

MINUTES OF A MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF MAMARONECK, NEW YORK, HELD ON THURSDAY, MAY 2, 2013 AT 7:30 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 2, 2013. 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: Barry Weprin, Vice Chairman
Robin Kramer, Secretary
Greg Sullivan, Board Member
Dave Neufeld, Board Member
Anna Georgiou, Counsel to Board
Bill Gerety, Building Inspector

ABSENT: Larry Gutterman, Chairman
Joseph Angiello, Assistant Building Inspector

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

Ms. Kramer called to order the Regular Meeting at 7:36 p.m. She noted that Chairman Gutterman will be absent for the meeting tonight and that Mr. Weprin would be slightly late. Ms. Kramer asked if any applicant wished to adjourn their application to make that request at this time. Joseph Messina, attorney for the Ottingers in the appeal of 818 The Crescent (#2I-2013) stated that although the Ottingers are not the applicants, he would prefer there be a full Board present. Ms. McCrory, the applicant, stated that she did not have an issue with adjourning the application until the June meeting. Ms. Kramer stated that Application #2I-2013 is adjourned until June 6, 2013.

At 7:39 p.m. Mr. Weprin joined the meeting as the Acting Chairman.

PUBLIC HEARINGS

1. Application #6SP-2010, HECTOR VASQUEZ D/B/A STATION STOP DELI, 211 Halstead Avenue (Section 9, Block 12, Lot 1B), to renew an existing special permit to operate a deli. (C-2 District)

Hector Vasquez, the applicant, addressed the Board. He stated that he is requesting the renewal of his special permit to operate a deli. The deli has been open for three years, he indicated and that there have not been any changes in the operation of the deli.

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

Mr. Sullivan moved to close the public hearing on Application #6SP-2010, seconded by Ms. Kramer.

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

2. Application #2SP-2007, BEACH POINT CLUB, 900 Rushmore Avenue (Section 9, Block 97, Lot 2), to renew an existing special permit to conduct non-member events. (R-15 District)

Logan Irons, Office Administrator for the club, addressed the Board. He stated that Randall Ruder, the Manager, was unable to attend the meeting. He stated that he is requesting a renewal of the special permit to offer non-member events during the year. Mr. Irons stated that in 2012, the Club held two non-member events and in 2011, it held no non-member events.

Mr. Irons stated that the club does conduct community events, which are done at cost or at a substantially reduced rate and includes organizations such as the Mamaroneck Fire Department, the Police Chief's Association, The Emelin Theater, White Plains Hospital and Gilda's Club.

When asked what his definition of a non-member event is, Mr. Irons said that it is an event hosted by anyone who is not a member.

Acting Chairman Weprin asked if anyone wished to address the Board.

Beverly Sansone, a neighbor, addressed the Board. She stated that she resides next to the Beach Point Club. Ms. Sansone said that the Club Manager has tried to keep it quiet during events which end at 1:00 a.m. or 2:00 a.m. It's the people that close up after the events that make a lot of noise, she noted. Ms. Sansone said that she would like to suggest that the Club do their cleaning up the next day.

Mr. Irons stated that the Club has been holding parties since 1926 without complaints and that all vendors close up the next day except for the disc jockeys that do it at night after the event. Mr. Irons stated that Mr. Ruder has provided Ms. Sansone with his cell number to call if there are noise problems.

Ms. Sansone stated that she has called Mr. Ruder when it gets noisy and he has not answered when she calls. She said she found it hard to believe that the equipment is the cause of all the noise because the disc jockey equipment is expensive and she doesn't believe people would be banging it around so loudly.

Acting Chairman Weprin asked if anyone else wished to address the Board.

Dan Natchez addressed the Board. He stated that the Club is an exceedingly desirable neighbor and acts as a club should act. He went on to say that the Club complies with all the requirements and urges the special permit be granted.

Ms. Sansone reiterated that she is asking that any taking down of equipment and tables be done the next day.

Mr. Sullivan moved to close the public hearing on Application #2SP-2007, seconded by Mr. Weprin.

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

3. Application #9A-2013, EAST COAST NORTH PROPERTIES, LLC., 416 Waverly Avenue a/k/a 560 Fenimore Road (Section 8, Block 111, Lots 29-42), for four variances to construct a new four-story (40,620 sq. ft.) self-storage facility, and site and existing building improvements where the proposed plan violates Article VI, Section 342-38 of the Schedule of Minimum Requirements where the applicant proposes a Floor Area Ratio of 1.34 where no more than 1.0 is allowed and a new building of four stories where no more than three stories are allowed. The proposed plan also violates Article VIII, Section 342-57 of the Schedule of Off-Street Loading Requirements where the applicant proposes two loading spaces and ten loading spaces are required. The proposed plan also violates Article VIII, Section 342-56 of the Schedule of Off-Street Parking Requirements where the applicant proposes 52 parking spaces and 86 parking spaces are required. (M-1 District)

Paul Noto, attorney for the applicant, addressed the Board. He stated that also in attendance were Kim Martelli, the architect and Michael Stein, the engineer. He stated that the applicant is also known as Murphy Brothers. He indicated that the applicants want to utilize a portion of an existing site for a four-story, 40,620 sq. ft. self-storage building. Mr. Noto said that the process started with the Planning Board, which did a thorough SEQRA review and issued a Negative Declaration. Mr. Noto stated that the applicant will also need to appear before the HCZMC for consistency and then back to the Planning Board for final approval.

Mr. Noto listed the four variances that are being requested. He noted that in 2010, a similar application by the Murphy Brothers was proposed and came before the ZBA and was withdrawn by the applicant. This application, Mr. Noto said, is substantially smaller than the application from 2010. Mr. Noto said that the applicant has made changes to the plan per the Planning Board's recommendation and that he believes the Planning Board feels the project is appropriate for the neighborhood.

With respect to the parking, Mr. Noto said a traffic report from BFJ Consulting (Frank Fish) was submitted to the Board. He noted that self-storage facilities tend to have less traffic because of the nature of the business. Mr. Noto indicated that it is estimated that approximately 18 cars a day will be using the parking and that this is the least traffic intensity for this site.

Mr. Noto indicated that the site is largely impervious and that the applicant is improving the aesthetics for the entire area with plantings and rain gardens. He also said that the closest facility of this type is in Port Chester and New Rochelle.

Kim Martelli, the architect for the applicant, addressed the Board. She reviewed the site plan with the Board, including the signage and where the building would be erected. The building itself will have an exterior stucco finish and a roof with terra tiles, she indicated. Ms. Martelli said that there will be shallow canopies to accent the building. She stated that the primary entrance will be located at the east façade of the building. There will also be two loading areas at the rear of the building and there will be a continuity of architecture, Ms. Martelli noted.

Ms. Martelli stated that another existing building on the lot will be detailed and wrapped with plantings. She noted that the second building has two new storefronts and that the applicant has been working with the Village's landscape consultant to make the area aesthetically pleasing. Ms. Martelli said that the Waverly Avenue side of the property will be bordered with trees.

With respect to parking, Ms. Martelli noted that an inventory was performed for each of the buildings. Building A has 8 parking spaces, Building D had 4 parking spaces, Building B has 4 parking spaces and Building C will have 16 parking spaces, Ms. Martelli indicated. She also stated that the Waverly Avenue entrance is being moved to align with the parking isles. Ms. Martelli said that the new building will have 9 parking spaces and 2 loading spaces. She noted that there is direct access to the new building from Waverly Avenue.

Mr. Neufeld noted that the numbers for the parking spaces don't seem to add up and said that a variance is needed if the applicant isn't meeting the requirement. Mr. Noto answered that the 86 parking spaces the Building Department says the applicant needs is the variance requested. He said that the applicant is proposing 52 spaces in total and that the parking spaces are not being allocated per renter, but for the entire site.

Ms. Martelli stated that the study helped show what the needs of the potential tenants would be and allowed her to make the determination with respect to parking spaces. Mr. Neufeld asked if the applicant is limiting future tenants to this use and Mr. Noto said that was correct.

Ms. Kramer stated that except for the new self-storage facility, everything else on the property is an existing use. She asked how many parking spaces there currently are and Ms. Martelli answered 38 spaces, which includes two buildings being removed. Mr. Noto stated that there will be more parking under the new plan. Ms. Kramer questioned whether the 86 parking spaces is the correct number or is that number bigger or smaller. Mr. Gerety stated that if a parking space number is 2.1, it would be rounded to 3 spaces. Ms. Kramer stated that the Board would like to know the exact number of spaces that are required so that it can know what the variance will be.

Mr. Neufeld asked how one area has zero spaces and two spaces are required. Ms. Martelli said that "zero" means unassigned. Mr. Neufeld asked if employees will be parking in the lot as well and Ms. Martelli stated that there are 9 spaces designated for employee parking. Mr. Noto suggested that the Board go on a site visit to get a better picture of what is being proposed.

Mr. Noto referenced the Village Planner's memo dated October 7, 2012 regarding the progression of the project. Ms. Kramer noted that in 2010, when a similar project was proposed from the Murphy Brothers, there was a big concern regarding flooding. She asked how the

flooding issue has been resolved with this new project. Michael Stein, the applicant's engineer, stated that the new proposed building will be built two feet above to address the flooding issues. Ms. Kramer asked what will be between the grade and the building and Mr. Stein said that will be where the foundation is. Ms. Martelli added that the loading spaces will be in the flood area and no basement levels will be occupied. Mr. Neufeld asked if piles were being built and Ms. Martelli stated that she did not know at this point.

Ms. Kramer asked how many trees are being planted along Waverly Avenue and Ms. Martelli indicated 10 trees. She said she worked with the Village's tree consultant to determine the best plan.

Ms. Kramer asked why the building was being built as a four-story instead of a three-story building. Mr. Noto said that the extra floor is needed for the storage. Mr. Neufeld asked if there was a setback requirement for Waverly Avenue and Ms. Martelli stated there was not.

Ms. Martelli went on to describe the proposed building. She said that the floors will be ten feet in height, with 269 units and not all units will be the same size. Mr. Neufeld asked if there were a maximum number of buildings that could be built on the site and Mr. Gerety said there was not.

With respect to FAR, Ms. Kramer stated that a 33% increase in FAR is substantial and asked why that amount is needed. Ms. Martelli stated that the square footage of the rentable units requires that amount in order for this project to be profitable.

Mr. Neufeld asked why the parking area for the storage unit couldn't be cut off from the rest of the lot. Ms. Martelli stated that it was felt the storage spaces would be under-utilized, so the applicant wants to make them more accessible.

Ms. Kramer asked if the stormwater issues were being dealt with. Mr. Stein stated that the applicant is meeting the Village's requirements with respect to stormwater management. Ms. Kramer noted that currently a lot of stormwater runs off from the property onto the Village streets and asked if the applicant was reducing the amount of run-off. Mr. Stein stated that the applicant is reducing the amount of run-off by 6% and also treating the run-off. Mr. Neufeld asked if the applicant would be building the project as well as using the site and Mr. Noto said yes.

The Board requested that Ms. Martelli fill out the parking requirements for use and Ms. Martelli indicated that she would do that. Acting Chairman Mr. Weprin asked why it would not be economically feasible to have one less story. Sean Murphy, the applicant, stated that he wouldn't get a good return if he kept the building at three stories; doing it this way is the most minimal way to build and still make it a profitable business.

Mr. Neufeld noted that the loading spaces are limited to only two spaces and asked what would happen if there were three cars that needed to unload. Mr. Noto stated that the cars can also park in regular parking spots and unload as opposed to only parking in the loading areas. Ms. Kramer

asked if carts would be provided to the customers to move their possessions into and out of storage and Mr. Murphy stated that carts would be provided.

Acting Chairman Weprin asked if anyone wished to address the Board.

Alan Stern, of Jastar Realty, stated that he has an optical business right next door to where the proposed building will be built. He read a letter he wrote to the Planning Board in the fall of 2012 regarding his concerns with the project and in particular, the proposed height of the building. He stated that most of the buildings in the area are low, giving the neighborhood an open appearance. Mr. Stern indicated that there wasn't another building in the area that was 45 feet high and that this will be the first building of this height in the neighborhood.

He also noted that the building will be built three feet from the property line. The height of the building will block the sun to his building, as well as create shadows. He also noted that blocking the sun will create icing problems in the winter.

Mr. Stern went on to say that the rear wall of the proposed building will be windowless facing his building and parking lot and that the entire building will block the view of the sky. He stated that the proposed building will also affect the houses across the street.

Mr. Stern indicated that, although the enhancements to the property itself will be positive, the size is extremely large. He suggested that instead of building a fourth floor, the applicant should build out in order to keep the height lower. He also said that the building should be set back further. Mr. Stern said that ten free public parking spaces will be lost due to this project. With respect to run-off, Mr. Stern stated that he did not know how it would affect his property.

Ms. Martelli addressed Mr. Stern's comment regarding parking. She stated that off-site improvements are being done at the discretion of the Village and that the ten parking spaces are not designated for the storage area.

Discussion arose as to the setbacks and the Village code, and whether the Planning Board established setbacks on Waverly Avenue. Mr. Noto stated that, according to the Building Department, since the building on Fenimore Road is an existing non-conforming no variance is necessary. Mr. Neufeld stated that he would like to see why a variance isn't needed for a setback on a corner lot not less than ten feet. Mr. Noto stated that the Planning Board felt the .4 foot setback was okay for the proposed building. He said he would ask the Village Planner to prepare a memo to the ZBA addressing the setback matter.

Mr. Noto stated that with respect to Mr. Stern's concerns about the height of the building, the applicant is allowed to have a building of that height; it is the request for four stories that is the issue.

It was determined that the applicant would provide the parking calculations and economic information on the FAR to the Board. Mr. Noto will also provide the study done by BFJ Consultants in 2004.

The application was adjourned until the June 6th meeting.

CLOSED APPLICATIONS

1. Application #2I-2012, HENRIETTE MCCABE, regarding 418 North Barry Avenue (Section 4, Block 27, Lot 12), for an appeal of the issuance of a building permit (revision) for authorized grading changes. (R-5 District)

Acting Chairman Weprin stated that counsel had prepared a draft resolution which indicated that this application was not the proper venue for this Board. Mr. Neufeld had a question regarding how the resolution starts with mentioning the prior two determinations and whether that is the right way to start it. The rest of the Board did not have an issue with the draft resolution.

On motion of Mr. Sullivan, seconded by Mr. Neufeld, the draft resolution was adopted without revision denying the appeal based on lack of jurisdiction.

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

2. Application #6SP-2010, HECTOR VASQUEZ D/B/A STATION STOP DELI, 211 Halstead Avenue (Section 9, Block 12, Lot 1B), to renew an existing special permit to operate a deli. (C-2 District)

On motion of Mr. Neufeld, seconded by Mr. Sullivan, the application for renewal of the special permit without a term limit is approved.

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

3. Application #2SP-2007, BEACH POINT CLUB, 900 Rushmore Avenue (Section 9, Block 97, Lot 2), to renew an existing special permit to conduct non-member events. (R-15 District)

On motion of Mr. Sullivan, seconded by Mr. Neufeld, the application for renewal of the special permit with a three year term limit is approved.

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

MINUTES

On motion of Ms. Kramer, seconded by Mr. Sullivan, the April 24, 2013 special meeting minutes are approved.

Ayes: Kramer, Sullivan, Weprin, Neufeld

Nays: None
Absent: Gutterman

The minutes of the April 4, 2013 meeting were tabled for review.

ADJOURN

On motion of Mr. Sullivan, seconded by Mr. Neufeld, the meeting was adjourned at 9:20 p.m.

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

ROBIN KRAMER
Secretary

Prepared by:
Ann P. Powers