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GORDON & REES
SCULLY MANSUKHANI
YOUR 50 STATE PARTNER™

ATTORNEYS AT LAW
500 MAMARONECK AVENUE, SUITE 503
HARRISON, NY 10528
WWW.GRSM.COM

February 8, 2021

Via Hand Delivery

Village of Mamaroneck Building Department
Attn: Zoning Board of Appeals
169 Mt. Pleasant Avenue
Mamaroneck, New York 10543

Re: 946 E Boston Post Road

Dear Sir or Madam,

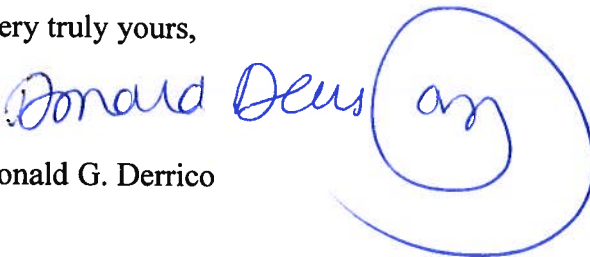
Our firm represents Storm Auto Group, Inc., who is submitting an application for a variance to operate a High End Pre Owned Car Dealership at 946 E. Boston Post Road.

Enclosed you will find the following application materials:

1. One completed application;
2. Sixteen (16) copies of the completed application;
3. Denial letter from building department for certificate of occupancy;
4. List of all violations on the property;
5. Photographs of the property that depict the location;
6. An accurate survey that has been completed within the past twelve (12) months;
7. One (1) check for the escrow fee of \$750;
8. One (1) check for the filing fee of \$425.

If you should have any question or require additional information, please do not hesitate to contact the undersigned.

Very truly yours,



Donald G. Derrico

VILLAGE OF



MAMARONECK

OFFICE OF
THE
BUILDING
INSPECTOR

Village Hall
Mamaroneck, N.Y. 10543

TELEPHONE
(914) 777-7731

Address Reply to:
Building Department
169 Mt. Pleasant Avenue

ZONING BOARD

APPLICATION

PART 1

**Village of Mamaroneck, New York
Zoning Board of Appeals
APPLICATION PACKET**

INCLUDED IN THIS ZONING BOARD OF APPEALS APPLICATION PACKET ARE THE FOLLOWING:

- Rules of the Zoning Board of Appeals of the Village of Mamaroneck and Instructions for Filing an Appeal
- Checklist for Initial ZBA Submission, which must be completed and submitted with Applicant's initial submission
- Zoning Board of Appeals Application, including the following additional forms that also need to be submitted by the Applicant:
 - 1) Certification Form
 - 2) Short Form Environmental Assessment Form ("EAF")
(See below for DEC website information)
- **Post Application forms including:**
 - a) Sample Notice Letter to neighboring property owners
 - b) Proof of Service Affidavit
 - c) List of Property Owners Notified sheet
 - d) Affidavit Verifying Placement of Required Notice Sign

NOTE:

- A fillable PDF version of the Zoning Board of Appeals Application is available at:
www.village.mamaroneck.ny.us
- A fillable PDF version Short Form EAF is available at:
www.dec.ny.gov/docs/permits_ej_operations_pdf/seafpartone.pdf
- If a long form EAF is required a fillable Long Form EAF is available at:
www.dec.ny.gov/docs/permits_ej_operations_pdf/feafpart1.pdf

**RULES OF THE ZONING BOARD OF APPEALS
OF THE VILLAGE OF MAMARONECK
AND INSTRUCTIONS FOR BRINGING AN APPEAL
(EFFECTIVE 2007)**

I. Time to Take Appeal

Appeals to the Zoning Board of Appeals ("ZBA") must be taken within sixty (60) days after any order, requirement, decision, interpretation, or determination of the administrative official charged with the enforcement of the local law that is being appealed.

II. Applications

1. The Applicant can pick up a ZBA Application Packet ("Application Packet") at the Building Department. (Note: There are separate instructions and application for a Special Permit renewal only. IF there is a change in ownership, the Applicant cannot submit a Special Permit Renewal Application.
2. All applications to the ZBA shall be made on the forms provided in the Application Packet. Chapter 342 of the Code of the Village of Mamaroneck requires that the original plus sixteen (16) copies each of the Village of Mamaroneck Zoning Board of Appeals Application ("Application"), supporting plans, surveys, and other required documents shall be filed with the Building Inspector, along with all prescribed fees, which shall be paid at the same time.
3. The Application shall be signed and notarized by the person(s) or entity making the application who must either: (1) have a possessory interest in the property (tenant, lessee, purchaser or owner); or (2) be aggrieved by an order, requirement, decision, interpretation or determination of order, requirement, decision, interpretation, or determination of an administrative official. If a corporation or other business entity is the Applicant, certain other disclosures are required as detailed in the Application.
4. It is the Applicant's responsibility to complete all portions of the Application, including the "Checklist for Initial Zoning Board of Appeals Submission", carefully and to provide, together with the Application, all necessary information. Careful attention must be given to answer all questions on the forms and to provide all documentation. Failure to submit the required documents and information will delay the Applicants application or result in its denial, since the ZBA cannot review or grant relief based upon incomplete applications.

5. Notwithstanding the foregoing, the ZBA, in its discretion, may waive the furnishing of any part of such information in any specific case.
6. Although employees of the Village may provide you with assistance, it is the Applicant's responsibility to be familiar and comply with all applicable laws and to submit all necessary plans, documents and information. Copies of the Village Code are available for the applicant's review at the Village Clerk's Office. The applicant may be represented at the ZBA hearing
7. A survey duly certified by a licensed surveyor within the past twelve months of the application date, which accurately depicts the current status of the property shall be submitted with each application.
8. All documents must be submitted 22 days prior to the scheduled meeting.
9. Every application shall be accompanied by an escrow fee as follows:

New Variance	\$750.00
Special Permit Application	\$750.00
Special Permit Renewal Application	\$350.00
Appeal or Interpretation Application	\$ TBD by Building Inspector

10. Every application shall be accompanied by a filing fee as follows:

Notice of Appeal, Interpretation or Variance	
1 or 2 family house	\$ 150.00
3 to 5 family house	\$ 150.00
All other residential and commercial	\$ 425.00
Fence permit	\$ 150.00
Boat and boat trailer storage	\$ 150.00
Sign variance and appeal	\$ 225.00
Special Permit (residential)	\$ 179.00
Special Permit (commercial)	\$ 425.00
Special Permit renewal	\$ 150.00

III. AGENDA

1. Each application for a new matter will be assigned a number- one (1) through six (6) for each ZBA agenda.
2. Applicants should be aware of the deadline to get on the next Agenda- Applications must be submitted (3) weeks prior to the meeting.
3. There will be no more than six (6) new matter matters addressed at each meeting.

****Therefore, even if an Applicant submitted the application in time to meet the submission deadline, there is no guarantee the matter will be placed on the agenda for the next meeting**

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


Date

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

- | | |
|---|---|
| <input type="checkbox"/> 16 Copies
<input type="checkbox"/> Completed Application
<input type="checkbox"/> COs or Letter
<input type="checkbox"/> Violations, if any
<input type="checkbox"/> Photographs
<input type="checkbox"/> Survey
<input type="checkbox"/> Certified Drawings
<input type="checkbox"/> Consent
<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 | Application # _____
Agenda DATE: _____
SP: _____
AV: _____
UV: _____
Fence: _____
Sign: _____
Interpretation: _____

For Official Use Only |
|---|---|

**Village of Mamaroneck, New York
Zoning Board of Appeals
APPLICATION**

Date. Feb 4 2021

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

I (We) Storm Auto Group
(Name of Applicant)

Of 115 Hoyt Ave., Mamaroneck, NY 10543
(Insert Complete Mailing Address)

Daytime Phone # 914-308-2765 Daytime Fax # _____ EMAIL: stormautogroup@yahoo.com

Apply to the Board of Appeals regarding property located at 946 E. Boston Post Rd, Mamaroneck, NY 10543
(Insert Location of Premises)

Bearing Village of Mamaroneck Tax Map Number. 154.41 1, 32
(Section) (Block) (Lot)

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

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)

WE HAVE NOT RECEIVED OFFICIAL DENIAL LETTER DUE TO COVID WORK FROM HOME RULES. SEE ATTACHED CORRESPONDENCE

3. What is the present zoning of the property? General Commercial C-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? _____ 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: _____

Dora Petroleum Corp. 75 Church St., New Rochelle, NY 10805
Sept. 8, 2020 - Date of lease execution

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

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

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:

GORDON, REES, SCULLY & MANSUKHANI, LLP by
Donald G. Derrico

Address:

500 Mamaroneck Ave #503, Harrison, NY 10528

Telephone:

(914) 777-2210

Email:

DDemico@GRSM.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:

Previous variance application attached. Variance
application by previous owner for ice cream
store

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):

none

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

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:

1-18-2011 - Allowed or caused exposed dumpsters on property, allow free standing sign on property

3-3-2011 - Allowed unregistered, uninspected motor vehicle to be stored on property

11-20-2014 - Excessive signage

6-21-2016 - Accumulation of garbage → see attached

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:

Article <u>X111</u>	Section <u>342</u>	Subsection <u>30(1)(h)</u>
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.

- 6-21-16 - Enclosure required
 - 1-9-17 - Failure to remove snow and ice
 - 4-27-17 - Rear of building must be cleaned
 - 6-9-17 - Parking layout without site approval
 - 7-14-17 - Operation of food establishment without permit
 - 9-26-17 - Overgrown grass and weeds in rear yard
 - 11-15-17 - Garbage and debris
 - 1-11-18 - Frozen pipes
 - 3-6-18 - Garbage and debris on property
 - 6-8-18 - Garbage and debris
 - 7-12-18 - Temporary storage of modular home sections in parking lot in C1 Zone prohibited
 - 9-28-18 - Overgrown grass and weeds
-

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

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):

Previously property was used as Gas Station & Service
The property is configured for such use, as well
as having abundant parking. The property is
configured and set up for use as service station
which it was previously for years. It was
then for a short time used as an ice cream
store. As such, the options to lease are
limited to similar type businesses.

Village of Mamaroneck,

New York Zoning Board of Appeals (Effective 2007)

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...

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

(Article X Special Permit) § 342-71 Action on referral.

A. That the location and size of the use, the nature and intensity of the operations and traffic involved in or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to the type, arrangement and capacity of streets giving access to it and the hours of operation are such that the proposed use will be in harmony with the appropriate and orderly development of the district in which it is located.

B. That the location, nature and height of buildings, walls and fences and the nature and extent of the landscaping and screening on the site, as existing or proposed, are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

C. That operations in connection with the proposed use will not be objectionable by reason of noise, fumes, smoke, dust, vibration, glare, intensity or flashing of lights.

D. That the parking areas to be provided will be of adequate capacity for the particular use, properly located and suitably screened from adjoining residential uses and that the entrance and exit drives shall be laid out so as to achieve maximum safety.

E. That, where they are applicable, the standards and requirements established or approved by the Village Engineer have been satisfactorily met as evidenced by his certification and that all necessary approvals of any other governmental agency or board have been or will be obtained by the applicant.

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

It is 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.

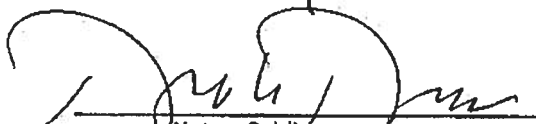
I HEREBY CERTIFY THAT ALL STATEMENTS MADE ON THIS APPLICATION ARE TRUE TO THE BEST OF MY KNOWLEDGE.



(Applicant's Signature)

Sworn to before me this 5th

Day of FEBRUARY, 2021



Notary Public

DONALD DERRICO
Notary Public, State of New York
No. 02DE6358674
Qualified in Westchester County
Commission Expires May 15, 2021

CERTIFICATIONChristian Petrescu

(Required by New York State General Municipal Law)

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 621 N. Barry Ave, Mamaroneck, NY 10543
3. The nature of my interest in the aforesaid application is as follows:
President of Corporation making application
4. If the Applicant or owner is a corporation, list the corporation's officers:
 President: Christian Petrescu Vice President: Dennis Lavin
 Secretary: Jay Jurac Treasurer: N/A
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:

Christian Petrescu, 621 N. Barry Ave, Mamaroneck, NY 10543
(Name & Residence)

President, Storm Auto Group
(Extent of interest)

[Signature]
Applicant's Signature

Sworn to before me this 5th day of February, 2021

[Signature]
NOTARY PUBLIC

DONALD DERRICO
Notary Public, State of New York
No. 02DE6358674
Qualified in Westchester County
Commission Expires May 15, 2021

Short Environmental Assessment Form

Part 1 - Project Information


Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

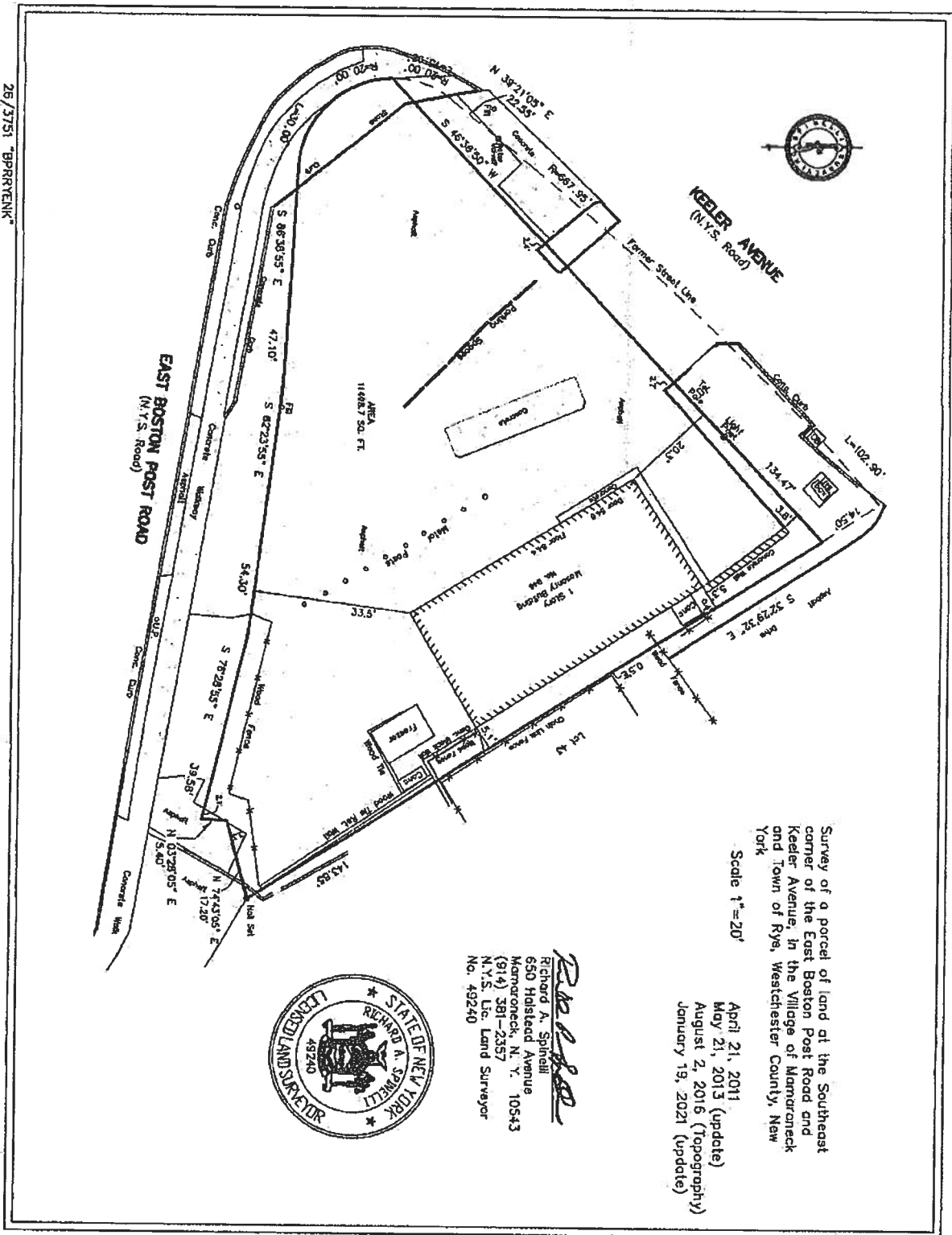
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: <u>Storm Auto Group.</u>			
Project Location (describe, and attach a location map): <u>946 E. Boston Post Rd, Mamaroneck, NY 10543</u>			
Brief Description of Proposed Action: <u>Operate high end pre-owned car dealership for sales only.</u> <u>No maintenance or repairs will be done on premises.</u> <u>Building will be painted. Property will be landscaped</u> <u>and bathrooms will be made handicap accessible.</u>			
Name of Applicant or Sponsor: <u>Storm Auto Group</u>		Telephone: <u>(914) 308-2765</u>	
		E-Mail: <u>stormautogroup@yahoo.com</u>	
Address: <u>115 Hoyt Ave</u>			
City/PO: <u>Mamaroneck</u>		State: <u>NY</u>	Zip Code: <u>10543</u>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?		NO	YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency?		NO	YES
If Yes, list agency(s) name and permit or approval:		<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		<u>11,326</u> acres <u>Sq. feet</u>	
b. Total acreage to be physically disturbed?		<u>none</u> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>11,326</u> acres <u>Sq. feet</u>	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

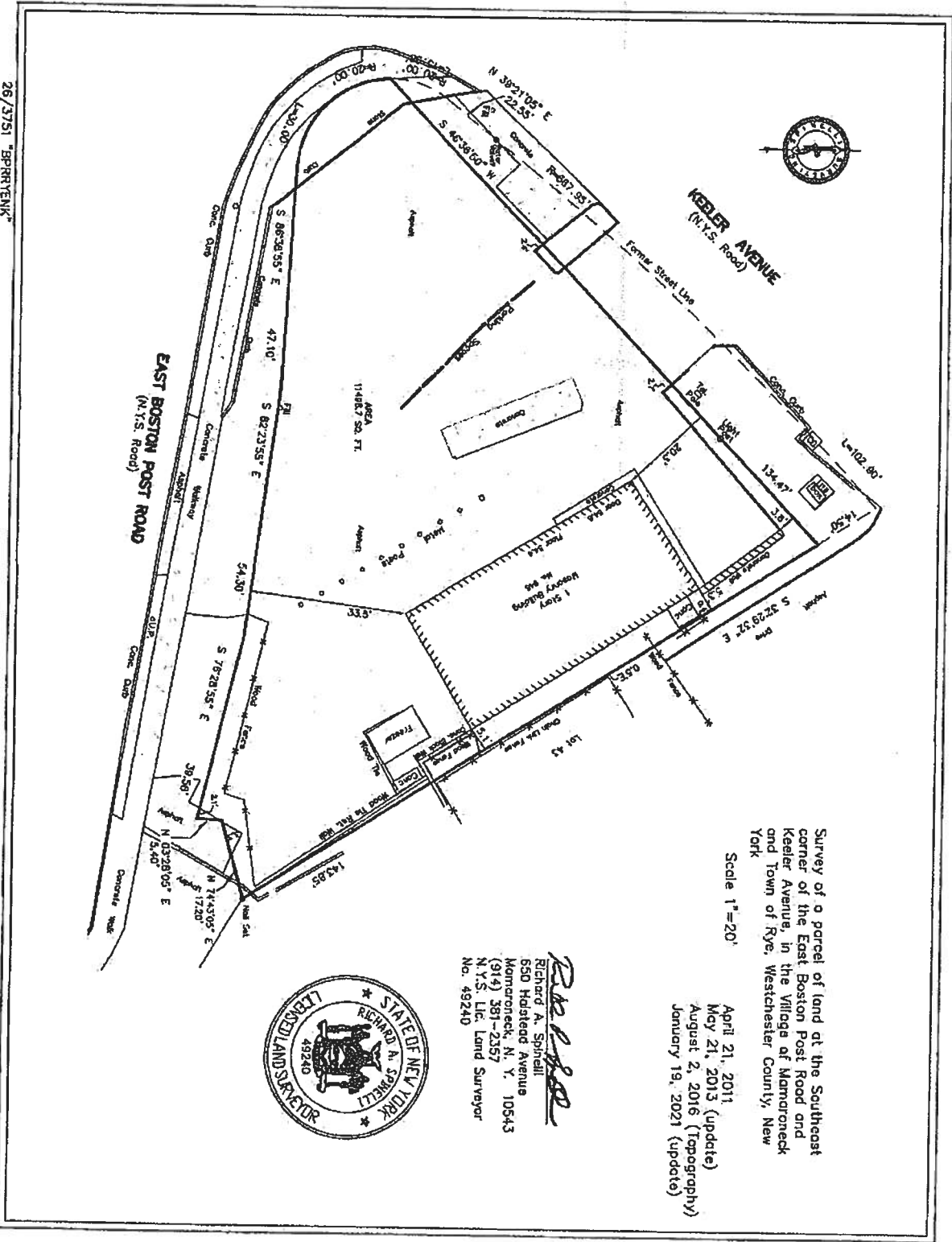
5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

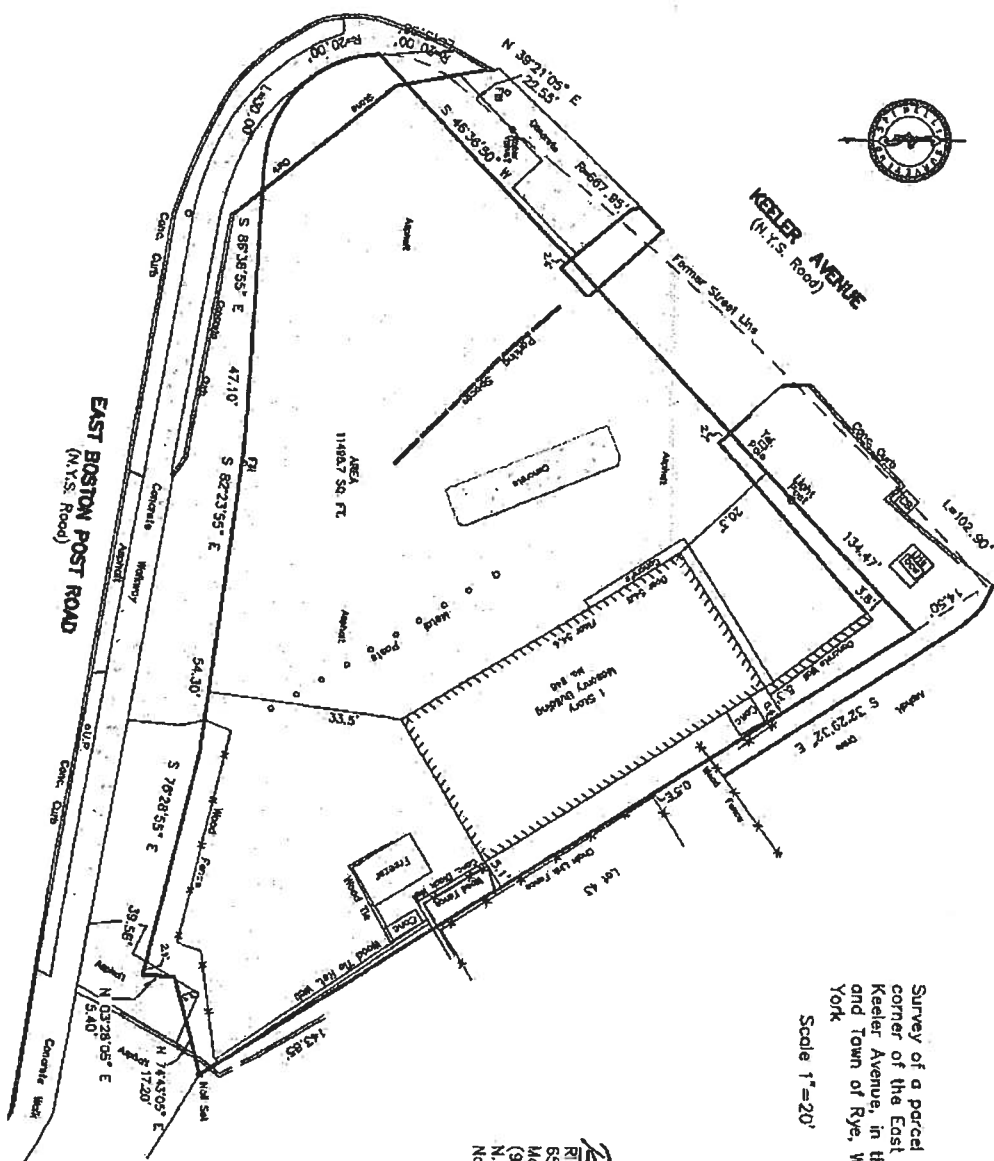
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<hr/> <hr/>		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<hr/> <hr/>		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<hr/> <hr/>		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: <u>Gas tanks removed and soil was remediated in 2013</u>	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<hr/> <hr/>		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>CHRISTIAN PETRESCU</u> Date: <u>2/5/21</u>		
Signature: <u></u> Title: <u>PRESIDENT</u>		

26/3751 "BPRRYENK"



26/3751 "SPRINTENK"





Survey of a parcel of land at the Southeast corner of the East Boston Post Road and Keeler Avenue, in the Village of Mamaroneck and town of Rye, Westchester County, New York

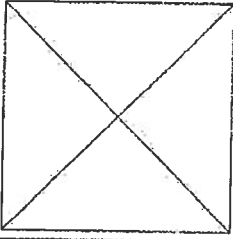
Scale 1"=20'

April 21, 2011
May 21, 2013 (update)
August 2, 2016 (Topography)
January 19, 2021 (update)

Richard A. Spinnell
650 Halsted Avenue
Mamaroneck, N. Y. 10543
(914) 381-2357
N.Y.S. Lic. Land Surveyor
No. 49240



PARCEL HISTORY



Village of Mamaroneck
169 Mt. Pleasant Ave
Mamaroneck, New York 10543
914-777-7731

1/25/2021

Address:

Parcel ID:

Issued Date	Item	Status	CO/CC #	CO/CC Date
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11/11/2010	COMPLAINT #:10-0391	OPEN		
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Owner:

neg co knox box 126-28

FIRST COUNT: That on Mon the 20 th day of Sept 20 , 2010, at approx 1400 hrs, and prior thereto and continuing thereafter Defendant, (DORAC PETROLEUM CORP) did violate Chapter 126 , Subchapter 126-28 of the Village of Mamaroneck Law in that Defendant (DORAC PETROLEUM CORP), did allow or caused to allow the FAILURE to furnish & install Mandatory "Knox-Box" key box. Said Knox Box to be installed in accordance with Chapter 126-29 Said FAILURE to furnish & Install "Knox-Box " has created an ILLEGAL condition at the p.k.a. 946 E Boston Post Rd.,Mamaroneck, New York, 10543. Sect - 4 - Block 63 Lot 1 Said ILLEGAL Condition SHALL be corrected IMMEDIATELY.

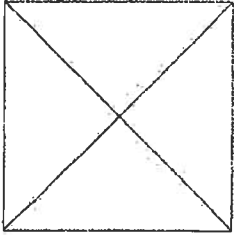
Effective Dec 1, 2010 A Court Appearance Summons SHALL be issued for this violation CALL 914.777.7731 IMMEDIATELY ask to speak to FIRE MARSHALL. e- Mail firemarshallvmamk@vomny.org

11/29/2010	COMPLAINT #:10-0418	CLOSED		
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12/14/2016 3:

Owner:

PARCEL HISTORY



Village of Mamaroneck
169 Mt. Pleasant Ave
Mamaroneck, New York 10543
914-777-7731

1/25/2021

Address:

Parcel ID:

Issued Date	Item	Status	CO/CC #	CO/CC Date
1/18/2011	COMPLAINT #:11-0077	CLOSED		12/14/2016 3:

Owner:

First Count:

That on Wednesday the 18TH day of January 2011 at 1440 hours, and prior thereto and continuing thereafter Defendant (DORAC PETROLEUM CORP) did violate Chapter 200-4 Receptacles; Standards and Placement of the Village of Mamaroneck Code in that (DORAC PETROLEUM CORP) did allow or caused to allow exposed dumpsters on the property.

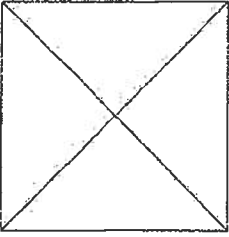
Chapter 200-4 Receptacles; Standards and Placement

Enclosure and screening material. An industrial, commercial and multifamily use enclosure shall meet the following requirements:

[Added 9-8-2003 by L.L. No. 5-2003, effective 9-22-2003]

- (1) The enclosure shall provide complete visual screening.
- (2) The enclosure shall be compatible in material and color with the principal structure on the lot.
- (3) The enclosure is to be a wall, solid fence or evergreen shrub screen (if the shrubs are spaced no more than three feet apart and meet the height requirement specified in Subsection G(7) below).
- (4) The materials for an enclosure shall be wood, masonry, metal or concrete.
- (5) The enclosure shall have gates or doors, with an appropriate mechanism for holding the doors open only during garbage pickup operations. If a private carter is used and that operator requires the property owner to have the access gates open for pickup, then the property owner will make necessary arrangements to have the gates open for no longer than from the night before collection (after 5:00 p.m.) until three hours after collection is done.
- (6) The enclosure shall sit on a concrete pad, the construction of which shall meet or exceed the Village of Mamaroneck specifications for a concrete sidewalk at driveways (concrete entrance pad). (Refer to Village specifications for sidewalks.)
- (7) The height of the enclosure and/or evergreen shrubbery shall be sufficient to block the view of the garbage receptacles from the view of adjoining properties, sidewalks and/or streets.
- (8) The enclosure and/or screening shall be kept in good repair or condition, and all trash shall be kept only within the container and permit the lids on said container to remain completely closed at all times.
- (9) The Planning Board may also require a roof if the site is sloped and adjoining neighbors are at a higher elevation, making the containers visible

PARCEL HISTORY



Village of Mamaroneck
169 Mt. Pleasant Ave
Mamaroneck, New York 10543
914-777-7731

1/25/2021

Address:

Parcel ID:

Issued Date	Item	Status	CO/CC #	CO/CC Date
1/18/2011	COMPLAINT #:11-0078	CLOSED		5/3/2011

Owner:

First Count;

That on Tuesday the 18th day of January 2011 at 1445 hours, and prior thereto and continuing thereafter the Defendant (Dorac Petroleum Corp) did violate Chapter 286-8 Signage; Standards and Placement of the Village of Mamaroneck Code in the (Dorac Petroleum Corp) did allow or caused to allow a free standing sign on the property.

In Violation of Village of Mamaroneck Code 286-8. Prohibitions.

A. No sign in any district shall be placed or located within or extend into the right-of-way of any public highway or roadway.

Second Count:

In Violation of Village of Mamaroneck Code 286-8.

Prohibitions.

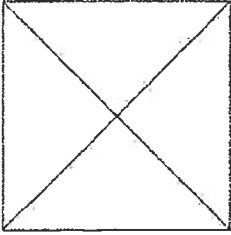
F. No portable sign shall be allowed

3/3/2011	COMPLAINT #:11-0147	CLOSED		12/14/2016 3:
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Owner:

FIRST COUNT: That on Tues the 1st day of March, 2011 and prior thereto and continuing thereafter Defendant (DORAC PETROLEUM CORP) did violate Chapter 200 Garbage, Rubbish and Refuse Subchapter 200-2 Prohibitions (B) of the Village of Mamaroneck law in that Defendant (DORAC PETROLEUM CORP) , did allow or caused to allow (1) unregistered, uninspected motor vehicle without a valid current License plate to be stored illegally. Said motor vehicle is in an inoperative state. Said Motor Vehicle is a Mercedes Color BLUE NEGATIVE NYS DMV Decal inside window . Said illegally stored motor vehicle is located outdoors at the p.k.a. 946 E Boston Post Road Mamaroneck, New York, 10543. Sect - 4 - Block 63 Lot - 1
ALL UNREGISTERED, UNINSURED Motor Vehicles to be Removed IMMEDIATELY.

PARCEL HISTORY



Village of Mamaroneck
169 Mt. Pleasant Ave
Mamaroneck, New York 10543
914-777-7731

1/25/2021

Address:

Parcel ID:

Issued Date	Item	Status	CO/CC #	CO/CC Date
3/9/2011	COMPLAINT #:11-0158	CLOSED		12/14/2016 3:

Owner:

FIRST COUNT: That on Thursday the 3rd day of March, 2011 and prior thereto and continuing thereafter Defendant (DORAC PETROLEUM CORP) did violate Chapter 200 Garbage, Rubbish and Refuse Subchapter 200-2 Prohibitions (B) of the Village of Mamaroneck law in that Defendant (DORAC PETROLEUM CORP) , did allow or caused to allow (1) unregistered, uninspected motor vehicle without a valid current License plate to be stored illegally. Said motor vehicle is in an inoperative state. Said Motor Vehicle is a White Step Van NEGATIVE NYS DMV Decal inside window . Said illegally stored motor vehicle is located outdoors at the p.k.a. 946 E Boston Post Road Mamaroneck, New York, 10543. Sect - 4 - Block 63 Lot - 1
ALL UNREGISTERED, UNINSURED Motor Vehicles to be Removed IMMEDIATELY.

11/20/2014	COMPLAINT #:14-1374	CLOSED		3/5/2015
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Owner:

excessive signage

6/21/2016	COMPLAINT #:16-2699	CLOSED		8/16/2016
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Owner:

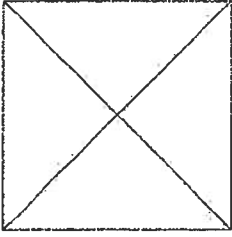
ACCUMULATION OF GARBAGE AND DEBRIS

6/21/2016	COMPLAINT #:16-2700	CLOSED		8/16/2016
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Owner:

ENCLOSURE REQUIRED

PARCEL HISTORY



Village of Mamaroneck
169 Mt. Pleasant Ave
Mamaroneck, New York 10543
914-777-7731

1/25/2021

Address:

Parcel ID:

Issued Date	Item	Status	CO/CC #	CO/CC Date
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1/9/2017	COMPLAINT #:17-3182	CLOSED		8/14/2017
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Owner:

FAILURE TO REMOVE SNOW AND ICE

4/27/2017	COMPLAINT #:17-3369	CLOSED		7/14/2017
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Owner:

Rear yard of the building must be cleaned and maintained.

6/9/2017	COMPLAINT #:17-3459	CLOSED		5/17/2019
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Owner:

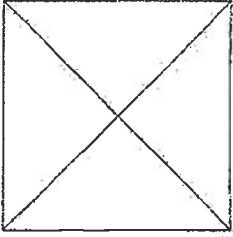
Parking lot layout without a site plan approval and a building permit.

7/14/2017	COMPLAINT #:17-3524	CLOSED		9/26/2017
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Owner:

Operation of a food services establishment without a Special Permit and a Certificate of Occupancy. You are ordered to cease operation of the business (Ralph's Italian Ices) located at 946 East Boston Post Road by 5:00 pm of July 14 2017 until further notice.

PARCEL HISTORY



Village of Mamaroneck
169 Mt. Pleasant Ave
Mamaroneck, New York 10543
914-777-7731

1/25/2021

Address:

Parcel ID:

Issued Date	Item	Status	CO/CC #	CO/CC Date
7/14/2017	COMPLAINT #:17-3525	CLOSED		9/26/2017

Owner:

Operation of a food services establishment without a Special Permit and a Certificate of Occupancy. You are order to cease operation of the business (Ralph' Italian Ice) located at 946 East Boston Post Road by 5:00 pm of July 14 2017 until further notice.

126-7 Certificates of occupancy and certificate of compliance

E. Revocation or suspension of certificates. If the Building Inspector determines that a certificate of occupancy or certificate of compliance or a temporary certificate was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Building Inspector within such period of time as shall be specified by the Building Inspector, the Building Inspector shall revoke or suspend such certificate.

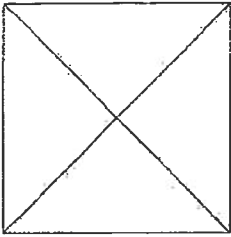
126-15 Enforcement; penalties for offenses.

A. Compliance orders. The Building Inspector is authorized to order, in writing, the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this chapter. Upon finding that any such condition or activity exists, the Building Inspector shall issue a compliance order. The compliance order shall be in writing; be dated and signed by the Code Enforcement Officer; specify the condition or activity that violates the Uniform Code, the Energy Code, or this chapter; specify the provision or provisions of the Uniform Code, the Energy Code, or this chapter which is/are violated by the specified condition or activity; specify the period of time which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance; direct that compliance be achieved within the specified period of time; and state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time. The Building Inspector shall cause the compliance order, or a copy thereof, to be served on the owner of the affected property personally or by registered or certified. The Building Inspector shall be permitted, but not required, to cause the compliance order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work being performed at the affected property personally or by registered or certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the compliance order.

B. Appearance tickets. The Building Inspector and each inspector are authorized to issue appearance tickets for any violation of the Uniform Code and the Village of Mamaroneck Code.

C. Civil penalties. In addition to those penalties prescribed by state law, any person who violates any provision of the Uniform Code, the Energy Code or this chapter, or any term or condition of any building permit, certificate of occupancy, temporary certificate, stop-work order, operating permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter, shall be liable to a civil penalty of not more

PARCEL HISTORY



Village of Mamaroneck
169 Mt. Pleasant Ave
Mamaroneck, New York 10543
914-777-7731

1/25/2021

Address:

Parcel ID:

Issued Date	Item	Status	CO/CC #	CO/CC Date
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than \$250 for each day or part thereof during which such violation continues. The civil penalties provided by this subsection shall be recoverable in an action instituted in the name of the Village.

D. Injunctive relief. An action or proceeding may be instituted in the name of the Village, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this chapter, or any term or condition of any building permit, certificate of occupancy, temporary certificate, stop-work order, operating permit, compliance order, or other notice or order issued by the Building Inspector pursuant to any provision of this chapter. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this chapter, or any stop-work order, compliance order or other order obtained under the Uniform Code, the Energy Code or this chapter, an action or proceeding may be commenced in the name of the Village, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Village Manager of the Village.

E. Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or penalty available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in 126-6, Stop-work orders, of this chapter, in any other section of this chapter, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in 126-6, Stop-work orders, of this chapter, in any other section of this chapter, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in Subdivision (2) of 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in Subdivision (2) of 382 of the Executive Law.

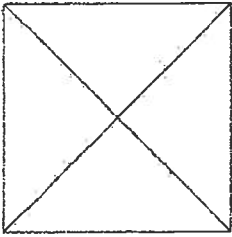
342-9 Compliance required; interpretation and scope.

A. No building shall be erected, constructed, moved, altered, rebuilt or enlarged nor shall any land, water or building be used, designed or arranged to be used for any purpose except in compliance with this chapter.

B. In interpreting and applying this chapter, the requirements contained herein are declared to be the minimum requirements for the protection and promotion of the public health, safety, morals, comfort, convenience and general welfare of the Village and the residents thereof.

C. This chapter shall not be deemed to affect, in any manner whatsoever, any easements, covenants or other agreements between parties, except that, where it imposes a greater restriction upon the use of buildings or

PARCEL HISTORY



Village of Mamaroneck
169 Mt. Pleasant Ave
Mamaroneck, New York 10543
914-777-7731

1/25/2021

Address:

Parcel ID:

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land or upon erection, construction, establishment, moving, alteration or enlargement of buildings than is imposed by such easements, covenants or agreements or by any public ordinance, rule, regulation, license, certificate or other authorization, the provisions of this chapter are intended to and shall prevail.

D. By Local Law No. 7-2008, the Village of Mamaroneck has adopted the Westchester County Greenway Compact Plan, as amended from time to time, as a statement of policies, principles, and guides to supplement other established land use policies in the Village. In its discretionary actions under this zoning chapter, the reviewing agency should take into consideration said statement of policies, principles and guides, as appropriate.

[Added 7-14-2008 by L.L. No. 7-2008, effective 9-12-2008]

342-85 Certificates of occupancy.

A. The following shall be unlawful until a certificate of occupancy shall have been applied for and issued by the Director of Building, Code Enforcement and Land Use Administration, pursuant to Chapter 126, Article I, Building Department and Permits, as it may be amended, and the practices and procedures of the Building Department:

(1) Occupancy and use of a building hereafter erected, structurally altered or moved or any change in the use of an existing building.

(2) Occupancy, use or any change in the use of any land.

B. No certificate of occupancy shall be issued for any use of a building or of land subject to additional standards and requirements, unless such use has been approved by the Board of Appeals. Every certificate of occupancy for such use or in connection with which a variance has been granted by the Board of Appeals shall contain a detailed statement of such approved use or variance and of any conditions to which it is subject.

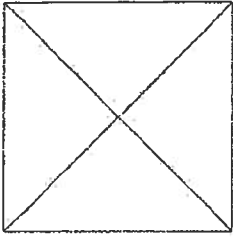
C. No certificate of occupancy shall be issued until all improvements shown on the approved site plan have been completed or a sufficient performance guarantee has been posted for improvements not yet completed. The sufficiency of such performance guarantee shall be determined by the Code Enforcement Officer or, upon such Officer's request, by resolution of the Planning Board.

[Added 7-14-1997 by L.L. No. 6-1997, effective 7-24-1997]

342-87 A Zoning Violation Penalties for Offenses -

A. Any owner, lessee, contractor, agent or other person who uses or maintains or causes to be used or maintained any building or premises or any part thereof permitted therefor in this chapter or who erects, enlarges, alters, moves or maintains or causes to be erected, enlarged, altered, moved or maintained any building or any part thereof in the Village, except in conformity with the provisions of this chapter, or who uses or maintains or causes to be used or maintained any building or any part thereof in the Village which has been

PARCEL HISTORY



Village of Mamaroneck
169 Mt. Pleasant Ave
Mamaroneck, New York 10543
914-777-7731

1/25/2021

Address:

Parcel ID:

Issued Date	Item	Status	CO/CC #	CO/CC Date
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erected, enlarged or altered other than in conformity with the provisions of this chapter or of any conditions or requirements imposed under it or who uses or maintains or causes to be used or maintained any building or any part thereof in the Village in violation of or without complying with a condition imposed by the Board of Appeals, Planning Board or other responsible official or who otherwise violates or causes to be violated any provision of this chapter shall be guilty of an offense punishable by a fine not to exceed \$250 or by imprisonment for not more than 15 days, or by both such fine and imprisonment, for each such violation. Each and every day that premises are used or maintained or caused to be used and maintained in violation of this chapter shall constitute a separate offense.

9/26/2017	COMPLAINT #:17-3650	CLOSED		5/17/2019
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Owner:

Overgrown grass and weeds in the rear yard.

11/15/2017	COMPLAINT #:17-3728	CLOSED		1/11/2018
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Owner:

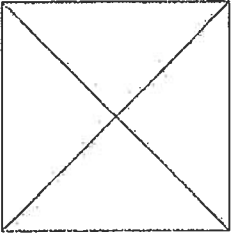
Garbage and debris

1/11/2018	COMPLAINT #:18-3800	CLOSED		3/6/2018
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Owner:

From the Village Fire Department there are frozen pipe inside the establishment.

PARCEL HISTORY



Village of Mamaroneck
169 Mt. Pleasant Ave
Mamaroneck, New York 10543
914-777-7731

1/25/2021

Address:

Parcel ID:

Issued Date	Item	Status	CO/CC #	CO/CC Date
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3/6/2018	COMPLAINT #:18-3887	CLOSED		4/19/2018
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Owner:

Garbage and debris on the property

6/8/2018	COMPLAINT #:18-3953	CLOSED		7/11/2018
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Owner:

Garbage and debris

7/12/2018	COMPLAINT #:18-3983	CLOSED		9/28/2018
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Owner:

The temporary storage of modular home sections in the parking lot in a C1 zone is prohibited.

9/28/2018	COMPLAINT #:18-4033	CLOSED		5/17/2019
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Owner:

overgrown grass and weeds

Donald Derrico

From: Donald Derrico
Sent: Wednesday, February 3, 2021 3:22 PM
To: 'ftavolacci@vomny.org'
Cc: stormautogroup@yahoo.com
Subject: Denial letter

Frank,

Sorry to be a pain but I really need the denial letter for 946 EBPR. I cannot submit the application to ZBA without it and that's due on the 11th so I can get on the March calendar. Even an e-mail may be sufficient.

Thanks,

Don

DONALD G. DERRICO | Managing Partner Westchester

GORDON REES SCULLY MANSUKHANI
YOUR 50 STATE PARTNER®

500 Mamaroneck Ave., Suite 503
Harrison, NY 10528
D: 914-777-2210 | C: 917-301-8480 | dderrico@grsm.com

www.grsm.com
vCard | Bio



Village Department of Building

Village of Mamaroneck
169 Mount Pleasant Avenue - Third Floor
Mamaroneck, New York 10543
(914) 777-7731

1/30/21

Applicant; Storm Auto Group
115 Hoyt Ave
Mamaroneck, N.Y.

Property Owner: Dorac Petroleum Corp
70 Church Street
New Rochelle, N.Y. 10805

Location of Property : 946 East Boston Post Road

Zone C1 SECTION 4 Block 63 Lot 1

Description of Work: Vehicle storage to sell pre owned cars on- line
Renovate Bathroom, Paint, Landscape

After reviewing the Village Code, it appears the following Land Use Boards and approvals are required:

- * Zoning Board
- * Planning Board

Chapter	Article	Section	Part	Description	Approval Required
342	XI	74			Site Development Plan
342	XI	75	B	Change of Use	ZBA Use Variance, Planning Board
342	VI	30	1H	Motor vehicle sales limited to traded on new vehicles sold on premises	

Respectfully,

Frank Tapolacci
Building Inspector

