

MINUTES OF A REGULAR MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF MAMARONECK, NEW YORK, HELD ON THURSDAY, JANUARY 5, 2012, 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 on January 5, 2012. The full public record of this meeting is the audio/visual recording made of this meeting and kept in the Zoning Board's records.

PRESENT: Gregory Sullivan, Chairman
Barry Weprin, Vice Chairman
Robin Kramer, Secretary
Lawrence Gutterman, Board Member
Anna Georgiou, Counsel to Board
Rob Melillo, Building Inspector
Joe Angiollo, Assistant Building Inspector

ABSENT: Dave Neufeld, Board Member

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

CALL TO ORDER

Chairman Sullivan called to order the Regular Meeting at 7:07 p.m.

Mr. Sullivan stated that Mr. Neufeld will not be present this evening and asked if anyone wished to adjourn their matter. There were no responses. Mr. Sullivan said that Mr. Gutterman will be arriving shortly.

Mr. Sullivan stated that the Agenda will be taken out of order. The Board concurred.

The next Zoning Board of Appeals meeting will be held on Thursday, February 2, 2012.

PUBLIC HEARINGS

- 1. Application #12SP-2011, JEREMY LAFARO D/B/A/ HEALTHY FIT FOR WOMEN, 1000 E. Boston Post Road (Section 4, Block 63, Lot 5A), for a special permit to operate a woman's health club under new ownership. (C-1 District)**

Mr. Jeremy LaFaro, representative of the named business, appeared for a renewal of a special permit. He said this business is under new ownership. Ms. Kramer noted that the permit

expired years ago. Mr. LaFaro said the permit expiration issue was brought to his attention recently.

Mr. Sullivan asked if there are any questions from the audience.

Mr. Daniel Natchez of 916 East Boston Post Road came forward and stated that *Healthy Fit for Women* is a good neighbor, is located near his business, and will be an asset to the community. He said that we should encourage these types of businesses in the community.

Mr. Weprin moved to close the public hearing, seconded by Ms. Kramer, and carried unanimously.

2. Application #2SP-2012, LIGOTINO & TRAMO LLC. D/B/A/ GRAND CENTRAL RESTAURANT, 974 E. Boston Post Road (Section 4, Block 63, Lot 4A), for a special permit to operate a new restaurant in an existing restaurant building. (C-1 District)

Mr. Joseph Messina, Esq. appeared for the applicant. Mr. Messina said the applicant has entered into a lease with the property owner. He said the restaurant will serve lunch and dinner only. Mr. Messina said that the hours of operations are the same as the prior restaurant, Monday through Thursday, 11 a.m. to 1 a.m., and Friday through Sunday, 11 a.m. to 2 a.m.

Ms. Kramer inquired about parking. Mr. Messina said there will be valet parking after 5 p.m. and the same valet parking business that the former restaurants used will provide this service. He noted that there is no parking on Boston Post Road in front of the restaurant. Mr. Ligotino stated that there are 14 parking spaces along the side of the restaurant.

Ms. Kramer inquired about the cuisine. Mr. Ligotino said it is American grille and similar to the cuisine at Chat 19 in Larchmont.

Mr. Gutternman joined the meeting at 7:18 p.m.

Mr. Sullivan asked if there are any questions from the public.

Mr. Daniel Natchez of 916 East Boston Post Road asked if the lease is only for the restaurant building or does it cover the balance of the lot for parking. Mr. Messina responded that the lease is for the restaurant building. Mr. Natchez inquired if the back portion that will be coming down will be available for parking. Mr. Ligotino said yes. Mr. Natchez commented that the restaurant is a proper use for this location.

Mr. Weprin moved to close the public hearing, seconded by Ms. Kramer, and carried unanimously.

3. Application #1A-2012, HUMAN DEVELOPMENT SERVICES OF WESTCHESTER, INC., 930 Mamaroneck Avenue (Section 8, Block 56, Lot 10), for

a variance of Article VI Section 342-38 to install a dumpster enclosure where the proposed rear yard setback is 10 feet and 45 feet is required. (C-1 District)

Ms. Kathy Pandekakes appeared for a variance for a dumpster enclosure. She said the enclosure material will be green PVC slats and will match the building. She stated that the neighboring property next to this location will not have a view of the dumpster enclosure.

Mr. Sullivan asked if there are any questions from the public. There were none.

Ms. Kramer moved to close the public hearing, seconded by Mr. Weprin, and carried unanimously.

4. Application #6A-2012, HSBC BANK USA, 1043 W. Boston Post Road (Section 9, Block 56, Lot 4B), for a variance of Article VI Section 342-38 to install a dumpster enclosure where the proposed rear yard setback is 4 feet and 45 feet is required. (C-1 District)

Mr. Michael Savarese, architect, appeared and said the enclosure dimensions are 13 feet by 13 feet. The enclosure is cedar wood that will match the building exterior. It will be on a five-inch thick concrete slab, and located at the back corner of the property.

Mr. Sullivan asked if there are any questions from the public. There were none.

Ms. Kramer moved to close the public hearing, seconded by Mr. Gutterman, and carried unanimously.

5. Application #SP-2012, I & N DELI AND GROCERY, 131 Halstead Avenue (Section 9, Block 11, Lot 20A), for a special permit to operate a deli/grocery with indoor seating. (C-2 District)

Mr. Sullivan recused himself. Ms. Kramer asked for details from the architect. Mr. Michael Csenge stated said the existing deli is located across from the train station. He said that I & N Deli took out a permit in 2010 to renovate. There will be limited indoor seating consisting of about five or six seats. The hours of operation are 6 a.m. to 10 p.m. Mr. Gutterman stated that seating would be an improvement.

Ms. Kramer asked if there are any questions from the public. There were none.

Mr. Weprin moved to close the public hearing, seconded by Mr. Gutterman, and carried unanimously.

Mr. Sullivan rejoined the meeting.

- 6. Application #2A-2012, SALVATOR AND MARIA CIRIGLIANO, 1035 Old Boston Post Road (Section 9, Block 56, Lot 12), for a variance of Article V Section 342-27 of Lot Area to legalize a two-family house to a seven-family dwelling where the applicant has 2,497 square feet per dwelling and 2,500 square feet per dwelling is required. A variance of Article VIII Section 342-54B(2) which states that no parking spaces shall be located within 15 feet of any wall of a multi-family dwelling, which wall contains windows (other than kitchen and bathroom windows) with a sill height of less than eight feet above the level of said parking area is required and the applicant has five feet. (R-7.5 District)**

Mr. David Robak appeared for the applicants. He said that the applicant is legalizing a conversion from a two-family house to a seven-family house. He said that previously the two-bedroom apartments in the back were converted to four one-bedroom apartments. The layout is six one-bedroom apartments, one two-bedroom apartment, and one basement one-bedroom apartment. There is adequate parking in the back. The parking lot has an asphalt surface. Mr. Robak said there is a retaining wall on both sides of the property. The landscaping is very nice. He said that a variance is required as each dwelling is three square feet under the requirement of 2,500 square feet per dwelling. Also, a second variance is required for the windows in the front and back.

Ms. Georgiou inquired if the State building code will be implicated. The architect answered yes. The architect continued and said the apartments are in good condition and there is proper ventilation. He noted that there is good drainage on the property as well. Mr. Sullivan commented that the parking is adequate for this large property.

Ms. Kramer noted that work was done on the house in 1979. The four-family conversion in 1979 was illegal as it was done without permits. Mr. Sullivan commented that a neighbor registered a complaint. He said that they will need to go to the Planning Board for a site plan approval. Mr. Melillo noted that there is no Certificate of Occupancy (COO) on file.

The architect said a surveyor came out to the property and the survey has been updated and was submitted with the Application. Ms. Kramer inquired if the basement unit is compliant. The architect said yes and added that it is a walkout unit.

Mr. Sullivan asked if there are any questions from the public. There were none.

Mr. Weprin moved to close the public hearing, seconded by Ms. Kramer, and carried unanimously.

- 7. Application #3A-2012, JOSE AND MARIA GUERREIRO, 234 Mt. Pleasant Avenue (Section 9, Block 30, Lot 10), for a variance of Article IX Section 342-64(A) to add two bedrooms to a rear dwelling where the proposed addition to a two-family house in a single family zone may not be altered, enlarged or extended unless the use is changed to a conforming use. (R-5 District)**

Mr. Dennis Cucinella appeared for the applicants. He said that the rear of the property will be pushed out to add two bedrooms. He said that all the requirements have been met for the setback. There are two bedrooms on the first floor and two bedrooms in the rental unit on the second floor. Ms. Georgiou noted that this Application is for an area variance and not for a use variance.

Mr. Cucinella said the first floor only will be expanded. He presented a letter from the neighbor at 242 Mt. Pleasant Avenue who is in favor of the expansion.

Mr. Sullivan asked if there are any questions from the public.

A neighbor, 219 Maple Avenue, said that the Guerreiro's have been exemplary neighbors and she approves of the proposed work.

Ms. Kramer moved to close the public hearing, seconded by Mr. Weprin, and carried unanimously.

8. Application #4A-2012, JORGE TITO AND MARIA JOSE, 127 Florence Street (Section 4, Block 49, Lot 87), for a variance of Article V Section 342-27 to add a rear yard addition where the applicant proposes seven feet for a combined side yard setback and fourteen feet is required. (R-5 District)

Mr. Mario Canteros appeared for the applicant. He said the owners bought the property one year ago. They have three children in the local schools, and need more space. They have a strict budget for the expansion and their plan is to add a family room in the rear and a bedroom on the second floor. Currently there is a rear deck and stairs leading to the back yard. Mr. Canteros said that they are in compliance except for the build out that is seven feet from the property line that will abut the neighbor's driveway. Mr. Gutterman inquired about the width of the driveway of the adjacent property. The architect said approximately ten feet. The architect continued and said they plan to modify the existing deck. A small bedroom and hallway will be added on the second floor.

Ms. Kramer asked if they have talked to their neighbors about their plans. The architect said yes.

Mr. Sullivan asked if there are any questions or comments from the public. Mr. and Mrs. Parker, 131 Florence Street, came forward. Mrs. Parker raised concerns that the property line is not properly defined and that a new survey is necessary. Mrs. Parker said that the Belgian block that borders their driveway is not the end of their property line. She noted that her property extends another foot or so beyond the Belgian block. The architect assured that when the Application is approved, a surveyor will be hired.

Mr. Weprin moved to close the public hearing, seconded by Mr. Gutterman, and carried unanimously.

9. Application #7A-2012, EDWARD PASQUINA, 1415 Sunnyside Avenue (Section 4, Block 65B, Lot 276), for a variance of Article V Section 342-27 to add a front porch and stairs where the proposed front yard setback is 13 feet and 20 feet is required. (R-5 District)

Ms. Susan Riordan appeared for the applicant. She said the house was built in 1921 and situated on a steep hill. They plan to put an addition on the front of the house to add an area for a coat closet. The stairs and porch need to be reconfigured. The stairs will be setback thirteen feet. She said the variance is for the portico and stairs. Otherwise, it is within the required setbacks. The stairs will be concrete and straight down. The front, blue stone landing will have railings and columns.

Ms. Kramer asked about the new front portico. The architect said that it is being extended to add a hall closet. She mentioned that the neighbor's comments are positive.

The architect stated the design of the house has changed in that the portico got deeper, the house got bigger, and therefore, the stairs had to be rebuilt.

Mr. Weprin moved to close the public hearing, seconded by Ms. Kramer, and carried unanimously.

Ms. Kramer said that stairs should not be considered a violation. Mr. Gutterman commented that the proposed plans are reasonable.

10. Application #11-2012, ELEANOR WEISS, LEONARD WEISS, GEORGE HENDERSON, IRENE HENDERSON, AND SUZANNE McCRORY, regarding 818 The Crescent (Section 9, Block 85, Lot 34B), for an appeal of the issuance of a building permit (revision) for seawall reinforcement (R-15 District).

Adjourned to February 2, 2012.

CLOSED APPLICATIONS

1. Application #12SP-2011, JEREMY LAFARO D/B/A/ HEALTHY FIT FOR WOMEN, 1000 E. Boston Post Road (Section 4, Block 63, Lot 5A), for a special permit to operate a woman's health club under new ownership. (C-1 District)

On motion of Mr. Weprin, seconded by Ms. Kramer, the Application as submitted to renew the special permit is approved for a three-year term.

Ayes: Kramer, Weprin, Sullivan
Nays: None
Abstain: Gutterman

2. Application #2SP-2012, LIGOTINO & TRAMO LLC. D/B/A/ GRAND CENTRAL RESTAURANT, 974 E. Boston Post Road (Section 4, Block 63, Lot 4A), for a special permit to operate a new restaurant in an existing restaurant building. (C-1 District)

Ms. Kramer noted that the restaurant hours will be longer than those of former restaurants at this location. She commented that the parking situation during the day could be an issue. Also, she noted that the seating capacity was not addressed. Mr. Weprin commented that there, most likely, will not be a large lunch crowd.

On motion of Mr. Weprin, seconded by Ms. Kramer, the Application as submitted for a special permit is approved for a three-year term, with the condition that the applicant returns in one and one-half (1 ½) years for a status on parking.

Ayes: Kramer, Weprin, Sullivan
Nays: None
Abstain: Gutterman

3. Application #1A-2012, HUMAN DEVELOPMENT SERVICES OF WESTCHESTER, INC., 930 Mamaroneck Avenue (Section 8, Block 56, Lot 10), for a variance of Article VI Section 342-38 to install a dumpster enclosure where the proposed rear yard setback is 10 feet and 45 feet is required. (C-1 District)

On motion of Mr. Weprin, seconded by Mr. Gutterman, the Application as submitted for a variance for a dumpster enclosure is approved.

Ayes: Gutterman, Kramer, Weprin, Sullivan
Nays: None

4. Application #6A-2012, HSBC BANK USA, 1043 W. Boston Post Road (Section 9, Block 56, Lot 4B), for a variance of Article VI Section 342-38 to install a dumpster enclosure where the proposed rear yard setback is 4 feet and 45 feet is required. (C-1 District)

On motion of Mr. Weprin, seconded by Ms. Kramer, the Application as submitted for a variance for a dumpster enclosure is approved.

Ayes: Gutterman, Kramer, Weprin, Sullivan
Nays: None

5. Application #SP-2012, I & N DELI AND GROCERY, 131 Halstead Avenue (Section 9, Block 11, Lot 20A), for a special permit to operate a deli/grocery with indoor seating. (C-2 District)

Mr. Weprin moved to approve the Application as submitted for a special permit for a three-year period, seconded by Mr. Gutterman.

Ayes: Gutterman, Kramer, Weprin
Nays: None

- 6. Application #2A-2012, SALVATOR AND MARIA CIRIGLIANO, 1035 Old Boston Post Road (Section 9, Block 56, Lot 12), for a variance of Article V Section 342-27 of Lot Area to legalize a two-family house to a seven-family dwelling where the applicant has 2,497 square feet per dwelling and 2,500 square feet per dwelling is required. A variance of Article VIII Section 342-54B(2) which states that no parking spaces shall be located within 15 feet of any wall of a multi-family dwelling, which wall contains windows (other than kitchen and bathroom windows) with a sill height of less than eight feet above the level of said parking area is required and the applicant has five feet. (R-7.5 District)**

Mr. Weprin moved to approve the Application as submitted for two variances, seconded by Ms. Kramer, and subject to a site plan approval by the Planning Board.

Ayes: Gutterman, Kramer, Weprin, Sullivan
Nays: None

- 7. Application #3A-2012, JOSE AND MARIA GUERREIRO, 234 Mt. Pleasant Avenue (Section 9, Block 30, Lot 10), for a variance of Article IX Section 342-64(A) to add two bedrooms to a rear dwelling where the proposed addition to a two-family house in a single family zone may not be altered, enlarged or extended unless the use is changed to a conforming use. (R-5 District)**

Ms. Kramer said that the goal of the zoning board is to eliminate non-conforming uses and that by allowing improvement you were not going to eliminate such uses. She also noted that other similar applications were denied. Ms. Georgiou added that the footprint is being enlarged. Mr. Sullivan said that there are young children at this address who attend the local schools. Mr. Sullivan then said that he talked with the neighbor directly and the neighbor did not have an issue with the expansion.

Mr. Gutterman moved to approve the Application as submitted for a variance, seconded by Mr. Weprin.

Ayes: Gutterman, Weprin, Sullivan
Nays: Kramer

- 8. Application #4A-2012, JORGE TITO AND MARIA JOSE, 127 Florence Street (Section 4, Block 49, Lot 87), for a variance of Article V Section 342-27 to add a rear yard addition where the applicant proposes seven feet for a combined side yard setback and fourteen feet is required. (R-5 District)**

Mr. Gutterman commented that the applicants are not violating the setback requirement. Ms. Kramer said the problem was the result of an existing non-complying garage that was too close to the side property line and that if they tear down the garage this expansion would be as of right.

On motion of Mr. Weprin, seconded by Mr. Gutterman, the Application as submitted for a variance is approved.

Ayes: Gutterman, Kramer, Weprin, Sullivan

Nays: None

9. Application #7A-2012, EDWARD PASQUINA, 1415 Sunnyside Avenue (Section 4, Block 65B, Lot 276), for a variance of Article V Section 342-27 to add a front porch and stairs where the proposed front yard setback is 13 feet and 20 feet is required. (R-5 District)

On motion of Ms. Kramer, seconded by Mr. Weprin, the Application as submitted for a variance is approved.

Ayes: Gutterman, Kramer, Weprin, Sullivan

Nays: None

10. Application #30A-2011, HPS 122 LLC. C/O H-P CAPITAL, LLC., 122-134 Mamaroneck Avenue (Section 9, Block 50, Lot 14), for an area variance of Article VIII Section 342-56 to build a two-story addition and first floor expansion where the applicant proposes zero parking spaces and six parking spaces are required and for an area variance of Article VIII Section 342-57 off street loading where the applicant proposes zero parking spaces and one parking space is required (C-2 District) (Closed 12/1/2011)

Ms. Georgiou noted for the record that she had spoken to the architect and the applicant agreed to extend the time for deliberations beyond the 62 days. The Planning Board is still reviewing the application. The Board determined that further review is necessary.

11. Application #41-2011, BENNETT GOLUB & CYNTHIA GOLUB & THE SHORE ACRES PROPERTY OWNERS ASSOCIATION, 700 S. Barry Avenue (Section 4, Block 77, Lot 31), for an appeal of the Village of Mamaroneck Tax Assessor's change of the tax map on page 105. Lot 31 was changed from 12.29 acres to 12.87 acres. (R-10 District) (Closed 12/1/2011)

The Board determined that further review is necessary.

12. Application #61-2011, BENNETT GOLUB & CYNTHIA GOLUB & THE SHORE ACRES PROPERTY OWNERS ASSOCIATION, 700 S. Barry Avenue (Section 4, Block 77, Lot 31), for an appeal of the Building Inspector's refusal to revoke the

Zoning Board of Appeals

Regular Meeting

January 5, 2012

Page 9 of 10

three related building permits issued to the Mamaroneck Beach and Yacht Club on January 14, 2011 despite the Zoning Board of Appeals' determination on May 5, 2011 that the Club's site plan approved by the Planning Board on December 9, 2010 is not zoning compliant (R-10 District) (Closed 12/1/2011)

The Board determined that further review is necessary.

APPROVAL OF MINUTES

1. November 3, 2011 Minutes
2. December 1, 2011 Minutes

Ms. Kramer stated that she submitted edits. The Minutes of November 3 and December 1, 2011 were tabled to determine if the minutes were revised per the edits.

ADJOURNMENT

On motion of Ms. Kramer, seconded by Mr. Weprin, the meeting was adjourned at 8:45 p.m.

Ayes: Gutterman, Kramer, Weprin, Sullivan
Nays: None

ROBIN KRAMER
Secretary

Prepared by:
Anne Hohlweck