

**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. March 8 2023

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

I (We) Rosa Cucina Italiana Corporation

Of 410 W. Boston Post Rd., Mamaroneck, NY Zip: 10543
(Name of Applicant)
(Insert Complete Mailing Address)

Daytime Phone # 914-374-3847 Daytime Fax # _____ EMAIL: Angelomerenda8@gmail.com

Apply to the Board of Appeals regarding property located at _____
410 W. Boston Post Road
(Insert Location of Premises)

Bearing Village of Mamaroneck Tax Map Number. 9 53 11
(Section) (Block) (Lot)

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

- ☐ **Area Variance** - This is to use land in a manner not allowed because of dimensional or topographical requirements in the Zoning Code
- ☐ **Use Variance**- This is to allow land to be used in a manner or for a purpose which is prohibited or not allowed by the Zoning code.
- ☒ **Special permit**
- ☐ **Sign Variance**
- ☐ **Fence Variance**
- ☐ **Appeal or Interpretation** (*Specify Code Section*)
- ☐ **Other:** Specify: _____

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

3. What is the present zoning of the property? 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: 12-31-22

Chmelecki Asset

Management

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

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

Name:	Paul J. Noto
Address:	555 Theodore Fremd Ave., Rye, NY 10580
Telephone:	914-381-7600
Email:	pnoto@dorflaw.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:

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):

Special permit, building permit

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

NONE

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:

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> X </u>	Section	<u> </u>	Subsection	<u> </u>
Article	<u> </u>	Section	<u> </u>	Subsection	<u> </u>
Article	<u> </u>	Section	<u> </u>	Subsection	<u> </u>
Article	<u> </u>	Section	<u> </u>	Subsection	<u> </u>

NOTE:

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

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

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

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

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

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

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

- 1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

- 2) whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue other than an area variance;

- 3) whether the requested area variance is substantial;

- 4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

- 5) whether the alleged difficulty was self-created...

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.

See Attached

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.

Supplement to Application of Rosa Cucina Italiana Corporation

Applicant Angelo Merenda is seeking a special permit to re-open a restaurant at 410 West Boston Post Road. The site had previously been occupied by a restaurant La Casa Piccolo for many years. In fact this site has been a restaurant for 30 plus years dating back to the Fenimore Cooper Inn which operated in the 1980's.

The building was built in 1790 and has been of historical interest as allegedly James Fenimore Cooper wrote part of the Last of the Mohicans in this building. It has been renovated multiple times. It appears the restaurant has been at the site since at least 1960.

Mr. Merenda has many years in the restaurant business, most recently he owned La Scarpitta, a very popular restaurant on Halstead Ave. across from the Mamaroneck Train Station.

This application in the C-1 zone is a permitted use subject to the special permit regulations of the Village. The proposed use is in harmony with the surrounding neighborhood and would be an asset to the area which has been accustomed to having a restaurant at that location.

The applicant proposes 60 seats and will offer a full service menu for lunch and dinner. Proposed hours of operation are 11:30 AM to 9:30 PM Sunday-Thursday and 12 noon to 11:30 pm on Friday-Sat.

The lease provides for 10 parking spaces for restaurant use.

This site has operated as a restaurant for many years without incident. There is ample street parking on both sides of the Post Road as well as on Fenimore Road. The site is also within walking distance from the Village and the adjacent residential neighborhood.

Reopening a restaurant on this site will enhance the surrounding area and invigorate the commercial environment nearby.

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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 8

Day of March, 2023


Notary Public

PAUL NOTO
NOTARY PUBLIC, STATE OF NEW YORK
NO. 4740754
QUALIFIED IN WESTCHESTER COUNTY
COMMISSION EXPIRES SEPT. 30, 2025

CERTIFICATIONAngelo Merenda

(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 1146 North Ave., New Rochelle, NY
3. The nature of my interest in the aforesaid application is as follows:
President, Rosa Cucina Italiana Corp.

4. If the Applicant or owner is a corporation, list the corporation's officers:

President: Angelo Merenda Vice President: _____
 Secretary: _____ Treasurer: _____

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:

Angelo Merenda

(Name & Residence)

President

(Extent of interest)

Sworn to before me this 8 day of March, 2023



NOTARY PUBLIC



Applicant's Signature

PAUL NOTO
 NOTARY PUBLIC, STATE OF NEW YORK
 NO. 4740754
 QUALIFIED IN WESTCHESTER COUNTY
 COMMISSION EXPIRES SEPT. 30, 2025