

MINUTES OF A MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF MAMARONECK, NEW YORK, HELD ON THURSDAY, JULY 29, 2010 AT 7:00 P.M. IN THE COURTROOM AT 169 MT. PLEASANT AVENUE, MAMARONECK, NEW YORK.

These are intended to be "Action Minutes" which primarily record the actions voted on by the Zoning Board at the meeting held July 29, 2010. The full public record of this meeting is the audio/video recording made of this meeting and kept in the Zoning Board's Records.

**PRESENT:** David Neufeld, Chairman  
Gregory Sullivan, Secretary  
Clark Neuringer, Board Member  
Barry Weprin, Board Member  
Robin Kramer, Board Member  
Kathy Zalantis, Counsel to Board  
Robert Melillo, Assistant Building Inspector

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VILLAGE OF MAMARONECK  
NEW YORK

Lisa Mango, Court Reporter, was present at the meeting to take the stenographic minutes, which will not be transcribed unless specifically requested.

**CALL TO ORDER**

The meeting was called to Order by Chairman Neufeld at 7:05 p.m. and he introduced everyone and detailed the procedures for the meeting. The next meeting is scheduled for Thursday, September 2, 2010. Chairman Neufeld indicated that any materials for the ZBA meeting must be presented to the ZBA Office no later than five days before the meeting.

**1. Adjourned Application #1SP-2001, TSI MAMARONECK, LLC/DBA NEW YORK SPORTS CLUB**

Carrie Hilpert appeared on behalf of the applicant. The applicant is requesting a renewal of the special permit to operate a sports club. There have been no violations and Ms. Hilpert stated that she is unaware of any complaints against the sports club. Additionally, Ms. Hilpert stated the following 1) the sports club has complied with all the conditions of the prior resolution, 2) there is no change in use, 3) the applicant has seven annual parking permits for its employees, 4) the sprinkler system was tested in June 2010, 5) the hours of operation are the same and, 6) the applicant is in compliance with the Planning Board letter.

Chairman Neufeld asked if anyone in the audience wished to address the Board. None did.

A motion to close the public hearing was made by Mr. Sullivan, seconded by Mr. Weprin.

Ayes: Neufeld, Neuringer, Kramer, Sullivan, Weprin  
Nays: None

**2. Adjourned Application #2SP-1998, MAMARONECK AUTO COLLISION, INC.**

Donald Mazin, Esq. appeared on behalf of the applicant. He indicated that the Board wanted to hear both this application as well as Angelo's Services Station application together. He indicated that the architect is running late and requested the applications be adjourned until the architect arrived. The Board granted Mr. Mazin's request.

**3. Adjourned Application #11A-2010, ROBERT & SHERRY WIENER**

Russ Jellinick, Esq. appeared on behalf of the applicants. He noted that he submitted supplemental material to the Zoning Office on July 12<sup>th</sup>. The additional materials should address the Board's concern regarding construction of specific patios beyond the property line. Mr. Jellinick stated that he was ready to address questions from the Board.

Chairman Neufeld clarified that although HCZM had listed this action as a Type I project, each Board can make a SEQRA determination. Chairman Neufeld went on to say that he did research under the land law and found that the Public Land Office indicates that the map shows the referenced land does not fall within their purview. They are not involved with the land. Chairman Neufeld said that he was pointing this out because it is his understanding that the Public Land Law does not apply to this situation. The applicant claims right to the land through this law and that is not correct.

Mr. Weprin suggested that this matter be adjourned so that the applicant can address this issue. Mr. Jellinick stated that he would be more than happy to discuss the deed and provide any additional information the Board needs. He also asked if the Board would summarize what they are looking for.

Chairman Neufeld stated that the applicant cited the New York Public Land Law as their reasoning behind the application. In this case, Chairman Neufeld stated, it does not apply.

Daniel Natchez, consultant, addressed the Board. He stated that the issue is whether or not the applicant has the right to work on the land beyond the property. Either they: 1) own the land through a land grant or 2) it belongs to the state of New York. Either situation makes it a valid application to proceed. Mr. Natchez continued by saying that he believes the agency may be talking about land adjacent to this. It is either a conditioned grant or non-conditioned grant. Both are able to be used. Mr. Natchez reviewed the map presented by the Chairman. He stated that had the patio been built without the structure, the applicant would not be before this Board. The applicant went to the DEC and a permit was received. Chairman Neufeld stated that the DEC is not the authority. Mr. Natchez answered that the DEC has the authority to issue permits.

Mr. Sullivan asked for clarification as to whether the applicant needs a variance. Mr. Natchez indicated that the applicant constructed a patio and used concrete; therefore it has become a structure. Had the applicant not used concrete, they would not be before the Board.

Chairman Neufeld stated that the applicant's survey is difficult to follow. The actual improvements go outside the property. Chairman Neufeld asked what the applicant's right is to the other property. Who is the owner of the land that work is being performed on? The map shows they have no jurisdiction.

Mr. Natchez stated that if this is a grant, the neighboring property owns it. Chairman Neufeld stated that individuals can't go outside their property line and that Mr. Natchez's answers concern him. Mr. Natchez said that the Public Land Office is not involved because there is no grant. Chairman Neufeld clarified that the Public Land Office is not certain whether the applicant can have assigned rights to the property.

Mr. Neuringer asked how land grants are usually described. Mr. Natchez answered by metes and bounds. Mr. Neuringer stated that there seems to be a discrepancy between the map and the survey. Chairman Neufeld disagreed. Ms. Kramer stated that 100 years ago the state could have granted property to a person and a subdivision could have occurred before the code enforced this.

Mr. Weprin indicated that it would be helpful to see the land grants. Mr. Sullivan stated that it seems the Board is getting bogged down, there are so many applications from last month and this Board is the only Board in the county who acts in this fashion. Chairman Neufeld stated that the Board has given approvals in the past which it should not have done. Mr. Jellinick indicated that he would like the Board to be fully informed so that nothing adversely affects this application. He requested an adjournment to September and the Board concurred. Chairman Neufeld asked that the applicant update their letter.

**4. Adjourned Application #2SP-1998, MAMARONECK AUTO COLLISION, INC. & Adjourned Application #12SP-2010 & #23A-2010, ANGELO'S SERVICE STATION**

Donald Mazin, Esq. appeared on behalf of the applicant as well as Mark Mustacato, the architect. Mr. Mustacato addressed Angelo's Service Station. He indicated that he made modifications to the plan based on input from the Planning Board (parking and planting). He indicated that he also changed the fencing per the Planning Board's request. He indicated that the changes are on the revised plans and that there is also a new landscaping plan. The Planning Board had asked the applicant to do that.

Chairman Neufeld reviewed the documents in the applicant's file. He noted that the lease does not indicate a term limit and asked why the applicant didn't indicate a number of years. Mr. Mazin stated that it was understood that as long as the two businesses are in existence, the lease would be enforced.

Discussion arose regarding parking at Strait Gate Church. Mr. Mustacato stated that the church isn't actively operating during the same hours and they don't have the same parking requirements as the service station does. A scenario was put in place wherein a car being serviced will not be finished in one day, won't fit inside the station and because it might be a weekend, the car would have to be stored at some location until the following Monday. Wouldn't that disrupt parking for worshipers? Mr. Mustacato clarified that the agreement is not to store cars in the church's parking lot. Mr. Neuringer reminded the individuals that the variance runs with the land. If the owner

sells, the new owner is saddled with the agreement. Ms. Kramer indicated that the Board could add a clause in the resolution with regard to the church selling its property or if there are any changes. Mr. Neuringer noted that many parking spots from the church lot are being eliminated. Mr. Mazin assured the Board that there will be plenty of parking at the station. Mr. Mazin indicated that the hours of operation will be 7:00 a.m. to 7:00 p.m. (for the entire shop) 5 days a week and an additional ½ day on Saturday.

Mr. Neuringer noted that there appeared to be a discrepancy with respect to the parking – 24 parking spots to 23 parking spots. Mr. Mustacato stated that due to reconfiguring the building, the parking spaces were reduced. Mr. Neuringer indicated that the applicant changed foot print, but gave more deference to the street line versus the residential line. Mr. Mustacato said that the Planning Board felt there was no benefit on the residential line because it would not make a large enough difference.

Chairman Neufeld asked if anyone in the audience wished to address the Board.

Anthony Marsella addressed the Board. He noted that his property is across from the proposed addition. He submitted copies of photos for the Board to review. Mr. Marsella said that he took pictures of other service stations and none of them encroach onto residential property like this application does. His first concern is that he does not understand why the owner can take up all the property. He went on to say that the applicant first came before the Planning Board informally. Mr. Galvin, Planning Board Chairperson, indicated that the Planning Board would be lead agency and the Planning Board would have more impact on how the addition is built.

Mr. Marsella stated that he also has an issue with the fact that Strait Gate might be in financial trouble. He agreed with Mr. Neuringer regarding the variance running with the land. Mr. Marsella also noted that there are no dumpsters. Mr. Melillo interjected by stating that the applicant is submitting documents to the Building Department with respect to a dumpster and that the paperwork is in process.

Mr. Marsella also stated that he has a concern with the building being too close to Old White Plains Road and that there is no indication as to how tall this building will be. Chairman Neufeld noted that the applicant has indicated the building will be 16 feet.

Mr. Marsella said that as for parking, the property was cited in the past for having too many cars parked on the property and he doesn't know how the parking will work with this new layout. He also noted that in the pictures he took of other service stations, most of them were three bay garages. He feels that the proposed addition is larger than the original building. Chairman Neufeld said that the original was 1900 sq. ft. and the proposed is 1400 sq. ft.

Mr. Marsella stated that he has a concern for the disregard of the property as to how it is currently maintained. He reiterated that there is a large parking problem. There are cars parked everywhere along the road and lately there has not been much parking available for the other repair shop located nearby. Mr. Mustacato stated that Mr. Luongo is taking over the property so that it can be properly and attractively maintained because the current owner is not doing the job.

Mr. Mazin stated that the applicant sent out 108 notices to neighbors and only one individual has come forward to complain. He went on to say that the first thing people see when they come into Mamaroneck is the station. The station will be improved physically and will have attractive greenery around it. Mr. Mazin added that the Planning Board has gone along with this plan. Ms. Kramer asked if the applicant considered a smaller option and Mr. Mazin indicated that the applicant did not because it would not pay to do it on a smaller scale.

Mr. Luongo stated that his goal is to remove the person who is currently operating the facility so that it will be maintained properly. Mr. Marsella summarized by stating that he showed the Board photos of how the property is currently being maintained and that right now parking is an issue. Cars are lined up outside the overhead door and every space is filled with a car. The body shop is set back very far from Old White Plains Road. If more property is taken up by the building, it will increase the parking issue. Mr. Marsella asked why the applicant doesn't have a location off-site to store the cars.

Mr. Neuringer asked if this is the minimal scheme possible and Mr. Mustacato answered in the affirmative. Mr. Neuringer stated that the drawings indicate that the applicant was willing to contemplate six bays instead of seven which would not be such an imposition on the neighbors. The concern is that this scheme is based on transferring cars 250 ft. It will have some impact on Old White Plains Road. Mr. Neuringer went on to say that this is an intense neighborhood. Mr. Mustacato said that the applicant is increasing the bays so that he can lessen the need for parking. The goal is to get the cars inside. Mr. Mustacato feels this is the best set-up.

Ms. Kramer asked why the structure couldn't be built forward, closer to Old White Plains Road? Why can't the applicant build a smaller structure and have cars parked outside? Mr. Mustacata answered that it isn't better to have a car parked outside in his opinion. It wouldn't be practical to move it closer to Old White Plains Road. The cars would be pulling in and possibly tying up traffic on the main road.

Mr. Mazin addressed the application of Mamaroneck Auto Collision. He stated that the terms and conditions of the previous resolution are still in place.

Chairman Neufeld asked if anyone else in the audience wished to address the Board. None did.

A motion to close the public hearing on all three applications was made by Mr. Weprin, seconded by Mr. Neuringer.

Ayes: Neufeld, Neuringer, Kramer, Sullivan, Weprin

Nays: None

**5. Adjourned Application #19A-2010, HILMAR REALTY LLC, 1421 Mamaroneck Avenue**

Vincent DeLorio, Esq. appeared on behalf of the applicant. He indicated that the applicant came before the Planning Board on June 24<sup>th</sup>. The Planning Board issued a negative declaration. Mr.

DeLorio stated that, on balance, the slight increase in area variance will move toward conformity and it will remove an unsightly condition. It also will not create a new or different parcel.

Mr. Neuringer asked why the portion is non-conforming. Mr. DeLorio stated that the entire property is non-conforming. The piece to be parceled off will be conforming. He went on to say that the minor subdivision will change it to conforming. Mr. Neuringer asked if the unsightly condition is self-created. Mr. DeLorio said that it is not. The area has been abused and it has not been maintained. Mr. Neuringer noted that this area was set aside for a recreation use for the apartment building and that it is not designed for parking. This change, Mr. Neuringer continued, will eliminate use for the residents. Mr. DeLorio stated that this will be an improvement for the neighborhood. Ms. Kramer asked if this was more or less of an impervious surface and Mr. DeLorio answered less impervious.

Chairman Neufeld asked if anyone else in the audience wished to address the Board. None did.

A motion to close the public hearing was made by Mr. Weprin, seconded by Mr. Sullivan.

Ayes: Neufeld, Neuringer, Kramer, Sullivan, Weprin  
Nays: None

Before proceeding to the next applicant, Chairman Neufeld indicated that he received information that Strait Gate Church has filed for Bankruptcy.

**6. Adjourned Application #2SP-2009 & Application #7A-2009, BANK OF AMERICA,  
1160 W. Boston Post Road**

Don Mazin, Esq. appeared on behalf of the applicant. Chairman Neufeld gave a brief history as to how this applicant came before the Board. He noted that, in doing research, both the code and New York appeals indicate that the extension could have been granted without holding a public hearing or requiring the applicant to notify neighbors and post a sign. Mr. Mazin stated that he did complete an application, sent out notifications to the neighbors and placed a sign on the property. He went on to say that he had made several attempts to request the extension. The bank would like to get started quickly. The bank has a lease and the owner has closed on the property. He stated that the applicant could do no work until the owner purchased the property.

Mr. Neuringer stated that he had some concerns of how this matter was handled and is glad to see that it was appropriately settled. Mr. Sullivan asked how long of an extension the applicant is seeking and Mr. Mazin stated the applicant is requesting a one year extension.

Chairman Neufeld asked if anyone in the audience wished to address the Board.

Irving Scharf stated that the signage was not posted in the proper location.

A motion to close the public hearing was made by Mr. Sullivan, seconded by Mr. Weprin.

Ayes: Neufeld, Neuringer, Kramer, Sullivan, Weprin

Nays: None

**7. Application #14SP-1997, CCG HOLDINGS, INC. (CLEARVIEW CINEMAS)**

Luann Parker addressed the Board. She stated that the cinema wished to renew its special permit to operate a movie theater. Chairman Neufeld noted that there are several violations with regard to this application. Ms. Parker indicated that CCG Holdings is applying for a permit from the Building Department to have stairs repaired. She noted that the garbage violations were addressed. Chairman Neufeld reiterated that there are numerous complaints and asked what the problem/issue is. Violations relating to parking and dumpsters have been addressed. Ms. Parker stated that there was a step rusted out and had fallen down. It has been patched up and additional repairs are needed. A permit has been filed with the Building Department. Since May, there have been no violations to her knowledge. Mr. Melillo stated that the applicant was in court last week and many violations were cleared up. Ms. Kramer asked when the fire escape violation was issued and Ms. Parker stated that it was issued a couple of weeks ago. Mr. Neuringer asked if all the individuals parking in the back were employees and Ms. Parker stated that all are employees.

Chairman Neufeld asked if anyone in the audience wished to address the Board. None did.

The application is adjourned until September 2, 2010 so that the applicant can make the necessary repairs to the fire escape and resolve any other violations.

**8. Application #2SP-2001, CARL SCHWARZKOPF**

Carl Schwarzkopf appeared before the Board. Mr. Weprin indicated that the father of the applicant is married to the first cousin of Mr. Weprin's wife. Mr. Schwarzkopf stated that he wished to renew the special permit to continue to operate a laundry mat. There are no complaints or violations against the establishment. There are no changes from the original resolution. Mr. Schwarzkopf said that he has been at the same location for nine years. The hours of operation remain the same.

Chairman Neufeld asked if anyone wished to approach the Board. None did.

A motion to close the public hearing was made by Ms. Kramer, seconded by Mr. Sullivan.

Ayes: Neufeld, Neuringer, Kramer, Sullivan, Weprin

Nays: None

**9. Application #13SP-2010, ELK YEA INC. (SAMIR ALEJILAT)**

Carolina Savone, the landlord, appeared on behalf of the applicant. She indicated that Mr. Alejilat is the tenant. He wishes to amend the special permit to continue to operate a restaurant under new ownership. The establishment had been Mugs and Plus. Ms. Kramer asked if this operation will continue with limited cooking and Mr. Alejilat indicated that this will be a sandwich and bagel café. Chairman Neufeld asked if there will be any changes to the interior and Ms. Savone stated that there would be no changes.

Chairman Neufeld asked if anyone wished to approach the Board. None did.

A motion to close the public hearing was made by Mr. Weprin, seconded by Ms. Kramer.

Ayes: Neufeld, Neuringer, Kramer, Sullivan, Weprin  
Nays: None

**10. Application #14SP-2010, JUMANA HAMDAN**

Mr. Toscano, the architect, appeared on behalf of the applicant. He stated that this is a simple and straight-forward application. The applicant is proposing 17 tables to accommodate 66 people. Take-out will also be provided. The hours of operation will be from 11:00 a.m. until 10:00 p.m. seven days a week. The establishment complies with all fire codes and handicapped provisions.

Chairman Neufeld asked if the applicant is renovating the location and Mr. Toscano answered in the affirmative. He went on to say that the applicant has received Planning Board approval. Mr. Neuringer asked that since this is being changed from a tanning salon to a restaurant, will the sprinkler system be modified. Mr. Toscano stated that he is putting up patricians. The bathrooms will be relocated. The sprinkler designer will submit the necessary paperwork to the Building Department.

Discussion arose regarding the means of egress. There are two; however, in the back of the building there are multiple doors. The architect agreed to add more signage to better indicate where the exits are located.

Chairman Neufeld asked if anyone wished to approach the Board. None did.

A motion to close the public hearing was made by Mr. Weprin, seconded by Mr. Sullivan.

Ayes: Neufeld, Neuringer, Kramer, Sullivan, Weprin  
Nays: None

**11. Application #15SP-2010, FRANKIE & FANUCCI'S MAMARONECK, LLC.**

Mark Geiselman, the architect, appeared on behalf of the applicant. He stated the applicant is requesting a special permit to operate a restaurant/pizzeria. The location was approved approximately one year ago for another restaurant (#12SP-2009). There will be 98 seats and 15 employees. The hours of operation will be from 11:00 a.m. to 1:00 a.m. seven days a week serving both lunch and dinner. Mr. Geiselman stated that the applicant is also applying for a liquor license to serve wine and beer, but there will be no bar. There will be piped in music. Ms. Kramer asked if the establishment will be more of a restaurant with all seating. Angelo Viscoso, member of Frankie & Fanucci's Mamaroneck LLC., stated that he will mainly be serving pizza. Mr. Geiselman clarified that this will be a brick-oven pizzeria, not selling by the slice.

Mr. Neuringer asked if the outdoor seating will be addressed in a separate application to the Village and Mr. Geiselman indicated that it would. Mr. Neuringer inquired about egress. Mr.



Geiselman stated that there will be two which will be appropriately marked. There will be locked liquor storage for the wine and beer.

Chairman Neufeld asked if anyone wished to approach the Board. None did.

A motion to close the public hearing was made by Mr. Sullivan, seconded by Ms. Kramer.

Ayes: Neufeld, Neuringer, Kramer, Sullivan, Weprin

Nays: None

**12. Application #27A-2010, MR. & MRS. JACK STADLER**

Paul Noto, Esq. appeared on behalf of the applicant. He reviewed the survey with the Board. In 1981, a variance for 29 feet was granted. Mr. Noto stated that Mr. Stadler did not construct the screened porch per the variance. When Mr. Stadler's daughter put the house up for sale, the Building Department informed her that the structure was not compliant. Mr. Stadler built 1.3 feet off of what was approved.

Ms. Kramer asked for confirmation that the addition was built in opposition of the variance. Mr. Noto stated that Mr. Stadler built the addition the way he wanted. He did not like the way it looked as it was being built. Chairman Neufeld stated that the applicant is now looking for a legalization of what was built. Mr. Noto concurred.

Discussion arose as to outstanding Certificates of Occupancy. A fence permit was issued the prior week and the electrical certificate is forthcoming.

Chairman Neufeld asked if anyone wished to approach the Board. None did.

A motion to close the public hearing was made by Mr. Weprin, seconded by Mr. Neuringer.

Ayes: Neufeld, Neuringer, Kramer, Sullivan, Weprin

Nays: None

**13. Application #28A-2010 & #29A-2010, MR. & MRS. CHARLES CHMELECKI**

John Perone, Esq. appeared on behalf of the applicant. He indicated that there are two applications before the Board. One is to make alterations to the interior of the home. Chairman Neufeld asked if the applicant was applying for a use change and Mr. Perone indicated they are not. The changes will provide a better use of the area. The applicant is before the Board because the home is a two-family dwelling in a one-family zone and any changes require the homeowner to obtain a variance. The zoning has changed. Originally the area was zoned for two-family dwellings. Ms. Kramer asked if the applicant was improving the interior and Mr. Perone answered in the affirmative. The applicant is revamping the bedroom and bathroom.

Chairman Neufeld asked if anyone wished to approach the Board. None did.

A motion to close the public hearing for the interior application (#28A-2010) was made by Mr. Weprin, seconded by Mr. Neuringer.

Ayes: Neufeld, Neuringer, Kramer, Sullivan, Weprin  
Nays: None

Mr. Perone handed out duplicate photos to the Board. The applicant is before the Board because the dwelling is a non-conforming use which is allowed, and the accessory use is the pool which is not allowed. Rob Melillo stated that the Building Department feels this is an accessory use with a non-conforming. This application is of issue due to a prior application that was before the Zoning Board (Application #34A-2009 & 11-2009 – Krol).

Ms. Kramer noted that accessory uses are permitted only in conjunction with a permitted use. Mr. Weprin stated that the applicant did the right thing by obtaining permits for the swimming pool. Discussion arose as to whether the code refers to anything in the zone or legal non-conforming use. Ms. Kramer stated that this is a permitted use as it is defined in the code. Chairman Neufeld said that the non-conformity is the house. Mr. Weprin suggested that the Board may want to close the hearing so as not to take up more of the applicant's time.

Mr. Perone stated that the applicant is asking for the granting of the Certificate of Occupancy. Mr. Neuringer asked if the pool was completed and Mrs. Chmelecki stated that it was completed in October of 2008 and a representative for the Building Department came in November of 2008.

Ms. Zalantis, counsel to the Board, suggested that the applicant apply for a use variance for the swimming pool. Mr. Perone stated that this would not be possible and would be financially prohibitive for the applicants. Ms. Kramer noted that if there was a mistake, the applicant could have known just as well as the Building Department could have known. She suggested that the applicant may want to do an interpretation.

Chairman Neufeld said that a non-conforming use may continue, and does this make it permitted. Ms. Kramer stated that it is clearly permitted. Chairman Neufeld said that the applicant may submit documentation relating to law if they so wished. Mr. Perone stated that he was not able to locate any case law. Mr. Weprin suggested the Board close the hearing and wait for more submissions from the applicant. Mr. Neuringer stated that this was a legal conversion. When the code changed, this is what was left. When zoning is changed, intensity of use is changed.

Chairman Neufeld asked if anyone wished to approach the Board. None did.

A motion to close the public hearing for the swimming pool (#29A-2010) was made by Mr. Weprin, seconded by Mr. Sullivan.

Ayes: Neufeld, Neuringer, Kramer, Sullivan, Weprin  
Nays: None

## **APPLICATIONS CLOSED**

### **1. Application #39A-2009, GUISEPPE NOVELLO**

The Board discussed the merits of the application. Discussion arose regarding the roof and patio and the proposed local law on patios which has not currently been enacted. Board members expressed concern with regard to the roof. When the law passes, the roof would not fall under the new law. Mr. Neuringer felt this was a substantial request.

The Board finds the within application is a Type II action not subject to review under the State Environmental Quality Review Act (SEQRA).

A motion to approve the variance for the concrete patio only subject to the removal of the enclosure of the concrete patio (the roof with all supports) was made by Mr. Neuringer for the reasons stated on the record and recorded in the verbatim transcript, seconded by Chairman. Neufeld.

Ayes: Neufeld, Neuringer, Kramer, Weprin, Sullivan  
Nays: None

### **2. Application #18A-2010, ETHER ROBERTSON**

The Board discussed the merits of the application. There is concern by Board members that people will do whatever they want in spite of the variance granted. The Board also determined that they might have originally approved the variance had the applicant come before the Board with the request.

The Board finds the within application is a Type II action not subject to review under the State Environmental Quality Review Act (SEQRA).

A motion to approve the variance was made by Mr. Weprin for the reasons stated on the record and recorded in the verbatim transcript, seconded by Mr. Sullivan.

Ayes: Neufeld, Neuringer, Kramer, Sullivan, Weprin  
Nays: None

### **3. Application #20A-2010, JOHN LEITNER**

The Board discussed the merits of the case. Chairman Neufeld stated that he had an issue with both structures, but had more of a problem with the playhouse. Ms. Kramer also had issues with both structures. Ms. Kramer felt the applicant built the structure where he wanted even though he has a large property. He also didn't take his neighbor into consideration or follow the code. Ms. Kramer stated that the applicant could have put the playhouse anywhere due to the size of his property. Chairman Neufeld said that the condition on the shed should be for pool purposes only. He felt the playhouse was an eyesore.

The Board finds the within application is a Type II action not subject to review under the State Environmental Quality Review Act (SEQRA).

A motion to approve the variance for the shed only and deny the playhouse was made by Mr. Weprin for the reasons stated on the record and recorded in the verbatim transcript, seconded by Ms. Kramer.

Ayes: Neufeld, Kramer, Weprin  
Nays: Neuringer, Sullivan

**4. Application #3SP-1998, SANDRO RESTAURANT CORPORATION**

The Board discussed the merits of the case. The Board finds the within application is a Type II action not subject to review under the State Environmental Quality Review Act (SEQRA). The renewal of the special permit is granted without a term limit.

A motion to approve renewal of the special permit was made by Mr. Weprin for the reasons stated on the record and recorded in the verbatim transcript, seconded by Mr. Sullivan.

Ayes: Neufeld, Neuringer, Sullivan, Kramer, Weprin  
Nays: None

**5. Application #9SP-1999, STARBUCKS COFFEE COMPANY**

The Board discussed the merits of the case. The Board finds the within application is a Type II action not subject to review under the State Environmental Quality Review Act (SEQRA). The renewal of the special permit is granted without a term limit.

A motion to approve renewal of the special permit was made by Mr. Weprin for the reasons stated on the record and recorded in the verbatim transcript, seconded by Mr. Sullivan.

Ayes: Neufeld, Neuringer, Sullivan, Kramer, Weprin  
Nays: None

**6. Application #1SP-2004, WESTCHESTER BEACH SPA, INC.**

The Board discussed the merits of the case. The Board finds the within application is a Type II action not subject to review under the State Environmental Quality Review Act (SEQRA). The renewal of the special permit is granted without a term limit.

A motion to approve renewal of the special permit was made by Mr. Weprin for the reasons stated on the record and recorded in the verbatim transcript, seconded by Mr. Sullivan.

Ayes: Neufeld, Neuringer, Sullivan, Kramer, Weprin  
Nays: None

**7. Application #6SP-2004, DIAMOND CAR WASH & LUBE INC**

The Board discussed the merits of the case. The Board finds the within application is a Type II action not subject to review under the State Environmental Quality Review Act (SEQRA). The renewal of the special permit is granted without a term limit.

A motion to approve renewal of the special permit was made by Mr. Weprin for the reasons stated on the record and recorded in the verbatim transcript, seconded by Mr. Sullivan.

Ayes: Neufeld, Neuringer, Sullivan, Kramer, Weprin  
Nays: None

**8. Application #7SP-2004, TD BANK**

The Board discussed the merits of the case. The Board finds the within application is a Type II action not subject to review under the State Environmental Quality Review Act (SEQRA). The renewal of the special permit is granted without a term limit.

A motion to approve renewal of the special permit was made by Mr. Weprin for the reasons stated on the record and recorded in the verbatim transcript, seconded by Ms. Kramer.

Ayes: Neufeld, Neuringer, Sullivan, Kramer, Weprin  
Nays: None

**9. Application #9SP-2004, GARDEN CATERING MAMARONECK, LLC.**

The Board discussed the merits of the case. The Board finds the within application is a Type II action not subject to review under the State Environmental Quality Review Act (SEQRA). The renewal of the special permit is granted without a term limit.

A motion to approve renewal of the special permit was made by Mr. Weprin for the reasons stated on the record and recorded in the verbatim transcript, seconded by Ms. Kramer.

Ayes: Neufeld, Sullivan, Kramer, Weprin  
Nays: None  
Abstains: Neuringer

**10. Application #24A-2010, PAUL & MAUREEN ABRAHAMSEN**

The Board discussed the merits of the application. The Board finds the within application is a Type II action not subject to review under the State Environmental Quality Review Act (SEQRA).

A motion to approve the variance was made by Mr. Weprin for the reasons stated on the record and recorded in the verbatim transcript, seconded by Mr. Neuringer.

Ayes: Neufeld, Neuringer, Kramer, Sullivan, Weprin

Nays: None

**11. Application #26A-2010, SEAN & ANN GORMLEY**

The Board discussed the merits of the application. The Board reviewed the plans and Mr. Neuringer indicated that the variance does not render this proposal out of character with the neighborhood. The Board finds the within application is a Type II action not subject to review under the State Environmental Quality Review Act (SEQRA).

A motion to approve the variance was made by Mr. Weprin for the reasons stated on the record and recorded in the verbatim transcript, seconded by Mr. Neuringer.

Ayes: Neufeld, Neuringer, Kramer, Sullivan, Weprin  
Nays: None

**12. Adjourned matter of #2SP-2009 & #7A-2009, BANK OF AMERICA**

The Board discussed the merits of the application.

A motion to extend the special permit for a period of one year was made by Mr. Sullivan for the reasons stated on the record and recorded in the verbatim transcript, seconded by Ms. Kramer.

Ayes: Neufeld, Neuringer, Kramer, Sullivan, Weprin  
Nays: None

**13. Application #2SP-2001, CARL SCHWARZKOPF**

The Board discussed the merits of the application. The Board finds the within application is a Type II action not subject to review under the State Environmental Quality Review Act (SEQRA). The renewal of the special permit is granted without a term limit.

A motion to approve renewal of the special permit was made by Mr. Weprin for the reasons stated on the record and recorded in the verbatim transcript, seconded by Ms. Kramer.

Ayes: Neufeld, Neuringer, Kramer, Sullivan, Weprin  
Nays: None

**14. Application #13SP-2010, ELK YEA INC. (SAMIR ALEJILAT)**

The Board discussed the merits of the application. The Board, based upon a review of the EAF accompanying the application and all other relevant materials, deems this as an unlisted action and issues a negative declaration requiring no further action under the State Environmental Quality Review Act (SEQRA), The permit is granted with a three-year term limit.

A motion to approve the special permit was made by Mr. Sullivan for the reasons stated on the record and recorded in the verbatim transcript, seconded by Mr. Weprin.

Ayes: Neufeld, Neuringer, Kramer, Sullivan, Weprin  
Nays: None

**15. Application #14SP-2010, JUMANA HAMDAN**

The Board discussed the merits of the application. The Board, based upon a review of the EAF accompanying the application and all other relevant materials, deems this as an unlisted action and issues a negative declaration requiring no further action under the State Environmental Quality Review Act (SEQRA), The permit is granted with a three-year term limit.

A motion to approve the special permit was made by Mr. Weprin for the reasons stated on the record and recorded in the verbatim transcript, seconded by Ms. Kramer.

Ayes: Neufeld, Neuringer, Kramer, Sullivan, Weprin  
Nays: None

**16. Application #15SP-2010, FRANKIE & FANUCCI'S MAMARONECK, LLC.**

The Board discussed the merits of the application. The Board, based upon a review of the EAF accompanying the application and all other relevant materials, deems this as an unlisted action and issues a negative declaration requiring no further action under the State Environmental Quality Review Act (SEQRA), The permit is granted with a three-year term limit.

A motion to approve the special permit was made by Mr. Weprin for the reasons stated on the record and recorded in the verbatim transcript, seconded by Ms. Kramer.

Ayes: Neufeld, Neuringer, Kramer, Sullivan, Weprin  
Nays: None

**17. Application #1SP-2001, TSI MAMARONECK, LLC/DBA NEW YORK SPORTS CLUB**

The Board discussed the merits of the application. The Board finds the within application is a Type II action not subject to review under the State Environmental Quality Review Act (SEQRA). The renewal of the special permit is granted without a term limit.

A motion to approve renewal of the special permit was made by Mr. Sullivan for the reasons stated on the record and recorded in the verbatim transcript, seconded by Mr. Weprin.

Ayes: Neufeld, Neuringer, Kramer, Sullivan, Weprin  
Nays: None

**MINUTES**

A motion to approve the minutes of May 6, 2010 was made by Mr. Weprin, seconded by Mr. Sullivan.

Ayes: Neufeld, Neuringer, Kramer, Sullivan, Weprin  
Nays: None

A motion to approve the minutes of June 3, 2010 was made by Mr. Weprin, seconded by Mr. Sullivan.

Ayes: Neufeld, Neuringer, Kramer, Sullivan, Weprin  
Nays: None

**ADJOURN**

A motion to adjourn the meeting and go into Executive Session was made by Mr. Weprin, seconded by Ms. Kramer.

Ayes: Neufeld, Neuringer, Kramer, Sullivan, Weprin  
Nays: None

On motion duly made and carried, the meeting was adjourned at 10:10 p.m.

GREGORY SULLIVAN  
Secretary

Prepared by:  
Ann P. Powers