



Architectural Review Board
Department of Planning & Community Development
City Hall - Roosevelt Square
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Shawyn Patterson-Howard
Mayor

John Humbach
Chair

MEETING AGENDA

ARCHITECTURAL REVIEW BOARD

PUBLIC MEETING

A regular meeting of the Architectural Review Board will be held on **Wednesday, May 26, 2021 at 6:30 PM** via **ZOOM** (<https://zoom.us/>). The Architectural Review Board Work Session has been cancelled.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/81166674981?pwd=OGdlb0p4YXBBa2N0SWVFRi90dDUwZz09>

Meeting ID: **811 6667 4981**

Dial In: **(646) 876-9923**

Password: **181121**

ITEM #1 ROLL CALL

ITEM #2 APPROVAL OF MINUTES

- **April 28, 2021 minutes**

ITEM #3 PUBLIC MEETINGS

Continued Public Hearing

3.1 Case No. 8 - 2021 27 Monroe Street (Section 169.23, Block 3153, Lot 10) Located in the RMF-6.75.

The applicant, Shahin Badaly, P.E. has revised the drawings at the request of the ARB and provided proposed building elevations.

Property is a two-family dwelling with detached two car garage at the rear. Building has a open front porch with second floor over the front porch. Applicant is not extending the front porch. Applicant has provided street façade drawings.

SEQRA Determination: Proposed action as a Type II was confirmed by the ARB at the February meeting.

Continued Public Hearing - Adjourned

3.3 Case No. 15 - 2021 24 Summit Avenue (Section 165.64, Block 2058, Lot 16) Located in the RMF-6.75 district.

This application and the following have the same applicant and consist of two properties which are vacant lots adjacent to each other. Both applications had been subdivided. The Applicant is now proposing to construct a new two-family residence on each lot. The applicant presented both applications at the ARB's April meeting and has requested an adjournment to provide revised plans.

The Applicant is Errol McIntosh, RA (architect) who is seeking a certificate of appropriateness for the construction of two new two-family residences consisting of a basement with two car garage and a first and second floor on each property. Both properties are located on the south side of East Sidney Avenue. The 24 Summit Avenue property is located at the intersection of Summit Avenue and East Sidney Avenue. The second property, 252 East Sidney Avenue, is adjacent to the west of the first property.

Both properties are 7,001 sf lots which are zoning compliant. The first property at 24 Summit Avenue will front on Summit Avenue together with the garage driveway. The second property at 252 East Sidney Avenue will front on East Sidney Avenue. This second property will have the driveway to the garage at the rear along the east side of the residence. Both properties have a similar layout but present a different front elevation to the street. The proposed residence at the intersection with Summit Avenue will extend almost 55' along Summit Avenue. The second residence at 252 East Sidney will have a 30' frontage on East Sidney Avenue.

The architect has provided different color treatments for both residences. The second residence also includes a bluestone walkway leading to the front door with the driveway leading to the basement garage at the rear.

SEQRA Determination: This action is a "Type II" action based on 617.5(c)(11) "*construction or expansion of a single family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections...*"; therefore, ending the SEQRA.

Continued Public Hearing - Adjourned

3.4 Case No. 16 - 2021 252 East Sidney Avenue (Section 165.64, Block 2058, Lot 1, and 1A) Located in the RMF-6.75 district.

Same Applicant and information as above.

SEQRA Determination: This action is a "Type II" action based on 617.5(c)(11) "*construction or expansion of a single family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections...*"; therefore, ending the SEQRA process.

Continued Public Hearing

3.5 Case No. 18 - 2021 225 S. 6th Avenue (Section 169.22, Block 3084, Lot 30) Located in the R2-4.5.

The Applicant is Empire Solar Solutions which is applying for installation of solar panels with 23 modules. Solar panel installation has a system size of 7.82 kw. First responder access as per the NYS 2020 residential code is provided as required (see section R324.6 “Roof Access and Pathways”) as well as noting location of Fire Fighter ground access points. Rendering shows that a portion of the solar panels on the front roof and the side roof are partially visible from the street.

Applicant is returning to the ARB with information on energy usage at this two-family residence.

SEQRA Determination: This action is a “Type II” action based on 617.5 (c)(15) “*installation of solar energy arrays on an existing structure, provided the structure is not: (i) listed on the National or State Register of Historic Places; or is (ii) located within a district listed in the National or State Register of Historic Places, .* therefore, ending the SEQRA process.

New Public Hearing

3.7 Case No. 25-2021 1 Wartburg - Assisted Living Building at the Wartburg Campus (Section 165.42, Block 2160, Lot 1; Section 165.50, Block 2194, Lot 4; Section 165.51, Block 2194, Lot 5)

The Applicant has applied for a certificate of appropriateness for the 5-story approximately 50,000 sf memory care, Assisted Living (AL) building with 48 units located in the southeast area of the campus. This is where the Berkemeier Auditorium was previously located. The AL site replaces the existing auditorium and would have its own new parking with 26 at grade parking spaces.

The Applicant has applied for a certificate of appropriateness for the Independent Living building below. This is the same applicant. Both Buildings are currently undergoing site plan review before the Planning Board. The AL building is further along and has a funding deadline at the end of the year.

3.8 Case No. 26-2021 2 Wartburg – Independent Living Building at the Wartburg Campus (Section 165.42, Block 2160, Lot 1; Section 165.42, Block 2160, Lot 1; Section 165.50, Block 2194, Lot 4)

Applicant submitted a separate application for the Independent Living facility (IL). The Applicant in response to the City Council’s comments and concerns has lowered the building height of the Independent Living Building to 8 stories which now conforms to the 90- foot height limitation in the zone. This is a 210 unit building as compared to the 218 unit building previously reviewed.

The Technical Updated Traffic Memorandum dated March 5, 2021 supplementing the EAF addresses this revision by evaluating a range of units from 195 units to an upper count of 220 units. The final proposed unit count of 210 units falls within this range and results in an estimated increase of approximately 3 units from the 195 units at the bottom of the range. This was presented at the Planning Board meeting.

SEORA Determination: The City Council as lead agency for the remapping of the Wartburg property in the RMF-SC zoning after evaluating the proposed projects issued a Negative Declaration. The City Council did a full and coordinated review of the proposed Unlisted action and considered the positive recommendations of the Planning Board and the ARB.

Item #4 ADMINISTRATIVE ACTIONS

4.1 Proposed MX-1 Zoning Ordinance Recommendation – City Council Referral

The City received an inquiry from Mr. Ferrandino alleging the process of referring the MX-1 zoning code amendments to the land use boards was not followed according to the City Code.

The Acting Planning Commissioner requested that land use counsel research the issue and draft a memorandum addressing this question. After consultation with myself and Michael Zarin, land use counsel drafted the attached memo dated May 19, 2021. Her memorandum reviews the applicable City Code §267-56, Planning Board and ARB agendas, several email exchanges indicating that input from the Planning Board and ARB were incorporated into the MX-1 draft zoning text.

Counsel's memorandum concludes that the MX-1 zoning amendment referrals under section §267-56 were successfully completed and that nothing in the code prohibits comments from the boards being directly incorporated into the draft zone, as seems to have been done in this case. It is counsel's conclusion that there is no provision of the code that requires comments of the Planning Board or ARB regarding a new zone to be formalized or written. Comments seem to have been communicated by email and directly incorporated into the draft MX-1 zone. As such, the requirements of Zoning Code Section 267-56 have been met.

The ARB has been requested by the Acting Planning Commissioner to review the land use counsel's memorandum and conclusions and provide a written determination on the conclusions of the counsel's May 19, 2021 memorandum.

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

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

Note: The next regular scheduled meeting of the Architectural Review Board is scheduled to be held on **Wednesday, June 23, 2021 at 6:30 pm via ZOOM.**

Bob Galvin, AICP
Planning Administrator

cc: Mayor

- Planning Commissioner
- Corporation Counsel
- Deputy Planning Commissioner
- City Clerk
- Building Department
- Lobby