



## City Planning Board

Department of Planning & Community Development  
City Hall, One Roosevelt Square  
Mount Vernon, New York 10550-2060

Shawyn Patterson-Howard  
Mayor

Darryl Selsey  
Chair

**RESOLUTION**  
**CITY OF MOUNT VERNON PLANNING BOARD**  
**Case No. 15-2021**  
**(Adopted June 15, 2022)**

**Application of 0 Millington Project LLC**  
**Property: 0 Millington Street (Sheet 169.25, Block 4055, Lot 6 and**  
**R2-4.5 Zone)**

**Resolution of Final Subdivision Approval**

After due discussion and deliberation, on motion by Chair Selsey, seconded by Commissioner Thompson and carried, the following resolution was adopted:

1. On November 6, 2021, the Applicant., Millington Project LLC, represented by Shahin Badaly, P.E., together referred to as the Applicant, (all references to which shall include and be binding upon the Applicant's successors and/or assignees) submitted to the City of Mount Vernon Planning Board ("Planning Board"), an application with accompanying documentation requesting a subdivision of a 1,500-sf parcel to create two zoning compliant lots, in which two-family dwellings will be constructed; and
2. Applicant's property is located at 0 Millington Street on the south side of Millington Street closer to Columbus Avenue in the R2-4.5 zoning district and designated on the City of Mount Vernon tax map as Section 165.25, Block 4055, Lot 6 (the "Property"); and
3. The Planning Board is familiar with the Property and all aspects of the proposed action and is satisfied that the subdivision plat will conform to the City's subdivision regulations, specified in the Code of the City of Mount Vernon ("City Code") §267-12; and
4. The Planning Board has conducted a duly noticed public hearing on January 5, 2022, and continued the public hearing on February 2, 2022, March 2, 2022, and April 6, 2022, at which time all those wishing to be heard were given the opportunity to be heard.

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5. The Planning Board has carefully reviewed the proposed subdivision plat and considered the comments in the Plan Examiner Report dated August 20, 2021, examined the Application and reviewed the Applicant's existing and proposed site plans, photographs of the property and surrounding residences, aerial view of the site, topography, utilities, sidewalk and curb conditions. The Planning Board reviewed comments and recommendations from the City Planning Administrator in work session memoranda dated January 4, 2022, February 2, 2022, March 1, 2022, and April 5, 2022. Planning Board also reviewed the City Tree Surgeon's *Tree Review and Evaluation Report* dated March 28, 2022, that provided recommendations on tree replacements on the site and planting of two flowering pear trees (3 ½" caliper) as street trees in front of the property. This conforms to other street trees on the surrounding streets. The Tree Surgeon's Report was provided to the City Tree Advisory Board, which they have considered; and

6. The Planning Board received written comments from the Water Bureau dated March 2, 2022, in which they indicated that two new services would need to be installed at the cost of the developer, a fire flow test will need to be performed to determine service size and if sprinkler is required a back flow application will need to be submitted for each device. The Department of Public Safety submitted written comments, dated February 28, 2022, indicating no objection to the project. There were no letters of objection or consent or other written communications from the public. A copy of the written comments submitted by the Water Bureau, Department of Public Safety, and the Tree Surgeon are annexed hereto and made a part of this resolution; and

7. The Zoning Board of Appeals reviewed the Applicant's request for an area variance at a duly noticed public hearing on October 19, 2021. The area variance requested was for the proposed lot width and frontage for each new lot. The proposed lot width and frontage is 37.5' for each lot whereas the requirement is 50'. The ZBA closed the public hearing and approved the requested variance on October 19, 2021.

8. The Planning Board's review has determined that the proposed action conforms to the existing zoning and development pattern along Millington Street and the surrounding neighborhood, the property conforms to the area's existing development pattern, and there is no identified historic or archaeological resources nor are there any wetlands contained on or adjacent to the subject property; and

9. The Project is described and illustrated on the following survey and subdivision plat with accompanying documents submitted by the Applicant, which form a part of the Subdivision Application:

- a. Planning Board Application;
- b. *Final Subdivision Plat*;
- c. *Proposed Lot Subdivision Plat Sheets*: T-001.00 *Title Page*, A-001.00 *General Notes*, A-100.00 *Existing Site Plan*, A-101.00 *Proposed Site Plan*, A-102.00 *Zoning Compliance*, C-100.00 *Tree Removal Plan*, C-101.00 *Site Landscaping Plan*, C-102.00 *Site Details*, and C-110.00 *Site Lighting Plan*, prepared by Badaly

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Engineering PLLC for (2) 2-Family Houses Subdivision, Millington Street, Mount Vernon, NY 10553 dated January 14, 2021;

- d. *Topographic Survey of Vacant Lot Situated on Millington Street in the City of Mount Vernon Westchester County State of New York* prepared by Neville V. Ramsey LIC. NO 050294-1, dated October 22, 2020;
- e. Plan Examiner Report, dated August 20, 2021;
- f. Short Environmental Assessment Form;
- g. City of Mount Vernon Zoning Table;
- h. Zoning Information Search;
- i. Notice Documents;
- j. Aerial Photograph of the Property and Photographs of Surrounding Properties.

10. The Planning Board determined on January 4, 2022, that the Project was an unlisted action under SEQRA, and as the only interested agency, assumed Lead Agency status at its meeting on January 4, 2022, and after review of Part 1 and Part 2 of the environmental assessment form, issued a Negative Declaration for the proposed unlisted action on April 6, 2022; and

11. WHEREAS, the Planning Board is empowered and authorized to review and approve subdivisions in accordance with Article IV, § 267-12 of the Mount Vernon Zoning Code and Art. 3, § 32 of the New York State General City Law; and

12. WHEREAS, upon information received at the public hearing and upon all materials submitted, including the Plan Examiner's Report, architectural drawings, survey, plot plans, environmental assessments, photos of the existing site and surrounding areas, and comments from the Mount Vernon Department of Public Safety, Board of Water Supply, and City Tree Surgeon, the Planning Board hereby determines that the land shown on the plat is of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, drainage or other menace to neighboring properties or the public health, safety and welfare, as prescribed by Art. 3, § 33(1) of the New York State General City Law; and

13. WHEREAS, upon information received at the public hearing and upon all materials submitted, including the Plan Examiner's Report, architectural drawings, survey, plot plans, environmental assessments, photos of the existing site and surrounding areas, and comments from the Mount Vernon Department of Public Safety, Board of Water Supply, and City Tree Surgeon, the Planning Board hereby determines that the proposed new two-family dwellings are permitted principal uses in the R2-4.5 zoning district pursuant to Mount Vernon Zoning Code § 267-17(D). Moreover, the proposed new two-family dwellings front public roads and the streets and highways are of sufficient width and suitable grade and are suitably located to accommodate the prospective traffic, to afford adequate light and air, to facilitate fire protection, and to provide access of firefighting equipment to buildings, as prescribed by Art. 3, § 33(2)(a) of the New York State General City Law; and

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14. WHEREAS, pursuant to Condition I(e) below, the Planning Board hereby requires that all streets and other public places shown on the plats be suitably graded and paved; street signs, sidewalks, street lighting standards, curbs, gutters, street trees, water mains, fire alarm signal devices (including necessary ducts and cables or other connecting facilities), sanitary sewers and storm drains be installed all in accordance with standards, specifications and procedures acceptable to the appropriate City Departments, or alternatively that a performance bond or other security be furnished to the City, as prescribed by Art. 3, §§ 33(2)(c) and 33(8) of the New York State General City Law; and

15. WHEREAS, in light of the Zoning Board's grant of an Area Variance to subdivide the existing lot, upon information received at the public hearing, and upon all materials submitted, the Planning Board hereby determines that the plots shown on the plats comply with the local zoning ordinance, as prescribed by Art. 3, § 33(3) of the New York State General City Law; and

16. WHEREAS, the proposed subdivision seeks to two new two-family dwellings. Upon evaluation of the present and anticipated future needs for park and recreational facilities in the City based on projected population growth to which the particular subdivision plat will contribute, the Planning Board hereby finds that the reservation of land for park, playground or other recreational purposes is not required in this instance, pursuant to Art. 3, § 33(4) of the New York State General City Law; and

17. WHEREAS, in making its determinations regarding streets, highways, parks and other improvements, as prescribed by Art. 3, § 33(5) of the New York State General City Law, the Planning Board has duly considered the character of the proposed development, which entails constructing two new two-family dwellings, both of which are permitted principal uses in the applicable R2-4.5 zoning district; and

18. WHEREAS, the Planning Board hereby determines that the subdivision application does not request or warrant any waiver of requirements for subdivision approval, pursuant to Art. 3, § 33(7) of the New York State General City Law; and

19. WHEREAS, pursuant to Condition I(f) below, the Planning Board hereby requires that Applicant shall comply with Part XI, Chapter 873, Art. X (Sanitary Code: Realty Subdivisions) of the Laws of Westchester County; and

20. WHEREAS, pursuant to Condition I(g) below, Applicant shall comply with Art. 3, § 32(11) of the New York State General City Law, regarding filing of the final plat; and

21. The Planning Board has completed its review and evaluation of the application and the final plat and has fully considered the relevant factors set forth in the City of Mount Vernon Code and as such, has determined that such standards and criteria have been satisfied.

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**NOW, THEREFORE, BE IT RESOLVED** that the application for approval of a final subdivision plat to create two lots at the Property, is approved subject to compliance with the following conditions:

I. Specific Conditions

(a) Prior to the signing of the Final Subdivision Plat by the Chair of the City of Mount Vernon Planning Board:

i. Applicant shall submit to the Planning Department a revised landscaping plan (*C-101.00*) which reflects the recommendations of the City Tree Surgeon in his *Tree Review and Evaluation Report* dated March 28, 2022, including the planting of two additional flowering pear street trees (3 1/2" caliper) in front of the site. If any of these trees become diseased or die, they shall be replaced within one year.

ii. Pursuant to §252-18 of the City Code, Applicant, in order to offset the reduction in overall tree cover resulting from the development of the site, shall supplement the City of Mount Vernon Tree Fund in the amount of \$11,000 which is equal to tree replacement costs for 22 significant trees. Applicant shall file written proof of compliance with this condition to the Planning Board and Buildings Department.

(b) The Applicant shall record the approved *Final Subdivision Plat* in the office of the Westchester County Clerk. Immediately upon recording, the Applicant shall submit to the Planning Department written evidence of such recording together with a stamped copy of the filed subdivision plat. A copy of the filed Subdivision Plat will also be submitted to the City of Mount Vernon Assessor pursuant to §267-12 of the Mount Vernon Code.

(c) Applicant shall replace 100% of the sidewalk on Millington Street in front of the property per DPW standards and use granite for curb replacement.

(d) Any fencing on the property shall be black wrought iron fencing the length of the property lines.

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- (e) Applicant shall ensure that all streets and other public places shown on the plats shall be suitably graded and paved; street signs, sidewalks, street lighting standards, curbs, gutters, street trees, water mains, fire alarm signal devices (including necessary ducts and cables or other connecting facilities), sanitary sewers and storm drains be installed all in accordance with standards, specifications and procedures acceptable to the appropriate City Departments, or alternatively that a performance bond or other security be furnished to the City, as prescribed by Art. 3, §§ 33(2)(c) and 33(8) of the New York State General City Law.
- (f) Applicant shall comply with Part XI, Chapter 873, Art. X (Sanitary Code: Realty Subdivisions) of the Laws of Westchester County.
- (g) Applicant shall comply with Art. 3, § 32(11) of the New York State General City Law, regarding filing of the final plat.
- (h) Pursuant to Mount Vernon Zoning Code § 267-12, Applicant shall file the approved plat with the office of the Westchester County Clerk. Applicant shall also submit a copy of the filed plat to the City Assessor, Planning Board, Planning Department and Buildings Department for the file prior to issuance of a Building Permit.
- (i) Applicant shall file the plot plans (survey) and deeds in accordance with Article 9 of the New York State Real Property Law. The aforementioned shall be done no later than one (1) year after the date certifying this resolution.
- (j) That, pursuant to Art. VII, § 267-32(B) of the Mount Vernon Zoning Code, all of the above conditions required by the Planning Board shall be noted on the original and all file copy prints of the site plan. All of the above conditions shall be complied with prior to the issuance of Certificates of Occupancy.

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Vote Record				
Motion By: Chair Selsey _____				
Seconded By: <u>Commissioner Thompson</u> _____				
Resolution Re: 0 Millington Final Subdivision _____				
Date: <u>June 15, 2022</u> _____				
Ayes: <u>5</u> _____				
Nays: <u>1</u> _____				
	Yes/Aye	No/Nay	Abstain	Absent
Chair Darryl Selsey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jamael Thompson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Helene Thompson-Njenga	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Frank Trolio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Charles Whites	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lesley Zamor	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date Approved: June 15, 2022 \_\_\_\_\_

Date Signed: June 16, 2022

By:   
 Darryl Selsey, Chair



Lieutenant Charlotte Neal-Young  
Commanding Officer

**CITY OF MOUNT VERNON  
POLICE DEPARTMENT  
SUPPORT SERVICES DIVISION**

(914) 665-2500 FAX (914) 665-2559



Lieutenant Janie McKennie  
Executive Officer

Date: February 28, 2022

To: Office of the Police Commissioner

From: Lieutenant Janie McKennie, Executive Officer – SSD

**Subject: Site Plan – 0 Millington Street**

At your direction, the undersigned has reviewed the documents provided by the Planning Board. The Mount Vernon Police Department has no objections to the project based on the information provided.

A handwritten signature in black ink, appearing to read "Lt. Janie McKennie #110".

Lieutenant Janie McKennie  
Executive Officer  
Support Services Division

**APPROVED**  
COMMISSIONER OF PUBLIC SAFETY  
 #10  
**GLENN SCOTT** 03/02/22





CITY OF MOUNT VERNON, NEW YORK  
BOARD OF WATER SUPPLY

JOHN F. ARENA  
SUPERINTENDENT

## MEMO

March 2, 2022

To: Bob Galvin, AICP Planning Administrator  
From: John F. Arena, Superintendent Water Department  
Re: Planning Dept. Review of Site Plan @  
0 Millington Subdivision

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- 2 new services would have to be installed at cost of developer.
- A fire flow test should be performed to determine service size.
- If sprinkler is required a back flow application will need to be submitted for each device.
- Any other issues if any can be discussed at a later date.

Thank you.

*John F. Arena*

# Report

To: Chair and Members of the Mount Vernon Planning Board  
From: Vinnie DeVito, City of Mount Vernon Tree Surgeon, DPW  
CC: Maria Pace, Land Use Board Secretary  
Date: 3/28/22  
Re: Tree Review and Evaluation - 0 Millington Subdivision

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I have reviewed the submission by Badaly Engineering dated 1/14/21 for the 0 Millington two lot subdivision. Specifically, I reviewed the Existing and Proposed Site Plans (A-100.00 and 101.00) and the Tree Removal Plan and Site landscape Plan (C -100.00 and C-101.00). I have also walked the subject property and reviewed the condition of the existing trees.

## Comments

The subject property is a 10,500-sf vacant lot on the south side of Millington Street closer to Columbus Avenue in the R2-4.5 zoning district. The existing lots on the south side of Millington Street are 140' in depth. The subject property width is 75' with a 140' depth. There is an adjacent 3 story, two family residence to the east of the subject property and another two-family residence to the west. The property's topography rises from Millington Street to the middle of the property and then slopes down approximately 70' to the rear of the property. The subject property is rocky with the rear area being less rocky.

The property has 35 trees on the site. There are few trees in the southeast corner and middle of the site which may be due to soil conditions and rock. Of the 35 trees, there are 12 trees with DBH of 6" or lower. There are 22 significant trees at 8" or higher. Of these, four trees have DBH of 46" to 48" on site. Two including a sweetgum and another hardwood deciduous tree are located along the rear property line. The sweetgum is diseased and needs to be replaced and the other hardwood tree should also be removed and replaced. The property on the west has three larger trees in back of the existing house and adjacent to the subject property.

### **Recommendation**

- The sweetgum and hickory trees along the rear property line should be replaced along the rear property line with either of the following: Sugar Maple, Crimson King, Linden, Red/White Oak with a minimum of 3" caliper.
- Six Flowering trees with a 3" minimum caliper shall be planted along the side yards at the rear of the property. Three trees each shall be planted along the east and west side yards at the rear of the property.
- It is recommended that the Applicant plant two flowering pear trees with a minimum of 3/12" caliper as street trees in front of the subject property. This will conform to the other street trees in the surrounding area.
- Pursuant to §252-18 of the City Code, in order to offset the reduction in overall tree cover resulting from the development of the site, the Applicant shall supplement the City of Mount Vernon Tree Fund in the amount of \$11,000 which is equal to tree replacement costs for 22 significant trees.
- Note that the fence along the west side yard (Lot 6) indicates a current chain link fence, recommend that this be changed to decorative fence for the length of the property line. Similarly, on the east side yard (Lot 6A), the Applicant has shown a stockade fence along the side yard boundary which becomes a chain link fence in the front yard. Applicant should extend the stockade fence to the street or use a decorative fence along the length of the property line.