



Zoning Board of Appeals
Department of Planning & Community Development
City Hall - Roosevelt Square
Mount Vernon, New York 10550-2060
(914) 699-7230

Shawyn Patterson-Howard
Mayor

Michael Justino
Chair

**ZONING BOARD OF APPEALS
MEETING/HEARING
AGENDA
APRIL 18, 2023**

A work session of the Zoning Board of Appeals will be held on Tuesday, April 18, 2023, at 6:00 PM in City Council Chambers on the second floor of City Hall. The regular meeting of the Zoning Board of Appeals will be continued at 6:30 PM. Applicants and members of the public will be permitted to attend and make public comment via in person attendance.

ITEM #1 ROLL CALL

ITEM #2 APPROVAL OF MINUTES

- March 21, 2023

ITEM #3 PUBLIC HEARINGS

Continued Public Hearing

3.1 Calendar #1769-Z: 123 Haven Avenue (Section 165.73, Block 4009, Lot 09) in the R2-4.5 Zoning District

Regarding public notice:

The Board previously received proof of mailing, proof of publication in the Journal News, and proof of initial sign posting for the application.

The Board has also received an Affidavit of Sign Posting stating that on April 1, 2023 a sign was posted at the site giving notice of the Zoning Board's April 18, 2023 meeting. The Board also

received photographs showing that the sign posting on the property has been updated providing notice of today’s meeting.

Theresa Martinez is the owner of the subject property located at the corner of Haven Avenue and Carpenter Place. The owner is represented by Mr. Shahin Badaly, PE. Applicant is requesting an area variance to increase the impervious area in front of the property.

The Applicant proposes to provide pavers on the two front yards as well as additional asphalt pavement to the existing asphalt driveway in order to create two additional parking spaces. Exterior alterations will also include a new retaining wall, new stone steps, new concrete sidewalk, and a new vinyl fence.

In response to comments from the ZBA, the Applicant has provided a stormwater management plan, a landscaping plan, and decreased their variance request for impervious surface coverage.

Area Variance Requested:

Item	Required / Permitted	Proposed	Variance Requested
Impervious surfaces coverage (%)	70% maximum	86.63%	16.63%

SEQRA Determination: The proposed action is a Type II action based on 617(c)(17) “granting of an area variance for a single-family, two-family or three-family residence” in SEQR handbook.

Continued Public Hearing

3.2 Case # ZB- 22-3: 114 – 118 E. Third Street (Section 165.79, Block 3157, Lots 5 and 6) in the Neighborhood Business (NB) District.

Regarding public notice:

The Board previously received proof of mailing, proof of publication in the Journal News, and proof of initial sign posting for the application.

The Board has also received an Affidavit of Sign Posting stating that on April 1, 2023 a sign was posted at the site giving notice of the Zoning Board’s April 18, 2023 meeting. The Board also received photographs showing that the sign posting on the property has been updated providing notice of today’s meeting.

The owner, East Third Street Equities, is represented by his attorney, Mr. Neil Alexander, Esq. from Cuddy & Feder, and his architect, Mr. Mohammed Badaly.

The subject property is on the south side of East Third Street, approximately 335’ west of Franklin Street in the Neighborhood Business district. The NB district extends approximately nine blocks from South Fulton Avenue on the east to South 7th Street on the west. The subject property is 7,162 sf or .16 acres. The property’s frontage is approximately 76’. It is occupied by a two story, 3,000 sf commercial building, which is vacant.

The Applicant is seeking a use variance as well as area variances to construct a new, 28,788 sf apartment building. The proposed multi-family building would be 8 stories and approximately 75’ in height with 49 units (21 studios, 21 one-bedroom units, and 7 two-bedroom units). Applicant has provided a Zoning Analysis on the submitted site plan. The Plan Examiner’s Report indicates approvals from the ZBA, the Planning Board, and the ARB.

Mr. Alexander, Cuddy & Feder, had provided the *Principal Points* in support of the use variance and the area variances. The Attorney indicated that the owner has owned the property since June 19, 1972. He presented the financial hardship criteria needed for a use variance. He provided a letter from RM Friedlander dated 11/11/22 which described the firm’s unsuccessful marketing efforts for the last three years and their recommendations. Mr. Alexander also provided a description of the nature of the area, indicating that there are multi-family buildings at the northeast and southwest corners of East Third Street and Union Avenue (1/2 block to the west of the site in the NB zone). He also notes that the 13-story Randy Daniels Towers (20 East Third Street) is one of several mid-rise, multi-family buildings approximately 2 blocks to the west of the subject property. Applicant has also provided a summary of construction and financing costs for the Zoning Board members.

Area Variances Requested: (§ 267-Attachment 2)

Item	Required / Permitted	Proposed	Variance Requested
Floor Area	1.0 maximum	5.36	4.36
Building Height (stories)	2 stories maximum	8 stories	6 stories
Building Height (feet)	30’ maximum	74.67’	44.67’
Lot Coverage – Building (%)	60% maximum	67%	7%
Lot Coverage-Impervious Surface (%)	90% maximum	100%	10%
# off-street parking spaces	98 spaces (2 per dwelling unit)	12 spaces	86 spaces

SEQRA – The proposed action is a use variance and as such it is classified as an Unlisted action under SEQRA. The ZBA would need to establish itself as the Lead Agency for the environmental review of this proposed action. The application was referred to Westchester County Planning for GML review.

A Notice of Intent for the ZBA to assume lead agency status was sent to the Mayor’s office, Council President Browne, the Planning Board, and the ARB. It was also sent to Mount Vernon interested agencies, Westchester County agencies, and NY State agencies.

The application has been sent to the Fire Department, the Police Department, the Water Bureau, and DPW for comments. The ZBA has also requested recommendations from the Planning Board and the ARB.

ITEM #4 ADMINISTRATIVE ACTION

4.1 Correction of Clerical Error in the ZBA Rules of Procedure

In accordance with Article XXI(A) of the Zoning Board of Appeals Rules of Procedure, “these rules of procedure may be amended from time to time by an affirmative vote of a majority of the entire membership of the Board.”

The ZBA Rules of Procedure as posted on the City’s website is missing page 10. The ZBA now seeks to include page 10, which was inadvertently omitted, so that the complete set of Rules can be posted on the City website. The rest of the ZBA Rules of Procedure remains unchanged.

SEQRA Determination: This action is a “Type II” action in accordance with Title 6 NYCRR 617.5(26) of the SEQRA Regulations (“routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment”); thereby, ending the SEQRA process.

Note: Work Sessions will be open to the public but closed to public participation subject to the Open Meetings Law, [Section 105 of New York State Public Officers Law, Article 7].

Note: Items listed on the agenda are subject to change and amendments and/or additions may be placed on the agenda.

Upcoming Dates:

- TUESDAY, May 16, 2023, at 6:00 pm for ZBA Work Session
- TUESDAY, May 16, 2023, at 6:30 pm for Regular Meeting of the ZBA

Marlon Molina 2nd Deputy Planning Commissioner.

cc: Shawyn Patterson-Howard, Mayor
Chair, Planning Board
James Rausse, Planning Commissioner
Building Commissioner
Corporation Counsel
City Clerk
Lobby