

MINUTES OF A MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF
MAMARONECK, NEW YORK, HELD ON THURSDAY, APRIL 3, 2008, AT 7:00 P.M.

PRESENT: Clark Neuringer, Chairman
George Mgrditchian
Peter Jackson
Robin Kramer
Gregory Sullivan
Steven Silverberg, Counsel to Board
John Winter, Director of Building

Lisa Casey, court reporter, was present at the meeting to take the minutes, which will not be transcribed unless specially requested.

The meeting was called to order by Mr. Neuringer, Chairman at 7:10 p.m., and he explained the procedures that would be followed. He further advised that any who would like to submit material intended for the Boards consideration, must do so no later than the Monday prior to the Thursday meeting. This must be submitted to Laura Garcia at the Village Attorney's Office

PUBLIC HEARINGS-

Mr. Neuringer indicated that the public hearing on **Joel Jacks** will be heard on May 1, 2008.

The application of **Willam Ciraco of 130 Saxon Drive #12A-2008**, was called to order.

Mr. Neuringer recused himself on this matter and asked that Mr. Mgrditchian act as Chairman.

Mr. Ciraco of 130 Saxon Drive, appeared. He indicated that he was seeking an area variance to legalize an existing deck that was previously on a 2006 sale, which indicated a seven (7) foot, four (4) inch side yard set back. Mr. Ciraco indicated that drawings were made and submitted.

A motion was made by Mr. Mgrditchian to close the hearing, seconded by Mr. Sullivan.

Ayes: Sullivan, Mgrditchian, Jackson, Kramer,

Nays: None

Abstained: Neuringer

The application of **Charles Guadagnolo of 74 Old Post Lane #11A-2008**, was called to order.

Mr. Guadagnolo, applicant and owner of the property appeared. He advised the Board that he had purchased the property that requires renovations with the intent to preserve the historical content. Mr. Guadagnolo also advised that he has met with Hampshire superintendent and various neighbors regarding the plans that have been setforthe, and received support from all. Mr. Neuringer inquired what the status of Old Post Lane is with reference to it being a Road, and suggested that the applicant provide that information to the Board. He also inquired about the determination indicating that the front of the house is not located on Old Post Lane made with reference to section 343-3. Mr. Neuringer then reminded the applicant that according to Village Law, a buildable lot must be on a street.

Mr. Silverberg indicated that the rejection letter sent by the Building Inspector clearly states the orientation of the house. Mr. Mgrditchian asked if there were any intentions of tearing down the entire house. Mr. Guadagnolo indicated that partial demolition will be made. The applicant advised that the design of the proposal was based on the conformity of the code, and the former Building Inspector, Richard Carroll, who told him he was complying with all of the setbacks as Old Post Road as frontage. He also indicated, based on the information provided to him by Mr. Carroll, that he has spent \$15,000.00 to date on the preparation the plans. The Board indicated that the request for a variance is substantial, and therefore suggested that the proposal be amended with an alternative plan that includes the house to be located in the zoning envelope. Mr. Guadagnolo indicated that by providing the alternative, it will result in a diminished view of the golf course for his neighbors. Mr. Mgrditchian added that the submission of an alternative plan would ease the mind of members and strongly suggest that Mr. Guadagnolo demonstrate another means. Mr. Silverberg advised the applicant that he understands that he was informed by Mr. Carroll, but the fact still remains that the information is incorrect and a certificate of occupancy would never be issued since the plans are non conforming. He also suggested that an alternative sketch be made fitting the building into the zoning envelope.

Mr. Guadagnolo requested an adjournment to the May meeting, in order to submit an alternative plan. On a motion of Mr. Jackson to adjourn the meeting to May 1, 2008, was seconded by Mr. Sullivan.

Ayes: Sullivan, Mgrditchian, Jackson, Kramer, Neuringer

Nays: None

The application of **211 Mamaroneck Avenue LLC, # 13A-2008 AND # 3SP-2008**, was called to order. Mr. Paul Noto, attorney for the applicant, appeared. Mr. Noto indicated that the amended application is for the 21 parking spaces needed as a result of the new proposed construction. Although the proposed restaurant will be serving lunch and dinner, most activity is anticipated during evening hours. He added that ample parking is also available within 500 feet of the building, in Hunter Lot and additional spaces on Mamaroneck Avenue. Mr. Mgrditchian inquired if valet parking is planned; Mr. Noto replied that it will be provided during events only.

The architect advised that the footprint of the building will remain the same, but the proposal includes the addition of a one story portion in the rear. He indicated that the staircase located on Prospect Avenue be egress only, as per Planning Board. Ms. Kramer indicated that the reason why the applicant is seeking a variance (as opposed to "paying" its way out of the parking requirement) is because abundant parking is available elsewhere. She added that fewer cars are anticipated during the day since most of the activity will be during the evening. Mr. Neuringer advised the Board that it should be looking at the analysis of the enlargement of the facility and not get "hung up" on the parking spaces.

No further comments or concerns were made on the parking issue or the proposed special permit.

A motion was made by Mr. Mgrditchian to close the hearing on the application for a parking variance #13A-2008, seconded by Mr. Jackson.

Ayes: Sullivan, Mgrditchian, Jackson, Kramer, Neuringer

Nays: None

A motion was made by Mr. Jackson to close the hearing on the special permit application # 3AP-2008, seconded by Mr. Sullivan

Ayes: Sullivan, Mgrditchian, Jackson, Kramer, Neuringer

Nays: None

The application of **Gino and Jillian Cheiffallo of 430 Hunter Street #10A-2008**, was called to order.

Mr. Rino Orsini, architect for the applicant, appeared. He indicated that the proposal to convert the preexisting two family residence to a one family residence will result in a side yard variance for the 3 feet setback. He added that the property owners would like to build a front porch and would like four (4) bedrooms.

The applicant, Jillian Cheiffallo, submitted letters in support from the surrounding neighbors.

A motion was made by Mr. Mgrditchian to close the hearing, seconded by Mr. Jackson.

Ayes: Sullivan, Mgrditchian, Jackson, Kramer, Neuringer

Nays: None

The application of **Ulysses Davis II of 360 Mt. Pleasant Avenue #6SP-2008**, was called to order.

Mr. Davis, tenant of the property, appeared. He advised the Board of his plans to open a small detailing and hand washing car service on Stanley Avenue. He indicated hours of operation will be during 9:00 a.m. and 6:00 p.m. and are by appointment only. Ms. Kramer inquired if any changes will be made to the interior of the building; Mr. Davis indicated that it will not. Mr. Neuringer inquired if a condition was made on the resolution of no queuing of vehicles, would he adhere to it. Mr. Davis indicated that he would. He further inquired if any repairs to vehicles would be made on the premises; Mr. Davis indicated that it will be detailing ONLY.

No further comments or concerns were made.

A motion to close the hearing was made by Mr. Mgrditchian, seconded by Mr. Jackson.

Ayes: Sullivan, Mgrditchian, Jackson, Kramer, Neuringer

Nays: None

The application of **Peter Chen of 247-251 Mamaroneck Avenue #5SP-2008**, was called to order.

Mr. Chen, of Red Plum, appeared. He is the current owner of Toyo Sushi and the proposal does not include the expansion of the floor area. Ms. Kramer inquired of what kind of food will be served. Mr. Chen replied that it will be a fusion of Thai and Indonesian, with a sushi bar. The hours proposed operation are:

Monday through Thursday 11:30 a.m. to 10:00p.m.

Friday through Saturday 11:30 a.m. to 11:00 p.m.

Sunday 12:30 p.m. to 10:00 p.m.

Ms. Kramer also inquired how many tables are anticipated. Mr. Chen indicated that 52 are planned.

Mr. Mgrditchian asked if the sale of liquor is planned, in which Mr. Chen replied that he will be seeking a liquor license.

No further comments or concerns were made.

A motion to close the hearing was made by Mr. Mgrditchian, seconded by Mr. Jackson.

Ayes: Sullivan, Mgrditchian, Jackson, Kramer, Neuringer

Nays: None

MINUTES-

At the request of a minor amendment from Ms. Kramer, a motion was made by Mr. Jackson to approve the minutes of March 6, 2008, was seconded by Mr. Mgrditchian.

Ayes: Sullivan, Mgrditchian, Jackson, Kramer, Neuringer

Nays: None

PENDING APPLICATIONS- CLOSEDClosed application of **Dr. Noelle DeMasi, PedMend Hospital #3SP-2005**

On a motion of Mr. Mgrditchian to approve the special permit renewal subject to the following:

1. The elimination of the expiration date and reflect that expiration will occur upon a change in use or ownership;
2. The building inspector approval confirming repair; and
3. Condition "C" eliminated,

Seconded by Mr. Sullivan.

Ayes: Sullivan, Mgrditchian, Jackson, Kramer, Neuringer

Nays: None

See exhibit "A"

Closed application of **Michael Castaldi, #2A-2008**

On a motion of Mr. Mgrditchian to approve the variance based on the draft findings, seconded by Mr. Sullivan.

Ayes: Sullivan, Mgrditchian, Jackson, Kramer, Neuringer

Nays: None

See exhibit "B"

Closed application of **Mr. & Mrs. McMichael, #26A2007**

Mr. Mgrditchian indicated that the Zoning Board is not the correct forum to litigate civil issues and "border wars". Ms. Kramer was concerned with some areas of the fence being over six (6) feet and confirmed that the Board had never granted a variance for a fence with that height. Mr. Jackson indicated that the fence is not on the property line and is higher than what they have granted in the past. Mr. Jackson also indicated that based on the neighbors opposition and testimony, her concerns were legitimate. Mr. Sullivan stated that this request for a variance is distinctly different from the other fence applications due to the placement of the fence, the height of the fence and the opposition of the neighbor. Mr. Neuringer indicated that it is obvious that the fence causes a detriment to the neighborhood and even if the fence is placed correctly, it still will have an adverse effect due to the height. Mr. Jackson made a motion to deny the variance application as it does not meet the required criteria based on the following findings:

1. The variance creates an undesirable change in the neighborhood;
2. The benefits could be achieved by placing the fence on the property line;
3. The request for the variance is substantial as parts of the fence extend beyond six (6) feet, and
4. The difficulty is self created as the placement of the fence can be moved.

The denial was seconded by Mr. Sullivan.

Ayes: Jackson, Sullivan, Neuringer

Nays: Mgrditchian, Kramer

See exhibit "B"

Closed application of **Crosby Scott #8A-2008**

Based on the findings setforthe in the draft resolution, a motion was made by Ms. Kramer to approve the variance, seconded by Mr. Mgrditchian.

Ayes: Jackson, Sullivan, Neuringer, Mgrditchian, Kramer

Nays: None

See exhibit "C"

Closed Application of **Jennifer & Gidion Malherbe #6A-2008**

A motion was by Mr. Mgrditchian to approve the variance subject to the following conditions:

1. The inner most part of the circle of the stairs be within the 17 foot setbacks, seconded by Ms. Kramer.

Ayes: Jackson, Sullivan, Neuringer, Mgrditchian, Kramer

Nays: None

See exhibit "D"

Closed Application of **Dunkin Donuts # 4SP-2008**

On a motion of Mr. Sullivan to approve the application subject to the following conditions:

1. The ZBA make a recommendation to the Planning Board that they require the applicant to install a "No Left Turn" sign and properly analyze the entrance and exit, and

2. Limit the special permit to three (3) years,

Seconded by Ms. Kramer.

Ayes: Jackson, Sullivan, Neuringer, Mgrditchian, Kramer

Nays: None

See exhibit "E"

On motion duly made and carried, the meeting was adjourned.

GEORGE MGRDITCHIAN
Secretary

Minutes taken and prepared by:
Laura Garcia