



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

Elvira Castillo
Acting Chair

**ZONING BOARD OF APPEALS
MEETING/HEARING
AGENDA**

A work session of the Zoning Board of Appeals will be held on **Tuesday, March 15, 2022, at 6:00 PM** via ZOOM (<https://zoom.us/>). The regular meeting of the Zoning Board of Appeals will be continued at **6:30 PM** on March 15, 2022, via ZOOM at which time the Board shall consider the following:

ITEM #1 ROLL CALL

ITEM #2 APPROVAL OF MINUTES

- February 15, 2022, minutes

ITEM #3 Continued Public Hearings

3.1 Calendar #1760-Z 259 South Fulton Avenue (Section 169.24, Block 4039, Lot 147) located in the RMF-10 Zoning District.

Applicant is Victor Castillo, the architect, who is requesting an area variance for lot width and frontage which is 66.91' whereas 75' is the minimum required in the RMF-10 zoning district. The owner of the 10, 338 sf vacant subject property is Uke Lajqi. The subject property is located at 259 South Fulton Avenue on the east side of South Fulton Avenue opposite Monroe Street. The width of the existing lot is 66.91' with a depth of 152.45' on the north side and 158.10' on the south side of the lot.

The adjacent two lots to the north of the subject property are single family residences. Just north of these residences is a six-story apartment building at the corner of Amsterdam Place and South Fulton Avenue. All of these properties are in the RMF-10 district. Adjacent to the south of the site are four single family residences and a five-story apartment building at the corner of South Fulton and West 4th in the RMF-10 district.

Across from the subject property are single story commercial stores in the Neighborhood Business (NB) district on the west side of South Fulton Avenue. Just south of these stores and directly opposite the site is a four-story apartment complex on a 2+ acre property in the RMF-10 zone. To the back of the subject property is the rear yard of an apartment building on Amsterdam Place and an unopened paper street (New Street).

The only area variance that is required is for the lot frontage and width. The rest of the subject property is zoning compliant with the RMF-10 zoning. If the applicant is successful in obtaining an area variance, he proposes to construct a multi-family building containing 8 dwelling units with the required 16 parking spaces. The first floor will contain the parking for the project. The second and third floors would contain four units each. The new building would be 3 stories at 30' . This is below the 42' maximum height allowed in the RMF-10 district. A new driveway (20' width) and curb cut would be installed. The front yard would be setback 20' per code. A 3' landscape perimeter will surround the entire site except for the driveway. Application would require site plan review from the Planning Board as well as ARB review and approval.

ZBA confirmed the proposed action as a Type II action at its February 15, 2022, meeting.

New Public Hearing

3.2 Calendar #1761-Z 521 East Third Street (Section 165.82, Block 4028, Lot 8) located in the Neighborhood Business (NB) Zoning District.

The Applicant is the American Medical Response of New York, LLC which is requesting an Interpretation regarding the City of Mount Vernon's definition of the proposed use and whether the proposed use is permitted as defined in Section 267-19. List of non-residence district uses. (A.) District NB Neighborhood Business. (1) Permitted principal uses. and (2) Permitted accessory uses.

The proposed use is a Commercial ambulance operations base including office space, classroom and training space, dispatch center, and fleet storage and maintenance. This base provides service in Westchester and the Bronx. Tenant

improvements to the existing building will include minor cosmetic updates and no site improvements are proposed.

The existing use consists of the Headquarters for Key Digital, a design and production facility for digital AV technology for commercial and residential audio, video, and control solutions.

The subject property is 21,000 sf containing two attached single story warehouse buildings. One warehouse has 7,500 sf with roll up doors and 22' ceiling height. The second single story warehouse has 3,500 sf with roll up door and includes Class A office space with private offices and a large conference room. The subject property has an adjacent outdoor parking lot containing 13 parking spaces. There are no changes proposed to the parking lot. There is on-street parking and two outdoor parking lots across the street. The surrounding commercial buildings have onsite parking lots. Applicant has provided photographs of the facility and the surrounding properties. Applicant is relocating from its 11,000-sf site at 35 Bartels Place in New Rochelle.

SEQRA – The proposed action is a Type II action based on 617.5(c)(37) “interpretation of an existing code, rule or regulation;” (DEC Handbook) For example, a Zoning Board of Appeals in deciding what zoning rules apply to a proposed new use not specifically named in their ordinances

3.3 Calendar #1762-Z 126 Bruce Avenue (Section 165.39, Block 1042, Lot 6) located in the R1-4.5 Zoning District.

The Applicant, Zion 126 LLC, is requesting a use variance to convert the existing single-family residence at 126 Bruce Avenue to a two-family residence. The existing single-family structure on the 5,000 sq property was subject to fire damage destroying a majority of the building’s structure. Applicant has provided information addressing the five criteria for use variances including financial information. Applicant describes the surrounding zoning in vicinity of the site. He also indicates that the proposed two-family residence would comply with all of the zoning requirements for the closest two-family zone R-2-4.5. There would be no area variances required.

SEQRA – The proposed 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 as provided in 617.5(c)(13)” DEC examples include “Replacing a single-family home destroyed by fire with a two-family home of similar dimensions in an area zoned for single- or two-family residences”.

New Public Hearing

**3.4 Calendar #1763-Z 356 South Tenth Avenue (Section 169.38, Block 3028, Lot 13)
Located in the RMF-6.75 Zoning District.**

Applicant, NYRY356 LLC (Mr. Aman Singh), is seeking an area variance to rebuild the fire damaged existing non-conforming 3 Family detached dwelling. All non-conforming dimensions were existing and non-conforming prior to the fire damage. The area variance is requested to rebuild the dwelling at its existing footprint. The existing non-conformity will not be increased as shown on the Bulk Table on the submitted plans. The proposed reconstruction will not change the character of the neighborhood or negatively impact adjacent properties.

Applicant's Engineer, Shahin Badaly, PE, has provided information replying to the criteria for the area variance. The subject property is 3,020 sf in the RMF-6.75 zone. The residence will be reconstructed to 1,170 sf with a 262-sf detached garage. Mr. Badaly has provided survey, floor plans, aerial views of the site for April 2019 and April 2021. He has also provided photographs with views of the site, surrounding properties plus street view of subject property and the adjacent houses which appear to be similar.

SEQRA – The proposed action is a Type II action based on 617.5(c)(17) *“granting of an area variance for a single-family, two-family or three-family residence;”*

New Public Hearing:

3.5 Calendar #1764-Z 219 Tecumseh Avenue (Section 165.80, Block 4041, Lot 19) Located in the R2-4.5 Zoning District

Applicant is Mucjon Demiraj (owner). He is represented by his Engineer, Shahin Badaly. He is requesting three area variances to subdivide the subject property at 219 Tecumseh Avenue into 2 lots. The subject property is 8,0000 sf (80' x 100') and located on the east side of Tecumseh, approximately 302' north of East Fourth Street. The property contains an existing two-family residence.

If the area variances are granted, Applicant proposes to subdivide the property into two 4,000 sf lots (each 40' x 100"). One lot would contain the existing 2 family residence; the second lot would be vacant to be used to develop another two-family residence. The Planning Board would review the subdivision including stormwater management, utilities, tree removal, landscaping. The existing and proposed residences would require ARB review.

The three area variances being requested include: 1) Lot Width & Frontage - 40' where 50' is required; 2) Lot Area - 4,000 sf where 4,500 sf is required; 3) Lot Area per Dwelling Unit – 2,000 sf where 2,250 sf is required. The two adjacent properties to the north and the 5 adjacent properties to the south have lot widths and frontage of 40' as well as having lot sizes of approximately 4,000 sf.

SEQRA – The proposed action is a Type II action based on 617.5(c)(17) *“granting of an area variance for a single-family, two-family or three-family residence;”*

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, April 19, 2022, at 6:00 pm for ZBA Work Session**
- **TUESDAY, April 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
Planning Board
Planning Commissioner
Building Department
Corporation Counsel
City Clerk; Lobby