

MINUTES OF A MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF MAMARONECK, NEW YORK, HELD ON THURSDAY, MAY 1, 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 May 1, 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: Larry Gutterman, Chairman
Dave Neufeld, Board Member
Greg Sullivan, Board Member
Barry Weprin, Vice Chairman
Anna Georgiou, Counsel to Board
Les Steinman, Counsel to Board
Bill Gerety, Building Inspector
Robert Hughes, Assistant Building Inspector

ABSENT: Robin Kramer, Secretary

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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.

CALL TO ORDER

Chairman Gutterman called to order the Regular Meeting at 7:37 p.m. He stated that there is not a full Board, Ms. Kramer will not be here tonight and Mr. Weprin will be late. Any applicant who wishes to be heard before the full Board can reschedule. Application #8A-2014, Cappetta, Inc., 510 Pine Street will not be heard as there was an issue with their noticing. The application is expected to be heard in June. The agenda will be taken in order other than Closed Application #1SP-2014, Hampshire Club.

CLOSED APPLICATIONS

Adjourned Application #1SP-2014, HAMSHIRE CLUB, INC., 1025 Cove Road, (Section 9, Block 89B, Lots 15 & 16, Section 9, Block 89C, Lots 22A & 23, Section 9, Block 89D, Lots 24, 25, 26, 27 & 28, Section 9, Block 72, Lots 1, 2, 3, 11, 17B, 17C, 18D, 24, 25, 28 & 29) for a special permit to host non-member events (MR/R-20 Districts)

Mr. Gutterman stated that materials were submitted after the last meeting, when the hearing was closed. The materials were contained in a closed envelope on the dais. The Board discussed whether or not to review the post-hearing materials and received advice from Mr. Steinman regarding preserving the integrity of the public hearing record. It was noted that everyone had a chance to speak at the open hearing(s) and no reason was given why the materials were submitted late.

On motion of Mr. Neufeld, seconded by Mr. Sullivan, the Board resolved not to accept or consider the materials submitted after the public hearing was closed.

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

PUBLIC HEARINGS

1. Application #8SP-2011, MARIO CASTALDO, D/B/A CAS CAR IMPORTS LTD., 519 Waverly Avenue, (Section 8, Block 101, Lot 12) to renew a special permit to operate a motor vehicle repair shop. (M-1 District)
Mr. Mario Castaldo represented himself. The Board questioned the Dept. of Health permit, it expired 12/31/13. Mr. Castaldo stated it should be good until 2015 as it is good for 2 years. The hearing will stay open for re-submittal of the permit.

Mr. Weprin arrived.

2. Application #7SP-2011, T&A PIZZA, D/B/A EMILIO'S PIZZA, 357 Mamaroneck Avenue, (Section 9, Block 19, Lot 24) to renew a special permit to operate a pizza restaurant. (C-2 District)

Tafil Rramanas owner, address the Board. He stated everything is the same as in the original special permit.

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

Mr. Sullivan moved to close the public hearing, seconded by Mr. Weprin.

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

3. Application #7SP-2014, 266 MAMARONECK AVENUE CORP., 266 Mamaroneck Avenue, (Section 9, Block 31, Lot 23B) for a special permit to operate a self serve salad bar. (C-2 District)

Jonathan Villani, agent and Anthony Caliguiri, owner addressed the Board. Mr. Villani stated they don't have to appear before the Planning Board. The hours of operation will be 10am – 10pm Monday – Saturday and 10 am – 8 pm on Sunday. Delivery is questionable. There will be unisex bathrooms. The square footage of the store is 3,000 square feet with 1,100 – 1,200 square feet being used for the actual service area.

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

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

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

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

Michael Hynes, owner addressed the Board. He stated he isn't looking to change any of the parameters of the original special permit. The Board stated that there are still Police Department and neighbor complaints regarding noise. Mr. Hynes stated that it is the same four people complaining about the noise and that his staff does its best to keep the windows and doors closed but sometimes customers open them. He also stated there is a letter from the Board of the Regatta saying they don't have any issues with the restaurant. Mr. Hynes confirmed the restaurant's Cabaret License is in effect. Chairman Gutterman stated that the Board doesn't have that letter but they do have letters containing 21 signatures from Regatta residents as well as a letter from Ms. Kate Priest of 133 Prospect Avenue.

Chairman Gutterman asked if anyone wanted to address the Board. Ms. Kate Priest spoke of years of complaining about the noise every weekend. When the Police arrive, the window get closed, no citations are issued.

The hearing will remain open. The referenced letter from the Board of the Regatta should be submitted for the record.

5. Application #14SP-2012, F&B, LLC, D/B/A CLUB CAR RESTAURANT, 1 Station Plaza, (Section 9, Block 19, Lot 1A) to renew a special permit to operate a restaurant. (C-1 District)

Mr. Brian McMenamin, owner addressed the Board. He stated he is not looking to modify the parameters of the previous permit, he's just looking for a straight out renewal.

Chairman Gutterman asked if anyone wanted to address the Board. Mr. Larry Cohen of 100 Shelldrake Place did. He stated that he likes the restaurant and doesn't have any noise complaints but the train tunnel needs to be tidier and cleaner. Mr. McMenamin stated that he would like to close the tunnel when the restaurant is closed as there are vagrants there overnight, but he will keep it cleaner.

Chairman Gutterman asked if anyone else wanted to address the Board. None did. He then read an e-mail from Matthew Pang who wanted to confirm that the guidelines for outdoor seating and live music weren't subject to change with the renewal. He feels a reasonable compromise was reached last time.

Mr. Sullivan moved to close the public hearing, seconded by Mr. Weprin.

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

6. Application #6A-2014, JONATHAN AND SUDESHNA BANKS, 808 Fairway Place, (Section 9, Block 81, Lot 9B) for an area variance to construct a roof portico at the front entrance with said portico violating Article IV, Section 342-14 where architectural features may not project more than 3'-0" into any required yard and the applicant proposes to project 5'-10 1/2" into the required front yard. (R-15 District)

Mr. Vince DiCarlo, contractor, represented the Banks' and addressed the Board. He stated the design is unique and beautiful, it will enhance the curb appeal, it won't detract from the neighborhood and will be a functional means of egress and ingress. The portico will not extend more than the current landing.

Chairman Gutterman stated the survey in the application is dated 2008, it should be currently dated. He asked if the neighboring houses were closer to the street. Mr. DiCarlo said the survey shows the current condition of the property and the neighbors on the left and right are both corner properties.

Chairman Gutterman asked is anyone wanted to address the Board. Clark Neuringer, R.A., 622 Stiles Avenue spoke. He stated that during his ten year tenure on the Board it was very rare for a front yard variance to be granted. In fact, when he represented a

client for a front yard variance, it was turned down. He wants the Board to look very carefully, the uniformity and setbacks have been consistent. When you open the door, it's hard to stop. When he was on the Board, they granted a lot of fence variances, it was very hard to say no.

Chairman Gutterman stated this was the first front yard setback he's seen in his 2 ½ years on the Board. He would like to hold the hearing open. He would like the applicant to provide contextual information on the neighbors on the block and across the street. An updated survey (dated within a year) should also be submitted. The hearing will remain open.

7. Application #7A-2014, STEVEN ROSENBLATT AND PAMELA MICHELS, 270 Fifth Street, (Section 4, Block 49, Lot 104) for a variance of Article IX, Section 342-64(A) non-conforming use of buildings, to construct an addition to a two family dwelling in a single family zone, where a building or structure the use of which does not conform to the use regulations for the district in which it is situated shall not be altered, enlarged or extended. The applicant also violates Article VIII, Section 342-54 (B) off street parking, where the applicant proposes to have one parking space within the required front yard (R-5 District)

Mark Gazda, contractor and Mariella Malizia, designer represented the owners. Mr. Gazda discussed the application and proposed improvements and stated the house is a two family with only two parking spaces in the front. They are trying to improve the parking situation and provide the four parking spaces that are required by Code. Three of the four spaces shown in the drawings would comply with Code.

Chairman Gutterman asked if anyone wanted to address the Board. None did.

Mr. Weprin moved the close the public hearing, seconded by Mr. Neufeld.

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

Chairman Gutterman stated, again, that Application #8A-2014 would not be heard tonight. Application #3I-2013 would not be heard tonight either, at the applicant's request it will be heard in June.

CLOSED APPLICATIONS

1. Adjourned Application #1SP-2014, HAMPSHIRE CLUB, INC., 1025 Cove Road, (Section 9, Block 89B, Lots 15 & 16, Section 9, Block 89C, Lots 22A & 23, Section 9, Block 89D, Lots 24, 25, 26, 27 & 28, Section 9, Block 72, Lots 1, 2, 3, 11, 17B, 17C, 18D, 24, 25, 28 & 29) for a special permit to host non-member events (MR/R-20 Districts) (DRAFT RESOLUTION)

Chairman Gutterman stated that Ms. Kramer is not here. She recused herself from this application as the owner of Hampshire is a former client of the firm she works for.

Mr. Steinman read Ms. Kramer's recusal letter to the Board.

Mr. Steinman recommended that the Board adopt the Court Reporter's transcript for the Hampshire application, if they've read it. Chairman Gutterman said when the time comes to approve the April minutes, we will consider it.

The Board proceeded to consider the draft resolution. Mr. Gutterman stated that he doesn't have any comments regarding the draft resolution.

Mr. Weprin stated that he was absent from the April meeting but reviewed the video recording of that meeting.

On Mr. Neufeld's suggestion the wording was changed so that parking for non-member events is to be located entirely on property owned by the Club. He also suggested the hours for non-member events seemed a little late. Mr. Steinman stated the hours in the resolution were taken from the Zoning Code.

The Board further discussed whether or not to grant the special permit for non-members events just for the MR zone or to include the R-20 zone. Mr. Sullivan stated that he was inclined to grant the permit for the entire property, not just the MR zoned portion of the property. Chairman Gutterman pointed out that they had had this discussion last month and received Advice of Counsel on the matter and still felt that the Board's jurisdiction to grant non-member event special permits was limited to MR zoned property.

On motion of Mr. Neufeld, seconded by Mr. Weprin, the draft resolution was adopted as amended.

Ayes: Weprin, Neufeld, Gutterman
Nays: Sullivan
Recused: Kramer

2. Application #7SP-2011, T&A PIZZA, D/B/A EMILIO'S PIZZA, 357 Mamaroneck Avenue, (Section 9, Block 19, Lot 24) to renew a special permit to operate a pizza restaurant. (C-2 District)

The Board discussed the merits of the application. The conditions will stay the same with no time limit.

On motion of Mr. Weprin, seconded by Mr. Neufeld, the special permit renewal was approved.

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

3. Application #7SP-2014, 266 MAMARONECK AVENUE CORP., 266 Mamaroneck Avenue, (Section 9, Block 31, Lot 23B) for a special permit to operate a self serve salad bar. (C-2 District)

The Board discussed the merits of the application.

On motion of Mr. Sullivan, seconded by Mr. Weprin, the special permit was granted.

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

4. Application #14SP-2012, F&B LLC, D/B/A CLUB CAR RESTAURANT, 1 Station Plaza, (Section 9, Block 19, Lot 1A) to renew a special permit to operate a restaurant. (C-1 District)

The Board discussed the merits of the application. Mr. Gerety requested that Mr. McMenamain have to obtain a permanent Certificate of Occupancy within a year.

On motion of Mr. Neufeld, seconded by Mr. Weprin, the special permit is renewed with the same conditions plus the condition of obtaining the Certificate of Occupancy within a year. The special permit has a time limit of three years.

Ayes: Sullivan, Neufeld, Weprin, Gutterman

Nays: None
Absent: Kramer

5. Application #7A-2014, STEVEN ROSENBLATT AND PAMELA MICHELS, 270 Fifth Street, (Section 4, Block 49, Lot 104) for a variance of Article IX, Section 342-64(A) non-conforming use of buildings, to construct an addition to a two family dwelling in a single family zone, where a building or structure the use of which does not conform to the use regulations for the district in which it is situated shall not be altered, enlarged or extended. The applicant also violates Article VIII, Section 342-54(B) off street parking, where the applicant proposes to have one (1) parking space within the required front yard. (R-5 District)

The Board discussed the merits of the application, including that the proposed improvements will not affect the building footprint, on-site parking will be improved, and the appearance of the home will be consistent with the nature of the neighborhood.

On motion of Mr. Weprin, seconded by Mr. Sullivan the variances were granted.

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

Mr. Steinman stated he would like the transcript of the Hampshire application to be approved although the minutes of the April meeting are not complete.

Chairman Gutterman doesn't want to act on the transcript until he sees the draft of the minutes.

ADJOURN

The meeting was adjourned at 9:47 p.m.

Prepared by:
Barbara Ritter

