

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 14, 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

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 Tuesday, April 23, 2013 approved on motion of Majority Leader Wilson Terrero.

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**COMMUNICATIONS FROM CITY OFFICIALS**

FROM PLANNING BUREAU TO CITY COUNCIL PRESIDENT LESNICK  
RECEIVED MAY 9, 2013 RE: A SPECIAL USE PERMIT AND SITE  
PLAN APPLICATION FOR A PROPOSED GAS STATION AND  
CONVENIENCE STORE ON THE PROPERTY KNOWN AS 1051  
YONKERS AVENUE.

**REFERRED TO REAL ESTATE**

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**COMMUNICATIONS - GENERALLY**

**ANNOTATED AGENDA**  
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**COMMITTEE OF THE WHOLE**

**SPEAKERS**

<b><u>NAME:</u></b>	<b><u>ADDRESS</u></b>	<b><u>ITEM</u></b>
1. Terry Joshi	Rockland Avenue	1
2. Brandon Neider 135	135 Forest Avenue	5

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**GENERAL ORDINANCE NO.3-2013**

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

A GENERAL ORDINANCE AMENDING PART V OF THE YONKERS  
CITY CODE BY ADDING CHAPTER 50 ENTITLED "YONKERS GREEN  
BUILDINGS"

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

Section 1. Part V of the Code of the City of Yonkers entitled "Land  
Use" is hereby amended in part by adding a new Chapter 50 entitled  
"Yonkers Green Buildings" to read as follows:

§ 50-1. Short title; statement of purpose and legislative findings.

- a. This Chapter shall be known as "the Yonkers Green Buildings Code."
- b. The purpose of this legislation is to establish a City of Yonkers policy to plan, design, construct, manage, renovate, and maintain its facilities and buildings to be sustainable and to encourage certain commercial and residential developers to do the same.
- c. Legislative Findings:
  - (1) The City of Yonkers is dedicated to the mutually compatible goals of economic vitality, social equality and environmental stewardship.
  - (2) The City of Yonkers is dedicated to the environmental health and safety of its employees, and to efficient and effective work.
  - (3) Municipal governments should assume the role of leadership in promoting the efficient use of natural resources providing for the long-term protection and enhancement of our environment, our economy and the health of our citizens and future generations.

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**GENERAL ORDINANCE NO.3-2013 (CONTINUED)**

- (4) Buildings are one of the heaviest consumers of natural resources and account for a significant portion of the greenhouse gas emissions that affect climate change. In the United States, buildings account for 38% of all CO<sub>2</sub> emissions. Buildings represent 73% of electricity consumption.
  
- (5) The Yonkers Green Development Standards will address specific environmental impacts of development in Yonkers. Use of these standards will conserve natural resources, increase energy and water efficiency and improves indoor air quality to maintain long terms value, reduce operating costs, and ensure more comfortable and healthy buildings in Yonkers.
  
- (6) It is in the best interest of the people of Yonkers that all municipal buildings constructed, expanded, or renovated should be modern facilities, combining the most energy-efficient design, the most environmentally sustainable systems, with maximum access and benefit to employees and the public.
  
- (7) The City of Yonkers should encourage the use of the Yonkers Green Building Standards in certain commercial and residential developments.

§ 50-2. Definitions

- a) "City" means the City of Yonkers and its departments, offices, including the Yonkers City School District.
  
- b) "Commissioner" means the Commissioner of the Yonkers Department of Planning and Development.
  
- c) "Covered Public Project" means a construction project involving real property including land and/or buildings which meet the terms of subparagraphs (1) and (2) of this paragraph:
  - 1) The City is the record owner of said real property including land and/or buildings or related improvements which are used for municipal or school purposes; and

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**GENERAL ORDINANCE NO.3-2013 (CONTINUED)**

- 2) Which involve (A) new construction, or (B) renovation of an existing building or the expansion of an existing

building provided that this ordinance shall apply only to the extent of the improvements: i) necessary for the renovation or rehabilitation of a portion of an existing building, or ii) necessary for the expansion of an existing building, the applicable green building standards shall apply only to such portion of an existing building being renovated or rehabilitated or to the actual expansion of the existing building respectively; and iii) where such rehabilitation or renovation includes separate specifications for the following four subdivisions of the work to be performed: a) plumbing; b) heating, ventilation and air conditioning; c) electric wiring; and d) general contracting.

- d) "Department" means the Department of Planning and Development.
- e) "Public Building" means any real property and buildings and/or improvements thereon owned by the City of Yonkers and used for municipal and public purposes.
- f) "Yonkers Green Building Standards" shall mean the standards developed and approved by the Commissioner designed to conserve natural resources, increase energy and efficiency and improve indoor air quality.

§ 50-3. Yonkers Green Building Standards.

The Commissioner shall implement the Yonkers Green Building Standards within thirty days after passage of this legislation by the Yonkers City Council. The Commissioner shall cause said standards to be reviewed on an annual basis and provide an annual report to the City Council.

§ 50-4. Public Buildings.

- a) Green Building Standards.



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**GENERAL ORDINANCE NO.3-2013 (CONTINUED)**

All Covered Public Projects entering the design phase 90 or more days after the effective date of this legislation shall be designed, constructed and certified to at least the Yonkers Green Building Standards.

b) Exemptions.

A Covered Public Project does not have to meet the Yonkers Green Building Standard or comparable standard if the Commissioner determines that:

- 1) There is no appropriate Yonkers Green Building Standard or comparable standard for that type of building or renovation project. In such case, the Department may set lesser green building standards that are appropriate to the project.
- 2) There is no practical way to apply the Yonkers Green Building standard to a particular building or renovation project. In that case, the Department may set different green building standards that are appropriate to the project.

- c) Any determinations made by the Commissioner as to exemptions under this section shall be detailed in writing and made part of the Department's record.

§ 50-5. Green Buildings Survey.

All new non-residential development site plan applications for projects greater than 15,000 square feet and residential development site plan applications for projects greater than 25 units shall include a Green Buildings survey in a form to be approved by the Commissioner.

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**GENERAL ORDINANCE NO.3-2013 (CONTINUED)**

Section 2.

This Ordinance shall take effect immediately, subject to the provisions of § 50-4(a) contained herein.

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER SABATINO TO MAKE A FRIENDLY AMENDMENT TO THE ABOVE LEGISLATION. THIS MOTION WAS CARRIED UNANIMOUSLY

THIS GENERAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED COUNCIL MEETING HELD ON TUESDAY, MAY 14, 2013 BY A VOTE OF 7-0.

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**RESOLUTION NO.69-2013**

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

WHEREAS, the owner of the property located at 25 Prospect Street, more properly known as Block 502, Lot 40 on the Tax Assessment Map of the City of Yonkers has submitted an application for a Site Plan Review and a Special Use Permit ("Application") for the renovations to the existing ShopRite supermarket 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, pursuant to Sections 43-51 and 43-55 of the Yonkers Zoning 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 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 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 that portion of the Application submitted by the property owner for a Special Use Permit for the renovations to the existing ShopRite supermarket at Block 502, Lot 40 on the Tax Assessment Map of the City of Yonkers, on the property known as 25 Prospect Street, 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) Phase 1: loading continues at the ShopRite loading dock and receiving area on Hudson Street for an interim period. The smaller trucks, known as step trucks, shall park at the loading docks (f there is room) or legally on Hudson Street and unload their goods at the existing receiving area. Once the goods are unloaded, trucks are to vacate that area and park in the upper parking lot, the loading/receiving area as designated on plans, while they stock the shelves.

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**RESOLUTION NO.69-2013 (CONTINUED)**

Phase 2: After completion of the upper level expansion, the receiving operation for small trucks, aka "step trucks", shall be relocated from Hudson Street to the upper parking lot. No further loading from step trucks will be permitted at the Hudson Street docks after completion of the expansion; and

(2) the owner shall replace the sidewalk and curb at the loading dock and establish a consistent curblin on Hudson Street, subject to the review and recommendation of the Engineering Department of the City of Yonkers.

BE IT FURTHER RESOLVED, that all of the conclusions, findings and conditions of the April 10, 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.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED COUNCIL MEETING HELD ON TUESDAY, MAY 14, 2013 BY A VOTE OF 7-0.

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**RESOLUTION NO.70-2013**

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

WHEREAS, the City of Yonkers currently receives revenue from a Mortgage Recording Tax, the imposition of which is authorized under New York State Tax Law, Article 11, Section 253-d; and

WHEREAS, this Mortgage Recording Tax provides supplemental revenue to the City of Yonkers; and

WHEREAS, this Mortgage Recording Tax is set to expire by operation of law on August 31, 2013, unless said date is extended; and

WHEREAS, should the Mortgage Recording Tax expire, the loss of such revenue at this time will result in a gap between the revenues and expenditures of the City of Yonkers; and

WHEREAS, Senate Bill No.S.4116 and Assembly Bill No. A 7022 have been introduced into the New York State Legislature for the purpose of extending said authorization.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Yonkers hereby issues this Home Rule Request Message for Senate Bill No. S 4116 and Assembly Bill No. A 7022 to amend Section 253-d of Article 11 of the New York State Tax Law to extend until August 31, 2015, the Mortgage Recording Tax of the City of Yonkers; and

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**RESOLUTION NO.70-2013 (CONTINUED)**

BE IT FURTHER RESOLVED, that the City Council requests the City Clerk to forward a copy of this Home Rule Request Message to Legislature of the State of New York requesting the passage of the aforesaid bills.

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER SABATINO TO MAKE A FRIENDLY AMENDMENT TO THE ABOVE LEGISLATION. THIS MOTION WAS CARRIED UNANIMOUSLY.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED COUNCIL MEETING HELD ON TUESDAY, MAY 14, 2013 BY A VOTE OF 7-0.

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**RESOLUTION NO.71-2013**

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

WHEREAS, the City of Yonkers seeks passage of State legislation to authorizing the City to adopt local laws imposing an occupancy tax pursuant to the New York State Tax law; and

WHEREAS, many other municipalities within Westchester County and throughout the State impose this tax as a means of raising additional revenue and the City of Yonkers would benefit greatly from such an increase in revenue; and

WHEREAS, Senate Bill No.S.4707 and Assembly Bill No. A 7134 have been introduced into the New York State Legislature for the purpose of authorizing the City of Yonkers to impose such tax; and

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Yonkers hereby issues this Home Rule Request Message for Senate Bill No. S 4707 and Assembly Bill No. A 7134 to amend the New York State Tax law to add section 1202-x to Article 29, to authorize the City of Yonkers to adopt a local law imposing an occupancy tax, with such authorization expiring on September 1, 2016; and

BE IT FURTHER RESOLVED, that the City Council requests the City Clerk to forward a copy of this Home Rule Request Message to Legislature of the State of New York requesting the passage of the aforesaid bills.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED COUNCIL MEETING HELD ON TUESDAY, MAY 14, 2013 BY A VOTE OF 7-0.

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**RESOLUTION NO.72-2013**

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

WHEREAS, the discontinuation of the Yonkers toll plaza on the New York State Thruway will relieve a significant amount of traffic congestion that occurs on a daily basis at and around the site of the current toll plaza; and

WHEREAS, the discontinuation will ensure that the residents of Westchester County are not unfairly disadvantaged vis-à-vis the residents of Rockland County where the Spring Valley toll plaza was removed several years ago; and

WHEREAS, the discontinuation of the Yonkers toll plaza will also allow the City of Yonkers to help maintain its competitive shopping edge more importantly now, with the recent opening of the Ridge Hill Shopping Center; and

WHEREAS, Assembly Bill A. 2842 and its companion bill, Senate Bill S. 4716 have been introduced into the New York State legislature; and

WHEREAS, when adopted and signed into law these bills will direct the New York State Thruway Authority to discontinue and remove the Yonkers toll plaza on the New York State Thruway.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Yonkers hereby declares that the enactment of A. 2842 and S. 4716 are in the best interests of the City of Yonkers, its residents and the residents of Westchester County, and

BE IT FURTHER RESOLVED, that the City Council requests the City Clerk to forward a copy of this Home Rule Request Message to the Legislature of the State of New York requesting the passage of the aforesaid bills.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED COUNCIL MEETING HELD ON TUESDAY, MAY 14, 2013 BY A VOTE OF 7-0.



**ANNOTATED AGENDA**  
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**RESOLUTION NO.73-2013**

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

A RESOLUTION URGING THE NEW YORK STATE LEGISLATURE  
TO INTRODUCE AND PASS LEGISLATION PROHIBITING  
THE ACT OF CALLER ID SPOOFING IN NEW YORK STATE

WHEREAS, caller identification or caller ID allows someone to identify a caller before they answer their telephone and it is sometimes used as an optional service by landline and wireless telephone companies and to date, has become a common feature on most telephone systems; and

WHEREAS, this caller ID service is susceptible to fraud using a practice that is known as "caller ID spoofing" whereby callers can deliberately falsify the telephone number and/or name relayed as the caller ID information to disguise the true identity of the calling party. For example, identity thieves who want to collect sensitive information such as your bank account or social security numbers, sometimes use caller ID spoofing to make it appear as though they are calling from your bank, credit card company or even a government agency; and

WHEREAS, the Federal Truth in Caller ID Act of 2009 was signed into law in December of 2010 and prohibits caller ID spoofing for the purpose of defrauding or otherwise causing harm. Violators are subject to a penalty of up to \$10,000. However, the Federal law only applies to interstate calls, not calls placed and received within the same state; and

WHEREAS, In addition to the justification for the Federal Truth in Caller ID Law, which protects against identity theft, there are instances of caller ID spoofing being used to report crimes and fires and other emergencies, which result in the unnecessary deployment of emergency service personnel endangering the public at-large; and

WHEREAS, there is currently no prohibition of caller ID spoofing within New York State.

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**RESOLUTION NO.73-2013 (CONTINUED)**

NOW, THEREFORE, BE IT RESOLVED, that the City Council and the Mayor of the City Yonkers hereby urge the State Legislature to introduce and pass legislation prohibiting the act of caller ID spoofing.

AND BE IT FURTHER RESOLVED, that the City Clerk transmit a duly certified copy of this Resolution to the Members of the Yonkers delegation of the New York State Legislature.

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**RESOLUTION NO.74-2013**

BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO,  
MINORITY LEADER LARKIN, 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 May 31, 2015

BE IT RESOLVED, that the following applicant(s) are hereby  
appointed and/or reappointed to the office of Commissioner of Deeds for a  
period of two years to expire on May 31, 2015

Miriam Forte  
82 HomecrestOval  
Yonkers, New York 10703

School Secretary

RENEWAL

Michael B. Breen  
81 Longvale Road  
Yonkers, New York 10708

Small Business Owner

RENEWAL

Joan D. O’Gorman  
43 Pine Street  
Yonkers, New York10701

Retired

RENEWAL

Leona Torres  
538 Riverdale Avenue  
Yonkers, New York 10705

Legal Assistant

RENEWAL

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**RESOLUTION NO.74-2013 (CONTINUED)**

John Frank Masone  
24 Runyon Avenue  
Yonkers, New York, 10710

Electrical Contractor

RENEWAL

Rena Ann Jelley  
43 Runyon Avenue  
Yonkers, New York 10710

Secretary

RENEWAL

Margarita M Watson  
324 Palisade Avenue Apt. 3C  
Yonkers, New York 10703

Manager

RENEWAL

Constance A. Braun  
251 Old Church Road  
Putnam Valley, NY 10579

City Council Legislative Aide

RENEWAL

Gail O'Rourke  
105 Clunie Avenue  
Yonkers, NY 10703

Retired

RENEWAL

Lynda Yedowitz  
30 Edison Avenue  
Hastings on Hudson, NY 10706

Secretary

RENEWAL

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**RESOLUTION NO.74-2013 (CONTINUED)**

Frederick Weaver  
34 Edison Avenue  
Hastings on Hudson, NY 10706

Retired

RENEWAL

Erin Lynskey  
19 Helena Avenue  
Yonkers, NY 10710

Secretary

NEW

Joseph Lynskey  
19 Helena Avenue  
Yonkers, NY 10710

Sales

NEW

John Larkin  
78 Hearst Street  
Yonkers, NY 10703

Councilman

RENEWAL

Michael M. Mugattash  
545 Mile Square Road  
Yonkers, NY 10701

Self Employed

NEW

Evelyn Prosodo  
26 Loudoun Street  
Yonkers, NY 10705

Clerk

RENEWAL

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**RESOLUTION NO.74-2013 (CONTINUED)**

Gina M. Saglimbeni  
54 Kettell Avenue  
Yonkers, NY 10704

City Council Legislative Aide

NEW

Maria T. Bellino  
24 College Place  
Yonkers, NY 10704

Clerk

RENEWAL

Sara Monaco  
538 Riverdale Avenue  
Yonkers, NY 10705

Paralegal

RENEWAL

Elizabeth Diaz  
117 Linden Street #2  
Yonkers, NY 10701

Secretary

NEW

David Tubiolo  
25 Churchill Avenue  
Yonkers, NY 10704

Legislative Aide

NEW

Nerissa D Pena  
330 Riverdale Avenue 9C  
Yonkers, NY 10705

Chief of Staff

NEW

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**RESOLUTION NO.74-2013 (CONTINUED)**

Michael Sabatino  
10 Belmont Place  
Yonkers, New York 10701

Councilmember

NEW

Javier Diaz  
491 Riverdale Avenue #2F  
Yonkers, New York 10705

N/A

NEW

Brandon Neider  
135 Forest Avenue  
Yonkers, New York 10705

Student

NEW

Frank Spotorno  
35 Stillwell Avenue  
Yonkers, New York 10705

N/A

NEW

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A  
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**RESOLUTION NO.75-2013**

BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO,  
COUNCILMEMBERS JOHNSON AND SABATINO;

LG ELECTRONICS USA HAS INTRODUCED PLANS TO BUILD AN EIGHT-STORY, 143-FOOT TALL CORPORATE HEADQUARTERS BUILDING IN ENGLEWOOD CLIFFS, N.J. AT THAT HEIGHT, THE BUILDING WOULD RISE HIGH ABOVE THE TREE-LINE OF THE PALISADES, MAKING IT OBTRUSIVELY VISIBLE NOT ONLY FROM THE NEW YORK SIDE OF THE RIVER, BUT MOST SPECIFICALLY FROM THE CITY OF YONKERS. EARLY LAST YEAR THE ENGLEWOOD CLIFFS BOARD OF ADJUSTMENT GAVE FINAL APPROVAL TO THE PROJECT, ALLOWING THE DEVELOPER TO BUILD AT A HEIGHT FOUR TIMES WHAT WAS PREVIOUSLY PERMITTED. CONSTRUCTION ON THE NEW BUILDING IS SET TO BEGIN LATER THIS YEAR.

WHEREAS, The approval of the plan launched a high-powered preservation campaign led by well-known names like Larry Rockefeller, grandson of John D. Rockefeller, and by the Metropolitan Museum of Art; and

WHEREAS, The Rockefellers gifted 700 acres of land across the Hudson River to the state of New Jersey to ensure that the view would remain unspoiled; and

WHEREAS, The grand vista has been conserved for over 100 years through philanthropy and local zoning to protect views of the majestic Palisades and from the turn of the 20<sup>th</sup> century, with efforts by Elizabeth Wermilyea and the Women's Clubs of New Jersey; George Perkins; John D. Rockefeller; Mary Averill Harriman; and J.P. Morgan to create the state park; and

WHEREAS, The Poughkeepsie-based Scenic Hudson has filed two lawsuits challenging the rezoning approved in Englewood Cliffs; and

WHEREAS, Also fearful of losing an untarnished view of the majestic Palisades is the Park Hill Residents Association in southwest Yonkers that is urging members and residents to oppose the proposed building; and



**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 14, 2013**

**RESOLUTION NO.75-2013 (CONTINUED)**

WHEREAS, There is overall concern that once a developer has been allowed to build above the previously held 35-foot height requirement, others will soon follow.

BE IT RESOLVED, that the City of Yonkers hereby joins many other municipalities, Scenic Hudson, the New York-New Jersey Trail Conference, the Cloisters, and many other environmental, cultural and social organizations and activist groups in opposing the building of LG Electronics at its current height.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED COUNCIL MEETING HELD ON TUESDAY, MAY 14, 2013 BY A ROLL CALL VOTE OF 4-3. MINORITY LEADER LARKIN, COUNCILMEMBER SHEPHERD AND BREEN VOTING "NAY."

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 14, 2013**

**RESOLUTION NO.76-2013**

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

RESOLUTION OF THE CITY OF YONKERS IN SUPPORT OF  
REDUCING GREENHOUSE GAS POLLUTION UNDER THE CLEAN  
AIR ACT

WHEREAS, the decade from 2000 to 2010 was the warmest on record, 2005 and 2010 tied for the hottest years on record; and January through September 2012 were the warmest first nine months of any year on record for the contiguous U.S.; and

WHEREAS, the current level of CO<sub>2</sub> in the atmosphere is approximately 392 parts per million (ppm); and

WHEREAS, one of the world's leading climate scientists, Dr. James Hansen, stated in 2008: "If humanity wishes to preserve a planet similar to that on which civilization developed and to which life on Earth is adapted, paleoclimate evidence and climate change suggest that CO<sub>2</sub> will need to be reduced from its current 385 ppm to at most 350 ppm; and

WHEREAS, the Environmental Protection Agency determined that current and future greenhouse gas concentrations endanger public health, and according to the Global Humanitarian Forum climate change is already responsible every year for some 300,000 deaths, 325 million people seriously affected, and economic losses worldwide of U.S. \$125 billion; and

WHEREAS, extreme weather events, most notably heat waves and precipitation extremes, are striking with increased frequency, with deadly consequences for people and wildlife; in the United States in 2011 alone, a record 14 weather and climate disasters occurred, including droughts, heat waves, and floods, that cost at least \$1 billion each in damages and loss of human lives; and

WHEREAS, climate change creates conditions that lead to more destructive storms like 2012's Superstorm Sandy, by loading storms with more energy and more rainfall, raising sea levels and causing storm surge to ride on a higher sea surface so that more coastline floods, and warming the Arctic and melting sea ice, which causes changes in the jet stream

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 14, 2013**

**RESOLUTION NO.76-2013 (CONTINUED)**

that are bringing more extreme weather to the U.S.; and

WHEREAS, climate change is affecting food security by reducing the growth and yields of important crops; droughts, floods and changes in snowpack are altering water supplies; as of October 2, 2012, 64.6 percent of the contiguous U.S. was experiencing moderate-to-exceptional drought; and in 2012, the U.S. Department of Agriculture designated more than half (50.3 percent) of all U.S. counties disaster areas, mainly due to drought; and

WHEREAS, scientists have concluded that by 2100 as many as one in 10 species may be on the verge of extinction due to climate change; and

WHEREAS, the world's land-based ice is rapidly melting, threatening water supplies in many regions and raising sea levels, and Arctic summer sea ice extent has decreased to about half what it was several decades ago, and reached a record low in 2012, with an accompanying drastic reduction in sea-ice thickness and volume, which is severely jeopardizing ice-dependent animals; and WHEREAS, global sea level is rising 60 percent faster than projected by the Intergovernmental Panel on Climate Change; the U.S. East Coast is a hotspot for sea level rise with rates three to four times faster than the global average; sea level rise is accelerating in pace; and sea level could rise by one to two meters in this century, threatening millions of Americans with severe flooding; and

WHEREAS, for four decades, the Clean Air Act has protected the air we breathe through a proven, comprehensive, successful system of pollution control that saves lives and creates economic benefits exceeding its costs by many times; and

WHEREAS, with the Clean Air Act, air quality in this country has improved significantly since 1970, despite major growth both in our economy and industrial production; and

WHEREAS, between 1970 and 1990, the six main pollutants covered by the Clean Air Act — particulate matter and ground-level ozone (both of which contribute to smog and asthma), carbon monoxide, lead, sulfur and nitrogen oxides (the pollutants that cause acid rain) — were reduced by between 47 percent and 93 percent, and airborne lead was

**ANNOTATED AGENDA**  
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**RESOLUTION NO.76-2013 (CONTINUED)**

virtually eliminated; and

WHEREAS, the Clean Air Act has produced economic benefits valued at \$2 trillion or 30 times the cost of regulation; and

WHEREAS, the U.S. Supreme Court ruled in *Massachusetts vs. EPA* (2007) that greenhouse gases are "air pollutants" as defined by the Clean Air Act and the Environmental Protection Agency has the authority to regulate them; and

WHEREAS, The City of Yonkers prides itself on being a leader in the fight against climate change and for clean air; and

NOW THEREFORE BE IT RESOLVED, that climate change is not an abstract problem for the future or one that will only affect far-distant places but rather climate change is happening now, we are causing it, and the longer we wait to act, the more we lose and the more difficult the problem will be to solve; and we, the Yonkers City Council, on behalf of the residents of Yonkers, do hereby urge the administrator of the Environmental Protection Agency and President Barack Obama to move swiftly to fully employ and enforce the Clean Air Act to do our part to reduce Carbon in our atmosphere to no more than 350 parts per million.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED COUNCIL MEETING HELD ON TUESDAY, MAY 14, 2013 BY A VOTE OF 7-0.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 14, 2013**

**RESOLUTION NO.77-2013**

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

WHEREAS, Prophet Elias Greek Orthodox Church, located at 15 Leroy Ave. in Yonkers will hold its annual "Greek Festival" Friday, June 14th, through Sunday, June 16, 2013, and has requested permission from the City Council to place five banners throughout the City; and

WHEREAS, Prophet Elias Greek Orthodox Church has asked that they be permitted to place five (5) banners at the following locations:

1. Central Park Avenue/Tuckahoe Road Bridge,
2. McLean Ave. & Central Park Ave. Bridge (double sided),
3. Yonkers Ave. & Central Park Ave. (double-sided)
4. Nepperhan Avenue Bridge closest to City Hall, and the
5. At Yonkers Ave./Midland Ave. area of Planet Fitness as soon as possible and to be removed as soon after June 17th, 2013 as is possible; and

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 Prophet Elias Greek Orthodox Church 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.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED COUNCIL MEETING HELD ON TUESDAY, MAY 14, 2013 BY A VOTE OF 7-0.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 14, 2013**

**RESOLUTION NO.78-2013**

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

WHEREAS, in 2012, the City of Yonkers was granted authority by New York State to create an Administrative Adjudication Bureau (AAB); and

WHEREAS, in preparation for the enactment of a Local Law to establish the Yonkers Administrative Adjudication Bureau it was evident that the proposed Bureau and the Parking Violations Bureau (PVB) would be sharing many functions, both legally and administratively; and

WHEREAS, the Yonkers PVB is established pursuant to New York State law and thus a merger of the administrative functions of the AAB and the PVB would require an act of the New York State Legislature; and

WHEREAS, legislation has been introduced in the Senate as S.5000 and in the Assembly as A.7328; and

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Yonkers hereby issues this Home Rule Request Message for Senate Bill No. S. 5000 and Assembly Bill No. A. 7328 to amend the New York State General Municipal law and the Vehicle and Traffic law, to authorize the City of Yonkers to adopt a local law merging the functions of the Administrative Adjudication Bureau and the Parking Violations Bureau; and

BE IT FURTHER RESOLVED, that the City Council requests the City Clerk to forward a copy of this Home Rule Request Message to Legislature of the State of New York requesting the passage of the aforesaid bills.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED COUNCIL MEETING HELD ON TUESDAY, MAY 14, 2013 BY A VOTE OF 7-0.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 14, 2013**

**COMMITTEE REPORTS**

THIS MEETING WAS ADJOURNED AT 8:50PM