



**City Planning Board**  
Department of Planning & Community Development  
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Shawyn Patterson-Howard  
Mayor

Darryl Selsey  
Chair

**MEETING MINUTES  
PLANNING BOARD  
REGULAR MEETING  
for MARCH 2, 2022**

A regular meeting of the City Planning Board was held on Wednesday, March 2, 2022, at 6:30 PM via ZOOM (<https://zoom.us/>). The meeting was live streamed and recorded via Facebook: CMVNY. The Chair asked Deputy Commissioner Molina to start the live streaming on Facebook.

**Roll Call**

**The Chair** called the roll: In addition to Chairman Selsey, attending were the following Commissioners: Mr. Charles Whites, Mr. Jamael Thompson, Ms. Thompson-Njenga, Mr. Frank Trolio and Mr. Zamor.

Also attending Marlon Molina, Deputy Commissioner, Maria Pace, Secretary to the Planning Board, Bob Galvin, Planning Administrator and U. Nkechi Nwachukwu, land use counsel.

**The Chair** indicated that there was a quorum present and opened the meeting at 6:30 pm.

**APPROVAL OF MINUTES**

**The Chair** asked if the Commissioners had an opportunity to review the minutes of February 2, 2022 and were there any corrections. There being no changes, the Chair asked for a motion to approve the minutes for February 2, 2022. The motion was made by the Commissioner Whites, seconded by Commissioner Thompson and carried by a vote of 4-0.

**Continued Public Hearing**

**The Chair** read the following description of Case No. 14-2021 128 West Second Street (Section 165.77, Block 3051, Lot 25) in the RMF-6.75 zone.

**The Chair** indicated that this is a continuation of the public hearing. Applicant is seeking a special permit for a domiciliary care facility in a residential building at 128 West Second Street in the RMF-6.75 zone. Domiciliary care facilities are allowed by special permit in the RMF-6.75 zone per §287-28B. Applicant is represented by Mr. Shahin Badaly PE, the Applicant's Engineer.

The agency sponsor is the Catholic Guardian Services (part of the Catholic Charities of the Archdiocese of New York.) *Applicant has provided a requested Narrative describing the group homes within a two-mile radius of the subject property. A map was also provided showing these group homes.*

Planning Board has referred the plans for comment to the Water Bureau, DPW, the Water Bureau and a hard copy to the Police Department. The Planning Board confirmed the proposed action as a Type II action at its January meeting. Therefore, ending the SEQRA review.

Mr. Shahin Badaly, Engineer, appeared for the Applicant.

**Mr. Badaly explained** the Unaccompanied Children (UC) program managed by the Office of Refugee Resettlement (ORR) within the Administration for Children and Families (ACF), an operational division of the U.S. Department of Health and Human Services (HHS). NYS Office of Children and Family Services (OCFS) reviews the facility and licenses the sponsor agency for the operation at this facility. He indicated that children at the home is a temporary status until they are reunited with parents, relatives or extended family.

**Mr. Badaly** indicated that two additional documents were provided per the request of the Planning Board. These included a Narrative and listing of group home facilities within two miles of the proposed facility together with a map. Mr. Badaly indicated that there were four group home facilities within two miles of the subject property at 128 West Second Avenue. These included: St. Theresa's Residence Housing Complex (adults), Westchester Care for Rehabilitation & Nursing (adults), Westchester Jewish Community Group Home (adults) and The Arc Westchester (group home supportive for people with disabilities).

**The Chair** asked about Deputy Fire Commissioner Teddy Beale and any inspections on the residence.

**Mr. Badaly** indicated that an informal walk-through of the building had been done at the request of the owner. He spoke about the commercial hood for the kitchen. The owner indicated that this is a residential kitchen. The agency sponsor will need to comply with NYS rules and regulations for Group Homes and the facility and operation review of the NYS OCFS before receiving a license to operate the facility. This can be a condition of any approval.

**Commissioner Whites** asked about the domestic water service and is there lead in the system.

**Mr. Badaly** indicated that the system would need to be tested and verified if it needs replacement. They would work with Superintendent John Arena on this concern. Mr. Badaly indicated that a water tap could be done in March or April and would take about a week to complete. They would need to get approval from the Building Department for the work. Regarding the sprinkler system, the water pressure at 58 psi has been provided to the Water Bureau. A flow test would need to be done in cooperation with Superintendent Arena for bath and kitchen loads and upgrade test for sprinkler system.

**Commissioner Whites** asked about the number of showers in the building.

**Mr. Badaly** indicated that there was 1 shower on the top floor and three on the second floor. There were no showers on the first floor. There is a total of four showers in the residence. The project an occupancy of 16 in the residence which would be confirmed by review of the facility by NYS OCFS.

**The Chair** asked if there were any additional questions for Mr. Badaly. He indicated that we would need a letter in writing from Superintendent Arena regarding the domestic water system.

**Public Comment – Kathy Page, resident** - How will security be in effect?

**Mr. Badaly** responded that these are children at high risk so there is a low occurrence of incidents. A staff person must accompany them when they are outside the residence.

**The Chair** asked if someone would monitor outside activities?

**Mr. Badaly** indicated that an adult will always accompany them.

**Public – Kathy Page** asked when this would come to fruition?

**Mr. Badaly** indicated that they need to go through the Planning Board, then to the Building Department, federal review and NYS OCFS review and licensing must be done.

**Public – Mary Harris, representing the Good Neighbor Block Association, resident** – There is an elementary school across the street (the Grimes School). Children walk all around the neighborhood. She is concerned that she does not know the facility.

**The Chair** indicated that the application has been before the Planning Board for several months. The mailing had been done and the sign posted and updated. He understood the difficulty with zoom meetings for members of the public.

**Public – Yocasta V. Perez – resident** – provided her email to receive information about the next meeting.

**Commissioner Zamor** – the real question is management of the group home and how do we enforce any issues down the road. We should have a safeguard with the group home.

**Mr. Badaly** stated that there will be NYS OCSC inspections every six months. The owner can have these reports provided to the Planning Board. He also mentioned that the operator, the Catholic Guardian Society, has a good track record.

**Commissioner Zamor** suggested a special permit with a five-year term with an annual review by the Planning Board.

**Land Use Counsel** confirmed that would be allowed by the Code under the Planning Board's special permit.

**The Chair** suggested that Mr. Benjamin, the owner, check with the Catholic Guardian Society on the five-year lease and annual review.

**Public – Debbie Semple, resident** – with the Good Neighbor Block Association – she is worried about her neighborhood and children. She and Ms. Harris provided their emails to be notified of the next meeting. Helen Sabota Diaz also expressed concern.

**The Chair** asked if there were any other members of the public who would like to comment. There was no further public comment.

**The Chair** made a motion to continue the public hearing to the Board's April meeting, seconded by Commissioner Zamor and carried by a vote of 6-0.

### **Continued Public Hearing**

**The Chair** read the following description of **Case No. 15 – 2021 0 Millington Street (Section 165.25, Block 4055, Lot 6) located in the R2-4.5 Zoning District.**

Applicant (Millington LLC) is the owner of a vacant 0.23-acre (10,500 sf) parcel located at 0 Millington Street. The subject property is on the south side of Millington Street closer to Columbus Avenue in the R2-4.5 zoning district.

**The Chair** reminded the Board that the Planning Board assumed lead agency for this Unlisted action at its January meeting.

The Applicant is represented by Mr. Shahin Badaly, PE. Applicant has

**provided an existing conditions plan including information on utilities in the street, the adjacent residences and existing location of significant trees. A proposed site plan has been provided showing a 2-car garage under the house.**

**Applicant also provided the Planning Board with a Tree Removal and Tree Protection Plan and landscape plan as well as floor plans and elevations.**

**Applicant has followed up with the City Tree Surgeon. The Tree Surgeon has already conducted a site visit and is reviewing and preparing a report for the Planning Board.**

**At the request of the Chair, the Planning Administrator reviewed the comments received from the Police Department and the Water Bureau. He has also discussed the site with the City Tree Surgeon.**

**Mr. Badaly said that he agrees with the Water Bureau comments but is not adding a sprinkler system.**

**The Chair asked Mr. Badaly to update the Board on his investigation into geothermal as an energy source for the proposed two-family residence.**

**Mr. Badaly indicated that he is working with Marvin Church and anticipates having an update for the next meeting.**

**The Chair made a motion to continue the application at its April meeting, seconded by Commissioner Trolio and carried by a vote of 6-0.**

### **Closed Public Hearing**

**The Chair read the description for Case No. 13 – 2021 1 Beechwood Avenue (Section 169.73, Block 4088, Lot 21) located in the Commercial Business (CB) Zoning District.**

**The Chair indicated that the Planning Board closed the public hearing at its February meeting. He indicated that the Applicant had made the Planning Board's requested changes and provided revised plans reflecting these changes.**

**The Chair indicated that the draft resolution had been prepared for tonight's meeting, however, the Applicant's representative is not present at the meeting.**

**The Chair** requested the Planning Administrator to have a letter sent to the Applicant indicating that if he did not appear at the Board's April meeting, he would need to file a new application with the Planning Board.

**The Chair** made a motion to adjourn the meeting, seconded by Commissioner Trolio and carried by vote of 6-0.

The meeting was adjourned at 8:00 PM.

**Maria Pace**  
Secretary to the Planning Board

**Bob Galvin, AICP**  
Planning Administrator