

Minutes excerpts related to food service in the 1990s:

SEPTEMBER 27, 1993

Trustee Lanza feels the Village Board has to give some serious consideration about the problems on Mamaroneck Avenue in the Central Business District relative to overcrowding, garbage and loitering. The Board must take some positive action. Trustee Lanza stated that he spent the last two weekends inspecting the Avenue and feels that especially on Sunday afternoons, it looks quite unsightly with litter strewn all over. Trustee Lanza recommends the Board establish a Task Force comprised of the Village Manager, Police Chief, Sanitation Foreman, Fire Inspector, Code Enforcement Officer, Litter Ranger, two interested residents and two merchants for the purpose of discussing and implementing procedures to resolve some of the problems existing on Mamaroneck Avenue. Trustee Lanza stated that he would also like to request the Village Manager to include garbage pickups on Sundays. He noted that while walking the Avenue, he has seen motorists drive up and throw garbage bags on the Avenue. We need stricter enforcement of existing laws. Our Litter Ranger, Jerry Buccino, does an admirable job in keeping Mamaroneck Avenue clean. Nevertheless, when he is off duty, this is when garbage and litter is not picked up and left on the Avenue. It is time for the Board to start a "get tough" policy in the Village of Mamaroneck, enforce the laws and issue heavy fines. Mamaroneck Avenue is a reflection on the community. Trustee Rogers stated that he has also received numerous calls regarding litter and the unsightliness of Mamaroneck Avenue. The Village can institute Sunday afternoon garbage collection for a while, but Trustee Rogers would not want, on a steady basis, to collect garbage on Mamaroneck Avenue where we are picking up seven days a week. The garbage is collected at a certain time and should not be left out by the merchants whenever they want. Trustee Rogers has seen tenants place their garbage on the sidewalk because the receptacles are overflowing. Perhaps additional receptacles are needed. The Board must involve the merchants and educate the residents to cooperate in resolving these problems.

Trustee Neumeister feels the Village must get the landlords involved in this process to try and resolve the problems, such as requiring additional dumpsters or compactors to alleviate the overflow of garbage on the Avenue. Trustee Lanza stated that the Task Force can discuss and recommend long term solutions. Mayor Noto stated that what is frustrating is the fact that people cause these problems; it is not government. There is such little regard for the environment. The Village already collects garbage on Mamaroneck Avenue six or seven times a week, compared to twice a week for the rest of the community. Mayor Noto feels that people will still be littering and dumping garbage on Mamaroneck Avenue as long as they know it will be picked up. On an interim basis, the Village will pick up the additional litter on Saturdays and Sundays and hopefully, by the end of the year, the Task Force will have completed its study and recommend solutions.

Mr. Carl Alterman stated that without a Master Plan, and with the proliferation of fast food establishments in the Central Business District, the litter situation will not be resolved. Trustee Lanza stated that he will not vote to spend any funds on a revitalization program for Mamaroneck Avenue unless the garbage situation is rectified.

Trustee Knoebel stated that other communities, such as Larchmont or Rye, do not have the same kind of residential structures in the central business area as we do, which increases the problem.

Ms. Vera LaFollette stated that there are many people residing in these apartments on Mamaroneck Avenue, thereby more garbage accumulates. The Task Force has to look at other ways to dispose of the garbage, such as compactors in the basement, because these apartment buildings are going to produce a certain amount of garbage and they have no place to put it. It is an educational process and the landlords must get involved and be accountable.

On motion of Trustee Lanza, seconded by Trustee Neumeister:

RESOLVED that the Board of Trustees of the Village of Mamaroneck hereby establishes the Mamaroneck Avenue Task Force, comprised of the Village Manager, Police Chief, Sanitation Foreman, Fire Inspector, Code Enforcement Officer, Litter Ranger, two residents and two merchants, to be chaired by Trustee Lanza, for the purpose of discussing guidelines to implement procedures to alleviate the litter and garbage situation, loitering and overcrowding in the Central Business District.

Ayes: Knoebel, Neumeister, Lanza,

Rogers, Noto

Nays: None

NOVEMBER 14, 1994

Mayor Lanza stated that the Board is considering this evening a proposed resolution to declare a moratorium on fast-food eateries in the Central Business District, except for any application that is presently pending before a Village Board.

Village Attorney Nolletti stated that the proposed resolution is not intended to affect any applications that have been filed with the Village. The Board of Trustees has been asked to consider the problems that exist on Mamaroneck Avenue. There is no choice but for the Village Board to consider taking such action, so we can maintain the status quo, until we can work out a more definitive plan.

Trustee McCarty stated that this is something the Mamaroneck Avenue Task Force and the Board of Architectural Review have been discussing for quite some time. The moratorium is the first step and a comprehensive plan is the second step for the Board to undertake.

Village Manager Galligan stated that he is reviewing grants for this purpose. The UDC has a 50% match of funds to hire a consultant to review the downtown area, to meet with the public and work with Boards and Commissions to try to determine what is the Village's long-term goals.

Mayor Lanza feels the main input and recommendations for improving and revitalizing the downtown area should come from the Chamber of Commerce and the Merchants Division.

Village Attorney Nolletti stated that the proposed resolution is very clear in its language that we are not intending this moratorium to apply to anything that is already in the pipeline in the building department. The Village Attorney recommended the following sentence be added to the proposed resolution, "BE IT FURTHER RESOLVED, that this moratorium shall not apply to any application for such use which was filed with the Village of Mamaroneck prior to the effective date hereof."

MORATORIUM ON FAST FOOD EATERIES

WHEREAS, the Village of Mamaroneck has, since January of 1993, been concerned about various problems which have arisen in the Central Business District, between Halstead Avenue to the Boston Post Road on Mamaroneck Avenue, as a result of what would seem to be an excessive number of fast food eateries, such problems including litter, crowd congregation, traffic congestion and the like; and

WHEREAS, the Village Board has asked the Mamaroneck Avenue Task Force to consider these problems as well as a planned revitalization of the Mamaroneck Avenue Central Business District; and

WHEREAS, the Village has joined the Main Street Alliance for the purpose of coming up with a comprehensive plan which can be implemented in this area; and

WHEREAS, the Village Board of the Village of Mamaroneck has determined that it should exercise its police powers in response to the aforementioned problems which are being encountered in the Central Business District by imposing a fast food establishment moratorium in the Central Business District; and

WHEREAS, fast food establishments have been determined by the Village Board to be defined as an establishment that offers quick service of packaged foods for consumption on the premises and/or for carry-out, and which is accomplished through a menu of items already prepared and held for service, or prepared, fried or griddled quickly, or heated in a device such as a microwave oven, or which does not provide table service to customers by restaurant employees, which food is served in disposable wrappers or containers, and such fast food establishments will include, but will not be limited to establishments specializing in hamburgers, hot dogs, sandwiches, chicken, tacos, pizza, Chinese and similar foods, coffee, ice cream, bagels and doughnuts;

NOW THEREFORE, on motion of Trustee Knoebel, and seconded by Trustee McCarty:

BE IT RESOLVED that a fast food establishment moratorium shall be imposed in the Central Business District for a period of six (6) months from the date of the enactment of this resolution, and no approvals shall be given by the Village of Mamaroneck during this time period or any extensions thereof for the operation of any such establishment.

BE IT FURTHER RESOLVED, that this moratorium shall not apply to any application for such use which was filed with the Village of Mamaroneck prior to the effective date hereof.

Ayes: McCarty, Knoebel, Neumeister,

Rogers, Lanza

Nays: None

MAY 8, 1995

Communication was received from the Village Attorney advising that Trustee McCarty has requested his office to prepare a new resolution for a moratorium to include all food establishments, which includes fast food establishments, restaurants, delicatessens, or other similar such operations. The fast food establishment moratorium in the Central Business District was imposed on November 14, 1994 for a period of six months, which will expire shortly.

Village Attorney Nolletti stated that the terminology for food establishments comes from the Health Law of the State of New York. Food establishments would mean place that sell food. The last time this matter was discussed, there were issues raised about the scope of the moratorium.

Trustee McCarty stated that this issue was discussed extensively at a prior meeting of the Mamaroneck Avenue Task Force Committee with the Village Planning Consultant. The feelings of the members was to place a moratorium on fast food establishments, as well as restaurants and other similar operations selling food.

Village Attorney Nolletti stated that this will cause some confusion, based on this definition. Does the Board wish to establish a moratorium with respect to establishments that would sell food to consumers to consume on the premises and off premises? Does the Board want to exclude certain things? The Board can extend the existing moratorium for an additional six months.

On motion of Trustee Neumeister, seconded by Trustee McCarty:

RESOLVED that the Board of Trustees of the Village of Mamaroneck hereby extends the fast food establishment moratorium imposed in the Central Business District for a period of six (6) months, previously adopted November 14, 1994, for an additional six (6) months and that no approvals shall be given by the Village of Mamaroneck or any of its Boards, Commissions, etc., during this time period or any extensions thereof for the operation of any such establishment.

BE IT FURTHER RESOLVED that this moratorium shall not apply to any application for such use which was filed with the Village of Mamaroneck prior to the effective date hereof.

Ayes: McCarty, Knoebel, Neumeister,

Rogers, Lanza

Nays: None

NOVEMBER 13, 1995

RESOLUTION EXTENDING MORATORIUM ON FAST FOOD EATERIES

Village Attorney Nolletti advised that a communication with regards to the moratorium on fast food eateries on Mamaroneck Avenue was recently received from the Village's Planning Consultant, from which the Attorney's office will prepare a proposed local law to be circulated to the Board for their review and input.

On motion of Trustee McCarty, seconded by Trustee Neumeister:

RESOLVED that a Public Hearing be and the same is hereby scheduled on Monday, January 22, 1996 at 8:00 p.m. regarding the moratorium on fast food eateries on Mamaroneck Avenue.

Ayes: McCarty, Knoebel, Neumeister, Rogers, Lanza

Nays: None

On motion of Trustee Neumeister, seconded by Trustee McCarty:

RESOLVED that the Board of Trustees of the Village of Mamaroneck hereby extends the fast food establishment moratorium imposed in the Central Business District for a period of six (6) months, previously adopted November 14, 1994 for six (6) months, and subsequently extended on May 8, 1995 for an additional six (6) months and that no approvals shall be given by the Village of Mamaroneck or any of its Boards, Commissions, etc., during this time period or any extensions thereof for the operation of any such establishment.

BE IT FURTHER RESOLVED that this moratorium shall not apply to any application for such use which was filed with the Village of Mamaroneck prior to the effective date hereof.

Ayes: McCarty, Knoebel, Neumeister, Rogers, Lanza

Nays: None

JANUARY 22, 1996

Mayor Lanza stated that there have been problems with garbage and litter in the Central Business District, due to the number of fast food establishments. The Board previously adopted a resolution placing a moratorium on fast food establishments in the Central Business District.

Trustee McCarty stated that the Mamaroneck Avenue Task Force has worked very diligently on this matter over the past year.

Village Attorney Nolletti stated that the intent of the Board is not to put anyone out of business. Those businesses who presently exist are grandfathered in at their existing location. This will fall into line with the other provisions of the Village Code, that if you cease the use, you have one year to re-establish the use or you lose it.

Trustee McCarty stated that the proposed local law is not punitive. We would like to see diversity and a variety of businesses on the Avenue. On motion of Trustee Rogers, seconded by Trustee Knoebel:

RESOLVED that the Public Hearing on Proposed Local Law No. 1-1996 is hereby declared closed.

Ayes: McCarty, Knoebel, Neumeister, Rogers, Lanza

Nays: None

On motion of Trustee Neumeister, seconded by Trustee Knoebel:

WHEREAS, the Village of Mamaroneck has previously adopted Subsection B of Section 342-3 (Terms Defined) and Section 342-45 (Restaurants and Taverns) as part of the Zoning Code of the Village; and

WHEREAS, the Village Board has determined that certain modifications with respect to said Sections are necessary; and

WHEREAS, the Village Board has designated itself Lead Agency with respect to said proposed modifications to the Zoning Code; and

WHEREAS, the Village Board has caused there to be prepared a Short Environmental Assessment Form with reference to such proposed action, which is considered to be Unlisted; and

WHEREAS, after having reviewed the Environmental Assessment Form prepared by Planning Consultant Frank Fish dated January 17, 1996, in connection with this action, as well as having taken a hard look at all relevant impacts in connection therewith, it is determined that the action will not have a significant adverse environmental impact;

NOW THEREFORE, on motion of Trustee Neumeister, and seconded by Trustee Knoebel:

BE IT RESOLVED that the Village Board determines that an Environmental Impact Statement will not be prepared with respect to the proposed modifications to the Zoning Code pertaining to Subsection B of Section 342-3 and Section 342-45, and adopts a negative declaration; and

BE IT FURTHER RESOLVED that Proposed Local Law No. 1-1996 be and hereby is enacted as Local Law No. 1-1996 and shall read as follows :

LOCAL LAW NO. 1-1996

A Local Law amending Section 342-3B (Terms Defined) and Section 342-45 (Restaurants and Taverns) of Chapter 342 (Zoning) of the Code of the Village of Mamaroneck

Be it enacted by the Board of Trustees of the Village of Mamaroneck as follows :

SECTION 1. Subsection B of Section 342-3 (Terms Defined) of Chapter 342 (Zoning) of the Code of the Village of Mamaroneck is hereby amended by adding the following definitions thereto :

RESTAURANT - A business engaged in the preparation and sale of food and beverages selected from a full menu by patrons seated at a table or counter, served by a waiter and consumed on the premises. The term "restaurant" does not include a business whose principal operation is as a bar, cabaret, carry-out restaurant, delicatessen or fast-food restaurant.

RESTAURANT, CARRY-OUT - A business enterprise primarily engaged in the retail sale of food or beverages, which may include grocery items, for consumption off the premises, but which also includes the incidental sale of ready-to-consume food and beverages from a counter-type installation for consumption on the premises, provided that the area devoted to customer seating is clearly accessory to the main business, and complies with the area requirements of the New York State Uniform Fire Prevention and Building Code.

DELICATESSEN - A business engaged in the retail sale of food, beverages and grocery items for consumption off premises and where meats, fish, salads, cheese, relishes and delicacy items might be specially prepared as sandwiches and other consumable items for lunch, snacks and other off-premises consumption. Such use shall not include tables and seating for on-premises food consumption.

RESTAURANT, FAST-FOOD - A business enterprise primarily engaged in the sale of ready-to-consume food and beverages generally served in disposable or prepackaged containers or wrappers and where patrons usually select their orders from a posted menu offering a limited number of specialized items, such as, but not limited to, hamburgers, chicken, fish and chips, pizza, tacos and hot dogs, which are prepared according to standardized procedures for consumption either on or off the premises in a facility where a substantial portion of the sales to the public is by drive-in or stand-up services and cleanup is generally performed by the customer. The term "fast-food restaurant" shall not include a carry-out restaurant or delicatessen.

FOOD SERVICE ESTABLISHMENT - Any use which includes the serving of food and/or beverages that requires an eating place permit, or other food service establishment which is

required by either County or State law to be licensed, including, but not limited to, restaurants, carry-out restaurants, delicatessens, and fast-food restaurants .

SECTION 2 . Section 342-45 (Restaurants and Taverns) of Chapter 342 (Zoning) of the Code of the Village of Mamaroneck is hereby renamed and shall be known as Section 342-45 (Food Service Establishments and Taverns) and said Section is hereby amended to read as follows:

Section 342-45 . Food Service Establishments and Taverns . No food service establishment or tavern shall provide outdoor counter, drive-in or curb service, but it may provide service at tables on a porch or terrace where this is incident and clearly subordinate to the operation conducted within the main building. In a C-1 District, no more than twenty percent (200) of all indoor seats in a food service establishment or tavern shall be counter seats . In a C-2 District, no fast-food restaurant, carry-out restaurant or delicatessen shall be permitted on Mamaroneck Avenue closer than two hundred (200) linear feet to another existing fast-food, carry-out restaurant or delicatessen on the same side of the Avenue. Such distance shall be measured from the closest lot line of the respective food service establishments .

SECTION 3 . This Local Law shall become effective upon filing in the office of the Secretary of State and upon due publication.

Ayes : McCarty, Knoebel, Neumeister, Rogers, Lanza

Nays : None

PREPARED BY:

ROSEANN DENARO,

SECRETARY

RESPECTFULLY SUBMITTED BY:

LEONARD M. VERRASTRO,

CLERK-TREASURER

MINUTES OF A PUBLIC HEARING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK HELD ON MONDAY, JANUARY 22, 1996 AT 8:00 P.M. AT VILLAGE HALL, MAMARONECK, NEW YORK, TO CONSIDER PROPOSED LOCAL LAW NO. 2-1996 (FIRE HYDRANT ACCESSIBILITY) .