

Village of Mamaroneck

123 Mamaroneck Avenue
Mamaroneck NY 10543

Zoning Board of Appeals Minutes

**VILLAGE OF MAMARONECK ZONING BOARD OF APPEALS MEETING
April 13, 2023 AT 7:30 PM HELD IN THE COURTROOM AT 169 MT. PLEASANT AVENUE,
MAMARONECK, NY
NOTICE OF FIRE EXITS AND REQUEST TO TURN OFF ELECTRONIC DEVICES**

These are intended to be Action Minutes which primarily record the actions voted on by the Zoning Board at the meeting held on April 13, 2023. The full public record of this meeting is the audio/video recording made of this meeting https://lmctv.org/videos_list/village-of-mamaroneck-zoning-board-meeting-04-13-23/

PRESENT: Robin Kramer, Chair
Brian Glattstein, Board Member
Gretta Heaney, Board Member
Angelique Shingler, Board Member

Lori Lee Dixon, Village ZBA Attorney
Carolina Fonseca, Building Inspector
Brittanie O'Neill, Village Land Use Secretary via Zoom

EXCUSED: David Neufeld, Board Member

Chair Kramer opened the meeting at 7:40 p.m.

She noted that there are 4 Board members present. Mr. Neufeld may or may not arrive later. She asked if any applicants wanted to wait for a full Board to be present to be heard. None did.

A. PUBLIC HEARINGS

1. Application #01-SV-23, 620-626 E. Boston Post Road, (Section 4, Block 53, Lot 2B) located in the C-1 Zoning District, SEQRA Classification: Type II

The applicant seeks a sign variance for 3 signs, Northeast Architectural, front wall, rear wall and pylon. Variances are required as per Village Code Chapter 286, Sections 5, 10 and 12 – A and B.

Bryan Vasser, Archer Signs:

- The width of the signs is wider than what's allowed
- The signs are in character with the neighborhood
- The height of the h and the | between the words are higher than what's allowed

- The tallest portion of the sign is less than the allowed maximum of 30”
- The width of the front sign is 250” and the rear sign is 300”

Chair Kramer noted that a variance is also needed for the width of the front sign, which requires an updated determination.

There was no public comment.

The application was adjourned.

2. Application #02-SP-23, 406-410 W. Boston Post Road, (Section 9, Block 53, Lot 11) located in the C-1/TOD Zoning District, SEQRA Classification: Type II

The applicant seeks a special permit to repaint interior and front sides of a restaurant, refinish wood floors and bar with no exterior construction to operate a new restaurant as per Village Code Chapter 342, Article VI, Section 30, Part A (1)(e).

Paul Noto, Esq.:

- The site has been a restaurant for 40 – 50 years
- It will be a full service restaurant
- The hours will be 11:30 am – 9:30 pm Sun. – Thurs. and noon – 11:30 pm Fri. and Sat.
- There will be 60 seats plus 8 outdoor seats
- There are 10 dedicated parking spaces plus ample public parking in the area
- The building was built prior to the Zoning Code, therefore the off-street parking requirement isn’t applicable

There was no public comment.

On motion of Ms. Shingler, seconded by Mr. Glattstein and carried, the Board closed the public hearing.

Ayes: Ms. Heaney, Ms. Shingler, Mr. Glattstein, Chair Kramer

Nays: None

Excused: Mr. Neufeld

3. Application #04-SP-23, 317 Mamaroneck Avenue, (Section 9, Block 19, Lot 14A1) located in the C-2 Zoning District, SEQRA Classification: Type II

The applicant seeks a special permit for the interior renovations for a Bubble Tea Shop as per Village Code Chapter 342, Article VI, Section 31, Part A(1).

Paul Noto, Esq.:

- It’s a C-2 Zone, so parking isn’t required
- The hours will be 11:00 am – 8:30 pm, seven days a week
- It’s primarily take-out, but there will be 4 seats inside
- There’s an employee designated parking space in the back

Chair Kramer noted the need for a variance as there is another take-out business within 200' of this one.

There was no public comment.

The application was adjourned pending submittal of a variance application.

4. Application #04-SP-23, 1202 W. Boston Post Road, (Section 9, Block 21, Lot 2B) located in the C-1 Zoning District, SEQRA Classification: Type II

The applicant seeks a special permit for the creation of a new retail ice cream shop. Minor interior alterations to expand the size of the kitchen workspace and reduce the size of the customer area. All existing kitchen equipment is to remain, most interior finishes are to remain, new finishes to match existing and no exterior work except signage via a separate permit as per Village Code 342, Article VI, Section 31, Part A(1).

Sirius Mandoabi, P.E.:

- We're proposing minor alterations to convert a Subway to an ice cream shop
- Parking is established for the shopping center
- There will be less seating than at Subway, so parking spaces will be used for less duration

Chair Kramer noted the need for the resolution for Subway regarding parking. The ice cream shop may have more traffic.

Ellen Sledge, business owner:

- The proposed hours are 12 pm – 7 pm Sun. thru Thurs. and Fri. and Sat. 12 pm – 8/9 pm
- There are 4 tables with a total of 8 seats
- The maximum number of employees will be 10
- There are 48 parking spaces in the rear lot

There was no public comment.

The application was adjourned. Ms. O'Neill will try to find more information on the previously issued special permits for other businesses in the shopping center.

5. Application #06-AV-23, 212 Jensen Avenue, (Section 4, Block 31, Lot 61) located in the R-5 Zoning District, SEQRA Classification: Type II

The applicant seeks an area variance to construct a rear yard addition at the 1st floor and exterior front yard addition at the 2nd floor. Project will increase the pre-existing non-conforming condition (encroachment of the front yard setback). The pre-existing setback is 14.4' where 20' is required; a variance is needed for 5.6' as per Village Code Chapter 342, Attachment 2.

Maximillian Mahalek, Esq.:

- The 2nd floor addition has been framed, a Stop Work Order has been issued
- The addition will be in line with the 1st floor

- The house was built in 1936
- The front yard setback lines up with the neighboring houses
- We're not expanding the footprint of the house
- There won't be an increase to impervious surface
- The burden already exists for any expansion of the 2nd floor
- The neighbor to the south provided a letter in support of the project
- The addition is approximately 78 sf
- The existing habitable floor area is 1,925 sf

There was no public comment.

On motion of Mr. Glattstein, seconded by Ms. Shingler and carried, the Board closed the public hearing with the exception of revised plans being submitted showing the number of stories as 2 ½.

Ayes: Ms. Heaney, Ms. Shingler, Mr. Glattstein, Chair Kramer

Nays: None

Excused: Mr. Neufeld

6. Application #05-AV-23, 416 Waverly Avenue, (Section 8, Block 111, Lot 29-42) located in the M-1 Zoning District, SEQRA Classification: Unlisted/Coordinated

The applicant seeks area variances to construct an addition to the existing self-storage facility. Variances are required for the following:

Off street parking – 124 spaces are required, 26 are proposed

Stories – 3 are permitted, 4 are proposed

FAR – 1.92 proposed, variance needed for 0.58

Building coverage – 50% is allowed, 52% is proposed

Tony Gioffre, Esq. summarized the application.

Kim Martelli, R.A. summarized the architectural plans and site plan.

Chair Kramer noted that the variances are substantial and self-created.

Public Comment:

Jim Lanza:

- I'm a Village resident, I own property in the industrial area and I'm a member of the IABC
- I'm in favor of the project, it will breathe new life to the industrial area
- It will bring up other property values

C&S Foreign Car Service, 427 Waverly Avenue:

- Let them do it, we have to move forward

Allen Stern of Jastar Realty, 428 Waverly Avenue:

- I'm in favor of this project

- The existing building is in the right location

Andrew Spatz, owner of 500 and 520 Fenimore Road:

- I'm speaking as a property owner, not as a member of the Industrial Advisory Area Committee or the Flood Mitigation Advisory Committee
- I commend the applicants for adhering to their promise to factor in our concerns
- The building is aesthetically pleasing
- It's important that they communicate with CSX
- The reduction of impervious surface to the area is important
- I appreciate the lighting along Railroad Way
- It will encourage our growth as a community

End of Public Comment

The application was adjourned pending submission of Case Law requested by Chair Kramer.

Ms. O'Neill will try to find information on the variances granted to the Mason and Soundview Condominium.

B. APPROVAL OF MINUTES

1. The Board reviewed the minutes from the meetings held on January 5, 2023 and March 2, 2023.

During the review of the January minutes, the Board determined that 416 Waverly Avenue may need a variance for the required number of loading spaces.

On motion of Ms. Heaney, seconded by Mr. Glattstein and carried, the Board adopted the minutes from the meeting held on January 5, 2023 as amended.

Ayes: Ms. Heaney, Ms. Shingler, Mr. Glattstein, Chair Kramer

Nays: None

Excused: Mr. Neufeld

On motion of Ms. Shingler, seconded by Mr. Glattstein and carried, the Board adopted the minutes from the meeting held on March 2, 2023 as amended.

Ayes: Ms. Heaney, Ms. Shingler, Mr. Glattstein, Chair Kramer

Nays: None

Excused: Mr. Neufeld

C. ADJOURN MEETING

On motion of Ms. Shingler, seconded by Chair Kramer and carried, the meeting was adjourned at 10:41 p.m.

All in favor?

Aye.

ANY HANDICAPPED PERSON NEEDING SPECIAL ASSISTANCE IN ORDER TO ATTEND THE MEETING SHOULD CALL THE VILLAGE MANAGER'S OFFICE AT 914-777-7703

All Board of Trustee Regular, ZBA, Planning Board, and HCZM Meetings are Broadcast Live on LMC-TV: Verizon FIOS Channels 34, 35 & 36 Cablevision Channels: 75, 76 & 77 And streamed on the Web: www.lmc-tv.org