

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, FEBRUARY 11, 2014

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

TIME: 8:05PM

PRESENT: PRESIDENT OF THE COUNCIL
 LIAM J. MCLAUGHLIN

DISTRICT:

 6 MAJORITY LEADER JOHN J. LARKIN
 3 MINORITY LEADER MICHAEL R. SABATINO

COUNCIL MEMBERS:
DISTRICT:

 1 CHRISTOPHER A. JOHNSON
 2 CORAZON PINEDA
 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 28, 2014 approved on motion of Majority Leader Larkin.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, FEBRUARY 11, 2014

INDEX

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
1. R. 10-2014	RES – IMA - CITY OF YONKERS & YONKERS BOARD OF EDUCATION	6
2. R.11-2014	RES – IN SUPPORT OF GOV. CUOMO'S ANTI TEXTING & DRIVING INITIATIVE	7
3. R.12-2014	RES – SETTLEMENT – (\$10,000.00) (NIGRO) PAYABLE TO COY	8
4. R.13-2014	RES – SETTLEMENT – (\$50,000.00) McLEAN AVE STREETSCAPE PAYABLE TO COY	9
5. R.14-2014	RES – DECLARING LEAD AGENCY 705 BRONX RIVER RD	10/11
6. R.15-2014	RES – SPECIAL USE PERMIT 15 GRASSY SPRAIN RD (SECURITY CAMERAS)	12/13
7. R.16-2014	RES – SPECIAL USE PERMIT 590 PALMER RD (SECURITY CAMERAS)	14/15
7A. R.17-2014	RES – COMMISSIONERS OF DEEDS	16

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, FEBRUARY 11, 2014

COMMUNICATIONS FROM CITY OFFICIALS

NONE

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, FEBRUARY 11, 2014

COMMUNICATIONS - GENERALLY

NOTICE FROM THE CLERK OF THE VILLAGE OF SCARSDALE DATED JANUARY 29, 2014. A PUBLIC HEARING TO BE HELD BY THE BOARD OF TRUSTEES ON TUESDAY, FEBRUARY 11, 2014 AT 8:00PM IN THE RUTHERFORD HALL IN VILLAGE HALL ON PROPOSED AMENDMENTS TO SCARSDALE VILLAGE CODE "WIRELESS TELECOMMUNICATIONS" TO PROVIDE FOR ANTENNA SYSTEMS.

FILED

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, FEBRUARY 11, 2014

COMMITTEE OF THE WHOLE

	<u>NAME</u>	<u>ADDRESS</u>	<u>ITEM NO.</u>
1.	TERRY JOSHI	ROCKLAND AVE	2

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, FEBRUARY 11, 2014

RESOLUTION NO.10-2014

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

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN INTERMUNICIPAL AGREEMENT WITH THE BOARD OF EDUCATION OF THE CITY OF YONKERS ("BOE") TO ENABLE THE BOE TO UTILIZE THE SERVICES OF THE CITY OF YONKERS ("CITY") FINANCE DEPARTMENT FOR THE PURPOSE OF PERFORMING INTERIM CONSULTING ON THE FINANCIAL MANAGEMENT FUNCTIONS OF THE BOE.

WHEREAS, the BOE wishes to avail itself of the expertise of the City's Finance Department for the purpose of performing interim consulting on the financial management functions of the Yonkers Public Schools; and

WHEREAS, New York State General Municipal Law Article 5-G, Section 119-o, authorizes municipal corporations and districts to enter into agreements for the performance of various functions; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor is hereby authorized to execute a Inter Municipal Agreement ("IMA") with the BOE for the purpose of enabling the BOE to utilize the services of the City's Finance Department for the purpose of performing interim consulting on the financial management functions of the BOE;

RESOLVED, that the terms and conditions of the IMA shall be reviewed and approved by the City's Corporation Counsel; and be it further

RESOLVED, that this resolution shall take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, FEBRUARY 11, 2014 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, FEBRUARY 11, 2014

RESOLUTION NO.11-2014

2. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA, SHEPHERD AND BREEN;

RESOLUTION IN SUPPORT OF GOVERNOR CUOMO'S ANTI-TEXTING AND DRIVING INITIATIVE FOR DRIVER'S UNDER THE AGE OF 21.

WHEREAS, according to the United States Department of Transportation, driver distraction contributed to 18 percent of motor vehicle crashes in the United States in 2010; and

WHEREAS, in 2009 New York State prohibited the use of hand held electronics while driving, including those used to send text messages; and

WHEREAS, in 2011 and 2013 the New York State Legislature passed and Governor Andrew M. Cuomo signed further enhancements to the existing ban on texting and driving; and

WHEREAS, the City of Yonkers wishes to express support for the call by Governor Andrew M. Cuomo in his 2014 State of the State Address to take legislative action to require drivers under age 21 to have to turn over their license for a year if convicted of texting while driving; and

NOW, THEREFORE, BE IT RESOLVED, that the Yonkers City Council does hereby express its support for Governor Andrew M. Cuomo's call to require drivers under age 21 to have to turn over their license for a year if convicted of texting while driving; and be it

RESOLVED, that copies of this Resolution be forwarded to Governor Andrew M. Cuomo, Senator Andrea Stewart-Cousins, Senator George S. Latimer, Assemblywoman Shelley Mayer; and Assemblyman J. Gary Pretlow.

RESOLVED, that this resolution shall take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, FEBRUARY 11, 2014 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, FEBRUARY 11, 2014

RESOLUTION NO.12-2014

3. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA, 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, "AUGUSTINE NIGRO, Plaintiff, THE CITY OF YONKERS, Plaintiff-Intervenor, against LLOYD CORPORATION ET. AL., Defendants, New York State Supreme Court, Westchester County Index No. 62399/2012 be and the same hereby is approved. The Comptroller of the City of Yonkers is directed to deposit the proceeds of the settlement on behalf of the City of Yonkers.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, FEBRUARY 11, 2014 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, FEBRUARY 11, 2014

RESOLUTION NO.13-2014

4. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA, 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 Fifty Thousand Dollars (\$50,000.00) of the action entitled, "THE CITY OF YONKERS, Plaintiffs, against 58A JVD LTD and COLONIAL SURETY COMPANY, Defendants, for a breach of contract action, relating to the McLean Avenue Streetscape Improvement Program, be and the same hereby is approved. The Comptroller of the City of Yonkers is directed to deposit the proceeds of the settlement on behalf of the City of Yonkers, which shall be used for repairs and maintenance of the work done in conjunction with McLean Avenue Streetscape Improvement Program.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, FEBRUARY 11, 2014 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, FEBRUARY 11, 2014

RESOLUTION NO.14-2014

5. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA, SHEPHERD AND BREEN;

RESOLUTION OF THE CITY COUNCIL DECLARING LEAD AGENCY STATUS FOR THE AMENDMENT OF THE ZONING MAP OF THE CITY OF YONKERS REGARDING THE PROPERTIES KNOWN AS 705 BRONX RIVER ROAD AND 262 CRESCENT PLACE, ALSO KNOWN AS SECTION 5, BLOCK 5227, LOTS 1,10 AND 39 ON THE TAX MAP OF THE CITY OF YONKERS.

WHEREAS, the City of Yonkers is proposing to amend its Zoning Map in regard to changing the zone district classification of Section 5, Block 5227, Lots 1, 10 and 39 as shown and designated on the Official Tax Map of the City of Yonkers, said property also known respectively as 705 Bronx River Road and 262 Crescent Place, Yonkers, New York, from its present "BR" and "MG" zone district classification to an "A" zone district classification, and

WHEREAS, the State Environmental Quality Review Act ("SEQRA") requires the City to consider all environmental factors associated with the proposed amendment of the City's Zoning Map prior to further action being taken; and

WHEREAS, the City Council desires to establish itself as Lead Agency in accordance with Part 617 (6NYCRR Part 617), the Statewide implementing regulations pertaining to SEQRA in order to initiate a review process for the proposed amendment of the Zoning Map of the City of Yonkers.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Yonkers has established itself as Lead Agency on the "Proposed Action" described herein and will continue its review of the environmental assessment of this action., and;

BE IT FURTHER RESOLVED, that the Planning Bureau is requested to circulate the required Lead Agency notification to any involved agencies.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, FEBRUARY 11, 2014

RESOLUTION NO.14-2014 (CONTINUED)

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

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, FEBRUARY 11, 2014 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, FEBRUARY 11, 2014

RESOLUTION NO.15-2014

6. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA, SHEPHERD AND BREEN;

SPECIAL USE PERMIT AND SITE PLAN REVIEW FOR PROPOSED SECURITY CAMERAS AT BLOCK 4001, LOT 150 ON THE PROPERTY KNOWN AS 15 GRASSY SPRAIN ROAD (EXISTING CON ED SUBSTATION) PURSUANT TO ARTICLE IX AND ARTICLE VII OF THE YONKERS ZONING ORDINANCE

WHEREAS, the owner of the property located at 15 Grassy Sprain Road, more properly known as Block 4001, Lot 150 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 security cameras at the Con Edison substation 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 the property owner, for a Site Plan Review and Special Use Permit, for the operation of security cameras at the Con Edison substation at Block 4001, Lot 150 on the Tax Assessment Map of the City of Yonkers, on the property known as 15 Grassy Sprain 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 cameras and equipment are to be placed within the applicant's property lines; and (2) the maximum height of the cameras is not to exceed five feet above the top of the fence to which they are attached. All of the conclusions, findings and conditions of the January 15, 2014, 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, FEBRUARY 11, 2014

RESOLUTION NO.15-2014 (CONTINUED)

RESOLVED, that this Resolution shall take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, FEBRUARY 11, 2014 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, FEBRUARY 11, 2014

RESOLUTION NO.16-2014

7. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA, SHEPHERD AND BREEN;

SPECIAL USE PERMIT AND SITE PLAN REVIEW FOR PROPOSED SECURITY CAMERAS AT BLOCK 5000, LOT 1, ON THE PROPERTY KNOWN AS 590 PALMER ROAD (EXISTING CON ED SUBSTATION) PURSUANT TO ARTICLE IX AND ARTICLE VII OF THE YONKERS ZONING ORDINANCE

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 for a Site Plan Review and a Special Use Permit for the operation of security cameras at the Con Edison substation 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 the property owner, for a Site Plan Review and Special Use Permit, for the operation of security cameras at the Con Edison substation 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 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 cameras and equipment are to be placed within the applicant's property lines; and (2) the maximum height of the cameras is not to exceed five feet above the top of the fence to which they are attached. All of the conclusions, findings and conditions of the January 15, 2014, 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, FEBRUARY 11, 2014

RESOLUTION NO.16-2014 (CONTINUED)

RESOLVED, that this Resolution shall take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, FEBRUARY 11, 2014 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, FEBRUARY 11, 2014

RESOLUTION NO.17-2014

7A BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PENEDA, 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 29, 2016

Joan Haynes
570 Yonkers Avenue
Yonkers, New York 10704

Office Manager

RENEWAL

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, FEBRUARY 11, 2014 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, FEBRUARY 11, 2014

COMMITTEE REPORTS

THIS MEETING WAS ADJOURNED AT 8:45PM