

Village of Mamaroneck, New York
Zoning Board of Appeals
(Effective _ 2007)

- | | |
|---|-----------------------|
| <input type="checkbox"/> 16 Copies | Application # _____ |
| <input type="checkbox"/> Completed Application | Agenda DATE: _____ |
| <input type="checkbox"/> COs or Letter | SP: _____ |
| <input type="checkbox"/> Violations, if any | AV: _____ |
| <input type="checkbox"/> Photographs | UV: _____ |
| <input type="checkbox"/> Survey | Fence: _____ |
| <input type="checkbox"/> Certified Drawings | Sign: _____ |
| <input type="checkbox"/> Consent | Interpretation: _____ |
| <input type="checkbox"/> Certification/Affidavit | |
| <input type="checkbox"/> EAF | |
| <input type="checkbox"/> Copy of Determination being appealed | |
| <input type="checkbox"/> Riders if Application is Corp./Business Entity | |
- For Official Use Only

Village of Mamaroneck, New York
Zoning Board of Appeals
APPLICATION

Date. June 20, 2018

TO: ZONING BOARD OF APPEALS-VILLAGE OF MAMARONECK
123 Mamaroneck Avenue
Mamaroneck, New York 10543

I (We) East Coast North Properties, LLC

(Name of Applicant)

Of 416 Waverly Avenue, Mamaroneck, N.Y. Zip: 10543

(Insert Complete Mailing Address)

Daytime Phone # 914-777-5777 Daytime Fax # _____ EMAIL: chris@murphybrothers.com

Apply to the Board of Appeals regarding property located at 416 Waverly Avenue

Mamaroneck, N.Y. 10543 (a/k/a - 560 Fenimore Drive)

(Insert Location of Premises)

Bearing Village of Mamaroneck Tax Map Number. 8 / 111/ 29-42
(Section) (Block) (Lot)

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1. This is an Application for the following: check one (1) or more as applicable

☒ **Area Variance** - This is to use land in a manner not allowed because of dimensional or topographical requirements in the Zoning Code

☐ **Use Variance**- This is to allow land to be used in a manner or for a purpose which is prohibited or not allowed by the Zoning code.

☐ **Special permit**

☐ **Sign Variance**

☐ **Fence Variance**

☐ **Appeal or Interpretation** (*Specify Code Section*)

☐ **Other:** Specify: _____

2. The Date and Description of the determination that is being appealed (a copy of the determination must be attached)

Application for area variances based on Building Inspector's
determination dated May 22, 2018 (see attached)

3. What is the present zoning of the property? M-1

4. This Application must be made in the name of the person or entity that has a *possessory interest in the property such as a tenant, purchaser or owner*. If you are the owner, on *what date did you acquire title?* May 31, 2001 If you are not the owner, list the name and address of the owner and describe your relationship to the property and the date said relationship commenced: _____

IF you have acquired title to the property within the past two years, provide the name of the prior owner:

NOTE:

If the Applicant or Property Owner is a:

Corporation: Attach a separate Rider listing all the corporation's officers, shareholders and their percentage of share ownership.

Partnership: attach a separate Rider listing the type of partnership and identify the partners and their partnership interests.

LLC: attach a separate Rider listing the LLCs members

EAST COAST NORTH PROPERTIES, LLC MEMBERS

1. Chris Murphy – Managing Member
2. Sean Murphy - Member

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5. If someone else is authorized to act as your representative or to appeal with you on your behalf before the Board, his or her name, address and telephone number must be provided:

Name: Eric Gordon, Esq., Keane & Beane, P.C.
Address: 445 Hamilton Avenue, White Plains, N.Y. 10601
Telephone: 914-946-4777
Email: egordon@kblaw.com

6. Has a prior variance, special permit, or interpretation Application ever been submitted for this property?

☒ Yes ☐ No

If YES, you must attach copies of the prior variance or resolution and describe them:

Zoning variances granted for redevelopment of property on
October 3, 2013. A copy of the Zoning Board's determination
is attached to the cover letter submitted herewith.

7. List all permits you must obtain in order to complete the subject project of this Application (include all permits or approvals necessary from any federal, state, county, or local agency or department):

See Section B of Long Form EAF submitted herewith.

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8. Is the property subject to any covenants, easement, or other restrictions or encumbrances? If so, list and describe these. (You may be required to provide copies of these documents establishing same to the Board.) Please be advised that nothing herein or within board purview will alter or modify any existing contractual rights with respect to the subject property.

N/A

9. Check here if there has been any illegal use or violations issued with respect to the property, regardless of whether it has been removed or adjudicated.

If so, describe and provide the date(s) and details, including if the violation continues:

N/A

10. The following are the provisions of the Village Code from which either a variance is sought or a permit is requested (you must itemize each variance you seek, since a variance cannot be obtained unless it is expressly requested and is the subject of public notice:

See attached cover letter for a description of all requested variances.

Article _____	Section _____	Subsection _____
Article _____	Section _____	Subsection _____
Article _____	Section _____	Subsection _____
Article _____	Section _____	Subsection _____

NOTE:

IF this is an application for A *USE VARIANCE*,
COMPLETE QUESTION 11 on page 10.

IF this is an application for an *AREA VARIANCE*,
COMPLETE QUESTION 12 on page 11

IF this is an application for ALL OTHER APPLICATIONS-
INCLUDING A SPECIAL PERMIT
COMPLETE QUESTION 13 on page 12.

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11. A use variance may only be granted if it is determined that zonings regulations and restrictions cause the property owner unnecessary hardship. New York law provides that: "In order to prove such unnecessary hardship, the property owner shall demonstrate to the Board of Appeals that:

- 1) Under the applicable zoning regulations, the owner is deprived of a reasonable return for each and every permitted use under the zoning regulations for the particular district where the property is located This deprivation must be established by competent financial evidence;
- 2) the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
- 3) the requested use variance, if granted ,will not alter the essential character of the neighborhood; and
- 4) the alleged hardship has not been self-created

You must set forth the facts which support your Application request. (Attach additional sheets, schedules, or other information that you want the Board to consider):

N/A

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12. Under State law, the Board of Appeals must consider the following factors in making a decision on your request for an area variance:

- 1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
- 2) whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue other than an area variance;
- 3) whether the requested area variance is substantial;
- 4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- 5) whether the alleged difficulty was self-created...

You must set forth the facts which support your Application request. (Attach additional sheets, schedules, or other information that you want the Board to consider:

See attached cover letter.

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- 13. If this Application is not for an area or use variance, provide information that supports your Application. You must refer to the appropriate sections of the Village Code and to other legal requirements necessary for the board to consider your application**

NOTE: If you are requesting an appeal or interpretation, be specific as to both the remedy sought and the Code section(s) relevant to your request and provide to the Board all legal authorities that support your position, by attaching to this Application.)

N/A

[illegible]

**Village of Mamaroneck,
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It is the my responsibility as the Applicant to complete this Application completely and carefully, and to provide sixteen (16) copies of this Application, together with all necessary papers, plans, surveys, documents or other required information.

Failure to submit the required documents and information will delay my Application or result in its denial, since the ZBA cannot review or grant relief to incomplete Applications.

It is my responsibility to comply with all related requirements in presenting this Application, and the ZBA reserves the right to request additional documentation and/or drawing, and to condition any requested relief upon the filing of covenants and restrictions.

Although employees of the Village may provide me with assistance, I understand it is my responsibility to be familiar and comply with all applicable laws and to submit all necessary papers, plans, surveys, documents or other required information. I understand that copies of the Village Code are available for my review at the Village Clerks office as well as the Village Website and that I may be represented at the ZBA hearing.


I HEREBY CERTIFY THAT ALL STATEMENTS MADE ON THIS APPLICATION ARE TRUE TO THE BEST OF MY KNOWLEDGE.



(Applicant's Signature)

Sworn to before me this 18th

Day of June, 2018



Notary Public

ERIC GORDON
Notary Public, State of New York
No. 02GO6032250
Qualified in Westchester County
Commission Expires October 25, 2021

CHECKLIST FOR INITIAL ZONING BOARD OF APPEALS SUBMISSION

- ☒ Applicable fee
- ☒ 1 Electronic Copy of All documents submitted


Applicant must submit sixteen (16) copies of the following:

- ☒ Completed Application
- ☒ All Certificates of Occupancy or Temporary Certificate of Occupancy for the property, or Letter from the Building Department in lieu thereof
- ☒ Violations on the property and proof that they have been corrected
- ☒ *Photographs* of the property (3" X 5" or larger) that depict the location and potential impacts of your application
- ☒ *Accurate survey*** of the current status of the property which has been prepared and certified by a licensed surveyor *within the past twelve (12) months* of the application date, shall be submitted with each application.

****ALL SURVEYS SUBMITTED FOR A VARIANCE REQUEST *MUST SHOW THE SETBACKS FOR ALL STRUCTURES ON THE LOT TO THE PROPERTY LINE***

Please Note: Where a survey certified within the past 12 months is not available and the application does not involve any change to the exterior of the property, the ZBA will accept a certification by the owner that to his/her knowledge the existing survey accurately depicts the current status of the property

- ☒ *Certified drawings*, prepared by a registered architect or professional engineer, and other supporting documents
- ☐ *Written consent of the owner*, if you are not the owner of the property
- ☒ *Certification*, as required by NYS General Municipal Law
- ☒ State Environmental Quality Review (SEQRA) *Short or Long Environmental Assessment Form*
- ☒ *Copy of the Determination* being Appealed
- ☐ NOTE: See Instructions regarding submittal of Supplemental Materials or New Plans (Item VII in the Rules of the Zoning Board of Appeals of the Village of Mamaroneck and Instructions for Bringing an Appeal



Applicant's Signature

6/18/18
Date

CERTIFICATION

(Required by New York State General Municipal Law)

East Coast North Properties, LLC states as follows:

(Applicant's name)

1. I am interested in this application for a variance or special use permit now pending before the Village of Mamaroneck Board of Appeals,
2. I reside at 416 Waverly Avenue, Mamaroneck, N.Y. 10504
3. The nature of my interest in the aforesaid application is as follows:
Applicant
4. If the Applicant or owner is a corporation, list the corporation's officers:
President: _____ Vice President: _____ Chris Murphy - Managing Member
Secretary: _____ Treasurer: _____ Sean Murphy - Member
5. Do any of the following individuals have an interest, as defined below, in the owner or Applicant:
 - a. Any New York State officers, or
 - b. Any officer or employee of the Village of Mamaroneck, Town of Rye, Town of Mamaroneck, or Westchester County.

☐ Yes ☒ No

For the purpose of this disclosure, an officer or employee shall be deemed to have an interest in the owner or Applicant when he, his spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them:

- a. is the Applicant or owner, or
- b. is an officer, director, partner or employee of the Applicant or owner, or
- c. legally or beneficially owns or controls stock of corporate Applicant or owner; or
- d. Is a party to an agreement with such an Applicant or owner, express or implied, whereby he may receive any payment or other benefit, whether or not for service rendered dependent or contingent upon the favorable approval of such application.

A PERSON WHO KNOWINGLY AND INTENTIONALLY FAILS TO MAKE SUCH DISCLOSURE SHALL BE GUILTY OF A MISDEMEANOR AS PROVIDED IN GENERAL MUNICIPAL LAW, SECTION 809

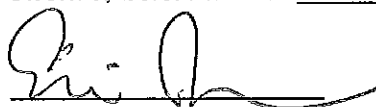
If "Yes," state the name and nature and extent of the interest of such individual:

(Name & Residence)

(Extent of interest)

Sworn to before me this 18th day of June, 2018

Applicant's Signature



NOTARY PUBLIC

ERIC GORDON
Notary Public, State of New York
No. 02GO6032250
Qualified in Westchester County
Commission Expires October 25, 2021