



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 MAY 16, 2023

A work session of the Zoning Board of Appeals will be held on Tuesday, May 16, 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

- April 18, 2023

ITEM #3 PUBLIC HEARINGS

Continued Public Hearing

3.1 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 May 1, 2023 a sign was posted at the site giving notice of the Zoning Board's May 16, 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, has provided *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. As financial evidence in support of Applicant's use variance request, Applicant's attorney 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.

At the April meeting, the Board requested that the Applicant revise the Short EAF form, update their Statement of Principal Points, and address concerns regarding parking.

The Applicant has provided revised site plans, including a stormwater retention plan, renderings, and a revised area variance request for parking.

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)	24 spaces (revised)	74 spaces

SEQRA – The proposed action is a use variance and is classified as an Unlisted action for SEQRA purposes. At its March 21, 2023 meeting, the ZBA declared its intent to serve as Lead Agency for the environmental review of this proposed action.

The ZBA received no written objections to the Notice of Intent that was circulated. The Planning Board discussed the Notice of Intent at its May 3, 2023 meeting and noted that the property is included within the downtown boundary for Phase 1 of the Comprehensive Plan. The Planning Board stated that it has no objection to the ZBA serving as lead agency for SEQRA purposes.

The application was referred to Westchester County Planning for GML review.

The application has been sent to the Fire Department, the Police Department, the Water Bureau, and DPW for comments. The Water Bureau responded with the following comments: water bill must be paid in full; fire flow test must be done to determine how much water is available for the project; and backflow applications need to be submitted. The Fire Department responded with a request for: additional information regarding the demo permit; FDMV/Plumbing Superintendent to be included on fire sprinkler/standpipe plans; NYS 2020 Building Codes - fire and smoke protection penetrations and NY 2020 Fire Code - carbon monoxide detectors; and a request for the proposed equipment list of heating/hot water and cooking equipment.

The ZBA also requested recommendations from the Planning Board and the ARB. Members of the ARB and the Chair of the Planning Board provided comments on May 10, 2023.

The City Council drafted a letter dated May 9, 2023 providing comments regarding this application.

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, June 20, 2023, at 6:00 pm for ZBA Work Session
- TUESDAY, June 20, 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