



**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 MINUTES  
for March 15, 2022**

A regular meeting of the Zoning Board of Appeals was held at 6:30 PM on Tuesday, March 15, 2022, via ZOOM.

The Acting Chair, Elvira Castillo, introduced herself and read the notice for the Zoning Board of Appeals meeting for Tuesday, March 15, 2022.

**ROLL CALL**

**The Chair** called the roll: In addition to the Chair, attending were the following Commissioners: Mr. Solly and Mr. Cutler.

Also attending were Marlon Molina, 2<sup>nd</sup> Deputy Commissioner, Maria Pace, ZBA Secretary, Nkechi Nwachukwu, Land Use Counsel and Bob Galvin, Planning Administrator.

With a quorum present, the Chair opened the meeting at 6:30 pm.

**Item 2 - APPROVAL OF MINUTES**

**The Chair** asked if the Commissioners had an opportunity to review the draft minutes and if there were any questions or changes. There being none, the Chair asked for a motion to approve the minutes of the February 15, 2022, regular meeting. Commissioner Cutler made the motion, seconded by Commissioner Solly which carried by a vote of 3-0.

**ITEM #3 Continued Public Hearing**

**The Chair** asked the Planning Administrator to read the description for Item 3.1 Calendar #1760-Z 259 South Fulton Avenue (Section 169.24, Block 4039, Lot 14) located in the RMF-10 Zoning District.

**The Planning Administrator read the description for the 259 South Fulton Avenue application. He indicated that this is a continuation of the public hearing from February 15, 2022. The 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 Planning Administrator described the surrounding properties. 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 4<sup>th</sup> 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, all two-bedroom units. 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.**

**SEQRA Determination: The Planning Board had confirmed that the application is a Type II action at its February meeting based on 617.5(c)(16) "*granting of individual setback and lot line variances and adjustments*".**

**The Acting Chair** asked if the posted sign on the property had been updated for this meeting.

**Mr. Castillo** stated that after the last meeting the owner was instructed to update the sign.

**Ms. Castillo** asked when the sign was updated.

**Mr. Victor Castillo** did not know when the sign was updated; they had informed the owner to update the sign.

**Commissioner Cutler** indicated that he passed by the site two days ago and the February 15<sup>th</sup> date was still on the posted sign.

**The Acting Chair** indicated that she also had went by the site and agreed that the date on the sign had not been updated.

**Commissioner Cutler** stated that the public was previously concerned that they had not been adequately informed. He made it clear to the applicant that the sign needed to be updated for this meeting. As of the past Sunday (2 days before the meeting), the sign had not been changed. The record should indicate that the posted sign had not been updated to reflect the date for this March 15, 2022, meeting.

**Jack Adesso**, the Applicant's Attorney, indicted that the owner was supposed to have updated the sign. He did not do so. However, his suggestion was that the ZBA go through with the meeting and let any members of the public attending respond. The ZBA can then hold it over to another meeting.

**The Acting Chair** indicated that she wanted the public to have the opportunity to make comments on this application. She indicated that the ZBA has received objections and an assent for the application. She indicated that these documents will be made part of the record and requested that they be attached to the minutes of this meeting.

**The Acting Chair** indicated that the ZBA asked the applicant which was received by the ZBA and posted on the city web site for this agenda.

**Mr. Adesso** explained that the rendering was developed for zoning purposes and is not a complete rendering including landscaping and other elements that would be developed for the Planning Board and ARB review (if the applicant was able to proceed that far). The rendering shows the height of the proposed building.

**The Acting Chair** asked Mr. Castillo, the architect, to go through the rendering with the Commissioners.

**Mr. Castillo** shared his screen and showed the rendering. He indicated that the exterior material would be stucco with light gray color and a height of 30' similar to the adjacent homes. He tried to blend it in with the materials. Rendering includes the two existing street trees in front of the site. Stairs located in the middle of the building. The second and third floors would have two 2-bedroom units in the front and back for each floor for a total of 8 units.

**Commissioner Cutler** asked if the steel building would be enclosed by exterior material. Is the building supported by the columns and material such as stucco would enclose the building? He asked if there would be windows on all four sides of the building.

**Mr. Castillo** answered yes.

**Commissioner Cutler** asked where the garbage would be stored.

**Mr. Castillo** said the building will have a partial basement and garage could be stored there.

**Commissioner Cutler** stated that he does not see many buildings keeping the garbage in the basement.

**Planning Administrator** indicated that applicant would also need to have an adequate area to store recyclables.

**Commissioner Cutler** asked if applicant will be using natural gas which is in South Fulton Avenue.

**Mr. Castillo** indicated that they would use electric since there are areas that are under a natural gas moratorium.

**Planning Administrator** confirmed that Westchester County is under a Con Ed natural gas moratorium.

**Commissioner Cutler** asked where you would put the heat pumps and is there a parapet wall on the roof?

**Mr. Castillo** indicated that heat pumps could be placed in the middle of the roof. The parapet wall is not proposed to be 3 ½' high but fence could be used around the condensers.

**Commissioner Solly** asked if the proposed apartments are market rate. What do the interior of the apartments look like?

**Mr. Castillo** indicated that the apartments will be market rate. They do not have the interior finishes of the apartments completed since they do not have any approvals on the project. The units will not be luxury units.

**Commissioner Cutler** asked Mr. Castillo if he was an investor in the project.

**Mr. Castillo** said that he is only the owner's architect.

**Commissioner Cutler** asked if the owner was on the zoom meeting.

**Both the Land Use Secretary and Planning Administrator** confirmed that he was not on the zoom meeting.

There were no further comments from the ZBA Commissioners at this time.

**Mr. Adesso** stated that the plans submitted are for the zoning application. The landscaping, traffic, interiors, stormwater management, utilities would be developed for the Planning Board and ARB. The ARB can have a significant impact on what the final building will look like. The height is approximately 30'. The adjacent houses are 2 ½ stories. The proposed building height is only a few feet higher than the adjacent houses. The project needs a variance of 7' for lot frontage and width. In all other respects, it is zoning compliant. The RMF-10 zoning was approved by the City Council in 1963. Many of the existing houses were built before. The vision of the City Council was to develop a multi-family zone in this area.

**Commissioner Solly** asked the Acting Chair if he could make a brief comment. He indicated that currently the site is a vacant lot. He would be happy to see it developed for market rate housing and generate taxes for the city.

**Mr. Adesso** indicated the site has been abandoned for a number of years. The Owner acquired the property from the City. The City demolished the existing structure on the property at its own cost. The Owner wants to invest in the property.

**The Acting Chair** asked if there were any new public comments.

**The Land Use Secretary** indicated that there were no hands raised. The Acting Chair requested that she read the letters in objection to the application be read by the secretary.

**The Land Use Secretary** read the objection letters:

**Objection indicated issue with parking.**

Mr. Addesso said that the parking being provided is per code – two spaces per unit is the requirement and 16 parking spaces are provided for the 8 apartment units.

**Objection stated that for a variance, the Applicant needs to show hardship.**

**Other objections include objection to multi-family use among single-family houses which changes the character of the neighborhood.**

**Commissioner Cutler** stated he was looking at the *Chat* section on the zoom and indicated that the comments address the character of the neighborhood, but he felt that the issue is really the height of the building compared to the other homes.

**The Acting Chair** asked if there were any other public comments.

*The Land Use Secretary* said there were no other public comments.

**The Acting Chair** stated, “Let the record show no other public comments.”

**Mr. Addesso** said that he had received a consent and will forward it to the Land Use Secretary for the record.

**The Acting Chair** asked for a motion to keep the public the public hearing open on condition that the posted sign is updated with 48 hours of the meeting. Commissioner Cutler made the motion, seconded by Commissioner Solly, and carried by a vote of 3-0.

**Land Use Counsel** said that the owner should provide a photograph of the updated sign. (N.B. – the Land Use Secretary did receive the photograph of the updated sign within the required time period.)

### **New Public Hearing**

**The Chair** asked the Planning Administrator to read the description for Item 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 Planning Administrator** read the description for the 521 East Third Street application. He indicated that this is a new public hearing. 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.***

**The Acting Chair asked if the application was properly noticed. The Land Use Secretary indicated that it was duly noticed.**

**Commissioner Cutler indicated that a former ambulance service was located on East Third Street between Union and Franklin in the NB zone. Presence would be set for the ambulance service in the NB zone.**

**Appearing for the Applicant was Mr. Justin Petersburg.**

**Commissioner Cutler asked Mr. Petersburg if he was representing AMR of work for AMR.**

**Mr. Petersburg stated that he represents AMR. He works for Torgerson Architectural Consultants. He introduced Dan Liebowitz, VP AMR. And Patrick Pickering, Regional Director, GMR. GMR is the parent company to AMR.**

**Mr. Justin Petersburg stated that they have fulfilled all the requirements for the application to the ZBA. The application is an interpretation regarding AMR's proposed use and whether it would be permitted in the NB zone.**

**Commissioner Cutler asked can you explain what the facility will be used for?**

**Mr. Liebowitz stated that they run an ambulance operation for Eastchester, and Bronx County out of the facility. Employees will check out ambulances before going to work. It includes parking ambulances, light maintenance, training classes and dispatch. Also plan to run EMT classes.**

**Commissioner Cutler asked which municipalities are being served currently?**

**Mr. Pickering – indicated mutual aid to municipalities in Westchester and Mount Vernon. The City of Mount Vernon is the highest user of mutual aide.**

**Commissioner Cutler asked if they were an exclusive or primary provider in Westchester?**

**Mr. Pickering – we are exclusive provider in the Bronx via Montefiore.**

**Commissioner Cutler asked when can AMR respond to 911 calls.**

**Mr. Pickering - we respond via mutual aide.**

**Commissioner Cutler asked how many ambulances do you have currently in New Rochelle?**

**Mr. Pickering – currently 14.**

**Commissioner Cutler – how many ambulances would you have in Mount Vernon?**

**Mr. Pickering – on a per sq foot basis, 20 vehicles. These are all used as ambulances, no ambulettes.**

**Commissioner Cutler – how many ambulances go out?**

**Mr. Pickering – about 15 – 18 per day would go out.**

**Commissioner Cutler – do you go out with lights and sirens turned on?**

**Mr. Pickering - cannot say yes or no.**



**Commissioner Cutler** – where do employees park?

**Mr. Pickering** – they park on-site but many employees use public transportation.

**Commissioner Cutler** – is any maintenance done?

**Mr. Pickering** – maintenance is done in the Bronx.

**The Acting Chair** stated that the application mentions storage and maintenance.

**Mr. Petersburg** said that it is not a full maintenance facility, just incidental to storage.

**Commissioner Cutler** – could you be more specific regarding maintenance.

**Mr. Petersburg** - change light bulbs, fix stretchers, etc.

**Commissioner Cutler** – is the facility large enough?

**Mr. Pickering** - the facility is bigger than needed now but will grow.

**Commissioner Cutler** - what is your working relationship with the Mount Vernon Fire Department?

**Mr. Pickering** - we work with Deputy Commissioner Teddy Beale.

**Commissioner Solly** – what are the positives/enhancements to the City of Mount Vernon?

**Mr. Pickering** - Many 911 calls come from Mount Vernon; we also provide a training program *Earn to Learn Program* that includes Mount Vernon residents.

**Teddy Beale** - this is not the first ambulance company in Mount Vernon; Empress currently contracts with Mount Vernon until the end of the year.

**Commissioner Cutler** - are there any other locations for AMR?

**Mr. Pickering** - No, just in Mount Vernon.

**The Acting Chair** asked if there was preference given to Mount Vernon residents for the *Earn to Learn Program*?

**Mr. Pickering** answered yes.

**Land Use Secretary** indicated that there was a question via chat regarding noise pollution.

**Public Comment – Michael Winkler (resident)** asked about the number of vehicles and how many are diesel? What is impact on air quality? What practices are used by employees to minimize diesel particulates?

**Mr. Pickering** - We are moving away from diesel, only 2- 3 vehicles are diesel at this time. We will be purchasing only gas vehicles going forward.

**Mr. Michael Winkler** – what is the average age of the diesel vehicles?

**Mr. Pickering** - starting to replace older vehicles through this year.

**Mr. Michael Winkler** – what is percentage of diesel vs. gas?

**Mr. Pickering** – less than 5% of fleet is diesel.

**Land Use Counsel** – the purpose of the NB zone allows pedestrian use and safety.

**Commissioner Cutler** - what is the proposed timing for a move? When is the lease expiring in New Rochelle?

**Mr. Liebowitz** - Need to move as soon as possible, would like to move as of May 1<sup>st</sup>. The current owner of the building has already moved out.

**Commissioner Cutler** – are you buying or leasing?

**Mr. Liebowitz** – we are leasing,

**Land Use Counsel** – asked a question of Deputy Commissioner Beale – how did the former ambulance company do in the area?

**Teddy Beale** – it did well in that location. He confirmed Commissioner Cutler’s memory that the former ambulance service was at 154 East Third Street between Union and Franklin in the NB zone. Another ambulance service was at 718 South Fulton.

**Land Use Counsel** – asked how will congestion be mitigated?

**Mr. Pickering - Vehicles will go out on a staggered basis.**

**The Acting Chair asked if there was any other public comment. The Land Use Secretary indicated that there was no further public comment. She indicated that the ZBA received two consent forms and one objection with no reason provided.**

**The Acting Chair asked for a motion to close the public hearing. Commissioner Cutler made a motion to close the public hearing, seconded by Commissioner Solly, and carried by a vote of 3-0.**

**The Acting Chair asked if there were any changes to the exterior and what about changes to the interior?**

**Mr. Pickering – indicated that there are no exterior changes, and they are keeping the interior space as is.**

**The Acting Chair asked for a motion to approve. Commissioner Cutler made the motion to approve the applicant’s request for interpretation and grant the applicant permission to proceed with the proposed use in the NB district and welcome to Mount Vernon, seconded by Commissioner Solly, and carried by a vote of 3-0.**

**The Acting Chair asked Land Use Counsel if the paperwork can be prepared before the next meeting. Land Use Counsel indicated she will draft the Findings of Fact for the ZBA April 19<sup>th</sup> meeting.**

**There being no other business, the Acting Chair asked for a motion to adjourn.**

**Commissioner Cutler made a motion to adjourn the meeting, seconded by Commissioner Solly and carried by a vote of 3-0.**

**The meeting was closed at 7:00 pm.**

**Maria Pace  
Land Use Board Secretary**

**Robert Galvin, AICP  
Planning Administrator**