



**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 APRIL 6, 2022**

A regular meeting of the City Planning Board was held on Wednesday, April 6, 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, U. Nkeichi Nwachukwu, land use counsel and Ms. Tanesia Walters, City Clerk.

**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 March 2, 2022, and were there any corrections. There being no changes, the Chair asked for a motion to approve the minutes for March 2, 2022. The motion was made by the Commissioner Whites, seconded by Commissioner Thompson and carried by a vote of 6-0.

**Closed Public Hearing**

**The Chair** read the following description of Case No . 16 – 2021 1 Beechwood Avenue (Section 169.73, Block 4088, Lot 21) located in the Commercial Business (CB) Zoning District.

**The Chair** indicated that the public hearing was closed on March 2, 2022. A draft resolution has been prepared.

**The Chair** indicated that Mr. Ziad Jaber, the owner of the 6,300-sf subject property, is requesting approval of site plan for renovation and the extension of special permit for the existing auto repair facility at 1 Beechwood Avenue in the Commercial Business zone.

**Mr. Carlos Sosa Streber**, the Applicant's architect, was promoted to speak. He brought the Planning Board up to date on the changes that had been made to the plans at the request of the Board. He shared his screen and showed the updates to the Planning Board Commissioners. He had removed the sign on city property, included security cameras with retention of video for 60 days, provided aluminum black decorative fence around the complete property, showed the relocated trash enclosure and its exterior treatment, and landscaping, Mr. Streber indicated that the owner wanted to keep the fence in front of the property in addition to installing around the remainder of the property.

**Mr. Jaber**, the owner, was promoted to speak and indicated that the site is at a visible intersection and the site improvements will be an update for the area as well as his property. He commended the Planning Board for their review.

**The Chair** indicated that the ARB would review the architectural treatment of the buildings. He asked if there were any other questions.

**Commissioner Zamor** asked about the landscaping at the fence in the front.

**Mr. Streber** said the landscaping will be installed behind the open fencing.

**Commissioner Zamor** stated that the key is the up keep of the landscaping. It needs to be maintained even the evergreen shrubs. He suggested that an irrigation line be installed for the landscaping along the front of the property.

**The Chair** asked that the irrigation system for the landscaping along the front of the property be added to the site plan and included as a condition of the resolution.

**The Chair** made a motion to approve the site plan and special permit with the addition of the irrigation system for the landscape along the front of the property, seconded by Commissioner Zamor, and carried by a vote of 6-0.

### **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 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. The owner, Jim Benjamin, 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 received comments from the Fire Department providing "New York Codes, Rules and Regulations 488.3" and the results of a walk-through of the facility with deficiencies noted. NYS OCFS is the reviewing and licensing agency for these Group Homes. The Planning Board also received comments from the Police Department and the Water Bureau. Applicant has provided the owner's letter responding to the Fire Department comments. Catholic Guardian Society has provided a letter (3/28/22) reviewing oversight and supervision at the Group Home. The Catholic Guardian Society is aware of the Planning Board's proposed 5-year approval of the special permit with annual review by the Planning Board.

The Planning Board confirmed the proposed action as a Type II action on November 3, 2021. Therefore, ending the SEQRA review.

**The Chair** indicated that a preliminary draft of a resolution was prepared for review by the Planning Board with a five-year term limit on the special permit and annual review by the Planning Board. The Chair indicated that land use counsel reviewed the draft. Commissioners indicated that they had reviewed the preliminary resolution and conditions.

**Mr. Shahin Badaly**, Engineer, appeared for the Applicant. He wanted to update the Board on the letter from the Catholic Guardian Society which addressed Oversight and Supervision at the proposed facility. He indicated that the owner had accepted the comments from the fire department and water bureau. As a condition of any resolution, the owner would agree to install a commercial kitchen in the facility. They would also provide fire sprinkler in and other noted conditions with the Building Department. They would also install a back flow preventer per comment from the Water Bureau.

**The Chair** asked Mr. Badaly if the Catholic Guardian Society agreed with the proposed 5-year term for the special permit with annual review by the Planning Board.

**Mr. Badaly** indicated that the Catholic Guardian Society agreed to the terms.

**Commissioner Thompson** asked about the ADA handicapped accessible bathroom. He had no further comment.

**Mr. Galvin, the Planning Administrator** indicated that the Building Department will determine the ADA handicapped bathroom based on the code requirements.

**The Chair** asked for public comment.

**Public Comment – Cynthia Crenshaw, homeowner.** She stated that the location is between two schools and is not a suitable location. Additionally, there are gangs in the area.

**The Chair** asked Mr. Benjamin, the owner, to respond.

**Mr. Benjamin** indicated that he has worked with the Catholic Guardian Society in other locations. They have looked at the proposed site and like the set up of the house and its large size and the property which has a large lot and big back yard. There is also a back area for vehicular access.

**Mr. Badaly** explained the Unaccompanied Children (UC) program again. He repeated the statistics provided at the last meeting regarding the family reunification success rates. The program is under federal review and site visits by NYS Office of Children and Family Services (OCFS) which licenses the facility. He also indicated that a staff person must accompany the children when they are outside the residence.

**Public – Mary Harris, representing the Good Neighbor Block Association, homeowner, 2 blocks away from the proposed facility.** – Wanted to know the age level of the children. Was told that it would be between 13 – 18 years of age. The school children walk home from school. Don't know what short term means. New children will be coming and leaving all the time. She is not comfortable with this.

**Mr. Badaly** indicated that there would be no children 18 years of age at the facility. They would need to be covered by a different Federal program. He read the letter from the Catholic Guardian Society for the record.

**Commissioner Whites** indicated that the comments made by the public are valid. This sponsoring organization has not looked at other areas. Sponsor's comments are not going to assuage the residents. It is a transient environment.

**Public – Cindy Nanan, homeowner -** She lives 300' away from the proposed facility. Little kids are walking back and forth from school. It should be someplace else with no small children in the neighborhood.

**Commissioner Zamor stated that he considers applications for all residents. In this case, it appears that the sentiment is “not in my neighborhood”. There are homes everywhere with children. He indicated that he has a group home in his area, but you wouldn’t know that it was there. There is a safeguard for the application with a 5-year term for the special permit with annual review by the Planning Board and access to the semi-annual inspection reports by (OCFS). There is no neighborhood within the city without homes and children.**

**Ms. Walters, City Clerk, asked if children are not reunified, what happens at that point?**

**The Chair asked Mr. Benjamín to respond.**

**Mr. Benjamin addressed the question. He indicated that the Unaccompanied Children Program is a short-term transitional program under the Federal Government. The program has three categories. Category 1 includes children with parents – the stay is 16 – 20 days; Category 2 is children with relatives; Category 3 includes children with extended family, undergo extensive background checks. The reunification rate in Categories 1 and 2 represent 99 % of the children. Other Federal programs would be available for children over 18 years of age.**

**The Chair asked if the Commissioners had any other questions. There were none. He asked if there were any further public comments. There were none.**

**The Chair asked staff to prepare a draft resolution for the May 4, 2022, meeting. He wanted the record to be kept open for an additional ten (10) business days with all resident petitions and other written public comments to be provided to the Planning Department for submission to the Planning Board Commissioners. The Planning Board will review everything that is submitted.**

**The Chair made a motion to close the public hearing and keep it open to receive resident petitions and other written public comment for a period of ten (10) business days, second by Commissioner Zamor, and carried by a vote of 6-0.**

### **Closed 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.**

**The Chair indicated that the public hearing has been previously closed at its March meeting. He stated that the 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 application has been sent to the Fire Department, Police Department and the Water Bureau. The City Tree Surgeon has provided a *Report and Tree Evaluation* for the two-lot Millington subdivision for the Planning Board. The Department of Public Safety and the City Water Bureau have responded.

**Mr. Galvin, the Planning Administrator**, read the Tree Surgeon's Report into the record and reviewed with the Planning Board. He also reviewed the agency comments.

**Ms. Walters, City Clerk**, asked Mr. Badaly if he had gotten a tree removal permit for the project.

**Mr. Galvin, the Planning Administrator**, indicated that the Planning Board can make a recommendation to DPW for the issuance of the tree removal permit.

**Ms. Feldman, the Chair of the City's Tree Advisory Board**, thanked the chair for the opportunity to address the Board. She thought that the Tree Surgeon's Report was spot on and the recommendation for the \$11,000 to be provided by the Applicant into the City's Tree Fund.

**The Chair** stated that the Planning Administrator had been requested to prepare a Negative Declaration for the Planning Board. This would close out SEQRA and allow the Planning Board to complete their subdivision review. He asked if the Commissioners had reviewed the Part 2 of the EAF and the Negative Declaration and if there were any questions. There were no questions.

**The Chair** asked for a motion to adopt the Negative Declaration for the 0 Millington application. Commissioner Thompson made the motion, seconded by Commissioner Thompson-Njenga, and carried by a vote of 6-0.

There being no new business, the Chair made a motion to adjourn the meeting until May 4, 2022, seconded by Commissioner Trolio, and carried by a vote of 6-0.

The meeting was adjourned at 8:57 PM.

Maria Pace  
Secretary to the Planning Board  
Bob Galvin, AICP  
Planning Administrator