENDING CHAPTER 43 "ZONING ORDINANCE" AND CHAPTER 65 "ANIMALS AND DOGS" OF THE YONKERS CITY CODE FOR THE PURPOSE OF ALLOWING RESIDENTS TO MAINTAIN CHICKENS FOR THE PURPOSE OF DOMESTIC EGG HARVESTING

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

1. ZONING ORDINANCE AMENDMENTS:

A. Table 43-1 "Schedule of Use Regulations" "Residential Accessory Uses" Amend to include "Chicken Coops" (Attached)

B. § 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:

CHICKEN: Any member of the genus Gallus gallus domesticus

CHICKEN COOP: an accessory building for housing chickens for domestic egg harvesting

HEN: Any female member of the genus Gallus gallus Domesticus, a female domestic fowl

FOWL, DOMESTIC: Any of various birds of the order Galliformes, which can include but is not limited to, chickens, ducks, geese, turkeys, or pheasants

ROOSTER: Any male member of the genus Gallus gallus Domesticus; a male domestic fowl; a cock

C. § 43-41 of the Code of the City of Yonkers entitled "Prohibited Uses" shall hereby be amended to remove "Raising of livestock or fowl"

D. § 43-41 of the Code of the City of Yonkers entitled "Prohibited Uses" shall hereby be amended to include "Raising of livestock or fowl (excluding hens)"

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GENERAL ORDINANCE (CONTINUED)

E§ 43-41 of the Code of the City of Yonkers entitled "Supplemental regulations for certain accessory residential uses and structures" is hereby amended in part by the addition of a new subsection entitled "Chicken/Duck Coops" to be placed in alphabetical order within the section:

"Chicken Coops"

- (1) It shall be lawful to keep female chickens for the purpose of domestic egg harvesting.
- (2) It shall be unlawful to raise hens for the purpose of slaughter.
- (3) This use is permitted on the grounds of residential properties with owner consent on lots of 5,000 square feet or greater or on the grounds of institutions for educational or therapeutic purposes.
- (4) Property owners are permitted to keep 1 chicken for the purpose of domestic egg harvesting per 1,000 square feet of lot area up to a maximum of six chickens.
- (5) The keeping of roosters or cocks is expressly prohibited.
- (6) All feed must be kept in rodent proof containers.
- (7) No chicken coop shall be located closer than fifteen (15) feet from any property line without the consent of both property owners.
- (8) No chicken coop shall exceed 8 feet in height nor be more than 25 feet in floor area.
- (9) In addition to the above, chicken runs shall be permitted provided that the fences and walls used in connection therewith shall comply with the requirements of Chapter 43-41(D) (N.B. Subsection will change with this amendment to the ordinance)
- (10) There shall be no more than 24 active permits during the first two years within the City of Yonkers. After the first two years, based on the experience, the Council may revisit the issue.

2. ANIMAL AND DOGS AMENDMENTS:

A. § 65-1 of the Code of the City of Yonkers entitled "Definitions" is hereby amended in part by the addition of the following terms to be placed in alphabetical order within the section:

CHICKEN: Any member of the genus *Gallus gallus domesticus*

CHICKEN COOP: an accessory building for housing chickens for domestic egg harvesting

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HEN: Any female member of the genus Gallus gallus Domesticus, a female domestic fowl

FOWL, DOMESTIC: Any of various birds of the order Galliformes, which can include but is not limited to, chickens, geese, turkeys, or pheasants

ROOSTER: Any male member of the genus Gallus gallus Domesticus; a male domestic fowl; a cock

B. § 65-23 of the Code of the City of Yonkers entitled "Keeping of Poultry or other birds" shall hereby be amended to include a new subsection D:

D. It shall be lawful to keep chickens for the purpose of domestic egg harvesting pursuant to Chapter 43-41 of the Zoning Ordinance titled "Chicken Coops". Property owners maintaining hens must obtain a license from the City Clerk's Office and pay a \$10.00 annual fee.

3. Standards of Practice:

A: Persons keeping chickens shall file a notice with the City Clerk, on a form provided or approved by the City Clerk, containing the chicken keeper's name, address, telephone, e-mail, emergency contact information, and location of the coop, and they shall notify the Department within ten business days of any changes to such information.

Chicken keepers must notify adjacent property owners within 50 feet (including those across the street from a proposed chicken coop) and tenants via certified mail or obtain written consent. Consent shall be deemed if there are no objections made to the City Clerk within 30 days.

Chicken Keepers Permit
§ 65-28. Chicken Keepers Permit

All chicken keepers shall be required to be licensed. A chicken keeper's license shall be renewed after a period of one year beginning with the first day of the month following the date of issuance and shall be renewable annually thereafter prior to the expiration date. A license shall be issued only upon compliance with the applicable provisions of this chapter, including payment of an annual fee of

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GENERAL ORDINANCE (CONTINUED)

ten dollars (\$10.00). Upon expiration of a chicken keeper's, a chicken keeper may reapply for a new permit.

There shall be no more than 24 active permits during the first two years within the City of Yonkers. After the first two years, based on the experience, the Council may reconsider the number of permits available. No new permits will be issued until the City Council votes to reauthorize the legislation but existing permits may be renewed.

THE ABOVE LEGISLATION WAS REFERRED TO SMART GROWTH &
ENVIRONMENTAL COMMITTEE

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GENERAL ORDINANCE

2. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

A GENERAL ORDINANCE AMENDING CHAPTER 65 "ANIMALS AND DOGS" OF THE YONKERS CITY CODE TO ALLOW RESIDENTS TO MAINTAIN BEES FOR THE PURPOSE OF DOMESTIC HONEY HARVESTING.

The City of Yonkers, in City Council convened, hereby ordains and enacts the following amendments:

1. ZONING ORDINANCE AMENDMENTS:

Table 43-1 "Schedule of Use Regulations" "Residential Accessory Uses"
Amend to include "bees" (Attached)

B. § 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:

BEES:

The term "bee" shall mean any solitary or social species of insect of the super family apoidea, in the order hymenoptera, that is winged, hairy-bodied, contains multiple mouth organs that are used for gathering nectar and pollen and usually possesses a venomous apparatus or organ used for stinging; provided, however, that such term shall not include any wasp, ant, ichneumon fly, sawfly, gall wasp, African bee or any other poisonous bee.

BEEKEEPING EQUIPMENT

The term "beekeeping equipment shall mean anything used to aid the keeping of honey bees for the purpose of domestic honey harvesting, such as hive bodies, supers, frames, top and bottom boards and extractors.

COLONY

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GENERAL ORDINANCE (CONTINUED)

The term "colony" shall mean an aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs, and honey.

HIVE

The term "hive" shall mean the receptacle inhabited by a colony that is manufactured for that purpose.

B. § 43-41 of the Code of the City of Yonkers entitled "Supplemental regulations for certain accessory residential uses and structures" is hereby amended in part by the addition of a new subsection entitled "beekeeping" to be placed in alphabetical order within the section:

"Beekeeping"

No person shall keep, cause or allow to be kept on, in or about any premises or property bees as defined in § 43-8, except as hereinafter provided:

1. It shall be lawful to keep honey bees (*Apis Mellifera*) for purposes of domestic honey harvesting
2. It shall be unlawful to keep bees for commercial purposes on residential property.
3. Keeping of bees as provided for in 1 and 2 above is permitted on residential, mixed use or institutional properties provided that bees may be kept in such dwellings having sought and obtained permission of the owner or landlord or any such body or person that oversees/administers the property.

2. ANIMAL AND DOGS AMENDMENTS:

B. § 65-1 of the Code of the City of Yonkers entitled "Definitions" is hereby amended in part by the addition of the following terms to be placed in alphabetical order within the section:

BEES:

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GENERAL ORDINANCE (CONTINUED)

The term "bee" shall mean any solitary or social species of insect of the super family apoidea, in the order hymenoptera, that is winged, hairy-bodied, contains multiple mouth organs that are used for gathering nectar and pollen and usually possesses a venomous apparatus or organ used for stinging; provided, however, that such term shall not include any wasp, ant, ichneumon fly, sawfly, gall wasp, African bee or any other poisonous bee.

BEEKEEPING EQUIPMENT

The term "beekeeping equipment shall mean anything used to aid the keeping of honey bees for the purpose of domestic honey harvesting, such as hive bodies, supers, frames, top and bottom boards and extractors.

COLONY

The term "colony" shall mean an aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs, and honey.

HIVE

The term "hive" shall mean the receptacle inhabited by a colony that is manufactured for that purpose.

B. § 65 of the Code of the City of Yonkers shall hereby be amended to include new subsections 27; 28 and 29:

§ 65-27. Standards of practice

Persons keeping honey bees shall file a notice with the City Clerk, on a form provided or approved by the City Clerk, containing the beekeeper's name, address, telephone, e-mail, emergency contact information, and location of the hive, and they shall notify the Department within ten business days of any changes to such information.

Beekeepers shall adhere to appropriate beekeeping practices including maintaining bee colonies in moveable-frame hives that are kept in sound and

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GENERAL ORDINANCE (CONTINUED)

able condition; providing a constant and adequate water source; locating hives so that the movement of bees does not become an animal nuisance; and shall be able to respond immediately to control bee swarms and to remedy nuisance conditions; and

1. Persons keeping honeybees will be permitted a maximum of four hives per acre pro rata with no maximum of fewer than two hives regardless of lot size.
2. No hive shall be located closer than fifteen (15) feet from any property line and no hive shall be located closer than ten (10) feet from a public sidewalk or twenty-five (25) feet from a principal building on an abutting lot.
3. A constant supply of water shall be provided for all hives.
4. A flyway barrier at least six (6) feet in height shall shield any part of a property line that is within fifteen (15) feet of a hive. The flyway barrier shall consist of a wall, fence, dense vegetation or a combination thereof and it shall be positioned to transect both legs of a triangle extending from an apex at the hive to each end point of the part of the property line to be shielded.

§ 65-28. Beekeepers Permit

All beekeepers shall be required to be licensed. A beekeepers license shall be renewed after a period of one year beginning with the first day of the month following the date of issuance and shall be renewable annually thereafter prior to the expiration date. A license shall be issued only upon compliance with the applicable provisions of this chapter, including payment of an annual fee of twenty five dollars (\$25.00). Upon expiration of a beekeepers permit, a bee keeper may reapply for a new permit.

Beekeepers must notify adjacent property owners within 50 feet (including those across the street from a proposed beehive) and tenants via certified mail or obtain written consent. Consent shall be deemed if there are no objections made to the City Clerk within 30 days.

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GENERAL ORDINANCE (CONTINUED)

There shall be no more than 24 active permits during the first two years within the City of Yonkers. After the first two years, based on the experience, the Council may reconsider the number of permits available. No new permits will be issued until the City Council votes to reauthorize the legislation but existing permits may be renewed.

§ 65-29. Penalties

Failure to properly obtain a bee keepers permit pursuant to § 65-28 within five days of owning or acquiring bees which is required to be licensed shall be a Class II offense.

A person who willfully or recklessly violates any provision of this chapter, which violation causes physical injury to any person, shall be punishable as a Class I offense.

3. This Ordinance shall take effect immediately.

THE ABOVE LEGISLATION WAS REFERRED TO SMART GROWTH & ENVIRONMENTAL COMMITTEE

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RESOLUTION NO.7-2013

3. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

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

That the settlement by the Corporation Counsel in the amount of Ten Thousand Dollars (\$10,000.00) of the action entitled, "LENIN SANCHEZ, Plaintiff against THE CITY OF YONKERS, Defendant", for personal injuries arising out of an incident alleging excessive force by Yonkers Police Officers during the course of plaintiff's arrest on August 27, 2010, in Yonkers, New York, 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 Ten Thousand Dollars (\$10,000.00) in favor of said plaintiff and his attorneys Schaeffer Paulose, LLP.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JANUARY 22, 2013 BY VOTE OF 7-0.

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RESOLUTION NO.8-2013

4. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

RESOLUTION APPROVING AN INTER-MUNICIPAL AGREEMENT BETWEEN THE CITY OF YONKERS AND THE COUNTY OF WESTCHESTER TO ALLOW THE OPERATION OF THE WESTCHESTER COUNTY HUMAN RIGHTS COMMISSION IN THE CITY OF YONKERS.

WHEREAS, the County of Westchester and the City of Yonkers each have a Human Rights Commission and the County commission is charged with the duty of enforcing provisions of the law prohibiting discrimination in employment, public accommodations, housing discrimination, commercial space and land transactions and discrimination in the issuing of credit and the City Commission is charged with reviewing provisions of the New York State Human Rights Law for the residents of Yonkers; and

WHEREAS, the County of Westchester and the City of Yonkers have agreed that it would be beneficial for the residents of the City of Yonkers, if the County commission could have a site in the City where one day a week, the County commission could take discrimination complaints from Yonkers residents and also to provide written reports to the City of Yonkers to apprise the City of such cases and make recommendations regarding the reduction of human rights violations based on the County Commission experiences in the City; and

WHEREAS, in consideration for the work performed by the County Commission, the City of Yonkers agrees to provide office space, telephone service and reasonable supplies, as well as a lump sum fee of twenty five thousand (\$25,000.00) Dollars; and

WHEREAS, the terms of this agreement shall be for a period of one year commencing upon execution of the agreement; and

WHEREAS, the provisions of said agreement, a copy of which is annexed, are governed by the General Municipal Law of the State of New York and Section 700.09 of the Laws of Westchester County; and

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RESOLUTION NO.8-2013 (CONTINUED)

NOW, THEREFORE, BE IT RESOLVED, that the intermunicipal agreement between the County of Westchester and the City of Yonkers is hereby approved; and be it further,

RESOLVED, that this resolution will take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JANUARY 22, 2013 BY VOTE OF 7-0.

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RESOLUTION NO.9-2013

5. BY MAJORITY LEADER TERRERO, COUNCIL PRESIDENT LESNICK, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

WHEREAS, the majority of businesses located in the City of Yonkers are small businesses; and

WHEREAS, these small businesses employ hundreds of workers within the city that frequent our stores and provide revenue through the city income tax; and

WHEREAS, the City of Yonkers is interested promoting, retaining, and growing small businesses within our city borders: and

WHEREAS, the City expects all businesses to comply with all local laws and regulations as delineated in the Charter and Code:

WHEREAS, the City's Code Enforcement Bureau continues to insure that all companies comply with our local laws:

WHEREAS, the City of Yonkers believes it should take every reasonable step possible to insure that all new small businesses are welcomed to the City and educated on the relevant City laws, regulations and services available to them: and

THEREFORE, BE IT RESOLVED, that the Yonkers City Council requests that the Code Enforcement Bureau work with the Mayor's office and the City Council to create and disseminate materials specifically geared at educating new small businesses on the City's laws and regulations; and

RESOLVED, that the Code Enforcement Bureau provide an annual report to the City Council and the Mayor regarding their efforts at educating small businesses;

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RESOLUTION NO.9-2013 (CONTINUED)

ALSO RESOLVED that these materials be available in English and Spanish;

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COMMITTEE REPORTS

THIS MEETING WAS ADJOURNED AT 10:20PM