

**ANDREW M. SPATZ, PLLC**

ATTORNEY AT LAW

650 HALSTEAD AVENUE, SUITE 105  
MAMARONECK, NY 10543

TELEPHONE: (914) 777-0593  
TELEFAX: (914) 698-2148  
ams@spatzlaw.com

February 11, 2021

Zoning Board of Appeals  
Robin Kramer, Chair  
Village of Mamaroneck  
169 Mt. Pleasant Avenue  
Mamaroneck, New York 10543

Re: **CHOP'T CREATIVE SALAD COMPANY LLC**  
**Application No. 1SP 2021**

Dear Chair Kramer:

In furtherance of the most recent presentation before the Mamaroneck Village Zoning Board of Appeals on February 4, 2021, I would ask that the ZBA recognize this correspondence as a request to amend the existing Application to include the use of "Car Service", as provided by the Mamaroneck Village Code Section 342-3(B)(12).

Please be advised that the current Application seeks to operate a Restaurant [as defined by Mamaroneck Village Code Section 342-3(B)(85)].

As part of this request, the Applicant has provided a detailed breakdown of the restaurant operations and how CHOPT Mamaroneck clearly meets the definition of "Restaurant". In addition, the logistics of the Car Service are detailed to address any questions and/or concerns with regards to how a patron can receive their food.

It is important to note that the Applicant has spent tremendous resources and time to adjust their successful business model and further pushed the envelope of technology to satisfy the existing code. Simply put, CHOPT Mamaroneck would be the first of its kind for the CHOPT brand.

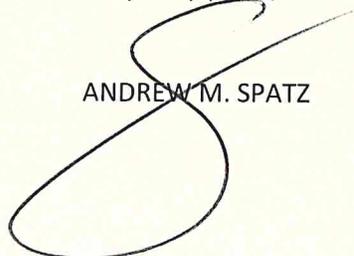
Please be advised that as part of the Amendment to the Application and in advance of the March 4, 2021 meeting, the Applicant will be recirculating the requisite mailings to neighbors and placing new signage at the property.

We look forward to appearing before the ZBA on March 4, 2021 with regards to this endeavor.

Very truly yours,

ANDREW M. SPATZ

CC: Kristen Wilson, Esq.  
Chop't Creative Salad Company LLC



Chopt Creative Salad Co.  
800 Westchester Ave.  
Suite N-321  
Rye Brook, NY 10573

February 11, 2021

Zoning Board of Appeals  
Village of Mamaroneck  
123 Mamaroneck Ave.  
Mamaroneck, NY 10543

Re: Application #1SP 2021

Dear Chair and Members of the Zoning Board of Appeals,

With respect to Chopt's Application for the property located at 1043 West Boston Post Road, we are hereby amending our Special Use Permit Application and seek approval to operate a "**Restaurant**" with "**Car Service**" ([Image 1](#)). Please find below our rationale for the following:

- Chopt Mamaroneck seeks approval to operate a Restaurant;
- Chopt Mamaroneck seeks approval to provide Car Service.

## **Chopt Mamaroneck seeks approval to operate a Restaurant**

Chopt Mamaroneck will operate a "**Restaurant**" as defined in the Village code with freshly prepared food, table service, served by waiters and waitresses, and consumed on the premises. At Chopt Mamaroneck, you will find the following per the Village code definition of a "**Restaurant**" (§342-3B{85}):

- "*A business engaged in the preparation and sale of food and beverages*";
- "*selected by patrons seated at a table or counter*";
- "*served by a waiter or waitress and consumed on the premises*";
- "*not...a business whose principal operation is as a bar, cabaret, carry-out restaurant, delicatessen or fast-food restaurant.*"

### **Business engaged in the preparation and sale of food and beverages**

Chopt begins preparing every meal only after receipt of a customer's order. We have no pre-made or prepackaged meals available in the Restaurant. There is no "grab & go" case of ready-made salads to purchase. All meals are made to-order. Our customers love that we make everything fresh: Over 90% of customer orders are customized. For example, customers may add or eliminate ingredients and may select the type and quantity of dressing to complement their salad. This fresh preparation uniquely differentiates Chopt from other eateries.

### **Selected by patrons seated at a table or counter**

At Chopt Mamaroneck, we are unveiling a new way to order: Customers can order their meal while seated in our dining room. That is, each table in the restaurant will have a unique QR code ([Image 2](#)), which will link customers directly to our digital menu on their smartphone ([Image 3](#)). Customers simply open the camera application on their smartphone, and the unique QR code allows them to view and order from the digital menu. Chopt Mamaroneck will offer table service ([Image 4](#)) for customers that order from the digital menu seated at a table served in reusable bowls made from sustainable bamboo.

### **Served by a waiter or waitress and consumed on the premises**

We will offer table service at Chopt Mamaroneck. After ordering via Chopt's digital menu, we will provide table service by waiter or waitress to deliver the food directly to the customer ([Image 5](#)) who will enjoy their meal on the premises.

### **Not a bar, cabaret, carry-out restaurant, delicatessen or fast-food restaurant**

The primary and principle operation of Chopt Mamaroneck is a Restaurant. We are not engaged in any other type of operation: bar, cabaret, carry-out restaurant, delicatessen, or fast-food restaurant.

- Bar: Chopt is not a bar. We are a Restaurant looking to offer members of the Mamaroneck community a healthy choice of food and beverages: principally, fresh salads and warm bowls.
- Cabaret: Chopt is not a cabaret. We will not have live entertainment in our Restaurant and thus cannot be considered a cabaret.
- Carry-Out Restaurant: Chopt is not a carry-out restaurant. We do not meet the following criteria of a carry-out restaurant as defined in the Village code.
  - Chopt Mamaroneck will not be primarily engaged in the retail sale of food or beverages for consumption off the premises, which is part of the Village code definition of a carry-out restaurant: "*A business enterprise primarily engaged in*

*the retail sale of food or beverages, which may include grocery items for consumption off the premises” (§342-3B{87}) “Restaurant, Carry-Out”*). Our proposed Restaurant includes a large and comfortable dining area of thirty-six (36) seats for guests and a seasonal, outdoor patio with eighteen (18) seats to promote dine-in guests throughout the year.

- Our dining room is a core part of our business—not as per the Village code “*provided that the area devoted to customer seating is clearly accessory to the main business”* (§342-3B{87}) “**Restaurant, Carry-Out**”). We accommodated nine hundred (900) square feet of front-of-house dining space inside the Restaurant, and we are constructing a seasonal outdoor patio for additional dine-in service. The dining areas will be outfitted with custom and comfortable banquettes, booths, and chairs that parallel what you would find in any Restaurant across the Village of Mamaroneck.
- Delicatessen: Chopt is not a “**Delicatessen**” (§342-3B{18}) because we have tables and seating for on-premises food consumption.
- Fast-Food Restaurant: Chopt is not a fast-food restaurant (§342-3B{88}) “**Restaurant, Fast-Food**”). We do not meet the following criteria of a fast-food restaurant as defined in the Village code:
  - Nothing is pre-made at Chopt. As mentioned throughout this letter, everything at Chopt is made fresh only after receipt of a customer’s order. You will never find prepackaged containers of food ready for immediate consumption nor a “grab & go” case of ready-to-consume meals. We take pride in our fresh ingredients and allow the customer to independently choose and customize their meal.
  - The Village code’s definition of a fast-food restaurant includes the following phrase: “*generally served in disposable or prepackaged containers or wrappers ready for consumption*” (§342-3B{88}) “**Restaurant, Fast-Food**”). This phrase indicates that the food is already prepared before the customer walks in the door—the food is “*ready for consumption.*” However, our food at Chopt is only prepared after receipt of a customer’s order. Our customers must tell us what they would like to order, and then we will prepare the food.
  - Chopt Mamaroneck will provide a Restaurant service model that allows customers to order while seated at a table, and we will deliver meals directly to a customer’s table. This differentiates us from a fast-food restaurant as defined in the Village code where “*most or all of the sales to the public are stand-up*” (“**Restaurant, fast-food**” §342-3B{88}).

## Chopt Mamaroneck seeks approval to provide Car Service

Chopt Mamaroneck seeks the approval from the Zoning Board of Appeals to provide “*Car Service*” to our patrons, which is permissible as a service from a “*Restaurant*,” as an integral part of our Special Permit application. Our method and approach to execute “*Car Service*” (§342-3B{12}) falls within the parameters of the Village code:

### CAR SERVICE (§342-3B{12})

*Service from a restaurant provided to customers remaining in their vehicles and parked in a designated parking area of the restaurant parking lot.*

### Service from a restaurant

As outlined in the section above “Chopt Mamaroneck seeks approval to operate a Restaurant,” Chopt Mamaroneck meets the criteria for a “*Restaurant*” under the Village code definition (§342-3B{85}).

### Provided to customers remaining in their vehicles

Meals will be provided to customers remaining in their vehicles. Chopt Mamaroneck will operate our Car Service offering such that customers must remain inside their vehicles and Chopt staff will hand customers their order directly to them.

### Parked in a designated area of the restaurant parking lot

We have designated a specific area of the restaurant parking lot for Car Service adjacent to the northeast side of the building underneath the existing canopy ([Image 6](#)). Signage will indicate to customers where the designated area is located for Car Service.

### Will not violate any other areas of the Village code

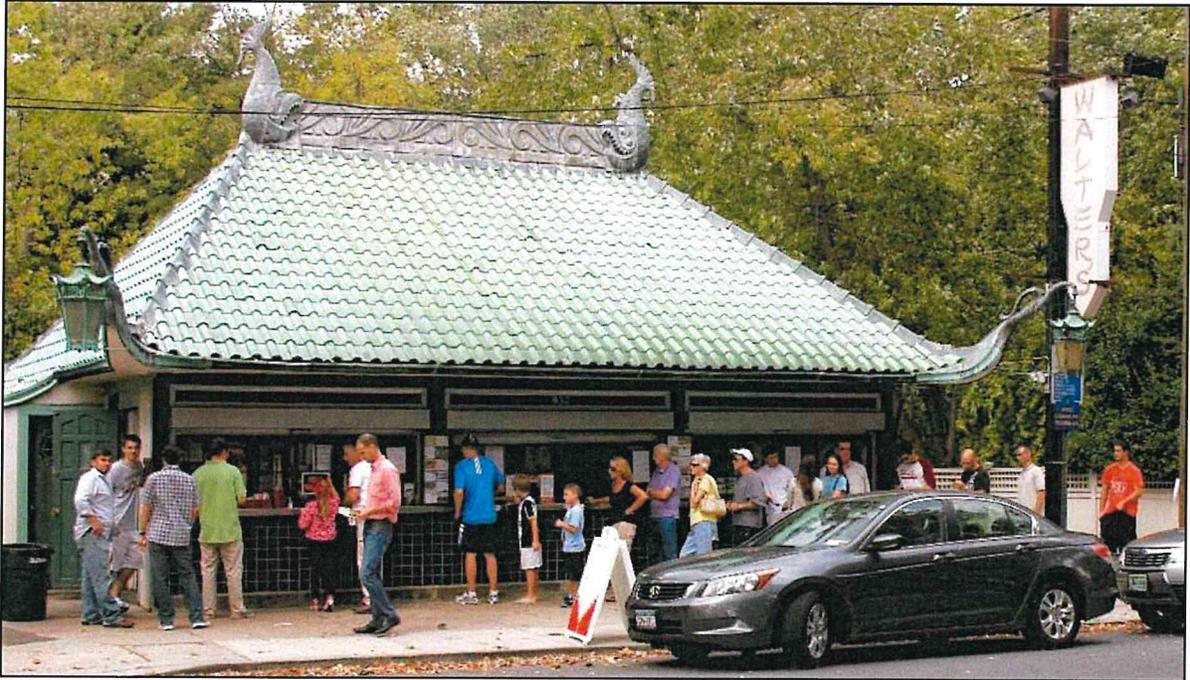
Chopt will not violate any restrictions provided in the code. Specifically, we understand and have clearly heard the Board’s concern that the use of a window to provide “*Car Service*” may violate the prohibited “*outdoor counter service*” as defined in the “*Food service establishments and taverns*” (§342-45).

We are prepared to explore executing Car Service via the use of a doorway if necessary; however, we would like to present our view that the use of our window is clearly different from the “*outdoor counter service*” examples that have been addressed previously by the Board.

**Example: Ralph's**



**Example: Walter's**



Chopt Mamaroneck would clearly not be providing any type of “*outdoor counter service*” that remotely resembles the operation at either Ralph’s or Walter’s. Below is an analysis of the service offerings that differentiate Chopt Mamaroneck from Ralph’s and Walter’s:

Services Offered	Ralph’s	Walter’s	Chopt
Outdoor menu board	✓	✓	X
Places an order on premises	✓	✓	X
Waits for the order to be prepared	✓	✓	X
Pays for their order on premises	✓	✓	X
Condiments, napkins, straws, etc. accessible to customers on the counter	✓	✓	X
Receives their order	✓	✓	✓

If the Board disagrees with this position, we would welcome the opportunity to discuss further. However, if the use of a window would nullify our ability to operate Car Service, we will figure out how to operate “*Car Service*” via a doorway in lieu of a window.

\* \* \*

In conclusion, we are seeking approval from the Zoning Board of Appeals for Chopt Mamaroneck to operate a “*Restaurant*” with the ability to provide “*Car Service*” as outlined and described herein. We sincerely appreciate the review and consideration of Chopt Mamaroneck’s application, which we are confident will be an enhancement to the community, and we look forward to the opportunity to discuss this proposal further directly with the Zoning Board of Appeals on March 4th, 2021.

Regards,



Nick Marsh  
 CEO  
 Chopt

Attachments (1): Appendix with *Image 1* through *Image 6*

## Appendix

Image 1: Chopt Mamaroneck Storefront

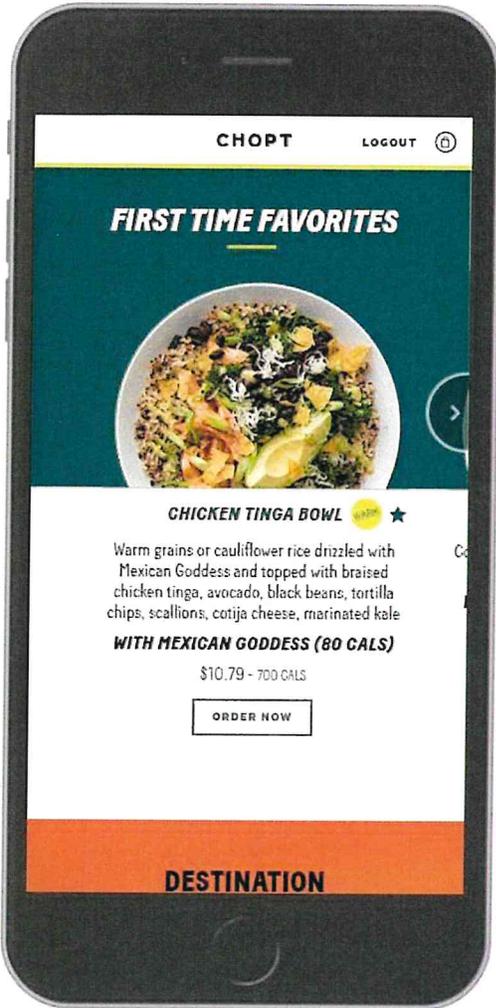


Image 2: Chopt Mamaroneck dining area



**Image 3: Order and pay for your meal via Chopt’s digital menu while seated at the table in our dining room**

**Image 4: Chopt technology alerts the team to prepare and serve your meal at the table for dine-in**







NO.	REVISION	DATE
1	ISSUED FOR PERMITS	11/17/2009
2	REVISED FOR PERMITS	11/17/2009

- LEGEND**
- PROPOSED PROPERTY LINE
  - PROPOSED RIGHT-OF-WAY LINE
  - PROPOSED EASEMENT LINE
  - PROPOSED ROAD CENTERLINE
  - PROPOSED BUILDING LINE
  - PROPOSED SETBACK/WAD LINE
  - PROPOSED CURB
  - PROPOSED DROP CURB
  - PROPOSED GUTTER
  - PROPOSED FENCE LINE
  - PROPOSED EDGE OF PAVEMENT
  - PROPOSED CONCRETE SIDEWALK
  - PROPOSED CONCRETE STAIRS
  - PROPOSED ZONE BOUNDARY
  - PERMEABLE PAVEMENT
  - FULL DEPTH PAVEMENT SECTION
  - CONCRETE DUMPSTER AREA



Founders Table Restaurant Group  
 1043 Mamanock Parkway, Suite 101  
 Mamanock, NY 11555  
 Tel: 609-974-3362

1043 Mamanock Parkettes, LLC  
 c/o Level Management Corp.  
 1043 Mamanock Parkway, Suite 110  
 Mamanock, NY 11555

**Provident**  
 design engineering

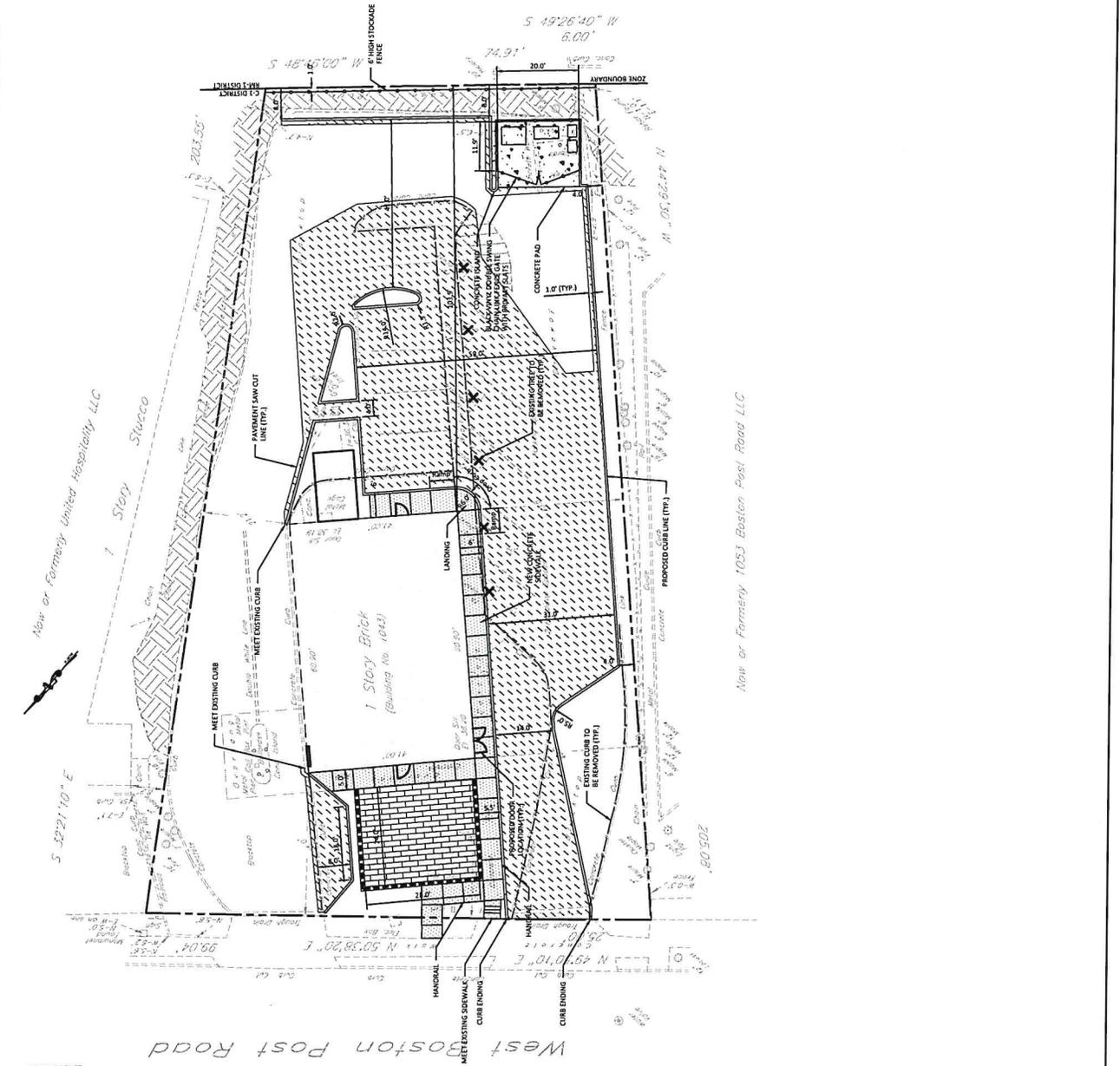
3 FARM ROAD, SUITE 200, WESTFIELD, NJ 07091  
 TEL: 973-792-5400 WWW.PROVIDENT.COM

WE warrant our work as a PROFESSIONAL ENGINEER under the laws of the State of New Jersey. We warrant that our work complies with the applicable laws, rules, regulations, codes and standards of the State of New Jersey. We warrant that our work is prepared in accordance with the applicable laws, rules, regulations, codes and standards of the State of New Jersey.

**CHOPT**  
 1043 West Boston Post Road  
 Mamanock, NJ, NY  
 Tax Map ID R-9-21-183

TITLE: **SITE PLAN**

Scale:	1"=12'
Date:	11/17/2009
Drawn By:	BJP
Checked By:	BJP
Sheet Size:	36" x 48"
Drawn In:	3 of 8
Draw No.:	C-101



West Boston Post Road

1043 Mamanock Parkway, Suite 101  
 Mamanock, NY 11555  
 Tel: 609-974-3362

1043 Mamanock Parkettes, LLC  
 c/o Level Management Corp.  
 1043 Mamanock Parkway, Suite 110  
 Mamanock, NY 11555

**Provident**  
 design engineering

3 FARM ROAD, SUITE 200, WESTFIELD, NJ 07091  
 TEL: 973-792-5400 WWW.PROVIDENT.COM

WE warrant our work as a PROFESSIONAL ENGINEER under the laws of the State of New Jersey. We warrant that our work complies with the applicable laws, rules, regulations, codes and standards of the State of New Jersey. We warrant that our work is prepared in accordance with the applicable laws, rules, regulations, codes and standards of the State of New Jersey.

**CHOPT**  
 1043 West Boston Post Road  
 Mamanock, NJ, NY  
 Tax Map ID R-9-21-183

TITLE: **SITE PLAN**

Scale:	1"=12'
Date:	11/17/2009
Drawn By:	BJP
Checked By:	BJP
Sheet Size:	36" x 48"
Drawn In:	3 of 8
Draw No.:	C-101

NO.	DESCRIPTION	DATE
1	REVISION	11/17/2020
2	REVISED FOR AMENDMENT	11/17/2020

- STRIPING & SIGN PLAN LEGEND**
- SW STOP BAY LINE (13'7")
  - SW SOLID WHITE LINE
  - SW (13'7") WHITE LINES
  - NO. OF PARKING STALLS PER BAY LINE
  - EXISTING SIGN
  - EXISTING SIGN TO BE REMOVED
  - PROPOSED SIGN LOCATION AND DESIGNATION
  - ADA PAVEMENT MARKING
  - PAINTED DIRECTIONAL ARROW



Founders Table Restaurant Group  
 80 West Broadway, Suite 10311  
 New York, NY 10012  
 Tel: 603-974-3362

1043 Mamaroneck Partners LLC  
 670 Level Management Corp.  
 1043 Mamaroneck Partners, Suite 1100  
 New York, NY 10018



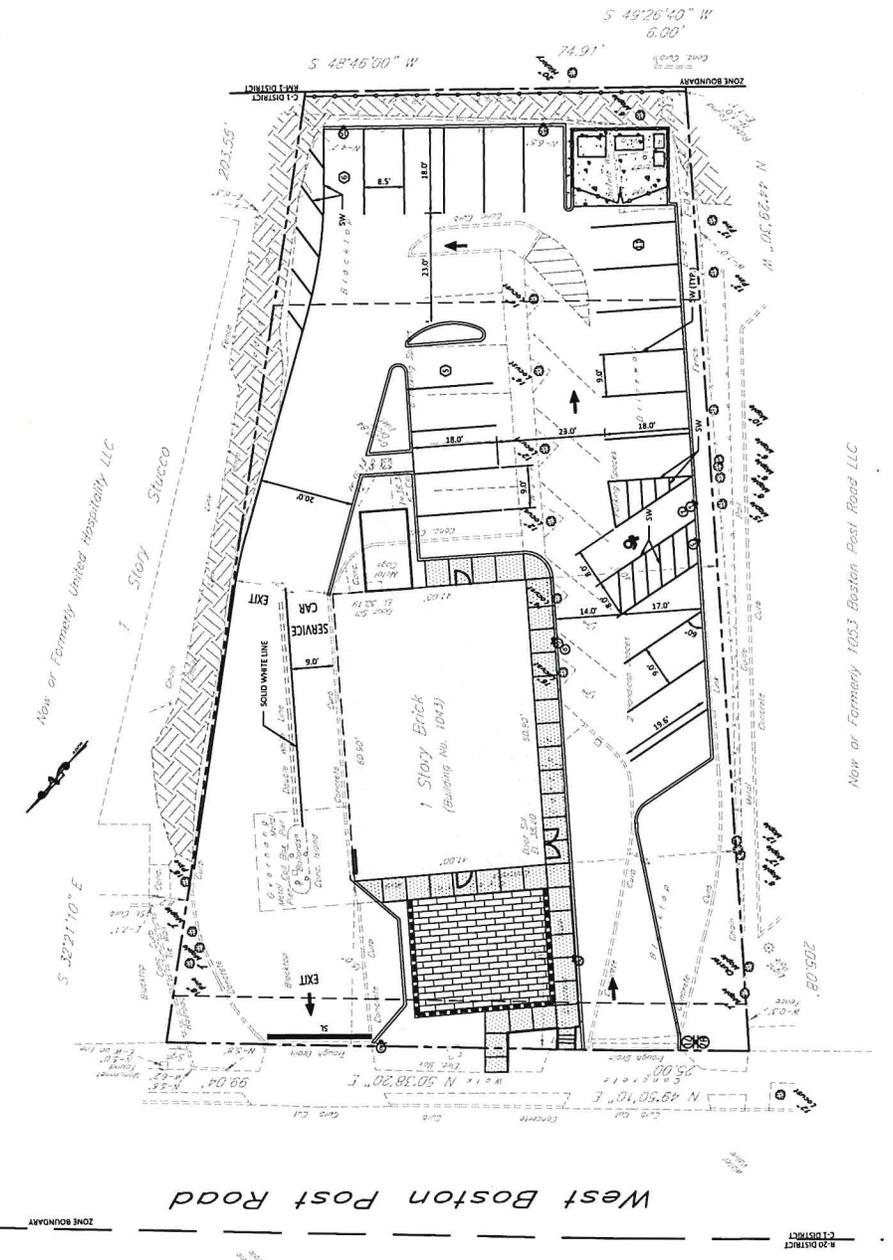
1043 West Boston Post Road  
 Mamaroneck, NY  
 Tax Map ID #: S-21-183

**CHOPT**

STRIPING & SIGN PLAN



Scale:	1"=12'
Date:	11/17/2020
Drawn By:	BJP
Checked By:	BJP
Project No.:	20-037
Sheet No.:	4 of 4
Draw. No.:	C-301



Plan Legend	MUTCD	Size	Sign Legend
1	R7-4X	12" x 18"	Reserved Parking (Symbol)
2	R7-4P	12" x 18"	Non-Accessible
3	WPL-2	12" x 18"	Not Parking Anytime
4	PLA	12" x 18"	Not Stopping Anytime -> / <-
5	PLA	12" x 18"	Employee Parking Only -> / <- (E)
6	N/A	12" x 18"	Demerage Other Car Service -> / <- (E)
7	N/A	12" x 18"	Enter -> / <-
8	RS-1	20" x 30"	DO NOT ENTER

Notes:  
 1. All signs shall conform to the National Manual of Uniform Traffic Control Devices for Streets and Highways and the New York State Department of Transportation's Manual on Uniform Traffic Control Devices.  
 2. Signs shall be reflective.  
 3. Signs shall have a green legend with white background.  
 4. All signs shall have a mounting height of 7'-0" to the bottom of the sign.  
 5. All signs shall be reflective.  
 6. Signs shall have a green legend with white background.

Now or Formerly 1043 Boston Post Road LLC

Now or Formerly United Hospitality LLC



West Boston Post Road

ZONE BOUNDARY

R-30 DISTRICT