



## ZONING BOARD OF APPEALS AGENDA

**PLEASE TAKE NOTICE: THE CITY OF YONKERS ZONING BOARD OF APPEALS MEETING SCHEDULED FOR WEDNESDAY, February 19, 2025 AT 6:00 PM, WILL BE HELD IN YONKERS CITY HALL, 40 SOUTH BROADWAY, 4<sup>TH</sup> FLOOR (building is handicapped accessible).**

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### CLOSED HEARINGS

**# 5810 – Use & Area Variance** – David S. Steinmetz, Esq. & Jacob E. Amir, Esq., on behalf of TCP Realty LLC, owners, on premises known as **143-151 Woodworth Avenue**, Block: 2102, Lots: 4, 5, 11, 39 & 41, Zone: C (B32117)

**Proposal:** to construct two 32-story residential towers with ground floor commercial space, parking garage, landscaping and other improvements, whereas:

- Proposed use not permitted, Section 43-27, Table 43-1. (Proposed: apartment houses).
- Exceeding maximum permitted floor area ratio, Section 43-27, Table 43-3. (Required: 6.00, proposed: 13.14).
- Exceeding maximum permitted height, Section 43-27, Table 43-3. (Required: 75', proposed: 372').
- Insufficient rear yard, Section 43-27, Table 43-3. (Required: 20'0", proposed: 9'2").
- Insufficient parking, Section 43-128, Table 43-4. (Required: 944, proposed: 702).

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### OPEN/CONTINUED HEARINGS

**# 5797 – Area Variance** - Andrew Romano, Esq., on behalf of Marketin Hila/110 Ravine Realty LLC, Owner, on premises known as **110 Ravine Avenue**, Block: 2118, Lot: 39, Zone: A (B29521)

**Proposal:** for proposed new 8 story, 14-unit apartment building on vacant lot, whereas:

- Insufficient side yard, YZO Section 43-27, Table 43-3. (Required: 16'-0"/32'-0", Proposed: 12'-1"/24'-7").



- *Rooftop bulkhead or elevator penthouses shall not exceed 20% of the horizontal area of the roof on which they are located or 10% of the lot area, whichever is lesser, YZO Section 43-33.O.1. (Allowed: 20%, Proposed: /- 33%).*
- *Rooftop bulkhead or elevator penthouse shall be set back from the edge of the roof at least 1'-0" for each 1'-0" by which features exceed the maximum height specified for the district when located in or adjacent to residence district, YZO Section 43-33.O.1. (Required: /- 9' for stairs bulkhead and /-15' for elevator bulkhead, Proposed: None on two sides edge of the roof).*
- *The total area covered by accessory residential uses and structures must not exceed sixty percent (60%) of the rear yard or sixty percent (60%) of each side yard or a total of seventy-five percent (75%) of rear and side yards when added together, YZO Section 3-40.D.2. (Allowed: 75%, Proposed: 91.1 % coverage of rear and side yards combined).*
- *Insufficient parking, YZO Section 43-138 for reduced parking requirements. (Required: 14, proposed: 12).*
- *Parking within 5 feet of all property lines not permitted, YZO Section 43-44.A.9.b.*
- *Parking within 10 feet of a building on the same lot is not permitted, YZO Section 43-44.A.9.b.*
- *Required minimum width of driveway for two-way traffic is not provided, YZO Section 43-121.D.4. (Required: 20'-0", Proposed: 12'-6").*

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**# 5850 – Area Variance** – Kathleen Bradshaw, Esq., on behalf of 194 Yonkers Avenue LLC, owner, on premises known as **182 Fillmore Street aka 194 Yonkers Avenue**, Block: 405, Lots: 1, 2, 3, 5, 7, 8, 9, 13, 14, 15, 16, 17, 18, 19, 20, 21, Zone: BA –

**Proposal:** SUB-CELLAR PARKING, STORAGE, CELLAR: PARKNG, MECHANICAL, PUMP, GENERATOR ROOMS, 1ST FLOOR: PARKING, LOBBY, COMPACTOR, FIRE COMMAND ROOMS, FLOORS 2-12: 156 RESIDENTIAL APARTMENTS / LAUNDRY & COMMUNITY ROOM ON 2ND FLOOR.

- Exceeding maximum permitted floor area ratio, Section 43-27, Table 43-3, required 3.0 proposed 4.40 – Variance required.
- Insufficient parking, Section 43-128, Table 43-4, 42 parking required 422 spaces, proposed 250 spaces, and variance required for 172 spaces.

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**# 5854 – Area Variance** – Stephen A. Veneruso, Esq., on behalf of P and B Yonkers LLC, owner, on Premises known as **37-43 Post Street**, Block: 158, Lots: 66 & 68, Zone: M (B31035) \***Adjourned**

**Proposal:** construction of a four story twelve unit residential building, whereas:

- *The combined side yard setback shall be 25 feet in accordance with Schedule of Dimensional Regulations for Residential Uses Table 43-3 of the City of Yonkers (COY) Zoning code. The total combined side yard setback for the proposed building is 22.87 feet. Design Professional shall revised the plan to show the required side yard setbacks or owner shall request a variance to Table 43-3 from the Zoning Board of Appeals (ZBA) to allow for a 2.13 feet reduction in the required combined side yard setbacks.*
- *The front yard setback shall be 15 feet in accordance with Schedule of Dimensional Regulations for Residential Uses Table 43-3 of COY Zoning code. The proposed building is located 5 feet from the front lot line. Design Professional shall revised the plan to show the required front yard setbacks or owner shall request a variance to Table 43-3 from the Zoning Board of Appeals (ZBA) to allow for a 10 feet reduction in the required front yard setback.*
- *The proposed Apartment Houses use requires 16 “usable” off-street parking spaces in accordance with §43-128 Table 43-4 of the COY Zoning Code. The plans show 11 usable parking spaces and 5 non-usable tandem parking spaces as defined in §43-134A(5). The Design Professional shall correct the plans to show the required number of parking spaces or owner to shall request a variance to Table 43-4 from the ZBA for a reduction of 5 required parking spaces, or request a variance to §43-134A (5) to allow the 5 non-usable tandem parking spaces to be counted as usable spaces.*
- *All semipublic open-air parking areas shall be setback a minimum of five feet from any property line in accordance with §43-44B(5) of COY Zoning Code. Parking spaces located on the West side of the lot are only 1 foot from the lot line. Design Professional to correct the plans to show the parking spaces not less than five feet from the side lot lines or owner to apply for a variance to §43-44B(5) from the ZBA to allow for a 4 feet reduction to the required parking setback from the property line.*
- *All semipublic open-air parking areas shall be setback a minimum of five feet from any property line in accordance with §43-44B (5) of COY Zoning Code. Parking spaces located along the rear property boundary are only 2.2 feet from the lot line. Design Professional to correct the plans to show the parking spaces not less than five feet from the lot lines or owner to apply for a variance to §43-44B(5) from the ZBA to allow for a 2.8 feet reduction to the required parking setback from the rear property line.*

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**# 5836 – Use & Area Variance** – Mastrogiacomo Engineering PC, on behalf of My Main Man LLC,

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Owner, on premises known as **47 High Street aka 102 Park Avenue**, Block: 2167, Lot: 1.3, Zone: G (B32874)

**Proposal:** construct a third floor addition for medical offices, whereas:

- *An existing building on a nonconforming lot shall be deemed nonconforming, and no permit shall be issued that will result in the increase of any dimensional nonconformity in accordance with §43-21D. The building owner shall request a variance to §43.21D from the Zoning Board of Appeals (ZBA) to allow for a building permit to be issued for an increase of the building size on a dimensional nonconforming lot.*
- *The proposed third floor addition to the building will increase the building height to 37.52 feet above the average grade. The maximum permitted height for non-residential use buildings in a MG district is 36 feet in accordance with dimensional regulations Table 43-3. Design professional shall revised the plans or owner shall request a variance to the Dimensional Regulations Table 43-3 from the ZBA for a 1.52-foot building height overage.*
- *The proposed third floor addition to the building will encroach in the required 25 feet front yard setback on High Street per Dimensional Regulations Table 43-3. Design professional shall revised the plans or owner to request a variance to the Dimensional Regulations Table 43-3 from the ZBA to allow the proposed third floor to encroach 5.5 feet into the required front yard.*
- *The proposed third floor addition to the building will encroach in the required 25 feet side front yard setback on Park Avenue per Dimensional Regulations Table 43-3. Design professional shall revised the plans or owner to request a variance to the Dimensional Regulations Table 43-3 from the ZBA to allow the proposed third floor to encroach 1.5 feet into the required front yard.*
- *The proposed use stated for the new third floor in the Application for a Building Permit is "Medical Offices". Medical Establishment is not a permitted use in a MG district per Use Regulation Table 43-1 of the City of Yonkers Zoning Code. Owner to request a variance to the Use Regulations Table 43-1 from the ZBA to allow Medical Establishments to operate on the proposed Third Floor.*
- *The current use of the building as Medical Establishments is a permitted nonconforming use. The enlargement of a nonconforming use is not permitted in accordance with §43-21B (2) of the COY Zoning Code. Owner to request a variance to §43-21B (2) from the ZBA to allow for an increase in the nonconforming use for the proposed Medical Offices operate on the proposed Third Floor.*
- *The proposed 3rd floor Medical Offices will cover an estimated area of 2,738 square feet. The Parking Requirements Table 43-4 requires 1 parking space per 200 square feet of Medical Establishment area. No additional parking is being proposed. Design Professional to demonstrate how the 14 required additional parking spaces will be provided or owner to request a variance to the Parking Requirement Table 43-4 from the ZBA to be exempted from providing the required 14 parking spaces.*

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**# 5855 – Area Variance** – Andrew M. Romano, Esq. on behalf of 160 Stanley Avenue LLC, owner, on premises known as **160 Stanley Ave**, Block: 184, Lots: 68, Zone: A (B00033778)

**Proposal:** NEW 7 STORY 25 DWELLINGS APARTMENT BUILDING

- Insufficient front yard, Section 43-27, Table 43-3 required 25'-0" proposed 15'-4"/24'-10" (20.08'Average) Variance required 9'8" Front Yard (4.98' Average)
- Insufficient side yard, Section 43-27, Table 43-3, required 16'-0"/32'-0' proposed 17'-5"/18'-9" Variance required 13'3" side yard on one side
- Insufficient parking, Section 43-128, Table 43-4, 42 parking required, proposed 25 parking – Variance required for 14 parking

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**#5864 - Area Variance** - James Veneruso, Esq., on behalf of T&H 1828 LLC, owner, On premises known as **1828 Central Park Avenue**, Block: 4615, Lot: 22, Zone M (B0034059)

**\* Adjourned**

**Proposal:** INTERIOR ALTERATION AND LEGALIZE ADDITION AT REAR YARD

- Change in building footprint created by the addition at rear yard, requires approval by Planning Board as per Yonkers Zoning Ordinance (YZO) Section 43-94.
- Increase in gross floor area of existing restaurant resulted an increase in parking requirements.
- Insufficient parking, VZO Section 43-128, Table 43-4. (Required : 38 spaces; Existing: 22 spaces; Existing Parking Credit: 34; Parking Variance Required: 4 spaces)
- Parking within 10 feet of a building on the same lot is not permitted, YZO Section 43-133.A.3.
- Addition at rear yard increase nonconformity with parking aisle width specified in YZO Section 43- 134.A.12.
- Change of tenant was not indicated on application form; *however*, project title on plans stated change of tenant. Clarify and coordinate plans with application form.
- Plan not reviewed for code requirements until required approvals from ZBA and PB are obtained.

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**MIKE SPANO, Mayor**

**WILSON KIMBALL, Chairperson**

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**#5867 – Area Variance** - Andrew M. Romano, Esq. on behalf of 221-223 Buena Vista Ave, Block: 172, Lot: 92 & 94.98 (B0035075) Zone: UR-LD, Two Twenty One Vista Group LLC owner, on premises know as **221 Buena Vista Ave**

**Proposal:** New 94 Unit Multi-Family Building (senior affordable)

- The proposed apartment building is set back 15 feet from the front lot line. The required front yard for a residential use in an "AU" district is 25 feet in accordance with Table 43-3, Schedule of Dimensional Regulations for Residential Uses, of the City of Yonkers (COY) Zoning Code. Design Professional shall relocate the building to comply with Table 43-3 or owner to request a variance to Table 43-3 from the Zoning Board of Appeals (ZBA) to allow a 10 reduction of the required front yard.
- The proposed building highest point is 99 feet including the bulkhead. Per Table 43-3, Schedule of Dimensional Regulations for Residential Uses, of COY Zoning Code, the maximum building height permitted in an "AU" district for a residential use is one and one half time the width of the street which the building front or 75 feet (50 x 1.5) for Buena Vista Avenue. Design Professional shall reduce the height of the building to comply with Table 43-3 or owner to request a variance to Table 43-3 from the ZBA to allow a 24 feet increase of the maximum building height.
- The proposed gross floor area of the new building is 66,265 square feet. The proposed Floor Area Ratio (FAR) is 3.17. The maximum FAR permitted for a residential use in an "AU" district is 3 in accordance with Table 43-3, Schedule of Dimensional Regulations for Residential Uses, of COY Zoning Code. Design Professional shall reduce the building gross floor area to meet the maximum FAR permitted or owner to request a variance to Table 43-3 from the Zoning Board of Appeals (ZBA) to allow a 0.17 FAR increase.

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**#5868 – Area Variance** – Shahin Badaly on behalf of 221 Lake Ave, Block: 2179, Lot: 02 Zone: A&I District; 222 Lake Partners LLC owner, on premises know as **222 Lake Ave \* Adjoined**

- The proposed "Banquet and Catering Facility" use is not permitted in an "A&I" district in accordance with Table 43-1 of the City of Yonkers (COY) Zoning Code. Owner shall request a variance to Table 43.1 from the Zoning Board of Appeals to allow the Banquet and Catering Facility use in the A&I District

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**#5852 - Area Variance** - *Andrew M. Romano, Esq. on behalf of 94 St. Andrews Place, Block: 133, Lot: 3 (B0033786) Zone: A, Pleasure Home Improvement LLC, owner, on premises know as 94 St. Andrews Place*

**Proposal:** RECONSTRUCT 5 STORIES PLUS BASEMENT, 10 DWELLINGS APARTMENT BUILDING.

- Insufficient lot area, Section 43-27, Table 43-3 required 5,000 sq. ft. proposed 4,374.12 SF. Does not comply. Area variance for 625.88 Sq. Ft.
- Insufficient front yard, Section 43-27, Table 43.3 required 25'-0", proposed 3' (4' Average). Does not comply, Area Variance required 22' front yard
- Insufficient side yard, Section 43-27, Table 43-3 required 16'-0"/32' -0, proposed 0'/6". Does not comply, Area Variance Required for 16' -0" / 32'-0
- Exceeding maximum permitted building coverage, Section 43-27, Table 43-3, required 40%, and proposed 52%. Does not comply, Area Variance required for 12% Building Coverage

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**#5870 – Area Variance** – *Cristian Hernandez on behalf of 105 Ridgewood Avenue, Block: 6335, Lot: 20 (B0034666) Zone: S-50; Khaled Awwad , owner, on premises know as 105 Ridgewood Avenue.*

**Proposal:** ROOF AND DORMER FOR STORAGE

- The existing residential building 2 family use is non-conforming. The nonconforming use of land maybe continued; provided, however, that no such nonconforming use shall be physically enlarged or intensified, nor shall it be extended to occupy a greater area of land in accordance with §43-21B(1) of the City of Yonkers (COY) Zoning Codes. The proposed alteration of the attic will increase the building height by an estimated 4.5 feet. Owner shall request a variance to §43-21B(1) for the Zoning Board of Appeals (ZBA) to allow for a physical enlargement of the building by increase the roof height by 4.5 feet.
- A building or structure the use of which does not conform to the use regulations for the district in which it is situated shall not be enlarged, extended or altered structurally per §43-21B(2). The proposed alteration of the attic will constitute a structural alteration. Owner shall request a variance to §43-21B (2) for the Zoning Board of Appeals (ZBA) to allow for a structural alteration of the building.
- The existing 2 family residential building is set back 1.3 feet from the front lot line. Table 43-3 of COY Zoning Codes requires a minimum of 6 feet for a one side yard. The proposed increase in

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roof height will constitute an increase in the non-conforming one side yard. Owner shall request a variance to Table 43-3 from the ZBA to allow for a 4.7 feet encroachment of the raised roof into the required one side yard.

- In accordance with §43-21G, improvement of a nonconforming use may gradually be brought into greater conformity and the adverse external effects of such nonconforming uses may be reduced, the owner of the land, building or structure so used may be permitted to make limited changes to such building, structure or use in conjunction with a site plan or building plan as appropriate whereby, through landscaped screening and buffer areas, control of noise, smoke, odors, lighting, architectural changes, location and layout of parking lots and access drives, or by any other appropriate means, these purposes may be achieved. Such plan shall be presented to the Zoning Board of Appeals pursuant to §43-144K, which Board may then grant approval or approval with modifications, provided that said agency finds that the purposes of this section and this chapter shall be met. If required, the Zoning Board of Appeals shall refer such an application for whatever other approvals may be necessary. Owner
- shall request approval from the ZBA for the removal of the existing concrete patio which will reduce the rear and side yards accessory residential use and structure lot coverage from a non-conforming 97.45 percent down to a conforming 43.31 percent lot coverage as permitted by §43-40D(2) of COY Zoning Codes.

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**#5872 – Area Variance** – Ellen Theg, on behalf of Groundwork Hudson Valley Inc., owner, on premises known as **8 Orchard Street**, Block:2075, Lot:13 (B0035484) Zone :MG

**Proposal:** INSTALL STORAGE SHED FOR GARDENING TOOLS (On property without a main building)

- Z.1 Planning Board approval required: as per sections 43-95 and 43-42.E.
- Z.2 Zoning Board review/approval required for:
- Accessory building is allowed only when “subordinate to the principal building on the lot” as per Definitions, and as per paragraph 43-42.A. Variance requested.
- Fence at front yard is 5’-9” instead of 4’-0” as requested in in 43-43.F and 43-41.D. (3). (a). Variance requested.
- Floor area of accessory building is to be 30% of main building as per 43-43.C. (3) but there is no main building. Variance requested.

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- Height of accessory building is to be 15 feet max or less than the height of the main building as per 43-43.C. (4) but there is no main building. Variance requested.
- The proposed shed does not comply with the provisions of COY Building code, section 56-95.D. Variance requested.

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**#5873- Area Variance- Improvement to a Non-Conforming Use** – James Veneruso, Esq., on behalf of 148-158 Ludlow St. Corp. ,owner, On premises known as **148 Ludlow Street**, Block:165, Lot:12, (B202101347)  
Zone: I

**Proposal:** INSTALL TEMPORARY 6' HIGH FENCE AND CURB. REMOVE 2,450 SQUARE FEET OF SLAB

- The district where the property is located has been re-zoned from "I" to "L-MX". Except as otherwise provided herein, the lawfully permitted use of land, buildings or structures and the lawfully permitted existence of buildings or structures at the time of adoption of this chapter may be continued, although such use, building or structure does not conform to the standards specified in this chapter for the district in which such land, buildings or structures are located. Similarly, whenever a zoning classification or the restrictions affecting property within a district shall be changed hereafter so as to render nonconforming a use, building or structure then presently or theretofore lawfully existing, such use, building or structure may nevertheless continue subject to the conditions set forth below. Said uses shall be deemed nonconforming uses and said buildings and structures, which are dimensionally nonconforming, shall be deemed nonconforming buildings and nonconforming structures respectively. (Ref.: §43-21A(1). Should a building or structure, the use of which or the use of a portion of which is nonconforming or which is dimensionally nonconforming, be destroyed or damaged by any means to an extent exceeding in aggregate costs 50% of the assessed valuation of the structure as assessed for City taxes, it may be reconstructed and any accompanying nonconforming use continued, provided that the reconstruction is commenced within one year of the date of such damage and completed within two years of said date, and further provided that it shall be reconstructed in accordance with a plan approved by the Zoning Board of Appeals pursuant to § 43-144K so as to result, where reasonable, in greater conformity with this chapter. While the application (#B0024578) to remove the damage building was filed and approved prior to the zoning change, and while the reconstruction of the building was filed as an amendment to the building permit (#202101347), the reconstruction has not been started within one year of the date of the damage, and completion of the reconstruction has not been completed with the required two years' time limit. Owner shall request an area variance to §43-21E from the Zoning Board of Appeals (ZBA) to allow for the reconstruction of the building to start beyond the one



year time limit from the damage to the building, and for the completion of the reconstruction to be extended beyond the two year time limit stated in the code.

- Nonconforming buildings or structures. A building or structure that is conforming in use but does not conform to the lot dimension, yard dimension, height, building coverage, floor area ratio, off-street parking, loading or similar dimensional requirements of this chapter shall be deemed to be a nonconforming building or nonconforming structure. No permit shall be issued that will result in the increase of any dimensional nonconformity, but any building or structure **Or portion thereof may be altered to decrease its dimensional nonconformity (Ref.: §43-21D).** The minimum distance from the sidewalk curb to the building shall be 15 feet on accordance with Attachment 20 – Map H of the COY zoning code. The proposed reconstructed building will located 10 feet from the sidewalk cub. Owner shall request a variance to Attachment 20 - Map H from the ZBA to allow for a 5 feet reduction of the required minimum distance between the building and the sidewalk curb.

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**#5764- Area Variance** - Andrew M. Romano, Esq. on behalf of Woodycrest Yonkers LLC, owner, Block: 2207, Lot: 21 (B0024208), on premises know as **37 Woodycrest Avenue**, Zone: T

**Proposal:** Construct New 2-Family Dwelling, 3 Story & Basement on Vacant lot as per plans filed

- Coordinate floor area breakdown and calculation on sheet SP-1 with plans and zoning analysis
- Extension of ZBA Case#5764 approval has expired on 10/19/2023
- Exceeding variance granted under ZBA Case#5764 for maximum exposed wall height, ZBA approval is required. ( Ref. YZO Section43-34H(4)-Maximum:35'-0",Variance Granted:59.83',Proposed:65.33')

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**#5763 – Area Variance** - Andrew M. Romano, Esq. on behalf of Woodycrest Yonkers LLC, owner, Block: 2207, Lot: 23 (B0024199), on premises know as **33 Woodycrest Avenue**, Zone: T

**Proposal:** Construct New 2-Family Dwelling, 3 Story & Basement

- Coordinate floor area breakdown and calculation on sheet SP-1 with plans
- Extension of ZBA Case#5763 approval has expired on 10/19/2023

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- Exceeding variance granted under ZBA Case#5763 for maximum exposed wall height, ZBA approval is required. ( Ref. YZO Section 43-34 H(4)-Maximum:35'-0", Variance Granted:59.83', Proposed:68.5')

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**#5874- Area Variance**—HDR (Alicia Vaccaro, PE), on behalf of NYC DEP- Bureau of Water Supply (Maria Mandarino, PE) , owner, on premises known as **601 Midland Avenue**, Block: 8001, Lot: 10, (B0035159) Zone: S-60

**Proposal:** NEW MAINTENANCE GARAGE/OFFICE BUILDING AND REFURBISH EXISTING BUILDING (TWO STORY)

- Exceeding maximum permitted height, Section 43-27, Table 43-3 required 2.5 stories/35 ft. proposed 2 stories/44 ft. (primary) 2 stories/33.5-FT (accessory)
- Insufficient rear yard, Section 43-27. Table 43-3 required 25 Ft. proposed 14.41 Ft. (primary) 53-FT(accessory)

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**#5875 – Area Variance** – Andrew Collingham, RA , on behalf 20 Ferndale Realty LLC, owner , on premises know as **20 Ferndale Street**, Block:2375; Lot: 14 ( A0000235) ; Zone: M

**Proposal:** WORK DESCRIPTION: LOT COMBINATION OF 2375-14, 2375-15 AND 2375-18 INTO 2375-14 AND 2375-18

- Exceeding permitted 50% of the area of a minimum required rear yard that may be occupied Private garage or private open-air parking areas on proposed Lot 14, YZO Section 43-44.A. (3). (Proposed: 62%)
- Insufficient set back from property for private garage on proposed Lot 14, YZO Section 43-44.A.(9).(c).(Required: 15'-0", Proposed: 3'-0")
- Required minimum width of 10 feet all-season evergreen buffer for private garage on proposed Lot 14 is not provided, YZO Section 43-44.A.(9).(e).

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**#5876 - Area Variance** – Andrew Collingham, RA , on behalf Samuel Olivieri, owner , on premises know as **18 Ferndale Street**, Block:2375; Lot: 14; ( B0033562) Zone: M

**Proposal:** TO LEGALIZE SECOND STORY ADDITION (DEN) IN FRONT YARD OVER EXISTING ROOM BELOW AS PER PLANS FILED

- Violation G.O. #4-2000 as amended.
- Insufficient side yard, YZO Section 43-33.K. (Required: 11'; Proposed: +/- 8.2')

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**#5877 – Area Variance-** Diana Toledo, on behalf of Toledo LLC, owner, on premises know as **29 Cliff Avenue**, Block: 128; Lot: 21 (B0035812) Zone: M

**Proposal:** CONSTRUCT NEW DRIVEWAY, RETAINING WALLS, EXTERIOR STAIRS AND CURB CUT AT FRONT YARD OF EXISTING TWO (2) FAMILY DWELLING AS PER PLANS FILED

- Violation G.O. #4-2000 as amended.
- Parking within the minimum front yard not permitted, YZO Section 43-133.A.(1).

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**#5878 – Area Variance** – Maximillian Mahalek, Esq., Cuddy & Feder LLP on behalf of Central Plaza Associates LLC, owner, on premises know as **2542 Central Park Avenue aka 2604 Central Park Ave** Block;4877 Lot:1 (B0035618) Zone: BR

**Proposal:** NEW MCDONALD'S RESTAURANT WITH DRIVE-THROUGH AND ASSOCIATED SITE IMPROVEMENTS.

- Z.2 Planning Board approval required: as per sections 43-95 and 43-42.E.
- Z.3 Variance required for space between the proposed restaurant building and the drive-thru "Order Here" canopies and drive-thru clearance bar, as well as between the canopies (City of Yonkers Code Table 43-3 Attachment 3:5).
- Z.4 Variance required to permit parking within a front yard (City of Yonkers Code 43-132.A.3).

ZBA Web Page: [www.YonkersNY.gov/ZBA](http://www.YonkersNY.gov/ZBA)

For public comments: [https://yonkers.seamlessdocs.com/f/ZBA\\_Comment](https://yonkers.seamlessdocs.com/f/ZBA_Comment)



- Z.5 Variance required for to permit a 6 (six) foot tall wall/fence to screen the trash enclosure within a front yard along Central Park Avenue (City of Yonkers Code 43-41.D.3.A).
- Z.6 Variance required for to permit parking within 10 feet of a right-of-way (City of Yonkers Code 43-134.A.4).
- Z.7 Variance required for accessory building height for the two "Order Here" canopies and Drive-Thru Clearance-Bar proposed at the restaurant drive-thru (City of Yonkers Code 43-42.C.4).  
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### **NEW HEARINGS**

**#5811 –Area Variance renewal** - Brian T. Sinsabaugh, Esq, Zarin & Steinmetz LLP, on behalf of Warburton Equities LLC, on premises know as **289 Warburton Avenue and 230 Woodworth Avenue** , Block 2116 Lots:40 & 7, Zone: A, request for Area Variance Approval Renewal to renew the July 19, 2023 ZBA Resolution of Approval

**Proposal:** NEW VACANT BUILDING BASEMENT: PARKING GARAGE GROUND FLOOR:  
PARKING 2ND TO 7TH FLOORS: 6 STUDIO UNITS PER FLOOR LOT COMBO TO FOLLOW: 2116-7 AND 2116-40

- Exceeding maximum permitted height, Section 43-27, Table 43-3 (required unknown, proposed unknown).
- Insufficient rear yard. Section 43-27, Table 43-3 (required 25 ft, proposed 11.5 ft /-, measured to 2 ft outdoor decks.
- Insufficient front yard, Section 43-27, Table 43-3 (required 25 ft, proposed 23 ft /-, measured to 2 ft outdoor decks.
- Insufficient parking, Section 43-128, Table 43-4 (required unknown - provide distance to train station, proposed unknown)
- Parking within the minimum front yard not permitted, Section 43-133(A)1.
- Parking within 5 feet of all property lines not permitted, Reference Yonkers Zoning Ordinance 43-44.A.9b. (Proposed one foot)
- Parking within 10 feet of a building on the same lot is not permitted, Reference Yonkers Zoning Ordinance 43-44.A.9b. (Parking in rear yard)

**City of Yonkers**  
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**MIKE SPANO, Mayor**

**WILSON KIMBALL, Chairperson**

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**#5879 – Improvement to a Non-Conforming Use** –Andrew M.Romano, Esq., on behalf of Holy Apostolic Church. , owner, On premises known as **129 Buena Vista Ave**, Block:510, Lot:27, (B0033159) Zone: CM

**Proposal:** ROOFTOP INSTALLATION OF 60 SOLAR PANELS (24.300 KW)

- Existing church is a non-conforming use in CM District. Improvement to a non-conforming use requires Zoning Board of Appeals approval. (Reference Yonkers Zoning Ordinance 43-21.G).

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**#5880 – Area Variance** -Shahin Badaly on behalf of Eric Byars Freeman, owner, 5 Woodworth Avenue, Block: 2008, Lot: 14, Zone: D-MX ;( B0035418), on premises know as **5 Woodworth Avenue**

**Proposal:** NEW APARTMENTS IN EXISTING BUILDING ON FLOORS 1, 2 AND 3.

- Insufficient parking, Section 43-128, Table 43-4 (required 5 proposed 0) Does not comply, Area Variance required for 5 parking spaces
- Parking within the minimum front yard not permitted, Section 43-133(A) 1.
- Parking within the minimum side yard not permitted, Section 43-133(A) 1.
- Parking within 5 feet of all property lines not permitted, Reference Yonkers Zoning Ordinance 43-44.A.9.b.
- Parking within 10 feet of a building on the same lot is not permitted, Reference Yonkers Zoning Ordinance 43-44.A.9.b.
- Parking space to be 8'-6" wide x 18'-0" length, Section 43-134.A.9. Comments): • Provide all construction details once planning and/or zoning board approvals obtain

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## **OTHER BUSINESS**

**#5749** – Andrew Romano, Esq., on behalf of John Cassels, Block: 3021; Lot 5: on premises know as **782 North Broadway** requesting amendment to special condition#2. The property is currently equipped with

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**WILSON KIMBALL, Chairperson**

fire, smoke and carbon monoxide detectors, which are hard wired and intercommunication. Requesting the outside monitoring of the systems be waived.

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**#5650**– Chaim Freund, on behalf of 80 Orchard LLC, Block: 2715, Lot 5 on premises known as **80 Orchard Street** requesting extension of time to the original approval

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**#5647** – Mark W. Blanchard, on behalf 40-60 McLean Avenue, Block: 203 Lot: 51.61 Zone: CM on premises know as **40-60 McLean Avenue** with the proposed development requests an extension of time on the original approval August 27, 2019

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