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STATE OF NEW YORK
CITY OF YONKERS

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Minutes of
The City of Yonkers Zoning Board
September 17, 2019 - 6:05 p.m.
at
City Hall
40 South Broadway
Yonkers, New York 10701

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B E F O R E:

- JOSEPH CIANCIULLI, Chairman
- JAMES BLANCHARD, Member
- HARRY SINGH, Member
- JEFFREY LANDSMAN, Member
- HECTOR LOPEZ, Member

P R E S E N T:

- MICHAEL REAPE, Building Department
- ALAIN NATCHEV, Assistant Corporation
Counsel
- LEE ELLMAN, Planning

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I N D E X

DECISIONS

N/A

ADJOURNED CASES

#5656 - Michael Stein, 120 Hillcrest Ave.	6
#6652 - Frank Vicari, 2 Ascot Road	5

CONTINUED HEARINGS

N/A

NEW HEARINGS

#5663 - Leslie Snyder, 194 Market Street	6
#5664 - Studio Architecture, 127 S. Broadway	21
#5665 - J. Veneruso, 70 Jackson Street	25

1 PROCEEDINGS

2 THE CHAIRMAN: Anybody here on
3 Ascot Road? That case has been put
4 over. I am sorry, they told us today
5 about it and we didn't have a chance
6 to do anything, should be on for next
7 month, okay? You don't have to stay.

8 A VOICE FROM THE AUDIENCE: I
9 just wanted to check it out.

10 THE CHAIRMAN: Ladies and
11 gentlemen, the September, 2019 Zoning
12 Board of Appeals public hearing is
13 now in session. Will the members
14 introduce themselves. Mr. Blanchard.

15 MR BLANCHARD: James Blanchard.

16 MR. LANDSMAN: Jeffrey
17 Landsman.

18 MR. SINGH: Harry Singh.

19 MR. LOPEZ: Hector Lopez.

20 THE CHAIRMAN: I am Joseph
21 Cianciulli. I am Chairman of the
22 Board.

23 To my right is Mr. Mike Reape.
24 He represents the Building
25 Department, and to my left is Alain

1 PROCEEDINGS

2 Natchev, the Corporation Counsel who
3 represents the Board here tonight.
4 To my far right is the Planning
5 Director, Lee Ellman.

6 We are going to stand for the
7 pledge of allegiance.

8 (Pledge of Allegiance.)

9 THE CHAIRMAN: Remain standing
10 for a second. Everybody in this room
11 lived through 9/11, and the last
12 meeting was the end of August so we
13 didn't have a chance to express our
14 sorrows, so I will have a moment of
15 silence for all the people killed in
16 9/11, whether it was here in New York
17 or Washington or Pennsylvania. I say
18 all the people, I don't mean the bums
19 that did this so put that out of your
20 mind, just the people that died,
21 those idiots that did it, so take a
22 moment of silence.

23 (Moment of Silence.)

24 THE CHAIRMAN: Thank you. We
25 have a few little rules. If you have

1 PROCEEDINGS

2 a cell phone, I am sure everybody
3 does, just turn it off, please. If I
4 hear it it is going to come up here
5 and I am going to give it back to you
6 when I finish.

7 We don't allow any newspapers
8 or magazines. That's disrespectful
9 to the Board and everybody here
10 tonight.

11 As Chairman of the Board I have
12 the right to take the cases in any
13 order or any decision I want to, so
14 like I was saying to the gentleman
15 before, case 6652, Ascot Road is not
16 on tonight. We have a letter saying
17 he wanted to put it over until next
18 month. The secretary to the Board
19 asked me, they were talking about--
20 they wanted to get away without doing
21 new notices and registered letters
22 and stuff. They can't so they will
23 send all new notices and that will be
24 on next month. I will try to put it
25 on first if I can.

1 PROCEEDINGS

2 There is another case, 5656.
3 It is up on Hillcrest Avenue. That
4 is up in Park Hill. Anybody here
5 tonight on that? I am going to put
6 that over until next month too.
7 There is a debate whether they want
8 to do that or not. I am not too sure
9 but we are going to put that over.

10 We have three more cases here
11 tonight. We have an area variance,
12 5663. How many people are here on
13 that?

14 Then we have a case, St.
15 Joseph's Hospital, how many people
16 here on that? Then we have a case on
17 Jackson Avenue-- excuse me, Jackson
18 Street. How many people are here on
19 that?

20 So we'll start with an area
21 variance, 5663, Snyder and Snyder,
22 LLP, that's a limited liability
23 partnership on behalf of Yonkers
24 Associates LLC, that's a limited
25 liability corporation,

1 PROCEEDINGS

2 Owner, and Motion Simulation
3 US, LLC, lessee, to allow more than
4 six amusement devices having
5 exceeding permitted number of
6 amusement devices

7 (Permitted: Six devices in an
8 establishment of 5,000 square feet or
9 more: Proposed: 36 devices) Reference
10 43-43.A(1)(a), on premises known as
11 194 Market Street, Block: 4070, Lot:
12 1, Zone: PMD.

13 Ms. Snyder, will you introduce
14 yourself.

15 MS. SNYDER: Good evening,
16 Honorable Chairman, my name is Leslie
17 Snyder. I am a partner with the law
18 firm of Snyder and Snyder. I am here
19 tonight_--

20 THE CHAIRMAN: Hold on one
21 second. Has everybody within a 200
22 foot radius been notified?

23 MS. SNYDER: Yes.

24 THE CHAIRMAN: Anything come
25 back as undeliverable?

1 PROCEEDINGS

2 MS. SNYDER: No.

3 THE CHAIRMAN: Everything was
4 delivered?

5 MS. SNYDER: Yes.

6 THE CHAIRMAN: This case is
7 Ridge Hill on Market Street. It is
8 on the second floor. It is past P.F.
9 Changs on the second floor.
10 Continue, please.

11 MS. SNYDER: Sure. I don't
12 believe there is anyone here tonight.
13 My back won't be to the public. I
14 think it is okay if my back is to
15 them.

16 THE CHAIRMAN: Sure.

17 MS. SNYDER: Usually they have
18 a podium.

19 With respect to this
20 application, Motion Stimulation US
21 LLC is seeking an area variance to
22 allow more than six amusement devices
23 in connection with the proposed
24 restaurant and simulation and
25 recreation facility within the Ridge

1 PROCEEDINGS

2 Hill Building B located at 195 Market
3 Street.

4 The property is part of the
5 Ridge Hill Shopping Center and
6 located in the planned mixed use
7 development zoning district.

8 Motion Simulation seeks to
9 bring an exciting facility to Ridge
10 Hill, consisting of a restaurant,
11 together with 30 race car motion
12 simulation pods and six virtual
13 reality towers for a sophisticated
14 innovative recreational family
15 experience.

16 The facility will be located in
17 approximately 12,000 square feet of
18 interior space on the second floor of
19 the building.

20 In keeping with Ridge Hill's
21 objective to offer a unique
22 experience, the applicant proposes a
23 restaurant and simulation
24 recreational facility within the
25 building. The restaurant is

1 PROCEEDINGS

2 permitted as of right, and the race
3 car pods and the virtual reality
4 towers are also permitted as
5 amusement devices, but that is
6 limited to six in your code, and we
7 are requesting 36 of these devices.

8 When you are considering the
9 balancing factors, we respectfully
10 submit in granting the requested area
11 variance, you will be acting
12 consistent with the law, which
13 benefits the applicant in allowing
14 additional amusement devices
15 outweighs any detriment to the
16 neighborhood.

17 In this case there will be no
18 ground disturbance, et cetera. There
19 will be absolutely no environmental
20 impacts since we are using the
21 interior of a building. It will also
22 have an enhancement to the Ridge Hill
23 community because we will have a
24 unique dining and family
25 entertainment experience.

1 PROCEEDINGS

2 There will be no physical
3 changes to the building and no
4 adverse impacts to the neighborhood.

5 This is a very exciting new
6 development. These race car
7 simulation pods actually feel like
8 you are in a race car, race car
9 driving. Very experienced race car
10 drivers use these pods to practice
11 for real race car driving, so we are
12 very excited to be here tonight and
13 to be coming to Yonkers.

14 This is going to be their first
15 facility and one that will be an
16 enjoyable one I think for the entire
17 community.

18 THE CHAIRMAN: Where is the
19 closest facility like this?

20 MS. SNYDER: They have a test
21 project in New York City where they
22 put the pods out. I can show you
23 what they_--

24 THE CHAIRMAN: Is it in New
25 York City?

1 PROCEEDINGS

2 MS. SNYDER: Yes, sort of as a
3 test. These pods, the ones that come
4 to New York are new, but this is what
5 these pods look like. These are the
6 pods. I actually made copies. If
7 you would like to see, it is very
8 cool. This is so you get a sense of
9 what they look like and this is for
10 the Board.

11 These are the pods, and you can
12 see this is what it looks like set
13 up.

14 THE CHAIRMAN: Ms. Snyder,
15 where is this in New York City?

16 MS. SNYDER: I believe it is
17 the test somewhere in midtown. I
18 haven't been to the test place myself
19 but I believe it is somewhere in
20 midtown.

21 THE CHAIRMAN: I might go down
22 and see it and I might get another
23 report from you, I don't know. If
24 you get me the address--

25 MS. SNYDER: Sure. If you let

1 PROCEEDINGS

2 me know, I don't know if it is for
3 public viewing, but if anyone wants
4 to go see it we'll be happy to
5 accommodate it.

6 THE CHAIRMAN: Well, we are not
7 going to down there as the public, we
8 are going down as members of the
9 Zoning Board.

10 MS. SNYDER: Exactly. What I
11 am saying, whenever you want to go I
12 just need to schedule it with them.

13 THE CHAIRMAN: Tell them to
14 make an arrangement for the Chairman
15 to come down with one or two members.

16 MS. SNYDER: Not a problem. I
17 need a date.

18 THE CHAIRMAN: Call the
19 Building Commissioner and make
20 arrangements. He will call me and
21 see.

22 MS. SNYDER: We have a video
23 that I am happy to send.

24 THE CHAIRMAN: We want to see
25 it and actually go down.

1 PROCEEDINGS

2 MS. SNYDER: Okay.

3 THE CHAIRMAN: Let me ask you a
4 question.

5 I guess, you know, as I get on
6 in age some things start to aggravate
7 me. Ridge Hill is in Yonkers,
8 correct?

9 MS. SNYDER: Excuse me?

10 THE CHAIRMAN: Ridge Hill is in
11 Yonkers.

12 MS. SNYDER: Yes.

13 THE CHAIRMAN: I don't see
14 anything saying Yonkers. When I come
15 by Cross County, I see Yonkers. I
16 don't see anything that says Yonkers.
17 That is in my crawl. They should put
18 a Yonkers sign off the Thruway,
19 Yonkers, New York and not little, a
20 nice size, and they should put one
21 down there as you come off Tuckahoe
22 Road. That would be nice.

23 On Tuckahoe Road you have two
24 intersections there, one at the top
25 of the hill where Lowe's is, but they

1 PROCEEDINGS

2 should be advertised.

3 MS. SNYDER: I am representing
4 the applicant who is coming up with
5 this exciting facility, but I am
6 happy to tell the property owner.

7 THE CHAIRMAN: I don't
8 understand why it has to happen that
9 way. You know, you have a sign that
10 says you are in Bronxville. Don't
11 you think that gets me aggravated?
12 Why don't you check into this.

13 MS. SNYDER: I would be happy
14 to check about the signage. I am
15 assuming it is probably a difficult
16 feat because you have to get approval
17 and there are certain things, but at
18 the property itself I will be happy
19 to talk to the property owner.

20 THE CHAIRMAN: If you come back
21 to me and he says it is okay, I will
22 make sure you get the approval.

23 MS. SNYDER: I am happy to ask.
24 I can't make any promises.

25 THE CHAIRMAN: I will make sure

1 PROCEEDINGS

2 you get the okay. I have no problem
3 with that.

4 One more thing about Ridge
5 Hill. I am up there a lot. We like
6 the place. My wife and I like the
7 place. There is a lack of
8 handicapped spaces on the street.
9 You got all kinds of spaces there,
10 big shots, small shots, I don't know
11 who they are, but when it comes to
12 handicapped there is not many. I
13 want you to look into that. There
14 should be at least seven or eight
15 more on the street.

16 Any questions of the Board?

17 MR. LANDSMAN: A couple of
18 things. Number one, going back to
19 what the Chairman says, I believe on
20 the web site it is Westchester Ridge
21 Hill. That is certainly an easy
22 enough change to Yonkers Ridge Hill.
23 It can be done in the flip of a
24 button.

25 I know there is a test site in

1 PROCEEDINGS

2 New York City. Where is this
3 business actually up and running?

4 MS. SNYDER: This is
5 actually_-- this is the wonderful
6 thing. This is a totally new
7 concept. This venture is a
8 combination between two large
9 corporations and they are
10 venturing_-- one of the partners is
11 in England and they have done a lot
12 of research on this.

13 MR. LANDSMAN: This is a
14 start-up in Yonkers?

15 MS. SNYDER: They have done a
16 lot of research. They are very
17 sophisticated and they picked this
18 Ridge Hill location, so they are
19 anxious to get going so hopefully you
20 will approve it so they can get
21 going.

22 They can't sign the lease,
23 can't start until they get the
24 variance, so anything that you can do
25 to indicate to them that you are in

1 PROCEEDINGS

2 favor of it, they will be very
3 grateful.

4 MR. LANDSMAN: Is this a fast
5 food place?

6 MS. SNYDER: No, it is going to
7 be a nice restaurant and I think
8 engaging in this experience, so it is
9 going to be sophisticated food
10 because it is targeted to a specific
11 audience.

12 MR. LANDSMAN: Thank you.

13 THE CHAIRMAN: We also want 10
14 copies of that video.

15 MS. SNYDER: Sure. I can put
16 it on a disc, like a drive.

17 THE CHAIRMAN: Ten copies.
18 Give them to the Building Department
19 and they will distribute it.

20 MS. SNYDER: We have shown it
21 to the Building Department already.
22 We, prior to coming for the variance,
23 we met with the Commissioner of
24 Buildings and the Planning Director
25 as well, and in this zoning, this is

1 PROCEEDINGS

2 a very interesting point, the zone
3 permits indoor recreational uses, so
4 as of right you can get a building
5 permit for an indoor recreational
6 use, and because when you are using
7 this race car, it is an indoor
8 recreational use, you sweat, you move
9 with the vehicle. It is not like the
10 old kind, what we consider the old
11 type of amusement device. This is
12 like a sport. There are people that
13 are into racing and things like that,
14 so we believe that it could also come
15 under an indoor recreational use, so
16 we did discuss with the Building
17 Inspector and we did show him the
18 video and he indicated that he had no
19 objection to it, but he classified it
20 as an amusement device so that's why
21 we are here tonight.

22 THE CHAIRMAN: That's why we
23 are here.

24 MS. SNYDER: Right. I just
25 wanted you to know we did discuss it

1 PROCEEDINGS

2 with him and he did look at the use
3 and didn't have any objection to it.

4 THE CHAIRMAN: Anymore
5 questions from the Board?

6 MR. SINGH: What is the hours
7 of operation for this business?

8 MS. SNYDER: I will have to get
9 you the exact operational hours. The
10 idea will be they will be open on the
11 weekends and I am assuming weekdays
12 as well, not a 24 hour facility. I
13 am not sure of the hours of
14 operation. I will find that out.

15 THE CHAIRMAN: Any more
16 questions from the Board?

17 Is there anybody here tonight
18 to speak in favor of this
19 application? Is there anybody here
20 to speak in opposition?

21 Ms. Snyder, would you like to
22 sum up?

23 MS. SNYDER: So we thank you
24 for your time and I am really hoping
25 that the Board will grant the

1 PROCEEDINGS

2 variances because this is a real
3 exciting opportunity. I don't want
4 it to go to some other location.
5 They are very anxious to get started
6 at Ridge Hill and I think it will be
7 a benefit to the community. It will
8 be a sophisticated family type of
9 experience that will benefit all, and
10 so I am hoping, if not this meeting,
11 the next meeting you will approve the
12 variances.

13 THE CHAIRMAN: Thank you very
14 much. This case is hereby closed,
15 reserve the right to reopen for any
16 reason whatsoever, at any time
17 whatsoever and that includes after
18 the decision is made.

19 Thank you. You get a hold of
20 the Building Commissioner.

21 The next case is 5664, area
22 variance, Studio Architecture, on
23 behalf of St. Joseph's Medical
24 Center, owner, for upgrades to bulk
25 oxygen tank whereas fences and walls,

1 PROCEEDINGS

2 including retaining walls must not
3 exceed six feet in height within side
4 or rear yard setback (proposed
5 12.0'+) (reference Yonkers Zoning
6 Ordinance 43-41.D.3.a), on premises
7 known as 127 South Broadway, Block:
8 493, Lot: 27, Zone: D-MX.

9 Are you going to represent
10 this?

11 THE WITNESS: Yes.

12 THE CHAIRMAN: Are you an
13 attorney?

14 THE WITNESS: No, architect.

15 THE CHAIRMAN: Raise your right
16 hand, please. You solemnly swear to
17 tell the truth, the whole truth and
18 nothing but the truth so help you
19 God?

20 MR. RAFFAELLI: I do.

21 THE CHAIRMAN: State your name
22 and address.

23 MR. RAFFAELLI: Christopher
24 Raffaelli, Studio Architecture, 297
25 Knollwood Road, White Plains, New

1 PROCEEDINGS

2 York, Suite 209.

3 THE CHAIRMAN: Has everybody in
4 a 200 foot radius been notified?

5 MR. RAFFAELLI: Yes.

6 THE CHAIRMAN: Anything come
7 back as undeliverable?

8 MR. RAFFAELLI: No.

9 THE CHAIRMAN: Anybody here
10 tonight on this case? The hospital
11 is right down the street here. It is
12 ON the corner of Vark Street and
13 South Broadway. These tanks that we
14 are going to discuss tonight are on
15 Vark Street. It is a private road
16 that goes in. Proceed.

17 MR. RAFFAELLI: Good evening,
18 Mr. Chairman, members of the Board.
19 My name is Chris Raffaelli, Principal
20 of Studio Architecture and I am
21 accompanied by Jessica Clausio from
22 Messer North American and Mark
23 McDonnough (Ph) from St. Joseph
24 Hospital, representing St. Joseph's
25 Hospital in this bulk oxygen storage

1 PROCEEDINGS

2 tank change at 127 South Broadway,
3 Yonkers.

4 We have made application to the
5 Building Department for the system
6 replacement, and they have referred
7 us to your board for relief from
8 43-41.D.3.a which is maximum wall
9 height in a rear yard.

10 The existing wall around the
11 oxygen system is apparently an 8 foot
12 2. We are seeking a 4 foot 6
13 variance bringing the overall height
14 of the wall to 12 foot 8.

15 The existing structure is in
16 the northwest corner of the property
17 where Sisters of Charity, St. Joe's
18 and St. Mary's intersect. The
19 existing system currently does not
20 comply to its applicable codes which
21 is in FPA 55. It has been permitted
22 to continue as is, kind of
23 grandfathered until it is modified.
24 It has reached the end of the life
25 cycle so now it is time to modify the

1 PROCEEDINGS

2 system to bring it to current codes.

3 The current code requires this
4 elevation in the containment wall.

5 THE CHAIRMAN: When we were
6 down there I can tell you the sooner
7 you do it the better off you are,
8 because I think those tanks are
9 pretty sad. I think they are older
10 than me and I am 78 years old, but I
11 know the hospital well. I know where
12 they are.

13 Any questions from the Board?
14 Is there anybody here tonight to
15 speak in favor of this application?
16 Is there anybody here tonight to
17 speak in opposition?

18 You want to sum up? Okay.
19 This case is hereby closed, reserve
20 the right to reopen for any reason
21 whatsoever at any time whatsoever and
22 that includes after the decision is
23 made. Thank you.

24 The next case is Case 5665,
25 area variance, James Veneruso, Esq.,

1 PROCEEDINGS

2 on behalf of 70 Jackson Street, LLC,
3 owner, to construct a new state of
4 the art residential building with
5 onsite parking, mailroom and laundry
6 facilities having exceeding maximum
7 permitted height, (required 75 feet;
8 proposed 106.1 feet). Reference
9 43-27, Table 43-3; exceeding maximum
10 permitted FAR, (required 3.00;
11 proposed 4.22.

12 Reference 43-27 Table 43-3, and
13 43-8, Gross Floor Area definition,
14 subparagraph B, on premises known as
15 70 Jackson Street, Block: 186, Lot:
16 132, Zone: A.

17 Introduce yourself, please.

18 MR. VENERUSO: James Veneruso,
19 Veneruso, Curto, Schwartz and Curto,
20 35 East Grassy Sprain Road, Yonkers,
21 New York, for the application.

22 THE CHAIRMAN: This case is 70
23 Jackson Street. 70 Jackson Street we
24 had before. 70 Jackson Street is off
25 Herriot Avenue and it is bordered by

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PROCEEDINGS

Goshen Avenue, Jackson Street and
Highland Avenue.

Is there anybody here tonight
on this case? Okay. Proceed,
please.

MR. VENERUSO: Thank you, Mr.
Chairman.

THE CHAIRMAN: You are welcome.

MR. VENERUSO: This application
was originally heard by the Board at
its October 18, 2018 meeting, and at
that time-- what I will do I will
refer to the variances that were
requested at that time. Height
variance_--

THE CHAIRMAN: I don't want to
go into that case. You withdrew it.
Let's go into this case, okay?

MR. VENERUSO: Okay.

THE CHAIRMAN: I don't want to
be here all night talking about that
unless you want to build that case.

MR. VENERUSO: No, I am just
giving you a reference.

1 PROCEEDINGS

2 THE CHAIRMAN: Talk about this
3 case.

4 MR. VENERUSO: Okay. The
5 variances before you are the height
6 variance and floor area ratio
7 variance. The parking variance,
8 there is no request for a parking
9 variance. In fact, the plans, which
10 were prepared by the architect, call
11 for parking of 209 per the code plus
12 an additional 17 for guest parking.

13 At the initial hearing we
14 mentioned parking and that is how
15 this had been dealt with, and in
16 terms of the number of apartments,
17 the number of apartments would be 162
18 apartments, 106 feet in height.
19 There would be nine floors of living
20 space, four floors below grade
21 parking.

22 Importantly, the affordable
23 apartments, this was a question in
24 Mr. Ellman's report.

25 THE CHAIRMAN: Was that 10

1 PROCEEDINGS

2 percent?

3 MR. VENERUSO: It is actually
4 higher, Mr. Chairman, 17 per the code
5 plus an additional four for a total
6 of 21.

7 THE CHAIRMAN: Twenty-one out
8 of 162?

9 MR. VENERUSO: 162. With that,
10 the mix of apartments would be 36
11 studios, 90 one bedrooms and 36 two
12 bedrooms.

13 A traffic report was prepared
14 by Bernie Adler. In addition to
15 that, Mark Protoro who is with JMC is
16 with me to my far left. Mark
17 prepared and submitted a shadow study
18 which you have, and so as of right,
19 this would be an additional floor to
20 what can be done as of right.

21 THE CHAIRMAN: Why don't you do
22 it as of right, then?

23 MR. VENERUSO: There were a
24 number of issues, Mr. Chairman, that
25 dealt with that. There was some

1 PROCEEDINGS

2 litigation with the city initially
3 that has all been resolved.

4 THE CHAIRMAN: Resolved with
5 who?

6 MR. VENERUSO: It was settled,
7 and part of that settlement the offer
8 was made by the applicant to have
9 additional affordable housing which
10 was done.

11 THE CHAIRMAN: I don't
12 understand. You said you had an
13 agreement with somebody.

14 MR. VENERUSO: No, the
15 agreement was a settlement. The
16 property was purchased from the city
17 and there was an issue about the
18 Roberta clause and the timing of the
19 Roberta clause as to when the
20 applicant was going to start
21 construction. That was all resolved.
22 In fact it was resolved fairly
23 quickly, and the discussions had to
24 do somewhat with the number of
25 affordable units and that's why the

1 PROCEEDINGS

2 applicant proposed additional units.

3 I think also, as I understand
4 it, Mr. Chairman, in order to have
5 the sufficient parking, three floors
6 below grade parking, the applicant
7 needed another floor in order to make
8 this economically feasible.

9 THE CHAIRMAN: You need another
10 floor of parking to make it
11 economically feasible?

12 MR. VENERUSO: There is an
13 additional floor of parking from what
14 was approved, what was submitted to
15 the Planning Board.

16 THE CHAIRMAN: Are you okay?

17 MR. VENERUSO: I have a bad
18 cold.

19 THE CHAIRMAN: You have a steep
20 grade in the garage, 14 and 15
21 percent. Fifteen percent is a steep
22 grade on the ramp. How is that going
23 to affect the parking, particularly
24 the parking spaces that the drivers
25 have to back out.

1 PROCEEDINGS

2 MR. VENERUSO: William
3 Georgopoulos is the architect here.
4 I request that he be sworn in.

5 THE CHAIRMAN: Sure. Are you
6 an attorney, sir?

7 MR. GEORGOPOULOS: No.

8 THE CHAIRMAN: You solemnly
9 swear to tell the truth, the whole
10 truth and nothing but the truth so
11 help you God?

12 MR. GEORGOPOULOS: Yes.

13 THE CHAIRMAN: Your name and
14 address.

15 MR. GEORGOPOULOS: William
16 Georgopoulos 33-12 Francis Lewis
17 Boulevard, flushing, New York, 10358.

18 THE CHAIRMAN: We have a couple
19 of steep grades on the ramps, 14 or
20 15 percent. That's steep.

21 MR. GEORGOPOULOS: That's
22 steep.

23 THE CHAIRMAN: You agree with
24 me?

25 MR. GEORGOPOULOS: Yes.

1 PROCEEDINGS

2 THE CHAIRMAN: What about
3 spaces, the spaces that require you
4 to back out of the space, they will
5 be coming down a steep grade. Can
6 this be fixed?

7 MR. GEORGOPOULOS: On one of
8 the ramps that have a steep grade, it
9 is only approximately a three feet
10 drop so you can actually see the car
11 when it is coming in.

12 Something else I was thinking
13 about was providing mirrors or
14 audible notifications when someone
15 comes down the ramp to notify cars
16 are coming, and also we might be able
17 to modify that one car issue by the
18 ramp because we have some guest
19 parking, so we can maybe reduce some
20 cars.

21 THE CHAIRMAN: Are you going to
22 show us how that is done in the
23 future?

24 MR. GEORGOPOULOS: Yes.

25 THE CHAIRMAN: I recommend you

1 PROCEEDINGS

2 work with the Planning Director.

3 MR. GEORGOPOULOS: No problem.

4 THE CHAIRMAN: The height, Mr.
5 Veneruso, your height is almost 25
6 percent more than the variance
7 allows.

8 MR. VENERUSO: That's correct,
9 Mr. Chairman.

10 THE CHAIRMAN: I don't know if
11 it is 25 or less. Plus your FAR is
12 1.62 more than what is allowed. This
13 building can be built without any
14 variances, I think. Certainly looks
15 like it.

16 MR. GEORGOPOULOS: Regarding
17 the floor area ratio--

18 THE CHAIRMAN: I am sorry, I
19 didn't hear what you said.

20 MR. GEORGOPOULOS: Regarding
21 the floor area ratio, because in the
22 Yonkers code they make us count the
23 parking area towards the floor area
24 ratio, that is why it is so much.

25 If you just look at the

1 PROCEEDINGS

2 residential portion of the building
3 and the residential floor area, it is
4 only an increase of about 10 percent,
5 a little more than 10 percent. It is
6 3.3 versus 3.

7 In reality, yes, it looks like
8 we are exceeding the floor area by a
9 significant amount, but the parking
10 area is actually eating up a lot of
11 it and we would like to provide
12 parking for the building and for the
13 occupants and for the guests that are
14 in the building.

15 THE CHAIRMAN: The less parking
16 you are going to need. This Board,
17 there will be a minimum of one
18 parking space per apartment, a
19 minimum, and that's going to be free
20 of charge. You want to add it to
21 their rent, that is up to you but you
22 are not going to charge them for it
23 because once you start to charge,
24 they don't want to pay and they are
25 out in the street and that's a high

1 PROCEEDINGS

2 area. I have been down there a lot
3 of times so I know pretty much the
4 area, so that's going to happen.

5 So there will be a minimum of
6 152 spaces, do you have that?

7 MR. GEORGOPOULOS: We have a
8 lot more than that.

9 THE CHAIRMAN: How much do you
10 have?

11 MR. VENERUSO: 209, Mr.
12 Chairman.

13 THE CHAIRMAN: I am letting you
14 know. A two bedroom might be two.

15 MR. GEORGOPOULOS: We do have
16 that.

17 THE CHAIRMAN: I don't know if
18 I want to give you that extra space
19 because you are way about the floor
20 area ratio, way above, and you are
21 asking for half as much more and you
22 are asking for 25 percent higher than
23 what you are allowed, so I don't
24 know.

25 MR. VENERUSO: I think the

1 PROCEEDINGS

2 owners are trying to balance getting
3 the more affordable units in, also
4 dealing with the parking, so that the
5 parking would be a total of 226, well
6 in excess of what is required, Mr.
7 Chairman, and also as mentioned, the
8 floor area ratio in Yonkers, your
9 build three levels below grade, that
10 is a costly proposition to do that,
11 and so below grade you have these
12 three levels.

13 THE CHAIRMAN: It is a costly
14 proposition to do anything, okay. If
15 you go from 106 to 70, you maybe only
16 have to go to two floors of parking.

17 We are going to give this some
18 thought, believe me when I tell you.
19 The other thing, in Yonkers here now
20 with the school children and all that
21 kind of stuff-- I don't know.

22 Any questions from the Board?
23 Mr. Landsman.

24 MR. LANDSMAN: It is about 30
25 feet over you are asking for?

1 PROCEEDINGS

2 MR. GEORGOPOULOS: That's
3 correct.

4 MR. LANDSMAN: There is one
5 story, one floor residential?

6 MR. GEORGOPOULOS: One floor
7 residential, one parking.

8 MR. LANDSMAN: Isn't one floor
9 under ground?

10 MR. GEORGOPOULOS: There is a
11 differential of elevation of 35 feet
12 from one side to the other, so three
13 floors are under ground and one floor
14 parking.

15 MR. LANDSMAN: The one floor of
16 parking, that is 30 feet?

17 MR. GEORGOPOULOS: It is a
18 little bit less. The original
19 proposition, there was a strip of
20 land on the Jackson side, that lower
21 elevation that is supposed to be
22 transferred to the adjoining property
23 to make it an interior lot to make
24 the basement higher, so we decided to
25 go forward and try to get the

1 PROCEEDINGS

2 variance the right way.

3 MR. LANDSMAN: But you knock
4 off one floor, that is going to
5 eliminate a lot of this.

6 MR. GEORGOPOULOS: That would
7 create a parking variance.

8 MR. LANDSMAN: You can keep the
9 same parking, just knock off a floor
10 of living space, keep it the same
11 parking, so you take it off 20 feet,
12 maybe, 15 feet.

13 MR. GEORGOPOULOS: Yes.

14 THE CHAIRMAN: You are not
15 asking for a parking variance.

16 MR. GEORGOPOULOS: Not right
17 now we are not. Last time there was
18 an issue with guest parking and there
19 was opposition.

20 THE CHAIRMAN: Are you going to
21 have any commercial uses in this
22 building?

23 MR. GEORGOPOULOS: No, sir.

24 THE CHAIRMAN: None at all?

25 MR. GEORGOPOULOS: There is a

1 PROCEEDINGS

2 tenant laundry facility accessory to
3 the building for the residential
4 portion.

5 THE CHAIRMAN: There won't be
6 no health care or nothing like that?

7 MR. GEORGOPOULOS: No, sir.

8 THE CHAIRMAN: Okay, that's it.
9 Is each apartment going to have a
10 washer and dryer?

11 MR. GEORGOPOULOS: No, they are
12 centralized on the base floors.

13 THE CHAIRMAN: They are going
14 to be free?

15 MR. GEORGOPOULOS: For the
16 tenants. They will have to pay for
17 the use of the water and things like
18 that. They will be coin operated.
19 They won't be completely free.

20 THE CHAIRMAN: Are you going to
21 have a recreation room?

22 MR. GEORGOPOULOS: We proposed
23 a recreational area on the second
24 floor terrace off the elevator on the
25 inner court so people can go outside.

1 PROCEEDINGS

2 Mr. Ellman's report also
3 discussed a place for children to
4 play. There is a place where there
5 is an open area in the front of the
6 building plus other outdoor areas.

7 MR. LANDSMAN: Who are they
8 marketing the apartments for? Is
9 this market rate? Is this
10 affordable? What tenants you are
11 looking for?

12 MR. GEORGOPOULOS: Market rate
13 except for the affordable apartments.

14 MR. LANDSMAN: Market rate.
15 Thank you.

16 MR. GEORGOPOULOS: In that
17 area, if you look at it, it is lower
18 income in the area.

19 THE CHAIRMAN: Any other
20 questions from the Board? Mr.
21 Veneruso, do you have anything else
22 to say to me?

23 MR. VENERUSO: Just so sum up,
24 Mr. Chairman, the applicant has at
25 the last hearing tried to deal with

1 PROCEEDINGS

2 the issue of parking. That seems to
3 be the issue for the community. We
4 are trying to deal with that issue,
5 also try to give more affordable uses
6 and thus came up with this height and
7 the FAR that's being presented
8 tonight.

9 THE CHAIRMAN: Anything else to
10 say?

11 MR. GEORGOPOULOS: No, sir.

12 THE CHAIRMAN: Any other
13 questions of the Board?

14 Is there anybody here tonight
15 in favor of this application? It is
16 on Jackson Street. Anybody here
17 tonight in opposition? Okay.

18 I am going to close this case
19 tonight. I don't know what we are
20 going to do. We are going to look
21 into it a little more. We will close
22 this case. This case is hereby
23 closed, reserve the right to reopen
24 for any reason whatsoever, at any
25 time whatsoever and that includes

1 PROCEEDINGS

2 after the decision is made.

3 We have some things to take
4 care of. Back in June, this property
5 at 861 Midland Avenue, once again he
6 wants a year's extension. We heard
7 the case in August and they want to
8 get a year's extension, so I am going
9 to_-- he paid the money. I am going
10 to make a motion we give them a
11 year's extension from today's date,
12 September 17th, 2019 to 2020. That
13 is case 5582. Do I have a second?
14 Everybody in favor say aye.

15 (A chorus of ayes.)

16 THE CHAIRMAN: Okay. Then we
17 have one for case number 5175. They
18 are asking-- it is a letter from the
19 Veneruso law firm, concerns the one
20 over here on Central Park Avenue, 750
21 Central Park Avenue, case 5642. We
22 just got this. Is there anyone
23 familiar with it? I am familiar with
24 it, but they are saying as required,
25 1042 cars, proposed was 1199 cars.

1 PROCEEDINGS

2 Side yard, please be advised,
3 required 25, proposed 3.5. I will
4 make a motion we put this over until
5 the next hearing. I want to read
6 this some more, is that okay with
7 everybody? That's case 5642. We
8 will put that over to get a little
9 more information on that.

10 On case 5498, 994, also known
11 as 997 Midland Avenue, right on the
12 corner of Central Avenue, the
13 doughnut shop. What they want to do
14 here, Twin Donuts I guess is backing
15 out and they want to put a Dunkin
16 Donuts shop there. I understand
17 there is no more Dunkin Donuts in the
18 gas station, something else they got
19 in there, so I am going to open up
20 the hearing in order to change this.

21 I will make a motion to open
22 the hearing. Do I have a second?

23 MR. LANDSMAN: Second.

24 THE CHAIRMAN: Okay. Everybody
25 in favor say aye.

1 PROCEEDINGS

2 (A chorus of ayes.)

3 THE CHAIRMAN: I make a motion
4 that we change this from Twin Donuts
5 to Dunkin Donuts, that is case 5498,
6 condition number 10. I don't have it
7 in front of me. I must have lost it.

8 Do I have a second? Everybody
9 in favor say aye.

10 (A chorus of ayes.)

11 THE CHAIRMAN: That motion is
12 carried, five, two absent.

13 Now we got one, they built the
14 wall as you go into Bronxville on the
15 right-hand side of Yonkers. They had
16 that terrible problem. To tell you
17 the truth, it is one of the toughest
18 cases I ever had. It is almost a
19 year and a month. They are asking
20 for an extension due to the fact that
21 they aren't able to fix everything
22 up, correct the drawings to be
23 resubmitted to the Building
24 Department, so I will make a motion
25 that this case, 5330, I am going to

1 PROCEEDINGS

2 make a motion that we give them a
3 year's extension from today's date.
4 They paid the money already, so do I
5 have a second, please? Everybody in
6 favor say aye.

7 (A chorus of ayes.)

8 THE CHAIRMAN: That's
9 five-zero. Case number 5637, this is
10 over at Torre Place, it is the old
11 Torre Lumber. They want to build a
12 building. We gave them permission to
13 build a building and they said they
14 had to put a sprinkler system in and
15 he says he doesn't want to put a
16 sprinkler system in.

17 I am not going to make a
18 motion, I am going to leave this as
19 such, the motion stays, everybody
20 okay? Anyone want to make a motion
21 to open this up? That motion stays
22 the way it is.

23 Then we have a similar
24 situation on 1235-1245 Central Park
25 Avenue. This is the old Cadillac

1 PROCEEDINGS

2 agency. They put a sprinkler system
3 in also, and does anybody want to
4 open this up? Sir?

5 MR. LANDSMAN: I would like to
6 make a motion to get an opinion from
7 the Fire Department.

8 THE CHAIRMAN: Motion to get an
9 opinion from the Fire Department?

10 MR. LANDSMAN: Yes.

11 THE CHAIRMAN: What kind of
12 opinion do you want to get?

13 MR. LANDSMAN: What they think
14 of, if they think it is necessary.

15 THE CHAIRMAN: I didn't hear
16 you.

17 MR. LANDSMAN: If the Fire
18 Department thinks it is necessary or
19 not.

20 MR. NATCHEV: Can't do that.
21 The case is closed. You have to
22 reopen the case.

23 MR. LANDSMAN: I make a motion
24 to reopen.

25 THE CHAIRMAN: You do. You

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PROCEEDINGS

need a unanimous vote to reopen the case.

MR. LANDSMAN: Unanimous?

Let's see if they want to vote.

THE CHAIRMAN: You want to reopen? Do we have a second? No second. The motion stays the way it is.

MR. LANDSMAN: Thank you.

THE CHAIRMAN: You are welcome.

Make a motion to adjourn.

(A chorus of ayes.)

(Whereupon, at 7:10 P.M., the above matter concluded.)

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PROCEEDINGS

C E R T I F I C A T E

STATE OF NEW YORK)
 : SS.:
COUNTY OF ROCKLAND)

I, HOWARD BRESHIN, a Notary Public
for and within the State of New York, do
hereby certify:

That the above is a correct
transcription of my stenographic notes.

I further certify that I am not
related to any of the parties to this
action by blood or by marriage and that I
am in no way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 19th day of September
2019.



HOWARD BRESHIN

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