

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, FEBRUARY 26, 2013

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

TIME: 8:15PM

PRESENT: PRESIDENT OF THE COUNCIL
 CHUCK LESNICK

DISTRICT:

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

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 February 13, 2013 approved on motion of Majority Leader Wilson Terrero.

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COMMUNICATIONS FROM CITY OFFICIALS

FROM PLANNING BOARD TO THE COUNCIL PRESIDENT DATED FEBRUARY 14, 2013. RE; A RECOMMENDATION TO THE CITY COUNCIL FOR A PROPOSED AMENDMENT TO THE YONKERS ZONNING ORDINANCE TO INCLUDE A NEW CHAPTER REGARDING AFFORDABLE HOUSING.

SENT TO CITY COUNCIL ON FEBRUARY 14, 2013

FILED

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COMMUNICATIONS - GENERALLY

NONE

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COMMITTEE OF THE WHOLE

NO SPEAKERS

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LOCAL LAW NO.1-2013

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

A LOCAL LAW AMENDING CHAPTER 56 OF THE CODE OF THE CITY OF YONKERS ENTITLED "BUILDING AND ELECTRICAL CODE" IN REGARD TO BUILDING PERMITS.

Be it enacted by the City Council of the City of Yonkers, as follows:

Section 1. Chapter 56 of the Code of the City of Yonkers entitled "Building and Electrical Code" is hereby amended in part by amending Section 56-15 entitled, "Building permits." by adding a new subsection "C" to read as follows:

"§ 56-15. Building permits.

C. If the applicant or owner of a property is delinquent in real property or ad valorem tax payments to the City of Yonkers or Westchester County for the property on which the application is being made, a building permit may be refused until the tax and all fees and interest have been paid. This section shall not apply in instances when any governmental agency has ordered such improvements in order to comply with applicable law or regulations pertaining to public health or safety; or such improvements are related to medical needs, such as ramps for access for the physically disabled; or nonpayment."

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, FEBRUARY 26, 2013 BY VOTE OF 6-0. MINORITY LEADER LARKIN WAS ABSENT.

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SPECIAL ORDINANCE NO.12-2013

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

A SPECIAL ORDINANCE DISCONTINUING A PORTION OF MORROW AVENUE AS A PUBLIC STREET PURSUANT TO SECTION 29 OF THE GENERAL CITY LAW.

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

Section 1. That portion of Morrow Avenue, approximately 200 feet, located in the southeasterly side of this dead end street, adjacent to the cul-de-sac, as shown on the description and map attached hereto as Exhibit A and B, is a public street in the City of Yonkers, and is hereby discontinued as a public street in its entirety pursuant to Section 29 of the General City Law subject to the following conditions;

(a) in the event that there are any utilities underneath Morrow Avenue, the City of Yonkers retains complete access to the aforementioned utilities.

Section 2. The affected City departments, bureaus and agencies shall amend the necessary City records, including the Official City Map accordingly.

Section 3. This Special Ordinance shall take effect as provided by law.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, FEBRUARY 26, 2013 BY VOTE OF 6-0. MINORITY LEADER LARKIN WAS ABSENT.

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RESOLUTION NO.27-2013

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

WHEREAS, the owner of the property located at 590 Palmer Road, more properly known as Block 5000, Lot 1, on the Tax Assessment Map of the City of Yonkers has submitted an application to the Planning Board for a Special Use Permit for the proposed removal of two buildings and the construction of one building, to replace two Phase Angle Regulators with one unit and associated switches and bus work and containment moat, at the Con Edison Sub-Station 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, the proposed changes are primarily in areas that appear to be of the least impact to the areas of Gramatan Drive and Kingston Avenue; and

WHEREAS, the equipment closest to the community is screened by mature existing landscaping and a tall fence, which vegetation along the road will be temporarily removed; and

WHEREAS, pursuant to Sections 43-51 and 43-55 of the Yonkers City Code, the City Council is the approving agency for Special Use Permits following approval by the Planning Board; 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 that portion of the application for a Special Use Permit.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Yonkers, in its 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 submitted by Consolidated Edison, as the property owner, for a Special Use Permit, for the proposed removal of two buildings and the construction of one building, to replace two Phase Angle Regulators with one unit and associated switches and bus work and containment moat, at the Con Edison Sub-Station at Block 5000, Lot 1, on the Tax Assessment Map of the City of Yonkers, on the property known as 590 Palmer 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

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RESOLUTION NO.27-2013 (CONTINUED)

Board of the City of Yonkers are hereby approved, however, any above ground utilities such as pipes, bus work and similar matters not shown on the plan and are prohibited. Also the landscaping along Kingston Avenue and Gramatan Drive must be maintained, and any plants that have died or are in distress should be replaced prior to the issuance of a final certificate of occupancy. Further, before any landscaping and/or vegetation is removed, a landscaping plan must be submitted to the Planning Director for approval. This approval is further subject to the conditions set forth in the decision of the Planning Board, which includes but is not limited to; (1) the report by the Planning Bureau; and (2) the report by the City Engineer; and (3) general knowledge of the area. All of the conclusions, findings and conditions of the January 9, 2013, Planning Board resolution 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.28-2013

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

BE IT RESOLVED, that the Yonkers City Council hereby gives its advice and consent to the reappointment of Shaun Brown to the Landmarks Preservation Board for a three-year term to expire on June 6, 2015; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

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RESOLUTION NO.29-2013

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

WHEREAS, § C14-1 of the Yonkers City Charter provides for the creation of a Parks, Recreation and Conservation Board for the City of Yonkers (hereinafter the "Parks Board"); and

WHEREAS, § C14-3 of the Yonkers City Charter provides that the members of the Parks Board are appointed by the Mayor with the advice and consent of the Yonkers City Council; and

WHEREAS, Mayor Mike Spano has appointed Carmen Gomez Goldberg to be a member of the Parks Board; and

WHEREAS, Carmen Gomez Goldberg has a distinguished record of service both professionally and in the community as a founding member of the 100 Hispanic Women of Westchester, President of the Yonkers Federation of Hispanic Chamber of Commerce, and Director of the National Conference of Puerto Rican Women to name a few and has been recognized for her service with numerous awards, including the Griffon award from the Untermeyer Performing Arts Council; and

WHEREAS, the knowledge and experience of Carmen Gomez Goldberg will be valuable to the Parks Board.

NOW, THEREFORE, BE IT RESOLVED, that, pursuant to § C14-3 of the Yonkers City Charter, the Yonkers City Council hereby gives its approval and consent to the designation of Carmen Gomez Goldberg as a member of the Parks Board for a term to expire on December 31, 2015; and be it

FURTHER RESOLVED, that this Resolution take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, FEBRUARY 26, 2013 BY VOTE OF 6-0. MINORITY LEADER LARKIN WAS ABSENT.

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RESOLUTION NO.30-2013

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

WHEREAS, § C44-1 of the Yonkers City Charter provides for the creation of a Planning Board for the City of Yonkers; and

WHEREAS, § C 44-1 of the Yonkers City Charter provides that the members of the Planning Board are appointed by the Mayor with the advice and consent of the Yonkers City Council; and

WHEREAS, Mayor Mike Spano has appointed Louis A. Mosiello to be a member of the Planning Board; and

WHEREAS, Louis Mosiello has had a distinguished career in public service as a Westchester County Legislator, where he served as Chair of the Parks Committee; as a State Assemblyman representing the greater Yonkers community; and most recently as Commissioner of the New York State Crime Victims Board from 2006 to 2010; and

WHEREAS, the knowledge and experience of Louis Mosiello will be valuable to the Planning Board.

NOW, THEREFORE, BE IT RESOLVED, that, pursuant to § C44-1 of the Yonkers City Charter, the Yonkers City Council hereby gives its approval and consent to the designation of Louis Mosiello as a member of the Planning Board for a term to expire on December 31, 2015; and be it

FURTHER RESOLVED, that this Resolution take effect immediately.

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RESOLUTION NO.31-2013

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

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, 2015

Joan Sirulich
400 Palmer Road
Yonkers, New York 10701

Board of Education

RENEWAL

Sebastian Joseph Gruppuso
848 North Broadway
Yonkers, New York 10701

Plumbing

RENEWAL

Herminia Castro
538 Riverdale Avenue
Yonkers, New York 10705

Law Firm

NEW

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RESOLUTION NO.32-2013

8. BY COUNCILMEMBER SABATINO, COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, COUNCILMEMBERS JOHNSON, SHEPHERD AND BREEN:

WHEREAS, Sacred Heart HS, located at 34 Convent Avenue in Yonkers will hold its annual "Card Party" Saturday, March 9, 2013, and has requested permission from the City Council to place banners throughout the City promoting this event, and

WHEREAS, Sacred Heart HS has asked that they be permitted to place five (5) banners at the following locations: (1) Central Park Avenue/Tuckahoe Road Bridge, (2) Nepperhan Avenue Bridge closest to City Hall, (3) across Yonkers and Midland Avenues near Planet Fitness, (4) closest to the intersection of North Broadway and Gateway Road and the 5th at Sadore Lane/CPA footbridge, *as soon as possible* and to be removed as soon after March 9, 2013 as is possible.

WHEREAS, said locations are subject to the scheduling and availability of the banner sites as administered by the Department of Public Works.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Yonkers hereby grants permission to Sacred Heart HS to place five banners 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.

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RESOLUTION NO.33-2013

9. BY COUNCILMEMBER SHEPHERD, COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, COUNCILMEMBERS JOHNSON, SABATINO, AND BREEN:

WHEREAS, the McLean Avenue Merchants' Association, will hold its second annual St. Patrick's Day Parade on Saturday, March 23, 2013 and has requested permission from the City Council to place banners throughout the city promoting the event, and

WHEREAS, the McLean Avenue Merchants' Association has asked that they be permitted to place 4 (four) banners at the following locations: (1) on the McLean Avenue Bridge at Central Park Avenue northbound, (2) on the Yonkers Avenue Bridge at Central Park Avenue southbound, (3) on the Tuckahoe Road Bridge at Central Park Avenue, (4) facing Executive Boulevard near North Broadway, to be hung at the earliest possible March 2013 date, and to be removed as soon after March 23, 2013 as is possible.

WHEREAS, said location/s are subject to the scheduling and availability of the banner site/s as administered by the Department of Public Works.

NOW, THEREFORE BE IT RESOLVED, the City Council of the City of Yonkers hereby grants permission to the McLean Avenue Merchants' Association to place four banners at the aforementioned locations, subject to any terms and conditions deemed appropriate by the Administration to protect the best interests of the City of Yonkers.

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RESOLUTION NO.34-2013

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

WHEREAS, the City of Yonkers is proud of its many diverse community groups who play an integral leadership role in preserving and displaying the rich history of each community represented in our beautiful mosaic of communities; and

WHEREAS, foremost among these groups is the St. Patrick's Day Parade Committee which spearheads the efforts each year to highlight the notable achievements and contributions of prominent caring members of the Irish-American Community; and

WHEREAS, the St. Patrick's Day Parade originated in Yonkers at the Irish Centre on November 29, 1955 and the first festive Parade commemorating this annual celebration in Yonkers took place on Sunday March 11, 1956; and

WHEREAS, each year the St. Patrick's Day Parade Committee hosts a series of events in our City, sharing its proud heritage with all our residents, beginning with the "Changing of the Sash" and the dinner on Saturday, February 23rd and culminating with the festive St. Patrick's Day Parade, this year on the 3rd day of March 2013 and will once again celebrate the history and splendor of the Irish and those most supremely proud of their Irish-American heritage; and

WHEREAS, these annual events provide opportunities for the Committee to bestow well deserved honors upon outstanding members of the community who have selflessly given of their time, expertise and resources to promote the welfare and advancement of not only the Irish-American Community but also that of our beloved Yonkers; and

WHEREAS, this year the Members of the St. Patrick's Day Parade Committee has chosen the very dedicated William P. Harrington, Esq. as the 2013 Parade Grand Marshal and the following distinguished individuals as his Aides for the festivities: Michael Bennett, Eileen Collum, Kathleen Ennis, Joseph Hallinan, Thomas Meier, Kenneth O'Brien, Ronan O'Brien and Mary Teague;

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RESOLUTION NO.34-2013 (CONTINUED)

NOW, THEREFORE BE IT RECOGNIZED, that the Members of the Yonkers City Council join with the St. Patrick's Day Parade Committee in congratulating Parade Grand Marshal William P. Harrington, Esq. and his Aides on this most auspicious occasion and we wish them much success in their continued endeavors on behalf of the citizens of Yonkers.

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RESOLUTION NO.35-2013

- 10A. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

WHEREAS, Yoho Arts Studios, located at the Nepperhan Business Center, 540 – 578 Nepperhan Avenue in Yonkers, has an up coming event called YOHO ARTISTS OPEN STUDIO April 20th and 21th 2013. Yoho Arts Studios has asked that they be permitted from the City Council to place banners in areas promoting this event, and

WHEREAS, Yoho Arts Studios has asked that they be permitted to place three (3) banners at the following locations on or before April 1, 2013 and to be removed as soon after April 21, 2013 as is possible:

1. City Hall Bridge
2. Central Park Avenue & Yonkers Avenue Bridge
3. Central Park Avenue & Tuckahoe Avenue Bridge

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Yonkers hereby grants permission to Yoho Arts Studios to place three banners 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.

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COMMITTEE REPORTS

THIS MEETING WAS ADJOURNED AT 8:25PM