



**City Planning Board**  
Department of Planning & Community Development  
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Shawyn Patterson-Howard  
Mayor

Darryl Selsey  
Chair

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## **PLANNING BOARD MEETING MINUTES For January 5, 2022**

The Chair indicated that this is a regular meeting of the City Planning Board being held on Wednesday, January 5, 2022, at 6:30 PM via ZOOM. The meeting will be live streamed and recorded via Facebook: CMVNY. The Chair asked Deputy Commissioner Molina to start the live streaming on Facebook.

### **Roll Call**

**The Chair** called the roll: In addition to Chairman Selsey, attending were the following Commissioners: Mr. Charles Whites, Mr. Thompson, Mr. Trolio, Ms. Thompson-Njenga, and Mr. Zamor.

Also attending Marlon Molina, Deputy Commissioner, Maria Pace, Secretary to the Planning Board, Bob Galvin, Planning Administrator and U. Nkeichi Nwachukwu, land use counsel.

**The Chair** indicated that there was a quorum present and opened the meeting at 6:30 pm.

### **APPROVAL OF MINUTES**

**The Chair** asked if the Commissioners had an opportunity to review the minutes of December 8, 2021, and were there any corrections. There being no changes, the Chair asked for a motion to approve the minutes for December 8, 2021. The motion was made by Commissioner Trolio, seconded by Commissioner Thompson-Njenga and carried by a vote of 6-0.

### **Public Hearings**

#### **Closed Public Hearing**

The Chair read the following description of **Case No. 16 1 Bradford Road (Section 165.66, Block 2204, Lot 1&4) located in the Planned Adjacent Park (PAP) Zoning District**

**The Chair** indicated that the Planning Board had closed the Public Hearing at its meeting on December 8, 2021, and kept it open to December 18, 2021, to receive written comment. Comments received during this time were provided to the Planning Board Commissioners for review and included in the application's record. The Planning Board authorized staff on December 8, 2021, to prepare a draft resolution for this site plan application. This was prepared and provided to the Planning Commissioners.

**The Chair** asked if there was any further comment or questions from the Planning Board. There being nothing further to discuss, the Chair asked for a motion to approve the site plan for 1 Bradford Road. Commissioner Zamor made the motion, seconded by Commissioner Thompson--Njenga and carried by a vote of 6-0.

**The Chair** then asked that Ms. Bradshaw and Mr. Martino be promoted as panelists and indicated that the Planning Board had approved the site approval. He then recognized the applicant for their community efforts. The Chair welcomed the applicant to the City and the Board was looking forward to their being good neighbors.

**Ms. Bradshaw** thanked the Planning Board for their very professional review and is happy to join the city as a new neighbor.

#### **Closed Public Hearing**

The Chair read the following description of **Case No. 14-2021 19-21 Bertel Avenue (Section 169.41, Block 4084, Lot 49 in the Industrial zone.**

**The Chair** indicated that the Planning Board closed the public hearing on December 8, 2021. The Planning Board authorized staff to prepare a draft resolution for the application.

**The Chair** asked if the Planning Board members if they reviewed the draft resolution. The Commissioners indicated that they had reviewed the draft resolution. The Chair indicated that the applicant had stated that the parked cars in the street are not his vehicles. The Applicant indicated that he would be in favor of the City ticketed the vehicles parking on the street. They represent a problem for his business, and he has an accessory parking lot at the end of Bertel Avenue for his vehicles as well as using his existing building.

**Commissioner Zamor** commented that the condition which prohibited trucks parking in the city right of way should be changed to vehicles. This would cover trucks as well as other vehicles. He also indicated that any exterior lighting should be downlighted with a color temperature of 3500 kelvin providing adequate lighting in front of the building, the sidewalks be repaired in front of the building per DPW specifications and that the security camera videos shall be retained for at least 60 days.

**The Chair made the motion to approve the special permit for the 21 Bertel Street application. The motion was seconded by Commissioner Thompson who stated that he was fine with the project and the additional conditions included above. The motion was carried by a vote of 6-0.**

**Continued Public Hearing**

**The Chair read the description of Case No. 13-2021 128 West Second Street (Section 165.77, Block 3051, Lot 25 in the RMF-6.75 zone.**

The Chair indicated that this is a continuation of a public hearing. Applicant is seeking a special permit for a domiciliary care facility in a residential building at 128 West Second Street in the RMF-6.75 zone. Domiciliary care facilities are allowed by special permit in the RMF-6.75 zone per §287-28B. Applicant is represented by Mr. Shahin Badaly PE, the Applicant's Engineer. The Agency sponsor is the Catholic Guardian Services (part of the Catholic Charities of the Archdiocese of New York.) The Planning Board confirmed the proposed action to be a Type II action at its November 3, 2021 meeting.

**The Chair asked M. Badaly to introduce the team.**

**Mr. Badaly stated that Mr. Jim Benjamin, the owner, will be participating as well as Mr. Harry Bavaro, the Assistant Executive Director for Administrative Services of Catholic Guardian Services who has been asked to attend and discuss their program and operations.**

**Mr. Badaly shared his screen and showed the Applicant's two videos which show the Catholic Guardians home in the Bronx and a tour of the subject property at 128 West Second Street.**

**Mr. Badaly introduced Mr. Jim Benjamin who referred to the videos indicating that the space in the Catholic Guardians Bronx home is larger than the subject property at 128 West 2<sup>nd</sup> Street. The 128 West 2<sup>nd</sup> Street property can hold 16 residents.**

**Mr. Benjamin introduced Mr. Bavaro who described his responsibility for the administration of the Catholic Guardian Services programs, contracting and working with agencies such as the Federal Office of Children and Family Services and NYS agencies. A Fact Sheet for the Unaccompanied Children Program was provided to the Planning Board. (This Fact Sheet is attached to these minutes.) Mr. Bavaro also introduced Mike Burgos, the Assistant Program Director for Catholic Guardian programs. Mr. Burgos is responsible for program management, facility maintenance, and staffing.**

**Commissioner Zamor asked Mr. Burgos how the agency selects sites?**

**Mr. Burgos** indicated that the size of the facility is important, the review of the facility and acceptance by the funding governmental agency, acceptance by the community and prior experience with landlord. The Catholic Guardians have three other facilities for unaccompanied children plus another facility in northern Manhattan.

**The Chair** asked if the 128 West 2<sup>nd</sup> Street house meets the criteria for the Office of Children and family Services.

**Mr. Bavaro** stated that Catholic Guardians would need a contract in hand before NYS would undertake a review of the facility. The facility would need an office space, fire and safety review, space requirements, maximum occupancy, sprinklers (which have been worked on), fire alarm system, adequate space for bedrooms, bathrooms, dining rooms and kitchen facilities. outdoor space.

**Commissioner Thompson** asked what the criterion for children is to enter the program.

**Mr. Burgos** described the unaccompanied children program. He indicated that children are primarily from the border and Central America. The program is designed to reunite children with families and close relatives. Before reunification, there is an extensive background check on families/relatives. Typically, there is a short stay approximately 30 – 45 days. Program transports children out to education, healthcare, counseling. There is 24 x 7 supervision. Children are referred to the Federal Health & Human Services, Office of Refugee Resettlement. Mental health services are available on the premises.

**Commissioner Zamor** asked what happens if children are not reunited by age 18.

**Mr. Burgos** stated that it is a short-term transitional program.

**The Chair** asked about the percentage of children that are reunited.

**Mr. Burgos** stated that the program has three categories. Category 1 includes children with parents – the stay is 16 – 20 days; Category 2 is children with relatives; Category 3 includes children with extended family, undergo extensive background checks. The reunification rate in Categories 1 and 2 represent 99 % of the children.

**Commissioner Zamor** asked who is responsible for the maintenance of the house.

**Mr. Burgos** indicated that the Catholic Guardians have a maintenance budget and staffing to maintain the interior of the facility. There is a lease with the landlord who would be responsible for exterior items such as roofing.

**Commissioner Zamor** asked who is responsible for property taxes.

**Mr. Benjamin** said that he as the landlord is responsible for the property taxes.

**Commissioner Thompson** asked about security and staffing.

**Mr. Burgos indicated** that there is a 24 x 7 surveillance camera system. The facility maintains coordination and maintenance personnel to stay on top of the appearance of the facility and not have it as a eyesore to the neighborhood. Mr. Burgos went through the staffing for the facility which includes youth care worker for every 5/6 children, resident manager, case managers, dentist, therapeutic staff, program director, two asset staff. The facility has specific staff ratios and the staff undergo two weeks of training including child development training and therapeutic crisis intervention.

**Commissioner Whites** wanted to know if the agency has any other facilities in Westchester,

**Mr. Bavaro** indicated that this is the first entry into Westchester County.

**Mr. Badaly** shared his screen and reviewed the revised site plan showing the outdoor space in the rear of the house.

**The Chair** asked about the size of the grassy area and is it suitable for soccer.

**Mr. Bavaro** indicated that the Catholic Guardians think that it is large enough. The house is located 77 feet from the rear property line. There is still room for two vans in the parking area on the side. The entry into the side area is from South 10<sup>th</sup> Avenue.

**The Chair** asked about the hours that the vans will be used.

**Mr. Burgos** indicates the tutoring and ESL is provided onsite. Vans would be used for outside healthcare, covid protocols are in place, mental health services are onsite. There are five cooks for meals onsite. This is in accord with NYS health regulations.

**The Chair** asked about assigning children to bedrooms.

**Mr. Burgos** indicted that every site is different . The children are separated into cohorts. Bedrooms are used for 2-4 children which are age appropriate. The average ages in the facilities are primarily 14-15 and 16 years of age.

**The Chair** asked the Board if they had additional questions. The Catholic Guardians need to have a contract with the landlord for the NYS Certification purposes.

**Commissioner Trolio** asked about lighting and landscaping plan.

**Mr. Badaly** indicated that he would provide the security plan. There is only interior lighting.

**Mr. Benjamin** stated that there is interior lighting which is sufficient. The outside lighting would be in the backyard and not the entire property. If required, he would do the outdoor lighting with review with the agency.

**The Chair** indicated that the Applicant should provide a lighting and security plan with the Catholic Guardians.

**Commissioner Thompson- Njenga** indicated that the property is on a corner with pathways, parking spaces, exterior sidewalks. Applicant should avoid light pollution, but it is very dark at night.

**Mr. Bavaro** thanked the Commissioner for her comments which were appropriate.

**The Chair** asked if there were any public comments. There was no public comment.

**The Chair** indicated to the Applicant that he should provide a landscaping, lighting and security plan in coordination with the Catholic Guardians.

**The Chair** indicated that the condition and pattern of the sidewalks should be reviewed and repaired, if necessary, prior to the issuance of a Certificate of Occupancy.

**The Chair** indicated that the application will be adjourned until February 2<sup>nd</sup>.

### **New Public Hearing**

**The Chair** read the description of **Case No. 15 – 2021 0 Millington Street (Section 165.25, Block 4055, Lot 6) located in the R2-4.5 Zoning District.**

**The Chair** indicated that this is a new public hearing. The Applicant (Millington LLC) is the owner of a vacant 0.23-acre (10,500 sf) parcel located at 0 Millington Street. The subject property is on the south side of Millington Street closer to Columbus Avenue in the R2-4.5 zoning district. The existing lots on the south side of Millington Street are 140' in depth. The vacant lot is near a church at the corner of Columbus Avenue and Millington Street. There is a three story, apartment building across from the site on the north side of Millington at its corner with Columbus Avenue in the RMF-15 zone.

**The Applicant is represented by Mr. Shahin Badaly, PE who has developed the plans for the proposed subdivision and the proposed 2 two family residences. The existing lot width is 75' with a 140' depth with a lot size of 10,500 sf. The Applicant requested and received an area variance for the proposed lot width and frontage for each new lot from the ZBA on October 19, 2021. The proposed lot width and frontage is 37.5' for each lot whereas the requirement is 50'.**

**The Chair opened the public hearing for the two-lot subdivision application.**

**Mr. Badaly shared his screen and showed the plans. He indicated that the stormwater management plan will be included. The subdivision plan does not increase the density on the property. The ZBA variances allow two 2-family residences rather than a 4 unit attached structure on the existing property. He showed the existing site plan containing information on utilities in the street, the adjacent residences. As required by the City Tree Ordinance, the existing location of significant trees with their DBH are located on the subject property. Of the 24 significant trees on the site, there will be 22 proposed for removal. There are two 48" trees to be protected at the rear of the property. The City Tree Surgeon will be reviewing these plans. He also showed the landscape plan.**

**Mr. Galvin, the Planning Administrator indicated that the subdivision plans are being forwarded to the Fire and Police Departments, Water Bureau, DPW and the City Tree Surgeon with copy to the Tree Committee.**

**Commissioner Trolio felt that the landscaping plan should be enhanced as well as including a lighting plan. He also indicated that the sidewalks are bluestone and should be reviewed for replacement with new granite curbing. Street trees should be provided in front of the property.**

**U. Nkeichi Nwachukwu, land use counsel, asked about traffic impacts.**

**Mr. Badaly indicated that the traffic impact from the two 2-family residences will be minimal and not add traffic to the street. He also indicated that the residences would have two car garages under each unit plus on additional car in each driveway.**

**Mr. Badaly indicated that the plans meet fire access. There is a fire hydrant across the street. The gas main is in the street but will not be used. Applicant will connect a 4" pipe to the 8" sanitary sewer main. Applicant will also connect to the existing water main in the street.**

**The Chair** asked if the residences will be all electric. The Con Ed gas moratorium is still in effect. He asked if the Applicant has explored heat pumps with geothermal energy. He indicated that there is a local firm in Mount Vernon that specializes in geothermal installations.

U. Nkeichi Nwachukwu, land use counsel, asked about pervious pavement in the driveways.

**The Chair** asked Mr. Badaly if the Applicant has reviewed other green elements such as solar panels and pervious surfaces. He then asked if there was any public comment. Deputy Commissioner Molina indicated that there were no members of the public asking to be allowed to comment.

**The Chair** indicated that the proposed action is an Unlisted action under SEQRA. He made a motion to declare the Planning Board as the Lead Agency for the environmental review of this two-lot subdivision. The motion was seconded by Commissioner Thompson-Njenga and carried by a vote of 6-0.

#### **New Public Hearing**

**The Chair** read the description of Case No . 13 – 2021 1 Beechwood Avenue (Section 169.73, Block 4088, Lot 21) located in the Commercial Business (CB) Zoning District.

The Chair indicated that this is a new public hearing. He stated that Ziad Jaber is the owner of the 6,300-sf subject property which is occupied by a building with a car repair shop allowed by special permit. The Applicant is the Carlos Sosa Streber of CMSS Design & Development.

Applicant is requesting approval of site plan for renovation and extension of special permit for the existing auto repair facility at 1 Beechwood Avenue in the Commercial Business zone. The subject property is located on the corner of Beechwood Avenue and South Columbus Avenue. The owner is not asking for a change of use and is not making any changes to the front yard setback. The existing car repair shop has 10 parking spaces for 2 bays. The Code required 5 parking spaces per bay. The ZBA reviewed and approved the parking variance for the third bay on August 17, 2021.

The Planning Board confirmed that the proposed action is a Type II action based on 617.5(c)(9) “*construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls,*”

**The Chair** opened the public hearing.

**Mr. Carlos Sosa Streber** shared his screen and reviewed the plans and photographs with the Planning Board. The property subject property is located on the corner of Beechwood Avenue and South Columbus Avenue. The owner is not asking for a change of use and is not making any changes to the front yard setback. The existing car repair shop has 10 parking spaces for 2 bays. The Code required 5 parking spaces per bay. The ZBA reviewed and approved the parking variance for the third bay on August 17, 2021. He showed the exterior elevations and the wrought iron fence in the front and chain link along the side and rear of the property. He also pointed out the landscaping in the front and the trash enclosure. He also described the site lighting plan. He showed the photometric plan indicating no light spillover beyond the property line. The stormwater management system consists of 13 cultec chambers. The sidewalk around the property was replaced two years ago.

**The Chair** asked about the security cameras. He asked that the trash enclosure be moved away from the front of the property. The calculations for the cultec systems should be shown on the plans. The security cameras currently in the building should retain the video for 60 days. This should be noted on the plans.

**Commissioner Thompson** thought that the chain link fence should be replaced by the wrought iron fence.

**The Chair** asked if there were any public comment. Deputy Commissioner Molina indicated that there was no public comment.

**The Chair** asked the Applicant to revise the plans and move the existing sign off of the City right of way. He also stated that the chain link fence should be replaced by the wrought iron fence.

**U. Nkeichi Nwachukwu, land use counsel,** asked about traffic circulation on the site.

**Mr. Streber** said that vehicles enter from Columbus and described the on-site circulation pattern. The circulation is working well right now.

**The Chair** asked if there were any questions from the Planning Board members. There were no other questions and the Chair adjourned the meeting to February 2<sup>nd</sup>.

#### **4. City Council Recommendation – Legislation**

City Council has requested written comment from the Planning Board on the proposed legislation "Updated Code Governing Wireless/Telecommunication Industry". The proposed legislation represents a comprehensive update to the City's wireless

**telecommunications Code to reflect current industry trends and address applications for small cell installations in the City's rights of way. Selected legislation from Westchester County municipalities has been provided.**

**Planning Administrator provided a review of the legislation with specific recommendations. Planning Board asked him to finalize the memorandum for the Planning Board at the Board's February meeting.**

**Land use counsel indicated that she had requested comments from Anthony Lepore of Cityscape.**

**Commissioner Trolio made a motion to adjourn the meeting, seconded by Commissioner Thompson and carried by a vote of 6-0.**

**The meeting was adjourned at 8:580 PM.**

**Maria Pace  
Secretary to the Planning Board  
Bob Galvin, AICP  
Planning Administrator**