

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.

The proposed motor vehicle sales showroom and offices will cover 780 sf of property and remainder will be vehicle storage and customer parking (38 total parking stalls)

The Applicant is in process of retaining traffic consultant to work with NYSDOT to obtain highway work permit

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.

The Applicant is proposing planting areas around the rear perimeter of the property to create a buffer from the nearby residential properties. The chain link fence

will remain as as it serves as a safety measure. Existing fence and stone masonry wall to remain.

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.

The use will not generate any objectionable nuisances as all activity will be contained to property and motor vehicle sales does not produce any byproducts. The Applicant will provide basic lighting plan as improvement over existing conditions

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.

There will be 38 parking stalls for storage and customer parking. The property will be suitably screened from the residential properties nearby with proposed new landscaping.

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)**

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:

Article ³⁴²	Section ⁷¹	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.

**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):

**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) *as attorney*

Sworn to before me this 14th

Day of October, 2021


Notary Public

LAURIE C. PELLICCIO
Notary Public, State of New York
No. 01PE6144745
Qualified in Westchester County
Commission Expires May 1, 2022

October 13, 2021

Village of Mamaroneck
123 Mamaroneck Avenue
Mamaroneck, New York 10543

Re: 1258 E. Boston Post Road

Dear Sir/Madam:

Please let this letter to serve as my authorization for Integrity Automotive Group LLC (D.B.A.: Toyota City) and their attorneys, Harfenist Kraut & Perlstein, LLP, to file and process an application for site plan, special permit and wetland permit approval in connection with the above referenced property.

Thank you for your attention to this matter.

Very truly yours,



John DeCrescenzo (Owner)

CERTIFICATION

Leo Napior as Attorney for ^(Required by New York State General Municipal Law)
4 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 2975 Westchester Avenue, Suite 415, Purchase NY 10577
3. The nature of my interest in the aforesaid application is as follows:
Attorney for Applicant
4. If the Applicant or owner is a corporation, list the corporation's officers:
 President: _____ Vice President: _____ Integrity Automotive LLC
 Secretary: _____ Treasurer: _____ Members: Jeffrey Weiner and Michael Ianelli
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:

Leo Napior as attorney
 (Name & Residence)

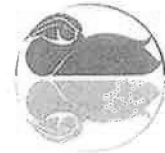
N/A
 (Extent of interest)

Leo Napior attorney
 Applicant's Signature

Sworn to before me this 14th day of October, 2021

Laurie C. Pelliccio

NOTARY PUBLIC



**ALP Engineering
& Landscape Architecture, PLLC**

October 14, 2021

Kathleen Savolt, Chairperson and Members of the Planning Board
Village of Mamaroneck Planning Board
123 Mamaroneck Ave.
Mamaroneck, NY 10543

**Re: Toyota City
1258 East Boston Post Road**

Honorable Chairperson Savolt and Members of the Planning Board:

This letter responds to comments of the Planning Board from our meeting on 09/22/2021 as well as comments from the Kellard Sessions, dated 09/17/2021.

For your review, we have enclosed the following amended drawings for your review:

<u>Dwg. No.:</u>	<u>Drawing Title:</u>	<u>Dated:</u>
Dwg. C-101	Layout/Landscape Plan	10/07/2021
Dwg. C-102	Grading and Utilities Plan	10/07/2021
Dwg. C-103	Erosion and Sediment Control Plan	10/07/2021
Dwg. C-111	Construction Details	10/07/2021
Dwg. C-112	Construction Details	10/07/2021
Dwg. C-113	Construction Details	10/07/2021
Dwg. C-114	Construction Details	10/07/2021

In addition, we have enclosed the Stormwater Pollution Prevention Plan / Stormwater Management Report, revised date 10/07/2021.

The following responds to the comments of the Consulting Village Engineer. Each of the comments is shown in italics, with the response below. The comments which were noted as being addressed in the 09/17/2021 letter are not included in this letter.

1. The applicant has provided a Stormwater Pollution Prevention Plan, which provides stormwater quality controls and attenuation of the post-development, 100-year storm events to predevelopment levels. The proposed design, however, does not address pre-treatment of

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the runoff. Also, the applicant may wish to check rim and invert elevations of the stormwater control structure. There appears to be minor typo corrections between the stormwater plan and details.

Response: The applicant's engineer has modified stormwater management plan to provide a hydrodynamic separator (Stormceptor Model 900) as a pre-treatment measure (in place of the former manhole) to remove sediment, oils and grease from the runoff prior to its discharge into the proposed chambers. In addition, a second trench drain is proposed to the immediate northwest of the proposed building. In this way, all of the runoff from the parking area will be conveyed to the pre-treatment facility and into the chambers. Finally, the trench drain at the driveway entrance to the property will be provided with a 2-foot deep sump and a hooded invert, the former to trap coarse sediment and the latter to reduce the conveyance of oils and grease to the drainage system.

17. Prior to the issuance of the Certificate of Occupancy, the applicant shall submit a Stormwater As-Built Survey that includes topography and the location, description, rim elevations and invert elevations of all installed stormwater facilities for review by the Village Consulting Engineer. Please provide a note on the plan.

Response: A note has been added to drawing C-102.

18. The applicant is proposing a new curb cut, drainage and utility work within East Boston Post Road, which is under the jurisdiction of the New York State Department of Transportation (NYSDOT). The applicant will need to obtain NYSDOT Approval for the proposed curb cut (Commercial Driveway/Access Permit), drainage improvements and discharge, as well as the proposed utility installation (Utility Permit) within the right-of-way. NYSDOT has their own standard details for curbing, sidewalks, drainage structures and pavement restoration. The applicant should explain the present status of the NYSDOT Permits.

Response: The applicant shall be submitting a Commercial Driveway/Access Permit application to the New York State Department of Transportation for the proposed improvements within the State right-of-way.

19. An existing curb cut presently exists along Sunnyside Avenue, which will not be utilized under the present proposal. The applicant should remove the existing curb cut and restore the roadway shoulder. This work will require the removal of driveway pavement and subbase, fence gates and concrete piers. Curbing should be replaced along Sunnyside Avenue and the shoulder should be topsoiled and seeded.



Response: The applicant wishes to leave the existing curb cut to Sunnyside Avenue in place. The existing fence and gate along the eastern side of the property adjacent to Sunnyside Avenue will remain..

20. A chain link fence presently exists along a portion of the project frontage. The plans should explain whether the fence is intended to remain or be removed.

Response: The existing chain link fence is proposed to remain since it serves as a safety measure by limiting access to the top of the existing stone masonry retaining wall to remain.

21. The applicant is proposing a trench drain within the driveway entrance. The Trench Drain Detail should provide for a sump to collect sediment from the parking area. The drainage pipe invert at the trench drain may need to be adjusted to provide adequate cover over the pipe.

Response: The trench drain detail has been modified to include: (i) a 2-foot sump for sediment removal purposes, and (ii) a "hooded invert" (i.e., an elbow installed at the outlet pipe from the trench drain) which will limit the potential for oils and grease from the being conveyed to the drainage system. The detail of the trench drain may be found on Sheet C-113.

22. In accordance with the NYSDEC Stormwater Management Manual, catch basin sumps should be a minimum depth below inverts of 18 inches.

Response: The construction detail of the proposed catch basins have been modified to require a minimum sump of 18". Please see detail #1 on Sheet C-112.

23. The applicant should submit calculations for the sizing of the grass drainage swale above the proposed parking lot.

Response: Calculations for the sizing of the grassed drainage swale are presented in the revised Stormwater Pollution Prevention Plan / Stormwater Management Report. As noted in the report, the drainage area to the proposed grassed swale to be installed along the northern property line has been calculated to be 9,353 square feet (0.215 acres).

Using the Rational Method to calculate the peak rate of runoff to the swale, with a coefficient of runoff of 0.9 (to be very conservative for the grassed and former paved area), a rainfall intensity of 7.79 inches per hour (25-year storm at a time of concentration of 5



minutes), and drainage area of 0.215 acres, peak rate of flow to the swale is calculated to be 1.51 cubic feet per second. The flow capacity of the proposed grassed swale, which is proposed to have a 2-foot bottom width, a depth of 6" and 3:1 (horizontal to vertical side slopes) is calculated to be 1.82 cfs at a flow depth of 3". The conclusion is that the grassed swale has the capacity to convey the 25-year storm event.

24. The applicant is proposing asphalt curbing within the proposed parking lot. Asphalt curbing tends to be easily damaged, typically during snow plowing within the more confined parking lot areas. We would request, at a minimum, the applicant consider replacing the asphalt curbing with a concrete curb or Belgium Block Curb along the entrance drive and along the southern and western parking lot curb lines, where the long-term integrity of the curb is necessary to control drainage flows. The NYSDOT typically requires concrete curbing within their right-of-way.

Response: Concrete curb is specified within the right-of-way. Curbing on site will remain as asphalt, given that the area will have minimal traffic.

25. The project site presently includes two (2) poles with three (3) spot lights. The applicant should clarify whether the lights are to remain or specify and detail proposed exterior lighting for the project.

Response: A lighting plan will be submitted under separate cover.

We trust that the amended plans and stormwater management report respond fully to the questions from the Planning Board and the Village's consultants. If there are any questions regarding the amended plans and report, please contact me on my direct line at (475) 215-5343 or my cell at (203) 710-0587.

Sincerely,

ALP ENGINEERING & LANDSCAPE ARCHITECTURE, PLLC

A handwritten signature in black ink, appearing to read "Alan L. Pilch".

Alan L. Pilch, PE, RLA
Principal

cc: Jeffrey Weiner (via email)
Leo Napior, Esq. (via email)