



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
FEBRUARY 15, 2022**

A work session of the Zoning Board of Appeals will be held on **Tuesday, February 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 February 15, 2022, via ZOOM at which time the Board shall consider the following:**

ITEM #1 ROLL CALL

ITEM #2 APPROVAL OF MINUTES

- December 21, 2021, minutes

ITEM #3 New Public Hearing

3.1 Calendar #1760-Z 259 South Fulton Avenue (Section 169.24, Block 4039, Lot 14) located in the RMF-10 Zoning District.

The Acting Chair indicated that 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 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.

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. In this item, "individual" denotes one project on one lot.

The Acting Chair indicated, for the record, that while she has the same last name as the Applicant, she is not related to Mr. Castillo, the Applicant.

The Acting Chair introduced Mr. Jack Adesso, the attorney for the applicant.

Mr. Adesso reviewed the application and the Statement of Principals in support of the area variance being requested. The application requires only one area variance for lot width and frontage which is 66.91' whereas 75' is the minimum required in the RMF-10 zoning district. Other than lot width and frontage, everything else is code compliant. He then reviewed all of the bulk requirements. He described the surrounding properties and indicated that the subject property was a two or three family residence which fire damaged and demolished. It is currently vacant. The Applicant purchased the property from the City to restore it to the tax rolls. The proposed Project is for 8 units for a

three-story building. Parking would be on the first floor with four units each on the second and third floors.

The Acting Chair asked if there were any questions from the Commissioners.

Commissioner Darden asked if the developer was receiving any subsidies.

Commissioner Cutler asked if the project is a market rate rental building. Has market study been done on unit mix and vacancy rates in other buildings?

Mr. Addesso indicated that it is not for sale housing. It is private housing being placed on the market.

Commissioner Cutler said that the proposed project is situated between single and two-family housing.

Commissioner Darden also said that the multi-family project is being built in the middle of single and two-family housing.

Mr. Addesso indicated that the submitted photographs provide an idea of the surrounding properties and the proximity of more intense multi-family projects. The proposed density of 8 units in three story building is less than the area's other multi-family projects.

Commissioner Darden stated that she is familiar with the area and is looking at the consistency of development along this side of the street.

Mr. Addesso stated that the height of the proposed project is more in line with neighboring properties. The Project height is 30' whereas 42' is the maximum height allowed. If the lot remains vacant, what will impact be on the area.

The Acting Chair requested comments from the public. Commissioner Solly indicated that this is important for the neighborhood.

Public – Michelle Purville, 246 East 4th Street – She asked if only homeowners can comment. Is this a single lot?

Mr. Addesso – The property is one lot and contained a two/three family residence.

Ms. Purville agreed with Commissioner Solly. Anything constructed there should look better. Spoke about architecture but not just aesthetics. Homeowners will have more investment in the neighborhood.

Mr. Adesso asked if having a vacant lot for a long period of time will be good. The ZBA area variance for lot frontage is the first step. If approved, the next step would be Planning Board site plan review and finally ARB review of the project. If the public participates, the result would be a better project.

Public – Etta Gunn, 7 Oneida Avenue - Spoke about notification She found out about the meeting from the Fleetwood Association. (Address was more than 500’ distant from the subject property.) Owner could build a two-family residence on the property. Development should be kept in line with adjacent residences, sewer system overloaded, and traffic pattern are issues.

Public – Barbara and Jeffrey Smith – 125 Monroe Street – They live opposite the subject property on Monroe Street. Can’t find parking now. Applicant should provide a rendering of the project.

Mr. Adesso said that the applicant did not have a rendering right now. Will provide a rendering.

Public - Michelle Purville returned. Asked how the notification was handled.

The Tax Assessor’s Office generated the mailing list for all abutters within a 500’ radius around the site. Notice of the meeting and the consent/objection form are sent by certified mail, return receipt requested.

Commissioner Cutler asked if she had noticed the sign posted on the property.

Maria Pace, Land Use Secretary, indicated that the Planning Department had received one objection form in opposition to this application from the adjoining property owner.

The Acting Chair suggested that the Commissioners adjourn this application to the March meeting and allow the public more time to comment on the application.

Commissioner Cutler made the motion to adjourn the application to the March 15, 2022, meeting to provide public more time to comments, seconded by Commissioner Darden, and carried by a vote of 4-0.

Mr. Adesso indicated that the Applicant will place the new March 15, 2022, meeting date on the sign.

Item #4 ADMINISTRATIVE ACTIONS

The Acting Chair read the letter developed by the Board’s Land Use Counsel into the record. Counsel is seeking guidance from the City Council on how best to proceed regarding the

application for 341 N. High Street. If the ZBA votes to approve, the letter can then be signed by the Chair and forwarded to the City Council.

Mr. Jack Addesso indicated that he had previously received a letter from Michael Zarin as legal counsel to the City Council regarding this issue. It indicates that the application should be directed to the ZBA for their determination. Mr. Addesso feels that the application is a matter of dimensional variances. It should go to the ZBA for review and consideration.

Land Use Counsel indicated that her letter was designed to put this long-standing issue to bed. It explains the use variance criteria. Providing the letter to the City Council should not unduly delay the applicant.

The Acting Chair was fine with sending the letter as written by Land Use Counsel.

Commissioner Cutler stated that the ZBA is the proper Board to consider the application and the letter developed by Land Use Counsel is unnecessary to send to the City Council.

Commissioner Darden indicated that the City Council is new and unfamiliar with this matter and would simply prolong the issue.

Commissioner Cutler made a motion to not send the letter written by the Land Use Counsel to the City Council, seconded by Commissioner Darden, and carried by vote of 3-1.

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 Darden and carried by a vote of 4-0.

The meeting was closed at 7:50 pm.

**Maria Pace
Land Use Board Secretary
Robert Galvin, AICP
Planning Administrator**