



Zoning Board of Appeals

Department of Planning & Community Development
City Hall - Roosevelt Square
Mount Vernon, New York 10550-2060
(914) 699-7230

Shawyn Patterson-Howard
Mayor

Michael Justino
Chair

ZONING BOARD OF APPEALS MEETING MINUTES January 20, 2026

A regular meeting of the Zoning Board of Appeals was held at 6:30 PM on Tuesday, January 20, 2026 in City Council Chambers on the 2nd floor of City Hall. Applicants and members of the public were permitted to attend and make public comments in person and via Zoom.

The Chair indicated that the roll call was the first item on the agenda.

ITEM #1 ROLL CALL

The Chair called the roll: in addition to the Chair, attending were Commissioners Wendy Ball-Attipoe, Blondel Pinnock, and Elvira Castillo.

Also attending were Lukas Herbert, Assistant Planning Commissioner; Will Hyland, Senior Planner; Maria Pace, Land Use Boards Secretary; and Karl Scully, new Land Use Counsel.

With a quorum of three present, the Chair opened the regular meeting at 6:30 pm. The Chair read the notice for the Zoning Board of Appeals meeting for Tuesday, January 20, 2026.

ITEM #2 APPROVAL OF MINUTES

- September 16, 2025
- November 18, 2025

The Chair requested that approval of the September 16 and November 18, 2025 meeting minutes be adjourned to the February 10, 2026 meeting. During the work session, the Zoning Board was asked to move its scheduled meeting from February 17 to February 10 because of a conflict on the Land Use Board calendar. All agreed to the change of meeting date.

ITEM #3 PUBLIC HEARINGS

Continued Public Hearing

3.1 Case # ZB-25-4: 219 West Third Street (Section 165.62, Block 1117, Lot 8) in the CB: Commercial Business Zone.

The Board previously received proof of mailing, proof of publication in the Journal News, and proof of initial sign posting for the application.

The Board also received an Affidavit of Sign Posting stating that on January 6, 2026, a sign was posted at the site giving notice of the Zoning Board’s January 20, 2026, meeting. The Board also received photographs showing that the sign posting on the property was updated providing notice of today’s meeting. The owner, Michael Gyory of 230 W Third Storage LLC, is represented by his architect, Tom Abillama.

The applicant is seeking to obtain area variances for a proposed self-storage facility at 219 West Third Street. The subject property is 21,074 square feet, is located on West Third Street near the intersection of West Third Street and South Fourteenth Avenue, in the CB: Commercial Business Zoning District.

Area Variances Requested: (§ 267-Attachments 2 & 3)

Item	Required / Permitted	Proposed	Variance Requested
Building Height (stories)	2 stories 30 feet	5 stories 67.5 feet	3 stories (150%) 37.5 feet (125%)
Building Coverage (%)	50%	86%	72%
Impervious Surface Coverage (%)	80%	96.5%	20.6%
Parking (spaces)	22 spaces	16 spaces	6 spaces (27%)
Loading Zones (spaces)	4 spaces	2 spaces	2 spaces (50%)

The application has been sent to the Fire Department, the Police Department, the Water Bureau, DPW, and the City Engineer for comments.

SEQRA - The proposed use and area variances are classified as an Unlisted action for SEQRA purposes. The ZBA should determine whether it intends to serve as Lead Agency for the environmental review of this proposed action.

The Chair asked PCD staff if this application will go before other Boards.

Assistant Commissioner Lukas Herbert said it will go before the Planning Board and the ARB, as well as the City Council for the proposed curb cut.

Mr. Jack Addesso, the applicant's attorney, then explained that this project was presented to the City Council in 2021 as there was no zoning in place for self-storage buildings. The City Council approved the project with five stories and 16 parking spaces. The owner is now requesting area variances which Mr. Addesso said should be granted based on the prior zone created by the City Council.

The Chair disagreed with Mr. Addesso, stating that the current overlay is not the same as the original application and that the variances approved by the City Council are not the variances presented at this meeting. Based on what is currently allowed in the Commercial Business district, there can only be two stories to the structure.

Mr. Addesso argued that he didn't understand why granting the variances is a problem when the City Council already approved what was submitted and wants the application to go forward as is.

The Chair questioned why the prior application had retail space on the first floor, but the current application does not.

Ms. Esther Martinez, who spoke on behalf of Tom Abillama, the architect, explained that the zoning analysis has changed as has the lot coverage, and the building height has been updated.

Commissioner Ball-Attipoe asked if there is no retail in the building, will all five stories be storage?

Mr. Gyory stated that yes, there will be more storage units, but a lot less traffic without retail.

The Chair said that the property is adjacent to a residential neighborhood, and there is a problem with the setback. He said a shadow study should be conducted as there is no buffer between the building and the homes.

The Chair then asked if there were any public comments.

Ms. Inara Schwartz stated that the storage facility will devalue the surrounding neighborhood properties and considered the size too big and untenable.

The Chair then asked the commissioners for their opinions.

Commissioner Ball-Attipoe said that the variances requested are very substantial, but the Zoning Board should grant the minimum variances.

Commissioner Castillo agreed with Commissioner Ball-Attipoe.

Commissioner Pinnock noted that the variances are much greater than 50% and wanted to know if they had been approved by the City Council.

Assistant Commissioner Herbert clarified that the City Council did not approve the application but amended the zoning to allow the project, as it was originally proposed, to be constructed with no variances. However, the project is now bigger and that is why variances are now sought.

Mr. Adesso then requested an adjournment to the February meeting to work through the issues and review prior City Council information to determine what their options are. He also requested that the public hearing be extended.

Commissioners Castillo and Pinnock both agreed that this was a good idea.

Commissioner Castillo then made a motion to adjourn the application to the February 10 meeting, seconded by Commissioner Pinnock, and approved by a vote of 4-0.

Continued Public Hearing

3.2 Case # ZB- 24-16: 127 South Terrace Avenue (Section 164.84, Block 1061, Lot 17) in the CB: Commercial Business Zone.

The Board previously received proof of mailing, proof of publication in the Journal News, and proof of initial sign posting for the application.

The Board has also received an Affidavit of Sign Posting stating that on January 1, 2026, a sign was posted at the site giving notice of the Zoning Board’s January 20, 2026, meeting. The Board also received photographs showing that the sign posting on the property has been updated providing notice of today’s meeting. The owner, John Ruggiero, is represented by his architect, Shahin Badaly.

The applicant is seeking to obtain area variances for the conversion of an existing commercial building to a cannabis dispensary. The subject property is 9,450 square feet, is located on South Terrace Avenue off South Street and Grove Street and is located in the I – Industrial Zone, near South Macquesten Parkway.

Area Variances Requested: (§ 267-Attachments 2 & 3)

Item	Required / Permitted	Proposed	Variance Requested
Location Proximity to House of Worship	More than 500 feet	Less than 500 feet	Variance to allow for the proposed dispensary despite the proximity disparity.
Location of Signage Proximity to Playground	More than 500 feet	Less than 500 feet	Variance to allow for the proposed dispensary

			despite the proximity disparity.
Parking	10 spaces 1 loading space	9 spaces 0 loading spaces	1 space (10%) 1 loading space (100%)

The application has been sent to the Fire Department, the Police Department, the Water Bureau, DPW, and the City Engineer for comments. The application is not under the jurisdiction of the County Planning Board.

SEQRA - The proposed action formerly required a use variance in an earlier incarnation of the application and was classified as an Unlisted action under SEQRA. The Zoning Board of Appeals declared Lead Agency on the application at its September 19, 2023, meeting. At its November 20, 2023 meeting, the Zoning Board referred the application to the City Council for a zoning text amendment. On January 24, 2024, the City Council adopted a Negative Declaration regarding its uncoordinated review of the Unlisted action and enacted Local Law No. 1-2024 (A Local Law to Amend Chapter 267 (Zoning) of the Code of the City of Mount Vernon to Regulate Cannabis Retail Dispensaries and Consumption Sites). In light of this Code revision, for the purposes of the Zoning Board, the proposed action is a Type II action under SEQRA based on 6NYCRR (c)(18) *“reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special use permit, and the action does not meet or exceeds any of the thresholds in section 617.4 of this Part;”* therefore ending the SEQRA process.

Mr. Mark Blanchard, the owner’s attorney, went through the test criteria for the parking variance, and provided a parking study to account for the parking demand and to show that the variance is acceptable.

Kevin Munene then spoke on behalf of Shahin Badaly, the engineer for the project. He stated that the parking study was conducted in November 2025 and that the average daily demand for spaces was three, with seven spaces on Saturday. Parking was sufficient to accommodate customers, with no need for off-street parking.

Commissioner Ball-Attipoe asked what the peak parking time was.

Mr. Munene stated business peak time was 6:00-7:00 pm.

Commissioner Ball-Attipoe asked about the construction across the street.

Mr. Blanchard stated that whenever the restrictions imposed because of the construction are lifted, the neighborhood will benefit.

The Chair expressed concern about the use of the second-floor space.

Mr. Blanchard stated that the use of the second floor will not trigger further parking requirements and noted that if the use were to be changed, they would have to go back to the Building Dept. and start over again.

Land Use Counsel asked how far the signage is from the playground.

Mr. Blanchard stated the sign ordinance adopted by the City has now been preempted by the City and state law has left it to local municipalities to regulate. He also stated that proximity variance by the state is 500 ft. to the entrance of a school or playground, and the proximity variance by the City is 500 ft. to the boundary of a school or playground.

Commissioner Castillo then stated that the application has gone on long enough and that she is ready to approve it.

Commissioner Ball-Attipoe suggested approving the application with conditions.

The Chair then requested an adjournment, as well as copies of the operating agreements for both LLCs.

Mr. Blanchard said that they would provide a chart outlining everything that needs to be finalized and requested that Land Use Counsel provide language for the second floor and ancillary building so that it can be included in the Findings of Fact.

The Chair then asked that Vince Ferrandino's letter be read into the record.

Assistant Commissioner Herbert then read the letter in full.

Commissioner Ball-Attipoe then made a motion to adjourn the application to the February meeting, seconded by Commissioner Castillo, and approved by a vote of 4-0.

The Chair then made a motion to adjourn the meeting, seconded by Commissioner Castillo, and approved by a vote of 4-0.

The meeting ended at 8:49 pm.

Note: Work Sessions will be open to the public but closed to public participation subject to the Open Meetings Law, [Section 105 of New York State Public Officers Law, Article 7].

Note: Items listed on the agenda are subject to change and amendments and/or additions may be placed on the agenda.

Upcoming Dates:

- TUESDAY, February 10, 2026, at 6:00 pm for ZBA Work Session
- TUESDAY, February 10, 2026, at 6:30 pm for Regular Meeting of the ZBA

cc: Shawyn Patterson-Howard, Mayor
Chair, Zoning Board
James Rausse, Planning Commissioner
Building Commissioner
Corporation Counsel
City Clerk
Lobby
