



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

Michael Justino
Chair

**ZONING BOARD OF APPEALS
MEETING/HEARING
AGENDA
JUNE 21, 2022**

A work session of the Zoning Board of Appeals will be held on Tuesday, June 21, 2022, at 6:00 PM in the Mayor's Conference Room (Room 107A) on the first floor of City Hall. The regular meeting of the Zoning Board of Appeals will be continued at 6:30 PM on June 21, 2022. 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

- May 17, 2022 minutes

ITEM #3 Public Hearings

Continued Public Hearing

3.1 Calendar #1749-Z 339A - 341 North High Street (Section 165.45, Block 1094, Lot 43) located in the RMF-10 Zoning District.

Applicant is proposing the existing 2 story office and industrial structure to be converted into residential and office use with a third-floor addition. The second floor will be converted into 6 apartments and 4 apartments will be provided on the 3rd floor. The subject property is in the RMF-10 zoning district. The subject property has undersized frontages along North High Street and Oakley Place.

There is an access easement to the parking lot for the property from West Lincoln Avenue. There is also 24' driveway easement from North High Street leading to small parking area. The structure is primarily constructed along interior property

lines. The existing parking is 9 spaces with 7 spaces off Oakley Place and three spaces provided off of North High Street. This is an existing non-conformity with no change in the degree of non-conformity. The previous use required 25 spaces and the proposed use does not increase the required parking.

Since the May meeting, the Planning Department has not received any information from residents regarding deeds or other information on easements. There have not been additional plans or other materials provided by the applicant.

The Applicant is requesting several area variances under the following section of the Zoning Code:

- lot coverage: 50.9% - required 40%
- impervious surface: 100% - required 10%
- lot area per dwelling unit: 1,317 sf -required 2,250 sf
- front yard setback: 0 ft – required 20 ft.
- side yard setback: 0ft – required 15 ft
- Rear yard setback: 0 ft – required 20 ft

Applicant's Attorney, Mr. Jack Adesso, addressed the specific criteria for the requested area variances in the ZBA application.

SEQRA Determination: The ZBA confirmed that the proposed action was a Type II action at their May meeting.

Continued Public Hearing

3.2 Calendar #1764-Z 219 Tecumseh Avenue (Section 165.82, Block 4041, Lot 19) located in the R2-4.5 Zoning District.

Applicant is applying for three area variances in order to subdivide the subject property into two lots. The subject property consists of 8,000-sf (80' x 100') which is proposed to be subdivided into two 40' x 100' lots. Lot 19A is occupied by an existing residence at 219 Tecumseh Avenue. The existing 2,006-sf residence was built in 1903. Lot 19B will be vacant and used for the development of a new two-family residence. The subject property is an interior lot in the two-family R2-4.5 zone. It is on the east side of Tecumseh Avenue located between East Fourth Street and Beekman Avenue. Lot 19B has a significant tree (larger than 8" (DBH) in the middle of the parcel. The existing residence on Lot 19 does not indicate any off-street parking. It should be noted that the remaining lots on Tecumseh all have driveways to accommodate off-street parking.

Applicant had indicated that he would be providing additional plans regarding parking.

Review of widths/frontages for lots along Tecumseh Avenue

This review was conducted by staff of the Planning Department. On the east side of Tecumseh Avenue, the two adjacent properties to the north of the subject property and the five properties to the south all have a 40' lot width and frontage. This represents 88% or seven lots out of the eight interior lots on the east side of Tecumseh Avenue. The remaining lot has 65' frontage. On the west side of Tecumseh, there are eight interior lots with four lots having 40' frontage or 50% of the interior lots. There is one lot at 224 Tecumseh opposite the vacant portion of the subject property which has a double lot with 100' frontage. The remaining three lots on the west side have frontages of 50', 60' and 64'.

Area Variances

Applicant is requesting the following area variances:

- 1) Lot Width and Frontage of 40'-0" where minimum of 50' is required*
- 2) Lot Area of 4,000 S.F. where 4,500 S.F. is required*
- 3) Lot Area per dwelling unit of 2,000 S.F where Lot Area per Dwelling Unit of 2,250 S.F. is required*

Applicant has addressed the specific criteria for the area variance in the application.

SEQRA – The ZBA confirmed that the proposed action was a Type II action at their May meeting.

New Public Hearing

3.3 Calendar 1766-Z 113 Franklin Avenue (Section 165.71, Block 3160, Lot 12) in the RMF-6.75 Residential District.

Applicant is URSA Industries LLC c/o Garth Yetman. Mr. Shahin Badaly, PE is representing the applicant. The subject property is 26,514 sf and is occupied by an older, large building and accessory structure. The residence is in dilapidated condition. The property is a corner lot at the intersection of Franklin Avenue and Adams Street. The applicant is applying for area variances to subdivide the subject property into three lots along Franklin Avenue and two lots along Adams Street. These lots are indicated as Lot 12, 12A, and 12B on Franklin and 12C and 12D on

Adams Street. The lots on the opposite side of Franklin have frontages of 45', 45', 60', 50' and 75'.

Required Area Variances

There are no variances required for Lots 12 and 12A.

Lot 12B is a corner lot with a proposed 3,890 sf for minimum lot area where 4,500 sf is required. Lot frontage for this lot is 40.95' where 50' is required.

Lots 12-C and 12-D on Adams Street have lot frontages of 37.5' where 50' is required. The driveway for these residences is shown at the front with a garage under the residence. Both lots meet the 20' front yard setback. The adjacent residences to Lots 12C and 12D have similar frontages with no driveway or on-site parking. The residences on the other side of Adams have similar frontages ranging from 35' to 44'. Adjacent land use along Adams Street is a small city playground and 2-story condominiums at Fulton Terrace.

SEQRA Determination: The proposed action is a Type II action based on 617.5(c)(16) "*granting of individual setback and lot line variances and adjustments*". Based on the *SEQRA Handbook*, this section covers all variances for setback and lot line requirements including front, side, back, width, and depth.

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, Art. 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, July 19, 2022, at 6:00 pm for ZBA Work Session**
- **TUESDAY, July 19, 2022, at 6:30 pm for Regular Meeting of the Zoning Board of Appeals**

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