

MINUTES OF A MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF MAMARONECK, NEW YORK, HELD ON THURSDAY, NOVEMBER 6, 2014 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 November 6, 2014. 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: Dave Neufeld, Acting Chairman
Robin Kramer, Secretary
Greg Sullivan, Board Member
Len Violi, Board Member
Anna Georgiou, Counsel to Board
Les Steinman, Counsel to Board
Rex Gedney, Agent for Building Inspector
Dan Gray, Building Inspector

ABSENT: Barry Weprin

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VILLAGE OF MAMARONECK
NEW YORK

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

Mr. Neufeld stated that Mr. Weprin would not be present.

PUBLIC HEARINGS

1. Application #1SP-2008, HSING-YA CHIANG, D/B/A HAIKU ASIAN RESTAURANT, 265 Mamaroneck Avenue, (Section 9, Block 19, Lot 8A3) to renew a special permit to operate an existing restaurant. (C-2 District)

Mr. Chiang represented himself. He stated there weren't any violations or changes to the hours of operation.

Mr. Neufeld asked if anyone wanted to address the Board. None did.

Mr. Sullivan motioned to close the public hearing, seconded by Ms. Kramer.

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

2. Application #18A-2014, MICHAEL AND CATHERINE MALDARI, 1009 Shore Acres Drive, (Section 4, Block 71, Lot 16A), for an area variance to expand a deck. The proposed deck expansion violates Article V, Chapter 342-27 of the Schedule of Minimum Requirements where the minimum rear yard setback is 30' and the applicant proposes 23.25'. (R-10 District)

Mr. and Mrs. Maldari represented themselves. The Notice of Disapproval states that the rear yard setback will be 23.25'. Mr. Neufeld noticed that the plans show 19'10". Mr. Gray stated that the zoning chart on the plans is wrong, but the proposed rear setback shown on the plans, 19' 10" is accurate and the Notice of Disapproval would be revised accordingly.

Mr. Neufeld asked if anyone wanted to address the Board. None did.

Mr. Maldari submitted a letter from his rear neighbors at 1012 The Parkway stating that the neighbors do not object to the deck expansion.

Mr. Clark Neuringer wanted to confirm that the necessary variance is not what is on the public hearing notice.

Ms. Georgiou suggested that although the public hearing notice reflects a lesser required rear yard variance, such notice still appears to be legally sufficient, substantially complying with notice requirements, and therefore under such circumstances the application would not require re-noticing; the Board however, should make the final determination..

Mr. Sullivan motioned to close the public hearing, seconded by Mr. Neufeld.

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

3. Application #16A-2014, DOMINICK AND NATALIE SOUSA, D/B/A MCRUZ LLC, 440 Beach Avenue, (Section 4, Block 26, Lot 12), for an area variance to construct a new one family residence. The proposed residence violates Article V, Chapter 342-27 of the Schedule of Minimum Requirements where the minimum front yard setback is 20' and the applicant proposes an entrance platform of 9' and a residence of 13'. (R-5 District)

Martha Sokol McCarty, Esq. and Mark Mustacato, R.A. represented the applicants. Ms. McCarty stated that the applicants would like the house to face Orchard Street. It will not be a detriment and fits in the neighborhood. Mr. Neufeld asked, since the lot is vacant can't the applicant make it work without a variance. Ms. McCarty said although the house could be put the other way, there are practical and aesthetic reasons to face Beach Avenue such as the topography being higher on Beach Avenue, less regrading is necessary. She also stated that the other houses on street have an average front setback of 10'.

Mr. Mustacato stated the property is a corner lot, it is hard to meet 2 front setbacks of 20'. Ms. Kramer stated most houses on Orchard have a front setback of 15'. Mr. Mustacato stated most of the other houses have front porches closer to the setback. There was a discussion as to whether the setback is measured from the house or the front stairs. Mr. Gray read from Zoning Code § 342-14 which states that certain architectural features are a permitted projection, up to 3'. Ms. Georgiou asked Mr. Gray to clarify the variance that is needed. Mr. Gray stated that a variance of 11' is being requested. Mr.

Sullivan stated that 2 parking spaces will be taken away. Ms. McCarty stated that the curb cut on Orchard Street will be closed.

Mr. Neufeld asked is anyone wanted to address the Board. Several did.

Mr. Mustacato went over the plans with the owner(s) of 456 Beach Avenue.

Charles O'Neill of 439 Beach Avenue stated that other corner lot houses in the area don't face the side street.

Sara Richards of 511 Orchard Street stated that setbacks allow for water coming off the building. There are flood retention and water drainage issues on Orchard Street and Beach Avenue. She believes other houses were built when the road was narrower.

Clark Neuringer stated that this is a brand new structure, the Board is entitled to have alternatives presented. The proposed setback is onerous, future houses may want to replicate it. . It's very important to preserve front yard setbacks.

Stuart Tiekert of 130 Beach Avenue is concerned with the aesthetics, mass and setback. It will be a tall structure on a corner lot and the garage on Beach Avenue doesn't seem right.

Mr. Mustacato stated that the Village requires an engineer designed stormwater system with 0 increase in run-off from the property. He expects to accommodate the retention needed.

Mr. Sullivan motioned to close the public hearing, seconded by Mr. Neufeld.

Ms. Kramer asked if the Board should ask to see a plan for a smaller variance. Mr. Sullivan said that their counsel had said they've looked at other options. Mr. Neufeld said that the applicants aren't prepared for that, it's not the Board's standard.

Ayes: Sullivan, Kramer, Neufeld, Violi

Nays: None

Absent: Weprin

Mr. Neufeld asked Ms. McCarty if the applicants preferred the entire Board to vote. Ms. McCarty went in the hall to speak to her clients. She returned and stated they would like to wait for Mr. Weprin to be included in the vote.

4. Application #17A-2014, JENNIFER AND YAKHYA FALL, 519 Brook Street, (Section 4, Block 54, Lot 3), for area variances to construct a 2 ½ story addition with attached garage. The proposed garage violates Article V, Chapter 342-27 of the Schedule of Minimum Requirements where the minimum required side yard setback is 6' and the applicant proposes 5'. The garage also violates the minimum combined yard setback of 14' where the applicant proposed 11'. (R-5 District)

Raul Bello, R.A. represented the applicants. He stated that the removal of the garage will be an immediate improvement. The entire house will be renovated with a new garage, a new deck and stone patio. The side yard is currently 4.7'; it will be 5'.. The combined side yard is currently 9.8'and 11' will result based on the proposed home renovation. . He stated that the proposed home renovation will improve existing conditions.

Mr. Neufeld asked is anyone wanted to address the Board. None did.

Ms. Kramer motioned to close the public hearing, seconded by Mr. Sullivan

Ayes: Violi, Neufeld, Sullivan, Kramer

Nays: None

Absent: Weprin

CLOSED APPLICATIONS

1. Application #2S-2014, MEN AT WORK 427 BOSTON POST RD, LLC, D/B/A DUNKIN DONUTS, 427 East Boston Post Road, (Section 4, Block 60, Lot 7B1), for variances to permit a freestanding sign. The proposed sign violates Chapter 286-11 B (1) a freestanding sign is only allowed when the front of a building is set back 50 feet or more from the property line, the building is set back 39.1 feet. The proposed sign also violates Chapter 286-11 B (2) no freestanding sign shall be located less than 15 feet from a side property line, the proposed sign is 2 feet from the side property line. (MC-2 District)

Counsel prepared a draft resolution.

The Board discussed the merits of the application. Mr. Sullivan thinks the application should have been originally granted.

On motion of Mr. Sullivan, seconded by Mr. Violi the draft resolution was approved and adopted.

Ayes: Sullivan, Kramer, Violi, Neufeld

Nays: None

Absent: Weprin

2. Adjourned Application #3I-2013, SHORE ACRES PROPERTY OWNERS ASSOCIATION, ET AL., regarding 700 S. Barry Avenue a/k/a 555 S. Barry Avenue, Mamaroneck Beach and Yacht Club, (Section 4, Block 37, Lot 1) for an appeal of the determination of the Building Inspector, made on April 5, 2013 finding the amended site plan application of Mamaroneck Beach and Yacht Club is zoning compliant. (MR District)

Adjourned to December 4, 2014 meeting.

3. Application #1SP-2008, HSING-YA CHIANG, D/B/A HAIKU ASIAN RESTAURANT, 265 Mamaroneck Avenue, (Section 9, Block 19, Lot 8A3) to renew a special permit to operate an existing restaurant. (C-2 District)

The Board discussed the merits of the application.

On motion of Mr. Sullivan, seconded by Ms. Kramer the application to renew a special permit to operate an existing restaurant was approved with no term limit.

Ayes: Violi, Kramer, Sullivan, Neufeld

Nays: None

Absent: Weprin

4. Application #18A-2014, MICHAEL AND CATHERINE MALDARI, 1009 Shore Acres Drive, (Section 4, Block 71, Lot 16A), for an area variance to expand a deck. The proposed deck expansion violates Article V, Chapter 342-27 of the Schedule of Minimum Requirements where the minimum rear yard setback is 30' and the applicant proposes 23.25'. (R-10 District)

The Board discussed the merits of the application. Mr. Neufeld verified with Ms. Georgiou that the public hearing notice was ok. Ms. Kramer is fine with the application, although it is a substantial variance it's for a deck not a structure. Mr. Violi agreed.

On motion of Mr. Violi, seconded by Mr. Sullivan the application for an area variance to expand a deck as modified to reflect a proposed rear yard setback of 19' 10" was approved.

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

5. Application #17A-2014, JENNIFER AND YAKHYA FALL, 519 Brook Street, (Section 4, Block 54, Lot 3), for area variances to construct a 2 ½ story addition with attached garage. The proposed garage violates Article V, Chapter 342-27 of the Schedule of Minimum Requirements where the minimum required side yard setback is 6' and the applicant proposes 5'. The garage also violates the minimum combined yard setback of 14' where the applicant proposed 11'. (R-5 District)

The Board discussed the merits of the application.

On motion of Ms. Kramer, seconded by Mr. Violi the application for area variances to construct an addition with attached garage was approved.

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

Mr. Neufeld announced that the January 2015 meeting will be rescheduled from January 1st to January 6th.

MINUTES

The minutes for September and October 2014 were not approved as the Board did not have enough time to review them.

On motion of Mr. Sullivan, seconded by Mr. Violi the meeting was closed.

**Prepared by:
Barbara Ritter**

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