

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 11, 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 - ABSENT
 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 May 28, 2013 and a special meeting held on May 31, 2013 approved on motion of Majority Leader Wilson Terrero.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 11, 2013

INDEX

OLD BUSINESS

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
1. R.87-2013	RES – HOME RULE MESSAGE PARKLAND (TREVOR PARK) GLENWOOD POH	6/7

NEW BUSINESS

2. OVER	RES – RATIFYING THE SETTLEMENT OF THE ACTION TITLED CITY OF YONKERS V. PEACOCK REALTY CORP.	8
3. R.88-2013	RES - RATIFYING THE SETTLEMENT OF THE ACTION TITLED CITY OF YONKERS V. C-TELLI RESTAURANT & BAR	9
4. R.89-2013	RES - RATIFYING THE SETTLEMENT OF THE ACTION TITLED CITY OF YONKERS V. RON MASCIANDARO	10
5. R.90-2013	RES – SPECIAL USE PERMIT & SITE PLAN APPLICATION FOR PROPOSED GAS STATION 1051 YONKERS AVE	11/13
6. R.91-2013	RES – APPOINTMENT TO IDA ROBERT P. MACCARIELLO	14
7. R.92-2013	RES – COMMISSIONERS OF DEEDS	15/16
8. R.93-2013	RES – BANNER – OUR LADY OF FATIMA SCHOOL	17
8A R.94-2013	RES – HOMERULE ADMINISTRATIVE ADJUDICATION	18/19

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 11, 2013

COMMUNICATIONS FROM CITY OFFICIALS

NONE

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 11, 2013

COMMUNICATIONS - GENERALLY

NONE

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 11, 2013

COMMITTEE OF THE WHOLE

SPEAKERS

	<u>NAME</u>	<u>ADDRESS</u>	<u>ITEM NO.</u>
1.	TERRY JOSHI	ROCKLAND AVE	1
2.	CHARLIE HENSLEY	YKS RESIDENT	1
3.	SHERMAN CARRINGTON	N/A	1

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 11, 2013

RESOLUTION NO.87-2013

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

WHEREAS, the City Council of the City of Yonkers approved Resolution No. 63-2013 on April 23, 2013 requesting the New York State Legislature to enact legislation authorizing the City of Yonkers to enter into certain agreements with Glenwood POH LLC and to alienate specifically designated parkland located in the vicinity of Trevor Park; and

WHEREAS, the State Legislature has introduced such legislation in the Assembly as A.7362-D, which legislation will be taken up by both houses of the Legislature; and

WHEREAS, the project developer, Glenwood POH, LLC, intends to renovate the iconic power plant buildings into a new hotel and convention center unique destination facility, however, the Power Plant Site has no land area that can accommodate parking for the project ("Redevelopment Project"); and

WHEREAS, the legislation would authorize the City of Yonkers to enter into contracts, leases or rental agreements with Glenwood POH LLC and/or other entities for a term not to exceed 30 years and to allow for the granting of easements, licenses, permits and concessions in order to construct a parking facility, foot bridge for pedestrian access, ramp into the new complex, loading dock and associated roadways and other park amenities; and

WHEREAS, said authorization would include alienation of specifically described parkland for the construction of new facilities and amenities associated with the development of the abandoned power plant in and in the vicinity of Trevor Park in the City of Yonkers and to enhance parkland improvements; and

WHEREAS, such authorizations are subject to the requirement that the City of Yonkers arrange for the development of capital improvements to park and recreational facilities on the same site such that the parkland being alienated is not only replaced in kind but improved from current conditions; and additional property of equal or greater acreage in the area of New Main Street and Palisades Point and more full bounded and described in Section 5 of the legislation.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 11, 2013

RESOLUTION NO.87-2013 (CONTINUED)

NOW, THEREFORE, BE IT RESOLVED, that the Yonkers City Council hereby issues this Home Rule request in support of Assembly Bill No. A.7362-D; and be it

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 LARKIN, SECONDED BY COUNCIL PRESIDENT LESNICK TO ACCEPT CHANGES TO THE ABOVE RESOLUTION. THE MOTION WAS ADOPTED.

THIS RESOLUTION WAS ADOPTED AS AMENDED BY THE CITY COUNCIL AT A STATED COUNCIL MEETING HELD ON TUESDAY, JUNE 11, 2013 BY A ROLL CALL VOTE OF 5-0-1. COUNCILMEMBER SABATINO WAS ABSENT. COUNCILMEMBER JOHNSON ABSTAINED.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 11, 2013

RESOLUTION

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

WHEREAS, the City of Yonkers ("City") has commenced foreclosure proceedings against property owners who are delinquent in the payment of real property taxes; and

WHEREAS, the City has commenced one such action titled City of Yonkers v. Peacock Realty Corporation a/k/a Peacock Realty Group, et al, bearing Index Numbers 8596/2010 and Index Numbers 8597/2010 involving property located at 150 School Street and 150 School Street Rear, as further described as Section 1, Block 191, lots 7 & 61 on the Official Tax Map of the City of Yonkers; and

WHEREAS, the City has litigated the matter to judgment which is currently subject, however, to several pending appeals; and

WHEREAS, in view of the pending appeals, the parties have been engaged in discussions to settle this matter; and

WHEREAS, it is in the best interest of the City of Yonkers to settle this matter in order to recoup tax arrears which are substantially in excess of the property's current market value.

NOW, THEREFORE BE IT RESOLVED, that the Corporation Counsel is hereby authorized to settle this matter in the total sum of \$650,000.00, and upon such other conditions as are in the best interest of the City of Yonkers; and be it

FURTHER RESOLVED, that the Corporation Counsel, be and the same is hereby authorized to execute and file a Stipulation of Settlement, Notices of Discontinuance and any other document on behalf of the City of Yonkers necessary to conclude this matter; and be it

FURTHER RESOLVED, that this Resolution shall take effect immediately.

THE ABOVE LEGISLATION WAS PUT OVER BY THE COUNCIL

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 11, 2013

RESOLUTION NO.88-2013

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

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

That the settlement by the Corporation Counsel of the action entitled, "City of Yonkers, Plaintiff v C-Telli Bar and Restaurant Inc., Albert Ciuffetelli, and Joseph W. Ciuffetelli", Westchester County Supreme Court Index No. 2012/70652 for the amount of ELEVEN THOUSAND ONE HUNDRED AND SEVENTY FOUR DOLLARS AND THIRTY CENTS (\$11,174.30) be and the same hereby is approved and that the Corporation Corporation Counsel, be and the same is hereby authorized to execute and file a Stipulation of Settlement, Notices of Discontinuance and any other document on behalf of the City of Yonkers necessary to conclude this matter; and

That any actions taken by such members of the Law Department prior to the dates of the foregoing resolution adopted hereby that are related to the settlement of the above captioned matter within the authority conferred thereby are hereby confirmed and approved as the acts and deeds of the City of Yonkers; 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, JUNE 11, 2013 BY A VOTE OF 6-0.COUNCILMEMBER SABATINO WAS ABSENT

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 11, 2013

RESOLUTION NO.89-2013

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

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

That the settlement by the Corporation Counsel of the action entitled "City of Yonkers, Plaintiff v Ronald Masciandro" Westchester County Supreme Court Index No. 2013/50228, per the terms set forth in Loan Modification Agreement attached hereto, be and the same is hereby approved and that the Corporation Counsel, be and the same is hereby authorized to execute and file a Stipulation of Settlement, Notices of Discontinuance and any other document on behalf of the City of Yonkers necessary to conclude this matter; and

That any actions taken by the Corporation Counsel prior to the dates of the foregoing resolution adopted hereby that are related to the settlement of the above captioned matter within the authority conferred thereby are hereby confirmed and approved as the acts and deeds of the City of Yonkers; 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, JUNE 11, 2013 BY A VOTE OF 6-0.COUNCILMEMBER SABATINO WAS ABSENT

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 11, 2013

RESOLUTION NO.90-2013

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

SPECIAL USE PERMIT AND SITE PLAN APPLICATION FOR A PROPOSED GAS STATION AND CONVENIENCE STORE AT BLOCK 6328, LOTS 49-54, ON THE PROPERTY ALSO KNOWN AS 1051 YONKERS AVENUE PURSUANT TO ARTICLE VII AND ARTICLE IX OF THE YONKERS ZONING CODE

WHEREAS, the owner of the property located at 1051 Yonkers Avenue, more properly known as Block 6328, Lots 49-54 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 a gas station in conjunction with a convenience store 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 by BNN APEX CORP., as the property owner, for a Site Plan Review and Special Use Permit, for the operation of a gas station in conjunction with convenience store at Block 6328, Lots 49-54 on the Tax Assessment Map of the City of Yonkers, on the property known as 1051 Yonkers Avenue, 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;

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 11, 2013

RESOLUTION NO.90-2013 (CONTINUED)

- (1) The hours of operation are expressly limited to 6:00 A.M. to 12 midnight; and
- (2) The applicant shall add the installation of "NO LEFT TURN" signs to the site plan restricting left turns into and out of eastern driveway on Yonkers; and
- (3) The north-south crosswalk at the northwest corner of the property is not handicapped-accessible, therefore a pedestrian curb ramp shall be installed to accommodate this crossing (a new ramp, or increase the existing ramp on the apex to accommodate both crossings), which final design is subject to New York State Department of Transportation approval; and
- (4) The applicant shall schedule gasoline deliveries during off-peak hours; and
- (5) The applicant shall replace all broken and eroded sidewalk along the entire frontage; and
- (6) The applicant must submit stormwater quality and quantity improvements for the site to the Department of Engineering, and if existing sanitary sewer lateral is going to be reused, it must be televised and verified to be in good working condition by the Engineering Department; and
- (7) The interior curb line on the western driveway along Yonkers Avenue should match in alignment; and
- (8) As per §43-121(B)(8) of the Zoning Ordinance, "circuits shall be arranged so that at least 50% of all lighting (alternate luminaries) shall be turned off after business hours, when only lights necessary for security purposes shall be left on"; and
- (9) The applicant must contact the city arborist for the species of the tree to be installed along Yonkers Avenue; and
- (10) All construction work must be performed Monday through Friday during 7 a.m. and 6 p.m. as per the Department of Housing and Buildings. All of the conclusions, findings and conditions of the May 8, 2013, 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, JUNE 11, 2013

RESOLUTION NO.90-2013 (CONTINUED)

RESOLVED, that this Resolution shall take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A
STATED COUNCIL MEETING HELD ON TUESDAY, JUNE 11, 2013 BY
A VOTE OF 6-0.COUNCILMEMBER SABATINO WAS ABSENT.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 11, 2013

RESOLUTION NO.91-2013

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

A RESOLUTION APPOINTING ROBERT P. MACCARIELLO AS A MEMBER OF THE BOARD OF THE YONKERS INDUSTRIAL DEVELOPMENT AGENCY

WHEREAS, established in 1982, the Yonkers Industrial Development Agency ("YIDA") is a public benefit corporation that provides business development incentives to enhance economic development and job growth in the City of Yonkers; and

WHEREAS, the YIDA utilizes discretionary mortgage and sales tax exemptions for businesses, payments in lieu of taxes (PILOTs) and bonds for the tax exempt financing of business development to achieve this goal; and

WHEREAS, Chapter 475 of the Laws of 2010 provides that the Board of Directors of the YIDA ("Board") shall be composed of 7 members, of which 6 members shall be appointed by the Mayor of the City of Yonkers and 1 member shall be appointed by majority vote of the City Council of Yonkers; and

WHEREAS, the City Council is desirous of appointing Robert P. Maccariello, who has knowledge and experience in the field of economic development that will be valuable to the Board; and now therefore be it

RESOLVED, that Robert P. Maccariello is hereby appointed as a member of the Board; and be it further

RESOLVED, that the term of Robert P. Maccariello shall commence on 6/01/2013 and expire on 5/31/2015; and be it further

RESOLVED, that this resolution shall take effect immediately.

THIS RESOLUTION WAS ADOPTED AS AMENDED BY THE CITY COUNCIL AT A STATED COUNCIL MEETING HELD ON TUESDAY, JUNE 11, 2013 BY A VOTE OF 6-0. COUNCILMEMBER SABATINO WAS ABSENT.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 11, 2013

RESOLUTION NO.92-2013

7. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, 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 June 30, 2015

Mariella Garcia
243 South Broadway
Yonkers, New York 10705

Secretary

RENEWAL

Bernadette McLaughlin
20 Wilbur Street
Yonkers, New York 10704

Retired

NEW

Ronald J. P. Volino
385 Kimball Avenue
Yonkers, NY 10704

Doctor

NEW

Angelica Cancel
120 DeHaven Drive Apt. 428
Yonkers, NY 10703

Student

NEW

Josh Hurban
3 Volz Place
Yonkers, NY 10701

Student

NEW

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 11, 2013

RESOLUTION NO.92-2013 (CONTINUED)

Lisa Rivera
82 LaSalle Drive
Yonkers, NY 10710

Student NEW

Irma Y. Drace
41 Western Avenue
Yonkers, NY 10705

Westchester County NEW

Dhyalma N. Vazquez
55 Morris Street
Yonkers, NY 10705

Westchester County NEW

Josefina Rodriquez
55 Morris Street
Yonkers, NY 10705

Westchester County NEW

Jamie McGill
682 Tuckahoe Road
Yonkers, NY 10710

N/A NEW

THIS RESOLUTION WAS ADOPTED AS AMENDED BY THE CITY COUNCIL AT A STATED COUNCIL MEETING HELD ON TUESDAY, JUNE 11, 2013 BY A VOTE OF 6-0.COUNCILMEMBER SABATINO WAS ABSENT.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 11, 2013

RESOLUTION NO.93-2013

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

WHEREAS, Our Lady of Fatima School, located at 963 Scarsdale Road. in Yonkers will hold its Annual Tag Sale on Saturday, June 22nd and Sunday June 23rd 2013, and has requested permission from the City Council to place one (1) banner in the city promoting this event, and

WHEREAS, Our Lady of Fatima School has asked that they be permitted to place the banner on the pedestrian over-pass at Sadore Lane and Central Park Ave. or where ever convenient in that same area on or around June 10th, 2013 and to be removed as soon after June 23, 2013 as is possible; and

WHEREAS, said location is 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 Our Lady of Fatima School to place one banner in the aforementioned location, 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 AS AMENDED BY THE CITY COUNCIL AT A STATED COUNCIL MEETING HELD ON TUESDAY, JUNE 11, 2013 BY A VOTE OF 6-0.COUNCILMEMBER SABATINO WAS ABSENT.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 11, 2013

RESOLUTION NO.94-2013

- 8A. BY MINORITY LEADER LARKIN, COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, COUNCILMEMBERS JOHNSON, 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-A and in the Assembly as A.7328-A; 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-A and Assembly Bill No. A. 7328-A to amend the New York State General Municipal law to authorize the City of Yonkers to adopt a local law permitting the Yonkers Administrative Adjudication Bureau to hear and determine traffic infractions in accordance with the provisions of the Vehicle and Traffic law; and

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 11, 2013

RESOLUTION (CONTINUED) NO.94-2013

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 AS AMENDED BY THE CITY COUNCIL AT A STATED COUNCIL MEETING HELD ON TUESDAY, JUNE 11, 2013 BY A VOTE OF 6-0. COUNCILMEMBER SABATINO WAS ABSENT.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 11, 2013

COMMITTEE REPORTS

THIS MEETING WAS ADJOURNED AT 8:40PM