

AT A MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF MAMARONECK, HELD ON MARCH 2, 2023, THE FOLLOWING RESOLUTION WAS ADOPTED:

APPLICATION NO. 21-SP-22

Name: New Roc Social LLC (Ali Sahin, Member)  
Premises: 370 Mamaroneck Avenue  
District: Central Commercial (C-2)  
Tax I.D.: Section 9, Block 7, Lot 67

WHEREAS, New Roc Social LLC, by its Member Ali Sahin (the “Applicant”), has applied to the Zoning Board of Appeals (“ZBA”) for a Special Permit to operate a new food establishment (the “Application”) in an existing, vacant building on property located at 370 Mamaroneck Avenue (the “Premises”) which formerly housed Huber’s Hofbrau restaurant and bar on the first floor; and

WHEREAS, a special permit is required to operate a food establishment in the Central Commercial District (“C-2”) subject to the approval procedure set forth in Article X of the Village of Mamaroneck Zoning Code (“Zoning Code”); and

WHEREAS, Section 342-3(B) of the Zoning Code defines “Food Service Establishment” as:

*Any use which includes the serving of food and/or beverages that requires an eating place permit, or is otherwise required by either county or state law to be licensed, including, but not limited to, restaurants, carry-out restaurants, delicatessens and fast-food restaurants. No drive-up or car service shall be permitted; and*

WHEREAS, the Applicant proposes to renovate the first floor space for use as a new food service establishment serving alcoholic and non-alcoholic beverages and a happy hour and after-dinner menu emphasizing small plates and desserts; and

WHEREAS, the Applicant has submitted an interior renovation and occupancy plan, prepared by Emilia Ferri Architecture + Design, dated August 15, 2022, providing details of the proposed interior layout of the first floor; and

WHEREAS, the Applicant has represented that the business will not include outdoor service or a dance floor and will not host or otherwise present live music; and

WHEREAS, the Applicant has represented that ample parking is available on the street with limited parking for employees on the Premises; and

WHEREAS, the Applicant will install double-paned insulated glass windows as a noise attenuation measure; and

WHEREAS, the Applicant has represented that the business will use the existing dwelling unit on the second floor only as an office and there are no residential dwelling units immediately adjacent to the Premises or directly across the street; and

WHEREAS, after due notice, the ZBA conducted a Public Hearing on the Application on December 29, 2022 and January 5, 2023, at which time the Board heard all parties and received and considered the materials related to the Application; and

WHEREAS, the proposed action qualifies as a Type II Action pursuant to §617.5(18) of 6 NYCRR Part 617, the regulations promulgated under Article 8 of the New York State Environmental Conservation Law, such regulations and statute collectively known as SEQRA.

NOW, THEREFORE BE IT RESOLVED, that, after receiving the Application and related materials, having provided an opportunity for receiving public comment and considering the same, the ZBA hereby grants a Special Permit to operate a Food Service Establishment on the Premises. In making this determination, the ZBA makes the following findings:

- 1) The Premises is currently improved with an existing building, the first floor of which was previously occupied by a similar use, and located in a commercially zoned area of the Village along with other similar establishments. As such, the proposed use is consistent with the neighborhood.
- 2) The Premises is located on Mamaroneck Avenue which does include residential uses above commercial storefronts. Despite that there will be no residential use above the proposed Food Service Establishment and no apartments exist in buildings adjacent to or across from the Premises, the noise generated by the use, including any amplified music, must be mitigated to achieve compliance with special permit standards and provisions of the Village Code. With certain limitations, including incorporation of acoustic dampening materials in the building design and hours of operation, the use will not adversely affect the public health, safety, and welfare, and the comfort and convenience of the public.
- 3) The Application is in compliance with Special Permit standards and requirements as set forth in Zoning Code Sections 342-45 and 342-71 of the Zoning Code.

AND BE IT FURTHER RESOLVED, that, the Special Permit granted herein is subject to the following conditions:

- A. That the Special Permit granted herein shall be valid for a period of three (3) years commencing on the date of this Resolution, with the Applicant obligated to submit a renewal application no less than four (4) months prior to the expiration date; and, upon the Applicant's failure to make said renewal application, the Special Permit granted herein shall expire without further notice to the Applicant.

- B. That the Special Permit granted herein shall terminate upon any change in the use, a change in the intensity of the use, a change in services provided, a change in operations, and/or a change in the configuration of the Premises to other than a Food Service Establishment.
- C. That the granting of this Application shall not be deemed to relieve the Applicant of the need to obtain approval of any other board or agency or officer prescribed by law or ordinance with regard to the plans or construction or any other phase of the proposed project.
- D. The permitted hours of operation shall be as follows:
  - i. **Sunday-Thursday:** 11:00am -11:00pm.
  - ii. **Friday-Saturday:** 11:00am -1:00am.
- E. To further mitigate the adverse impacts related to noise, the following conditions apply:
  - i. **Sunday-Thursday:** Food service shall cease by 10:00pm, bar services shall cease at 10:30pm, and no patrons shall remain at the Premises after 11:00pm
  - ii. **Friday-Saturday:** Food service shall cease by 12:00am, bar services shall cease at 12:30am, and no patrons shall remain at the Premises after 1:00am.
  - iii. The playing of any recorded music shall cease one (1) hour before the closure time set forth above.
  - iv. All doors and windows at the Premises shall be closed no later than 10:00pm on every day that music or any amplified sound is being played on the Premises.
- F. That any work done hereunder shall be in strict compliance with the plans as filed with this Application, except as expressly modified by the conditions herein or such non-material changes to such plans as may be approved by the Building Inspector.
- G. A copy of this Special Permit shall be onsite at all times, and available upon request.
- H. All exterior lighting must be downward illuminating.
- I. All sound levels will comply with the requirements of the Village Code. No live band, live instrumentalist, or live singing will be permitted.

- J. All doors and windows shall be closed after 10 pm and during times of amplified sound/music, except for background music.
- K. The Applicant shall be responsible to disburse patrons or others who may congregate in front of the Premises along Mamaroneck Avenue.
- L. Applicant's use of the second-story space at the Premises is limited to office purposes. The Applicant shall return to the ZBA for an amendment to this Special Permit for any change in the use of this or any other space at the Premises to residential use.
- M. The Applicant must comply with all applicable local, state, and federal laws and regulations.
- N. That the failure to observe and perform any of these conditions shall render this Special Permit invalid.

BE IT FURTHER RESOLVED, that the ZBA directs that a complete copy of this resolution be filed with the Village Clerk in compliance with New York State Village Law.

On the motion of ZBA member \_\_\_ seconded by ZBA member \_\_\_ the foregoing Resolution was adopted [defeated] with ZBA members voting as follows:

Robin Kramer, Chair \_\_\_\_\_  
Gretta Heaney \_\_\_\_\_  
Brian Glattstein \_\_\_\_\_  
David Neufeld \_\_\_\_\_  
Angelique Shingler \_\_\_\_\_

\_\_\_\_\_  
Robin Kramer, Chair, Zoning Board of Appeals

Dated: Mamaroneck, New York  
March 2, 2023