

Village of Mamaroneck

123 Mamaroneck Avenue
Mamaroneck NY 10543

Zoning Board of Appeals Minutes

VILLAGE OF MAMARONECK ZONING BOARD OF APPEALS MEETING

August 13, 2020 AT 7:00 PM - ONLINE

NOTICE OF FIRE EXITS AND REQUEST TO TURN OFF ELECTRONIC DEVICES

These are intended to be Action Minutes which primarily record the actions voted on by the Zoning Board at the meeting held August 13, 2020. The full public record of this meeting is the audio/video recording made of this meeting https://lmctv.org/videos_list/village-of-mamaroneck-zoning-board-meeting-8-13-20/

PRESENT:

**Doug Dunaway, Acting Chair
Meg Yergin, Board Member
Abby Roberts, Board Member**

**Christy Mason, Counsel to the Board
Michael Hartman, Counsel to the Board
Frank Tavalacci, Acting Building Inspector
Will Long, Village Director of Planning**

EXCUSED:

**Robin Kramer, Chair
Gretta Heaney, Board Member**

On motion of Ms. Roberts and seconded by Ms. Yergin, Mr. Dunaway was nominated Acting Chair.

Chair Dunaway called the meeting to order at 7:11 p.m.

A PUBLIC HEARINGS

- 1. 1U-2020, GENE LUM for Lum & Hong Realty, Inc., 100 W. Boston Post Road** (Section 9, Block 50, Lot 2B) Application for a variance to manufacture in the C-2 per 342-31 A(1) (e) of the Village Code where light manufacturing, assembling, converting, altering, finishing, cleaning or other processing, subject to 342-47 and provided that goods so produced or processed are to be sold at retail, exclusively on the premises. (C-2 District)

Mr. Tavalacci:

- We're considering this to be a change of use
- It has to get site plan approval from the Planning Board

Mr. Long:

- I understand this is an Unlisted Uncoordinated Action

Ms. Mason:

- We didn't feel it fits any of the categories for a Type II Action
- It's the Board's discretion how to type it
- Our advice is to type it as an Unlisted Action
- It will have to go to Planning Board for site plan approval
- It will have to go HCZM for consistency
- You can do a coordinated review, which is what the Village usually does
- You can do an uncoordinated review, which means each Board would have to go through SEQRA
- I don't know that there'd be a benefit to an uncoordinated review
- In a coordinated review you or the Planning Board would have to be designated Lead Agency
- The EAF and a Notice of Intent to be Lead Agency would have to be circulated to other interested/involved agencies

Ms. Yergin:

- I respect Christy's opinion that it's an Unlisted Action
- I would like the Planning Board to be Lead Agency

Ms. Roberts:

- I agree with Meg

On motion of Chair Dunaway and seconded by Ms. Roberts, the Board authorized staff to circulate the EAF and Notice of Intent.

Ayes: Ms. Yergin, Ms. Roberts, Chair Dunaway

Nays: None

Excused: Ms. Kramer, Ms. Heaney

Ted D'Amore, R.A.

- 2 months ago you considered the traffic and everything involved with the operations
- It seemed like there was a straw poll vote to approve the application
- Last month was about adding some conditions
- Then it came up that perhaps the Notice was wrong
- We were about to be approved for a use variance and this special meeting was set up
- You made a lot of considerations, now you're asking for the opinions of other Boards
- We won't be sending anything out by boat, it'll all be vehicular
- Why doesn't this Board want to be the Lead Agency
- A use variance is the highest change of use that can be allowed by any Board
- Give us our use variance and let the Planning Board go through site plan review
- We'd like to be considered for a vote tonight

- If we get the use variance but not the site plan approval, then we don't go forward
- We think we're having obstacles thrown in front of us that are unnecessary

Chair Dunaway:

- Mr. D'Amore made some valid points
- I probably agree that the biggest aspect of this is the use variance

Ms. Mason:

- If you serve as Lead Agency, it'll still have to go to Planning and HCZM
- At least you'd start the Notice of Intent

Ms. Yergin:

- If we declare ourselves Lead Agency, it'll be 30 days from now
- We wouldn't be able to act on it at our September meeting
- The Planning Board has more experience with SEQRA

Abe Abdullah, the proposed tenant:

- This was supposed to be the day you vote on our application
- No one brought it to our attention that we needed review from this Board and that Board and that Board
- It keeps dragging on, I need a final answer

Ms. Yergin:

- You won't be able to open or get a building permit without site plan review
- Waiting to September to review the resolution isn't going to slow you up any more

Ms. Mason:

- I feel it was initially presented as not a change of use
- As time went on it became apparent it is a change of use, it's not a restaurant
- There's a take-out portion and a small manufacturing facility
- It has to go to HCZM because it's an Unlisted Action due to the use variance
- It needs site plan approval because it's a change of use

On motion of Chair Dunaway and seconded by Ms. Roberts, the Board typed it as an Unlisted Action and agreed to an uncoordinated review being done.

Ayes: Ms. Yergin, Ms. Roberts, Chair Dunaway

Nays: None

Excused: Ms. Kramer, Ms. Heaney

Mr. Long and the Board went through the 11 questions in part 2 of the EAF regarding impacts. The impacts were found to be none or small.

On motion of Ms. Yergin and seconded by Ms. Roberts, the Board issued a Negative Declaration under SEQRA.

Ayes: Ms. Yergin, Ms. Roberts, Chair Dunaway

Nays: None

Excused: Ms. Kramer, Ms. Heaney

There was no public comment.

The Board will review the draft resolution for the use variance at their September meeting.

B. ADJOURN MEETING

On motion of Chair Dunaway and seconded by Ms. Yergin, the meeting was adjourned at 8:25 p.m.

All in favor?

Aye.

Ms. Kramer and Ms. Heaney excused.

ANY HANDICAPPED PERSON NEEDING SPECIAL ASSISTANCE IN ORDER TO ATTEND THE MEETING SHOULD CALL THE VILLAGE MANAGER'S OFFICE AT 914-777-7703

All Board of Trustee Regular, ZBA, Planning Board, and HCZM Meetings are Broadcast Live on LMC-TV: Verizon FIOS Channels 34, 35 & 36 Cablevision Channels: 75, 76 & 77 And Streamed on the Web: www.lmc-tv.org