



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

Darryl Selsey
Chair

**MEETING MINUTES
PLANNING BOARD
REGULAR MEETING
for FEBRUARY 2, 2022**

A regular meeting of the City Planning Board will be held on Wednesday, March 2, 2022, at 6:30 PM via ZOOM (<https://zoom.us/>). The meeting was 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. Trolio, and Ms. Thompson-Njenga. Commissioner Thompson was excused.

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 January 5, 2022, and were there any corrections. There being no changes, the Chair asked for a motion to approve the minutes for January 5, 2022. The motion was made by the Chair and seconded by Commissioner Thompson-Njenga and carried by a vote of 4-0.

Continued Public Hearing

The Chair read the following 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.)

Mr. Badaly, PE, has provided two new plans as requested including the landscaping plan and the Security and lighting plan. He shared his screen and reviewed the plans with the Planning Board. Both plans show the 72' deep back yard, the small basketball court and the 11 parking spaces with sufficient room for two vans. He indicated that the security cameras will retain their video for a minimum of 60 days.

Planning Administrator indicated that the Police Department requested hard copy of the Plans. We will send the hard copy and ask if the Department wants a longer period than 60 days for maintenance of the video from the security cameras.

Commissioner Thompson-Njenga asked if there was any lighting in the parking area.

Mr. Badaly indicated that there are houses on either side with lighting that provides some light to the area. There are also lights on the back of the house that provides lighting to the rear yard. Lighting has foot candle of less than 0.1fc after the second parking space at the rear.

Commissioner Trolio asked about the sidewalk. He suggested that prior to the issuance of a Certificate of Occupancy, the condition of the sidewalk should be reviewed and repaired, as necessary. He also asked that the bluestone curb be reset for height. He noted that there was a tree root cracking the sidewalk.

Mr. Badaly indicated that he would address with the City Tree Surgeon.

The Chair asked if there were any public comments. There were no members of the public that indicated they wanted to comment.

The Chair asked the Planning Administrator to assist in arranging an appointment with Deputy Fire Commissioner Teddy Beale and Mr. Badaly to review the floor plans and go on suite to review the residence. Deputy Commissioner Beale may also want to check the water pressure for the hydrant and sprinklers.

Mr. Benjamin, the owner, indicated that the kitchen in the residence will not be a commercial kitchen. It will have two stoves and 2 refrigerators. The water pressure has already been checked when the sprinkler system was installed.

The Chair asked the Planning Administrator to draft a resolution while the Board still waits for comments from the Fire Department and Police Department.

The Planning Board confirmed the proposed action as a Type II action on November 3, 2021. Therefore, ending the SEQRA review.

U. Nkeichi Nwachukwu, Land Use Council asked if the Water Department had been informed.

Planning Administrator indicated that the plans and cover letter had been sent to Superintendent Arena at the Water Bureau. He will reach out to Superintendent Arena.

Mr. Badaly asked if the public hearing should be open for another month.

The Chair polled the Commissioners and they agreed that the public hearing should remain open. The Chair indicated that the public hearing would remain open.

Upon the recommendation of Commissioner Whites, the Chair asked Mr. Badaly to provide a list of group homes within a two-mile radius of the subject property.

The Public Hearing remains open.

Continued Public Hearing

The Chair read the following 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 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 Chair indicated that the Applicant is represented by Mr. Shahin Badaly, PE. 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'.

Applicant has provided an existing conditions plan including information on utilities in the street, the adjacent residences and existing location of significant trees. A proposed site plan has been provided showing a 2-car garage under the house. Applicant also provided the Planning Board with a Tree Removal and Tree Protection Plan and landscape plan as well as floor plans and elevations. Applicant will follow up with the City Tree Surgeon regarding the siting of trees on the proposed subdivision

Mr. Badaly, PE, indicated that he had a tentative meeting set up on site with the City Tree Surgeon next week. He shared his screen with the landscape plan, curbing. He recommended full replacement of the sidewalks and curbs.

The Chair asked about green energy alternative systems.

Mr. Badaly responded that he did not know if solar panels would be possible because of the tree cover. The City Tree Surgeon may be able to provide input on this. He has looked at geothermal and it may not be possible due to soil/rock conditions.

Planning Administrator indicated that street trees should be specified by size, type and caliper. He thought a caliper of 3/1/2' would be appropriate.

Commissioner Trolio agreed with the caliper size.

Mr. Badaly has provided a Stormwater Management Plan.

Planning Administrator indicated that we would send the plan to the City Engineer. He also recommended that Mr. Badaly provide an Erosion Control Plan. He also reminded the need for the walk through with the City Tree Surgeon.

The Chair asked if there were any members of the public who wished to speak. There were none.

Mr. Badaly asked if the public hearing should remain open.

The Chair polled the Commissioners who agreed that the meeting could be closed.

The Chair made a motion to close the public hearing and leave it open for written comment for ten calendar days . The Planning Board will continue to accept agency comments. Motion was seconded by Commissioner Trolio and carried by a vote of 4-0.

Planning Administrator indicated that the Planning Board had assumed lead agency for this Unlisted action at its January meeting. The Planning Board sent requests for comments to the DPW, Water Bureau, Fire Department and Police Department. No comments have been received as of yet. Board will also want to have the input of the City Tree Surgeon before closing its environmental review of the subdivision. Planning Board will need to make its SEQRA determination before any final decision can be made.

Public Hearing Closed

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

Ziad Jaber, the owner of the 6,300-sf subject property, is requesting approval of site plan for renovation and the extension of special permit for the existing auto repair facility at 1 Beechwood Avenue in the Commercial Business zone. The Applicant provided a *Traffic Narrative* describing circulation on site and the impact of the third bay being added. Applicant also provided four security cameras which will retain their video for at least 60 days.

The Chair asked the Commissioners if they had any questions. There were no questions.

Planning Administrator asked how the garbage area will be enclosed.

Applicant’s Architect, Mr. Carlos Streber indicated that there would be wrought iron and metal sheet which you will not be able to see through. It is specified on the plans.

The Chair asked if there were any public comments. There were none.

U. Nkeichi Nwachukwu, Land Use Counsel asked if there any noise issues.

Mr. Streber indicated that there have been no previous issues with the two exiting service bays and pointed out the location and the surrounding commercial uses.

The Commissioners had no additional questions and were fine with the revised plans.

The Chair made a motion to close the public hearing, seconded by Commissioner Whites and carried by a vote of 4-0.

The Planning Board requested that the Planning Administrator prepare a draft resolution which the Planning Board will review and consider at their March meeting.

City Council Recommendation – Small Cell Wireless 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.

Mr. Anthony Lepore from Cityscape (the City’s telecommunications consultant) appeared at the invitation of the board to discuss the proposed legislation before the Planning Board. He indicated that the proposed legislation is fatally flawed including the definitions being insufficient and deficient and may be illegal with Federal law. His recommendation is that the legal status needs more work to fit into federal and state law. He also indicated that legislation and design guidelines had been provided to the City by Cityscape in May of 2021. It included co-locating small cell installations in already existing areas.

The Chair asked the Planning Administrator regarding the City’s proposed comprehensive plan. Can we work in parallel with the Comprehensive Plan committee to incorporate small cell wireless into the work plan and make the community aware of what can and cannot be done. He recommended that Cityscape assist with this outreach. He recommended that the Planning Administrator work with Mr. Lepore to finalize the information for the City Council.

Mr. Lepore indicated that there are other templates that can be put together as information for the City Council. The Planning Administrator indicated that the document provides legislation from several municipalities, background information on small cell wireless, design from Albany, New Rochelle, White Plains, and Town of New Castle. We can provide the actual documents as well as the recommendation.

The Chair asked the Commissioners if they agreed. Commissioners Whites, Trolio and Thompson- Njenga all agreed.

The Chair indicated that the Planning Board has reviewed the recommendation prepared by the Planning Administrator including reference to the documents reviewed as part of the development of the recommendation.

The Chair made a motion for the Planning Administrator to work together with Mr. Lepore to finalize the recommendation for the City Council, seconded by Commissioner Whites and carried by a vote of 4-0.

The Planning Administrator indicated that he would discuss the document with Mr. Lepore and provide the final recommendation to the Planning Board and Land Use Counsel for any comments before submitting to the City Council.

The Chair made a motion to adjourn the meeting, seconded by Commissioner Whites and carried by a vote of 4-0.

The meeting was adjourned at 8:36 PM.

**Maria Pace
Secretary to the Planning Board**

**Bob Galvin, AICP
Planning Administrator**