

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

Chairman Gutterman called to order the Regular Meeting at 7:37 p.m.

PUBLIC HEARINGS

1. Application #2SP-2014, JERMAINE MOURE D/B/A MASSA2, LLC., 599 East Boston Post Road (Section 4, Block 60B, Lot 24), for a special permit to operate an existing restaurant. (C-1 District)

Chairman Gutterman called Application #2SP-2014 and no one was present.

2. Application #3SP-2014, FIRST CLASS CLEANERS OF MAMARONECK, INC., 620 (626) East Boston Post Road (Section 4, Block 53, Lot 2B), for a special permit to operate a dry cleaner. (C-1 District)

Michael Tiesi, representing the applicant, addressed the Board. He stated that the applicant is seeking a special use permit to operate a dry cleaning establishment at 620 E. Boston Post Road. He noted that the adjacent tanning salon will continue to operate. Mr. Tiesi stated that the dry cleaning will be on site.

Ms. Kramer referenced the notification which mentions shoe repair and tuxedo rental. Mr. Tiesi stated that the applicant’s intention was to repair shoes and rent tuxedos. He went on to say that the shoe repair won’t be done at the location, but at another location instead. Mr. Tiesi stated

that there will be no access from the rear of the building and that the service will be drop off and pick up.

Chairman Gutterman asked the Building Inspector if the use was as of right. Mr. Gerety said it was. Chairman Gutterman then asked about the boiler and Mr. Tiesi stated that the applicant will be applying for a boiler permit.

Ms. Georgiou asked if the applicant was in compliance with Chapter 342-44 of the Zoning Code and after consulting with the applicant, Mr. Tiesi stated that the applicant is in compliance.

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

Mr. Sullivan moved to close the public hearing on Application #2SP-2014, seconded by Mr. Weprin.

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

3. Application #1SP-2014, HAMPSHIRE CLUB, INC., 1025 Cove Road (Section 9, Block 89C, Lot 22A), for a special permit to host non-member events. (MR District)

Michael Zarin, attorney for the applicant, addressed the Board. He stated that the club is seeking a special permit to operate non-member events at the club. He noted that a submission was made to the Building Department on December 11, 2013 for the special permit application. Mr. Zarin stated that Hampshire Club is a non-profit organization, operating a membership club pursuant to the marine district.

Mr. Zarin stated that the club has been operating under new ownership since 2010 and was holding non-member events not realizing they were not in compliance. He indicated that the club was notified in August of 2013 that they were not in compliance with non-profit regulations and that a special permit to operate non-member events was needed. Mr. Zarin noted for the record that the club rectified the situation as soon as it was brought to their attention.

Mr. Zarin also stated that there is a court stipulation between the Village and the club requiring the club to obtain a special permit for non-member events. He stated that he has reviewed past applications and minutes with respect to other clubs receiving special permits for non-member events. Mr. Zarin noted that the club has also applied for a re-zoning application to the Board of Trustees. That is separate from what the club is here this evening for, Mr. Zarin stated.

With respect to member and non-member events, Mr. Zarin said that he knows the ZBA has struggled with the definition. Based on previous special permits issued, Mr. Zarin said that the club would comply with the definition of a non-member and the 20% threshold. Mr. Zarin stated that the club will also be amenable to including a condition that the club won't allow parking on the southern part of Cove Road.

Mr. Zarin stated that the club has 180 striped parking spaces and capacity for 225 in the ballroom. He said there is more than ample parking for these events. He also noted that the club has never received a noise complaint. The complaints he is aware of, he said, are from delivery trucks that come through Cove Road which aren't necessarily related to the club.

Mr. Zarin said that club is only asking for a special permit which has been given to other clubs and the club wants to come into compliance. He stated that since the club is not in compliance, it is losing money until a special permit is granted.

Chairman Gutterman asked Mr. Zarin to explain the stipulation and corresponding deadline since the January meeting was cancelled and the Board was only getting to the application tonight. Mr. Zarin stated that the club was asked to make an application by December 11, 2013, which they did. He noted that the club will be going back to court on April 7th to discuss the status of the special permit application. Mr. Zarin stated that the club is anxious to have this matter righted and that they will comply with all the regulations the other clubs have been asked to comply with.

Ms. Kramer asked, if the club is a non-profit, why 990s weren't filed. Mr. Zarin stated that the club became a non-profit in November 2013 and they plan to file next year. He said that when the new owners purchased the club, apparently due diligence wasn't done and the owners didn't realize what was needed.

With respect to a Certificate of Occupancy, Chairman Gutterman asked if the club had one and Mr. Gerety said he did not know as the sale took place before he was working for the Village. Ms. Kramer asked if the club's physical space was now owned by the non-profit and what makes it a membership club. Mr. Zarin stated that nothing has changed in the physical sense; the non-profit entity rents the space from the LLC and the non-profit is duly formed, and has a board and by-laws.

Ms. Kramer asked if the non-profit pays the LLC and the Board is elected by the members. Mr. Zarin stated that the Board is appointed and that the appointees are a certain class of members. He went on to say that members have voting rights with respect to operations of the club which they do not have under the LLC.

Discussion arose regarding the six events that the stipulation has allowed the club to hold pending the granting of the special permit. Mr. Zarin stated that some of the six events were charitable in nature; others were Bar Mitzvahs and weddings for members. Mr. Zarin stated that they did not count those events in the 20% non-member category. He said the court agreed to allow these six events and most of these would fall within member events. Mr. Zarin stated that if the club is applying the Board's standards for non-member events, in 2012 the club was well below 20% non-member.

Mr. Neufeld asked how the club defines non-member events and Mr. Zarin stated any event not sponsored by a member. Mr. Zarin read from resolutions for special permit for non-member events adopted in 2013 for Mamaroneck Beach and Yacht Club and Orienta Beach Club. Mr. Zarin said the club feels they fall with those parameters. Mr. Weprin asked if the club can cite a

number for events and Mr. Zarin said they do not have a number, but feel it is less than other clubs. Mr. Zarin also clarified that the LLC is the landowner.

Steve Kass, attorney for Mamaroneck Coastal Environment Coalition, addressed the Board. He stated that Karen Meara, also an attorney, was present. Mr. Kass stated that the coalition is not opposed to the operation of a legitimate non-profit club. He said the issue is the owners don't comply with the laws and are unwilling to comply with them.

Mr. Kass stated that he was surprised to see that many neighbors were not notified of the public hearing. He said he reviewed the application and the property being identified in the application is the wrong parcel and not the clubhouse. Mr. Kass stated that the club has not sought a permissible application as the application notes an R-20 district which is not in the Marine District. Mr. Weprin asked if this was a substantive issue and Mr. Kass stated that the Board can't act on an application that is not correct. He said the clubhouse is not in the R-20 zone.

Ms. Georgiou stated that it was her understanding that the clubhouse is in the MR district. The Board discussed the issue among them and then asked the applicant to address the matter.

Mr. Zarin said he finds it hard to believe the club noticed an empty lot and that he feels the applicant noticed properly even if they did notice from a separate location. Mr. Neufeld stated that the application and notice refer to one parcel and there seems to be another parcel at issue. Mr. Zarin reviewed the application and stated that this is one continuous parcel and that the same individuals would have been noticed. Mr. Zarin asked that the Board hear the application and the club will re-notice for next month's meeting.

Mr. Kass said he did not agree with that arrangement and that the Board does not have jurisdiction to hear this matter. Discussion arose regarding the re-noticing and Chairman Gutterman asked that everything in the MR district and the residential district should be included. Mr. Neufeld stated that the problem is that something is not included and it should be included. Mr. Zarin thanked the Board and expressed his hope that the Board might be able to make a decision at the March meeting.

The application is adjourned to March 6th.

4. Application #2SP-2014, JERMAINE MOURE D/B/A MASSA2, LLC., 599 East Boston Post Road (Section 4, Block 60B, Lot 24), for a special permit to operate an existing restaurant. (C-1 District)

Jermaine Moure, the applicant, addressed the Board. He stated that he is requesting a special permit to operate an existing restaurant under new ownership. He said that the restaurant will remain the same and that there will be no changes to the interior of the restaurant. Mr. Moure said that the name has been changed. The cuisine served will be Italian, he noted and that their flagship restaurant is in Scarsdale. Mr. Moure stated that he has a liquor license and is awaiting the Certificate of Occupancy from the Building Department. He noted that the hours of operation will be the same as the previous restaurant (10:00 a.m. and 11:00 p.m., Sundays

through Thursdays and no greater than between the hours of 11:00 a.m. and 12:00 midnight, Fridays and Saturdays).

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

Mr. Weprin moved to close the public hearing on Application #2SP-2014, seconded by Mr. Neufeld.

Ayes: Gutterman, Sullivan, Weprin, Kramer, Neufeld

Nays: None

5. 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 & Yacht Club (Section 4, Block 37, Lot 1) for an appeal of the determination of the Building Inspector, made on April 5, 2013, finding that the amended site plan application of Mamaroneck Beach & Yacht Club is zoning-compliant. (MR District)

Debra Cohen, attorney for SAPOA, addressed the Board. She stated that the matter has been before this Board for a while now and she would like to sum up tonight. She noted that the purpose of this appeal is not to close down MB&YC; this is an issue as to whether the Building Inspector erred in his April 2013 memo to the Planning Board regarding Zoning compliance.

Ms. Cohen went on to say that the appellant believes this proposed project is an expansion of an unpermitted use and that the site plan must conform to the MR district. With respect to the 20% non-member event allowance, Ms. Cohen said that the 990's are a way for the Village to determine the club's use. She stated that the 990 forms are not a formality, but the source this Board and the Building Inspector use to determine if the 20% parameter is being adhered to. Ms. Cohen said the 20% is in place to avoid negative impacts to the neighborhood. Ms. Cohen stated that even though the Building Inspector has said there haven't been any complaints, the record clearly shows there are issues with noise, traffic and a recent sewer spill which has affected Otter Creek.

Ms. Cohen noted that this Board has struggled with the definition of a non-member event vs. a member event. She said that the 990's guide this Board on what the definition is and that the IRS tells one how to distinguish a member vs. non-member event. Ms. Cohen also said that clubs are supposed to keep records of member and non-member events and that the signature on the form shows that the information is true and correct.

Ms. Cohen stated that in this case, MB&YC, Inc. uses form 990EZ and reports only a small fraction of site income. She also said that no non-member income is reported on the form. She said that most or all income, whether from members or non-members, is paid to MB&YC and put in MB&YC, Inc.'s bank account.

Ms. Cohen said that according to the site plan applicant's accountant, the IRS determined after an audit that most of the income did not qualify as tax-exempt income. The IRS, she said,

allowed MB&YC, Inc. to report only annual membership fee income on the 990 form. Everything else became business income to Taylor Point Associates, Ins., she said. The outcome of that audit is significant because it tells us that the IRS examined the operations and income reported to MB&YC, Inc. and concluded that most of this income was ineligible to be reported as income of a tax-exempt membership business, Ms. Cohen noted.

Ms. Cohen stated that since 95% of the site income is reported on Taylor Point Associates, Inc. corporate tax return and 5% is reported by MB&YC, Inc., on the IRS 990, the ZBA cannot conclude that the site is principally used for a tax-exempt membership organization. Ms. Cohen reminded the Board that when the club renewed its special permit in the spring of 2013, there was much discussion about MB&YC's use of the property and whether it was code compliant.

Ms. Cohen said that the excerpts from the minutes of the special permit proceedings reveal how the activities of the club are not compliant. In the end, she said, it was the Board's view at that time that it was appropriate for the Building Inspector to make that determination regarding use. She said the Building Inspector has done so, but has provided no factual basis for his conclusion that the proposed site plan uses conform to code requirements. Ms. Cohen told the Board that they shouldn't close this portion of the hearing until they receive all the information from the property owner. She said that the club's refusal over the years to provide documents is troubling. The decision the Board makes will be far reaching, she noted.

Ms. Cohen noted the significance of the 1985 resolution and 1986 amendment. She said that the ZBA granted the club a permit, it was then challenged, and the court voided it because further investigation of the club's corporate status was necessary. The matter went back to the ZBA for further investigation and that investigation was memorialized with the February 7, 1985 resolution. The club then sued the Board and the matter was resolved by a stipulation of discontinuance, she noted.

Ms. Cohen went on to say that the Building Inspector made a determination after being on the job for four days and that he may not have had the historical reference needed to make an accurate determination.

With respect to commercial activities, the club admits to these activities. She said there is documentation showing that the Rosensheins operate their business at the club. Unless and until the Board has the proper information, the Board can't make a determination, she said. Ms. Cohen noted that the responsibility is now with the club owners to demonstrate and produce appropriate documentation. Ms. Cohen said that with regard to member vs. non-member events, the IRS has the information. She submitted a copy of her comments for the record.

Chairman Gutterman noted for the record that the club operated before and after 1985 consistently and that it did not dramatically change its structure or use. Ms. Cohen said that is what is at issue; the question is whether the club is running a catering business as opposed to a club for members. Also at issue, she said, is whether the club is staying within the 20% criteria for non-member events. If the club would provide that documentation, the Board could make a determination. As seen tonight with Hampshire Club, some clubs are able to show proper documentation and others are not, Ms. Cohen stated.

Discussion arose regarding the different aspects of the public hearing and appeal. Mr. Steinman stated that this is one public hearing, but that the Board has various determinations to make.

Paul Noto, attorney for MB&YC, addressed the Board. He said that with respect to the 1985 resolution referenced by Ms. Cohen, the ZBA adopted one resolution and then amended it. He said that the Club has been operating since 1953 and that it has always been a club. Mr. Noto stated that everything with respect to the club is a permitted accessory use. He said he felt the burden of proof is on the appellants, not the club.

Mr. Noto stated that the club has responded to every request made by this Board and other boards. He said the appellants began their appeal with seasonal housing, then moved to taxation issues and are now on the use matter. He said the club received a special permit last year and that is not on the table for discussion now. What is at issue, he said, is from 2010 to present and that the Board found the pre-2006 code should be applied. Mr. Noto went on to say that the pre-2006 code does not reference IRS regulations except for one point in the code.

Mr. Noto said the club is not member-owned nor does it need to be. He noted that Beach Point Club has earned more money than MB&YC. He said the facility is being enjoyed and that the money is going back into the club. Mr. Noto indicated that none of the clubs are making a profit; the key is to maintain membership. Mr. Noto said that the clubs need to make money to off-set the cost of running a club. The code does not say one can't operate a business, he stated and that the events that the club has are not impermissible. Mr. Noto said that Taylor Point and the club act as one entity and that all the money goes back into the club. He also noted that the code does not require the members to have a voice in the club operations. Mr. Noto said that the club does comply with the pre-2006 code. Mr. Noto stated that the appellants have added criteria of what the club must adhere to such as tax matters and IRS. Mr. Noto cautioned that if the club is shut down, this will be a slippery slope for other clubs in the area.

With regard to memberships, Mr. Noto stated that MB&YC has six different types of membership and Orienta Beach Club has 12 different types. He went on to say that the club has done nothing different since it received its last special permit in 2013. He said he felt the club has addressed the use issue.

Ms. Kramer asked that with respect to Taylor Point being a business, why is the property not being used as a business. Mr. Noto answered that Taylor Point is the club and that there is no other business being run out of the club. Ms. Kramer asked Mr. Noto to explain the reasoning behind opening the day camp to non-members. Mr. Noto stated that in order to sustain a day camp, the club needs to open it to non-members to make it viable. Ms. Kramer asked how large the day camp was last year. Lisa Rosenshein, the owner, stated that 40 to 50 children participated.

Mr. Weprin stated that his issue is with respect to the definition of a member/non-member regarding facilities catering exclusively to members and guests and he asked whether people take tennis lessons who are not members. Mr. Noto answered yes; more tennis students equal more money to pay the tennis pro.

Sue McCrory addressed the Board. She said that the appellants are here because there are new accessory uses being proposed (seasonal residents/yacht club). The issue, she said, is that new uses are being proposed that have to conform. Ms. McCrory stated that it appears the club is saying it is okay to be a business entity if it is for the benefit of the club. She went on to say that MB&YC is a Rosenshein operated club and the members are actually customers. The pre-2006 code does not support this, she said. Ms. McCrory also stated that from all the documents presented, she knows that this club is a business and if it dissolved, the members wouldn't benefit. Ms. McCrory went on to say that she believes the members are clueless about the entity's operation. She said her concern is that businesses will begin running the recreational activities in the MR zone and that will alter the coastline. She said that the site plan proposes uses that are not allowed. She stated that the club needs to satisfy this Board that it meets the zoning code and that the Board should ask for the documentation in order to make the right decision.

Paul Ryan addressed the Board. He stated that he does not live on the water, doesn't own a boat and doesn't golf. He stated that he has served this community for many years in various capacities. Mr. Ryan noted that he helped write the LWRP and that the original LWRP was designed to save the Village's coastal character.

Mr. Ryan went on to say that he believes the real estate values are attractive because of the maritime area. He also noted that much thought went into the marine recreation zone when the LWRP was crafted. Mr. Ryan said that at the time of the LWRP, the Village wanted to include all of Hampshire Club in the marine district, but that caused spot zoning issues, so that is why it was split into two. Mr. Ryan said he felt that the clubs were given more leeway to make more money and he feels that leeway has been abused.

Mr. Ryan suggested the Village hire a forensic accountant to review all the documents, including the historical ones, to do a proper analysis. He also said he felt the club should pay for this because it has been an ongoing issue for thirty years. As land becomes scarcer, developers will move in to take precious land, he said.

Michael Goldberg addressed the Board. He stated that the code requires the club to file 990's and 990T's and that the Club has only filed EZ forms which deprives this Board in making a proper determination. He said that at the last meeting, the residents asked the Club to provide detailed information for members and non-member events for the prior year; that information has been withheld and what was provided were charts that obscure the details.

Mr. Goldberg went on to say that Taylor Point Associates is a for-profit entity and that the entity seeking site plan approval is MB&YC, which doesn't legally exist. He also stated that based on all depositing information, all operating decisions are made by the Rosensheins and that not one member of the Club has come to speak on behalf of the Club.

Mr. Goldberg said that the Club wants the Board to ignore tax and IRS issues; the code requires the Board to apply the code and letter of the law. He said that the Club is non-conforming for a number of reasons: 1) Non-conforming entity may not expand or alter; 2) Taylor Point operates a

business out of the Club. Mr. Goldberg requested that the Building Inspector's determination be reversed.

Dan Natchez, the appellant, addressed the Board. He said that one of the elements the Club doesn't reference is that the code was changed in 2001 and that change required the filings of 990's and 990T's and that in order to file the forms, the entity needed to be tax exempt. The fact that this isn't in the definition is because the code wasn't codified until 2006, Mr. Natchez said.

Mr. Natchez went on to say that this is an expansion of a non-conforming use and that the decisions in the 1980's were never reversed due to the non-conforming issue. He stated that the same issue is before this Board now. Mr. Natchez said that what is being proposed in the site plan is an expansion of a non-conforming use. The issue for the Board, he said, is the expansion of a non-conforming use.

With regard to the renewal of the special permit, Mr. Natchez said that there wasn't enough information during that application and there is more information now. Mr. Natchez read from minutes of the renewal of the special permit application and said that he feels the Club is getting away from the definition of the code. He stated that the documents the Club has submitted is not providing the adequate information this Board needs to make a decision. He went on to say that he feels the Board should ask the Club for more information should the Board feels it needs more.

John Hofstetter addressed the Board. He said that the idea that any event that offsets costs is okay hides the fact that these are supposed to be ancillary to the operations. He said that the IRS will determine a non-member vs. member event. Mr. Hofstetter said that the IRS states that 75% of people at events must be members; that is why the 990's are such an important document.

Chairman Gutterman stated that the Board is nearing the point where it needs to answer the threshold question and he feels the Board won't answer that tonight as there is more material that was submitted this evening.

Discussion arose as to why 990's weren't required until 2006 for not-for-profits. Ms. McCrory stated that she believes the clubs were not-for-profit and filing 990's at that time. Mr. Natchez stated that at that time, not-for-profit and tax-exempt were use synonymously.

Chairman Gutterman stated that at the next meeting, the Board will take up the issue of use and then make a determination as to use. The matter is adjourned to the March meeting.

Chairman Gutterman asked if anyone wished to address the Board.

The application was adjourned to the March 6th meeting.

OTHER BUSINESS

Chairman Gutterman noted that the Board had received a letter from Paul Noto, attorney for SRN Corp. d/b/a/ Sarah Neuman Center, requesting an extension of time to obtain a building

permit and to complete the project. The application was approved a year ago, Chairman Gutterman noted. He read from Mr. Noto's letter and stated that the Board has, in the past, approved extensions of time.

Ms. Georgiou noted for the record that the resolution the Board granted last year required that the applicant obtain a building permit within one year. Mr. Weprin stated that he did not have an issue with the request, and neither did Ms. Kramer. Chairman Gutterman noted that site plan review is still underway.

On motion of Mr. Weprin, seconded by Ms. Kramer, the Board approved a one-year extension for the applicant to obtain a building permit.

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

CLOSED APPLICATIONS

1. Application #11A-2013, ROBERT AND ANGELA HOLTON, 951 Orienta Avenue (Section 9, Block 104, Lot 28A), for an area variance to expand front yard driveway for a parking space where the front yard parking violates Article VIII (Off-Street Parking and Loading), Section 342-54(B)(1) (Layout, location and maintenance) where parking in a required front yard other than a driveway is not allowed. (R-10 District)

The Board discussed the merits of the application.

On motion of Mr. Sullivan, seconded by Mr. Weprin, the application for a variance is approved.

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

2. Application #14A-2013, BB & G CONSTRUCTION CORP., 209 Grand Street (Section 8, Block 64, Lot 32), for variances to subdivide an existing lot into two lots and construct a new two-family residence on lot B where the property in an R-4F zone per Article V, Section 342-27 of the Schedule of Minimum Requirements for Residential Districts requires the following: 2,500 sq. ft. lot area per dwelling unit required, lots A and B insufficient by 170.76 sq. ft.; 5,000 sq. ft. lot area required, lots A and B insufficient by 170.76 sq. ft.; lot B width 50 ft. required, insufficient by 1.71 ft.; lot B depth 100 ft. required, insufficient by 1.46 ft.; lot A depth 100 ft. required, insufficient by 5.39 ft.; Lot A total side yard 16 ft. required, insufficient by 1.6 ft. and a variance from Section 342-11D (Lot requirements; subdivision and non-conforming lots), subdivision of an existing lot shall not cause the resulting lots to be non-conforming (R-4F District)

The Board discussed the merits of the application. Ms. Kramer noted that parking was discussed when the Board deliberated in December. Ms. Georgiou noted that parking is referred to in Section 2(d) of the resolution. Mr. Neufeld felt the language regarding parking should be made clearer and that it should be made a separate condition.

On motion of Ms. Kramer, seconded by Mr. Neufeld, the application for variances is approved as modified.

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

3. Application #2SP-2014, JERMAINE MOURE D/B/A MASSA2, LLC., 599 East Boston Post Road (Section 4, Block 60B, Lot 24), for a special permit to operate an existing restaurant. (C-1 District)

The Board discussed the merits of the application.

On motion of Mr. Weprin, seconded by Mr. Sullivan, the application for a special permit is approved.

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

4. Application #3SP-2014, FIRST CLASS CLEANERS OF MAMARONECK, INC., 620 (626) East Boston Post Road (Section 4, Block 53, Lot 2B), for a special permit to operate a dry cleaner. (C-1 District)

The Board discussed the merits of the application. It was determined that the resolution need not reference the shoe repair and tuxedo aspects of the application as a special permit is not required.

On motion of Mr. Sullivan, seconded by Mr. Weprin, the application for a special permit is approved.

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

MINUTES

On motion of Mr. Sullivan, seconded by Mr. Weprin, the October 3, 2013 meeting minutes are approved.

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

On motion of Mr. Sullivan, seconded by Mr. Weprin, the November 7, 2013 meeting minutes are approved.

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

On motion of Mr. Sullivan, seconded by Mr. Weprin, the December 5, 2013 meeting minutes are approved.

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

ADJOURN

The meeting was adjourned at 10:30 p.m.

Prepared by:
Ann P. Powers