

MINUTES OF A MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF MAMARONECK, NEW YORK, HELD ON THURSDAY, MAY 3, 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 May 3, 2012. 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: Gregory Sullivan, Chairman
Lawrence Gutterman, Board Member
Dave Neufeld, Board Member
Anna Georgiou, Counsel to Board
Rob Melillo, Building Inspector
Joe Angiello, Assistant Building Inspector

ABSENT: Barry Weprin, Vice Chairman
Robin Kramer, Secretary

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

CALL TO ORDER

Chairman Sullivan called to order the Regular Meeting at 7:04 p.m. Chairman Sullivan stated that the next ZBA meeting would be on June 7, 2012. He went on to say that Mr. Weprin and Ms. Kramer would not be at the meeting tonight and gave the applicants an opportunity to adjourn their applications to the June 7th meeting. No applicant wished to adjourn their application.

PUBLIC HEARINGS

1. Application #2SP-2009, MAMARONECK HOLDING, LLC. D/B/A BANK OF AMERICA, 1160 W. Boston Post Road (Section 9, Block 21, Lot 2A1), to renew an existing special permit to operate a bank with a drive-thru window. (C-1 District)

Claudia Heery, Property Manager, addressed the Board. Ms. Heery stated that Bank of America was requesting a renewal of a special permit to operate a bank and drive-thru window. She stated that there have been no changes to the operation of the bank. She also noted that there have been no complaints made against the bank.

Chairman Sullivan asked if anyone wished to address the Board. None did.

Mr. Gutterman moved to close the public hearing on Special Permit Application #2SP-2009, seconded by Mr. Neufeld.

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

2. Application #7SP-2009, ROASTED PEPPERS RESTAURANT, 320 Mamaroneck Avenue (Section 9, Block 18, Lot 18B), to renew an existing special permit to operate a continental restaurant. (C-2 District)

Juan Lepe, the owner and applicant, addressed the Board. He stated that he was requesting a renewal of his special permit to operate Roasted Peppers Restaurant. Mr. Lepe stated that there were no changes to the operation of the restaurant. He did note, however, that he was in the process of applying for a cabaret license.

Mr. Neufeld stated that the original resolution stated that no music would be allowed. Discussion arose as to whether the applicant requires a new special permit. Mr. Gutterman stated that the condition of the current special permit could be modified to allow for music and entertainment.

Chairman Sullivan stated that he believed the application was properly made. Ms. Georgiou said that the applicant has expressed his intent to apply for the cabaret license.

Mr. Lepe stated that he would be offering jazz and piano music, which would not be too loud due to the fact that there are residents living upstairs from the restaurant. Mr. Lepe indicated that he would be playing the music until 12:00 a.m. or 1:00 a.m. the latest. He also noted that no amplification is needed due to the small size of the restaurant.

Mr. Lepe indicated that there are six apartments above his restaurant. He said that music would only be played twice a week, depending on customer requests. If there is a special party, music would be played after hours, not during dinner.

Mr. Neufeld stated that he was concerned about the music with people living above the restaurant. Mr. Lepe stated that he wouldn't have music playing loudly after hours and it would be mostly piano music. Mr. Lepe said that he does not typically stay open until the hours on the special permit, only if customers are at the bar enjoying a beverage.

Chairman Sullivan noted that the restaurant is in a commercial zone. He asked if there were any complaints or concerns from neighbors when the original special permit was applied for. Ms. Powers stated that there was nothing in the file to indicate that neighbors had any complaints.

Mr. Neufeld stated that the Board can limit the hours of music. Ms. Georgiou stated that the cabaret license does dictate the hours music can be played. Mr. Neufeld asked if Mr. Lepe would have an objection to the Board limiting the music until 11:00 p.m. on weekdays and midnight on weekends. Mr. Lepe stated he had no issue with that restriction. It was noted that the restriction of playing music from the original special permit would be removed.

Mr. Neufeld asked if the restaurant had any complaints filed against it and Mr. Lepe indicated that there have been no complaints or violations against the restaurant. Discussion arose regarding the length of the special permit. It was decided the term would be three years.

Chairman Sullivan asked if anyone wished to address the Board. None did.

Mr. Neufeld moved to close the public hearing on Special Permit Application #7SP-2009, seconded by Mr. Gutterman.

Ayes: Sullivan, Neufeld, Gutterman

Nays: None

Absent: Weprin, Kramer

3. Application #4SP-2012, CARRIAGE AUTO BOUTIQUE, 816 E. Boston Post Road (Section 4, Block 52, Lot 28), for a special permit to operate a motor vehicle/filling station, car detail shop and car wash. (C-1 District)

Zvi Richman, the applicant addressed the Board. He stated that he was requesting a special permit to operate an auto boutique providing high class auto detailing.

Mr. Richman read into the record the following:

Good evening Mr. Chairman, members of the Board,

My name is Zvi Richman, and I am here regarding a request for a Special Permit for the operation of the proposed new Carriage Auto Boutique at 816 East Boston Post Road, on the corner of Wagner Avenue.

I am the President / owner of the new business being proposed at that site.

First, let me state unequivocally that all we are requesting is the granting of a Special Permit for a high class auto detailing and cleaning facility. We are not asking for permission to create nor operate a gas station and I realize there may have been some confusion about that. While we have never requested such permission, nor have we ever referred to our proposed use as a gas station, it appears that the building department issued a Special Permit letter for us to send out utilizing that generic description since apparently, our proposed business does not fall into a separate discrete category within your zoning code. As such there might have been some confusion and concern by neighbors who were notified as to what we are planning to do at the site.

Very simply, we are planning to operate a very high class state-of-the-art automobile detailing and cleaning operation and it is very different from the run-of-the-mill car wash you see all over. It is indeed not a car wash.

What we do is accept scheduled appointments for superb detailing and automobile cleaning services utilizing steam as the cleaning medium. It is probably the most environmentally responsible way of doing full service cleaning available anywhere today. We use perhaps 2 quarts of water to completely clean an automobile, and the majority of even that minimal amount simply dissipates into the atmosphere.

We use virtually no chemicals or additives to the steam. There are no harmful residuals of any type. There are no quantities of water run-off. It is truly an amazing system but incredibly effective. We utilize the exact same steam system to clean the interior and exterior of the vehicle. It has been reported that such use of steam within the interior can minimize or perhaps eliminate harmful bacterias and other nasty things that can accumulate within an automobile interior.

We intend to fully service high end automobiles, including, but not limited to Mercedes; BMW; Audi; Jaguar; Land Rover; Cadillac; Lexus; Infinity; Acura; and the hopefully soon-to-arrive, Alfa Romeo. We would hope to establish ongoing business relationships with many of the auto dealers of these fine cars that are currently locally situated and be able to do their detailing as may be required for their customers.

We have five bays for our detailing and cleaning and will not process more than five cars at a time.

Most of our work is scheduled beforehand. We will be open 7 days and our proposed hours of operation will be from 8AM to 6PM, except Sunday, until 4 PM. Since we are not a typical car wash, we do not have any of the powerful blowers that are used to dry cars and as such we do not generate that kind of sometimes objectionable noise. We do our work within the 5 garage bays, and we certainly do not intend to play loud, annoying music outside. Any music we do play inside will be pleasant, moderate volume, and of a classical nature.

We are in the process of completely repairing and upgrading the facility which as you know has been an eyesore on that corner for way too many years. It will no longer be an eyesore as we will tastefully bring it up to more than acceptable standards of this community.

As you know, the prior use at this location, going back to perhaps 1986, was that of an auto detailing / prep shop for Toyota City, just down the Post Road from our location. What we are proposing is essentially the same use – no change – but of a much more sophisticated and high class nature.

The location has been and is currently zoned C-1. As such, the prior use, and our proposed use is fully permitted as-of-right under current zoning, although a Special Permit is required as requested by the building department.

Within the realm of permitted uses within the C-1 zone, such businesses as fast food restaurants; 24 hour a day quick serve food operations; all night take-out businesses; gas stations; and businesses of that type would be permitted under present zoning. We believe that within the C-1 zone, the business we are proposing is probably the least intrusive and will generate the least impact regarding traffic than any other use possible at that location. In fact, based on observation, it appears the most traffic in the immediate neighborhood is generated by the elementary school 1 block away and not by any of the other existing commercial uses. We certainly will not create any sort of traffic problem or concern.

This is a unique business and we are looking forward to becoming good neighbors here in the Village of Mamaroneck – and in running a high class and successful operation.

I would be pleased to answer any questions you may have.

Thank you very much.

Mr. Richman stated that he believes his establishment will help stimulate the economy in Mamaroneck as well as provide jobs. Mr. Gutterman asked if the operation would be doing oil changes and Mr. Richman said no, maybe down the road at some point, but not now.

Mr. Neufeld asked what percentage of business is done for the dealership. Mr. Richman answered 5% to 10% and that the rest of the business will come from members of the public. He noted that the car wash business is very weather-related.

Mr. Neufeld asked if Mr. Richman had any business relationships currently set up and Mr. Richman stated he did not. Mr. Neufeld asked if he owned a business like this before and Mr. Richman said he owned a car wash.

Mr. Gutterman asked if the applicant could elaborate on the appointment based process because of the high traffic area in that neighborhood. Mr. Richman stated that his prices start at \$25.00 and he would not be getting people who wash their cars for \$4.00.

Mr. Gutterman mentioned that another car wash on Halstead Avenue has a line of about a dozen cars at one time. Mr. Richman stated that he has plenty of spaces for the cars on his property. The length of time a car would be at his station for car washing and detailing would be between 15 minutes to 2 hours.

Mr. Richman stated that the outside of the building is rundown and he will be fixing it by installing new doors, stucco and window treatments. He said that the Board of Architectural Review has already approved signage. He noted that he has already received a building permit from the Building Department.

Mr. Neufeld asked if Mr. Richman would need a DMV permit and Mr. Richman stated that he would not need the permit. Mr. Neufeld stated that in paragraph 10 of the EAF, "special permit" should be added to the application.

Chairman Sullivan asked if anyone wished to address the Board.

Daniel Natchez addressed the Board. He stated that he has property near the proposed car wash. He asked if the footprint will be the same and Chairman Sullivan said that based on the plans it appears to be the same. Mr. Natchez stated that this appear to be a good use with the provision that the special permit should include a stipulation that no car repairs are performed. He also requested that recycling of water be taken into account. Mr. Natchez concluded by stating that he felt this was a great idea, but the building should not be expanded.

Mr. Richman addressed Mr. Natchez's comments. He stated that the cars are washed with steam machines and approximately ½ gallon of water is used per car. The steam evaporates, so there won't be water runoff, Mr. Richman noted.

Patricia Ronan addressed the Board. She stated that she lives directly across the street. She asked why a special permit is required and Mr. Melillo stated that it's mandated by the Village code.

Ms. Ronan stated that the area is very parking challenged and wants Mr. Richman to be sensitive of that. She asked that he encourage customers not to park on the street.

Mr. Richman responded to Ms. Ronan by stating that it was his intention to be a good neighbor.

Rena Berger addressed the Board. She stated that she lives on Wagner Avenue and would like to be re-assured about the parking situation. She noted that there is a group home next to her property and they take up many parking spots. When the group home was being considered, promises were made to the neighbors regarding parking and those promises were not upheld, Ms. Berger stated.

She also asked if the steam made a lot of noise and where will the cars be entering from.

Mr. Richman stated that the steam is quiet and only reflects 1% of the noise of a regular car wash establishment. He stated that he has spaces available for twelve vehicles and will do his best to ensure customers do not park their cars on the street. He went on to say that he asks that neighbors contact him should there be any problems. He noted that he has given neighbors his cell phone number and they are free to contact him.

Mr. Gutterman asked if the Board made a stipulation in the special permit to only allow cars by appointment, would Mr. Richman agree to that. Mr. Richman said he would not agree to that.

Mr. Richman stated that the entrance to the car wash will be on Boston Post Road and he will probably block the Wagner Avenue entrance so cars do not go that way.

Mr. Hynes stated that Molly Spillane's was required to purchase a few permits for parking and suggested that might help allay the fears of the neighbors.

Mr. Gutterman moved to close the public hearing on Special Permit Application #4SP-2012, seconded by Mr. Neufeld.

Ayes: Sullivan, Neufeld, Gutterman

Nays: None

Absent: Weprin, Kramer

4. Application #3SP-2008, 211 MAMARONECK AVENUE LLC D/B/A MOLLY SPILLANE'S RESTAURANT, 211 Mamaroneck Avenue (Section 9, Block 19, Lot 1A), to renew an existing special permit to operate a restaurant and retail space. (C-2 District)

Mike Hynes, owner of the restaurant, addressed the Board. He stated that he was requesting a renewal of his special permit. Chairman Sullivan stated that at the last public hearing, the Board placed several conditions on the special permit, and he asked if Mr. Hynes wished to change any of the conditions. Mr. Hynes stated that he did not wish to change any of the conditions.

Mr. Gutterman stated that the Board received several documents that speak to complaints by neighbors from the police department and high decibel readings of noise. Mr. Gutterman then read Ms. Kramer's email into the record. The email read:

With respect to the application by Molly Spillane's for the renewal of the special permit, I note that on Saturday April 14 and on a Saturday night a few weeks earlier, I passed Molly Spillane's at about 11:30 pm. Both nights the windows in Molly Spillane's were open. As I recall, one of the conditions of the special permit was that the windows had to be closed at 11 pm. The front door was also wide open on the Saturday night in March (I did not notice on April 14 as I was driving on Prospect Ave), and sound was emanating from the open door.

Robin Kramer

There was some question as to whether the signed petitions received by the Zoning Office on April 30th were from last year and Ms. Powers confirmed that they were from last year. The letters dated 2012 were new submissions. Ms. Powers provided Mr. Hynes with a copy of the submissions. He reviewed the documents and stated that these are the same people who complained last year.

Ms. Georgiou asked Mr. Melillo if there were any violations issued and Mr. Melillo replied none that he was aware of and none from the Building Department.

Mr. Neufeld stated that according to the complaints submitted, the problem does exist and then it is rectified after the police arrive. He went on to say that many reports say "condition was corrected." The police have come out to the restaurant and the situation has been corrected, he said.

Mr. Gutterman addressed the issue of self-enforcement instead of police enforcement. Mr. Hynes stated that it comes down to decibel readings and most times the level is lower than the maximum allowed. He stated that even when the readings are low, he lowers them more to appease the neighbors.

Mr. Neufeld wished to clarify that Mr. Hynes lowers the music because he is asked to and Mr. Hynes concurred. Mr. Hynes stated that no neighbors above or around the restaurant complain except for the same residents from the Regatta.

Chairman Sullivan stated that when he was a police officer and received a complaint, he would ask the individual to correct the problem and it did not constitute a violation.

Mr. Neufeld asked if there was a reason why the windows needed to be open. Mr. Hynes stated that on nice evenings, patrons enjoy having the windows open. He stated that the restaurant closes the doors and windows when they have music playing. Mr. Hynes went on to say that he can't monitor every time a door is opened when people are coming and going.

Discussion arose regarding the timeframe of the violations – July 2011 to present. There were no other reported violations according to Ms. Powers.

Mr. Neufeld asked if the windows and doors are closed when either live or non-live music is played and Mr. Hynes stated that when any kind of music is played, the doors and windows are closed. Mr. Neufeld asked about the patio. Mr. Hynes stated that no music is played outdoors on the patio and the patio is closed at 2:00 a.m. for the neighbors.

Chairman Sullivan asked if anyone wished to address the Board.

Solange DeSanti addressed the Board. She indicated that she lives in the Regatta. She stated that one of the letters submitted to the Board is from her. Ms. DeSanti said that she has lived at the Regatta since 2008; initially she supported the restaurant, but now she believes it is a huge disruption. The music is loud whether the windows are open or closed, she said. And, the hours music is played should be curtailed, she suggested.

Discussion arose as to whether the application should be closed or kept open. Mr. Neufeld indicated that he would abstain if a vote was taken this evening on either approving or denying the application. Ms. Georgiou stated that if the Board did not have a vote of three in favor, the renewal would not be approved.

Mr. Hynes stated that everything was done properly with regard to noticing and this is the sixth time he has appeared before the Board within eight months. He felt it was very unfair.

Mr. Neufeld stated that he had no issue with closing the hearing, but on voting to approve or deny the renewal; he needed some time to think about the matter.

Mike Sedano addressed the Board. He stated that he believes the Board is overreacting by not closing. He noted that only one person came out this evening in protest.

Mr. Gutterman moved to close the public hearing on Special Permit Application #3SP-2008, seconded by Mr. Sullivan.

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

5. Application #5SP-2012, LINDA TUCCI D/B/A FIAMMA TRATTORIA, 501 Halstead Avenue (Section 4, Block 26, Lot 1A), for a special permit to operate a restaurant. (C-1 District)

Greg DeAngelis, architect for the applicants, addressed the Board. He indicated that Linda Tucci and Doug Tucci, the applicants, were also present. He stated that the applicants are seeking a special permit to operate a family-friendly small Italian restaurant at 501 Halstead Avenue. He noted that the property is in a C-1 zoning district.

Mr. DeAngelis stated that there had been a bar and grill at the location, which closed down several years ago. There will be seating for 40 people, he said. Mr. DeAngelis indicated that the bar would be removed and the applicants will only be serving wine and beer. The hours of operation will be 11:00 a.m. to 11:00 p.m. Tuesday through Sunday and 11:00 a.m. to 3:00 p.m. Monday.

Mr. Neufeld asked about where the garbage/sanitation would be located. Mr. DeAngelis stated that there is a refuse area in the backyard. Mr. Tucci stated that arrangements have been made to have the garbage picked up every day except for the weekends. Mr. DeAngelis said that the dumpster will need to be enclosed per the code. There will be no changes to the façade of the building, but the applicant will go before the Board of Architectural Review, in the future, if need be.

Chairman Sullivan asked if anyone wished to address the Board.

Mike Sedano addressed the Board. He stated that this is a great improvement based on what was at the location in the past.

Mr. Gutterman moved to close the public hearing on Special Permit Application #5SP-2012, seconded by Mr. Neufeld.

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

6. Application #9A-2012, RICK & ALLEN CICCONE/TRUSTEES LUCILLE CICCONE IRREVOCABLE TRUST, 806 Hall Street (Section 9, Block 58, Lot 24), for area variances of Article V Section 342-27 to close out an open permit for an accessory garage and to legalize a one story sunroom at the rear of the residence where, for the garage, the

lesser side yard setback is 1.8 feet and 6 feet is required, and the combined side yard setback is 11.4 feet and 16 feet is required. The sunroom violates the combined side yard setback where the applicant has 11.5 feet and 16 feet is required. (R-2F District)

Alfred T. Renauto, Esq., appeared on behalf of the applicant. He stated that the applicant is seeking area variances as a result of the change of zoning setback requirements that occurred over time. The family has owned the home since 1954, he stated. Mr. and Mrs. Ciccone are elderly and now need elder care.

Mr. Ranauto stated that the variances being requested for the garage are for the lesser side yard and combined side yard, as well as the combined side yard for the sunroom. He stated that the permit for the garage was never closed and a final inspection was never made. Mr. Ranauto stated that the house has a buyer and the applicant needs to provide the purchaser with a Certificate of Occupancy and other documents before the house can be sold.

He said that the garage is now in violation of the current setbacks. He also noted that the applicant will not be making any changes to the garage. As for the sunroom, there is no building permit on file and it needs to be legalized. Mr. Ranauto stated that when the sunroom is taken together with the garage, it impacts the setbacks. He indicated that there are no plans to alter anything about the structures, only to make some cosmetic changes to the inside.

Mr. Neufeld asked if the structure was a one-family or two-family dwelling. Mr. Ranauto stated that it was originally one-family and then the owner made it a two-family without a permit. He stated that this matter was being handled through the Building Department. He noted that the setback requirements would be the same whether it was a one-family or two-family dwelling.

Mr. Melillo stated that the house is a one-family in a two-family zone, but the setback requirements are the same. Mr. DeAngelis reviewed the setbacks on the survey with the Board. Mr. Ranauto stated that the applicant is requesting a variance, not an interpretation. He stated that nothing with regard to the property will change. Mr. Ranauto stated that if the variances are not granted, the garage will have to be removed and that will be a hardship for the applicant.

Chairman Sullivan asked if anyone wished to address the Board.

Gilbert Vieira addressed the Board. He stated that he lives next door to the property and he has an issue with how the garage was built. He said that because of the way the garage is situated, the water runoff from 806 Hall Street goes directly onto his property. Mr. Neufeld asked if Mr. Vieira had discussed a remedy and he indicated he had not. Mr. Vieira stated that the driveway should be pitched differently. He asked that the Building Department come out to his property to look at the situation. Mr. Gutterman stated that his water concern is not within the Board's purview.

Mr. Neufeld asked about the issue of the use of the combined side yard in the accessory building and if it was covered in the code. Mr. Melillo stated that the ZBA made that determination through the Benmar application.

Mr. DeAngelis stated that the porch does comply with the setbacks for the primary structure; it is the garage that causes the issue.

Mr. Gutterman wanted clarification on the one-family and two-family dwelling issue. Mr. DeAngelis stated that the house was built in 1948 and has been in a two-family district since 1955. The Assessor has listed it as a two-family since 1965 and it has been assessed/taxed as a two-family since that time, Mr. DeAngelis noted.

Mr. Neufeld moved to close the public hearing on Variance Application #9A-2012, seconded by Mr. Gutterman.

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

EXECUTIVE SESSION

Mr. Neufeld made a motion to enter into executive session to discuss litigation matters and a possible settlement, seconded by Mr. Gutterman.

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

At 8:45 p.m. the Board convened into Executive Session.

At 8:50 p.m. the Board returned from Executive Session.

CLOSED APPLICATIONS

1. Application #2SP-2009, MAMARONECK HOLDING, LLC. D/B/A BANK OF AMERICA, 1160 W. Boston Post Road (Section 9, Block 21, Lot 2A1), to renew an existing special permit to operate a bank with a drive-thru window. (C-1 District)

The Board discussed the merits of the application. The renewal of the special permit was granted without a term limit.

On motion of Mr. Gutterman, seconded by Mr. Neufeld, the Application as submitted to renew the special permit is approved with no term limit.

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

2. Application #7SP-2009, ROASTED PEPPERS RESTAURANT, 320 Mamaroneck Avenue (Section 9, Block 18, Lot 18B), to renew an existing special permit to operate a continental restaurant. (C-2 District)

The Board discussed the merits of the application. Due to the addition of the live music to the special permit, the Board placed a three year term limit on the renewal of the special permit.

On motion of Mr. Neufeld, seconded by Mr. Gutterman, the Application as submitted to renew the special permit is approved with a three year term limit.

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

3. Application #4SP-2012, CARRIAGE AUTO BOUTIQUE, 816 E. Boston Post Road (Section 4, Block 52, Lot 28), for a special permit to operate a motor vehicle/filling station, car detail shop and car wash. (C-1 District)

The Board discussed the merits of the case. The Board stipulated that there should be no water discharged onto the street, no repair work should be performed outside and there will be a maximum of 5 cars serviced at one time.

On motion of Mr. Neufeld, seconded by Mr. Gutterman, the Application as submitted for a special permit is approved with a three year term limit.

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

4. Application #5SP-2012, LINDA TUCCI D/B/A FIAMMA TRATTORIA, 501 Halstead Avenue (Section 4, Block 26, Lot 1A), for a special permit to operate a restaurant. (C-1 District)

The Board discussed the merits of the application.

On motion of Mr. Neufeld, seconded by Mr. Gutterman, the Application as submitted for a special permit is approved with a three year term limit.

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

5. Application #9A-2012, RICK & ALLEN CICCONE/TRUSTEES LUCILLE CICCONE IRREVOCABLE TRUST, 806 Hall Street (Section 9, Block 58, Lot 24), for area variances of Article V Section 342-27 to close out an open permit for an accessory garage and to legalize a one story sunroom at the rear of the residence where, for the garage, the

lesser side yard setback is 1.8 feet and 6 feet is required, and the combined side yard setback is 11.4 feet and 16 feet is required. The sunroom violates the combined side yard setback where the applicant has 11.5 feet and 16 feet is required. (R-2F District)

The Board discussed the merits of the application.

On motion of Mr. Sullivan, seconded by Mr. Neufeld, the Application as submitted for variances is approved.

Ayes: Sullivan, Neufeld, Gutterman

Nays: None

Absent: Weprin, Kramer

6. Application #3SP-2008, 211 MAMARONECK AVENUE LLC D/B/A MOLLY SPILLANE'S RESTAURANT, 211 Mamaroneck Avenue (Section 9, Block 19, Lot 1A), to renew an existing special permit to operate a restaurant and retail space. (C-2 District)

Mr. Neufeld felt that the other Board members not in attendance should have an opportunity to be involved in this application. Mr. Gutterman noted that the area has a lot of activity. Mr. Gutterman stated that it appears the owner is trying to run an upstanding establishment. He stated that it seems questionable that Mr. Hynes needs to go through so many renewals.

Chairman Sullivan noted that at the last special permit renewal hearing; the application was open for four months. Discussion arose as to whether the Board should vote. Mr. Neufeld stated that he would abstain if a vote was taken tonight. He wished to think about the application and wanted to look at the code again.

The Board decided to hold the application over until the June 7th meeting.

MINUTES

The minutes for March 1, 2012 and April 5, 2012 were held over until the full Board could be present.

MISCELLANEOUS

The Board discussed the planting plans submitted by the applicants for 746 The Parkway (Mr. & Mrs. Cohen). Ms. Georgiou stated that no action was required from the Board and that it be submitted to the Building Department for technical review. Ms. Georgiou read the requirements from the resolution dated December 2, 2011.

Mr. Gutterman stated his concerns with the plan; more detail was necessary, he felt. Mr. Neufeld concurred. Mr. Gutterman will provide Ms. Powers with an outline of the additional information the Board requires for the plans. Ms. Powers will then inform Mrs. Cohen.

ADJOURN

On motion of Mr. Neufeld, seconded by Mr. Gutterman, the meeting was adjourned at 9:16 p.m.

Ayes: Sullivan, Gutterman, Neufeld

Nays: None

Absent: Weprin, Kramer

DAVE NEUFELD

Secretary

Prepared by:

Ann P. Powers