



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
July 19, 2022**

A work session of the Zoning Board of Appeals will be held on Tuesday, July 19, 2022, at 6:00 PM in the 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 on July 19, 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 and June 21, 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.

Based on the discussion at the ZBA meeting, Applicant has provided a revised plan. This Plan increases the number of residential units from 10 to 11 units. It reduces the office space from 5,053 sf to 1,793 sf and eliminates the proposed storage use. The existing parking is 25 spaces. The 11 residential units require 22 spaces. Applicant is providing 14 residential parking with request for variance for 8 spaces

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
- Parking variance of 8 spaces

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

New Public Hearing

3.2 Calendar 1767-Z 454 South Ninth Avenue (Section 169.38, Block 3047, Lots 14 & 15) in the RME-6.75 Residential District.

The Applicant is Derri Kreshnik. He is represented by Mr. Shahin Badaly, PE. Applicant is requesting area variances to subdivide and reapportion two existing lots (lot 14 & 15) consisting of 10,500 sf and 2,525 sf, respectively. If applicant receives approval, he proposes to divide the parcels into four lots of 3,158 sf, 3,414 sf, 3,414 sf and 3,158 sf. and construct one attached two-family dwelling on each of the four lots.

The application was approved by the ZBA on November 13, 2007, under a different applicant, Equities, LLC. This application requested the construction of a building for 5 two-family residences. At that time, the application was for a use variance and area variances. The

subject parcels are located on the west side of South Ninth Avenue to the north of Sanford Boulevard. There are similar structures of four attached two-family residences located to the north of the property.

The proposed development would consist of four lots: Lots A, B, C and D. In the RMF-6.75 district, attached dwelling units and two-family dwellings are regulated under the R2-4.5 District. The specific area variances include:

Specific Variances Requested

Lot area is a minimum of 4,500 sf. Area variance for lot area is required for each of the lots: Lot A and D have 3,158.85 sf and Lots B and C are 3,414.1 sf.

Lot Area minimum per dwelling unit is 2,250 sf Area variance needed for Lot A and D which have 1,579.42 sf. Lot B & C have 1,707.1 sf.

Lot width and frontage requirement is 50' Area variance needed for Lots A & D which provide 30.07 and Lots B & C which provide 32.5 '.

Side yard setback requirement is 5'. Since the proposal is for attached dwellings on each lot, there is a party wall between the structures which would result in a 0' side yard setback.

The total side yard setback requirement is 12" An area variance needed for Lots A & D which provide 7.67' while Lots B & C provide 7.83'

Number of off-street parking spaces. Applicant is providing a one-car garage on each lot where two off-street parking spaces are required for each lot.

There is a landscaped separation of 15.8' between the two attached dwellings on Lots A & B and the attached units on Lots C & D.

SEORA 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 *SEORA Handbook*, this section covers all variances for setback and lot line requirements including front, side, back, width, and depth.

New Public Hearing

3.3 Calendar 1768-Z 405 South Fifth Avenue (Section 169.31, Block 3090, Lot 01) in the RMF-6.75 Residential District.

Applicant is Derri Kreshnik. The Applicant's representative is Mr. Shahin Badaly, PE. Applicant is requesting area variance to subdivide the 10,500-sf property into two 5,250 sf lots. It has an existing residence on the site. The subject property has 105' of frontage along West Fifth Street and 100' frontage on South Fifth Avenue. Each lot is proposed to be developed for two attached single-family residences on each lot.

The subject property is in the RMF-6.75 district and located at the south east corner of West Firth Street and South Fifth Avenue. The subject property is across from an auto repair shop at the northwest corner and a vacant commercial (formerly auto repair at the south west corner. West Fifth Street is one-way west and South Fifth Avenue is two-ways. There are two commercial lots adjacent to the east on West Fifth Street.

South Fifth Avenue has residential properties along both sides. The Cecil Parker Elementary School and parking lot is located on the west side of South Fifth Avenue mid-way down the block. There is also a commercial parking lot at 417 South Fifth on the east side of the block together with five commercial properties (only two spaces are occupied by a deli and church; remaining are vacant).

The Applicant proposes to construct (2) attached one-family dwellings on each lot. The proposed two lots will front on West Fifth Street. The existing residence on the site is proposed to be demolished. The proposed units will share a party wall at the property line. The result will be four attached single-family residences facing onto West Fifth Street. The new lot on South Fifth Avenue will be a corner lot with the secondary front yard being 12'6" on South Fifth Avenue. This exceeds the minimum allowable secondary front yard of 12'. The second lot will have a 12'.6" side yard. Both lots will have 52'6" frontage and front yards of 30'.

Applicant is seeking an area variance from the required minimum side yard setback 5' where 0' is proposed. Applicant will be providing 2 parking spaces per unit in a garage under the residence, accessible from driveway from West Fifth Street. The proposed impervious surface is 62.7% where 70% is the maximum permitted. The PE Report indicates a use variance since multi-family dwellings are not to exceed three units per building in the RMF-6.75 zone. Applicant should address this for the ZBA.

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 that the City Council by resolution adopted on May 12, 2021 amended the zoning code to permit townhouse development in the RM F-6.75 by special permit of the Planning Board.

New Public Hearing

3.4 Calendar 1769-Z 357 Bedford Ave. (Section 169.25, Block 4052, Lots 12 and 13) in the R2-4.5 Residential District

The Applicant is Sanatkumar Muhajir (Testamentary Trust). The Applicant's representative and architect is Mr. Tom Abillama. Application consists of two

properties on the east side of Bedford Avenue at East Fifth Street. The property at 357 Bedford Avenue (Lot 13) is an existing two-family residence consisting of 5,075 sf (0.12 acres). The adjacent property (Lot 12) consists of 7,500 sf (0.172 acres) located at the northeast corner of Bedford Avenue and East Fifth Street. The properties are situated across from Graham Elementary School (which extends the entire length of the west side of Bedford Avenue).

Lot 12 has an existing residence accessible from East Fifth Street and a two-car garage accessed from Bedford Avenue. The Applicant proposes to demolish the residence and garage and subdivide Lot 12 into two separate 50' x 75' lots. The subdivision would include two attached 2-family residential units on each lot. Parking is provided in a one-car garage under each unit and an outdoor space on Lot 12.1 A. Two outdoor spaces are provided in Lot 12.2 B in the rear yard accessible by a driveway from East Fifth Street.

Applicant is requesting the following area variances:

Lot 13 (357 Bedford Avenue) – outdoor parking spaces - two new outdoor parking spaces are being added on a new driveway leading from Bedford Avenue.

Subdivided lots on Lot 12 (12.1.A and 12.2 B).

Lot Area: 4,500 sf minimum required – 3,750 sf provided

Floor Area per Dwelling Unit – 2,250 sf minimum required – 1,875 sf provided

Front Yard: 20' minimum required – 18' 4" (12.1 A) and 12'.4" (12.2 B) provided

Rear Yard: 20' minimum required - 10'.8" provided on 12.1A

Side Yard – 5' each and 12' combined required – 10' combined provided

Building Coverage: 40% minimum – 45% provided

Off Street Parking: one per unit, both in garage. - 1 garage space per unit provided - 1 outdoor parking space provided in the front of the garage for Lot 12.1 A. Two outdoor spaces provided in the rear yard for Lot 12.2 B.

SEORA 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 *SEORA 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, 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, August 16, 2022, at 6:00 pm for ZBA Work Session**
- **TUESDAY, August 16, 2022, 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