

MINUTES OF A PUBLIC HEARING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF
MAMARONECK HELD ON MONDAY, FEBRUARY 25, 2008 AT 7:30 P.M. IN THE COURTROOM AT
VILLAGE HALL, MAMARONECK, NEW YORK

PRESENT:	Mayor	Kathleen Savolt
	Trustees	Thomas A. Murphy Toni Pergola Ryan John M. Hofstetter Randi Robinowitz
	Village Manager	Leonard M. Verrastro
	Village Attorney	Janet Insardi
	Police Chief	Edward Flynn
	Clerk-Treasurer	Agostino A. Fusco
ABSENT:		None

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held by the Board of Trustees of the Village of Mamaroneck on the 25th of February, 2008 at 7:30 p.m., or as soon thereafter as all parties can be heard, at the municipal building located at 169 Mount Pleasant Avenue, Mamaroneck, New York, to consider PROPOSED LOCAL LAW NO. 3-2008, to amend the definition of Section 342-3, (B) to clarify the definition for various food service establishments, including Restaurants, Fast Food Establishments, Carry Out Service and Delicatessen's.

PLEASE TAKE FURTHER NOTICE that a copy of Proposed Local Law No. 3-2008 is on file with the Clerk-Treasurer of the Village of Mamaroneck.

PLEASE TAKE FURTHER NOTICE that at said public hearing, all persons interested will be given an opportunity to be heard.

BY ORDER OF THE BOARD OF TRUSTEES OF
THE VILLAGE OF MAMARONECK, NEW YORK

Agostino A. Fusco
Clerk-Treasurer

Dated: February 18, 2008

On motion by Trustee Murphy, seconded by Trustee Ryan:

RESOLVED that the Public Hearing on Proposed Local Law 3-2008 is hereby open for discussion.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

Trustee Murphy stated that one thing behind this proposed local law was to ensure that the Building Department could determine which restaurant fell under which category, as it was not apparent in the original code.

Trustee Ryan stated that there was an addition to the definition for car service. This reads: Service from a restaurant provided to customers remaining in their vehicles and parked in a designated parking area of the restaurant parking lot. This enables people who cannot go out to dinner for whatever reason to have a special dinner at home by just picking up, without going in. Trustee Murphy stated that this service will be allowed under a special use permit and reason for this is that they have to go before the Zoning Board to ensure that they have ample parking to permit this and that they are not taking up parking spaces needed according to code

Ron Trucchio asked about a special definition for ice cream/confectionery that Town of Mamaroneck has and where that would fit in our existing code. Village Manager Verrastro stated that would be covered under Food Establishments. Village Attorney Insardi concurred. She also stated that a letter was received from the County Planning Department stating that this is a matter for local determination.

On motion of Trustee Hofstetter, seconded by Trustee Murphy:

RESOLVED that the Public Hearing on Proposed Local Law 3-2008 is hereby closed.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

On motion of Trustee Murphy, seconded by Trustee Hofstetter:

RESOLVED that Proposed Local Law 3-2008 be and hereby is enacted as Local Law No. 3-2008 and shall read as follows:

PROPOSED LOCAL LAW NO. 3-2008

A Local Law known and cited as the Amendment to the Zoning Code Definitions for Food Service Establishments within the Village of Mamaroneck.

Be it enacted by the Board of Trustees of the Village of Mamaroneck as follows:

SECTION 1. Purpose and Intent. The purpose of this local law is to clarify the definitions for various forms of Food Service Establishments in the Village.

SECTION 2. The Zoning Code Section 342-3 (B) is hereby amended with respect to the following definitions presently set forth in that section and to add a definition for "Car Service":

CAR SERVICE – Service from a restaurant provided to customers remaining in their vehicles and parked in a designated parking area of the restaurant parking lot.

DELICATESSEN — A business engaged in the retail sale of food, beverages and grocery items for consumption off premises and where meats, fish, salads, cheese, relishes and delicacy items might be specially prepared as sandwiches and other consumable items for lunch, snacks and other off-premises consumption. Such use shall not include tables and seating for on-premises food consumption. No drive up or car service shall be permitted.

FOOD SERVICE ESTABLISHMENT — Any use which includes the serving of food and/or beverages that requires an eating place permit, or is otherwise required by either county or state law to be licensed, including, but not limited to, restaurants, carry-out restaurants, delicatessens and fast food restaurants. No drive up or car service shall be permitted.

RESTAURANT — A business engaged in the preparation and sale of food and beverages selected by patrons seated at a table or counter, served by a waiter or waitress and consumed on the premises. The term "restaurant" does not include a business whose principal operation is as a bar, cabaret, carry-out restaurant, delicatessen or fast-food restaurant. No drive up car service shall be permitted. Car service shall be permitted by special use permit only.

RESTAURANT, CARRY-OUT — A business enterprise primarily engaged in the retail sale of food or beverages, which may include grocery items, for consumption off the premises, but which also includes the incidental sale of ready-to-consume food and beverages from a counter-type installation for consumption on the premises, provided that the area devoted to customer seating is clearly accessory to the main business and complies with the area requirements of the New York State Uniform Fire Prevention and Building Code. No drive up or car service shall be permitted.

RESTAURANT, FAST-FOOD — A business enterprise primarily engaged in the sale of food and beverages generally served in disposable or prepackaged containers or wrappers ready for consumption in a facility where most or all of the sales to the public is stand-up services. The term "fast-food restaurant" shall not include a carry-out restaurant or delicatessen. No drive up or car service shall be permitted. Where a Fast Food Restaurant contains multiple counters each serving one or more brands or types of fast food (for example, one counter for pizza and another for hamburgers) parking requirements shall be increased by ten (10%) percent for each counter in excess of one.

SECTION 3: SEVERABILITY. If a court of competent jurisdiction declares any portion of this local law illegal or unconstitutional such declaration shall not prevent the enforcement of any other portion of this local law.

SECTION 4. Effective Date. This Local Law shall take effect immediately upon filing in the office of the Secretary of State, and is subject to review and renewal by resolution of the Village Board for an additional period of time, effective immediately.

BY ORDER OF THE BOARD OF TRUSTEES OF
THE VILLAGE OF MAMARONECK

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None