

MINUTES OF A MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF MAMARONECK, NEW YORK, HELD ON WEDNESDAY, JULY 9, 2008, AT 7:00 P.M.

PRESENT: Clark Neuringer, Chairman  
 George Mgrditchian  
 Gregory Sullivan  
 Robin Kramer (7:15 p.m.)  
 Steven Silverberg, Counsel to Board  
 Peter Jackson (7:30 p.m.)  
 Rob Melillo, Assistant Inspector

ABSENT:  
 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 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 Board 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. Mr. Neuringer further advised that this Board will not be meeting in August and therefore the next Zoning Board of Appeals meeting will be held on September 4<sup>th</sup>, 2008. Additionally, he noted that the order of the agenda might be changed.

**PUBLIC HEARINGS-**

The application of **Mamaroneck Farmers Market #12SP-2008, 955 Mamaroneck Avenue**, was called for a hearing.

Ms. Lisa Fantino, attorney for the applicant, appeared. Ms. Fantino advised the Board that her clients were seeking a special permit to open and operate an organic market located at 955 Mamaroneck Avenue in Mamaroneck. Mr. Neuringer inquired if the application has been in front of the Board of Architectural Review and/or the Planning Board. Ms. Fantino indicated that it has not. Mr. Mgrditchian advised Ms. Fantino that although this application is not required to seek the approval of any further Boards, it is simply a recommendation to seek the advice of the Planning Board.

Rob Melillo, Assistant Building Inspector, confirmed that this application is not considered a change of use and therefore is not required to be in front of any other Boards.

Ms. Fantino further advised that the applicant will be filing a DBA with the Secretary of State as Harvest Markets.

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

Ayes: Neuringer, Sullivan, Mgrditchian, Jackson

Nays: None

Abstained: Kramer

The application of **Guanwoo Yoon, #13SP-2008, 443 Mamaroneck Avenue**, was called for a hearing. Mr. Yoon, applicant, appeared. He requested a special permit to operate a coffee and sandwich shop at the prior sushi restaurant located at 443 Mamaroneck Avenue. He further advised that there are no

intentions of selling sushi and a new menu is proposed. Mr. Yoon informed the Board that the proposed hours of operation are from 6:00 a.m. to 8:00 p.m. Monday through Saturday. Mr. Mgrditchian inquired if any cooking is anticipated, in which Mr. Yoon advised that there will be. Mr. Yoon indicated that the name will be changing to "Mug & Plus". He further advised that the Board of Health (and other required) certificates have already been applied for.

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

Ayes: Neuringer, Sullivan, Mgrditchian, Kramer, Jackson

Nays: None

The adjourned application of **Sarah Neuman Center, 845 Palmer Avenue**, was called for a hearing.

Mr. Paul Noto, attorney for the applicant, appeared. He advised the Board that since the last Zoning Board meeting in June, they have since received the site plan approval from the Planning Board and have declared a negative declaration under the SEQRA review. Ms. Kramer was pleased with the results of the SEQRA review that determined sufficient drainage.

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

Ayes: Neuringer, Sullivan, Mgrditchian, Kramer, Jackson

Nays: None

The adjourned application of **Michael Dugan, 1508 Raleigh Road**, was called for a hearing. Mr. Boettcher and Mr. Faiella, appeared. Mr. Faiella advised that Board that he is the son of the current owner of the house and is seeking a variance for an addition. He further inquired if the Board was satisfied with the issue of the home being a two family. The Board unanimously agreed that they were. Mr. Faiella also indicated that due to the refinancing of the mortgage, he has Power of Attorney for the Dugan's. Mr. Silverberg advised the Board that an affidavit from Mr. Faiella will be sufficient.

Mr. Faiella then submitted pictures of other large homes in the area that have had expansions and concluded that his proposed addition will not change or negatively impact the neighborhood. Ms. Kramer inquired if any other room is proposed other than one bedroom and one bathroom upstairs; Mr. Faiella confirmed there were not. Mr. Neuringer asked Mr. Boettcher, architect for the applicant, if there was another feasible way to take the bulk to offset the 10 inches so there would be no need for a variance.

Mr. Boettcher replied that tearing up the foundation is much more costly than building over the existing wall.

No further questions or comments were made.

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

Ayes: Mgrditchian, Kramer, Neuringer, Jackson, Sullivan

Nays: None

The adjourned application of **Chris Sallibello, 1412 Park Avenue**, was called for a hearing.

Mr. Piccerello, architect for the applicant, appeared. He advised the Board that since some changes from the last meeting resulting in an R5, it will reduce the variance requirements. He submitted new copies indicating the changes. Mr. Piccerello indicated that the variances are for the side yard setback of 1.42 feet and the front portico. Mr. Mellillo stated that he does not agree with the newly submitted zoning analysis and therefore would require further review. Ms. Kramer also indicated that the zoning sheet is wrong and would like more time to review.

On the suggestion of Mr. Silverberg, the applicant should re-notice and go through the proper steps beginning with the Building Department.

A motion was made by Mr. Mgrditchian to adjourn the hearing until September, seconded by Ms. Kramer.

Ayes: Mgrditchian, Kramer, Neuringer, Jackson, Sullivan

Nays: None

The application of **DCH Mamaroneck, #27A-2008 and 11SP-2008, 700 Waverly Avenue**, was called for a hearing.

Mr. Paul Noto, attorney for the applicant, appeared.

Mr. Neuringer indicated that because the required sign was not posted at the location, the hearing will be adjourned; however, it can do an overview tonight.

Mr. Noto indicated that his client has entered into a lease with 700 Waverly Avenue and they are seeking a special permit and a variance for parking. As far as the variance, Mr. Noto advised that 125 spots are required and asked the Board if the proposed 28 lifts can go towards the parking requirement. Mr. Noto also advised that no retail will be at this location and he feels there is no need for such a large parking requirement. He further advised that he would not like to use the other lot, located at 613 Waverly Avenue, for the additional parking requirements. In addition, Mr. Noto noted that the 212 required parking spaces are not practical because use of the site is for service only. They do not anticipate customers utilizing the parking since their vehicles will be in for service. Ms. Kramer advised Mr. Noto that the Traffic Commission has disapproved this application and she strongly suggested that additional parking options should be considered.

A motion was made by Mr. Jackson to adjourn both hearings until September 4, 2008, seconded by Mr. Mgrditchian.

Ayes: Neuringer, Jackson, Sullivan, Mgrditchian, Kramer

Nays: None

The application of **Adam Spright, 221 South Barry Avenue**, was called for hearing.

Mr. Spright, owner and applicant, appeared. He advised the Board that his proposal is to replace a section of the pre-existing 6 ft. fence that is currently on his newly purchased home. His plans also include the addition of a new, 6ft. section, to match the existing fence.

Mr. Neuringer inquired why he chose 6 feet and not 5 feet. Mr. Spright advised that he is simply replacing a portion of the pre-existing fence that is currently 6 feet. Mr. Spright also indicated that he spoke with his adjoining neighbors and they are all in favor of the replacement.

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

Ayes: Neuringer, Kramer, Sullivan, Jackson, Mgrditchian

Nays: None

The application of **Lois Herzberg, 211 Royal Place**, was called for a hearing.

Ms. Herzberg, owner and applicant, appeared. She advised the Board that her proposal is to expanding her pre-existing deck and is seeking a variance as her yard is narrow. Mr. Mgrditchian advised the applicant that the submission of an "as built" survey is required upon completion of the deck. Mr. Neuringer inquired why the expansion is not longer as opposed to being deeper. Ms. Herzberg advised that the storage area located in the rear of the property precludes her from doing so.

It was noted that trees, shrubbery and a fence border the property line.

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

Ayes: Neuringer, Kramer, Jackson, Sullivan, Mgrditchian

Nays: None

The application of **Raul Silva, 1518 Park Avenue**, was called for a hearing.

Mr. Silva, owner and applicant, appeared. He advised the Board that he wanted to legalize a trash enclosure for a rental property of ten families that he owns at 1518 Park Avenue.

Mr. Neuringer noted that his concerns are of the magnitude size of the enclosure and the location of it. He further explained that because this application is an unusual one, he would like to get feedback from the Department of Public Works.

Mr. Michael Geery, neighbor of the applicant appeared. He advised that his property borders the location of the dumpster and on most days, the overflow of garbage usually ends up on his property line. He wrote a letter to the building department in 2006 indicating same, but never got a response. He suggested that the enclosure be moved to a different location and the current location should be used to house trees and plants. Other neighbors appeared and noted the same complaints, such as: noise, odor, appearance, and high traffic.

Mr. Neuringer indicated that the Board must due further review of the ordinance and therefore should adjourn to September.

A motion was made by Mr. Mgrditchian to adjourn to September, seconded by Mr. Sullivan.

Ayes: Neuringer, Mgrditchian, Sullivan, Jackson, Kramer

Nays: None

The application of **Randall Ruder for Beach Point Club, 900 Rushmore Avenue,#29A-2008** was called for a hearing.

Mr. Jackson advised that although he is a member of Orienta Beach Club, he is in no way prejudice or biased to this application.

Mr. Ruder, General Manager of the beach club, appeared. He advised the Board that the proposal includes the addition of two paddle tennis courts and a warming hut. The existing courts are in poor shape and the existing hut is too small. The plans include the relocation of both additions to a dead end street across the way with a lot of tree area. Mr. Neuringer inquired if there were any plan to increase the tennis courts, in which Mr. Ruder indicated that they were not. Mr. Neuringer noted that neither resident nor existing structure will be disturbed by this proposal.

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

Ayes: Neuringer, Mgrditchian, Sullivan, Jackson, Kramer

Nays: None

The application of **Stephen Kearney, 467 N. Barry Avenue**, was called for a hearing.

Ms. Martha McCarthy, attorney for applicant, appeared. She advised the Board that her clients recently purchased the three family home with the intent to fix it. Therefore, they are seeking a special permit or a variance to do just that. Ms. McCarthy continued that the first unit (1) is in violation of a setback and the proposal includes the legalization of a deck; the second unit is an addition to connect the first floor and basement; the third unit is violation of the side yard setback and adding a dormer. She further advised the Board of the intent to remove the paving in the current driveway and create a rock garden that allows one car parking, or, widen the existing driveway in the front. Ms. McCarthy noted that the wiring and plumbing are very old and are a potential safety hazard. The applicant would like to correct the problems as well as create a nicer view for the neighbors

Mr. Neuringer stated that the fundamental to be rid of non conformities in the Village are alive and well and therefore, does not understand the applicant's rationale to increase non conformity.

Mr. Neuringer then inquired where the six (6) required parking spaces will be as the site plan indicates a gravel driveway. Ms. McCarthy indicated that the gravel parking is for one space only.

Ms. Lois Broderick, neighbor residing at 741 Halstead Avenue, appeared. She inquired why a dormer is being requested when a second story already exist. Mr. Kearney, the applicant, advised that the dormer is being requested to improve the living area in the cottage to have 7 foot ceilings.

Ms. McCarthy further indicated that any permit issued to update will require a variance. Mr. Melillo corrected her by noting that any additions would require a variance since it is pre-existing, non conforming. Mr. Silverberg confirmed that that if the applicant was seeking a permit for ordinary repairs, usually they do not require a variance.

Mr. Neuringer thanked Ms. McCarthy for the great presentation and noted that she presented her case very well.

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

Ayes: Mgrditchian, Kramer, Sullivan, Neuringer, Jackson

Nays: None

The application of **Doug Streeter, 515 Baldwin Avenue**, was called for a hearing.

Mr. Streeter, owner and applicant, appeared. He indicated that he would like to add a portico to the existing steps on the front side of the house. He submitted signed and sealed plans and the previous plans were not sealed. Mr. Streeter further indicated that it is listed as a mud room that lead to a small hallway and stairs. No further comments were made.

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

Ayes: Mgrditchian, Kramer, Sullivan, Neuringer, Jackson

Nays: None

### **CLOSED APPLICATIONS:**

Application of **New Great Wall Inc.** A motion was made by Mr. Mgrditchian, based on the conditions of the draft resolution, to renew the special permit, seconded by Mr. Sullivan.

Ayes: Mgrditchian, Sullivan, Neuringer, Kramer

Nays: None

Abstained: Jackson

**See Exhibit "A"**

Application of **RNJ Gusano Loco.** A motion was made by Mr. Mgrditchian to approve the special permit and grant a variance based on the fact that the variance in minimal and no detriment will be made to the neighborhood, seconded by Mr. Sullivan.

Ayes: Mgrditchian, Sullivan, Neuringer, Kramer

Nays: None

Abstained: Jackson

**See Exhibit "B"**

Application of RBRC Realty Corporation. A motion was made by Mr. Mgrditchian to renew the special permit without the need for a three (3) year renewal, and was seconded by Ms. Kramer.

Ayes: Mgrditchian, Sullivan, Neuringer, Kramer

Nays: None

Abstained: Jackson

**See Exhibit "C"**

Application of Mr. and Mrs. Ayaso. A motion was made by Mr. Mgrditchian to approve the variance for a six (6) foot fence due to the close proximity to the train tracks, seconded by Mr. Sullivan.

Ayes: Mgrditchian, Sullivan, Neuringer, Kramer

Nays: None

Abstained: Jackson

**See Exhibit "D"**

Application of Ms. Trotta. A motion was made by Mgrditchian to approve the variance for a five (5) foot fence plus a one (1) foot lattice top, as the findings proved a solid, six (6) foot stockade was not necessary, and seconded by Ms. Kramer.

Ayes: Mgrditchian, Sullivan, Neuringer, Kramer

Nays: None

Abstained: Jackson

**See Exhibit "E"**

The application of Lisa Flynn. A motion was made by Ms. Kramer to approve the variance of a six (6) foot fence as it is a replacement of what currently exist and is in ill repair, and seconded by Mr. Mgrditchian.

Ayes: Mgrditchian, Sullivan, Neuringer, Kramer

Nays: None

Abstained: Jackson

**See Exhibit "F"**

The application of Joel and Lorien Jacks. On the Interpretation, a motion was made by Mr. Jackson that the interpretation of the Acting Building Inspector that the addition is a third story as it creates a new roof line proud of the existing ridge line with its own attic was correct, seconded by Mr. Mgrditchian.

Ayes: Kramer, Sullivan, Mgrditchian, Jackson

Nays: Neuringer

A motion was made by Ms. Kramer to approve the variance, seconded by Mr. Sullivan.

Ayes: Kramer, Sullivan, Mgrditchian, Jackson

Nays: None

Abstained: Neuringer

**See Exhibit "G"****APPROVAL OF MINUTES:**

A motion was made by Mr. Mgrditchian to approve the minutes of April 2008 and May 2008, seconded by Mr. Jackson.

Ayes: Neuringer, Jackson, Mgrditchian

Nays: None

Abstained: Kramer, Sullivan

A motion was made by Mr. Mgrditchian to approve the minutes of June 2008, seconded by Mr. Sullivan.

Ayes: Neuringer, Mgrditchian, Kramer, Sullivan

Nays: None

Abstained: Jackson,

A motion was made by Mr. Jackson to move into Executive Session before the meeting is adjourned, seconded by Ms. Kramer.

Ayes: Neuringer, Jackson, Sullivan, Mgrditchian, Kramer

Nays: None

GEORGE MGRDITCHIAN  
Secretary

Prepared by:  
Laura Garcia