

Board of Trustees Agenda

VILLAGE OF MAMARONECK BOARD OF TRUSTEES AGENDA

September 25, 2017 AT 7:30 PM - Regular Meeting - Courtroom At 169 Mt. Pleasant Avenue
NOTICE OF FIRE EXITS AND REQUEST TO TURN OFF ELECTRONIC DEVICES

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OPEN MEETING

PRESENTATIONS

- A. Westchester Joint Water Works - Proposed Water Rate Presentation

COMMUNICATION TO THE BOARD

- A. CTB I

1. PUBLIC HEARINGS

- A. Public Hearing on PLL-P - Microbrewery Legislation
- B. Public Hearing on PPL-Q - Clarifying Village Code on Member Clubs and Uses in the MR Zone

2. AUDIT OF BILLS

- A. Abstract of Audited Vouchers

3. OLD BUSINESS

- A. Resolution Authorization To Execute A Lease Agreement With Larchmont-Mamaroneck Community Television (LMC-TV) To Lease Village Owned Property

4. NEW BUSINESS

- A. Resolution Scheduling a Public Hearing On PLL-V 2017 – A Proposed Local Law Amending Chapter 342 Of The Village Code (Zoning) Regarding The Official Zoning Map Of The Village Of Mamaroneck
- B. Resolution Authorizing Acceptance of Marine Center Donations
- C. Resolution Authorizing Maintenance of Federal Income Tax Deduction for Payment of State & Local Taxes

5. COMMUNICATION TO THE BOARD II

- A. CTB II

6. REPORT FROM VILLAGE MANAGER

- A. None

7. REPORT FROM CLERK-TREASURER
 - A. None
8. REPORT FROM VILLAGE ATTORNEY
 - A. None
9. MINUTES - COMMISSIONS, BOARDS, COMMITTEES
 - A. Minutes of the Board of Trustees Special Meeting from August 30
 - B. Minutes of the Tree Committee from August 21, 2017
 - C. Minutes of the Arts Council from July 12, 2017
 - D. Minutes of the Planning Board meeting from April 26, July 12 and July 26, 2017.
 - E. Minutes of the Zoning Board of Appeals meetings from March 2, April 6, May 4, June 1, July 6, 2017.

ADJOURN

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

Village of Mamaroneck, NY

Item Title: Video

Item Summary: [Click Here to View Video](#)

Fiscal Impact:

Village of Mamaroneck, NY

Item Title: Westchester Joint Water Works - Proposed Water Rate Presentation

Item Summary: Westchester Joint Water Works - Proposed Water Rate Presentation

Fiscal Impact:

Village of Mamaroneck, NY

Item Title: CTB I

Item Summary: CTB I

Fiscal Impact:

Village of Mamaroneck, NY

Item Title: Public Hearing on PLL-P - Microbrewery Legislation

Item Summary: Public Hearing on PLL-P - Microbrewery Legislation

Fiscal Impact:

ATTACHMENTS:

Description

Type

Revised PLL-P-2017 scheduling public hearing Sep 11-17 - Microbreweries	Cover Memo
Item 3B	Cover Memo
memo - Planning Board Recommendations on Microbreweries	Cover Memo
Narrative Description of Proposed Action	Cover Memo
Map of areas in the C-1 within 500 feet of the M-1	Cover Memo
EnhancedEAF 9-8-17 Pll-P Version 4	Cover Memo
Narrative 9-8-17 Pll-P Version 4	Cover Memo
seafpartone_microbreweries 9-8-17 Pll-P Version 4	Cover Memo
seafparttwoandthree 9-8-17 Pll-P Version 4	Cover Memo
VOM_CAF 9-8-17 Pll-P Version 4	Cover Memo
EnhancedEAF 9-8-17 Pll-P Version 5	Cover Memo
feafpart1_PLL-P Version 5	Cover Memo
feafpart2_PLL-P Version 5	Cover Memo
feafpart3_PLL-P Version 5	Cover Memo
VOM_CAF PLL-P 9-13-17	Cover Memo
CAF Narrative Pll-P Version 5	Cover Memo
PLL-P Version 5	Cover Memo

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held by the Board of Trustees of the Village of Mamaroneck on the 11th day of September, 2017 at 7:30 p.m., or as soon thereafter as all parties can be heard, at the municipal building located at 169 Mount Pleasant Avenue, Mamaroneck, New York, to consider Revised Proposed Local Law P-2017 – to amend Chapter 342 of the Code of the Village of Mamaroneck (Zoning) to allow microbreweries, microdistilleries, microcideries, microwineries, nanobreweries and brewpubs.

PLEASE TAKE FURTHER NOTICE that a copy of the Revised Proposed Local Law P-2017 is on file with the Clerk-Treasurer of the Village of Mamaroneck and on the Village of Mamaroneck website.

PLEASE TAKE FURTHER NOTICE that at said public hearing, all persons interested will be given an opportunity to be heard.

BY ORDER OF THE BOARD OF TRUSTEES OF
THE VILLAGE OF MAMARONECK, NEW YORK

Agostino A. Fusco
Clerk-Treasurer

Dated: August 29, 2017

Village of



Mamaroneck

Village Hall At The Regatta

P.O. Box 369

123 Mamaroneck Avenue

Mamaroneck, N.Y. 10543

<http://www.villageofmamaroneck.org>

OFFICE OF
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VILLAGE MANAGER

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AUGUST 14, 2017

ITEM 3B – AGENDA REGULAR MEETING

RESOLUTION RE:

**SCHEDULING A PUBLIC HEARING ON PLL P-2017 TO ALLOW
MICROBREWRIES IN THE C-1 ZONING DISTRICT WITHIN 500 FEET OF THE
M-1 ZONING DISTRICT**

RESOLVED, that a Public Hearing on Proposed Local Law P-2017 be and is hereby scheduled for August 14, 2017 at 7:30 p.m. at the municipal building located at 169 Mount Pleasant Avenue, Mamaroneck, New York.

BE IT FURTHER RESOLVED, that the Board of Trustees hereby determines this action to amend Chapter 342 to allow microbreweries in the C-1 zoning district within 500 feet of the M-1 Zoning district as a permitted use is an Unlisted Action under SEQRA and there are no other involved agencies.

BE IT FURTHER RESOLVED, that the Board of Trustees refers the Proposed Local Law together with an EAF and CAF to the Harbor and Coastal Zone Management Commission for a recommendation on consistency with the LWRP and to the Village Planning Board and Zoning Board of Appeals for review and recommendation.

BE IT FURTHER RESOLVED, that pursuant to Section 342-99 of the Village Code, notice of the hearing shall be provided by 1. published legal notice in the official newspaper, 2. publication on the Village website, 3. circulation of notice by Village News e-mail notification, and 4. by posting prominently in six (6) conspicuous locations in the Village.

Memo

To: Chair and Members of the Planning Board
Cc: Building Inspector, Greg Cutler, Assistant Planner
From: Bob Galvin, AICP – Village Planner
Date: 4/12/17
Re: Micro-Alcohol Production Establishments

At the direction of the Planning Board and after feedback on proposed recommendations, the Planning Department has provided an expanded report for the Planning Board to review and submit a final report with recommendations to the Board of Trustees. This Planning Department report includes the background, rationale, industry information, current zoning code status, definitions, legislative recommendations and additional conditions for special permits.

Background/Rationale

There has been an increased interest in opening micro-alcohol related establishments within the Village. New York State's Craft New York Act, signed in 2014, reduces alcohol producers' requirements and restrictions in an effort to develop the craft beverage industry within the State. With this funding source and with an increased demand for craft beer, alcohol, and wine, micro-alcohol establishments can serve as catalysts to downtown revitalization, as well as retail and tourism activities. In response to this growing demand for micro-alcohol production businesses, this proposal would amend the Village Code specifically to permit such uses in the commercial districts including the downtown and a small, limited portion of the C-1 within 500' of the M-1 district and allow such uses in addition to larger-scale breweries, distilleries, cideries and wineries in the Village's industrial district. This proposed local law would create definitions for breweries, distilleries, wineries, and micro-alcohol

establishments, amend use regulations to permit micro-alcohol production in commercial zoning districts, and create special regulations for these uses. The proposal is consistent with the Village's Comprehensive Plan, which seeks to strengthen and expand economic opportunity by attracting new businesses.

Traditionally, relatively few communities have defined and regulated low-volume alcohol production facilities as distinct uses in their zoning codes. However, in recent years renewed interest in craft brewing and distilling, as well as small-batch wine production, has prompted a number of communities to update their codes to sanction small-scale producers in a wider range of zoning districts. Now, there are a number of communities across the country that have added definitions, use permissions, and, in some cases, use-specific standards for brewpubs, microbreweries, micro-distilleries, or micro-wineries to their zoning codes. Without clear definitions and use permissions, building officials are forced to make ad hoc use interpretations that can delay or even prevent otherwise desirable development. This regulatory silence creates uncertainty for business owners seeking to make location decisions and secure financing. We have developed this proposal based on the research provided by the Planning Advisory Services Report on *Zoning for Micro-Alcohol Production*, April 2014 and the recently enacted sections of the Port Chester Zoning Code dealing with micro-alcohol production.

General Industry Standards

NYS breweries grew from 95 in 2012 to 320 in 2016. NYS craft beer is currently 4th in the country with an Economic Impact of \$4 Billion dollars. In 2016, NYS was the 5th largest beer producing state behind California, Pennsylvania, Colorado, and Oregon. Craft breweries have a positive economic impact on a community including employment opportunities, sales tax and real estate taxes, tourism, sense of community, cultural impact and sustainable business practices. State-wide, the industry provides over 12,000 jobs, \$554 million in wages, \$450 million in tourism related expenditures, and 3.66 million in brewery visits.

Definitions and clarifications of size and scope of breweries

The following are distinct craft beer industry market segments: brewpubs, microbreweries, regional craft breweries and contract brewing companies.

Nanobreweries are also included below:

Brewpubs - can vary in size and scope of operations. They are a commercial use that may involve on-site production and is defined based upon the size of its brewery system not to exceed 5 barrel production system. The beer is brewed primarily for sale in the restaurant and bar. The beer is often dispensed directly from the brewery's storage tanks. Where allowed by law, brewpubs often sell beer "to go" and /or distribute to off-site accounts. The brewpub is commonly covered under a restaurant or brewpub license from the NYS Liquor Authority. The licensing regulations require a restaurant. The applicant may have up to five separate locations, and may produce 5,000 barrels of beer per location, not to exceed 20,000 barrels.

Nanobrewery - a commercial use that involves on-site production and is defined based upon the size of its brewery system. Typically, a nanobrewery produces beer on a 3-barrel brewing system or less, is limited in scale of the activities, small boutique in nature and are typically owned and operated by individuals who have other job responsibilities and devote a fraction of their weekly schedule to brewing beer. Nanobrewery production of alcoholic beverages typically produces no more than 150 barrels of product per year or approximately 1 batch or six half barrels per week. Nanobreweries appear to occupy small spaces typically under 1,000 sf. There are no accepted industry standards for annual production thresholds for nanobreweries.

Microbrewery - a microbrewery is an establishment primarily engaged in the production and distribution of beer, ale, or other malt beverages, and which may include accessory uses such as tours of the microbrewery, retail sales, and/or on-site consumption, e.g., "Tasting Room." This classification allows a microbrewery to sell beer at retail and/or act as wholesaler for beer

of its own production for off-site consumption with appropriate State licenses. Industry definitions limit microbreweries to 15,000 barrels per year of beer, ale, or other malt beverages. This can be determined by the filings of barrelage tax reports to the New York State Tax & Finance Department. The 15,000 barrels per year is a common threshold, which corresponds to the American Brewer's Association's defined limit for a microbrewery.

Industrial/Regional - Breweries producing over 15,000 barrels per year should be placed in a separate, more industrial/manufacturing zoned area considering the amount of off premise wholesale sales requiring a comprehensive program addressing loading and pick-up/delivery trucking schedules. Captain Lawrence in Elmsford is an example of a regional brewery.

Contract Brewing Company - a business that hires another brewery to produce its beer. It can also be a brewery that hires another brewery to produce additional beer. The contract brewing company handles marketing, sales and distribution of its beer, while generally leaving the brewing and packaging to its producer-brewery (which, confusingly, is also sometimes referred to as a contract brewery). Contract brewing can be used to augment the production levels in an individual microbrewery.

Deliveries/Production Capacity

Based on presentations made by Alan and Jason Daniels of Half Time at the Planning Board meeting of 3/22/17 and staff review, it is estimated that truck deliveries and pick-ups for nanobreweries and microbreweries are only 1 to 3 trucks per week. These will be made in vans. Staff did mention that some municipalities provide that deliveries can only be made during normal business hours and specify the hours in their special permit conditions. This condition is meant to restrict late night or early morning pick-ups and deliveries. Additional information provided by the Village of Port Chester indicated that distribution typically use trucks identical to trucks used for beer delivery to local bars, restaurants and supermarkets.

Current Status in Village Code

Industrial Area (M-1)

Within the Village of Mamaroneck, breweries and other alcohol production facilities have been considered as manufacturing or other processing facilities and allowed as “Permitted Uses” in the M-1 district under 342-32 A. (1) (a). There are no special permits required for these uses.

Downtown (C-2)

The only other district where such uses have been allowed is the C-2 zone under 342-31 Central Commercial Districts A. (1) (e). This provision includes: *“Light manufacturing, assembling, converting or other processing subject to 342-47”*. The Code requires that goods so produced are to be sold at retail, exclusively on the premises and this use is subject to a special permit. Section 342-47 ***Manufacturing in commercial districts*** permits such activities only in an area fully concealed from any street or neighboring residential zone. Furthermore, such activities shall not exceed 20% of the area devoted to retail sales.

The Good Shepherd Distillery (a micro-distillery) is located in a building with floor area under 1,000 sf on Stanley Avenue in the C-2 District. This was approved under section 342-47 with a special permit from the ZBA. The only commercial district that this applies to is the C-2 downtown district.

General Commercial (C-1)

C-1 does not have light manufacturing as a permitted use and cannot avail itself of section 342 47. Therefore, the C-1 district does not currently allow micro-breweries and other micro-alcohol production facilities including brewpubs.

Summary

Micro-breweries and micro-distilleries currently are allowed in the C-2 district with a special permit subject to limitations of 342-47 and in the M-1 zone as a permitted use under manufacturing not requiring a special permit. Brewpubs are more similar to restaurants but with an accessory manufacturing component which would require a special permit as a restaurant and allow the manufacturing under 342-47 in the C-2 district.

Recommendations - zoning amendment that would add new definitions, use permissions, and use standards for craft breweries, wineries, cideries, distilleries and brewpubs in response to increased demand and changes in state law.

- Provide definitions for brewery, distillery, brewpub, and other micro-alcohol production facilities and tasting rooms
- Since a nanobrewery does not have a specific industry standard or regulatory license regarding production volumes, we have used the size of the production system to limit impacts. Definitions for microbrewery and other micro-alcohol establishments use production volume thresholds as determined by annual filings of barrelage tax reports to the New York State Tax & Finance Department.
- In the C-2 district, these types of micro-alcohol manufacturing are already permitted by special permit but are not defined and provide no conditions. We propose to define these uses, provide conditions and allow for 70% for the manufacturing area in line with Port Chester and current industry and legislative trends. On the other hand, a brewpub, which has more in common with a restaurant than a factory, would be allowed 30% for the brewing space since it functions as an accessory use to the restaurant operation. The Planning Board would be the agency to review and approve special permits. This is compatible with the goals of the Comprehensive Plan to encourage downtown economic activity and increase activity in the manufacturing district.
- In the C-1 district, no manufacturing is allowed. We propose (similar to Port Chester) not to extend these establishments into general commercial districts at this time. However, we propose to permit such micro-production establishments in the C-1 zone in locations that are within 500 feet of the M-1 zone. This will restrict any impact on residential neighborhoods. (see attached map)

- Add parking requirement for tasting rooms similar to Port Chester: 1 per 4 permanent seats or 1 space for each 100 square feet devoted to patron use, whichever is greater.
- We are proposing to include micro-alcohol establishment legislation for the M-1 zone. Such uses are already allowed and will serve as a marketing tool to encourage the location of such facilities in the industrial area. There are several companies that we are currently working with as part of Industrial Area Strategic Plan.

Suggested Legislation Recommendations

Article II: The Code of the Village of Mamaroneck, Chapter 342, "Zoning," Article II "Terms Defined" Definitions," is hereby amended by the addition of the following new terms:

BREW PUB – A business use or establishment which is primarily engaged in the sale and service of food for on-premises consumption and that also brews beer for on-site consumption and can sell beer to go in accordance the New York State Alcohol Beverage Control Law and any applicable New York State Liquor Authority regulations. The area used for brewing, bottling or kegging shall not exceed 30 percent of the total gross floor area of the commercial space.

BREWERY – An establishment which is primarily used for the manufacture of beer with annual production that exceeds 15,000 barrels per year. May sell beer for on-site consumption or for off-site distribution in accordance with the Alcohol Beverage Control Law and any applicable New York State Liquor Authority regulations. May contain one or more accessory tasting rooms.

CIDERY – An establishment defined by New York State Alcohol Beverage Control Law that includes any place or premises wherein cider is manufactured for sale with annual production that exceeds 10,000 gallons per year. May sell cider for on-site consumption or for off-site distribution in accordance with the New York State Beverage Control Law and any applicable New York Liquor Authority regulations.

DISTILLERY – An establishment which is primarily used for the manufacture of alcoholic spirits with annual production that exceeds 10,000 gallons per year. May sell spirits for on-site consumption or for off-site distribution in accordance with the New York State Alcohol Beverage Control Law and any applicable New York State Liquor Authority regulations. May contain one or more accessory tasting rooms.

MICROBREWERY – An establishment which is primarily used for the manufacture of craft beer with annual production limited to 15,000 barrels per year as determined by the filings of barrelage tax reports to the New York State Tax & Finance Department. May sell beer for on-site consumption or for off-site distribution in accordance with the New York State Alcohol Beverage Control Law and any applicable New York State Liquor Authority regulations. May contain an accessory tasting room.

MICROCIDERY – An establishment defined by New York State Alcohol Beverage Control Law that includes any place or premises wherein cider is manufactured for sale with annual production limited to 10,000 gallons per year as determined by the filings of barrelage tax reports to the New York State Tax & Finance Department. May sell cider for on-site consumption or for off-site distribution in accordance with the New York State Beverage Control Law and any applicable New York Liquor Authority regulations.

MICRODISTILLERY – An establishment which is primarily used for the manufacture of craft alcoholic spirits with annual production limited to 10,000 gallons per year as determined by the filings of barrelage tax reports to the New York State Tax & Finance Department. May sell spirits for on-site consumption or for off-site distribution in accordance with the New York State Beverage Control Law and any applicable New York State Liquor Authority regulations.

MICROWINERY - An establishment which is primarily used for the manufacture of vinous beverages with annual production limited to 2,000 cases per year as determined by the filings of barrelage tax reports to the New York State Tax & Finance Department. May sell wine for on-site consumption or for off-site distribution in accordance with the New York State Beverage Control Law and any applicable New York Liquor Authority regulations.

NANOBREWERY – An establishment which is primarily used for the manufacture of craft beer and is defined based on the size of its brewing system which will be limited to a three barrel production system or less. May sell beer for on-site consumption or for off-site distribution in accordance with the New York State Beverage Control Law and any applicable New York State Liquor Authority regulations.

TASTING ROOM – An establishment or portion of a manufacturing establishment that allows customers to taste samples of beer, alcoholic spirits, or vinous beverages. A tasting room may include the sale of such products in addition to related items, marketing events, special events, entertainment, and/or food sales.

WINERY – An establishment which is primarily used for the manufacture of vinous beverages with annual production that exceeds 2,000 cases per year. May sell wine for on-site consumption or for off-site distribution in accordance with the New York State

Beverage Control Law and any applicable New York Liquor Authority regulations. May contain one or more accessory tasting rooms.

Article VIII: The Code of the Village of Mamaroneck, Chapter 342, "Zoning" Section 342-56, is hereby amended as follows:

A. Schedule of off-street parking space requirements. Off-street parking spaces shall be provided as follows

Uses	Number of Spaces Required
<u>Restaurant, brewpub</u>	<u>1 for each 3 seats, plus 1 for each 2 employees</u>
<u>Tasting Room</u>	<u>1 for each 4 permanent seats or 1 per 100 square feet of floor area devoted to patron use, whichever is greater.</u>

Article VI: The Code of the Village of Mamaroneck, Chapter 342-30 General Commercial Districts Is hereby amended as follows:

A. Permitted Principal Uses:

(1) The following are the only principal uses permitted in the C-1 General Commercial Districts:

Add:

Microbrewery, microdistillery, microcidery, microwinery, nanobrewery or brewpub are permitted by special permit of the Planning Board in accordance with the standards and procedures of Article X and shall conform to the following conditions and any additional requirements made in connection with such approval.

- (1) Allowable only within 500 feet of a M-1 Manufacturing District.
- (2) No more than 70% of the total gross floor area of the microbrewery, microcidery, microdistillery, microwinery or nanobrewery shall be used for the brewing, distilling, cidery or winemaking function except for a brewpub where only 30% of the total gross floor area shall be used for the brewing, bottling or kegging function.
- (3) Any microbrewery, microcidery, microdistillery, microwinery, nanobrewery or brewpub shall obtain the appropriate manufacturing, wholesale, retail, marketing and/or other

permits or licenses from the New York State Liquor Authority prior to the issuance of a certificate of occupancy.

- (4) Due to appearance and public health concerns, outdoor storage is prohibited, unless expressly allowed as part of an approved site plan.
- (5) The manufacturing and bottling process shall not produce adverse odors, dust, vibration, noise, effluent, excessive wastewater, or other external impacts that cause a significant disturbance off-site and such activities shall be carried on in an area fully concealed from any street or neighboring residential zone.
- (6) The Planning Board may modify off-street parking requirements, if required, based on applicant's information regarding the parking impacts of the proposed special permit.

B. Permitted accessory uses. The following accessory uses are permitted in C-1 General Commercial Districts only in conjunction with a permitted principal use:

Add: (3) Tasting room accessory to microbrewery, microdistillery, microcidery, microwinery or nanobrewery

Article VI: The Code of the Village of Mamaroneck, Chapter 342-31 Central Commercial Districts is hereby amended as follows:

A. Permitted Principal Uses:

(1) The following are the only principal uses permitted in the C-2 Central Commercial Districts:

(a) Uses permitted in C-1 Districts, as permitted therein

Note that Microbrewery, microcidery, microdistillery, microwinery, nanobrewery or brewpub are permitted by reference under (a) in C-2 District.

B. Permitted accessory uses. The following accessory uses are permitted in C-2 Central Commercial Districts only in conjunction with a permitted principal use:

Add: (3) Tasting room accessory to microbrewery, microdistillery, microcidery, microwinery or nanobrewery.

Article VI: The Code of the Village of Mamaroneck, Chapter 342-32 Manufacturing Districts is hereby amended as follows:

The following are the only principal uses permitted in M-1 Manufacturing Districts:

A. Permitted Principal Uses:

Add: (j) Brewery, cidery, distillery, winery, microbrewery, microcidery, microdistillery, microwinery, nanobrewery or brewpub.

Any brewery, cidery, distillery, winery, microbrewery, microcidery, nanobrewery, microwinery, brewpub and/or associated tasting room shall obtain the appropriate manufacturing, wholesale, retail, marketing and/or other permits or licenses from the New York State Liquor Authority prior to the issuance of a certificate of occupancy. This provision is included in each definition of the use. **These uses are not subject to special permit under Article X in the M-1 zone.**

B. Permitted accessory uses. The following accessory uses are permitted in M-1 Manufacturing Districts only in conjunction with a permitted principal use:

Add: (5) Tasting room accessory to brewery, cidery, distillery, winery, microbrewery, microcidery, microdistillery, microwinery or nanobrewery and catering establishment, or other food and drinking establishment accessory to brewery, distillery or winery in accord with applicable New York State regulations and licenses.

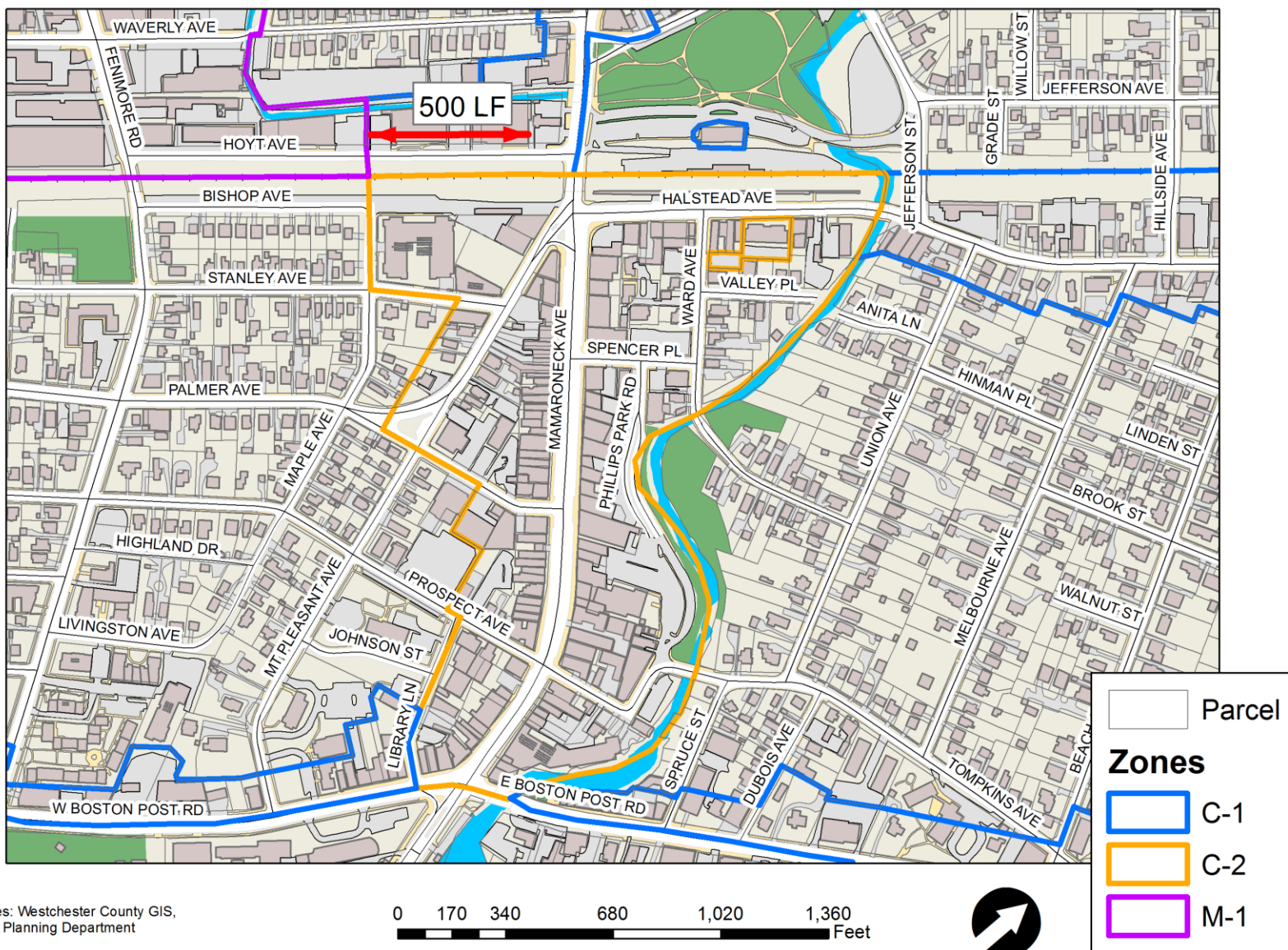
Narrative Description of Proposed Action

The proposed action is a local law (PLL-P-2017) amending the Code of the Village of Mamaroneck to allow microbreweries, brewpubs and other micro-alcohol production facilities in a small limited section of the C-1 zone along Hoyt Avenue within 500 feet of an M-1 zone and anywhere within the C-2 (downtown) zone. These uses will be subject to site specific requirements for these uses as well as general special permit requirements provided for in Chapter 342-71. The law creates definitions for establishments involved in the production of alcohol including distinctions between micro, nano, and full-scale production facilities. Lastly, the law amends the off-street parking schedule by adding requirements for a brewpub that match the existing requirements for restaurants and by adding new requirements for tasting rooms at 1 space for every 4 seats or 1 per 100 sf, whichever is greater.

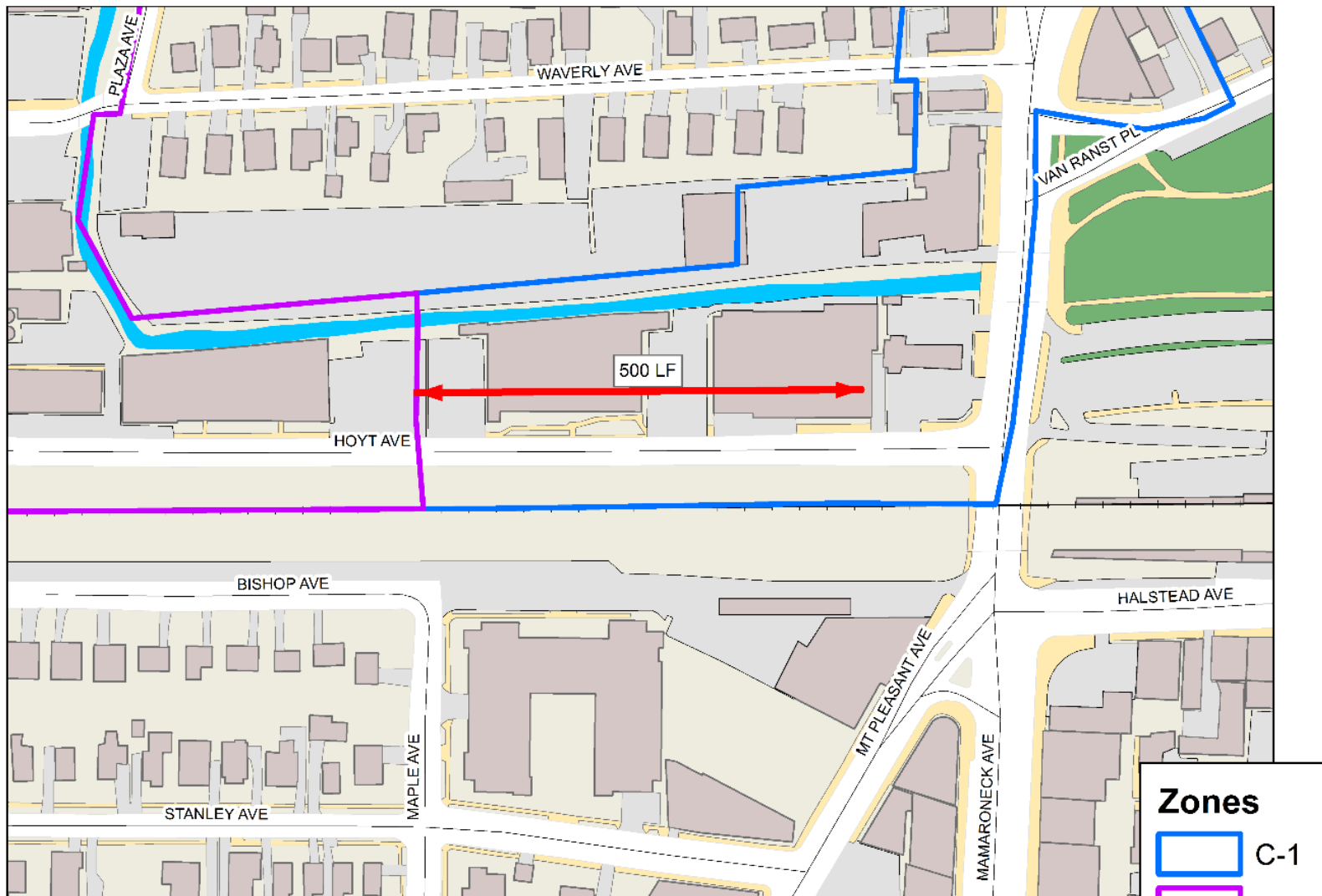
The law is a result of the efforts of the Planning Board in reviewing the viability of microbrewery uses in the Village of Mamaroneck. The Planning Department's review indicates that the proposed legislation is consistent with the Village's Comprehensive Plan, which seeks to strengthen and expand economic opportunity by attracting new businesses in the downtown area. The introduction of these new businesses will encourage retail and tourism activities similar to what is being seen in New York State.

The special conditions outlined in the law are aimed at mitigating potential quality of life and environmental impacts. These include the prohibition of outdoor storage unless expressly allowed as part of an approved site plan, and the requirement that the manufacturing and bottling process is carried on in an area fully concealed from any street or neighboring residential zone, and shall not produce adverse odors, dust, vibration, noise, effluent, excessive wastewater, or other external impacts that cause a significant disturbance off-site.

In addition the micro-alcohol uses will be subject to a special permit from the Planning Board that have specific criteria that are aimed at ameliorating potential environmental impacts as outlined in Chapter 342-71. As part of the special permit, any site specific issues would be reviewed by the Planning Board in relation to both the special permit and the required SEQRA review. These include hours of operations, adequate parking, traffic, orderly and appropriate development, and impacts on historic buildings. Furthermore the special permit and site-specific SEQRA review will allow the Planning Board authority to mitigate impacts on noise, odor, and light impacts.



500 Feet from M-1

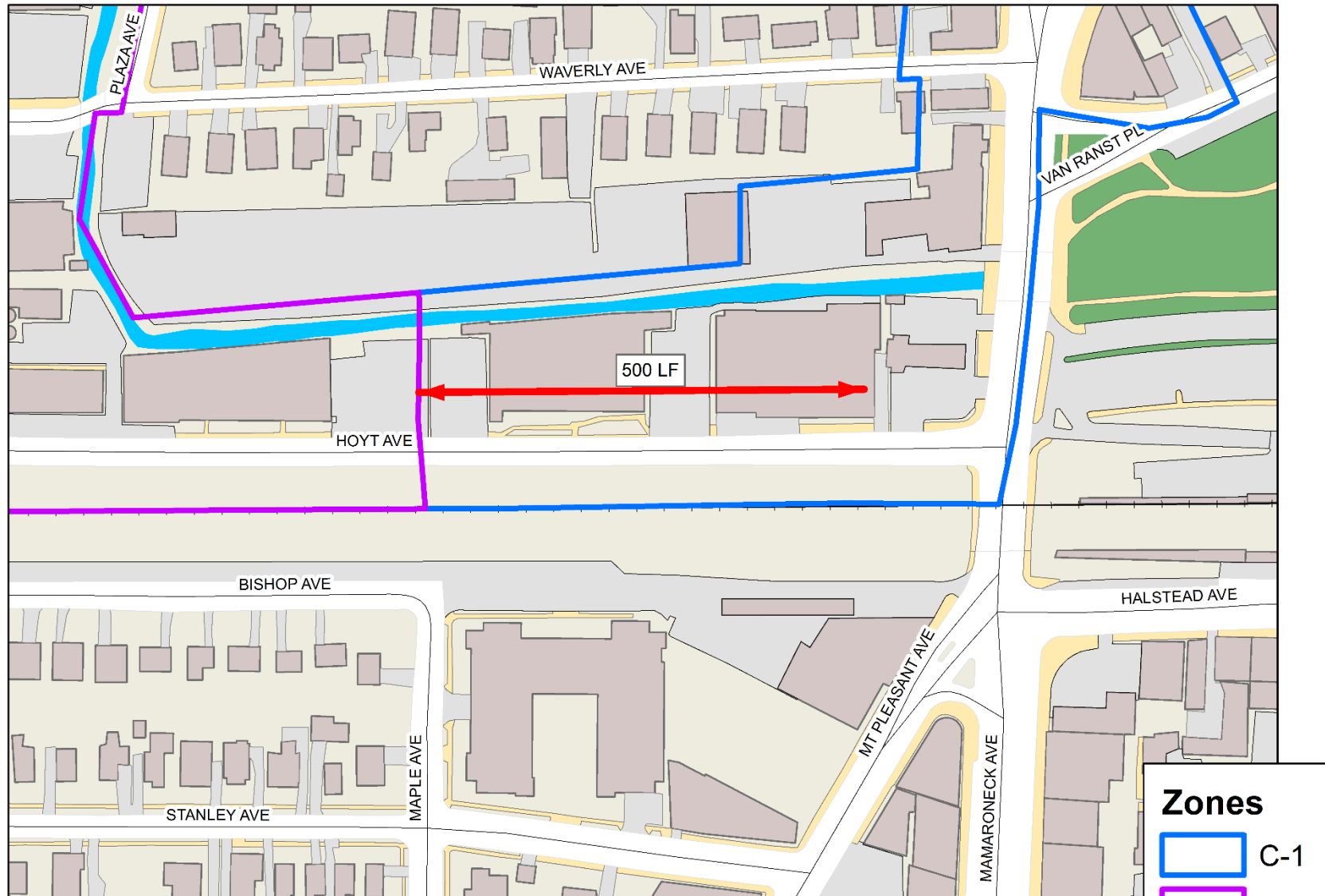


Sources: Westchester County GIS,
Planning Department

0 62.5 125 250 375 500
Feet



500 Feet from M-1



Sources: Westchester County GIS,
Planning Department

0 62.5 125 250 375 500
Feet





Enhanced Environmental Assessment Form Part 3

Micro-Alcohol Establishments- Proposed Local Law P, 2017 (Version 4)

Introduction

The proposed action is a local law (PLL-P-2017) amending the Code of the Village of Mamaroneck to allow microbreweries, brewpubs and other micro-alcohol production facilities in a limited section of the C-1 zone along Hoyt Avenue within 500 feet of an M-1 zone and nanobreweries and brewpubs anywhere within the downtown C-2 zone. These uses will be subject to site-specific requirements outlined in the proposed law as well as general special permit requirements provided for in Chapter 342-71. The law creates definitions for establishments involved in the production of alcohol including distinctions between micro, nano, and full-scale production facilities. Lastly, the law amends the off-street parking schedule by adding requirements for a brewpub that match the existing requirements for restaurants and by adding new requirements for tasting rooms at 1 space for every 4 seats or 1 per 75 sf, whichever is greater.

Analysis of Use and Dimensional Changes per Zone

C-2: Central Commercial

The C-2 zone presently permits manufacturing uses through a special permit by the Zoning Board of Appeals. The manufacturing must be limited to 20% of the area devoted to retail sales and be concealed from residential areas. The proposed law would create new definitions for alcohol production facilities and permit nano-scale alcohol production facilities in the C-2 district through a special permit by the Planning Board. It would also change the percentage of area devoted to manufacturing from 20% to 70%. This was added to the proposed language after a review of other municipal codes highlighted in a Planning Advisory Service (PAS) report on microbreweries. The PAS report indicates that many codes nationwide allow between 65%-75% of the interior space be used for manufacturing, while some codes

remain entirely silent on the interior space allocations.¹ The Planning Department also met with the Village of Port Chester Planning Department who indicated that they utilized the 70% figure based on their discussions with the industry sources and a review of industry materials. From an environmental impact perspective the larger the allocation of space is for manufacturing within a specific building, the smaller the impact will be on traffic and parking generation as the ratio of trips per square foot is much higher for retail components than for manufacturing components.

Another improvement from the existing code is the requirement that “the manufacturing and bottling process is carried on in an area fully concealed from any street or neighboring residential zone and shall not produce noxious odors, dust, vibration, noise, effluent, excessive wastewater, or other external impacts that cause a disturbance off-site.” This strengthens the requirements and mitigates any potential negative environmental impacts related to micro-alcohol establishments when compared to the present code, which only requires that activities be carried on in an area fully concealed from any street or residential zone.

Lastly, as the downtown area is already built-out, full-scale new construction is not expected, and thus any micro-alcohol related use would likely utilize existing buildings. Currently 30% of all dedicated ground-floor retail space in the downtown is vacant. Experiential uses such as micro-alcohol production facilities may help reduce the vacancy rate in the face of retail decline. The adaptive reuse of buildings is an essential tool in sustainable development as it requires far fewer extractive resources to renovate an existing building than to completely demolish a building and construct a new building.

C-1: General Commercial

The C-1 zone does not presently allow manufacturing. The proposed law would allow micro-alcohol production facilities within 500 feet of the M-1 zone, which presently allows the manufacturing of alcohol. Three properties in the C-1 zone along Hoyt Avenue would be affected by the text change. These properties include 139 Hoyt Ave (Half Time), 135 Hoyt Ave (Hutter Auction House), and 115 Hoyt Ave (Bullseye Glass & Petrescu Automotive Repair). The three properties were zoned M-1 until 2014 when they were rezoned to C-1 to accommodate the existing uses and restrict the potential expansion of heavy manufacturing uses, such as the abutting plastics facility. The review of impacts as described in the C-2 central commercial district section above remain the same for the C-1 general commercial zone.

¹ Zoning for Micro-Alcohol Production. American Planning Association: Planning Advisory Service, 2014.

C-2 Zoning Comparison Existing Use and Proposed Use

Existing:	Proposed:
<p>1) Manufacturing in Commercial Districts (342-47)</p> <p>Permitted manufacturing activities shall be carried on in an area fully concealed from any street or neighboring residential zone, and such areas shall not exceed 20% of the area devoted to retail sales. Motive power shall be electric and, except in connection with newspaper printing, shall not exceed 10 horsepower. No more than five persons may be engaged at any one time in such manufacturing or processing.</p> <p>2) Restaurants and Bars by Special Permit</p>	<p>Only nanobreweries and brewpubs.</p> <p>By Reference to C-1 Permitted Uses 342-30</p> <p>(r) Microbreweries, microdistilleries, microcideries, microwineries, nanobreweries and brewpubs, subject to the approval procedure set forth in Article X and in conformance with any additional requirements imposed in connection with that approval, and further provided that</p> <p>[1] the premises are located along Hoyt Avenue and within 500 feet of the M-1 Manufacturing District;</p> <p>[2] not more than 70 percent of the total gross floor area of the microbrewery, microcidery, microdistillery, microwinery or nanobrewery may be used for the brewing, distilling, cidery or winemaking function except for a brewpub where not more than 30 percent of the total gross floor area may be used for the brewing, bottling or kegging function;</p> <p>[3] the maximum annual production on the premises shall be limited to 3,000 barrels for a microbrewery; 2,000 gallons for a microcidery or microdistillery; 500 cases for a microwinery; and 1,000 barrels for a nanobrewery or brewpub;</p> <p>[4] the microbrewery, microcidery, microdistillery, microwinery, nanobrewery or brewpub has obtained the appropriate manufacturing, wholesale, retail, marketing and/or other permits or licenses from the New York State Liquor Authority prior to the issuance of a certificate of occupancy;</p> <p>[5] there is no outdoor storage; and</p> <p>[6] the manufacturing and bottling process is carried on in an area fully concealed from any street or neighboring residential zone and shall not produce noxious odors, dust, vibration, noise, effluent, excessive wastewater, or other external impacts that cause a disturbance off-site.</p>

C-1 Zoning Comparison Existing Use and Proposed Use

Existing:	Proposed:
<p>1) Micro-alcohol production Not Permitted</p> <p>2) Restaurants and Bars by Special Permit</p>	<p>342-30(A)(1)</p> <p>(r) Microbreweries, microdistilleries, microcideries, microwineries, nanobreweries and brewpubs, subject to the approval procedure set forth in Article X and in conformance with any additional requirements imposed in connection with that approval, and further provided that</p> <p>[1] the premises are located along Hoyt Avenue and within 500 feet of the M-1 Manufacturing District;</p> <p>[2] not more than 70 percent of the total gross floor area of the microbrewery, microcidery, microdistillery, microwinery or nanobrewery may be used for the brewing, distilling, cidery or winemaking function except for a brewpub where not more than 30 percent of the total gross floor area may be used for the brewing, bottling or kegging function;</p> <p>[3] the maximum annual production on the premises shall be limited to 3,000 barrels for a microbrewery; 2,000 gallons for a microcidery or microdistillery; 500 cases for a microwinery; and 1,000 barrels for a nanobrewery or brewpub;</p> <p>[4] the microbrewery, microcidery, microdistillery, microwinery, nanobrewery or brewpub has obtained the appropriate manufacturing, wholesale, retail, marketing and/or other permits or licenses from the New York State Liquor Authority prior to the issuance of a certificate of occupancy;</p> <p>[5] there is no outdoor storage; and</p> <p>[6] the manufacturing and bottling process is carried on in an area fully concealed from any street or neighboring residential zone and shall not produce noxious odors, dust, vibration, noise, effluent, excessive wastewater, or other external impacts that cause a disturbance off-site.</p>

Analysis of Traffic Generation

The Institute of Traffic Engineers publishes trip generation reports for many different types of land uses. Unfortunately the report does not include micro-alcohol uses. In the absence of specific trip generation data from the ITE, the Planning Department reviewed other resources to better understand the potential trip generation of micro-alcohol uses. By our estimation the closest comparable uses listed in the ITE report are restaurant uses. Furthermore, in our review we were able to find a single study of a microbrewery's trip generation from Sandy Springs, GA in suburban Atlanta. The findings of the aforementioned study and the ITE report are shown in the table below:

PM Peak Trip Generation per 1000 sf by Facility Type

Facility	Total trips/1000 sf PM Peak	Transit-Reduced Rates (20% reduction)
Quality Restaurant	7.49	5.9
High-turnover Restaurant	9.85	7.9
Drinking Place	11.34	9.1
Microbrewery	4.8 ²	3.8

Aside from microbrewery all other trip generations are based on the ITE Trip Generation 9th Edition.

The findings indicate that microbreweries tend to have limited trip generation when compared to restaurants and drinking places. Furthermore the sampling location (suburban Atlanta) of the microbrewery is decidedly low density and transit-deficient indicating that similar facilities in higher density transit-rich locations may yield fewer automobile trips. Alternatively both areas affected by the proposed law are located in the denser mixed-use downtown core within a quarter-mile of the Metro

² Doyle, Julie. "Trip Generation for Entertainment Land Uses." *Street Smarts*, 1998.
<https://www.yumpu.com/en/document/view/27283097/trip-generation-for-entertainment-land-uses-institute-of->

North station. Research suggests that context and built environment attributes such as density, mixed land uses, design, and distance to public transit have a significant impact on mode choice and automobile use. The ITE manual recommends reducing rates by 20% when a facility is located within a quarter-mile of a transit station (reduced rates are shown in the table above.³) It should also be noted that restaurants and bars are currently permitted by special permit in both C-1 and C-2 zones. Therefore even a conservative estimate utilizing the “high-turnover restaurant” or “drinking place” trip generation rates for micro-alcohol facilities would yield no net increase in traffic generation from existing permitted uses.

In addition, the target market of craft microbreweries is primarily millennials, or those who are between 21 and 35 years old. Millennials account for the majority of weekly craft beer drinkers at 57%, compared to Generation X at 24%, and Baby Boomers at 17%.⁴ This statistic is important as millennials have different transportation patterns than their predecessors. In general, millennials prefer a multi-modal lifestyle instead of an auto-centric lifestyle.⁵ Since the primary market for microbreweries is millennials who prefer to use public transit, we may see a lessened impact in terms of traffic generation. It is also expected that a good portion of visitors will be tourists and will travel to Mamaroneck via the Metro North railroad and not by vehicle.

The traffic impacts are minimal when comparing the additional expected traffic generation to the existing traffic counts for the areas affected by the proposed use changes. For example, according to a December 2016 Washingtonville Neighborhood Traffic Study, Hoyt Avenue experiences a total of 787 vehicles per hour during the PM peak. Utilizing the conservative rate for a “high-turnover restaurant” would result in 39 additional vehicle trips if one 5,000 sf micro-alcohol facility were to open on vacant land; equating to a 5% increase in traffic generation during the PM peak. Moreover if the microbrewery were to utilize a space that was formerly a different use that had equivalent traffic generation rates then there would be no net increase in traffic generation. Since the three properties along Hoyt are fully built-out it is expected that the increase in traffic would be less than 5%. The same statistical increases

³ Clifton, Kelly, Kristina Currans, and Christopher Muhs. "Contextual Influences on Trip Generation." August 2012. Accessed July 5, 2017. doi:10.15760/trec.119.

⁴ Herz, Julia. "Today's Craft Beer Lovers: Millennials, Women and Hispanics." Brewers Association. August 15, 2016. Accessed July 05, 2017. <https://www.brewersassociation.org/communicating-craft/understanding-todays-craft-beer-lovers-millennials-women-hispanics/>.

⁵ "Millennials & Mobility: Understanding the Millennial Mindset." 2013. Accessed July 5, 2017. <http://www.apta.com/resources/reportsandpublications/Documents/APTA-Millennials-and-Mobility.pdf>.

of 5% seen for micro-alcohol facilities may occur under the existing permitted uses if one similarly sized high-turnover restaurant were to open on Hoyt Avenue. It should be noted that according to the Washingtonville Traffic Study Hoyt Avenue has additional capacity due its exceptionally large width.

Similarly for Mamaroneck Avenue between the Metro North train station and the Boston Post Road, one to two 5,000 sf micro-alcohol facilities utilizing the same conservative trip generation rates would result in 39-78 additional trips (both AM and PM), assuming new construction on vacant land. This equates to an overall increase of .3%-.6% when compared to the New York State Department of Transportation Average Daily Traffic of 12,376 vehicles for Mamaroneck Avenue in 2015. In the more likely scenario that the microbreweries will be replacing an existing use there may be a smaller increase or no net increase in traffic generation. Since the downtown is fully built-out it is expected that the traffic generation for one microbrewery would be less than .3% and for two microbreweries would be less than .6%. The same statistical increases of .3%-.6% seen for micro-alcohol facilities may occur under the existing permitted uses if one or two high-turnover restaurants were to open in the downtown. For the reasons outlined above the proposed law is not expected to have a significant adverse environmental impact in terms of traffic.

Expected Traffic Generation

Location	Number of Micro-Alcohol Facilities	Traffic Increase*	Percentage Increase*
Hoyt Avenue	1 @ 5,000 sf	39 – “High Turnover Restaurant”**	5%
		19 – “Microbrewery”	2.5%
Mamaroneck Avenue	1-2 @ 5,000 sf each	39-78 – “High Turnover Restaurant”**	.3%-.6%
		19-38 – “Microbrewery”	.15%- .3%

*Traffic increases assume new construction on vacant land, the actually increases are expected to be lower.

****Restaurants are permitted under the existing zoning in both C-1 and C-2 zones, therefore there is no expected net increase, and a likely decrease in traffic generation from existing permitted uses.**

Off-street parking requirements

The proposed local law proposes that brewpubs follow the same off-street parking requirement as restaurants, which is 1 space for every 3 seats plus 1 space for every 2 employees. Since brewpubs are essentially restaurants with ancillary beer production, the expected parking generation is comparable. Other micro-alcohol uses would be subject (depending on their components) to the parking requirements for manufacturing, warehousing, and retail; plus the proposed parking requirements for a tasting room. The parking requirements are outlined in the table below:

Off-street Parking Requirements

Use	Requirement
Manufacturing & Warehousing (Existing)	1 space per 750 sf
Retail (Existing)	1 space for per 350 sf up to 3,500 sf; 1 space per 200 sf of the next 3,500 sf 1 space per 100 sf in excess of 7,000 sf
Tasting Room (Proposed)	1 space per 4 permanent seats or 1 per 75 sf of floor area devoted to patron use
Restaurant, Brewpub (Existing for restaurant, brewpub is proposed)	1 space for each 3 seats plus 1 space for each 2 employees

Analysis of Distribution-Related Traffic

The Village of Mamaroneck Planning Department established an estimated truck delivery chart based upon industry research related to microbreweries.

Estimated Weekly Truck Deliveries by Level of Production

Annual Barrel Production	Average Weekly Production (in barrels)	# of half kegs produced	# of half kegs for delivery (40%-60%)	Estimated Weekly Truck Deliveries *
1,000	19	38	15-23	<1
2,000	38	76	30-46	1
3,000	57	114	46-68	1-2
4,000	77	154	62-92	1-2
5,000	96	192	77-115	2-3
6,000	115	230	92-138	2-4

10,000	192	384	153-230	4-5
15,000	288	576	230-345	5-8

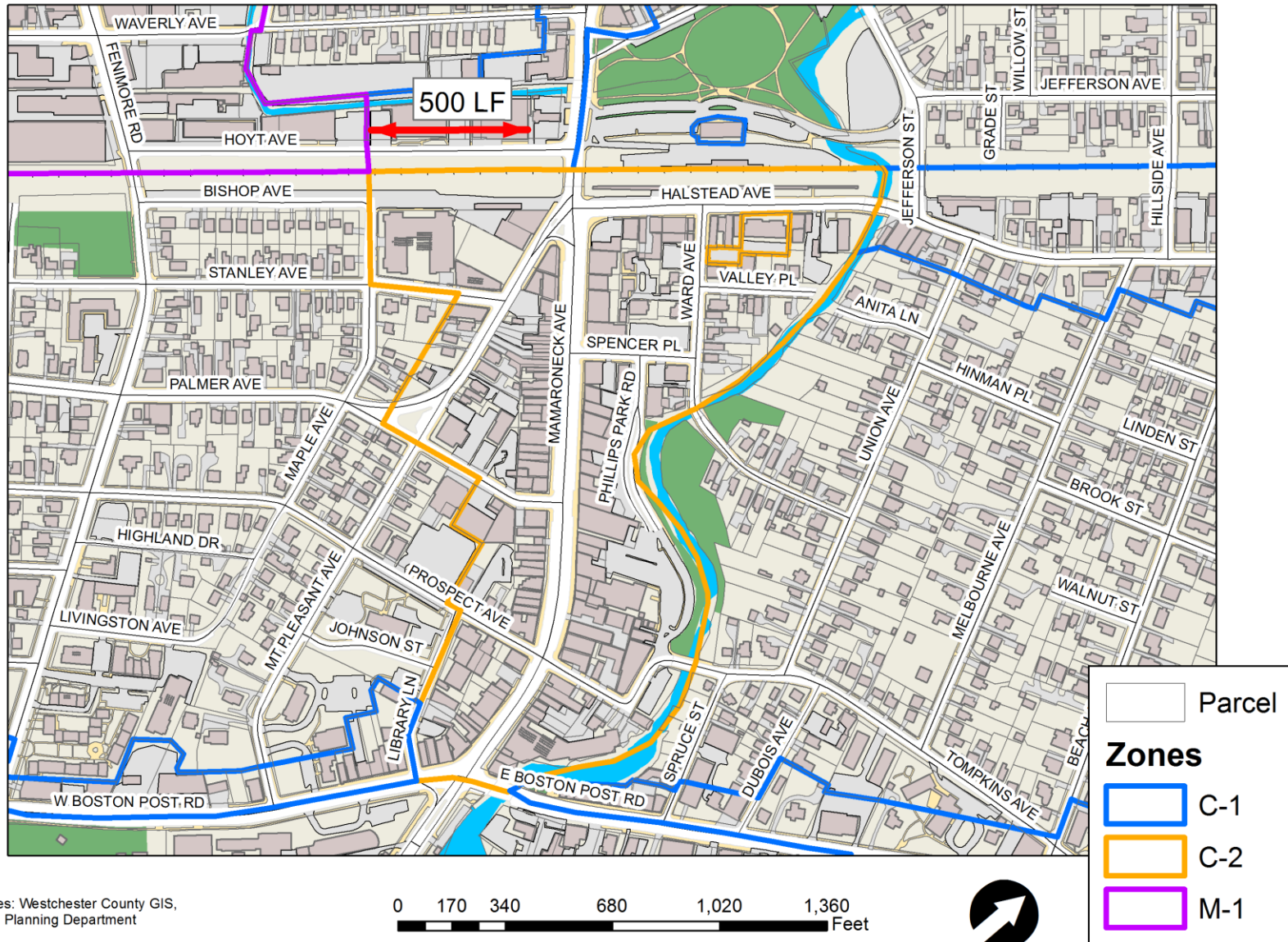
*26 ft. box truck load capacity is 7,400 lb. = 46 half kegs at 161 lb each

It should be noted that the percentage of product that is distributed off-site is dependent on how established the brewery is. Those breweries that are just starting out tend to do more consumption on-site and slowly ramp-up distribution over time. The Planning Department did not conduct a review of the equivalent impact in terms of distribution of other non-beer related alcohol facilities however the impacts are expected to be similar. It is not expected that the distribution-related traffic will result in any significant adverse environmental impact, particularly when assessed in conjunction with the anticipated limited traffic generation of other micro-alcohol facility components.

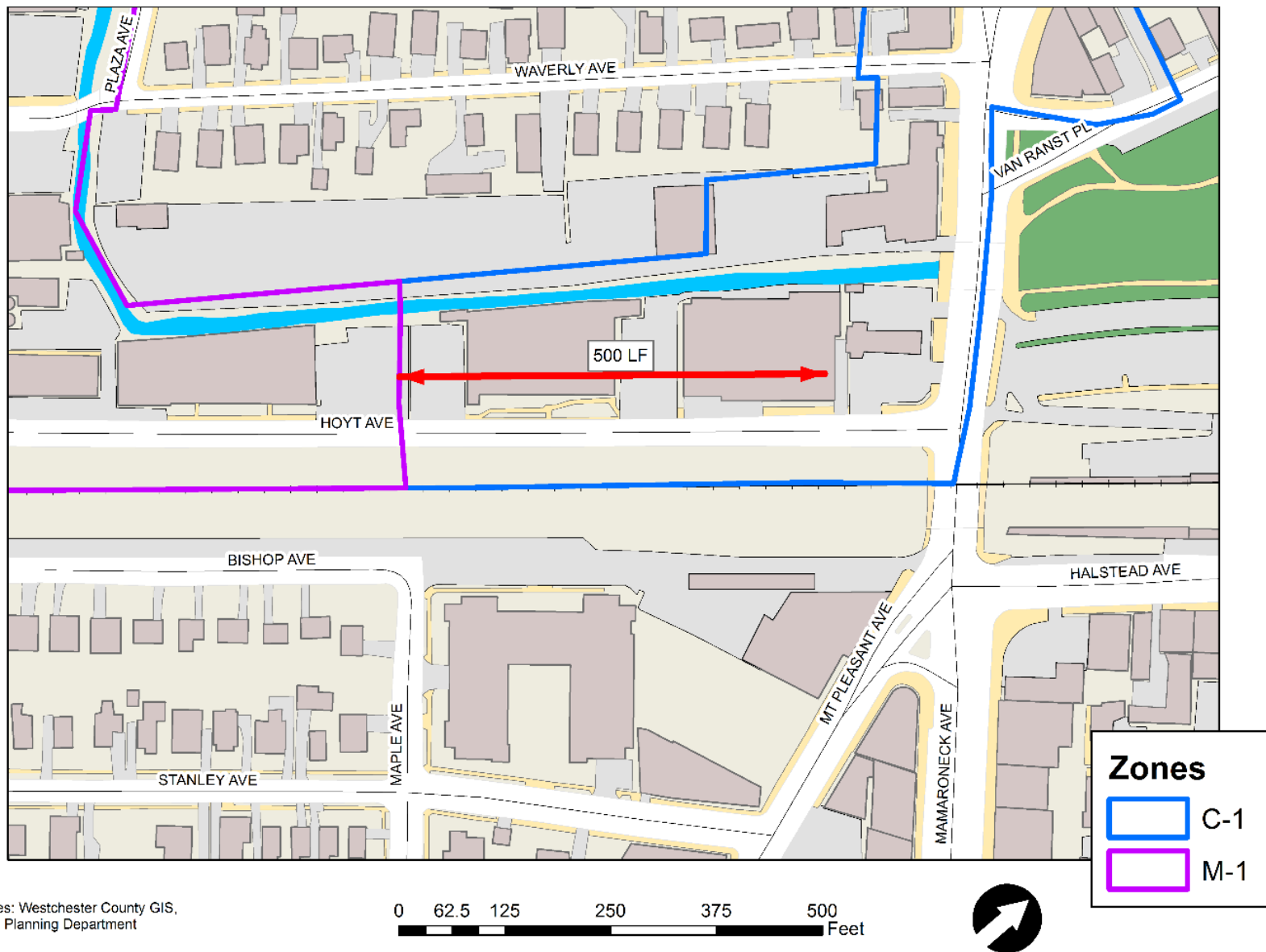
Flooding

As stated earlier the majority of the downtown and all of the properties in the C-1 that fall within 500 feet of an M-1 district are fully built-out. It is unlikely that any full-scale redevelopment will occur with the express intent of hosting a micro-alcohol facility, and therefore there is no expected change from existing conditions in terms of impervious surfaces and storm water. In the case where redevelopment is necessary, the applicant would be required to meet the Village's stormwater management and erosion and sediment control code (Chapter 294), which will require the applicant to improve stormwater and water quality conditions in comparison to existing conditions. Therefore the proposed local law is not expected to have a significant adverse environmental impact in terms of flooding.

C-2 Zone & C-1 Zone within 500 lf of M-1 Zone



500 Feet from M-1



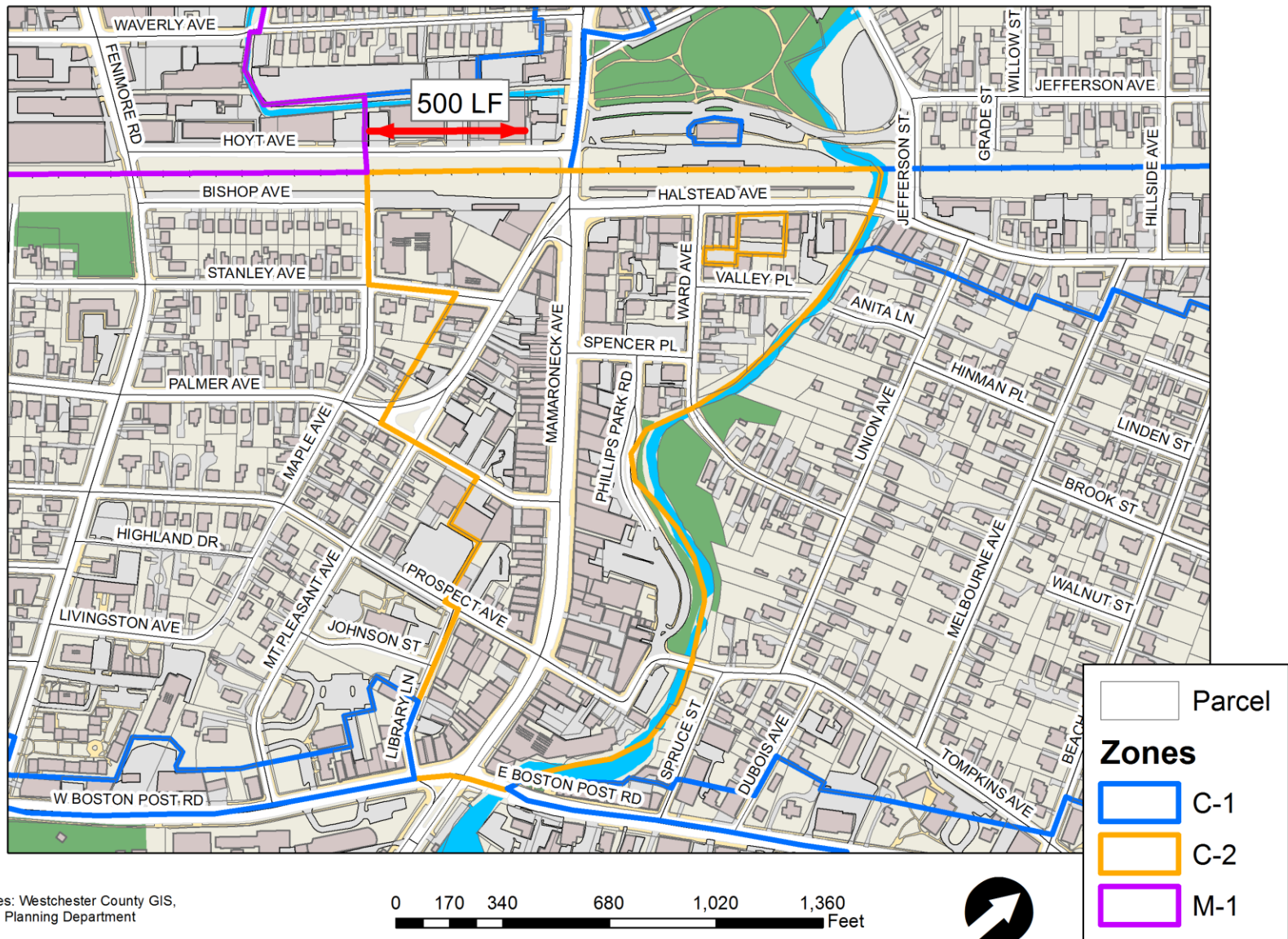
Narrative Description of Proposed Action

The proposed action is a local law (PLL-P-2017) amending the Code of the Village of Mamaroneck to allow microbreweries, brewpubs and other micro-alcohol production facilities in a small limited section of the C-1 zone along Hoyt Avenue within 500 feet of an M-1 zone and anywhere within the C-2 (downtown) zone. These uses will be subject to site-specific requirements including general special permit requirements provided for in Chapter 342-71. The law creates definitions for establishments involved in the production of alcohol including distinctions between micro and nano production facilities. Lastly, the law amends the off-street parking schedule by adding requirements for a brewpub that match the existing requirements for restaurants and by adding new requirements for tasting rooms at 1 space for every 4 seats or 1 per 100 sf, whichever is greater.

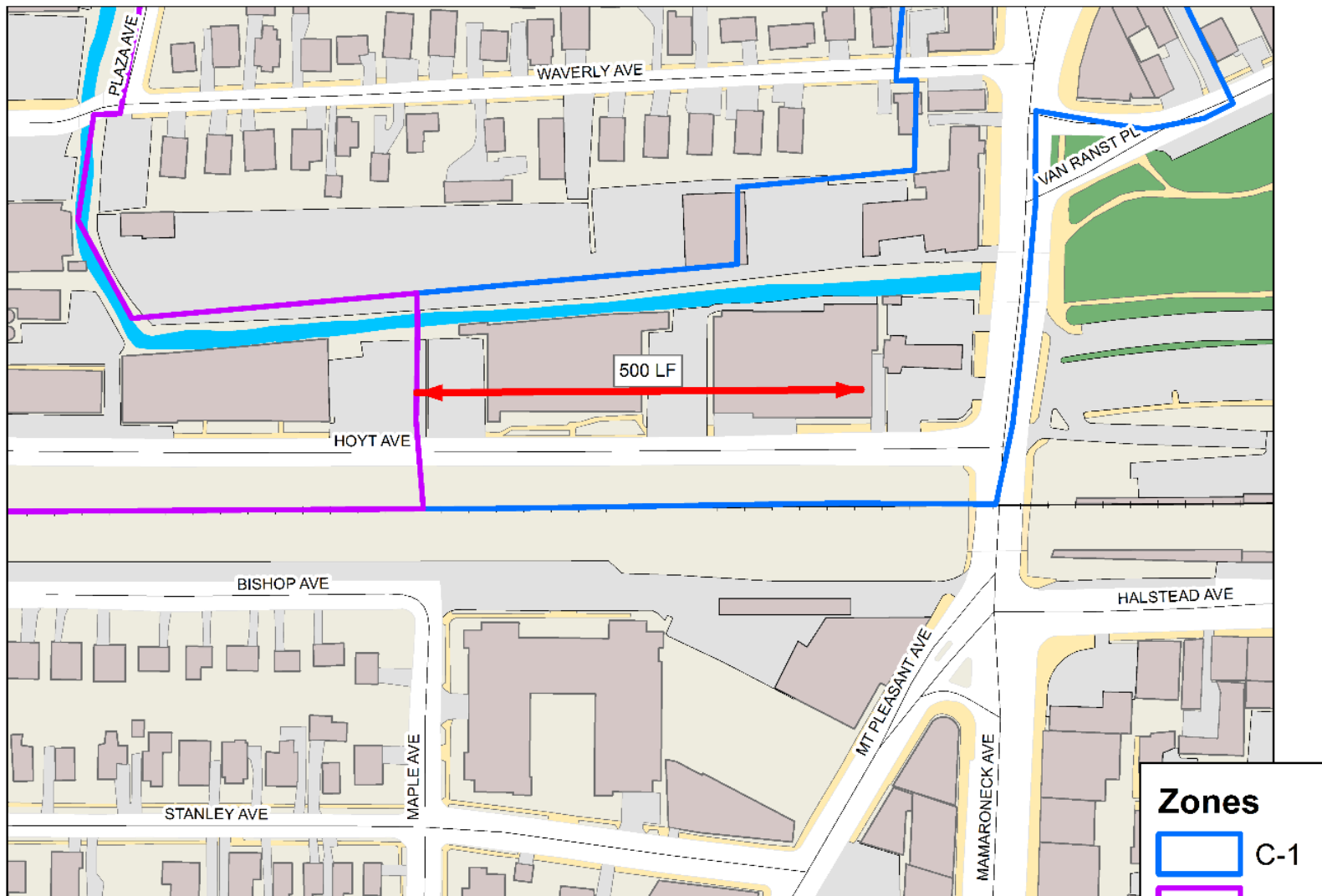
The law is a result of the efforts of the Planning Board in reviewing the viability of microbrewery uses in the Village of Mamaroneck. The Planning Department's review indicates that the proposed legislation is consistent with the Village's Comprehensive Plan, which seeks to strengthen and expand economic opportunity by attracting new businesses in the downtown area. The introduction of these new businesses will encourage retail and tourism activities similar to what is being seen in New York State.

The special conditions outlined in the law are aimed at mitigating potential quality of life and environmental impacts. These include the prohibition of outdoor storage, and the requirement that the manufacturing and bottling process is carried on in an area fully concealed from any street or neighboring residential zone, and shall not produce adverse odors, dust, vibration, noise, effluent, excessive wastewater, or other external impacts that cause a significant disturbance off-site.

In addition the micro-alcohol uses will be subject to a special permit from the Planning Board that have specific criteria that are aimed at ameliorating potential environmental impacts as outlined in Chapter 342-71. As part of the special permit, any site specific issues would be reviewed by the Planning Board in relation to both the special permit and the required SEQRA review. These include hours of operations, adequate parking, traffic, orderly and appropriate development, and impacts on historic buildings. Furthermore the special permit and site-specific SEQRA review will allow the Planning Board authority to mitigate impacts on noise, odor, and light impacts.



500 Feet from M-1



Sources: Westchester County GIS,
Planning Department

0 62.5 125 250 375 500
Feet



Zones

- C-1
- M-1

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information				
Name of Action or Project:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:			Telephone:	
			E-Mail:	
Address:				
City/PO:			State:	Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO	YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.				
2. Does the proposed action require a permit, approval or funding from any other governmental Agency?			NO	YES
If Yes, list agency(s) name and permit or approval:				
3.a. Total acreage of the site of the proposed action? _____ acres				
b. Total acreage to be physically disturbed? _____ acres				
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres				
4. Check all land uses that occur on, adjoining and near the proposed action.				
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)				
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____				
<input type="checkbox"/> Parkland				

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____ _____	NO	YES	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation service(s) available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO	YES	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
16. Is the project site located in the 100 year flood plain?	NO	YES	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES _____ _____	NO	YES	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO 	YES
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO 	YES
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	NO 	YES
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: _____ Date: _____ Signature: _____		

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing:		
a. public / private water supplies?		
b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Project:

Date:

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

**VILLAGE OF MAMARONECK
HARBOR & COASTAL ZONE MANAGEMENT
COMMISSION APPLICATION**

HCZM meets on the third Wednesday of the month, 7:30PM, Village Hall Courtroom, 169 Mt. Pleasant Ave.

**Local Waterfront Revitalization Program
Coastal Assessment Form**

I. INSTRUCTIONS (please print or type all answers)

For Type I and unlisted actions, the Harbor and Coastal Zone Management Commission shall determine whether the actions are consistent, to the maximum extent practicable, with the policies of the Village of Mamaroneck Local Waterfront Revitalization Program.

For Type II actions, the lead agency shall determine whether the actions are consistent, to the maximum extent practicable, with the policies of the Village of Mamaroneck Local Waterfront Revitalization Program.

For direct agency actions, the agency shall complete, and for approval of an action, the agency shall cause the applicant to complete, a coastal assessment form (CAF). The CAF shall be completed prior to the agency's determination of the environmental significance pursuant to the State Environmental Quality Review Act.

Where any question on the CAF is answered "yes", a brief and precise description of the nature and extent of the action shall be provided on the CAF, and a copy of the CAF shall be forwarded to the Harbor and Coastal Zone Management Commission.

Please classify/determine if your application is Type I, Type II or Unlisted under SEQRA.

- ☐ **Type I:** An action which is likely to have a significant adverse impact on the environment.
- ☐ **Type II:** An action which will not have a significant adverse impact on the environment.
- ☒ **Unlisted:** An action which does not exceed the thresholds for Type I.

For further information, please see <http://www.dec.state.ny.us/website/dcs/seqr>.

II. 15 copies of the application and supporting documents should be submitted to the Building Dept. for review by the Bldg. Inspector to place on the HCZM Agenda and must comply with the Notification Law. Applications will not be reviewed unless all relevant materials are submitted.

- ☒ Short Environmental Assessment Form (for Unlisted actions only)
- ☐ Full Environmental Assessment Form (if Type I action)
- ☐ Construction drawing plans certified and signed by an architect or engineer licensed by the State of New York
- ☐ Topographical survey by a licensed land surveyor dated within one year

w/FEMA lines

- ☐ Completed Building Permit Application
- ☐ Elevation Certificate showing compliance with FEMA by a licensed architect or engineer licensed by the State of New York.
- ☐ Soil Erosion Mitigation Plan - See Building Department for details
- ☐ Storm Water Management Plan - See Building Department for details
- ☐ If Perimeter permit is required, proof of compliance with LL 4-2006 Section 1 (F)
- ☐ Coastal Assessment Form

III. Has this property come before this commission or a former Harbor & Coastal Zone Management Commission in the past 3 years? If so, when? No

IV. **It is the applicant's obligation to determine whether permitting is required** by any state/federal agencies including but not limited to the Department of State Dept. of Environmental Conservation, NY State Army Corp of Engineers or Federal Consistency Review.

II. DESCRIPTION OF PROPOSED ACTION

A. Type of Action – is action a direct agency action (an action planned and proposed for implementation by the Village of Mamaroneck) or does it involve the application for an approval or permit to be granted by a Village agency? Check one:

1. Direct Agency Action ☒
2. Application for an Approval ☐

If this is an Application for an Approval or Permit, identify which board or commission has the permit authority? [Click here to enter text.](#)

B. Describe nature and extent of proposed activity:

The proposed action is a local law (PLL-P-2017) amending Sections 342-3, 342-56, 342-30(A), 342-30(B), and 342-31(B) of the Code of the Village of Mamaroneck. The law amends the principal uses in the C-1 zone along Hoyt Avenue within 500 feet of an M-1 zone to allow microbreweries, microdistilleries, microwineries, nanobreweries, and brewpubs subject to the requirements outlined in 342-30(A)(1)(r) [1-6] and a special permit as set forth in Article X. In addition, the law amends the principal uses in the C-2 zone by reference in 342-31(A)(1)(a). The law creates definitions for establishments involved in the production of alcohol including distinctions between micro and nano. Lastly, the law amends the off-street parking schedule by adding requirements for a brewpub that match the existing requirements for restaurants and by adding new requirements for tasting rooms at 1 space for every 4 seats or 1 per 75 sf, whichever is greater.

C. Location of proposed activity (include street or site description): The C-2 Central Commercial Zone & properties in the C-1 General Commercial Zone that are within 500 feet of the Manufacturing District

D. If an application for the proposed action has been filed with the agency, the following information shall be provided:

a.) Name of Applicant: Village of Mamaroneck

b.) Mailing Address: Village Hall at the Regatta, 123 Mamaroneck Ave, Mamaroneck NY, 10543

c.) Telephone Number: Area Code 914-777-7703

The foregoing is affirmed by Gregory Cutler Date: 6/23/2017

3. Will the action to be directly undertaken, require funding or approval by either a state or federal agency? No ☒ Yes ☐
If yes, which state or federal agency? [Click here to enter text.](#)

III. Coastal Assessment Form (Check either "Yes" or "No" for each of the following questions).
(See Chapter 342 of the Village code for additional information.)

A. Will the proposed action be located in, or contiguous to, or to have a significant effect upon any of the resource areas identified in the Local Waterfront Revitalization Program?

	(Check)	<u>Yes</u>	or	<u>No</u>
1. Significant fish/ wildlife habitats (7, 7a, 44)		<input type="checkbox"/>		<input checked="" type="checkbox"/>
2. Flood Hazard Areas (11, 12, 17)		<input checked="" type="checkbox"/>		<input type="checkbox"/>
3. Tidal or Freshwater Wetland (44)		<input type="checkbox"/>		<input checked="" type="checkbox"/>
4. Scenic Resource (25)		<input type="checkbox"/>		<input checked="" type="checkbox"/>
5. Critical Environmental Areas (7, 7a, 8, 44)		<input type="checkbox"/>		<input checked="" type="checkbox"/>
6. Structures, sites or sites districts of historic, Archeological or cultural significance (23)		<input type="checkbox"/>		<input checked="" type="checkbox"/>

B. Will the proposed action have a significant effect on any of the following?

1. Commercial or recreational use of the fish and wildlife resource (9, 10)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Development of the future or existing water-dependent uses (2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Land and water uses (2, 4)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4. Existing or potential public recreation opportunities (2, 3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Large physical change to a site within the coastal area which will require the preparation of an environmental impact statement (11, 13, 17, 19, 22, 25, 37, 38)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Physical alteration of one or more areas of land along the shoreline, land under water or coastal waters (2, 4, 11, 12, 17, 20, 28, 35,44)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Physical alteration of three or more acres of land located elsewhere in the coastal area (11, 12, 17, 33, 37, 38)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Sale or change in use of state-owned lands, located under water (2, 4, 19, 20, 21)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Revitalization/redevelopment of deteriorated or underutilized waterfront site (1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Reduction of existing or potential public access to or along coastal waters (19, 20)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. Excavation or dredging activities or the placement of fill materials in coastal waters of Mamaroneck (35)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. Discharge of toxic, hazardous substances, or other pollutants into coastal waters of Mamaroneck (34, 35, 36)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. Draining of storm water runoff either directly into coastal waters of Mamaroneck or into any river or tributary which empties into them (33, 37)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14. Transport, storage, treatment or disposal of solid waste or hazardous materials (36, 39)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15. Development affecting a natural feature which provides protection against flooding or erosion (12)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C. Will the proposed activity require any of the following:		
1. Waterfront site (2, 4, 6, 19, 20, 21, 22)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Construction or reconstruction of a flood or erosion control structure (13, 14)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

V. Remarks or Additional Information:

The law is a result of the efforts of the Planning Board in reviewing the viability of microbrewery uses in the Village of Mamaroneck. The Planning Department's review indicates that the proposed legislation is consistent with the Village's Comprehensive Plan, which seeks to strengthen and expand economic opportunity by attracting new businesses in the downtown area. The introduction of these new businesses will encourage retail and tourism activities similar to what is being seen in New York State.

The special conditions outlined in the law are aimed at mitigating potential quality of life and environmental impacts. These include the prohibition of outdoor storage, and the requirement that the

manufacturing and bottling process is carried on in an area fully concealed from any street or neighboring residential zone and shall not produce noxious odors, dust, vibration, noise, effluent, excessive wastewater, or other external impacts that cause a disturbance off-site.

In addition the micro-alcohol uses will be subject to a special permit from the Planning Board that have specific criteria that are aimed at ameliorating potential environmental impacts as outlined in Chapter 342-71. As part of the special permit, any site specific issues would be reviewed by the Planning Board in relation to both the special permit and the required SEQRA review. These include hours of operations, adequate parking, traffic, orderly and appropriate development, and impacts on historic buildings. Furthermore the special permit and site-specific SEQRA review will allow the Planning Board authority to mitigate impacts on noise, odor, and light impacts.

Preparer's Signature: Gregory Cutler Date: 9/8/2017

Preparer's Name/Title: Gregory Cutler - Village Planner



Enhanced Environmental Assessment Form Part 3

Micro-Alcohol Establishments- Proposed Local Law P, 2017 (Version 5)

Introduction

The proposed action is a local law (PLL-P-2017) amending the Code of the Village of Mamaroneck to allow microbreweries, brewpubs and other micro-alcohol production facilities in a small limited section of the C-1 zone along Hoyt Avenue within 500 feet of an M-1 zone and anywhere within the C-2 (downtown) zone. These uses will be subject to site-specific requirements including general special permit requirements provided for in Chapter 342-71, and additional new requirements outlined in a new chapter 342-7.1 "Micro-alcohol production and sale in commercial districts." The law creates definitions for establishments involved in the production of alcohol including distinctions between micro and nano production facilities. Lastly, the law amends the off-street parking schedule by adding requirements for a brewpub that match the existing requirements for restaurants and by adding new requirements for tasting rooms at 1 space for every 4 seats or 1 per 75 sf, whichever is greater, plus 1 for each 2 employees.

Analysis of Use and Dimensional Changes per Zone

C-2: Central Commercial

The C-2 zone presently permits manufacturing uses through a special permit by the Zoning Board of Appeals. The manufacturing must be limited to 20% of the area devoted to retail sales and be concealed from residential areas. The proposed law would create new definitions for alcohol production facilities and permit nano-scale alcohol production facilities in the C-2 district through a special permit by the Planning Board. It would also change the percentage of area devoted to manufacturing from 20% to 70%. This was added to the proposed language after a review of other municipal codes highlighted in a Planning Advisory Service (PAS) report on microbreweries. The PAS report indicates that many codes

nationwide allow between 65%-75% of the interior space be used for manufacturing, while some codes remain entirely silent on the interior space allocations.¹ The Planning Department also met with the Village of Port Chester Planning Department who indicated that they utilized the 70% figure based on their discussions with the industry sources and a review of industry materials. From an environmental impact perspective the larger the allocation of space is for manufacturing within a specific building, the smaller the impact will be on traffic and parking generation as the ratio of trips per square foot is much higher for retail components than for manufacturing components.

Another improvement from the existing code is the requirement that “the manufacturing and bottling process is carried on in an area fully concealed from any street or neighboring residential zone and shall not produce noxious odors, dust, vibration, noise, effluent, excessive wastewater, or other external impacts that cause a disturbance off-site.” This strengthens the requirements and mitigates any potential negative environmental impacts related to micro-alcohol establishments when compared to the present code, which only requires that activities be carried on in an area fully concealed from any street or residential zone.

Lastly, as the downtown area is already built-out, full-scale new construction is not expected, and thus any micro-alcohol related use would likely utilize existing buildings. Currently 30% of all dedicated ground-floor retail space in the downtown is vacant. Experiential uses such as micro-alcohol production facilities may help reduce the vacancy rate in the face of retail decline. The adaptive reuse of buildings is an essential tool in sustainable development as it requires far fewer extractive resources to renovate an existing building than to completely demolish a building and construct a new building.

C-1: General Commercial

The C-1 zone does not presently allow manufacturing. The proposed law would allow micro-alcohol production facilities within 500 feet of the M-1 zone, which presently allows the manufacturing of alcohol. Three properties in the C-1 zone along Hoyt Avenue would be affected by the text change. These properties include 139 Hoyt Ave (Half Time), 135 Hoyt Ave (Hutter Auction House), and 115 Hoyt Ave (Bullseye Glass & Petrescu Automotive Repair). The three properties were zoned M-1 until 2014 when they were rezoned to C-1 to accommodate the existing uses and restrict the potential expansion

¹ Zoning for Micro-Alcohol Production. American Planning Association: Planning Advisory Service, 2014.

of heavy manufacturing uses, such as the abutting plastics facility. The review of impacts as described in the C-2 central commercial district section above remain the same for the C-1 general commercial zone.

C-2 Zoning Comparison Existing Use and Proposed Use

Existing:	Proposed:
<p>1) Manufacturing in Commercial Districts (342-47)</p> <p>Permitted manufacturing activities shall be carried on in an area fully concealed from any street or neighboring residential zone, and such areas shall not exceed 20% of the area devoted to retail sales. Motive power shall be electric and, except in connection with newspaper printing, shall not exceed 10 horsepower. No more than five persons may be engaged at any one time in such manufacturing or processing.</p> <p>2) Restaurants and Bars by Special Permit</p>	<p>Only nanobreweries and brewpubs.</p> <p>By Reference to C-1 Permitted Uses 342-30</p> <p>A. Not more than 70 percent of the total gross floor area of the microbrewery, microcidery, microdistillery, microwinery or nanobrewery shall be used for the brewing, distilling, cidery or winemaking function except for a brewpub where not more than 30 percent of the total gross floor area may be used for the brewing, bottling or kegging function.</p> <p>B. The microbrewery, microcidery, microdistillery, microwinery, nanobrewery or brewpub shall obtain the appropriate manufacturing, wholesale, retail, marketing and/or other permits or licenses from the New York State Liquor Authority prior to the issuance of a certificate of occupancy.</p> <p>C. No outdoor storage shall be permitted for such uses.</p> <p>D. The manufacturing, bottling or kegging process shall be carried on in an area fully concealed from any street or neighboring residential zone and shall not produce noxious odors, dust, vibration, noise, effluent or other external impacts that cause a disturbance off-site.</p>

C-1 Zoning Comparison Existing Use and Proposed Use

Existing:	Proposed:
<p>1) Micro-alcohol production Not Permitted</p> <p>2) Restaurants and Bars by Special Permit</p>	<p>342-30(A)(1) (r) Microbreweries, microdistilleries, microcideries, microwineries, nanobreweries and brewpubs, subject to the approval procedure set forth in Article X and in conformance with any additional requirements imposed in connection with that approval, in conformity with §342-7.1, and further provided that the premises are located along Hoyt Avenue and within 500 feet of the M-1 Manufacturing District.</p> <p>§342-7.1 Micro-alcohol production and sale in commercial districts Microbreweries, microdistilleries, microcideries, microwineries, nanobreweries and brewpubs shall be subject to the approval procedure set forth in Article X and in conformance with any additional requirements imposed in connection with that approval, and further provided that:</p> <p>A. Not more than 70 percent of the total gross floor area of the microbrewery, microcidery, microdistillery, microwinery or nanobrewery shall be used for the brewing, distilling, cidery or winemaking function except for a brewpub where not more than 30 percent of the total gross floor area may be used for the brewing, bottling or kegging function.</p> <p>B. The microbrewery, microcidery, microdistillery, microwinery, nanobrewery or brewpub shall obtain the appropriate manufacturing, wholesale, retail, marketing and/or other permits or licenses from the New York State Liquor Authority prior to the issuance of a certificate of occupancy.</p> <p>C. No outdoor storage shall be permitted for such uses.</p> <p>D. The manufacturing, bottling or kegging process shall be carried on in an area fully concealed from any street or neighboring residential zone and shall not produce noxious odors, dust, vibration, noise, effluent or other external impacts that cause a disturbance off-site.</p>

Analysis of Traffic Generation

The Institute of Traffic Engineers publishes trip generation reports for many different types of land uses. Unfortunately the report does not include micro-alcohol uses. In the absence of specific trip generation data from the ITE, the Planning Department reviewed other resources to better understand the potential trip generation of micro-alcohol uses. By our estimation the closest comparable uses listed in the ITE report are restaurant uses. Furthermore, in our review we were able to find a single study of a microbrewery's trip generation from Sandy Springs, GA in suburban Atlanta. The findings of the aforementioned study and the ITE report are shown in the table below:

PM Peak Trip Generation per 1000 sf by Facility Type

Facility	Total trips/1000 sf PM Peak	Transit-Reduced Rates (20% reduction)
Quality Restaurant	7.49	5.9
High-turnover Restaurant	9.85	7.9
Drinking Place	11.34	9.1
Microbrewery	4.8 ²	3.8

Aside from microbrewery all other trip generations are based on the ITE Trip Generation 9th Edition.

The findings indicate that microbreweries tend to have limited trip generation when compared to restaurants and drinking places. Furthermore the sampling location (suburban Atlanta) of the microbrewery is decidedly low density and transit-deficient indicating that similar facilities in higher density transit-rich locations may yield fewer automobile trips. Alternatively both areas affected by the proposed law are located in the denser mixed-use downtown core within a quarter-mile of the Metro

² Doyle, Julie. "Trip Generation for Entertainment Land Uses." *Street Smarts*, 1998.
<https://www.yumpu.com/en/document/view/27283097/trip-generation-for-entertainment-land-uses-institute-of->

North station. Research suggests that context and built environment attributes such as density, mixed land uses, design, and distance to public transit have a significant impact on mode choice and automobile use. The ITE manual recommends reducing rates by 20% when a facility is located within a quarter-mile of a transit station (reduced rates are shown in the table above.³) It should also be noted that restaurants and bars are currently permitted by special permit in both C-1 and C-2 zones. Therefore even a conservative estimate utilizing the “high-turnover restaurant” or “drinking place” trip generation rates for micro-alcohol facilities would yield no net increase in traffic generation from existing permitted uses.

In addition, the target market of craft microbreweries is primarily millennials, or those who are between 21 and 35 years old. Millennials account for the majority of weekly craft beer drinkers at 57%, compared to Generation X at 24%, and Baby Boomers at 17%.⁴ This statistic is important as millennials have different transportation patterns than their predecessors. In general, millennials prefer a multi-modal lifestyle instead of an auto-centric lifestyle.⁵ Since the primary market for microbreweries is millennials who prefer to use public transit, we may see a lessened impact in terms of traffic generation. It is also expected that a good portion of visitors will be tourists and will travel to Mamaroneck via the Metro North railroad and not by vehicle.

The traffic impacts are minimal when comparing the additional expected traffic generation to the existing traffic counts for the areas affected by the proposed use changes. For example, according to a December 2016 Washingtonville Neighborhood Traffic Study, Hoyt Avenue experiences a total of 787 vehicles per hour during the PM peak. Utilizing the conservative rate for a “high-turnover restaurant” would result in 39 additional vehicle trips if one 5,000 sf micro-alcohol facility were to open on vacant land; equating to a 5% increase in traffic generation during the PM peak. Moreover if the microbrewery were to utilize a space that was formerly a different use that had equivalent traffic generation rates then there would be no net increase in traffic generation. Since the three properties along Hoyt are fully built-out it is expected that the increase in traffic would be less than 5%. The same statistical increases

³ Clifton, Kelly, Kristina Currans, and Christopher Muhs. "Contextual Influences on Trip Generation." August 2012. Accessed July 5, 2017. doi:10.15760/trec.119.

⁴ Herz, Julia. "Today's Craft Beer Lovers: Millennials, Women and Hispanics." Brewers Association. August 15, 2016. Accessed July 05, 2017. <https://www.brewersassociation.org/communicating-craft/understanding-todays-craft-beer-lovers-millennials-women-hispanics/>.

⁵ "Millennials & Mobility: Understanding the Millennial Mindset." 2013. Accessed July 5, 2017. <http://www.apta.com/resources/reportsandpublications/Documents/APTA-Millennials-and-Mobility.pdf>.

of 5% seen for micro-alcohol facilities may occur under the existing permitted uses if one similarly sized high-turnover restaurant were to open on Hoyt Avenue. It should be noted that according to the Washingtonville Traffic Study Hoyt Avenue has additional capacity due its exceptionally large width.

Similarly for Mamaroneck Avenue between the Metro North train station and the Boston Post Road, one to two 5,000 sf micro-alcohol facilities utilizing the same conservative trip generation rates would result in 39-78 additional trips (both AM and PM), assuming new construction on vacant land. This equates to an overall increase of .3%-.6% when compared to the New York State Department of Transportation Average Daily Traffic of 12,376 vehicles for Mamaroneck Avenue in 2015. In the more likely scenario that the microbreweries will be replacing an existing use there may be a smaller increase or no net increase in traffic generation. Since the downtown is fully built-out it is expected that the traffic generation for one microbrewery would be less than .3% and for two microbreweries would be less than .6%. The same statistical increases of .3%-.6% seen for micro-alcohol facilities may occur under the existing permitted uses if one or two high-turnover restaurants were to open in the downtown. For the reasons outlined above the proposed law is not expected to have a significant adverse environmental impact in terms of traffic.

Expected Traffic Generation

Location	Number of Micro-Alcohol Facilities	Traffic Increase*	Percentage Increase*
Hoyt Avenue	1 @ 5,000 sf	39 – “High Turnover Restaurant”**	5%
		19 – “Microbrewery”	2.5%
Mamaroneck Avenue	1-2 @ 5,000 sf each	39-78 – “High Turnover Restaurant”**	.3%-.6%
		19-38 – “Microbrewery”	.15%- .3%

*Traffic increases assume new construction on vacant land, the actually increases are expected to be lower.

****Restaurants are permitted under the existing zoning in both C-1 and C-2 zones, therefore there is no expected net increase, and a likely decrease in traffic generation from existing permitted uses.**

Off-street parking requirements

The proposed local law proposes that brewpubs follow the same off-street parking requirement as restaurants, which is 1 space for every 3 seats plus 1 space for every 2 employees. Since brewpubs are essentially restaurants with ancillary beer production, the expected parking generation is comparable. Other micro-alcohol uses would be subject (depending on their components) to the parking requirements for manufacturing, warehousing, and retail; plus the proposed parking requirements for a tasting room. The parking requirements are outlined in the table below:

Off-street Parking Requirements

Use	Requirement
Manufacturing & Warehousing (Existing)	1 space per 750 sf
Retail (Existing)	1 space for per 350 sf up to 3,500 sf; 1 space per 200 sf of the next 3,500 sf 1 space per 100 sf in excess of 7,000 sf
Tasting Room (Proposed)	1 space per 4 permanent seats or 1 per 75 sf, whichever is greater, plus 1 for each 2 employees.
Restaurant, Brewpub (Existing for restaurant, brewpub is proposed)	1 space for each 3 seats, plus 1 space for each 2 employees

Analysis of Distribution-Related Traffic

The Village of Mamaroneck Planning Department established an estimated truck delivery chart based upon industry research related to microbreweries.

Estimated Weekly Truck Deliveries by Level of Production

Annual Barrel Production	Average Weekly Production (in barrels)	# of half kegs produced	# of half kegs for delivery (40%-60%)	Estimated Weekly Truck Deliveries *
1,000	19	38	15-23	<1
2,000	38	76	30-46	1
3,000	57	114	46-68	1-2
4,000	77	154	62-92	1-2
5,000	96	192	77-115	2-3
6,000	115	230	92-138	2-4

10,000	192	384	153-230	4-5
15,000	288	576	230-345	5-8

*26 ft. box truck load capacity is 7,400 lb. = 46 half kegs at 161 lb each

It should be noted that the percentage of product that is distributed off-site is dependent on how established the brewery is. Those breweries that are just starting out tend to do more consumption on-site and slowly ramp-up distribution over time.

Use	Estimated Weekly Truck Deliveries
Restaurant @ 5,000 sf (Existing Use)	33 commercial vehicle trips/week ⁶
Microbrewery brewing @ 15,000 barrels per year	5-8 commercial vehicle trips/week

In comparison to existing uses even a large microbrewery with a production level of 15,000 barrels per year would be expected to produce far less commercial vehicle traffic than the presently permitted restaurant use. The Planning Department did not conduct a review of the equivalent impact in terms of distribution of other non-beer related alcohol facilities however the impacts are expected to be similar. It is not expected that the distribution-related traffic will result in any significant adverse environmental impact, particularly when assessed in conjunction with the anticipated limited traffic generation of other micro-alcohol facility components.

Flooding

As stated earlier the majority of the downtown and all of the properties in the C-1 that fall within 500 feet of an M-1 district are fully built-out. It is unlikely that any full-scale redevelopment will occur with the express intent of hosting a micro-alcohol facility, and therefore there is no expected change from existing conditions in terms of impervious surfaces and storm water. In the case where redevelopment is necessary, the applicant would be required to meet the Village's stormwater management and erosion and sediment control code (Chapter 294), and FEMA standards, which will require the applicant to improve stormwater, water quality, and flood safety conditions in comparison to existing conditions. It

⁶ Truck Trip Generation Data. Report. NATIONAL COOPERATIVE HIGHWAY RESEARCH NCHRP PROGRAM. Accessed September 13, 2017. http://onlinepubs.trb.org/onlinepubs/nchrp/nchrp_syn_298.pdf.

should be noted that all commercial redevelopment in these locations that has occurred in the past decade has occurred on developed sites. Therefore the proposed local law is not expected to have a significant adverse environmental impact in terms of flooding.

Water Usage & Waste Water

For the purposes of evaluating the use of water the Planning Department will compare water usage between a restaurant use, which is presently permitted in both zones, and the proposed micro-alcohol uses. To simplify the review the analysis utilizes the same size footprint of 4,000 sf for each facility type, in an effort to create a fair baseline for comparison. The Planning Department identified an existing restaurant in the C-2, which will remain anonymous, that is approximately 4,000 sf and applied water usage estimations based on the number of seats in the restaurants. This is compared to a microbrewery with a tasting room, a microwinery, and a microdistillery all of which will be estimated at 4,000 sf.

Facility Type	Unit of Measure	Units in Facility	Estimated Total Daily Water Usage in Gallons
Restaurant (Existing Use)	24.2 Gallons per Seat per Day (utilizing average rate) ^{7**}	112 seats (in 4,000 sf facility)	2,710 gallons/day
Microbrewery w/ Tasting Room	7 Gallons per 1 Gallon of Beer ⁸	3,000 barrels of beer/ year* or 254.8 gallons of beer/day	1,784 gallons/day
Microwinery	2.78 Gallons per Gallon of Wine ⁹	500 cases of wine/year or 3.25 gallons/day	9 gallons/day
Microdistillery	39.04 Gallons per Gallon of Liquor ¹⁰	2,000 gallons of liquor/ year or 5.5 gallons/day	214 gallons/day

*4,000 sf brewery with a tasting room was estimated to produce a maximum of 3,000 barrels per year based on the proposed legislation's maximum barrel production.

**Restaurant rate is utilizing the average rate and not the peak rate, the actual total daily water usage may be higher.

***Brewery rate is based on United States Average; it should be noted many craft brewers have ratios as low as three to one. ¹¹

⁷ Water Resources Engineering, 1st Edition. Larry W. Mays, John Wiley & Sons, Inc. 2001. (Table 11.1.4 page 346)

⁸ Water and Wastewater: Treatment/Volume Reduction Manual. Industry Report. 2010. Accessed September 13, 2017. https://s3-us-west-2.amazonaws.com/brewersassoc/wp-content/uploads/2017/05/Sustainability_Water_Wastewater.pdf. (introduction to water usage)

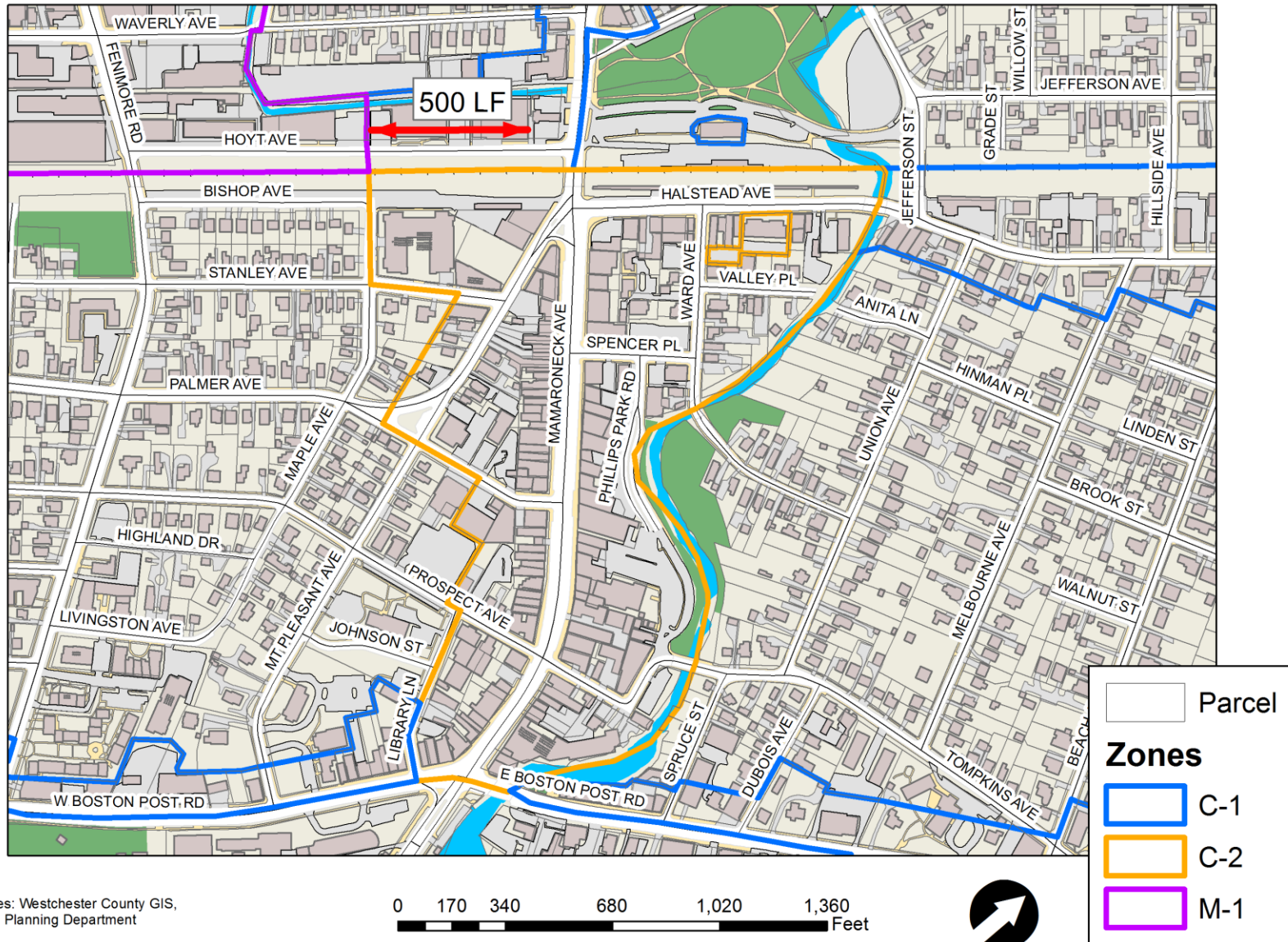
⁹ Beverage Industry Continues to Drive Improvement in Water and Energy Use. Report. 2016. Accessed September 13, 2017. http://media.wix.com/ugd/49d7a0_fb6ab6f0359c45d89b6e0a72a42988d1.pdf.

¹⁰ Ibid

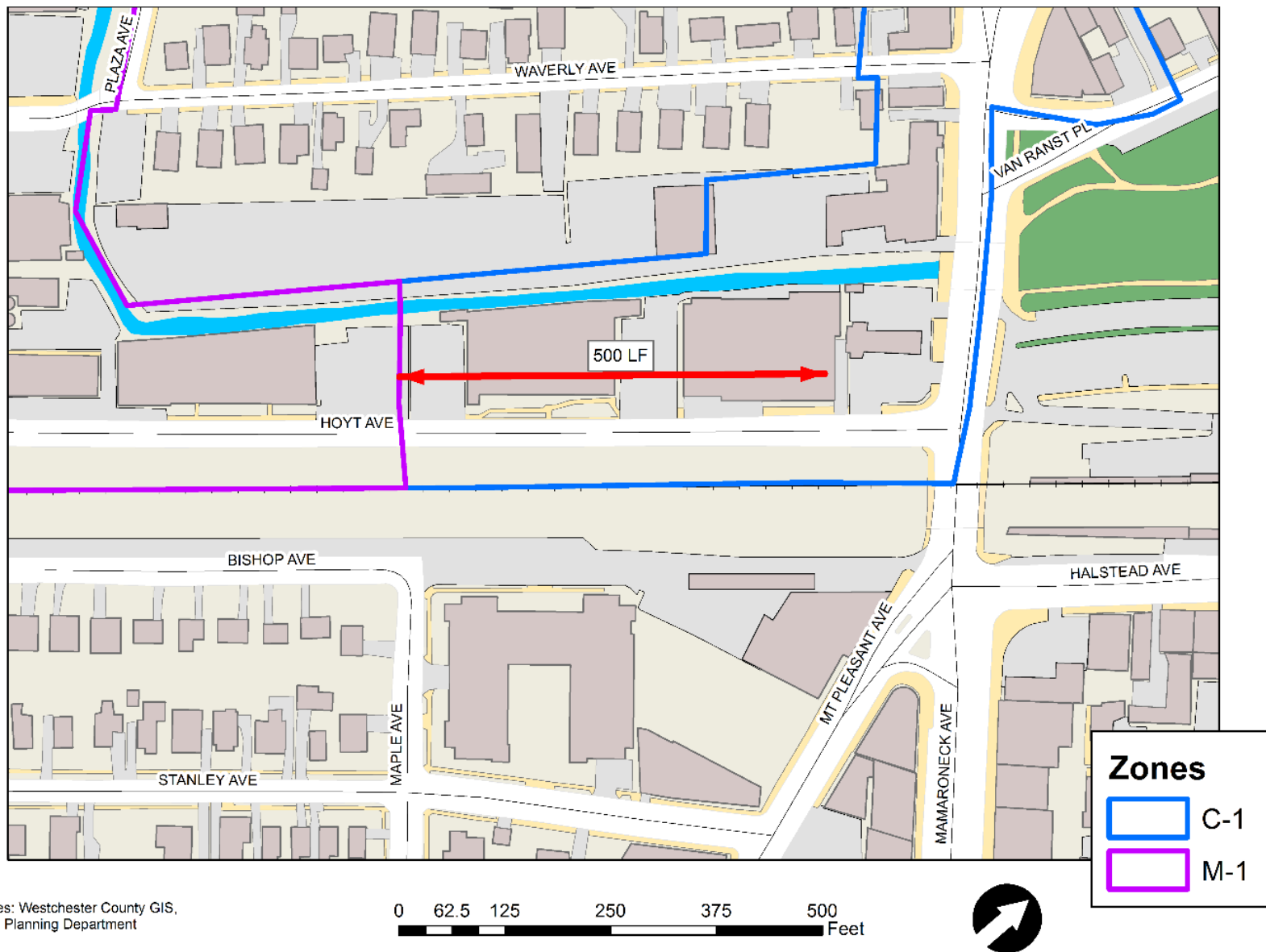
¹¹ Ibid

The above analysis indicates that the expected water usage of all micro-alcohol typologies is likely to be considerably less than that of restaurants, which are presently permitted in both zoning districts affected by the proposed legislation. It should be noted that the amount of water usage has a direct correlation with sewerage production, and therefore it is expected that the proposed uses will have a lessened impact in terms of the creation of additional sewage. While the water usage will depend on the size and type of facility, the Special Permit process and SEQRA will analyze site-specific conditions and mitigate potential impacts. For the reasons outlined above proposed local law is not expected to have a significant adverse environmental impact in terms of waste water usage and sewerage production.

C-2 Zone & C-1 Zone within 500 lf of M-1 Zone



500 Feet from M-1



Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project:		
Project Location (describe, and attach a general location map):		
Brief Description of Proposed Action (include purpose or need):		
Name of Applicant/Sponsor:		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Project Contact (if not same as sponsor; give name and title/role):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, or Village Board of Trustees <input type="checkbox"/> Yes <input type="checkbox"/> No		
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input type="checkbox"/> No		
c. City Council, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☐ No

- **If Yes**, complete sections C, F and G.
- **If No**, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☐ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐ Yes ☐ No

If Yes, identify the plan(s):

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☐ No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☐ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?

b. Is the use permitted or allowed by a special or conditional use permit? ☐ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☐ No

If Yes,

i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? _____

b. What police or other public protection forces serve the project site?

c. Which fire protection and emergency medical services serve the project site?

d. What parks serve the project site?

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

b. a. Total acreage of the site of the proposed action? _____ acres

b. Total acreage to be physically disturbed? _____ acres

c. Total acreage (project site and any contiguous properties) owned
or controlled by the applicant or project sponsor? _____ acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☐ No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☐ No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No

iii. Number of lots proposed? _____

iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will proposed action be constructed in multiple phases? ☐ Yes ☐ No

i. If No, anticipated period of construction: _____ months

ii. If Yes:

- Total number of phases anticipated _____

- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year

- Anticipated completion date of final phase _____ month _____ year

- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes,	
i. Total number of structures _____ ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length iii. Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes,	
i. Purpose of the impoundment: _____ ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____ iii. If other than water, identify the type of impounded/contained liquids and their source. _____ iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? <input type="checkbox"/> Yes <input type="checkbox"/> No (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) If Yes:	
i. What is the purpose of the excavation or dredging? _____ ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site? • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____ _____ iv. Will there be onsite dewatering or processing of excavated materials? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe. _____ _____ v. What is the total area to be dredged or excavated? _____ acres vi. What is the maximum area to be worked at any one time? _____ acres vii. What would be the maximum depth of excavation or dredging? _____ feet viii. Will the excavation require blasting? <input type="checkbox"/> Yes <input type="checkbox"/> No ix. Summarize site reclamation goals and plan: _____ _____ _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____ _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No
If Yes, describe: _____

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No
If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☐ No
If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No
If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No
If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐ Yes ☐ No
If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No
If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? _____ • Will line extension within an existing district be necessary to serve the project? _____ <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ _____ _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____</p> <p>If Yes:</p> <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans): _____ _____ _____</p>		
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ _____ _____</p>		
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p style="padding-left: 40px;">_____ Square feet or _____ acres (impervious surface)</p> <p style="padding-left: 40px;">_____ Square feet or _____ acres (parcel size)</p> <p>ii. Describe types of new point sources. _____ _____</p> <p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____ _____</p> <ul style="list-style-type: none"> • If to surface waters, identify receiving water bodies or wetlands: _____ _____ • Will stormwater runoff flow to adjacent properties? _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____</p>		
<p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____</p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>			
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>			
<p>j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend <input type="checkbox"/> Randomly between hours of _____ to _____.</p> <p>ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____</p> <p>iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____</p> <p>iv. Does the proposed action include any shared use parking? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____</p> <p>vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____</p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____</p> <p>iii. Will the proposed action require a new, or an upgrade to, an existing substation? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____
<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 		

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p> <p>_____</p>	
<p>n.. Will the proposed action have outdoor lighting? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p> <p>_____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p> <p>_____</p> <p>_____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally describe proposed storage facilities: _____</p> <p>_____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: _____ _____ • Operation: _____ _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ _____ • Operation: _____ _____ 	

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☐ No
 If Yes:
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____
 ii. Anticipated rate of disposal/processing:
 • _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
 • _____ Tons/hour, if combustion or thermal treatment
 iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☐ No
 If Yes:
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

 ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

 iii. Specify amount to be handled or generated _____ tons/month
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No
 If Yes: provide name and location of facility: _____

 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site			
a. Existing land uses. i. Check all uses that occur on, adjoining and near the project site. <input type="checkbox"/> Urban <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Rural (non-farm) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ ii. If mix of uses, generally describe: _____ _____			
b. Land uses and coverytypes on the project site.			
Land use or Coverytype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____ _____			

<p>c. Is the project site presently used by members of the community for public recreation? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>i. If Yes: explain: _____</p>	
<p>d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes,</p> <p>i. Identify Facilities: _____</p> <p>_____</p>	
<p>e. Does the project site contain an existing dam? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Dimensions of the dam and impoundment:</p> <ul style="list-style-type: none"> • Dam height: _____ feet • Dam length: _____ feet • Surface area: _____ acres • Volume impounded: _____ gallons OR acre-feet <p>ii. Dam's existing hazard classification: _____</p> <p>iii. Provide date and summarize results of last inspection: _____</p> <p>_____</p>	
<p>f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Has the facility been formally closed? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <ul style="list-style-type: none"> • If yes, cite sources/documentation: _____ <p>ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____</p> <p>_____</p> <p>iii. Describe any development constraints due to the prior solid waste activities: _____</p> <p>_____</p>	
<p>g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____</p> <p>_____</p>	
<p>h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p><input type="checkbox"/> Yes – Spills Incidents database</p> <p><input type="checkbox"/> Yes – Environmental Site Remediation database</p> <p><input type="checkbox"/> Neither database</p> </div> <div style="width: 50%;"> <p>Provide DEC ID number(s): _____</p> <p>Provide DEC ID number(s): _____</p> </div> </div> <p>ii. If site has been subject of RCRA corrective activities, describe control measures: _____</p> <p>_____</p> <p>iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, provide DEC ID number(s): _____</p> <p>iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____</p> <p>_____</p>	

<p>m. Identify the predominant wildlife species that occupy or use the project site:</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p>	
<p>E.3. Designated Public Resources On or Near Project Site</p>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? _____</p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p> <p>_____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">iii. Designating agency and date: _____</p>	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
ii. Name: _____	
iii. Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:	
i. Describe possible resource(s): _____	
ii. Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:	
i. Identify resource: _____	
ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____	
iii. Distance between project and resource: _____ miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:	
i. Identify the name of the river and its designation: _____	
ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name _____ Date _____

Signature _____ Title _____

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Project :

Date :

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer “**Yes**” to a numbered question, please complete all the questions that follow in that section.
- If you answer “**No**” to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box “Moderate to large impact may occur.”
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the “whole action”.
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i>				<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input type="checkbox"/>	<input type="checkbox"/>		
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input type="checkbox"/>	<input type="checkbox"/>		
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input type="checkbox"/>	<input type="checkbox"/>		
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input type="checkbox"/>	<input type="checkbox"/>		
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input type="checkbox"/>	<input type="checkbox"/>		
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>		

2. Impact on Geological Features The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) <input type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - c. If "No", move on to Section 3.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) <input type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - l. If "No", move on to Section 4.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>

I. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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4. Impact on groundwater The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If “Yes”, answer questions a - h. If “No”, move on to Section 5.</i>			
	<input type="checkbox"/> NO	<input type="checkbox"/> YES	
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

5. Impact on Flooding The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) <i>If “Yes”, answer questions a - g. If “No”, move on to Section 6.</i>			
	<input type="checkbox"/> NO	<input type="checkbox"/> YES	
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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6. Impacts on Air The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g) <i>If “Yes”, answer questions a - f. If “No”, move on to Section 7.</i>			
		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in “a” through “c”, above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <i>If “Yes”, answer questions a - j. If “No”, move on to Section 8.</i>			
		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

8. Impact on Agricultural Resources The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) <input type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
<p>If any of the above (a-d) are answered “Moderate to large impact may occur”, continue with the following questions to help support conclusions in Part 3:</p> <p>e.</p> <p>i. The proposed action may result in the destruction or alteration of all or part of the site or property.</p> <p>ii. The proposed action may result in the alteration of the property’s setting or integrity.</p> <p>iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.</p>	<p>E3e, E3g, E3f</p> <p>E3e, E3f, E3g, E1a, E1b</p> <p>E3e, E3f, E3g, E3h, C2, C3</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>

11. Impact on Open Space and Recreation The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If “Yes”, answer questions a - e. If “No”, go to Section 12.</i>			
		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or “ecosystem services”, provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

12. Impact on Critical Environmental Areas The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If “Yes”, answer questions a - c. If “No”, go to Section 13.</i>			
		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

13. Impact on Transportation

The proposed action may result in a change to existing transportation systems.

☐ NO

☐ YES

(See Part 1. D.2.j)

If “Yes”, answer questions a - f. If “No”, go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy.

☐ NO

☐ YES

(See Part 1. D.2.k)

If “Yes”, answer questions a - e. If “No”, go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____ _____			

15. Impact on Noise, Odor, and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting.

☐ NO

☐ YES

(See Part 1. D.2.m., n., and o.)

If “Yes”, answer questions a - f. If “No”, go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)

☐ NO

☐ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____			

17. Consistency with Community Plans The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) <i>If “Yes”, answer questions a - h. If “No”, go to Section 18.</i>			
		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action’s land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

18. Consistency with Community Character The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) <i>If “Yes”, answer questions a - g. If “No”, proceed to Part 3.</i>			
		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☐ Type 1 ☐ Unlisted

Identify portions of EAF completed for this Project: ☐ Part 1 ☐ Part 2 ☐ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the _____ as lead agency that:

☐ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action:

Name of Lead Agency:

Name of Responsible Officer in Lead Agency:

Title of Responsible Officer:

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person:

Address:

Telephone Number:

E-mail:

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)
Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

**VILLAGE OF MAMARONECK
HARBOR & COASTAL ZONE MANAGEMENT
COMMISSION APPLICATION**

HCZM meets on the third Wednesday of the month, 7:30PM, Village Hall Courtroom, 169 Mt. Pleasant Ave.

**Local Waterfront Revitalization Program
Coastal Assessment Form**

I. INSTRUCTIONS (please print or type all answers)

For Type I and unlisted actions, the Harbor and Coastal Zone Management Commission shall determine whether the actions are consistent, to the maximum extent practicable, with the policies of the Village of Mamaroneck Local Waterfront Revitalization Program.

For Type II actions, the lead agency shall determine whether the actions are consistent, to the maximum extent practicable, with the policies of the Village of Mamaroneck Local Waterfront Revitalization Program.

For direct agency actions, the agency shall complete, and for approval of an action, the agency shall cause the applicant to complete, a coastal assessment form (CAF). The CAF shall be completed prior to the agency's determination of the environmental significance pursuant to the State Environmental Quality Review Act.

Where any question on the CAF is answered "yes", a brief and precise description of the nature and extent of the action shall be provided on the CAF, and a copy of the CAF shall be forwarded to the Harbor and Coastal Zone Management Commission.

Please classify/determine if your application is Type I, Type II or Unlisted under SEQRA.

- ☐ **Type I:** An action which is likely to have a significant adverse impact on the environment.
- ☐ **Type II:** An action which will not have a significant adverse impact on the environment.
- ☒ **Unlisted:** An action which does not exceed the thresholds for Type I.

For further information, please see <http://www.dec.state.ny.us/website/dcs/seqr>.

II. 15 copies of the application and supporting documents should be submitted to the Building Dept. for review by the Bldg. Inspector to place on the HCZM Agenda and must comply with the Notification Law. Applications will not be reviewed unless all relevant materials are submitted.

- ☐ Short Environmental Assessment Form (for Unlisted actions only)
- ☒ Full Environmental Assessment Form (if Type I action)
- ☐ Construction drawing plans certified and signed by an architect or engineer licensed by the State of New York
- ☐ Topographical survey by a licensed land surveyor dated within one year

w/FEMA lines

- ☐ Completed Building Permit Application
- ☐ Elevation Certificate showing compliance with FEMA by a licensed architect or engineer licensed by the State of New York.
- ☐ Soil Erosion Mitigation Plan - See Building Department for details
- ☐ Storm Water Management Plan - See Building Department for details
- ☐ If Perimeter permit is required, proof of compliance with LL 4-2006 Section 1 (F)
- ☒ Coastal Assessment Form

III. Has this property come before this commission or a former Harbor & Coastal Zone Management Commission in the past 3 years? If so, when? No

IV. **It is the applicant's obligation to determine whether permitting is required** by any state/federal agencies including but not limited to the Department of State Dept. of Environmental Conservation, NY State Army Corp of Engineers or Federal Consistency Review.

II. DESCRIPTION OF PROPOSED ACTION

A. Type of Action – is action a direct agency action (an action planned and proposed for implementation by the Village of Mamaroneck) or does it involve the application for an approval or permit to be granted by a Village agency? Check one:

1. Direct Agency Action ☒
2. Application for an Approval ☐

If this is an Application for an Approval or Permit, identify which board or commission has the permit authority? [Click here to enter text.](#)

B. Describe nature and extent of proposed activity:

The proposed action is a local law (PLL-P-2017) amending the Code of the Village of Mamaroneck to allow microbreweries, brewpubs and other micro-alcohol production facilities in a small limited section of the C-1 zone along Hoyt Avenue within 500 feet of an M-1 zone and anywhere within the C-2 (downtown) zone. These uses will be subject to site-specific requirements including general special permit requirements provided for in Chapter 342-71, and additional new requirements outlined in a new chapter 342-7.1 "Micro-alcohol production and sale in commercial districts." The law creates definitions for establishments involved in the production of alcohol including distinctions between micro and nano production facilities. Lastly, the law amends the off-street parking schedule by adding requirements for a brewpub that match the existing requirements for restaurants and by adding new

requirements for tasting rooms at 1 space for every 4 seats or 1 per 75 sf, whichever is greater, plus 1 for each 2 employees.

C. Location of proposed activity (include street or site description): The C-2 Central Commercial Zone & properties in the C-1 General Commercial Zone that are within 500 feet of the Manufacturing District on Hoyt Avenue.

D. If an application for the proposed action has been filed with the agency, the following information shall be provided:

a.) Name of Applicant: Village of Mamaroneck

b.) Mailing Address: Village Hall at the Regatta, 123 Mamaroneck Ave, Mamaroneck NY, 10543

c.) Telephone Number: Area Code 914-777-7703

The foregoing is affirmed by Gregory Cutler Date: 9/13/2017

3. Will the action to be directly undertaken, require funding or approval by either a state or federal agency? No ☒ Yes ☐
If yes, which state or federal agency? [Click here to enter text.](#)

III. Coastal Assessment Form (Check either "Yes" or "No" for each of the following questions).
(See Chapter 342 of the Village code for additional information.)

A. Will the proposed action be located in, or contiguous to, or to have a significant effect upon any of the resource areas identified in the Local Waterfront Revitalization Program?

	(Check)	Yes	or	No
1. Significant fish/ wildlife habitats (7, 7a, 44)	<input type="checkbox"/>			<input checked="" type="checkbox"/>
2. Flood Hazard Areas (11, 12, 17)	<input checked="" type="checkbox"/>			<input type="checkbox"/>
3. Tidal or Freshwater Wetland (44)	<input type="checkbox"/>			<input checked="" type="checkbox"/>
4. Scenic Resource (25)	<input type="checkbox"/>			<input checked="" type="checkbox"/>
5. Critical Environmental Areas (7, 7a, 8, 44)	<input type="checkbox"/>			<input checked="" type="checkbox"/>
6. Structures, sites or sites districts of historic, Archeological or cultural significance (23)	<input type="checkbox"/>			<input checked="" type="checkbox"/>

B. Will the proposed action have a significant effect on any of the following?

1. Commercial or recreational use of the fish and wildlife resource (9, 10)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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2. Development of the future or existing water-dependent uses (2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Land and water uses (2, 4)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Existing or potential public recreation opportunities (2, 3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Large physical change to a site within the coastal area which will require the preparation of an environmental impact statement (11, 13, 17, 19, 22, 25, 37, 38)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Physical alteration of one or more areas of land along the shoreline, land under water or coastal waters (2, 4, 11, 12, 17, 20, 28, 35,44)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Physical alteration of three or more acres of land located elsewhere in the coastal area (11, 12, 17, 33, 37, 38)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Sale or change in use of state-owned lands, located under water (2, 4, 19, 20, 21)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Revitalization/redevelopment of deteriorated or underutilized waterfront site (1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Reduction of existing or potential public access to or along coastal waters (19, 20)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. Excavation or dredging activities or the placement of fill materials in coastal waters of Mamaroneck (35)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. Discharge of toxic, hazardous substances, or other pollutants into coastal waters of Mamaroneck (34, 35, 36)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. Draining of storm water runoff either directly into coastal waters of Mamaroneck or into any river or tributary which empties into them (33, 37)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14. Transport, storage, treatment or disposal of solid waste or hazardous materials (36, 39)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15. Development affecting a natural feature which provides protection against flooding or erosion (12)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C. Will the proposed activity require any of the following:		
1. Waterfront site (2, 4, 6, 19, 20, 21, 22)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Construction or reconstruction of a flood or erosion control structure (13, 14)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

V. Remarks or Additional Information:

The law is a result of the efforts of the Planning Board in reviewing the viability of microbrewery uses in the Village of Mamaroneck. The Planning Department's review indicates that the proposed legislation is consistent with the Village's Comprehensive Plan, which seeks to strengthen and expand economic opportunity by attracting new businesses in the downtown area. The introduction of these new businesses will encourage retail and tourism activities similar to what is being seen in New York State.

The special conditions outlined in the law are aimed at mitigating potential quality of life and environmental impacts. These include the prohibition of outdoor storage and the requirement that the manufacturing and bottling process is carried on in an area fully concealed from any street or neighboring residential zone, and shall not produce adverse odors, dust, vibration, noise, effluent, excessive wastewater, or other external impacts that cause a significant disturbance off-site.

In addition the micro-alcohol uses will be subject to a special permit from the Planning Board that have specific criteria that are aimed at ameliorating potential environmental impacts as outlined in Chapter 342-71. As part of the special permit, any site specific issues would be reviewed by the Planning Board in relation to both the special permit and the required SEQRA review. These include hours of operations, adequate parking, traffic, orderly and appropriate development, and impacts on historic buildings. Furthermore the special permit and site-specific SEQRA review will allow the Planning Board authority to mitigate impacts on noise, odor, and light impacts.

Preparer's Signature: Gregory Cutler Date: 9/13/2017

Preparer's Name/Title: Gregory Cutler - Village Planner

Coastal Assessment Form – Narrative

Compliance with LWRP Policies

INSTRUCTIONS-Please indicate how your project complies with each LWRP policy. If a policy does not pertain to your project, please indicate “N/A.” A response must be provided for each policy. If additional space for responses is needed, please add an addendum. The Village of Mamaroneck LWRP can be viewed at:
http://www.village.mamaroneck.ny.us/pages/mamaroneckny_webdocs/LWRP.pdf

Development Policies

Policy 1. Restore, revitalize, and redevelop deteriorated and under-utilized waterfront areas for commercial and industrial, cultural and other compatible uses.

Policy 2. Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters.

Policy 3. Not applicable.

Policy 4. Strengthen the economic base of smaller harbor areas by encouraging the development and enhancement of those traditional uses and activities which have provided such areas with their unique maritime identity.

Policy 5. Encourage the location of development in areas where public services and facilities essential to such development are adequate.

Policy 6. Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.

Fish and Wildlife Policies

Policy 7. Significant coastal fish and wildlife habitats, as identified on the N.Y. Coastal Area Map (when finalized), shall be protected, preserved, and where practical, restored so as to maintain their viability as habitats.

Policy 7a. Significant coastal fish and wildlife habitats, as identified in this document, shall be protected, preserved, and where practical, restored so as to maintain their viability as habitats.

Policy 8. Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which bioaccumulate in the food chain or which cause significant sublethal or lethal effect on those resources.

Policy 9. Expand recreational use of fish and wildlife resources in coastal areas by increasing access to existing resources, supplementing existing stocks and developing new resources.

Policy 10. Further develop commercial finfish, shell-fish and crustacean resources in the coastal area.

Flooding and Erosion Hazards Policies

Policy 11. Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.

Policy 12. Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features.

Policy 13. The construction and reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least thirty years.

Policy 14. Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development or at other locations.

Policy 15. Not applicable.

Policy 16. Not applicable.

Policy 17. Wherever possible, use nonstructural measures to minimize damage to natural resources and property from flooding and erosion.

General

Policy 18. To safeguard the vital economic, social and environmental interests of the State and the Village of Mamaroneck, proposed major actions in the coastal area must give full consideration to those interests, and to the safeguards which the State and this Village have established to protect valuable coastal resource areas.

Public Access Policies

- Policy 19. Protect, maintain and increase the levels and types of access to public water related recreation resources and facilities so that these resources and facilities may be fully utilized by all the public in accordance with reasonably anticipated public recreation needs and the protection of historic and natural resources. In providing such access, priority shall be given to public beaches, boating facilities, fishing areas, and waterfront parks.

- Policy 20. Access to the publicly-owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly owned shall be provided, and it should be provided in a manner compatible with adjoining uses. Such lands shall be retained in public ownership.

Recreation Policies

- Policy 21. Water-dependent and water-enhanced recreation shall be encouraged and facilitated and shall be given priority over non-water-related uses along the coast, provided it is consistent with the preservation and enhancement of other coastal resources and takes into account demand for such facilities.

Policy 22. Development, and redevelopment, when located adjacent to the shore, shall provide for water-related recreation, as a multiple use, whenever such recreational use is appropriate in light of reasonably anticipated demand for such activities and the primary purpose of the of the development.

Policy 23. Protect, enhance and restore structures, districts, areas, or sites that are of significance in the history, architecture, or archeology or culture of the State, Village or the Nation.

Scenic Quality Policies

Policy 24. Not applicable.

Policy 25. Prevent impairment of scenic resources of Statewide or local significance. *Note Harbor Island Park is a scenic resource of local significance.

Policy 26. (Agricultural Lands Policy) Not applicable.

Energy and Ice Management Policies

Policy 27. Not included.

Policy 28. Not applicable.

Policy 29. Not included.

Water and Air Resources Policies

Policy 30. Municipal, industrial, and commercial discharge of pollutants, including but not limited to, toxic and hazardous substances, into coastal waters will conform to State and National water quality standards.

Policy 31. State coastal area policies and purposes of approved Local Waterfront Revitalization Programs will be considered while modifying water quality standards; however, those waters already overburdened with contaminants will be recognized as being a development constraint.

Policy 32. Not applicable.

Policy 33. Best Management Practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters.

Policy 34. Discharge of waste materials from vessels into coastal waters will be limited so as to protect significant fish and wildlife habitats, recreational areas and water supply areas.

Policy 35. Dredging and dredge spoil disposal in coastal waters will be undertaken in a manner that meets existing State dredging permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands, and wetlands.

Policy 36. Activities related to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least minimize spills into coastal waters; all practicable efforts will be undertaken to expedite the cleanup of such discharges; and restitution for damages will be required when these spills occur.

Policy 37. Best Management Practices will be utilized to minimize the nonpoint discharge of excess nutrients, organics and eroded soils into coastal waters.

Policy 38. The quality and quantity of surface water and groundwater supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.

Policy 39. The transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within coastal areas, will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural land and scenic resources.

Policy 40. Not applicable.

Policy 41. Not included.

Policy 42. Not included.

Policy 43. Not included.

Policy 44. Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.

PROPOSED LOCAL LAW P - 2017

A Proposed Local Law to amend Chapter 342 of the Code of the Village of Mamaroneck (Zoning) to allow microbreweries, microdistilleries, microcideries, microwineries, nanobreweries and brewpubs in the Commercial Districts

BE IT ENACTED by the Board of Trustees of the Village of Mamaroneck as follows:

*(Language in strike-through ~~abedefhijk~~ to be deleted; language in **bold** is to be added)*

Section 1.

Section 342-3 of the Code of the Village of Mamaroneck is amended by adding the following definitions:

BEER

A fermented beverage of any name or description manufactured from malt, wholly or in part, or from any substitute therefor.

CIDER

The partially or fully fermented juice of fresh, whole apples or other pome fruits, containing more than three and two-tenths per centum but not more than eight and one-half per centum alcohol by volume: (i) to which nothing has been added to increase the alcoholic content produced by natural fermentation; and (ii) with the usual cellar treatments and necessary additions to correct defects due to climate, saccharine levels and seasonal conditions.

LIQUOR

Any and all distilled or rectified spirits, brandy, whiskey, rum, gin, cordials or similar distilled alcoholic beverages, including all dilutions and mixtures of one or more of the foregoing.

MICROBREWERY

An establishment in which beer is manufactured which has the capacity to produce not more than 3,000 barrels of beer per year and does not produce more than 3,000 barrels of beer per year as determined by the barrelage tax reports it files with the New York State Department of Taxation and Finance and which is permitted to sell beer for on-site consumption or for off-site distribution under the New York State Alcoholic Beverage Control Law and the applicable regulations of the New York State Liquor Authority.

MICROCIDERY

An establishment in which cider is manufactured for sale which has the capacity to produce not more than 2,000 gallons of cider per year and which does not produce more than 2,000 gallons of cider per year, as determined by the barrelage tax reports it files with the New York State Department of Taxation and Finance and which is permitted to

sell cider for on-site consumption or for off-site distribution under the New York State Alcoholic Beverage Control Law and the applicable regulations of the New York State Liquor Authority.

MICRODISTILLERY

An establishment in which liquor is manufactured for sale which has the capacity to produce not more than 2,000 gallons of liquor per year and which does not produce more than 2,000 gallons of liquor per year, as determined by the barrelage tax reports it files with the New York State Department of Taxation and Finance and which is permitted to sell liquor for on-site consumption or for off-site distribution under the New York State Alcoholic Beverage Control Law and the applicable regulations of the New York State Liquor Authority.

MICROWINERY

An establishment in which wine is manufactured for sale which has the capacity to produce not more than 500 cases of wine per year and which does not produce more than 500 cases per year, as determined by the barrelage tax reports it files with the New York State Department of Taxation and Finance and which is permitted to sell wine for on-site consumption or for off-site distribution under the New York State Beverage Control Law and any applicable New York Liquor Authority regulations.

NANOBREWERY

An establishment in which beer is manufactured which has the capacity to produce not more than 1,000 barrels of beer per year and does not produce more than 1,000 barrels of beer per year as determined by the barrelage tax reports it files with the New York State Department of Taxation and Finance and which is permitted to sell beer for on-site consumption or for off-site distribution under the New York State Alcoholic Beverage Control Law and the applicable regulations of the New York State Liquor Authority.

RESTAURANT, BREWPUB

An establishment primarily engaged in the sale and service of food for on-premises consumption which also brews beer for on-site consumption and may lawfully sell beer for off-premises consumption in accordance with the New York State Alcoholic Beverage Control Law and the applicable regulations of the New York State Liquor Authority, not more than 30 percent of the total gross floor area of the commercial space of which is used for brewing, bottling and kegging.

TASTING ROOM

An establishment or portion of a manufacturing establishment that allows customers to taste samples of beer, wine or liquor, must serve food, and may include the sale of such products in addition to related items, marketing events, and special events, in accordance with the New York State Alcoholic Beverage Control Law and the applicable regulations of the New York State Liquor Authority, and other State, County and Village applicable laws and regulations.

WINE

The product of the normal alcoholic fermentation of the juice of fresh, sound, ripe grapes, or other fruits or plants with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharine and seasonal conditions, including champagne, sparkling and fortified wine of an alcoholic content not to exceed twenty-four per centum by volume.

Section 2.

Section 342-56 of the Code of the Village of Mamaroneck is amended by adding the following to the schedule of off-street parking requirements.

Restaurant, brewpub	1 for each 3 seats, plus 1 for each 2 employees
Tasting Room	1 for each 4 seats or 1 per 75 square feet of floor area devoted to patron use, whichever is greater, plus 1 for each 2 employees.

Section 3.

Section 342-30(A)(1) of the Code of the Village of Mamaroneck is amended by adding the following principal uses permitted in the C-1 General Commercial Districts:

- (r) Microbreweries, microdistilleries, microcideries, microwineries, nanobreweries and brewpubs, subject to the approval procedure set forth in Article X and in conformance with any additional requirements imposed in connection with that approval, in conformity with §342-7.1, and further provided that the premises are located along Hoyt Avenue and within 500 feet of the M-1 Manufacturing District.**

Section 4.

Section 342-30(B) of the Code of the Village of Mamaroneck is amended by adding the following permitted accessory use in the C-1 General Commercial Districts:

- (3) A tasting room accessory to a microbrewery, microdistillery, microcider, microwinery or nanobrewery.**

Section 5.

Section 342-31(A)(1)(a) of the Code of the Village of Mamaroneck is amended as follows:

- (a) Uses permitted in the C-1 Districts, as permitted therein, but not microbreweries, microdistilleries, microcideries or microwineries.**

Section 6.

Section 342-31(A)(1) is amended by adding subsection (l), as follows:

- (l) Nanobreweries and brewpubs.**

Section 7.

Section 342-31(B) of the Code of the Village of Mamaroneck is amended by adding subsection (3), as follows:

(3) A tasting room accessory to a nanobrewery.

Section 8.

The Code of the Village of Mamaroneck is amended by adding the following Section §342-7.1.

§342-7.1. Micro-alcohol production and sale in commercial districts

Microbreweries, microdistilleries, microcideries, microwineries, nanobreweries and brewpubs shall be subject to the approval procedure set forth in Article X and in conformance with any additional requirements imposed in connection with that approval, and further provided that:

- A. Not more than 70 percent of the total gross floor area of the microbrewery, microcidery, microdistillery, microwinery or nanobrewery shall be used for the brewing, distilling, cidery or winemaking function except for a brewpub where not more than 30 percent of the total gross floor area may be used for the brewing, bottling or kegging function.**
- B. The microbrewery, microcidery, microdistillery, microwinery, nanobrewery or brewpub shall obtain the appropriate manufacturing, wholesale, retail, marketing and/or other permits or licenses from the New York State Liquor Authority prior to the issuance of a certificate of occupancy.**
- C. No outdoor storage shall be permitted for such uses.**
- D. The manufacturing, bottling or kegging process shall be carried on in an area fully concealed from any street or neighboring residential zone and shall not produce noxious odors, dust, vibration, noise, effluent or other external impacts that cause a disturbance off-site.**

Section 9.

If any section, subsection, clause, phrase or other portion of this local law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, the portion of the law declared to be invalid will be deemed a separate, distinct and independent portion and the declaration will not affect the validity of the remaining portions hereof, which will continue in full force and effect.

Section 10.

This law is adopted pursuant to the authority granted by Municipal Home Rule Law § 10(1)(e)(3) and will supersede the provisions of the Village Law to the extent that they are inconsistent with this local law.

Section 11.

This local law will take effect immediately upon its filing in the office of the Secretary of State in accordance with Municipal Home Rule Law § 27 and shall apply to all actions or proceedings pending upon its effective date or thereafter.

Village of Mamaroneck, NY

Item Title: Public Hearing on PPL-Q - Clarifying Village Code on Member Clubs and Uses in the MR Zone

Item Summary: Public Hearing on PPL-Q - Clarifying Village Code on Member Clubs and Uses in the MR Zone

Fiscal Impact:

ATTACHMENTS:

<u>Description</u>	<u>Type</u>
PLL-Q-2017 scheduling public hearing - regarding clubs in the Marine Recreation District	Cover Memo
PLL-Q 2017	Cover Memo
Item 4F	Cover Memo
VOM_CAF 9-8-17 PLL-Q	Cover Memo
seafpartone 9-8-17 PLL-Q	Cover Memo
seafparttwoandthree 9-8-17 PII-Q	Cover Memo
Narrative 9-8-17 PLL-Q	Cover Memo
PLL Q_9.20.17	Cover Memo

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held by the Board of Trustees of the Village of Mamaroneck on the 11th day of September, 2017 at 7:30 p.m., or as soon thereafter as all parties can be heard, at the municipal building located at 169 Mount Pleasant Avenue, Mamaroneck, New York, to consider Proposed Local Law Q-2017 – to amend Chapter 342 of the Code of the Village of Mamaroneck (Zoning) regarding membership clubs in the Marine Recreation District.

PLEASE TAKE FURTHER NOTICE that a copy of the Proposed Local Law Q-2017 is on file with the Clerk-Treasurer of the Village of Mamaroneck and on the Village of Mamaroneck website.

PLEASE TAKE FURTHER NOTICE that at said public hearing, all persons interested will be given an opportunity to be heard.

BY ORDER OF THE BOARD OF TRUSTEES OF
THE VILLAGE OF MAMARONECK, NEW YORK

Agostino A. Fusco
Clerk-Treasurer

Dated: August 24, 2017

PROPOSED LOCAL LAW Q - 2017

A Proposed Local Law to amend Chapter 342 of the Code of the Village of Mamaroneck
(Zoning) regarding membership clubs in the Marine Recreation District

BE IT ENACTED by the Board of Trustees of the Village of Mamaroneck as follows:

*(Language in strike-through ~~as defined~~ to be deleted; language in **bold** is to be added)*

Section 1.

The following definitions established by section 342-3 of the Code of the Village of Mamaroneck, are amended as follows:

CLUB, MEMBERSHIP

A not-for-profit corporation or organization with its facilities catering exclusively to members and/or their guests for recreational, athletic or social purposes and where vending stands, merchandising, commercial or business activities are not conducted, except as required generally for the membership and purpose of such club. Clubs shall operate without profit or division of any revenues to its members, except as reasonable compensation for special services actually rendered, devoting all revenues received to supporting the purposes and objectives of the club or to charitable uses. Club facilities and property interests shall be owned or leased by the corporation or organization and shall not be owned, leased, rented, or otherwise encumbered for use by individual members or nonmembers. **Membership clubs in the MR Marine Recreation Districts must adhere to the regulations, laws and guidance governing not-for-profit entities as set forth in Internal Revenue Code §501(c)(7) and the applicable laws, rules and regulations of the State of New York, including but not limited to those laws, rules and regulations which define what constitutes a member, member event and non-member event and concern governance of the entity.**

COVERAGE

That percentage of the lot area covered by the combined area of all buildings or structures, **including non and/or semi-pervious sports courts**, on the lot. A parking garage whose height is at least ~~50%~~ **80%** below ~~finished~~ **average** grade **using the lowest elevations at any points within 10 feet of the proposed structure prior to undertaking the project** is exempt from this definition, provided that the roof of the parking garage is landscaped. The height of a parking garage that is located in the one-hundred-year floodplain may exceed 50% below finished grade, provided there is sufficient mitigation including landscaping, screening and setbacks.

RESIDENCE, SEASONAL

Living quarters **in the main clubhouse** for transient **(short term hotel type)** use by members and guests of members when accompanied by a member, and may be occupied between April 15 and October 15 and may not be occupied

between October 16 and April 14. A seasonal residence may not be occupied by the same person(s) for more than 30 days in a calendar year. A seasonal residence is limited to a maximum of ~~600~~**400** square feet. Seasonal residences shall not have kitchen or cooking facilities.

Section 2.

Section 342-35 of the Code of the Village of Mamaroneck is amended as follows:

- A. Intent. It is the expressed intent that a membership club in the Marine Recreation zoning district be for members, in a club run and governed by members and that the Zoning Board of Appeals, in its sole determination, shall determine compliance, taking into account laws regulations and guidance from the Internal Revenue Service and New York State governing such entities, starting with the review of the club's IRS 990 filing and supplemental information provided by each club.**
- B. Permitted principal uses. The following are the only principal uses permitted in MR Marine Recreation Districts:**
- ~~(1) Recreational facilities of membership clubs, such as beach, golf, country, yacht, and similar clubs, whether or not they are wholly contained within buildings, including:~~
 - ~~(a) Tennis courts, paddle tennis courts, swimming pools, beaches, facilities for docking, mooring and launching boats, basketball courts and other similar outdoor recreation uses (in accordance with any applicable local, county, state or federal laws);~~
 - ~~(b) Boathouses, gymnasiums, cabanas, health and fitness facilities, raequetball courts, squash courts and other similar types of recreational facilities. Not-for-profit membership clubs where such clubs are organized and operate in full compliance with the requirements of (a) Internal Revenue Code §501(c)(7) and (b) State of New York laws and regulations governing such not-for-profit corporations.~~
 - (2) A principal clubhouse with activities and spaces customarily included within a membership club's principal clubhouse structure, such as where members can socialize and entertain their guests in meeting rooms, lounges, reception areas, game rooms, libraries, bathroom facilities and including incidental minor storage spaces, coat rooms, kitchen and pantry areas, but not including dining, entertainment and bar facilities, residential uses, with no more than 10 temporary seasonal residence rooms, together with any associated administrative offices or maintenance and storage facilities supporting club operations.**
- C. Permitted accessory uses. The following accessory uses are permitted in MR Marine Recreation Districts only in conjunction with a principal permitted use:**

- ~~(1) Any accessory buildings or accessory use permitted in a residential district, except excluding professional offices, non club offices, non club business activities, studios and customary home occupations.~~
- ~~(2) Dining, entertainment, and bar facilities, not to exceed 40% of the square footage of the principal clubhouse structure; however, kitchen facilities and outdoor, seasonal, unenclosed facilities shall not be included in calculating the percentage of dining, entertainment, or bar facilities, and this provision shall not apply to any clubhouse or principal structure which does not exceed 2,500 square feet.~~
- ~~(3) Club administrative offices, locker rooms, maintenance facilities, storage buildings and laundry facilities necessary for club operations, boat storage, dock master and guard houses, cart storage, fuel and oil sales to members and guests only, facilities for pumping out of marine holding tanks, facilities for waste oil collection and other similar types of club support facilities. Recreational facilities, including buildings, such as beach, golf, tennis, racquetball, squash courts and other sports courts, swimming pools, cabanas, gymnasiums and in-water and upland boat facilities.~~
- ~~(42) Residences Accessory residential facilities for full-time, including full-time and seasonal, caretakers and staff during the time of their employment workers employed by the membership club.~~
- ~~(5) Seasonal residences for club members and their guests. The maximum number of seasonal residences permitted at any membership club is 12.~~
- ~~(63) Day camps, sports and educational programs (not including schools) for members.~~
- ~~(74) Fences, walls or retaining walls pursuant to § 342-14, except that fences of not less than 3/4 open construction shall be permitted up to not more than 12 feet in height around tennis athletic courts and other similar facilities.~~
- ~~(85) Other accessory buildings and accessory uses customarily incidental to the principal club use of the premises.~~
- ~~(6) Outdoor dining facilities such as grills, bars and dining areas.~~
- ~~(7) Any accessory use permitted in a residential district except for professional offices and customary home occupations.~~
- ~~(9) Nonmember events:~~
 - ~~(a) Any club which intends to conduct events or activities that are not restricted to members only or that are not hosted or financially guaranteed by a member (to be known as "nonmember events") must first obtain a special permit from the Zoning Board of Appeals in accordance with the procedures set forth in Article X. Such special permit shall be for periods of no more than three years, at which time an application for renewal must be made, except that an application for~~

~~a new special permit must be submitted upon a change or addition to the existing accessory uses. In order to obtain or renew a special permit, there must be a showing that, in addition to compliance with all applicable provisions of Article X and all other requirements of the Zoning Code, not more than 20% of the events or activities of any one of the foregoing accessory uses, in any calendar year, have been nonmember events. Upon application for renewal of any special permit, each club must demonstrate that, in addition to all other requirements, it has complied with any other conditions previously established by the Zoning Board of Appeals. A special permit to conduct nonmember events issued pursuant to this subsection shall apply to the entirety of the club property notwithstanding that a portion of such property extends beyond the MR Zoning District into an adjoining residential zoning district.~~

- ~~(b) In addition to all other requirements, any club which holds a special permit shall annually file a copy of Internal Revenue Service Forms 990 and 990T with the Clerk Treasurer of the Village.~~

D. Conditions.

- (1) To maintain its special permit, each club shall annually concurrently file with the Village Clerk IRS Forms 990 and 990T (Form 990EZ is not acceptable) with the filing with the IRS and NYS. The Board of Appeals shall review IRS Forms 990 annually to confirm the club is operating within the zoning parameters. Failure to file the 990 forms within 30 day of filing with the IRS and NYS shall automatically void the previously issued special permit. A club can reapply for a new special permit to the Board of Appeals but may not be undertaking any activities required for a special permit until such time as a special permit is granted by the Board of appeals.**
- (2) Each membership club shall be required to obtain a 3-year special permit from the Board of Appeals which would include allowing of non-member events. The Board of Appeals shall be authorized to request documentation substantiating the club's on-going status as a not-for-profit membership club.**
 - (a) The period for which such special permit is applicable shall immediately terminate upon the failure by the club holding such special permit to either (i) continue to be a membership club or (ii) comply with the filing requirements set forth in clause (b) of this §342-35.**
 - (b) For non-member events, the club must demonstrate that not more than 20% of the events or activities in conjunction with accessory uses with such determination showing that both (i) total revenue received by the club from nonmember events or activities of such accessory use is less than 20% of the total aggregate revenue received by such club from all the events or activities of such**

accessary use and (ii) the total number of nonmember events or activities of such accessary use is less than 20% of the total number of such events or activities of such accessary use.

- (i) A member shall be a “member” for purposes of determining if any event is a member event or a “non-member event” if the member (A) was a member for at least three months prior to entering into any agreement or obligation regarding the event or activity; (B) did not become a member in connection with such event or activity; (C) is present during the event, (D) has fully guaranteed payment and responsibility for such event or activity, and (E) is expected to, and does, avail himself or herself of membership privileges after such event or activity.
- (3) No commercial activity of any kind shall be allowed by the club or any other user within the MR Marine Recreation Districts. Non-member income must fall below the IRS thresholds applicable to a membership club or the special permit to operate shall be annulled as a matter of law.
- (4) Failure to maintain not-for-profit status with IRS or the State of New York shall result in annulment of the special permit.
- (5) No event or activity commenced Sunday through Thursday may continue past 12:00 midnight and no event commenced on a Friday, Saturday or the day before a legal holiday may continue after 2 a.m.
- (6) Outside speakers and amplification are prohibited after 10:00pm.

E. Prohibited activities.

- (1) No nonmember event may commence prior to 8:00 a.m.
- (2) No event or activity commenced Sunday through Thursday may continue after midnight, and no event commenced on a Friday, Saturday or the day before a legal holiday may continue after 2:00 a.m.

Section 3.

If any section, subsection, clause, phrase or other portion of this local law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, the portion of the law declared to be invalid will be deemed a separate, distinct and independent portion and the declaration will not affect the validity of the remaining portions hereof, which will continue in full force and effect.

Section 4.

This law is adopted pursuant to the authority granted by Municipal Home Rule Law § 10(1)(e)(3) and will supersede the provisions of the Village Law to the extent that they are inconsistent with this local law.

Section 5.

This local law will take effect immediately upon its filing in the office of the Secretary of State in accordance with Municipal Home Rule Law § 27.

Village of



Mamaroneck

Village Hall At The Regatta

P.O. Box 369

123 Mamaroneck Avenue

Mamaroneck, N.Y. 10543

<http://www.villageofmamaroneck.org>

OFFICE OF
DANIEL J. SARNOFF
ACTING VILLAGE MANAGER

Tel (914) 777-7703

Fax (914) 777-7760

JULY 17, 2017

ITEM 4F – AGENDA REGULAR MEETING

RESOLUTION RE:

**SCHEDULING A PUBLIC HEARING ON PLL Q-2017 REGARDING MEMBERSHIP CLUBS IN
THE MARINE RECREATION DISTRICT**

RESOLVED, that a Public Hearing on Proposed Local Law Q-2017 be and is hereby scheduled for September 11, 2017 at 7:30 p.m. at the municipal building located at 169 Mount Pleasant Avenue, Mamaroneck, New York.

BE IT FURTHER RESOLVED, that the Board of Trustees refers the Proposed Local Law together with an EAF and CAF to the Harbor and Coastal Zone Management Commission for a recommendation on consistency with the LWRP and to the Village Planning Board and Zoning Board of Appeals for review and recommendation.

BE IT FURTHER RESOLVED, that pursuant to Section 342-99 of the Village Code, notice of the hearing shall be provided by 1. published legal notice in the official newspaper, 2. publication on the Village website, 3. circulation of notice by Village News e-mail notification, and 4. by posting prominently in six (6) conspicuous locations in the Village.

**VILLAGE OF MAMARONECK
HARBOR & COASTAL ZONE MANAGEMENT
COMMISSION APPLICATION**

HCZM meets on the third Wednesday of the month, 7:30PM, Village Hall Courtroom, 169 Mt. Pleasant Ave.

**Local Waterfront Revitalization Program
Coastal Assessment Form**

I. INSTRUCTIONS (please print or type all answers)

For Type I and unlisted actions, the Harbor and Coastal Zone Management Commission shall determine whether the actions are consistent, to the maximum extent practicable, with the policies of the Village of Mamaroneck Local Waterfront Revitalization Program.

For Type II actions, the lead agency shall determine whether the actions are consistent, to the maximum extent practicable, with the policies of the Village of Mamaroneck Local Waterfront Revitalization Program.

For direct agency actions, the agency shall complete, and for approval of an action, the agency shall cause the applicant to complete, a coastal assessment form (CAF). The CAF shall be completed prior to the agency's determination of the environmental significance pursuant to the State Environmental Quality Review Act.

Where any question on the CAF is answered "yes", a brief and precise description of the nature and extent of the action shall be provided on the CAF, and a copy of the CAF shall be forwarded to the Harbor and Coastal Zone Management Commission.

Please classify/determine if your application is Type I, Type II or Unlisted under SEQRA.

- ☐ **Type I:** An action which is likely to have a significant adverse impact on the environment.
- ☐ **Type II:** An action which will not have a significant adverse impact on the environment.
- ☒ **Unlisted:** An action which does not exceed the thresholds for Type I.

For further information, please see <http://www.dec.state.ny.us/website/dcs/seqr>.

II. 15 copies of the application and supporting documents should be submitted to the Building Dept. for review by the Bldg. Inspector to place on the HCZM Agenda and must comply with the Notification Law. Applications will not be reviewed unless all relevant materials are submitted.

- ☒ Short Environmental Assessment Form (for Unlisted actions only)
- ☐ Full Environmental Assessment Form (if Type I action)
- ☐ Construction drawing plans certified and signed by an architect or engineer licensed by the State of New York
- ☐ Topographical survey by a licensed land surveyor dated within one year

- ☐ w/FEMA lines
- ☐ Completed Building Permit Application
- ☐ Elevation Certificate showing compliance with FEMA by a licensed architect or engineer licensed by the State of New York.
- ☐ Soil Erosion Mitigation Plan - See Building Department for details
- ☐ Storm Water Management Plan - See Building Department for details
- ☐ If Perimeter permit is required, proof of compliance with LL 4-2006 Section 1 (F)
- ☒ Coastal Assessment Form

III. Has this property come before this commission or a former Harbor & Coastal Zone Management Commission in the past 3 years? If so, when? No

IV. **It is the applicant's obligation to determine whether permitting is required** by any state/federal agencies including but not limited to the Department of State Dept. of Environmental Conservation, NY State Army Corp of Engineers or Federal Consistency Review.

II. DESCRIPTION OF PROPOSED ACTION

A. Type of Action – is action a direct agency action (an action planned and proposed for implementation by the Village of Mamaroneck) or does it involve the application for an approval or permit to be granted by a Village agency? Check one:

1. Direct Agency Action ☒
2. Application for an Approval ☐

If this is an Application for an Approval or Permit, identify which board or commission has the permit authority? [Click here to enter text.](#)

B. Describe nature and extent of proposed activity:

The proposed action amends the zoning code of the Village of Mamaroneck in relation to membership clubs. The action adds additional requirements to the definition of membership including the need adhere to the regulations outlined by the Internal Revenue Code §501(c)(7) and the applicable rules and regulations of the State of New York. The action also creates additional conditions with respect to membership and member events. The new conditions require that members did not become members in connection with a member event, and have established their membership at least three months prior to the event. The action further amends the definition of coverage to be more restrictive in relation to garages and sports courts. The express intent of the action is that a membership club in the Marine Recreation zoning district be for members.

C. Location of proposed activity (include street or site description): The Marine Recreation Zoning District

D. If an application for the proposed action has been filed with the agency, the following information shall be provided:

a.) Name of Applicant: Village of Mamaroneck

b.) Mailing Address: Village Hall at the Regatta, 123 Mamaroneck Ave, Mamaroneck NY, 10543

c.) Telephone Number: Area Code 914-777-7703

The foregoing is affirmed by Gregory Cutler Date: 6/23/2017

3. Will the action to be directly undertaken, require funding or approval by either a state or federal agency? No ☒ Yes ☐

If yes, which state or federal agency? [Click here to enter text.](#)

III. Coastal Assessment Form (Check either "Yes" or "No" for each of the following questions).
(See Chapter 342 of the Village code for additional information.)

A. Will the proposed action be located in, or contiguous to, or to have a significant effect upon any of the resource areas identified in the Local Waterfront Revitalization Program?

	(Check)	<u>Yes</u>	or	<u>No</u>
1. Significant fish/ wildlife habitats (7, 7a, 44)	<input checked="" type="checkbox"/>			<input type="checkbox"/>
2. Flood Hazard Areas (11, 12, 17)	<input checked="" type="checkbox"/>			<input type="checkbox"/>
3. Tidal or Freshwater Wetland (44)	<input checked="" type="checkbox"/>			<input type="checkbox"/>
4. Scenic Resource (25)	<input checked="" type="checkbox"/>			<input type="checkbox"/>
5. Critical Environmental Areas (7, 7a, 8, 44)	<input checked="" type="checkbox"/>			<input type="checkbox"/>
6. Structures, sites or sites districts of historic, Archeological or cultural significance (23)	<input checked="" type="checkbox"/>			<input type="checkbox"/>

B. Will the proposed action have a significant effect on any of the following?

1. Commercial or recreational use of the fish and wildlife resource (9, 10)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Development of the future or existing water-dependent uses (2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Land and water uses (2, 4)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Existing or potential public recreation opportunities (2, 3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- | | | |
|---|--------------------------|-------------------------------------|
| 5. Large physical change to a site within the coastal area which will require the preparation of an environmental impact statement (11, 13, 17, 19, 22, 25, 37, 38) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Physical alteration of one or more areas of land along the shoreline, land under water or coastal waters (2, 4, 11, 12, 17, 20, 28, 35,44) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 7. Physical alteration of three or more acres of land located elsewhere in the coastal area (11, 12, 17, 33, 37, 38) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 8. Sale or change in use of state-owned lands, located under water (2, 4, 19, 20, 21) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 9. Revitalization/redevelopment of deteriorated or underutilized waterfront site (1) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 10. Reduction of existing or potential public access to or along coastal waters (19, 20) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 11. Excavation or dredging activities or the placement of fill materials in coastal waters of Mamaroneck (35) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 12. Discharge of toxic, hazardous substances, or other pollutants into coastal waters of Mamaroneck (34, 35, 36) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 13. Draining of storm water runoff either directly into coastal waters of Mamaroneck or into any river or tributary which empties into them (33, 37) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 14. Transport, storage, treatment or disposal of solid waste or hazardous materials (36, 39) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 15. Development affecting a natural feature which provides protection against flooding or erosion (12) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|
C. Will the proposed activity require any of the following: | | |
| 1. Waterfront site (2, 4, 6, 19, 20, 21, 22) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Construction or reconstruction of a flood or erosion control structure (13, 14) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

V. Remarks or Additional Information:

The action is intended to strengthen existing definitions and conditions with respect to membership clubs and will have no adverse impacts on the physical, spatial or ecological environments. While areas within the MR zone are contiguous to or directly within identified coastal resources including floodplains, critical environmental areas, identified areas of historical and cultural importance and significant fish and wildlife habitats, the proposed legislation is not expected to impact these areas.

Preparer's Signature: Gregory Cutler

Date: 9/8/17

Preparer's Name/Title: Gregory Cutler - Village Planner

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project:			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action:			
Name of Applicant or Sponsor:		Telephone:	
		E-Mail:	
Address:			
City/PO:		State:	Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO
			YES
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO
			YES
3.a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____ _____	NO	YES	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation service(s) available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO	YES	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
16. Is the project site located in the 100 year flood plain?	NO	YES	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES _____ _____	NO	YES	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO 	YES
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO 	YES
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	NO 	YES
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: _____ Date: _____ Signature: _____		

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing: a. public / private water supplies?		
b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Project:

Date:

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

Narrative Description of Proposed Action

The proposed action is a local law (PLL-Q-2017) amending the Code of the Village of Mamaroneck in relation to the definitions and conditions outlined in chapter 342-3 and 342-35 with respect to the Marine Recreation zoning district. The action adds additional requirements to the definition of membership including the need to adhere to regulations outline by the Internal Revenue Code §501(c)(7) and the applicable rules and regulations of the State of New York. The action also creates additional conditions with respect to membership and member events in an effort to ensure member events are expressly for members.

As it relates to environmental impacts there is no apparent connection between the legislation and any significant adverse environmental impacts. The action is intended to strengthen existing definitions and conditions with respect to membership clubs and will have no adverse impacts on the physical, spatial or ecological environments.

PROPOSED LOCAL LAW Q - 2017

A Proposed Local Law to amend Chapter 342 of the Code of the Village of Mamaroneck (Zoning) regarding membership clubs in the Marine Recreation District

BE IT ENACTED by the Board of Trustees of the Village of Mamaroneck as follows:

*(Language in strike-through ~~as defined~~ to be deleted; language in **bold** is to be added)*

Section 1.

The following definitions established by section 342-3 of the Code of the Village of Mamaroneck, are amended as follows:

CLUB, MEMBERSHIP

A not-for-profit corporation or organization with its facilities catering exclusively to members and/or their guests for recreational, athletic or social purposes and where vending stands, merchandising, commercial or business activities are not conducted, except as required generally for the membership and purpose of such ~~club~~**Membership Club**. **Membership Clubs** shall operate without profit or division of any revenues to its members, except as reasonable compensation for special services actually rendered, devoting all revenues received to supporting the purposes and objectives of the ~~club~~**Membership Club** or to charitable uses. **Membership Club** facilities and property interests shall be owned or leased by the corporation or organization and shall not be owned, leased, rented, or otherwise encumbered for use by individual members or nonmembers. **Membership Clubs in the MR Marine Recreation Districts must adhere to the regulations, laws and guidance governing not-for-profit entities as set forth in Internal Revenue Code §501(c)(7) and the applicable laws, rules and regulations of the State of New York, including but not limited to those laws, rules and regulations which define what constitutes a member, member event and non-member event and concern governance of the entity.**

COVERAGE

That percentage of the lot area covered by the combined area of all buildings or structures, **including non and/or semi-pervious sports courts**, on the lot. A parking garage whose height is at least ~~50%~~ **80%** below ~~finished~~ **average** grade **using the lowest elevations at any points within 10 feet of the proposed structure prior to undertaking the project** is exempt from this definition, provided that the roof of the parking garage is landscaped. The height of a parking garage that is located in the one-hundred-year floodplain may exceed ~~50%~~ **80%** below finished grade, provided there is sufficient mitigation including landscaping, screening and setbacks.

RESIDENCE, SEASONAL

~~Living quarters~~**Rooms in the main clubhouse** for transient (**short term hotel type**) **residential** use by members and guests of members when accompanied by a

member, and may be occupied between April 15 and October 15 and may not be occupied between October 16 and April 14. A seasonal residence **room** may not be occupied by the same person(s) for more than 30 days in a calendar year. A seasonal residence is limited to a maximum of ~~600~~**400** square feet. Seasonal residences shall not have kitchen or cooking facilities.

Section 2.

Section 342-35 of the Code of the Village of Mamaroneck is amended as follows:

- A. **Intent. It is the expressed intent that a Membership Club in the Marine Recreation zoning district be for members of the Membership Club, that the Membership Club be managed and governed by members and that the Zoning Board of Appeals, in its sole determination, shall determine compliance, taking into account laws regulations and guidance from the Internal Revenue Service and New York State governing such entities, starting with the review of the Membership Club's IRS 990 filing and supplemental information provided by each Membership Club.**
- B. Permitted principal uses. ~~The following are the only principal uses permitted in MR Marine Recreation Districts:~~**is a Not-for-Profit Membership Club which is**
- ~~(1) Recreational facilities of membership clubs, such as beach, golf, country, yacht, and similar clubs, whether or not they are wholly contained within buildings, including:~~
- ~~(a) Tennis courts, paddle tennis courts, swimming pools, beaches, facilities for docking, mooring and launching boats, basketball courts and other similar outdoor recreation uses (in accordance with any applicable local, county, state or federal laws);~~
- ~~(b) Boathouses, gymnasiums, cabanas, health and fitness facilities, racquetball courts, squash courts and other similar types of recreational facilities;~~ **organized and operates in full compliance with the requirements of (i) Internal Revenue Code §501(c)(7) and (ii) State of New York laws and regulations governing such not-for-profit corporations/entities and has a valid special permit as provided in subsection D,**
- ~~(2) which may include a A principal clubhouse with activities and spaces customarily included within a membership club's principal clubhouse structure, such as~~ **where members of the Membership Club can socialize and entertain their guests in meeting rooms, lounges, reception areas, game rooms, libraries, dining and bar bathroom facilities and including, together with bathroom facilities, incidental minor storage spaces, coat rooms, kitchen and pantry areas, but not including dining, entertainment and bar facilities, residential uses with no more than 10 temporary seasonal residence rooms, and any associated administrative offices or**

maintenance and storage facilities **supporting Membership Club operations.**

C. Permitted accessory uses. The following accessory uses are permitted in MR Marine Recreation Districts only in conjunction with a principal permitted use:

- ~~(1) Any accessory buildings or accessory use permitted in a residential district, except excluding professional offices, non-club offices, non-club business activities, studios and customary home occupations.~~
- ~~(2) Dining, entertainment, and bar facilities, not to exceed 40% of the square footage of the principal clubhouse structure; however, kitchen facilities and outdoor, seasonal, unenclosed facilities shall not be included in calculating the percentage of dining, entertainment, or bar facilities, and this provision shall not apply to any clubhouse or principal structure which does not exceed 2,500 square feet.~~
- ~~(3) Club administrative offices, locker rooms, maintenance facilities, storage buildings and laundry facilities necessary for club operations, boat storage, dock master and guard houses, cart storage, fuel and oil sales to members and guests only, facilities for pumping out of marine holding tanks, facilities for waste oil collection and other similar types of club support facilities.~~
Recreational facilities, including buildings, such as beach, golf, tennis, racquetball, squash courts and other sports courts, swimming pools, cabanas, gymnasiums and in-water and upland boat facilities.
- ~~(4) Residences Accessory residential facilities only for full-time, including full-time caretakers and staff during the time of their employment workers employed by the Membership Club.~~
- ~~(5) Seasonal residences for club members and their guests. The maximum number of seasonal residences permitted at any membership club is 12.~~
- ~~(6) Day camps, sports and educational programs (not including schools) for members.~~
- ~~(7) Fences, walls or retaining walls pursuant to § 342-14, except that fences of not less than 3/4 open construction shall be permitted up to not more than 12 feet in height around tennis athletic courts and other similar facilities.~~
- ~~(8) Other accessory buildings and accessory uses customarily incidental to the principal club use of the premises.~~
Membership Club
- (5) Outdoor dining facilities such as grills, bars and dining areas.**
- (6) Any accessory use permitted in a residential district except for professional offices and customary home occupations. Living quarters, apartments or residences for members, guests and/or owners, other than seasonal residence rooms described above, are prohibited.**
- ~~(9) Nonmember events:~~
 - ~~(a) Any club which intends to conduct events or activities that are not restricted to members only or that are not hosted or financially~~

~~guaranteed by a member (to be known as “nonmember events”) must first obtain a special permit from the Zoning Board of Appeals in accordance with the procedures set forth in Article X. Such special permit shall be for periods of no more than three years, at which time an application for renewal must be made, except that an application for a new special permit must be submitted upon a change or addition to the existing accessory uses. In order to obtain or renew a special permit, there must be a showing that, in addition to compliance with all applicable provisions of Article X and all other requirements of the Zoning Code, not more than 20% of the events or activities of any one of the foregoing accessory uses, in any calendar year, have been nonmember events. Upon application for renewal of any special permit, each club must demonstrate that, in addition to all other requirements, it has complied with any other conditions previously established by the Zoning Board of Appeals. A special permit to conduct nonmember events issued pursuant to this subsection shall apply to the entirety of the club property notwithstanding that a portion of such property extends beyond the MR Zoning District into an adjoining residential zoning district.~~

- ~~(b) In addition to all other requirements, any club which holds a special permit shall annually file a copy of Internal Revenue Service Forms 990 and 990T with the Clerk-Treasurer of the Village.~~

D. Conditions.

- (1) Membership Clubs shall be required to obtain a special permit from the Zoning Board of Appeals valid for a period of three years which may permit the Membership Club to conduct non-member events. The Zoning Board of Appeals shall be authorized to request documentation substantiating the Membership Club’s on-going status as a not-for-profit Membership Club.**
 - (a) The special permit shall automatically be voided upon the failure of the Membership Club holding such special permit to either (i) continue to be a Membership Club or (ii) comply with the filing requirements set forth in paragraph 2 of this subsection of §342-35.**
 - (b) A special permit may allow a Membership Club to conduct non-member events only if both (i) total revenue received by the Membership Club from nonmember events or activities of such accessory use is less than 20% of the total aggregate revenue received by such membership Club from all the events or activities of such accessory use and (ii) the total number of nonmember events or activities of such accessory use is less than 20% of the total number of such events or activities of such accessory use. The Membership Club must demonstrate, prior to the granting of any special permit permitting non-member events, and at any other time as may be requested by the Zoning Board of Appeals, with**

such documentation as may be requested by the Zoning Board of Appeals, that the restrictions described above with respect to non-member events have been satisfied.

- (i) A “nonmember event or activity” is any event or activity conducted at a Membership Club that is not a member event or activity. A “member event or activity” conducted at a Membership Club is any event or activity with respect to which a bona fide member of the Membership Club is present during the event or activity and the bona fide member is fully financially responsible for the event or activity. A “bona fide member” is an individual who was a member of the Membership Club for at least six consecutive months prior to entering into any agreement or obligation regarding the event or activity, did not become a member of the Membership Club solely in connection with the event or activity and is expected to, and does, avail himself or herself of membership privileges after the event or activity.
 - (c) The Zoning Board of Appeals shall have the right to impose any reasonable conditions it deems appropriate to meet the spirit of the Village Code including the quality of life for adjacent neighbors and nearby neighborhoods.
- (2) To maintain its special permit, each Membership Club shall annually file with the Village Clerk Internal Revenue Service Forms 990 and 990T (Form 990EZ is not acceptable) and the corresponding forms required by the New York State Department of Taxation and Finance concurrently with the filing with the Internal Revenue Service and the New York State Department of Taxation and Finance. The Zoning Board of Appeals shall review the forms annually to confirm that the Membership Club is operating within the zoning parameters. Failure to file the forms within 30 days of filing with the Internal Revenue Service and the New York State Department of Taxation and Finance shall automatically void the previously issued special permit. A Membership Club may apply for a new special permit to the Zoning Board of Appeals but may not undertake any activities for which a special permit is required until such time as a special permit is granted by the Zoning Board of Appeals.
- (3) No commercial activity of any kind shall be allowed by the Membership Club or any other person or entity within the MR Marine Recreation Districts. Non-member income must fall below the Internal Revenue Service thresholds applicable to membership clubs or the special permit shall be automatically voided.
- (4) Failure to maintain not-for-profit status with Internal Revenue Service or the State of New York shall result in automatic voiding of the special permit.

(5) Outside speakers and amplification are prohibited after 10:00pm.

E. Prohibited activities.

- (1) No nonmember event may commence prior to 8:00 a.m.
- (2) No event or activity commenced Sunday through Thursday may continue after ~~midnight~~**10:00 p.m.**, and no event commenced on a Friday, Saturday or the day before a legal holiday may continue after ~~2:00 a.m.~~ **12:00 midnight.**

Section 3.

If any section, subsection, clause, phrase or other portion of this local law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, the portion of the law declared to be invalid will be deemed a separate, distinct and independent portion and the declaration will not affect the validity of the remaining portions hereof, which will continue in full force and effect.

Section 4.

This law is adopted pursuant to the authority granted by Municipal Home Rule Law § 10(1)(e)(3) and will supersede the provisions of the Village Law to the extent that they are inconsistent with this local law.

Section 5.

This local law will take effect immediately upon its filing in the office of the Secretary of State in accordance with Municipal Home Rule Law § 27.

Village of Mamaroneck, NY

Item Title: Abstract of Audited Vouchers

Item Summary: Abstract of Audited Vouchers

Fiscal Impact:

ATTACHMENTS:

Description

Abstract

Type

Cover Memo

Date Prepared: 09/22/2017 03:26 PM
Report Date: 09/22/2017
Account Table:
Alt. Sort Table:

VILLAGE OF MAMARONECK
AP GL Distribution Report

PUR4130 1.0
Page 34 of 34
Prepared By: HLANGERFELD

Fiscal Year: 2018 Period From: 1 To: 12 Pay Due Date 09/25/2017 To: 09/25/2017

Account No.	PO No.	Check ID	Check No.	Vendor Code	Vendor Name	Invoice No.	Invoice Date	Pay Due	Period	Enc. Amount	Expense Amount
Voucher No.					Detail Line Description						

VILLAGE OF MAMARONECK
ABSTRACT OF AUDITED VOUCHERS

DATE: 9/25/17 AMOUNT \$ 553,944.87

TO CLERK TREASURER: I HEREBY CERTIFY THAT THE VOUCHERS LISTED WERE AUDITED BY THE VILLAGE MANAGER AND APPROVED IN THE AMOUNTS SHOWN BELOW BY THE BOARD OF TRUSTEES. YOU ARE HEREBY AUTHORIZED AND DIRECTED TO PAY EACH OF THE CLAIMANTS THE AMOUNTS AS APPROVED.

NORMAN S. ROSENBLUM, MAYOR _____

Date Prepared: 09/22/2017 03:26 PM

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VILLAGE OF MAMARONECK

AP GL Distribution Report

Fiscal Year: 2018 Period From: 1 To: 12 Pay Due Date 09/25/2017 To: 09/25/2017

PUR4130 1.0

Page 1 of 34

Prepared By: HLANGERFELD

Account No. Voucher No.	PO No.	Check ID	Check No.	Vendor Code	Vendor Name Detail Line Description	Invoice No.	Invoice Date	Pay Due	Period	Enc. Amount	Expense Amount
Fund A					GENERAL FUND						
Dept 0000					.						
A.0000.6320					DUE TO LIBRARY DISTRICT						
55581230		02091		0000010160	WILLIAM YURUS REAL PROP TAX REFUND FOR 101 ROCKLAND AVE. 2010, 2013, AND 2014	101 ROCKLAND A	09/25/2017	09/25/2017	4	0.00	778.78
Total A.0000.6320					DUE TO LIBRARY DISTRICT					0.00	778.78
Total Dept 0000					.					0.00	778.78
Dept 1010					BOARD OF TRUSTEES						
A.1010.0421					CONTRACT SERVICES						
55581226		02091		0000008869	VERIZON WIRELESS MO. CHGS. FOR VAR LOCATIONS 07/14/17-8/13/13/17	7/14-8/13/17	09/25/2017	09/25/2017	4	0.00	292.36
Total A.1010.0421					CONTRACT SERVICES					0.00	292.36
A.1010.0423					PUBLIC & LEGAL NOTICE						
55581163		02091		0000000062	THE JOURNAL NEWS LEGAL AD - LOCAL LAW 8/29/17	2371017	09/25/2017	09/25/2017	4	0.00	94.00
Total A.1010.0423					PUBLIC & LEGAL NOTICE					0.00	94.00
A.1010.0431					MEALS						
55581229		02091		0000009754	CHASE CARD SERVICES MO. CHGS FOR A.FUSCO CARD 7/21-8/20/17	P/E 8/20/17 A FUS	09/25/2017	09/25/2017	4	0.00	21.00
55581229		02091		0000009754	CHASE CARD SERVICES MO. CHGS FOR A.FUSCO CARD 7/21-8/20/17	P/E 8/20/17 A FUS	09/25/2017	09/25/2017	4	0.00	108.93
55581211		02091		0000004889	PIZZA GOURMET FOOD FOR BOD MEETING 9/11/17	92884	09/25/2017	09/25/2017	4	0.00	80.00
Total A.1010.0431					MEALS					0.00	209.93
Total Dept 1010					BOARD OF TRUSTEES					0.00	596.29
Dept 1110					VILLAGE JUSTICE						
A.1110.0421					CONTRACT SERVICES						
55581226		02091		0000008869	VERIZON WIRELESS MO. CHGS. FOR VAR LOCATIONS 07/14/17-8/13/13/17	7/14-8/13/17	09/25/2017	09/25/2017	4	0.00	60.44
Total A.1110.0421					CONTRACT SERVICES					0.00	60.44
Total Dept 1110					VILLAGE JUSTICE					0.00	60.44
Dept 1210					MAYOR						

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Account Table:

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VILLAGE OF MAMARONECK

AP GL Distribution Report

PUR4130 1.0

Page 2 of 34

Prepared By: HLANGERFELD

Fiscal Year: 2018 Period From: 1 To: 12 Pay Due Date 09/25/2017 To: 09/25/2017

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Fund A					GENERAL FUND						
Dept 1210					MAYOR						
A.1210.0421					CONTRACT SERVICES						
55581226		02091		0000008869	VERIZON WIRELESS MO. CHGS. FOR VAR LOCATIONS 07/14/17-8/13/13/17	7/14-8/13/17	09/25/2017	09/25/2017	4	0.00	66.52
Total A.1210.0421					CONTRACT SERVICES					0.00	66.52
Total Dept 1210					MAYOR					0.00	66.52
Dept 1230					VILLAGE MANAGER						
A.1230.0421					CONTRACT SERVICES						
55581226		02091		0000008869	VERIZON WIRELESS MO. CHGS. FOR VAR LOCATIONS 07/14/17-8/13/13/17	7/14-8/13/17	09/25/2017	09/25/2017	4	0.00	116.54
55581075		02091		0000005961	TOWN OF RYE INTERNSHIP PROGRAM	201	09/25/2017	09/25/2017	4	0.00	300.00
55581223		02091		0000008869	VERIZON WIRELESS MO. CHGS FOR TPADS & TABLETS 7/14-8/13/17 - VAR DEPTS.	9790960142	09/25/2017	09/25/2017	4	0.00	2,127.77
55581128		02091		0000007699	TRIMBLE NAVIGATION LIMITED UPGRADE-TRIMBLE	4450	09/25/2017	09/25/2017	4	0.00	120.00
Total A.1230.0421					CONTRACT SERVICES					0.00	2,664.31
Total Dept 1230					VILLAGE MANAGER					0.00	2,664.31
Dept 1325					CLERK-TREASURER						
A.1325.0403					PRINTING & STATIONERY						
55581162		02091		0000006483	THE DEERFIELD GROUP PRISMATIC RECEIPT FORMS FOR C/T OFFICE	17255	09/25/2017	09/25/2017	4	0.00	271.65
Total A.1325.0403					PRINTING & STATIONERY					0.00	271.65
A.1325.0405					MUNI DUES & SUBSCRIP						
55581227		02091		0000010954	WCMC AND TA MEMBERSHIP DUES FOR A. FUSCO, L. GUALDINO AND S. KHARAUBA	9/2017-6/2018	09/25/2017	09/25/2017	4	0.00	105.00
55581209		02091		0000009474	GFOA MEMBERSHIP DUES FOR AGOSTINO FUSCO 7/1/17-6/30/18	0132001	09/25/2017	09/25/2017	4	0.00	190.00
Total A.1325.0405					MUNI DUES & SUBSCRIP					0.00	295.00
A.1325.0421					CONTRACT SERVICES						
55581149		02091		0000009664	GARDA CL ATLANTIC LOCKBOX # 23: 10328966 ARMORED TRANSPORTATION SVC P/U AND DELIVER TO CHASE BANK SEPT. 2017		09/25/2017	09/25/2017	4	0.00	427.14
55581226		02091		0000008869	VERIZON WIRELESS MO. CHGS. FOR VAR LOCATIONS 07/14/17-8/13/13/17	7/14-8/13/17	09/25/2017	09/25/2017	4	0.00	58.27

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Account Table:

All Sort Table:

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PUR4130 1.0

Page 3 of 34

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Account No. Voucher No.	PO No.	Check ID	Check No.	Vendor Code	Vendor Name Detail Line Description	Invoice No.	Invoice Date	Pay Due	Period	Enc. Amount	Expense Amount
Fund A					GENERAL FUND						
Dept 1325					CLERK-TREASURER						
A.1325.0421					CONTRACT SERVICES						
55581135		02091		0000010470	CORPORATE PLANS INC. ACA CONSULTING FEES - QTRLY INSTALLMENT	18238	09/25/2017	09/25/2017	4	0.00	3,000.00
Total A.1325.0421					CONTRACT SERVICES					0.00	3,485.41
Total Dept 1325					CLERK-TREASURER					0.00	4,052.06
Dept 1420					LAW						
A.1420.0421					CONTRACT SERVICES						
55581158		02091		0000009415	JOHN B. CHERICO, ESQ. RETAINER FEE FOR VILLAGE PROSECUTOR FOR SEPT. 2017	SEPT. 2017	09/25/2017	09/25/2017	4	0.00	2,083.33
Total A.1420.0421					CONTRACT SERVICES					0.00	2,083.33
Total Dept 1420					LAW					0.00	2,083.33
Dept 1440					ENGINEER						
A.1440.0421					CONTRACT SERVICES						
55581226		02091		0000008869	VERIZON WIRELESS MO. CHGS. FOR VAR LOCATIONS 07/14/17-8/13/13/17	7/14-8/13/17	09/25/2017	09/25/2017	4	0.00	58.27
Total A.1440.0421					CONTRACT SERVICES					0.00	58.27
Total Dept 1440					ENGINEER					0.00	58.27
Dept 1490					PUBLIC WORKS ADMIN.						
A.1490.0407					AUTOMOTIVE REPAIRS						
55581079		02091		0000006539	VINCENT AUTO BODY SHOP BODY WORK	9749	06/06/2017	09/25/2017	4	0.00	440.00
Total A.1490.0407					AUTOMOTIVE REPAIRS					0.00	440.00
A.1490.0408					FUEL, OIL & LUBRICANTS						
55581208		02091		0000009258	GLOBAL MONTELLO GROUP CORP. GAS FOR VEHICLES	17085128	09/13/2017	09/25/2017	4	0.00	280.57
Total A.1490.0408					FUEL, OIL & LUBRICANTS					0.00	280.57
A.1490.0410					SUPPLIES						
55581074		02091		0000008610	STAPLES INC. AND SUBSIDIARIES OFFICE SUPPLIES	3351823643	09/25/2017	09/25/2017	4	0.00	61.16

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Account Table:

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VILLAGE OF MAMARONECK

AP GL Distribution Report

PUR4130 1.0

Page 4 of 34

Prepared By: HLANGERFELD

Fiscal Year: 2018 Period From: 1 To: 12 Pay Due Date 09/25/2017 To: 09/25/2017

Account No. Voucher No.	PO No.	Check ID	Check No.	Vendor Code	Vendor Name Detail Line Description	Invoice No.	Invoice Date	Pay Due	Period	Enc. Amount	Expense Amount
Fund A					GENERAL FUND						
Dept 1490					PUBLIC WORKS ADMIN.						
A.1490.0410					SUPPLIES						
55581126		02091		0000008610	STAPLES INC. AND SUBSIDIARIES OFFICE SUPPLIES	3349258810	08/12/2017	09/25/2017	4	0.00	129.16
Total A.1490.0410					SUPPLIES					0.00	190.32
A.1490.0421					CONTRACT SERVICES						
55581223		02091		0000008869	VERIZON WIRELESS MO. CHGS FOR TPAOS & TABLETS 7/14-8/13/17 - VAR DEPTS.	9790960142	09/25/2017	09/25/2017	4	0.00	161.82
55581112		02091		0000009461	CABLEVISION DPW CABLE	092217	09/22/2017	09/25/2017	4	0.00	88.82
55581114		02091		0000007780	J & M HEATING & AIR CONDITIONING 21215 PREVENTATIVE MAINTANENCE		09/25/2017	09/25/2017	4	0.00	650.00
55581226		02091		0000008869	VERIZON WIRELESS MO. CHGS. FOR VAR LOCATIONS 07/14/17-8/13/13/17	7/14-8/13/17	09/25/2017	09/25/2017	4	0.00	117.11
Total A.1490.0421					CONTRACT SERVICES					0.00	1,017.75
Total Dept 1490					PUBLIC WORKS ADMIN.					0.00	1,928.64
Dept 1620					PUBLIC SAFETY BUILDING						
A.1620.0408					FUEL, OIL & LUBRICANTS						
55581116		02091		0000009258	GLOBAL MONTELLO GROUP CORP. DIESEL FUEL	17078253	09/08/2017	09/25/2017	4	0.00	170.13
Total A.1620.0408					FUEL, OIL & LUBRICANTS					0.00	170.13
A.1620.0416					UTILITIES- ELECTRIC						
55581219		02091		0000000125	CON EDISON MO. CHGS. FOR VAR LOCATIONS 7/20-8/18/17	*****		09/25/2017	4	0.00	79.42
Total A.1620.0416					UTILITIES- ELECTRIC					0.00	79.42
A.1620.0421					CONTRACT SERVICES						
55581137		02091		0000010700	DDFJ CORP. FLOORING REPAIRS AT 169 MT PLEASANT	17025	09/25/2017	09/25/2017	4	0.00	200.00
Total A.1620.0421					CONTRACT SERVICES					0.00	200.00
Total Dept 1620					PUBLIC SAFETY BUILDING					0.00	449.55
Dept 1621					ADMINISTRATIVE OFFICES						
A.1621.0421					CONTRACT SERVICES						

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PUR4130 1.0

Page 5 of 34

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Fiscal Year: 2018 Period From: 1 To: 12 Pay Due Date 09/25/2017 To: 09/25/2017

Account No. Voucher No.	PO No.	Check ID	Check No.	Vendor Code	Vendor Name Detail Line Description	Invoice No.	Invoice Date	Pay Due	Period	Enc. Amount	Expense Amount
Fund A											
GENERAL FUND											
Dept 1621											
ADMINISTRATIVE OFFICES											
A.1621.0421											
CONTRACT SERVICES											
55581160		02091		0000004647	REGATTA CONDOMINIUM OCT 2017		09/25/2017	09/25/2017	4	0.00	1,155.33
55581114		02091		0000007780	MO. COMMON CHGS FOR REGATTA OFFICES OCT 2017		09/25/2017	09/25/2017	4	0.00	650.00
					J & M HEATING & AIR CONDITIONING 21215		09/25/2017	09/25/2017			
					PREVENTATIVE MAINTANENCE						
Total A.1621.0421										0.00	1,805.33
Total Dept 1621										0.00	1,805.33
Dept 1622											
OPERATION OF BUILDINGS											
A.1622.0408											
FUEL, OIL & LUBRICANTS											
55581208		02091		0000009258	GLOBAL MONTELLO GROUP CORP. 17085128		09/13/2017	09/25/2017	4	0.00	34.70
					GAS FOR VEHICLES						
Total A.1622.0408										0.00	34.70
Total Dept 1622										0.00	34.70
Dept 1640											
CENTRAL GARAGE											
A.1640.0407											
AUTOMOTIVE REPAIRS											
55581084		02091		0000003180	BURQUIP TRUCK TOOL BOX DOOR	87935	08/28/2017	09/25/2017	4	0.00	250.00
55581179		02091		0000005798	MENDEL'S TRUCK & AUTO PARTS SEALS	02-703825	09/18/2017	09/25/2017	4	0.00	10.40
Total A.1640.0407										0.00	260.40
A.1640.0408											
FUEL, OIL & LUBRICANTS											
55581208		02091		0000009258	GLOBAL MONTELLO GROUP CORP. 17085128		09/13/2017	09/25/2017	4	0.00	49.72
					GAS FOR VEHICLES						
Total A.1640.0408										0.00	49.72
A.1640.0410											
CENTRAL GARAGE SUPPLIES											
55581174		02091		0000000006	BREWERS HARDWARE FILTERS	586712	09/19/2017	09/25/2017	4	0.00	21.40
55581093		02091		0000006705	K.R.B. INC. VARIOUS HARDWARE ITEMS	*****		09/25/2017	4	0.00	475.00
55581093		02091		0000006705	K.R.B. INC. VARIOUS HARDWARE ITEMS	*****		09/25/2017	4	0.00	52.50
Total A.1640.0410										0.00	548.90

Date Prepared: 09/22/2017 03:26 PM

Report Date: 09/22/2017

Account Table:

Alt. Sort Table:

VILLAGE OF MAMARONECK

AP GL Distribution Report

PUR4130 1.0

Page 6 of 34

Prepared By: HLANGERFELD

Fiscal Year: 2018 Period From: 1 To: 12 Pay Due Date 09/25/2017 To: 09/25/2017

Account No. Voucher No.	PO No.	Check ID	Check No.	Vendor Code	Vendor Name Detail Line Description	Invoice No.	Invoice Date	Pay Due	Period	Enc. Amount	Expense Amount
Fund A					GENERAL FUND						
Dept 1640					CENTRAL GARAGE						
Total Dept 1640					CENTRAL GARAGE					0.00	859.02
Dept 1650					CENTRAL COMMUNICATION SYS						
A.1650.0419					UTILITIES - TELEPHONE						
55581196		02091		0000010699	CABLEVISION LIGHTPATH INC. 21576956 MO. CHGS FOR VAR LOCATIONS 9/1-9/30/17	09/25/2017	09/25/2017	09/25/2017	4	0.00	5,523.36
55581166		02091		0000006058	OPTIMUM ***** MO. CHGS. 9/1-9/30/17 FOR VAR. DEPTS.		09/25/2017	09/25/2017	4	0.00	736.20
55581165		02091		0000006058	OPTIMUM 9/1-9/30/17 A/C 07869-968027-01-6 BILLING DEPT. 9/1-9/30/17	09/25/2017	09/25/2017	09/25/2017	4	0.00	105.63
55581199		02091		0000010901	VERIZON 8/22-9/21/17 VOLU MO. CHGS 8/22-9/21/17 VOLUNTEERS FIRE HOUSE	09/25/2017	09/25/2017	09/25/2017	4	0.00	219.00
55581214		02091		0000006058	OPTIMUM ***** MO. CHGS VAR LOCATIONS 9/16-10/15/17		09/25/2017	09/25/2017	4	0.00	455.19
Total A.1650.0419					UTILITIES - TELEPHONE					0.00	7,039.38
A.1650.0421					CONTRACT SERVICES						
55581205		02091		0000010061	CAMDEN TECH LLC SEPT. 2017 MONTHLY MAINTENANCE AGREEMENT FOR SEPT. 2017	09/25/2017	09/25/2017	09/25/2017	4	0.00	972.00
55581215		02091		0000009801	VERIZON 9/10-10/9/17 FIOS BACKUP FOR 123 MAMK AVE. 9.10-10/9/17	09/25/2017	09/25/2017	09/25/2017	4	0.00	136.98
Total A.1650.0421					CONTRACT SERVICES					0.00	1,108.98
Total Dept 1650					CENTRAL COMMUNICATION SYS					0.00	8,148.36
Dept 1680					CENTRAL DATA PROCESSING						
A.1680.0260					MISC. EQUIPMENT						
55581152		02091		0000005742	GOV. CONNECTION INC. 55058039 IT EQUIPMENT FOR CONFERENCE ROOM	09/25/2017	09/25/2017	09/25/2017	4	0.00	115.84
Total A.1680.0260					MISC. EQUIPMENT					0.00	115.84
A.1680.0405					MUNI DUES & SUBSCRIP						
55581229		02091		0000009754	CHASE CARD SERVICES P/E 8/20/17 A FUS MO. CHGS FOR A.FUSCO CARD 7/21-8/20/17	09/25/2017	09/25/2017	09/25/2017	4	0.00	95.88
Total A.1680.0405					MUNI DUES & SUBSCRIP					0.00	95.88
A.1680.0421					CONTRACT SERVICES						
55581168		02091		0000010762	RONALD C. BRAATZ/LIFTOFF LLC 2326 5 LICENSES - OFFICE 365 PROPLUS	09/25/2017	09/25/2017	09/25/2017	4	0.00	405.00
55581153		02091		0000005742	GOV. CONNECTION INC. 55045023	09/25/2017	09/25/2017	09/25/2017	4	0.00	244.24

Date Prepared: 09/22/2017 03:26 PM

Report Date: 09/22/2017

Account Table:

Alt. Sort Table:

VILLAGE OF MAMARONECK

AP GL Distribution Report

PUR4130 1.0

Page 7 of 34

Prepared By: HLANGERFELD

Fiscal Year: 2018 Period From: 1 To: 12 Pay Due Date 09/25/2017 To: 09/25/2017

Account No. Voucher No.	PO No.	Check ID	Check No.	Vendor Code	Vendor Name Detail Line Description	Invoice No.	Invoice Date	Pay Due	Period	Enc. Amount	Expense Amount
Fund A											
GENERAL FUND											
Dept 1680											
CENTRAL DATA PROCESSING											
A.1680.0421											
CONTRACT SERVICES											
					GOV. CONNECTION INC. VEEAM LICENSE						
55581151		02091		0000000827	GENERAL CODE LLC E ODE 360 ANNUAL MAINTENANCE P/E 8/31/18	GC00102429	09/25/2017	09/25/2017	4	0.00	1,195.00
55581171		02091		0000001594	ADP INC. PAYROLL PROCESSING CHGS P/E 9/1/17	499413981	09/25/2017	09/25/2017	4	0.00	697.56
55581195		02091		0000008620	A1 COMPUTER SERVICES INC. OFF SITE BACKUP 9/1/17	817101	09/25/2017	09/25/2017	4	0.00	1,350.00
55581226		02091		0000008869	VERIZON WIRELESS MO. CHGS. FOR VAR LOCATIONS 07/14/17-8/13/13/17	7/14-8/13/17	09/25/2017	09/25/2017	4	0.00	58.27
55581167		02091		0000001594	ADP INC. BALANCE DUE - ORIGINAL PAYMENT \$293.81 AND ONLY PAD \$243.81 - BALANCE3 DUE \$50.	498222412-1	09/25/2017	09/25/2017	4	0.00	50.00
55581134		02091		0000001594	ADP INC. PAYROLL PROCESSING CHGS P/E 8/18/17	498687083	09/25/2017	09/25/2017	4	0.00	961.59
Total A.1680.0421										0.00	4,961.66
CONTRACT SERVICES											
Total Dept 1680										0.00	5,173.38
Dept 1950											
TAXES VILLAGE PROPERTY											
A.1950.0449											
TAXES & ASSESSMENTS											
55581212		02091		0000000553	RECEIVER OF TAXES TAX BILL 0001142 HALSTEAD AVE 154.42-1-25.1 1ST HALF	7/1/17-6/30/18	09/25/2017	09/25/2017	4	0.00	2,146.84
Total A.1950.0449										0.00	2,146.84
TAXES & ASSESSMENTS											
Total Dept 1950										0.00	2,146.84
Dept 1964											
REFUND ON REAL PROP. TAX											
A.1964.0499											
REFUND ON REAL PROP. TAX											
55581230		02091		0000010160	WILLIAM YURUS REAL PROP TAX REFUND FOR 101 ROCKLAND AVE. 2010, 2013, AND 2014	101 ROCKLAND A	09/25/2017	09/25/2017	4	0.00	7,568.15
Total A.1964.0499										0.00	7,568.15
REFUND ON REAL PROP. TAX											
Total Dept 1964										0.00	7,568.15
Dept 3120											
POLICE DEPT											
A.3120.0252											
UNIFORMS - SCHOOL GUARDS											
55581069		02091		0000000918	GALLS , LLC STOP SIGN PADDLES	8154303	09/25/2017	09/25/2017	4	0.00	209.90

Date Prepared: 09/22/2017 03:26 PM
 Report Date: 09/22/2017
 Account Table:
 Alt. Sort Table:

VILLAGE OF MAMARONECK

AP GL Distribution Report

PUR4130 1.0
 Page 8 of 34

Prepared By: HLANGERFELD

Fiscal Year: 2018 Period From: 1 To: 12 Pay Due Date 09/25/2017 To: 09/25/2017

Account No. Voucher No.	PO No.	Check ID	Check No.	Vendor Code	Vendor Name Detail Line Description	Invoice No.	Invoice Date	Pay Due	Period	Enc. Amount	Expense Amount
Fund A											
Dept 3120											
GENERAL FUND											
POLICE DEPT											
A.3120.0252											
UNIFORMS - SCHOOL GUARDS											
Total A.3120.0252										0.00	209.90
A.3120.0407											
AUTOMOTIVE REPAIRS											
55581072		02091		0000000328	VINCENTS GARAGE FLEET MAINTENANCE AUGUST 2017	*****		09/25/2017	4	0.00	3,306.48
55581178		02091		0000000450	TRI-CITY AUTO PARTS FILTERS	523718	09/13/2017	09/25/2017	4	0.00	11.73
55581184		02091		0000000450	TRI-CITY AUTO PARTS AUTO PARTS	*****		09/25/2017	4	0.00	22.70
Total A.3120.0407										0.00	3,340.91
A.3120.0408											
FUEL, OIL & LUBRICANTS											
55581208		02091		0000009258	GLOBAL MONTELLO GROUP CORP. GAS FOR VEHICLES	17085128	09/13/2017	09/25/2017	4	0.00	2,323.25
55581094		02091		0000008862	MAMARONECK SUNOCO GAS FOR PD CAR	6822	08/25/2017	09/25/2017	4	0.00	15.32
55581184		02091		0000000450	TRI-CITY AUTO PARTS AUTO PARTS	*****		09/25/2017	4	0.00	81.78
Total A.3120.0408										0.00	2,420.35
A.3120.0410											
SUPPLIES											
55581090		02091		0000009159	ALL STATE AIR CONTROL SALES & S SERVICES RENDERED FOR EVIDENCE REGRIGERATOR	58394-133192	09/25/2017	09/25/2017	4	0.00	520.00
55581068		02091		0000006907	L-TRON THERMAL PAPER FOR POLICE CARS	659187	09/25/2017	09/25/2017	4	0.00	162.00
Total A.3120.0410										0.00	682.00
A.3120.0421											
CONTRACT SERVICES											
55581223		02091		0000008869	VERIZON WIRELESS MO. CHGS FOR TPADS & TABLETS 7/14-8/13/17 - VAR DEPTS.	9790960142	09/25/2017	09/25/2017	4	0.00	26.97
55581071		02091		0000006840	LEXISNEXIS RISK SOLUTIONS AUGUST 2017 MINIMUM COMMITMENT BALANCE	1224060-20170831	09/25/2017	09/25/2017	4	0.00	50.00
55581067		02091		0000010886	BEI HOLDINGS INC/BUSINESS ELECT SERVICE/LABOR FOR PD SERVER	402947	09/25/2017	09/25/2017	4	0.00	1,275.00
Total A.3120.0421										0.00	1,351.97
A.3120.0443											
TRAINING PROGRAM											
55581070		02091		0000009754	CHASE CARD SERVICES JULY 2017 CHARGES	09072017CL	09/25/2017	09/25/2017	4	0.00	200.00
55581070		02091		0000009754	CHASE CARD SERVICES	09072017CL	09/25/2017	09/25/2017	4	0.00	200.00

Date Prepared: 09/22/2017 03:26 PM

Report Date: 09/22/2017

Account Table:

Alt. Sort Table:

VILLAGE OF MAMARONECK

AP GL Distribution Report

PUR4130 1.0

Page 9 of 34

Prepared By: HLANGERFELD

Fiscal Year: 2018 Period From: 1 To: 12 Pay Due Date 09/25/2017 To: 09/25/2017

Account No. Voucher No.	PO No.	Check ID	Check No.	Vendor Code	Vendor Name Detail Line Description	Invoice No.	Invoice Date	Pay Due	Period	Enc. Amount	Expense Amount
Fund A					GENERAL FUND						
Dept 3120					POLICE DEPT						
A.3120.0443					TRAINING PROGRAM						
					CHASE CARD SERVICES JULY 2017 CHARGES						
Total A.3120.0443					TRAINING PROGRAM					0.00	400.00
Total Dept 3120					POLICE DEPT					0.00	8,405.13
Dept 3310					TRAFFIC CONTROL						
A.3310.0408					FUEL, OIL & LUBRICANTS						
55581208		02091		0000009258	GLOBAL MONTELLO GROUP CORP. GAS FOR VEHICLES	17085128	09/13/2017	09/25/2017	4	0.00	84.63
Total A.3310.0408					FUEL, OIL & LUBRICANTS					0.00	84.63
A.3310.0410					SUPPLIES						
55581083		02091		0000000006	BREWERS HARDWARE VARIOUS HARDWARE ITEMS	*****		09/25/2017	4	0.00	110.97
55581093		02091		0000006705	K.R.B. INC. VARIOUS HARDWARE ITEMS	*****		09/25/2017	4	0.00	66.90
Total A.3310.0410					SUPPLIES					0.00	177.87
A.3310.0418					TRAFFIC LIGHTING						
55581220		02091		0000004043	VERDE ELECTRIC CORP. TRAFFIC LIGHT REPAIR	6608	08/31/2017	09/25/2017	4	0.00	1,190.00
Total A.3310.0418					TRAFFIC LIGHTING					0.00	1,190.00
Total Dept 3310					TRAFFIC CONTROL					0.00	1,452.50
Dept 3320					ON STREET PARKING						
A.3320.0407					AUTOMOTIVE REPAIRS						
55581184		02091		0000000450	TRI-CITY AUTO PARTS AUTO PARTS	*****		09/25/2017	4	0.00	0.82
Total A.3320.0407					AUTOMOTIVE REPAIRS					0.00	0.82
A.3320.0408					FUEL, OIL & LUBRICANTS						
55581208		02091		0000009258	GLOBAL MONTELLO GROUP CORP. GAS FOR VEHICLES	17085128	09/13/2017	09/25/2017	4	0.00	92.04
Total A.3320.0408					FUEL, OIL & LUBRICANTS					0.00	92.04

Date Prepared: 09/22/2017 03:26 PM
 Report Date: 09/22/2017
 Account Table:
 Alt. Sort Table:

VILLAGE OF MAMARONECK

AP GL Distribution Report

PUR4130 1.0

Page 10 of 34

Prepared By: HLANGERFELD

Fiscal Year: 2018 Period From: 1 To: 12 Pay Due Date 09/25/2017 To: 09/25/2017

Account No. Voucher No.	PO No.	Check ID	Check No.	Vendor Code	Vendor Name Detail Line Description	Invoice No.	Invoice Date	Pay Due	Period	Enc. Amount	Expense Amount
Fund A					GENERAL FUND						
Dept 3320					ON STREET PARKING						
Total Dept 3320					ON STREET PARKING					0.00	92.86
Dept 3321					ON STREET METER REPAIR						
A.3321.0421					ON STREET METER REPAIR.CONTRACT SERVICES						
55581226		02091		0000008869	VERIZON WIRELESS MO. CHGS. FOR VAR LOCATIONS 07/14/17-8/13/17	7/14-8/13/17	09/25/2017	09/25/2017	4	0.00	116.54
Total A.3321.0421					ON STREET METER REPAIR.CONTRACT SERVICES					0.00	116.54
A.3321.0421.0001					CALLE MULTIPACE METERS MONTHLY FEE						
55581148		02091		0000010710	ELAVON INC. JULY 2017 MERCHANT FEES	M7212101015	09/25/2017	09/25/2017	4	0.00	887.01
Total A.3321.0421.0001					CALLE MULTIPACE METERS MONTHLY FEE					0.00	887.01
Total Dept 3321					ON STREET METER REPAIR					0.00	1,003.55
Dept 3410					FIRE DEPARTMENT						
A.3410.0250					UNIFORMS						
55581104		02091		0000010277	EMBASSY CLEANERS UNIFORM CLEANING SERVICES	*****		09/25/2017	4	0.00	95.29
Total A.3410.0250					UNIFORMS					0.00	95.29
A.3410.0256					RADIO EQUIPMENT						
55581132		02091		0000007771	ESS INC. INSTALL NEW REMOTE MOUNT FOR APX6500 RADIO IN CAR 2242	116569	09/25/2017	09/25/2017	4	0.00	575.00
55581131		02091		0000007771	ESS INC. CHECKED ANTENNA PROBLEM ON ENGINE 38	273657	09/25/2017	09/25/2017	4	0.00	55.00
55581133		02091		0000007771	ESS INC. INSTALL NEW CONTROL HEAD & REMOTE HEAD FOR ENGINE 38	116558	09/25/2017	09/25/2017	4	0.00	1,647.01
55581216	56466	02091		0000009464	MOTOROLA SOLUTIONS INC. NEW RADIOS TO REPLACE NON-WORKING RADIOS IN CAR # 2242	41239488	09/25/2017	09/25/2017	4	0.00	5,078.00
55581100		02091		0000007771	ESS INC. WHIP ANTENNA FOR CHIEFS VEHICLES	273641	09/25/2017	09/25/2017	4	0.00	24.84
Total A.3410.0256					RADIO EQUIPMENT					0.00	7,379.85
A.3410.0260					MISC. EQUIPMENT						
55581122		02091		0000000363	AAA EMERGENCY SUPPLY CO COMMAND BOARD CASE	278608	09/25/2017	09/25/2017	4	0.00	1,495.00
55581159		02091		0000010721	PAUL CONWAY SHIELDS INC. HELET SHIELD AND HELMET FOR R PULEO PLUS SHIPPING	0402868 IN	09/25/2017	09/25/2017	4	0.00	153.44
55581120		02091		0000000363	AAA EMERGENCY SUPPLY CO	278750	09/25/2017	09/25/2017	4	0.00	195.00

Date Prepared: 09/22/2017 03:26 PM
 Report Date: 09/22/2017
 Account Table:
 Alt. Sort Table:

VILLAGE OF MAMARONECK

AP GL Distribution Report

PUR4130 1.0
 Page 11 of 34
 Prepared By: HLANGERFELD

Fiscal Year: 2018 Period From: 1 To: 12 Pay Due Date 09/25/2017 To: 09/25/2017

Account No. Voucher No.	PO No.	Check ID	Check No.	Vendor Code	Vendor Name Detail Line Description	Invoice No.	Invoice Date	Pay Due	Period	Enc. Amount	Expense Amount
Fund A											
Dept 3410											
A.3410.0260											
GENERAL FUND											
FIRE DEPARTMENT											
MISC. EQUIPMENT											
55581189		02091		0000004107	AAA EMERGENCY SUPPLY CO HELMET SHIED FOR CHIEF SCHMALING	W773297952	09/25/2017	09/25/2017	4	0.00	1,072.68
55581107		02091		0000000363	HOME DEPOT TOOL KIT FOR HALSTEAD MANOR FIREHOUSE	278595	09/25/2017	09/25/2017	4	0.00	2,467.00
Total A.3410.0260											
MISC. EQUIPMENT										0.00	5,383.12
A.3410.0407											
AUTOMOBILE REPAIRS											
55581192		02091		0000000086	EXCELSIOR GARAGE & MACHINE WK 51721 SVC PERFORMS TO ENGINE 50 - REPLACED PUMP TRANSFER SWITCH AND RIGHT FRONT STEERING CYLINDER		09/25/2017	09/25/2017	4	0.00	3,723.00
55581087		02091		0000008648	NEW ROCHELLE CHEVROLET VARIOUS CAR PARTS	*****		09/25/2017	4	0.00	1,440.19
55581110		02091		0000000328	VINCENTS GARAGE VEHICLE INSPECTIONS	*****		09/25/2017	4	0.00	37.00
55581106		02091		0000000450	TRI-CITY AUTO PARTS AUTO PARTS	*****		09/25/2017	4	0.00	14.71
55581080		02091		0000009105	CLIMAX PARTS INC. PAINT SPRAY GUNS	0567	08/30/2017	09/25/2017	4	0.00	229.20
55581184		02091		0000000450	TRI-CITY AUTO PARTS AUTO PARTS	*****		09/25/2017	4	0.00	11.22
Total A.3410.0407											
AUTOMOBILE REPAIRS										0.00	5,455.32
A.3410.0408											
FUEL, OIL & LUBRICANTS											
55581116		02091		0000009258	GLOBAL MONTELLO GROUP CORP. DIESEL FUEL	17078253	09/08/2017	09/25/2017	4	0.00	622.75
55581208		02091		0000009258	GLOBAL MONTELLO GROUP CORP. GAS FOR VEHICLES	17085128	09/13/2017	09/25/2017	4	0.00	292.20
Total A.3410.0408											
FUEL, OIL & LUBRICANTS										0.00	914.95
A.3410.0409											
BUILDING IMPROV.											
55581186		02091		0000000052	VILLAGE PAINT PAINT FOR GYM ROOM AT MAMARO/HOOKS FIREHOUSE	200344547	09/25/2017	09/25/2017	4	0.00	236.94
55581228		02091		0000008380	FLORENTINO IBANEZ.TINO PAINTING 9/14.17 PREP WORK ON WALLS IN GYM AREA AT PALMER AVE. FIRE HOUSE		09/25/2017	09/25/2017	4	0.00	1,300.00
55581093		02091		0000006705	K.R.B. INC. VARIOUS HARDWARE ITEMS	*****		09/25/2017	4	0.00	3.75
55581185		02091		0000004045	ADELPHI CONTRACTORS BACK PATIO WORK AT HALSTEAG MANOR FIREHOUSE	06/03/17	09/25/2017	09/25/2017	4	0.00	3,650.00
55581173	201710125	02091		0000009687	GARY GALVAO INSTALLATION OF CONCRETE SLAB AT COLUMBIA FIRE HOUSE FOR SHED	9.7.17	09/25/2017	09/25/2017	4	0.00	1,500.00

Date Prepared: 09/22/2017 03:26 PM

Report Date: 09/22/2017

Account Table:

Alt. Sort Table:

VILLAGE OF MAMARONECK

AP GL Distribution Report

PUR4130 1.0

Page 12 of 34

Prepared By: HLANGERFELD

Fiscal Year: 2018 Period From: 1 To: 12 Pay Due Date 09/25/2017 To: 09/25/2017

Account No. Voucher No.	PO No.	Check ID	Check No.	Vendor Code	Vendor Name Detail Line Description	Invoice No.	Invoice Date	Pay Due	Period	Enc. Amount	Expense Amount
Fund A											
Dept 3410											
GENERAL FUND											
FIRE DEPARTMENT											
A.3410.0409											
BUILDING IMPROV.											
Total A.3410.0409											
BUILDING IMPROV.											
A.3410.0410											
SUPPLIES											
55581169		02091		0000008610	STAPLES INC. AND SUBSIDIARIES	3350834579	09/25/2017	09/25/2017	4	0.00	160.52
					TWIN PAK TONER CARTRIDGES FOR FIRE DEPT.						
55581197		02091		0000005742	GOV. CONNECTION INC.	55130220	09/25/2017	09/25/2017	4	0.00	218.69
					3 PACK TONER CARTRIDGES CF283						
55581229		02091		0000009754	CHASE CARD SERVICES	P/E 8/20/17 A FUS	09/25/2017	09/25/2017	4	0.00	22.73
					MO. CHGS FOR A.FUSCO CARD 7/21-8/20/17						
Total A.3410.0410											
SUPPLIES											
A.3410.0419											
UTILITIES - TELEPHONE											
55581130		02091		0000006090	CABLEVISION	21547407	09/25/2017	09/25/2017	4	0.00	89.85
					CABLE SERVICE FOR 09/01- 09/30/17						
55581098		02091		0000008508	VERIZON	08/22-09/21/17	09/25/2017	09/25/2017	4	0.00	12.90
					FIOS SERVICES 146 PALMER AVE 8/22 - 9/21/17						
55581103		02091		0000009074	CABLEVISION LIGHTPATH INC.	21576951 08/01-09/25/2017	09/25/2017	09/25/2017	4	0.00	33.49
					CABLE SERVICES FOR COLUMBIA FIREHOUSE 8/1-8/31/17						
Total A.3410.0419											
UTILITIES - TELEPHONE											
A.3410.0420											
BUILDING MAINTENANCE											
55581156		02091		0000007780	J & M HEATING & AIR CONDITIONING *****		09/25/2017	09/25/2017	4	0.00	1,750.83
					IWORK DONE AT COLUMBIA FIRE HOUSE A/C CONDENSER						
55581108		02091		0000007780	J & M HEATING & AIR CONDITIONING 7505		09/25/2017	09/25/2017	4	0.00	394.00
					WORK AT COLUMBIA FIREHOUSE						
55581157		02091		0000007780	J & M HEATING & AIR CONDITIONING *****		09/25/2017	09/25/2017	4	0.00	1,162.43
					WORK DONE AT VOLUNTEERS FIRE HOUSE A/C						
55581155		02091		0000007780	J & M HEATING & AIR CONDITIONING 7435		09/25/2017	09/25/2017	4	0.00	4,639.71
					EMERGENCY CONDENSER REPLACEMENT FOR COLUMBIA FIREHOUSE						
Total A.3410.0420											
BUILDING MAINTENANCE											
A.3410.0421											
CONTRACT SERVICES											
55581119		02091		0000007907	HUNTINGTON POWER EQUIPMENT	419347	08/31/2017	09/25/2017	4	0.00	452.50
					GENERATOR SERVICE						
55581206		02091		0000010640	MAMARONECK SELF STORAGE	563	09/25/2017	09/25/2017	4	0.00	240.00
					MO. CHGS. FOR VOLUNTEERS FIRE DEPT. STORAGE FACILITY FOR OCT 2017						
55581226		02091		0000008869	VERIZON WIRELESS	7/14-8/13/17	09/25/2017	09/25/2017	4	0.00	189.56
					MO. CHGS. FOR VAR LOCATIONS 07/14/17-8/13/17						
55581229		02091		0000009754	CHASE CARD SERVICES	P/E 8/20/17 A FUS	09/25/2017	09/25/2017	4	0.00	220.01
					MO. CHGS FOR A.FUSCO CARD 7/21-8/20/17						
55581109		02091		0000007907	HUNTINGTON POWER EQUIPMENT	0000422257	09/25/2017	09/25/2017	4	0.00	733.20

Date Prepared: 09/22/2017 03:26 PM

Report Date: 09/22/2017

Account Table:

Alt. Sort Table:

VILLAGE OF MAMARONECK

AP GL Distribution Report

PUR4130 1.0

Page 13 of 34

Prepared By: HLANGERFELD

Fiscal Year: 2018 Period From: 1 To: 12 Pay Due Date 09/25/2017 To: 09/25/2017

Account No. Voucher No.	PO No.	Check ID	Check No.	Vendor Code	Vendor Name Detail Line Description	Invoice No.	Invoice Date	Pay Due	Period	Enc. Amount	Expense Amount
Fund A					GENERAL FUND						
Dept 3410					FIRE DEPARTMENT						
A.3410.0421					CONTRACT SERVICES						
55581161		02091		0000000568	HUNTINGTON POWER EQUIPMENT WORK ON GENERATOR AT VOLUNTEER FIREHOUSE STATE LINE FIRE & SAFETY 110774	09/25/2017	09/25/2017	4		0.00	70.00
55581114		02091		0000007780	HURST BAKE PEDAL CUTTER REPAIR FOR ENGINE #41 J & M HEATING & AIR CONDITIONING 21215 PREVENTATIVE MAINTANENCE	09/25/2017	09/25/2017	4		0.00	2,275.00
Total A.3410.0421					CONTRACT SERVICES					0.00	4,180.27
A.3410.0450					CHIEF OPERATING EXP						
55581164		02091		0000010949	WESTCHESTER MEDICAL CENTER F#100 FIRE TRAINING SEMINAR AND GOLF OUTING 7/19/17	09/25/2017	09/25/2017	4		0.00	500.00
55581111		02091		0000000239	COLUMBIA ENGINE CO. #2 08/24/17 REIMBURSEMENT FOR REFRESHMENTS FOR PAST CHIEF'S MEETING	09/25/2017	09/25/2017	4		0.00	401.75
Total A.3410.0450					CHIEF OPERATING EXP					0.00	901.75
Total Dept 3410					FIRE DEPARTMENT					0.00	39,486.39
Dept 3620					SAFETY INSP.-BLDG.						
A.3620.0407					AUTOMOTIVE REPAIRS						
55581182		02091		0000003179	WINZER CORP. PARTS EQUIPMENT *****		09/25/2017	4		0.00	94.54
55581181		02091		0000000328	VINCENTS GARAGE INSPECTION 130017	09/13/2017	09/25/2017	4		0.00	37.00
Total A.3620.0407					AUTOMOTIVE REPAIRS					0.00	131.54
A.3620.0408					FUEL, OIL & LUBRICANTS						
55581184		02091		0000000450	TRI-CITY AUTO PARTS AUTO PARTS *****		09/25/2017	4		0.00	42.94
55581208		02091		0000009258	GLOBAL MONTELO GROUP CORP. GAS FOR VEHICLES 17085128	09/13/2017	09/25/2017	4		0.00	61.57
Total A.3620.0408					FUEL, OIL & LUBRICANTS					0.00	104.51
A.3620.0410					SUPPLIES						
55581145		02091		0000008610	STAPLES INC. AND SUBSIDIARIES ***** SUPPLIES FOR BLDG AND PLANNING DEPTS		09/25/2017	4		0.00	77.62
55581139		02091		0000000006	BREWERS HARDWARE 586309 SUPPLIES FOR FIRE INSPECTOR	09/25/2017	09/25/2017	4		0.00	8.99
55581229		02091		0000009754	CHASE CARD SERVICES P/E 8/20/17 A FUS 09/25/2017 MO. CHGS FOR A.FUSCO CARD 7/21-8/20/17		09/25/2017	4		0.00	38.21

Date Prepared: 09/22/2017 03:26 PM

Report Date: 09/22/2017

Account Table:

Alt. Sort Table:

VILLAGE OF MAMARONECK

AP GL Distribution Report

PUR4130 1.0

Page 14 of 34

Prepared By: HLANGERFELD

Fiscal Year: 2018 Period From: 1 To: 12 Pay Due Date 09/25/2017 To: 09/25/2017

Account No. Voucher No.	PO No.	Check ID	Check No.	Vendor Code	Vendor Name Detail Line Description	Invoice No.	Invoice Date	Pay Due	Period	Enc. Amount	Expense Amount
Fund A					GENERAL FUND						
Dept 3620					SAFETY INSP.-BLDG.						
A.3620.0410					SUPPLIES						
Total A.3620.0410					SUPPLIES					0.00	124.82
A.3620.0421					CONTRACT SERVICES						
55581226		02091		0000008869	VERIZON WIRELESS MO. CHGS. FOR VAR LOCATIONS 07/14-8/13/17	7/14-8/13/17	09/25/2017	09/25/2017	4	0.00	549.20
55581142		02091		0000009894	EVERBANK COMMERCIAL FINANCE II4689957 CANON SCANNER/COPIER FOR BLDG DEPT		09/25/2017	09/25/2017	4	0.00	299.24
55581223		02091		0000008869	VERIZON WIRELESS MO. CHGS FOR TPADS & TABLETS 7/14-8/13/17 - VAR DEPTS.	9790960142	09/25/2017	09/25/2017	4	0.00	114.06
Total A.3620.0421					CONTRACT SERVICES					0.00	962.50
Total Dept 3620					SAFETY INSP.-BLDG.					0.00	1,323.37
Dept 3621					ELECTRICAL DEPARTMENT						
A.3621.0407					AUTOMOTIVE REPAIRS						
55581088		02091		0000005006	CORSI TIRE TIRES FOR TRUCKS	*****		09/25/2017	4	0.00	379.45
Total A.3621.0407					AUTOMOTIVE REPAIRS					0.00	379.45
A.3621.0408					FUEL, OIL & LUBRICANTS						
55581208		02091		0000009258	GLOBAL MONTELLO GROUP CORP. GAS FOR VEHICLES	17085128	09/13/2017	09/25/2017	4	0.00	125.05
Total A.3621.0408					FUEL, OIL & LUBRICANTS					0.00	125.05
A.3621.0410					SUPPLIES						
55581093		02091		0000006705	K.R.B. INC. VARIOUS HARDWARE ITEMS	*****		09/25/2017	4	0.00	50.00
Total A.3621.0410					SUPPLIES					0.00	50.00
A.3621.0414					UTILITIES - HEATING						
55581219		02091		0000000125	CON EDISON MO. CHGS. FOR VAR LOCATIONS 7/20-8/18/17	*****		09/25/2017	4	0.00	9.39
Total A.3621.0414					UTILITIES - HEATING					0.00	9.39
Total Dept 3621					ELECTRICAL DEPARTMENT					0.00	563.89
Dept 5110					STREET MAINTENANCE						

Date Prepared: 09/22/2017 03:26 PM
 Report Date: 09/22/2017
 Account Table:
 Alt. Sort Table:

VILLAGE OF MAMARONECK

AP GL Distribution Report

PUR4130 1.0
 Page 15 of 34
 Prepared By: HLANGERFELD

Fiscal Year: 2018 Period From: 1 To: 12 Pay Due Date 09/25/2017 To: 09/25/2017

Account No. Voucher No.	PO No.	Check ID	Check No.	Vendor Code	Vendor Name Detail Line Description	Invoice No.	Invoice Date	Pay Due	Period	Enc. Amount	Expense Amount
Fund A											
Dept 5110											
GENERAL FUND											
STREET MAINTENANCE											
A.5110.0407											
AUTOMOTIVE REPAIRS											
55581118		02091		0000004498	NYS THRUWAY AUTHORITY EZ PASS	T011782412743-00	08/29/2017	09/25/2017	4	0.00	51.75
55581086		02091		0000005636	WESTCHESTER TRACTOR, INC. TRACTOR PARTS	1949069	09/11/2017	09/25/2017	4	0.00	174.00
55581088		02091		0000005006	CORSI TIRE TIRES FOR TRUCKS	*****		09/25/2017	4	0.00	(45.00)
55581089		02091		0000003281	ESSCO DISTRIBUTORS STUMP GRINDER PARTS	406660	09/11/2017	09/25/2017	4	0.00	495.08
55581096		02091		0000007946	WESTCHESTER LANDSCAPE DEPOT ***** SMALL EQUIPMENT REPAIRS			09/25/2017	4	0.00	91.89
55581106		02091		0000000450	TRI-CITY AUTO PARTS AUTO PARTS	*****		09/25/2017	4	0.00	342.42
55581182		02091		0000003179	WINZER CORP. PARTS EQUIPMENT	*****		09/25/2017	4	0.00	22.24
55581183		02091		0000008355	SMITH-CAIRNS FORD MAZDA SUBARU CAR PARTS	1822515	09/12/2017	09/25/2017	4	0.00	19.46
55581138		02091		0000000450	TRI-CITY AUTO PARTS VARIOUS AUTO PARTS	*****		09/25/2017	4	0.00	137.33
Total A.5110.0407										0.00	1,289.17
A.5110.0408											
FUEL, OIL & LUBRICANTS											
55581208		02091		0000009258	GLOBAL MONTELLO GROUP CORP. GAS FOR VEHICLES	17085128	09/13/2017	09/25/2017	4	0.00	384.04
55581116		02091		0000009258	GLOBAL MONTELLO GROUP CORP. DIESEL FUEL	17078253	09/08/2017	09/25/2017	4	0.00	394.87
55581184		02091		0000000450	TRI-CITY AUTO PARTS AUTO PARTS	*****		09/25/2017	4	0.00	132.62
55581089		02091		0000003281	ESSCO DISTRIBUTORS STUMP GRINDER PARTS	406660	09/11/2017	09/25/2017	4	0.00	136.20
Total A.5110.0408										0.00	1,047.73
A.5110.0410											
SUPPLIES											
55581082		02091		0000000043	BEN ROMEO CO INC STREET BROOMS	57925	08/14/2017	09/25/2017	4	0.00	111.00
55581096		02091		0000007946	WESTCHESTER LANDSCAPE DEPOT ***** SMALL EQUIPMENT REPAIRS			09/25/2017	4	0.00	14.85
55581093		02091		0000006705	K.R.B. INC. VARIOUS HARDWARE ITEMS	*****		09/25/2017	4	0.00	122.00
Total A.5110.0410										0.00	247.85
A.5110.0411											
MATERIALS											
55581099		02091		0000004628	RCA ASPHALT LLC	*****		09/25/2017	4	0.00	3,692.94

Date Prepared: 09/22/2017 03:26 PM

Report Date: 09/22/2017

Account Table:

All Sort Table:

VILLAGE OF MAMARONECK

AP GL Distribution Report

PUR4130 1.0

Page 16 of 34

Prepared By: HLANGERFELD

Fiscal Year: 2018 Period From: 1 To: 12 Pay Due Date 09/25/2017 To: 09/25/2017

Account No. Voucher No.	PO No.	Check ID	Check No.	Vendor Code	Vendor Name Detail Line Description	Invoice No.	Invoice Date	Pay Due	Period	Enc. Amount	Expense Amount
Fund A											
GENERAL FUND											
Dept 5110											
STREET MAINTENANCE											
A.5110.0411											
MATERIALS											
55581102		02091		0000001723	RCA ASPHALT LLC POTHOLE REPAIRS		09/07/2017	09/25/2017	4	0.00	206.14
55581085		02091		0000008729	SAMMARCO STONE AND SUPPLY INC 450904 GRAVEL		09/11/2017	09/25/2017	4	0.00	17.50
55581222		02091		0000004628	CENTRAL TURF & IRRIGATION SUPPL 16020124-00 TOP SOIL		09/14/2017	09/25/2017	4	0.00	1,492.64
					RCA ASPHALT LLC ASPHALT	L234714					
Total A.5110.0411										0.00	5,409.22
A.5110.0421											
STREET MAINTENANCE.CONTRACT SERVICES											
55581091		02091		0000000797	FUTURE FENCE & PAINTING INC. FENCE REPAIR	4617	09/11/2017	09/25/2017	4	0.00	375.00
Total A.5110.0421										0.00	375.00
Total Dept 5110										0.00	8,368.97
Dept 5142											
SNOW REMOVAL											
A.5142.0407											
AUTOMOTIVE REPAIRS											
55581106		02091		0000000450	TRI-CITY AUTO PARTS AUTO PARTS	*****		09/25/2017	4	0.00	99.84
55581092		02091		0000005735	GABRIELLI TRUCK SALES LTD. FUEL TANK STRAP	1065843BX1	09/01/2017	09/25/2017	4	0.00	46.19
Total A.5142.0407										0.00	146.03
Total Dept 5142										0.00	146.03
Dept 5182											
STREET LIGHTING											
A.5182.0411											
MATERIALS											
55581101		02091		0000000071	LITE CONCEPTS STREET LIGHT REPAIRS	*****		09/25/2017	4	0.00	1,178.00
Total A.5182.0411										0.00	1,178.00
Total Dept 5182										0.00	1,178.00
Dept 7010											
ARTS COUNCIL											
A.7010.0421											
CONTRACT SERVICES											
55581201		02091		0000010460	PRAGMATECH SOUND CORPORATIO 5290		09/25/2017	09/25/2017	4	0.00	6,300.00

Date Prepared: 09/22/2017 03:26 PM

Report Date: 09/22/2017

Account Table:

Alt. Sort Table:

VILLAGE OF MAMARONECK

AP GL Distribution Report

PUR4130 1.0

Page 17 of 34

Prepared By: HLANGERFELD

Fiscal Year: 2018 Period From: 1 To: 12 Pay Due Date 09/25/2017 To: 09/25/2017

Account No. Voucher No.	PO No.	Check ID	Check No.	Vendor Code	Vendor Name Detail Line Description	Invoice No.	Invoice Date	Pay Due	Period	Enc. Amount	Expense Amount
Fund A					GENERAL FUND						
Dept 7010					ARTS COUNCIL						
A.7010.0421					CONTRACT SERVICES						
					PRAGMATECH SOUND CORPORATIO						
					AUDIO SERVICES FOR HARBOR ISLAND SUMMER ON THE SOUND 2017 CONCERT						
					SERIES						
Total A.7010.0421					CONTRACT SERVICES					0.00	6,300.00
Total Dept 7010					ARTS COUNCIL					0.00	6,300.00
Dept 7110					PARKS DEPARTMENT						
A.7110.0407					AUTOMOTIVE REPAIRS						
55581182		02091		0000003179	WINZER CORP.	*****		09/25/2017	4	0.00	106.97
					PARTS EQUIPMENT						
55581176		02091		0000001752	ARGENTO & SONS	330088	09/14/2017	09/25/2017	4	0.00	44.00
					MOWER PARTS						
55581095		02091		0000007946	WESTCHESTER LANDSCAPE DEPOT	223563/2	08/04/2017	09/25/2017	4	0.00	82.20
					CHAINSAW REPAIR						
55581110		02091		0000000328	VINCENTS GARAGE	*****		09/25/2017	4	0.00	167.00
					VEHICLE INSPECTIONS						
Total A.7110.0407					AUTOMOTIVE REPAIRS					0.00	400.17
A.7110.0408					FUEL, OIL & LUBRICANTS						
55581208		02091		0000009258	GLOBAL MONTELLO GROUP CORP.	17085128	09/13/2017	09/25/2017	4	0.00	279.33
					GAS FOR VEHICLES						
55581116		02091		0000009258	GLOBAL MONTELLO GROUP CORP.	17078253	09/08/2017	09/25/2017	4	0.00	257.49
					DIESEL FUEL						
Total A.7110.0408					FUEL, OIL & LUBRICANTS					0.00	536.82
A.7110.0409					BLDG. & PARK IMPROV.						
55581093		02091		0000006705	K.R.B. INC.	*****		09/25/2017	4	0.00	45.00
					VARIOUS HARDWARE ITEMS						
Total A.7110.0409					BLDG. & PARK IMPROV.					0.00	45.00
A.7110.0410					SUPPLIES						
55581144		02091		0000009808	STATE CHEMICAL SOLUTIONS	900098945	09/25/2017	09/25/2017	4	0.00	633.01
					GENTLE FRESH DEFENSE 1000 ML, GRAFFITI REMOVER						
Total A.7110.0410					SUPPLIES					0.00	633.01
A.7110.0411					MATERIALS						
55581188		02091		0000009742	RIDGEWAY GARDEN CENTER	9250	09/25/2017	09/25/2017	4	0.00	48.75

Account No.	Vendor Name											
Voucher No.	PO No.	Check ID	Check No.	Vendor Code	Detail Line Description	Invoice No.	Invoice Date	Pay Due	Period	Enc. Amount	Expense Amount	
Fund A					GENERAL FUND							
Dept 7140					RECREATION ADMINISTRATION							
A.7140.0408					AUTO MILEAGE ALLOWANCE							
55581184		02091		0000000450	TRI-CITY AUTO PARTS AUTO PARTS	*****		09/25/2017	4	0.00	38.95	
Total A.7140.0408					AUTO MILEAGE ALLOWANCE					0.00	38.95	
A.7140.0410					RECREATION SUPPLIES							
55581073		02091		0000009754	CHASE CARD SERVICES MARINE CENTER PURCHASES	091317	09/25/2017	09/25/2017	4	0.00	20.97	
Total A.7140.0410					RECREATION SUPPLIES					0.00	20.97	
A.7140.0421					CONTRACT SERVICES							
55581114		02091		0000007780	J & M HEATING & AIR CONDITIONING 21215 PREVENTATIVE MAINTENANCE		09/25/2017	09/25/2017	4	0.00	325.00	
Total A.7140.0421					CONTRACT SERVICES					0.00	325.00	
Total Dept 7140					RECREATION ADMINISTRATION					0.00	545.94	
Dept 7143					SPECIAL EVENTS							
A.7143.0410					SUPPLIES							
55581115		02091		0000009802	CAPITAL ONE COMMERCIAL FAMILY CAMP OUT SUPPLIES	029499	09/25/2017	09/25/2017	4	0.00	60.85	
55581073		02091		0000009754	CHASE CARD SERVICES FOOD PURCHASES FOR EVENTS	091317	09/25/2017	09/25/2017	4	0.00	22.25	
Total A.7143.0410					SUPPLIES					0.00	83.10	
Total Dept 7143					SPECIAL EVENTS					0.00	83.10	
Dept 7180					BEACH							
A.7180.0410					SUPPLIES							
55581229		02091		0000009754	CHASE CARD SERVICES MO. CHGS FOR A.FUSCO CARD 7/21-8/20/17	P/E 8/20/17 A FUS	09/25/2017	09/25/2017	4	0.00	29.11	
55581229		02091		0000009754	CHASE CARD SERVICES MO. CHGS FOR A.FUSCO CARD 7/21-8/20/17	P/E 8/20/17 A FUS	09/25/2017	09/25/2017	4	0.00	32.42	
55581129		02091		0000000258	CLEANING SYSTEMS TOILET TISSUE PURCHASE	482126	09/25/2017	09/25/2017	4	0.00	176.25	
Total A.7180.0410					SUPPLIES					0.00	237.78	
A.7180.0421					CONTRACT SERVICES							

Date Prepared: 09/22/2017 03:26 PM

Report Date: 09/22/2017

Account Table:

Alt. Sort Table:

VILLAGE OF MAMARONECK

AP GL Distribution Report

PUR4130 1.0

Page 20 of 34

Prepared By: HLANGERFELD

Fiscal Year: 2018 Period From: 1 To: 12 Pay Due Date 09/25/2017 To: 09/25/2017

Account No. Voucher No.	PO No.	Check ID	Check No.	Vendor Code	Vendor Name Detail Line Description	Invoice No.	Invoice Date	Pay Due	Period	Enc. Amount	Expense Amount
Fund A											
Dept 7180											
GENERAL FUND											
BEACH											
A.7180.0421											
CONTRACT SERVICES											
55581226		02091		0000008869	VERIZON WIRELESS	7/14-8/13/17	09/25/2017	09/25/2017	4	0.00	175.39
					MO. CHGS. FOR VAR LOCATIONS	07/14/17-8/13/17					
55581125	201710100	02091		0000010752	9 KCD CORPORATION	2078	09/25/2017	09/25/2017	4	0.00	3,224.50
					PAVILION ENTRY DOORS						
55581124		02091		0000010752	9 KCD CORPORATION	2423	09/25/2017	09/25/2017	4	0.00	563.50
					BOILER ROOM AND SOFTBALL CLOSET DOOR MATERIALS AND INSTALL						
55581073		02091		0000009754	CHASE CARD SERVICES	091317	09/25/2017	09/25/2017	4	0.00	62.50
					POS FEES						
55581229		02091		0000009754	CHASE CARD SERVICES	P/E 8/20/17 A FUS	09/25/2017	09/25/2017	4	0.00	210.93
					MO. CHGS FOR A.FUSCO CARD	7/21-8/20/17					
55581113		02091		0000006482	SWANK MOTION PICTURES INC.	091417	09/25/2017	09/25/2017	4	0.00	301.00
					PAYMENT FOR BIG HERO 6 MOVIE						
55581223		02091		0000008869	VERIZON WIRELESS	9790960142	09/25/2017	09/25/2017	4	0.00	547.85
					MO. CHGS FOR TPADS & TABLETS	7/14-8/13/17 - VAR DEPTS.					
Total A.7180.0421					CONTRACT SERVICES					0.00	5,085.67
Total Dept 7180					BEACH					0.00	5,323.45
Dept 7230											
MARINA & DOCKS											
A.7230.0220											
OFFICE EQUIPMENT											
55581224		02091		0000005742	GOV. CONNECTION INC.	55142065	09/25/2017	09/25/2017	4	0.00	308.62
					PRINTER FOR THE OFFICE						
Total A.7230.0220					OFFICE EQUIPMENT					0.00	308.62
A.7230.0407											
AUTOMOTIVE REPAIRS											
55581106		02091		0000000450	TRI-CITY AUTO PARTS	*****		09/25/2017	4	0.00	5.43
					AUTO PARTS						
Total A.7230.0407					AUTOMOTIVE REPAIRS					0.00	5.43
A.7230.0408											
FUEL, OIL & LUBRICANTS											
55581208		02091		0000009258	GLOBAL MONTELLO GROUP CORP.	17085128	09/13/2017	09/25/2017	4	0.00	82.52
					GAS FOR VEHICLES						
Total A.7230.0408					FUEL, OIL & LUBRICANTS					0.00	82.52
A.7230.0414											
UTILITIES - HEATING											
55581219		02091		0000000125	CON EDISON	*****		09/25/2017	4	0.00	18.78
					MO. CHGS. FOR VAR LOCATIONS	7/20-8/18/17					
Total A.7230.0414					UTILITIES - HEATING					0.00	18.78

Date Prepared: 09/22/2017 03:26 PM

Report Date: 09/22/2017

Account Table:

Alt. Sort Table:

VILLAGE OF MAMARONECK

AP GL Distribution Report

PUR4130 1.0

Page 21 of 34

Prepared By: HLANGERFELD

Fiscal Year: 2018 Period From: 1 To: 12 Pay Due Date 09/25/2017 To: 09/25/2017

Account No. Voucher No.	PO No.	Check ID	Check No.	Vendor Code	Vendor Name Detail Line Description	Invoice No.	Invoice Date	Pay Due	Period	Enc. Amount	Expense Amount
Fund A					GENERAL FUND						
Dept 7230					MARINA & DOCKS						
A.7230.0421					CONTRACT SERVICES						
55581226		02091		0000008869	VERIZON WIRELESS MO. CHGS. FOR VAR LOCATIONS 07/14/17-8/13/17	7/14-8/13/17	09/25/2017	09/25/2017	4	0.00	66.52
55581114		02091		0000007780	J & M HEATING & AIR CONDITIONING 21215 PREVENTATIVE MAINTANENCE		09/25/2017	09/25/2017	4	0.00	225.00
Total A.7230.0421					CONTRACT SERVICES					0.00	291.52
Total Dept 7230					MARINA & DOCKS					0.00	706.87
Dept 7317					YOUTH PROG. - DAY CAMP						
A.7317.0410					SUPPLIES						
55581073		02091		0000009754	CHASE CARD SERVICES FOOD PURCHASES FOR CAMP	091317	09/25/2017	09/25/2017	4	0.00	99.84
Total A.7317.0410					SUPPLIES					0.00	99.84
A.7317.0422					FEES						
55581073		02091		0000009754	CHASE CARD SERVICES CAMP TRIPS, WEBSITE CHARGES	091317	09/25/2017	09/25/2017	4	0.00	732.79
55581207		02091		0000010953	NANCY VINCENT/SUP WESTCHESTER STAND UP PADDLEBOARDING FOR VMDC 2017		09/25/2017	09/25/2017	4	0.00	2,737.50
55581198		02091		0000006680	DAVE'S CAST OF CHARACTERS. INC. ***** EXTRA CAMP CARNIVAL TIME			09/25/2017	4	0.00	150.00
Total A.7317.0422					FEES					0.00	3,620.29
Total Dept 7317					YOUTH PROG. - DAY CAMP					0.00	3,720.13
Dept 7550					CELEBRATIONS						
A.7550.0423					MEMORIAL DAY						
55581200		02091		0000000372	HOUSE OF FLOWERS WREATH IOF RED ROSES FOR 911 MEMORIAL 2017	9/11 17 MEMORIAL	09/25/2017	09/25/2017	4	0.00	150.00
Total A.7550.0423					MEMORIAL DAY					0.00	150.00
A.7550.0424					JULY 4TH FIRE WORKS						
55581191		02091		0000006153	A ROYAL FLUSH INC. JULY 4TH EVENT RENTALS - HANDICAP, STANDARD, HAND SANITIZER	B-628802	09/25/2017	09/25/2017	4	0.00	3,150.00
Total A.7550.0424					JULY 4TH FIRE WORKS					0.00	3,150.00
A.7550.0430					SUMMER ON THE AVENUE						

Date Prepared: 09/22/2017 03:26 PM

Report Date: 09/22/2017

Account Table:

Alt. Sort Table:

VILLAGE OF MAMARONECK

AP GL Distribution Report

PUR4130 1.0

Page 22 of 34

Prepared By: HLANGERFELD

Fiscal Year: 2018 Period From: 1 To: 12 Pay Due Date 09/25/2017 To: 09/25/2017

Account No. Voucher No.	PO No.	Check ID	Check No.	Vendor Code	Vendor Name Detail Line Description	Invoice No.	Invoice Date	Pay Due	Period	Enc. Amount	Expense Amount
Fund A											
Dept 7550											
GENERAL FUND											
CELEBRATIONS											
A.7550.0430											
SUMMER ON THE AVENUE											
55581198		02091		0000006680	DAVE'S CAST OF CHARACTERS, INC. ***** IRON MAN WALK-AROUND FOR BLOCK PARTY			09/25/2017	4	0.00	900.00
Total A.7550.0430										0.00	900.00
Total Dept 7550										0.00	4,200.00
Dept 8010											
BOARD OF APPEALS											
A.8010.0421											
CONTRACT SERVICES											
55581140		02091		0000010904	SALLY J. ROBERTS ZBA MINUTES SEPT. 2017	09-17ZBA	09/25/2017	09/25/2017	4	0.00	350.00
Total A.8010.0421										0.00	350.00
A.8010.0423											
PUBLIC & LEGAL NOTICE											
55581143		02091		0000000062	THE JOURNAL NEWS ***** LEGAL NOTICE ZBA 9-7-17 AND PLANNING 9-13-17			09/25/2017	4	0.00	242.00
Total A.8010.0423										0.00	242.00
Total Dept 8010										0.00	592.00
Dept 8020											
PLANNING											
A.8020.0410											
SUPPLIES											
55581145		02091		0000008610	STAPLES INC. AND SUBSIDIARIES ***** SUPPLIES FOR BLDG AND PLANNING DEPTS			09/25/2017	4	0.00	28.03
Total A.8020.0410										0.00	28.03
A.8020.0421											
CONTRACT SERVICES											
55581128		02091		0000007699	TRIMBLE NAVIGATION LIMITED UPGRADE-TRIMBLE	4450	09/25/2017	09/25/2017	4	0.00	120.00
Total A.8020.0421										0.00	120.00
A.8020.0423											
PUBLIC & LEGAL NOTICE											
55581143		02091		0000000062	THE JOURNAL NEWS ***** LEGAL NOTICE ZBA 9-7-17 AND PLANNING 9-13-17			09/25/2017	4	0.00	86.00
Total A.8020.0423										0.00	86.00
Total Dept 8020										0.00	234.03

Account No.	PO No.	Check ID	Check No.	Vendor Code	Vendor Name Detail Line Description	Invoice No.	Invoice Date	Pay Due	Period	Enc. Amount	Expense Amount		
Fund A			GENERAL FUND										
Dept 8160			SANITATION/WASTE COLLECTION										
A.8160.0407			AUTOMOTIVE REPAIRS										
55581175		02091		0000005735	GABRIELLI TRUCK SALES LTD. TRUCK PARTS	1066552BX1	09/01/2017	09/25/2017	4	0.00	132.10		
55581110		02091		0000000328	VINCENTS GARAGE VEHICLE INSPECTIONS	*****		09/25/2017	4	0.00	45.00		
55581127		02091		0000001247	SPRING TECH CORP REAR TRUNNION AND FRONT END WORK STEERING	W39155	09/15/2017	09/25/2017	4	0.00	6,301.62		
55581184		02091		0000000450	TRI-CITY AUTO PARTS AUTO PARTS	*****		09/25/2017	4	0.00	24.36		
55581088		02091		0000005006	CORSI TIRE TIRES FOR TRUCKS	*****		09/25/2017	4	0.00	39.45		
55581117		02091		0000010012	ONE STOP HOSE & HYD. , LLC HYD. HOSE PARTS	*****		09/25/2017	4	0.00	616.75		
Total A.8160.0407			AUTOMOTIVE REPAIRS									0.00	7,159.28
A.8160.0408			FUEL, OIL & LUBRICANTS										
55581208		02091		0000009258	GLOBAL MONTELLO GROUP CORP. GAS FOR VEHICLES	17085128	09/13/2017	09/25/2017	4	0.00	93.31		
55581116		02091		0000009258	GLOBAL MONTELLO GROUP CORP. DIESEL FUEL	17078253	09/08/2017	09/25/2017	4	0.00	1,966.12		
Total A.8160.0408			FUEL, OIL & LUBRICANTS									0.00	2,059.43
A.8160.0410			SUPPLIES										
55581083		02091		0000000006	BREWERS HARDWARE VARIOUS HARDWARE ITEMS	*****		09/25/2017	4	0.00	4.93		
Total A.8160.0410			SUPPLIES									0.00	4.93
A.8160.0421			CONTRACT SERVICES										
55581218		02091		0000000238	WESTCHESTER COUNTY DEPT OF E GARBAGE DISPOSAL	091517	09/15/2017	09/25/2017	4	0.00	21,072.30		
Total A.8160.0421			CONTRACT SERVICES									0.00	21,072.30
A.8160.0446			RECYCLING EXPENSES										
55581097		02091		0000009239	N.Y. MATERIALS LLC POTHOLE REPAIRS	35711	08/23/2017	09/25/2017	4	0.00	119.85		
Total A.8160.0446			RECYCLING EXPENSES									0.00	119.85
Total Dept 8160			SANITATION/WASTE COLLECTION									0.00	30,415.79
Dept 8170			STREET CLEANING										

Date Prepared: 09/22/2017 03:26 PM

Report Date: 09/22/2017

Account Table:

Alt. Sort Table:

VILLAGE OF MAMARONECK

AP GL Distribution Report

PUR4130 1.0

Page 24 of 34

Prepared By: HLANGERFELD

Fiscal Year: 2018 Period From: 1 To: 12 Pay Due Date 09/25/2017 To: 09/25/2017

Account No. Voucher No.	PO No.	Check ID	Check No.	Vendor Code	Vendor Name Detail Line Description	Invoice No.	Invoice Date	Pay Due	Period	Enc. Amount	Expense Amount
Fund A											
Dept 8170											
GENERAL FUND											
STREET CLEANING											
A.8170.0407											
AUTOMOTIVE REPAIRS											
55581177		02091		0000000043	BEN ROMEO CO INC SWEEPER BROOMS	59976	09/15/2017	09/25/2017	4	0.00	954.50
Total A.8170.0407										0.00	954.50
A.8170.0408											
FUEL, OIL & LUBRICANTS											
55581116		02091		0000009258	GLOBAL MONTELLO GROUP CORP. DIESEL FUEL	17078253	09/08/2017	09/25/2017	4	0.00	267.05
Total A.8170.0408										0.00	267.05
Total Dept 8170										0.00	1,221.55
Dept 8560											
SHADE TREES											
A.8560.0421											
CONTRACT SERVICES											
55581076		02091		0000008896	ALMSTEAD TREE & SHRUB CARE CC TREE WORK	239415	08/01/2017	09/25/2017	4	0.00	5,017.00
Total A.8560.0421										0.00	5,017.00
Total Dept 8560										0.00	5,017.00
Dept 9045											
LIFE INSURANCE											
A.9045.0805											
GROUP LIFE INSURANCE											
55581172		02091		0000010337	ABACAR INSURANCE AGENCY EMPLOYEE LIFE INS. PERMIUM FOR OCT. 2017	8343	09/25/2017	09/25/2017	4	0.00	618.00
Total A.9045.0805										0.00	618.00
Total Dept 9045										0.00	618.00
Dept 9060											
HOSPITAL & MEDICAL INS.											
A.9060.0804											
HOSPITAL & MEDICAL INSURANCE											
55581217		02091		0000007234	RICHARD CARROLL & FRANCES CAR ADJUST 2017 BILI ADJUSTMENT - PAYMENT SHOULD HAVE BEEN \$221. PER MONTH SINCE JAN 2017 DIFF. OF \$11.20 PER MONTH FOR 10 MONTHS = \$112.00		09/25/2017	09/25/2017	4	0.00	112.00
55581202		02091		0000006089	NYS EMPLOYEES HEALTH INS PENDIOCT 2017 MO., CHGS. OCT 2017 FOR HEATH INS. PREMIUM		09/25/2017	09/25/2017	4	0.00	355,580.95
Total A.9060.0804										0.00	355,692.95
Total Dept 9060										0.00	355,692.95

Date Prepared: 09/22/2017 03:26 PM

Report Date: 09/22/2017

Account Table:

Alt. Sort Table:

VILLAGE OF MAMARONECK

AP GL Distribution Report

PUR4130 1.0

Page 25 of 34

Prepared By: HLANGERFELD

Fiscal Year: 2018 Period From: 1 To: 12 Pay Due Date 09/25/2017 To: 09/25/2017

Account No.	Voucher No.	PO No.	Check ID	Check No.	Vendor Code	Vendor Name	Detail Line Description	Invoice No.	Invoice Date	Pay Due	Period	Enc. Amount	Expense Amount
Fund A						GENERAL FUND							
Dept 9080						HOSPITAL & MEDICAL INS.							
Dept 9070						DENTAL INSURANCE							
A.9070.0807						DENTAL INSURANCE							
55581154			02091		0000010299	GUARDIAN	9/1-9/30/17	09/25/2017	09/25/2017	4		0.00	11,030.27
						EMPLOYEE DENTAL INSURANCE PREMIUM	9/1-9/30/17						
Total A.9070.0807						DENTAL INSURANCE						0.00	11,030.27
Total Dept 9070						DENTAL INSURANCE						0.00	11,030.27
Dept 9075						OPTICAL INSURANCE							
A.9075.0808						OPTICAL INSURANCE							
55581136			02091		0000002240	CSEA EMPLOYEE BENEFIT FUND	SEPT. 2017	09/25/2017	09/25/2017	4		0.00	2,360.98
						EMPLOYEE OPTICAL INSURANCE PREMIUM FOR SEPT. 2017							
Total A.9075.0808						OPTICAL INSURANCE						0.00	2,360.98
Total Dept 9075						OPTICAL INSURANCE						0.00	2,360.98
Total Fund A						GENERAL FUND						0.00	537,410.09

Date Prepared: 09/22/2017 03:26 PM

Report Date: 09/22/2017

Account Table:

Alt. Sort Table:

VILLAGE OF MAMARONECK

AP GL Distribution Report

PUR4130 1.0

Page 26 of 34

Prepared By: HLANGERFELD

Fiscal Year: 2018 Period From: 1 To: 12 Pay Due Date 09/25/2017 To: 09/25/2017

Account No. Voucher No.	PO No.	Check ID	Check No.	Vendor Code	Vendor Name Detail Line Description	Invoice No.	Invoice Date	Pay Due	Period	Enc. Amount	Expense Amount
Fund G											
Dept 8120											
G.8120.0260											
MISCELLANEOUS EQUIPMENT											
55581078		02091		0000003939	SEWER EQUIPMENT CO. OF AMERIC. 158073 SEWER NOZZOLE		06/08/2017	09/25/2017	4	0.00	463.25
55581194	201710126	02091		0000010942	FERGUSON ENTERPRISES INC. HSMK24 SMOKE TESTER	9025	09/25/2017	09/25/2017	4	0.00	2,475.00
55581194	201710126	02091		0000010942	FERGUSON ENTERPRISES INC. 5GAL LIQUID SMOKE	9025	09/25/2017	09/25/2017	4	0.00	1,050.00
Total G.8120.0260										0.00	3,988.25
G.8120.0408											
FUEL, OIL & LUBRICANTS											
55581208		02091		0000009258	GLOBAL MONTELLO GROUP CORP. 17085128 GAS FOR VEHICLES		09/13/2017	09/25/2017	4	0.00	48.87
Total G.8120.0408										0.00	48.87
G.8120.0411											
MATERIALS											
55581180		02091		0000003712	BLACKBURN MFG. CO. SPRAY PAINT CODE 53	0550370-IN	09/12/2017	09/25/2017	4	0.00	271.83
Total G.8120.0411										0.00	271.83
Total Dept 8120										0.00	4,308.95
Total Fund G										0.00	4,308.95

Date Prepared: 09/22/2017 03:26 PM
 Report Date: 09/22/2017
 Account Table:
 Alt. Sort Table:

VILLAGE OF MAMARONECK

AP GL Distribution Report

PUR4130 1.0
 Page 27 of 34
 Prepared By: HLANGERFELD

Fiscal Year: 2018 Period From: 1 To: 12 Pay Due Date 09/25/2017 To: 09/25/2017

Account No.	Voucher No.	PO No.	Check ID	Check No.	Vendor Code	Vendor Name	Detail Line Description	Invoice No.	Invoice Date	Pay Due	Period	Enc. Amount	Expense Amount
Fund H15						2015 CAPITAL PROJECTS							
Dept 8120						SANITARY SEWER SYSTEM							
H15.8120.0360.0002						SANITARY SEWER INFLOW & INFILTRATION (I&I)							
55581123			02091		0000009693	ARCADIS U.S., INC.	PHASE 7- ILLICIT DISCHARGE DETECTION AND ELIMINATION (IDDE)	01547042.0000	09/25/2017	09/25/2017	4	0.00	3,978.98
Total H15.8120.0360.0002						SANITARY SEWER INFLOW & INFILTRATION (I&I)						0.00	3,978.98
Total Dept 8120						SANITARY SEWER SYSTEM						0.00	3,978.98
Total Fund H15						2015 CAPITAL PROJECTS						0.00	3,978.98

Date Prepared: 09/22/2017 03:26 PM

Report Date: 09/22/2017

Account Table:

Alt. Sort Table:

VILLAGE OF MAMARONECK

AP GL Distribution Report

PUR4130 1.0

Page 28 of 34

Prepared By: HLANGERFELD

Fiscal Year: 2018 Period From: 1 To: 12 Pay Due Date 09/25/2017 To: 09/25/2017

Account No.	Voucher No.	PO No.	Check ID	Check No.	Vendor Code	Vendor Name Detail Line Description	Invoice No.	Invoice Date	Pay Due	Period	Enc. Amount	Expense Amount
Fund H17						2017 CAPITAL PROJECTS						
Dept 5110						STREET MAINTENANCE						
H17.5110.0360.0001						EMERGENCY REPAIR - TRANSFER STATION DEMO AND REPLACEMENT						
	55581121		02091		0000003957	ABS SALES CO. OF WEST., INC. DOOR HARDWARE	62773	09/05/2017	09/25/2017	4	0.00	107.00
	55581093		02091		0000006705	K.R.B. INC. VARIOUS HARDWARE ITEMS	*****		09/25/2017	4	0.00	175.10
Total H17.5110.0360.0001						EMERGENCY REPAIR - TRANSFER STATION DEMO AND REPLACEMENT					0.00	282.10
Total Dept 5110						STREET MAINTENANCE					0.00	282.10
Total Fund H17						2017 CAPITAL PROJECTS					0.00	282.10

Date Prepared: 09/22/2017 03:26 PM

Report Date: 09/22/2017

Account Table:

Alt. Sort Table:

VILLAGE OF MAMARONECK

AP GL Distribution Report

PUR4130 1.0

Page 29 of 34

Prepared By: HLANGERFELD

Fiscal Year: 2018 Period From: 1 To: 12 Pay Due Date 09/25/2017 To: 09/25/2017

Account No.	Voucher No.	PO No.	Check ID	Check No.	Vendor Code	Vendor Name Detail Line Description	Invoice No.	Invoice Date	Pay Due	Period	Enc. Amount	Expense Amount
Fund T						EXPENDABLE TRUST						
Dept 0000						.						
T.0000.9706						AMBULANCE FUND						
55581204			02091		0000005603	POSTMASTER RENEWAL AS OF 10/28/17 FOR PERMIT # 4376 WHITE PLAINS	PERMIT # 4376	09/25/2017	09/25/2017	4	0.00	225.00
Total T.0000.9706						AMBULANCE FUND					0.00	225.00
Total Dept 0000						.					0.00	225.00
Total Fund T						EXPENDABLE TRUST					0.00	225.00

Date Prepared: 09/22/2017 03:26 PM
 Report Date: 09/22/2017
 Account Table:
 Alt. Sort Table:

VILLAGE OF MAMARONECK

AP GL Distribution Report

PUR4130 1.0

Page 30 of 34

Prepared By: HLANGERFELD

Fiscal Year: 2018 Period From: 1 To: 12 Pay Due Date 09/25/2017 To: 09/25/2017

Account No. Voucher No.	PO No.	Check ID	Check No.	Vendor Code	Vendor Name Detail Line Description	Invoice No.	Invoice Date	Pay Due	Period	Enc. Amount	Expense Amount
Fund TA					AGENCY FUND						
Dept 0000											
TA.0000.3103.0075					1000 TAYLOR LN SUBDIVISION						
55581141		02091		0000010646	CHAZEN ENGINEERING & LAND SURV 0102193 PREPARE FER FOR TAYLORS LANE		09/25/2017	09/25/2017	4	0.00	155.00
Total TA.0000.3103.0075					1000 TAYLOR LN SUBDIVISION					0.00	155.00
TA.0000.3103.0334					MB&Y CLUB						
55581147		02091		0000007468	TERRABELLA LANDSCAPE DESIGN L***** PROFESSIONAL SERVICES FOR PLANNING BOARD ESCROWS			09/25/2017	4	0.00	315.00
Total TA.0000.3103.0334					MB&Y CLUB					0.00	315.00
TA.0000.3103.0388					PLANNING,817-819 MAMARONECK-805 BRIXMOR						
55581203		02091		0000006431	WOODARD & CURRAN ENGINEERING SERVICES ESCROWS ENDING APRIL 14, 2017	138107	09/25/2017	09/25/2017	4	0.00	130.00
Total TA.0000.3103.0388					PLANNING,817-819 MAMARONECK-805 BRIXMOR					0.00	130.00
TA.0000.3103.0396					946 E. B. P. RD- MAMARONECK ICES						
55581203		02091		0000006431	WOODARD & CURRAN ENGINEERING SERVICES ESCROWS ENDING APRIL 14, 2017	138107	09/25/2017	09/25/2017	4	0.00	350.00
Total TA.0000.3103.0396					946 E. B. P. RD- MAMARONECK ICES					0.00	350.00
TA.0000.3103.0415					ORIENTA BEACH CLUB 1054 WALTON AVE 1S-2017PB						
55581203		02091		0000006431	WOODARD & CURRAN ENGINEERING SERVICES ESCROWS ENDING APRIL 14, 2017	138107	09/25/2017	09/25/2017	4	0.00	1,882.50
Total TA.0000.3103.0415					ORIENTA BEACH CLUB 1054 WALTON AVE 1S-2017PB					0.00	1,882.50
TA.0000.3103.0417					8 OAK LANE-MAGGARD 2W-2017 WETLANDS						
55581203		02091		0000006431	WOODARD & CURRAN ENGINEERING SERVICES ESCROWS ENDING APRIL 14, 2017	138107	09/25/2017	09/25/2017	4	0.00	996.25
Total TA.0000.3103.0417					8 OAK LANE-MAGGARD 2W-2017 WETLANDS					0.00	996.25
TA.0000.3103.0420					818-822 MAMARONECK-PLANNING-RETURN TO THE TAO						
55581203		02091		0000006431	WOODARD & CURRAN ENGINEERING SERVICES ESCROWS ENDING APRIL 14, 2017	138107	09/25/2017	09/25/2017	4	0.00	307.50
Total TA.0000.3103.0420					818-822 MAMARONECK-PLANNING-RETURN TO THE TAO					0.00	307.50
TA.0000.3103.0422					128 LIBRARY LN 3S-2017PB ELK HOMES PARTNERS II LP						
55581203		02091		0000006431	WOODARD & CURRAN ENGINEERING SERVICES ESCROWS ENDING APRIL 14, 2017	138107	09/25/2017	09/25/2017	4	0.00	1,871.00

Date Prepared: 09/22/2017 03:26 PM

Report Date: 09/22/2017

Account Table:

Alt. Sort Table:

VILLAGE OF MAMARONECK

AP GL Distribution Report

PUR4130 1.0

Page 31 of 34

Prepared By: HLANGERFELD

Fiscal Year: 2018 Period From: 1 To: 12 Pay Due Date 09/25/2017 To: 09/25/2017

Account No.	PO No.	Check ID	Check No.	Vendor Code	Vendor Name	Detail Line Description	Invoice No.	Invoice Date	Pay Due	Period	Enc. Amount	Expense Amount
Fund TA					AGENCY FUND							
Dept 0000					.							
TA.0000.3103.0422					128 LIBRARY LN 3S-2017PB ELK HOMES PARTNERS II LP							
Total TA.0000.3103.0422					128 LIBRARY LN 3S-2017PB ELK HOMES PARTNERS II LP						0.00	1,871.00
TA.0000.3103.0435					612 WAVERLY-PLANNING-PARKING LOT SITE PLAN							
55581147		02091		0000007468	TERRABELLA LANDSCAPE DESIGN L *****	PROFESSIONAL SERVICES FOR PLANNING BOARD ESCROWS		09/25/2017		4	0.00	360.00
Total TA.0000.3103.0435					612 WAVERLY-PLANNING-PARKING LOT SITE PLAN						0.00	360.00
TA.0000.3103.0441					500 RUSHMORE -3W-2017 NICHOLS YACHT YARD							
55581147		02091		0000007468	TERRABELLA LANDSCAPE DESIGN L *****	PROFESSIONAL SERVICES FOR PLANNING BOARD ESCROWS		09/25/2017		4	0.00	427.50
Total TA.0000.3103.0441					500 RUSHMORE -3W-2017 NICHOLS YACHT YARD						0.00	427.50
TA.0000.3103.0443					145-149 LIBRARY LANE- PLANNING BOARD							
55581147		02091		0000007468	TERRABELLA LANDSCAPE DESIGN L *****	PROFESSIONAL SERVICES FOR PLANNING BOARD ESCROWS		09/25/2017		4	0.00	585.00
Total TA.0000.3103.0443					145-149 LIBRARY LANE- PLANNING BOARD						0.00	585.00
TA.0000.3103.0448					746 MAMARONECK-ZBA-AVALON PROP.							
55581147		02091		0000007468	TERRABELLA LANDSCAPE DESIGN L *****	PROFESSIONAL SERVICES FOR PLANNING BOARD ESCROWS		09/25/2017		4	0.00	360.00
Total TA.0000.3103.0448					746 MAMARONECK-ZBA-AVALON PROP.						0.00	360.00
Total Dept 0000					.						0.00	7,739.75
Total Fund TA					AGENCY FUND						0.00	7,739.75
Grand Total											0.00	553,944.87

Dept. No.	Name	Enc. Amount	Exp. Amount
0000	.	0.00	8,743.53
1010	BOARD OF TRUSTEES	0.00	596.29
1110	VILLAGE JUSTICE	0.00	60.44
1210	MAYOR	0.00	66.52
1230	VILLAGE MANAGER	0.00	2,664.31
1325	CLERK-TREASURER	0.00	4,052.06

Date Prepared: 09/22/2017 03:26 PM

Report Date: 09/22/2017

Account Table:

Alt. Sort Table:

VILLAGE OF MAMARONECK

AP GL Distribution Report

PUR4130 1.0

Page 32 of 34

Prepared By: HLANGERFELD

Fiscal Year: 2018 Period From: 1 To: 12 Pay Due Date 09/25/2017 To: 09/25/2017

Account No.	Vendor Name	Enc. Amount	Expense Amount
Voucher No. PO No. Check ID Check No. Vendor Code Detail Line Description Invoice No. Invoice Date Pay Due Period			
	1420 LAW	0.00	2,083.33
	1440 ENGINEER	0.00	58.27
	1490 PUBLIC WORKS ADMIN.	0.00	1,928.64
	1620 PUBLIC SAFETY BUILDING	0.00	449.55
	1621 ADMINISTRATIVE OFFICES	0.00	1,805.33
	1622 OPERATION OF BUILDINGS	0.00	34.70
	1640 CENTRAL GARAGE	0.00	859.02
	1650 CENTRAL COMMUNICATION SYS	0.00	8,148.36
	1680 CENTRAL DATA PROCESSING	0.00	5,173.38
	1950 TAXES VILLAGE PROPERTY	0.00	2,146.84
	1964 REFUND ON REAL PROP. TAX	0.00	7,568.15
	3120 POLICE DEPT	0.00	8,405.13
	3310 TRAFFIC CONTROL	0.00	1,452.50
	3320 ON STREET PARKING	0.00	92.86
	3321 ON STREET METER REPAIR	0.00	1,003.55
	3410 FIRE DEPARTMENT	0.00	39,486.39
	3620 SAFETY INSP.-BLDG.	0.00	1,323.37
	3621 ELECTRICAL DEPARTMENT	0.00	563.89
	5110 STREET MAINTENANCE	0.00	8,651.07
	5142 SNOW REMOVAL	0.00	146.03
	5182 STREET LIGHTING	0.00	1,178.00
	7010 ARTS COUNCIL	0.00	6,300.00
	7110 PARKS DEPARTMENT	0.00	8,853.37
	7140 RECREATION ADMINISTRATION	0.00	545.94
	7143 SPECIAL EVENTS	0.00	83.10
	7180 BEACH	0.00	5,323.45
	7230 MARINA & DOCKS	0.00	706.87
	7317 YOUTH PROG. - DAY CAMP	0.00	3,720.13
	7550 CELEBRATIONS	0.00	4,200.00
	8010 BOARD OF APPEALS	0.00	592.00
	8020 PLANNING	0.00	234.03
	8120 SANITARY SEWER SYSTEM	0.00	8,287.93
	8160 SANITATION/WASTE COLLECTION	0.00	30,415.79
	8170 STREET CLEANING	0.00	1,221.55
	8560 SHADE TREES	0.00	5,017.00
	9045 LIFE INSURANCE	0.00	618.00
	9060 HOSPITAL & MEDICAL INS.	0.00	355,692.95
	9070 DENTAL INSURANCE	0.00	11,030.27
	9075 OPTICAL INSURANCE	0.00	2,360.98

Date Prepared: 09/22/2017 03:26 PM

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PUR4130 1.0

Page 33 of 34

Prepared By: HLANGERFELD

Account No.	Vendor Name									Enc.	Expense
Voucher No.	PO No.	Check ID	Check No.	Vendor Code	Detail Line Description	Invoice No.	Invoice Date	Pay Due	Period	Amount	Amount
Grand Total:						0.00	553,944.87				

Village of Mamaroneck, NY

Item Title: Resolution Authorization To Execute A Lease Agreement With Larchmont-Mamaroneck Community Television (LMC-TV) To Lease Village Owned Property

Item Summary: Resolution Authorization To Execute A Lease Agreement With Larchmont-Mamaroneck Community Television (LMC-TV) To Lease Village Owned Property

Fiscal Impact:

ATTACHMENTS:

Description

Type

Item 4E

Cover Memo

second revised LMC-TV lease 8.31.17

Cover Memo

LMC-TV Alternative Presentation 091117 v2

Cover Memo

Village of



Mamaroneck

Village Hall At The Regatta

P.O. Box 369

123 Mamaroneck Avenue

Mamaroneck, N.Y. 10543

<http://www.villageofmamaroneck.org>

OFFICE OF
ROBERT YAMUDER
VILLAGE MANAGER

Tel (914) 777-7703

Fax (914) 777-7760

SEPTEMBER 11, 2017

ITEM 4E – AGENDA REGULAR MEETING

RESOLUTION RE:

**AUTHORIZATION TO EXECUTE A LEASE AGREEMENT WITH LARCHMONT-MAMARONECK
COMMUNITY TELEVISION (LMC-TV) TO LEASE VILLAGE OWNED PROPERTY**

WHEREAS, for nearly 35 years, Larchmont-Mamaroneck Community Television (LMC-TV) has operated the preeminent public access television program in Westchester County and has helped to heighten community awareness and increase community participation through the making and viewing of local television reflecting the concerns, interests and activities of the community; and

WHEREAS, through its efforts, LMC-TV has fostered an informed citizenry actively engaged with their civic institutions including their local governments and school districts, as well as promoting various other community activities which serve to meet the cultural, spiritual and educational needs of the larger Mamaroneck community; and

WHEREAS, it is proper and appropriate that local governments support the use of these valuable media resources, such as LMC-TV, in furtherance of the mission of promoting an informed public as they have been provided through the negotiation of franchise agreement with cable companies; and

WHEREAS, since its inception, LMC-TV has grown in both its programmatic capabilities and space needs and currently operates out of multiple facilities and its asset to the community would only be enhanced by relocating to a consolidated facility with a highly visible location; and

WHEREAS, one such location is the former Hook & Ladder Firehouse located at 147 Mamaroneck Avenue owned by the Village of Mamaroneck and among the benefits of said location is that it would allow LMC-TV to meet its programmatic objectives which include training community residents to produce local programming while also helping to activate an underutilized section of Mamaroneck Avenue within the Central Business District; and

WHEREAS, by resolution dated September 26, 2016, the Village of Mamaroneck Board of Trustees authorized the execution of a lease agreement with LMC-TV to lease said 147 Mamaroneck Avenue to LMC-TV; and

WHEREAS, since that authorization additional information has come to the attention of the Board of Trustees which alters some of the underlying assumptions on which the original was agreement was based; and

WHEREAS, the Board of Trustees has caused a new lease agreement to be prepared, which provides for a long-term lease for LMC-TV to ensure the continued operation of this valuable community asset with an option establish a permanent presence to purchase the Firehouse at a set price while also providing a direct financial

benefit through the financial terms of the lease, for a property that is currently tax-exempt, while also serving to revitalize the 100 block of Mamaroneck Avenue which will have an ancillary economic benefit;

NOW, THEREFORE, BE IT RESOLVED by the Village of Mamaroneck Board of Trustees that the Village Manager is authorized to execute a lease agreement in substantially the same form as attached hereto and made a part hereof, to lease the former Hook & Ladder Firehouse located at 147 Mamaroneck Avenue and identified as Section 9, Block 12, Lot 8 on the Town of Mamaroneck Tax Map; and be it further

RESOLVED, that the Village Manager is authorized to take such other and further administrative acts as may be necessary to effectuate the terms of the agreement.

THE VILLAGE OF MAMARONECK, Landlord

and

LARCHMONT MAMARONECK COMMUNITY TELEVISION, INC., Tenant

AGREEMENT OF LEASE
DATED: _____

AGREEMENT OF LEASE (this "Lease"), made as of the ____ day of _____, 2016⁷ between THE VILLAGE OF MAMARONECK, a domestic municipal corporation, being a Village in the County of Westchester and State of New York, with offices at 123 Mamaroneck Avenue, Mamaroneck, NY 10543, ("Landlord") and LARCHMONT MAMARONECK COMMUNITY TELEVISION, INC., having an address at _____ ("Tenant").

ARTICLE 1

Certain Terms

1.01 The following terms shall have the meanings set forth opposite each of them:

"Base Rent." ~~For the first ten (10) Rent Years, \$25,200.00~~ \$46,200.00 per Rent Year, payable in equal monthly installments of ~~\$2,100.00~~ \$3,850.00 per month;

For the following five (5) Rent Years, and provided Tenant exercises Tenant's First Continuation Option (as defined and in accordance with Article 31 below) (the "First Continuation Term"), and for the five (5) Rent Years following the First Continuation Term, provided Tenant exercises Tenant's Second Continuation Option (as defined and in accordance with Article 31 below) (the "Second Continuation Term"), the Base Rent shall be "Fair Market Value". In determining Fair Market Value, the Landlord shall notify Tenant of the Fair Market Value as established by Landlord which Fair Market Value should be reduced to take account of the fact that Tenant has installed, and continues to maintain, all improvements and the fixtures, machinery and equipment located in or on the Demised Premises. Should Tenant dispute Landlord's determination, then the Tenant shall be free to, at the Tenant's sole cost and expense, employ the services of an appraiser familiar with similar uses in similar buildings located within the Westchester County area, who shall be a member of MAI and who shall render an appraisal. If the Landlord and the Tenant's appraiser cannot agree on the Fair Market Value, or in such case, on an independent appraiser acceptable to both, either party may request the American Arbitration Association to appoint such independent appraiser who shall be a member of MAI familiar with similar buildings in the area of the Demised Premises, and in such event the judgment of the independent appraiser shall be final and binding upon the parties. The parties shall share equally in the cost of any such independent appraiser. Pending resolution of the issue of fair rental value, the Tenant shall pay Landlord as of commencement of the respective continuation term, the Base Rent as established by Landlord, subject to retroactive adjustment upon final determination of this issue.

"Building." The building erected in the Village of Mamaroneck, State of New York, and known as 147 Mamaroneck Avenue, Mamaroneck, New York.

"Commencement Date." October 1, 2017, or 30 days from the date on which Landlord's Improvements are completed, whichever is later.

"Demised Premises." The land on which the Building is located, as more particularly described in Schedule A attached hereto and made a part hereof, and the Building and other

improvements located thereon.

“Expiration Date.” The day that is one (1) day prior to the tenth (10th) anniversary of the Commencement Date.

“Landlord’s Improvements.” The structural improvements that Landlord is required to make under Section 2.03 of this Lease Agreement.

“Rent Commencement Date.” The earlier of (i) the date on which the Certificate of Occupancy for the Demised Premises is issued and (ii) the date on which ~~is~~ the Certificate of Occupancy for the Demised Premises would have been issued had Tenant acted with due diligence in completing the work necessary to obtain a Certificate of Occupancy, but not later than one year from the Commencement Date.

Provided Tenant acts diligently and in good faith to obtain the Certificate of Occupancy for the Demised Premises as expeditiously as possible, Tenant may request an extension of the Rent Commencement Date if the issuance of the Certificate of Occupancy is delayed beyond one year from the Commencement Date due to circumstances outside of Tenant’s control.

“Rent Year.” The period commencing on the Rent Commencement Date and ending with the day preceding the first anniversary of such date, and each twelve-month period thereafter measured from each anniversary date, except that if the period between the last such anniversary and the Expiration Date is less than twelve months, then the last Rent Year shall be such lesser period.

“Security Deposit.” \$4,200.00 deposited pursuant to Article 33 hereof.

“Tenant’s Property.” All of Tenant’s trade fixtures, moveable equipment and other moveable personal property.

“Term.” The period beginning on the Commencement Date and ending at noon on the Expiration Date.

“Unavoidable Delays.” Acts of God, governmental restrictions or guidelines, strikes, labor disturbances, shortages of materials and supplies and any other causes or events whatsoever beyond Landlord’s reasonable control.

ARTICLE 2

Demise and Premises; Landlord’s Improvements

2.01 Landlord hereby leases to Tenant, and Tenant hereby hires from Landlord, the Demised Premises for the Term, for the rents herein reserved and upon and subject to the conditions and covenants hereinafter provided. Each party hereto agrees to observe and perform all of the conditions and covenants herein contained on its part to be observed and performed.

2.02 Tenant hereby represents, warrants, confirms and agrees that it has inspected the

Demised Premises, knows the condition thereof and agrees to accept the same on the Commencement Date “as is” subject to any and all defects therein, latent or otherwise, except as in this Lease expressly set forth to the contrary. Tenant acknowledges that, except as expressly set forth in this Lease, Landlord has made no warranties or representations whatsoever with respect to the Building, the Demised Premises or the furniture, fixtures and personal property therein contained or therein to be contained on the Commencement Date, if any, and Tenant agrees that Landlord has no obligation to alter or repair the Building, the Demised Premises or the furniture, fixtures and personal property therein contained or therein to be contained on the Commencement Date, if any, or to prepare the same in any way for Tenant’s occupancy, use or otherwise, except as expressly set forth in this Lease to the contrary. Landlord further represents, warrants and agrees that the Demised Premises shall be delivered vacant, broom clean and free of all leases, tenants and occupancies as of the Commencement Date, failing which the Commencement Date shall be extended until such time as the Demised Premises are in the condition required by this sentence.

2.03 Prior to Tenant’s occupancy, Landlord will make up to \$500,000 in structural improvements to be mutually agreed upon by Landlord and Tenant.

ARTICLE 3

Rent

3.01 Commencing on the Rent Commencement Date, Tenant shall pay to Landlord without notice or demand and without abatement, deduction or set-off, in lawful money of the United States of America, at the office of the Landlord as specified on the first page of this Lease or at such other place as Landlord may designate in writing, the Base Rent reserved under this Lease for each Rent Year of the Term, payable in equal monthly installments in advance on the first day of each and every calendar month during the Term; and additional rent consisting of all such other sums of money as shall become due from and payable by Tenant hereunder (for default in payment of which Landlord shall have the same remedies as for a default in payment of Base Rent).

3.02 Tenant shall pay the Base Rent and additional rent herein reserved promptly as and when the same shall become due and payable under this Lease. If the Rent Commencement Date shall occur on a day other than the first day of a calendar month the Base Rent and additional rent shall be prorated for the period from the Rent Commencement Date to the last day of the said calendar month and shall be due and payable on the Rent Commencement Date.

3.03 Whenever used in this Lease, the term (insofar as it pertains to this Lease) “fixed rent,” “minimum rent,” “base rent” or “basic rent,” or any such term using the word “rental,” “rents,” or “rentals” in lieu of “rent,” shall mean Base Rent; and whenever used in this Lease, the term (insofar as it pertains to this Lease) “rent,” “rental,” “Rent,” or the plural of any of them, shall mean Base Rent and additional rent.

3.04 If Tenant shall fail to pay within ten (10) days of when due any installment or payment of Base Rent or additional rent, Tenant shall be required to pay a late charge of \$0.04 for each \$1.00 which remains so unpaid. Such late charge is intended to compensate Landlord

for additional expenses incurred by Landlord in processing such late payments. Nothing herein shall be intended to violate any applicable law, code or regulation, and in all instances all such charges shall be automatically reduced to any maximum applicable legal rate or charge. Such charge shall be imposed monthly for each late payment.

3.05 It is the purpose and intent of Landlord and Tenant that, except as expressly set forth in this Lease to the contrary, the Base Rent shall be absolutely net to Landlord, and that all costs, expenses and other charges and obligations of every kind and nature whatsoever relating to the Demised Premises or the Building and improvements situated thereon which may arise or become due during or out of the Term shall be paid by Tenant, as set forth herein.

ARTICLE 4

Payment of Taxes, Assessments, Etc.

4.01 During and throughout the Term, Tenant shall pay, before any fine, penalty, interest or cost may be added thereto, or become due, or be imposed by operation of law for the non-payment thereof, all taxes, assessments, water and sewer rents, rates and charges, charges for public utilities, excises, levies, licenses and permit fees, and other governmental charges, general and special, ordinary and extraordinary, unforeseen and foreseen, of any kind and nature whatsoever which at any time during the Term may be assessed, levied, confirmed, imposed, or become a lien on, the Demised Premises or any buildings or improvements now or hereafter situated thereon or any part thereof (including, without limitation, buildings and improvements during the course of construction) or any appurtenance thereto.

ARTICLE 5

Utilities

5.01 It is specifically agreed that Tenant shall provide and pay for heat, electricity, air conditioning, oil, gas, water, and any and all other utilities for the Demised Premises, and Landlord shall not be required to furnish, or be liable for any interruption of, any services, utilities or facilities to, or about, the Demised Premises. Notwithstanding the foregoing, the accounts for the utilities described herein shall remain in the name of the Landlord.

ARTICLE 6

Use

6.01 The Demised Premises shall be used and occupied, in accordance with applicable law, solely as the home office for Tenant including TV studios and transmitting facilities, and for no other purpose (the "Permitted Use").

6.02 Tenant shall not use the Demised Premises or any part thereof or allow the same to be used or occupied in violation of any certificate of occupancy covering the use of the Demised Premises or allow any condition to exist on the Demised Premises or any part thereof or any article to be brought thereon, which may be dangerous, unless safeguarded as required by

law.

6.03 Tenant shall not suffer or permit the Demised Premises or any part thereof to be used in any manner, or anything to be done therein, or suffer or permit anything to be brought into or kept therein, which would in any way (i) violate any of the provisions of any grant, lease, or mortgage to which this Lease is subordinate, (ii) violate any laws or requirements of public authorities, (iii) make void or voidable any fire or liability insurance policy then in force with respect to the Building, (iv) cause or in Landlord's reasonable opinion be likely to cause physical damage to the Demised Premises or any part thereof or (v) constitute a public or private nuisance.

6.04 If any governmental license or permit, other than a Certificate of Occupancy, shall be required for the proper and lawful conduct of Tenant's business in the Demised Premises, or any part thereof, then Tenant, at its expense, shall duly procure and thereafter maintain such license or permit, but in no event shall failure to procure and maintain same by Tenant affect Tenant's obligations hereunder. Tenant shall not at any time use or occupy, or suffer or permit anyone to use or occupy the Demised Premises, or do or permit anything to be done on or about the Demised Premises, in violation of the Certificate of Occupancy for the Building.

6.05 Tenant shall not place a load upon any floor of the Building exceeding the floor load per square foot which such floor was designed to carry and which is allowed by certificate, rule, regulation, permit or law.

ARTICLE 7

Access

7.01 Landlord or Landlord's agents or employees shall have the right upon written request made on reasonable advance notice to Tenant, or to an authorized employee of Tenant at the Demised Premises, to enter and/or pass through the Demised Premises or any part thereof, at reasonable times during reasonable hours, (i) to examine the Demised Premises or to show them to holders of mortgages, insurance carriers, or prospective purchasers or mortgagees of the Demised Premises, (ii) for the purpose of making repairs or changes in or to the Demised Premises which are the responsibility of Landlord under this Lease or which are the responsibility of Tenant under this Lease upon the failure of Tenant to timely do so (provided, however, that this right shall not be deemed as obligating Landlord to make any repairs which are the responsibility of Tenant in accordance with the terms hereof); and (iii) during the last six (6) months of the term of this Lease, to exhibit the Demised Premises to prospective tenants. Landlord's rights under this Section shall be exercised in such manner as will not unreasonably interfere with Tenant's use and occupancy of the Demised Premises. In furtherance of the preceding sentence, Landlord agrees that: (a) it will take reasonable steps to avoid obstructing Tenant's means of access to the Demised Premises during the period of time when Landlord may be performing repairs to the Demised Premises as in this Lease provided; (b) in connection with any such repairs, only materials and equipment used to perform such repairs will be stored at the Demised Premises; and (c) all installations made by Landlord in the Demised Premises in connection with any such repairs shall, to the extent commercially practicable, be concealed in the walls, existing columns, ceilings or floors. Landlord, its agents or employees, shall also have

the right to enter on and/or pass through the Demised Premises, or any part hereof without notice at such times as such entry shall be required by circumstances of emergency affecting the Demised Premises; included among the foregoing emergencies shall be a situation where water has entered the Building, in which event upon Landlord learning thereof Landlord may (but shall not be obligated to) enter the Building and remove such water, and Tenant shall pay Landlord for the cost of such removal as additional rent.

ARTICLE 8

Tenant's Changes

8.01 Except for Tenant's Structural Changes (as defined below) depicted on the plans and specifications attached hereto as Exhibit 1, which changes have heretofore been approved by the Landlord, Tenant shall not, at any time or from time to time during the Term, make any structural alterations, additions, installations, substitutions, or improvements (hereinafter collectively called "structural changes" and, as applied to changes provided for in this Article, "Tenant's Structural Changes") in and to the Demised Premises, without Landlord's prior written consent in all instances, which consent shall not be unreasonably withheld, conditioned or delayed. If Landlord shall consent, all Tenant's Changes shall comply with the following conditions: (a) the proper functioning of any of the mechanical, electrical, sanitary and other service systems of the Building shall not be adversely affected; and (b) before proceeding with any change Tenant shall submit to Landlord, for Landlord's reasonable approval, plans and specifications for the work to be done. In connection with any Tenant's Structural Changes, Landlord agrees to review and either approve or deny Tenant's plans and specifications therefore not later than thirty (30) days after the full and complete submission thereof to Landlord (the "Submission Date"). Upon the completion of Landlord's review of Tenant's plans and specifications as aforesaid, Landlord shall advise Tenant in writing either that Landlord approves of Tenant's plans and specifications or that Landlord does not approve of Tenant's plans and specifications and, if Landlord does not issue its approval, Landlord shall state the reasons why Landlord has not approved Tenant's plans and specifications. Tenant may, thereafter, re-submit Tenant's plans and specifications for Landlord's re-review and, not later than ten (10) days thereafter, Landlord shall advise Tenant in writing either that Landlord approves of Tenant's plans and specifications or that Landlord does not approve of Tenant's plans and specifications and, if Landlord does not issue its approval, Landlord shall again state the reasons why Landlord has not approved Tenant's plans and specifications. This resubmission and re-review procedure shall continue at Tenant's election until Tenant's plans and specifications are approved by Landlord. Except for Tenant's Structural Changes depicted on the plans and specifications attached hereto as Exhibit 1, which changes have heretofore been approved by the Landlord, Tenant agrees to reimburse Landlord for its actual and reasonable out of pocket costs paid to or incurred in favor of Landlord's architects, engineers and other professional advisors in connection with the review of Tenant's plans and specifications.

8.02 All Tenant's Structural Changes shall at all times comply with laws, orders and regulations of governmental authorities having jurisdiction thereof, and Tenant, at its expense, shall obtain all necessary governmental permits and certificates for the commencement and prosecution of Tenant's Structural Changes and for final approval thereof upon completion, and shall cause Tenant's Structural Changes to be performed in compliance therewith and with all

applicable requirements of insurance bodies, and in good and first class workmanlike manner, using materials and equipment at least equal in quality and class to the original installations of the Building. Throughout the performance of Tenant's Structural Changes, Tenant, at its expense, shall carry, or cause to be carried, workmen's compensation insurance in statutory limits, and general liability insurance for any occurrence on, in or about the Building, of which Landlord shall be named as additional insured, in such limits as Landlord may reasonably prescribe (but not less than those specified in Article 11), with insurers admitted to do business in the State of New York having a rating of no less than "A/VII" in the most current edition of Bests Key Rating Guide. Tenant shall furnish Landlord with reasonably satisfactory evidence that such insurance is in effect at or before the commencement of Tenant's Structural Changes and, on request, at reasonable intervals thereafter during the continuance of Tenant's Structural Changes. No Tenant's Structural Changes shall involve the removal of any fixtures, equipment or other property in the Demised Premises (other than Tenant's Personal Property), unless such fixtures, equipment or other property shall be promptly replaced, at Tenant's expense and free of superior title, liens and claims, with fixtures, equipment or other property (as the case may be) of like utility and at least equal value (which replaced fixtures, equipment or other property shall thereupon become the property of Landlord), unless Landlord shall otherwise expressly consent in writing.

8.03 Tenant, at its expense, and with diligence and dispatch, shall procure the cancellation or discharge of all notices of violation arising from or otherwise connected with Tenant's Structural Changes which shall be issued by the appropriate department of the municipality where the Building is located or any other public authority having or asserting jurisdiction. Tenant shall defend, indemnify and save harmless Landlord against any and all mechanics and other liens in connection with Tenant's Structural Changes, repairs or installations, including but not limited to the liens of any conditional sales of, or chattel mortgages upon, any materials, fixtures, or articles so installed in and constituting part of the Demised Premises and against all costs, attorney's fees, fines, expenses and liabilities reasonably incurred in connection with any such lien, conditional sale or chattel mortgage or any action or proceeding brought thereon. Tenant, at its expense, shall, not later than thirty (30) days after the filing of any such lien against the Demised Premises or the Building, procure the satisfaction and discharge of such lien by bonding or otherwise. If Tenant shall fail to comply with the foregoing requirements within the aforesaid time period, then, in addition to any other right or remedy that Landlord may have, Landlord may, but shall not be obligated to, discharge the same either by paying the amount claimed to be due or by procuring the discharge of such lien by deposit or by bonding proceedings.

8.04 For purposes of this Article 8, Tenant's Structural Changes shall mean alterations, additions, installations, substitutions, or improvements to the following portions of the Demised Premises: the roof (including, without limitation, membrane, decking and related systems), façade, foundation, footings, exterior and load bearing walls, load bearing columns and supports, and exterior drainage and piping.

ARTICLE 9

Personal Property

9.01 All fixtures, equipment, improvements and appurtenances attached to or built into the Demised Premises at the Commencement Date or during the Term, whether or not by or at the expense of Tenant, other than Tenant's Property, and except as set forth in Article 8, shall be and remain a part of the Demised Premises, shall be deemed the property of Landlord and shall not be removed by Tenant.

ARTICLE 10

Repairs and Maintenance

10.01 Tenant shall, at all times during the Term, at its sole cost and expense, maintain the Demised Premises including without limitation, in a condition of proper cleanliness, order and state of attractive appearance; keep the sidewalks and streets adjoining the Demised Premises and any sidewalks, pathways, lawns, shrubs, trees and other landscaped areas, lighting and parking areas located on the Demised Premises in good order and repair, and free from snow, ice or any unlawful obstructions; and Tenant will, at all times make all necessary repairs to the Demised Premises of whatever nature, extraordinary as well as ordinary, excluding, however, Structural Repairs (defined below), which Structural Repairs shall be the responsibility of Landlord to make under this Lease as and when required, to the same condition as of the Commencement Date, and Tenant will keep all improvements and the fixtures, machinery and equipment located in or on the Demised Premises and every part thereof in good order and repair, reasonable wear and tear excepted. It is specifically understood and agreed that Landlord shall have no duty whatsoever to keep any portion of the Demised Premises free from snow and ice, nor to make any repairs of any kind to the Demised Premises or to the sidewalks and streets adjacent thereto, or to any other improvements, or to the fixtures, machinery and equipment located thereon during the Term, except as expressly set forth in this Lease. For purposes of this Article 10, "Structural Repairs" means repairs to the roof (including, without limitation, membrane, decking and related systems), foundation, footings, exterior and load bearing walls, load bearing columns and supports, and exterior drainage and piping.

10.02 In the event Tenant defaults in making any repairs to, or maintenance of, the Demised Premises as provided in this Article 10 and, at its option, Landlord elects in accordance with Article 25 to make such repairs (at the expense of Tenant and subject to any other terms of this Lease) during Tenant's continued occupancy of the Demised Premises (which election shall not waive any other rights Landlord may have hereunder), Landlord shall have no liability to Tenant by reason of any inconvenience, annoyance, interruption or injury to Tenant's business arising from Landlord making said repairs.

10.03 When used in this Lease the term "repair" shall be deemed to include restoration and replacement as may be necessary to achieve and/or maintain good working order and condition.

10.04 Tenant agrees, from time to time during the term of this Lease, to engage the

services of an exterminating company as may be necessary to treat the Demised Premises for rodents, insects and other possible infestations.

ARTICLE 11

Insurance

11.01 Tenant, at its expense, shall maintain throughout the Term the following types of insurance: (a) Commercial General Liability Insurance covering claims for bodily injury, death and property damage occurring upon, in or about the Demised Premises; such insurance shall afford coverage of not less than \$3,000,000.00 combined single limit for bodily injury, death and property damage; there shall be added to or included within said liability insurance all other coverages as may be usual to Tenant's use of the Demised Premises; said insurance shall be written in a primary policy not contributing with, or in excess of, insurance that Landlord may have and shall include coverage on an "occurrence basis" rather than a "claims made" basis; (b) "all risk" property insurance on all of Tenant's Property, including contents and trade fixtures; (c) workers' compensation and employer's liability as required by law; (d) disability benefits liability as required by law; and (e) owners' and contractors' protective liability coverage in an amount not less than \$1,000,000 during the performance by or on behalf of Tenant of any work under this Lease, until completion thereof. The insurance described in clauses (a) and (e) hereof shall indicate that the Landlord and any mortgagee of a superior mortgage are additional insureds.

11.02 (A) Tenant at its own cost and expense, during the Term, shall keep insured the Building together with all other betterments and improvements forming part of the Demised Premises, against loss or damage by fire and such other risks as are from time to time customarily included in the broad form of extended coverage endorsements (commonly known as "all risk" endorsements) attached to the fire insurance policies in the State of New York, in an amount sufficient to prevent the insured from becoming a co-insurer within the terms of the applicable policies, but in any event in an amount not less than one hundred (100%) percent of the full replacement cost of the Building and other betterments and improvements. Said policy shall be endorsed to name Landlord as the sole loss payee and provide that all proceeds of such policy be paid to Landlord.

(B) The term "replacement cost" insofar as the Building is concerned shall mean the full cost of repair or replacement of the Building, betterments and improvements included in the Demised Premises without deduction for depreciation but excluding foundation and excavation costs or the cost of underground flues, pipes and drains.

(C) If Landlord, acting reasonably, claims that the amount of fire insurance carried by Tenant is not sufficient to cover the replacement cost of the Building and the betterments and improvements thereto as from time to time existing, then Tenant, at the request of Landlord, shall obtain a written appraisal of the insurance company or companies underwriting the risk or of a party acceptable to such company or companies and the replacement cost as given in said appraisal shall be deemed the replacement cost of the Building, betterments and improvements.

11.03 On or before the Commencement Date, Tenant shall furnish Landlord with a paid

certificate evidencing the aforesaid insurance coverage, and renewal certificates shall be furnished to Landlord at least thirty (30) days prior to the expiration date of each policy for which a certificate was theretofore furnished. In the event Tenant fails to procure any insurance required under this Lease, after notice to Tenant, Landlord may, but shall not be obligated to procure same, in which event, the premium paid shall be refunded by Tenant to Landlord within twenty (20) days of demand.

11.04 All such insurance shall be effected under valid and enforceable policies (i) which may cover the Demised Premises and other locations provided that at all times there is adequate insurance attributable to the Demised Premises to comply with the insurance requirements set forth herein, (ii) shall be issued by an insurer of recognized responsibility licensed to do business in New York State and reasonably satisfactory to Landlord with a Best's Key Rating Guide of "A/VII" or better, (iii) shall contain a provision whereby the insurer agrees not to cancel, or materially amend, the insurance without thirty (30) days' prior written notice to Landlord, and (iv) may contain deductibles in such amounts as Tenant determines, but not exceeding \$5,000 with respect to property damage and \$10,000 with respect to liability insurance.

11.05 Notwithstanding any other provision of this Lease, in the event of loss or damage to the Building or the Demised Premises, and/or any contents, each of Landlord and Tenant agree to look first to any insurance in its favor (which, in the case of Landlord, may include any casualty insurance obtained by Tenant in respect of which Landlord is named as loss payee) before pursuing any claim against the other party. Landlord and Tenant shall use due diligence to obtain, for each policy of such property insurance, provisions pursuant to which their insurer waives subrogation or consents to a waiver of any claim against the other party, their employees and agents, for loss or damage within the scope of the insurance, and to the extent of such waiver or consent, each party for itself and its insurers waives all such insured claims against the other party. If such waiver or agreement is available only upon payment of a premium, the insured party shall notify the other party promptly after learning thereof and the other party shall have the right to pay the premium and obtain the waiver or otherwise to forfeit the waiver.

11.06 All Tenant's insurance coverage provided shall be endorsed to be primary to all insurance available to Landlord, with all insurance carried by Landlord being excess, secondary and non-contributing.

11.07 Tenant hereby releases Landlord from any and all claims or causes of action whatsoever that Tenant might otherwise now or hereafter possess resulting in or from or in any way connected with any loss covered or which should have been covered by insurance including, without limitation, the deductible and/or uninsured portion thereof, maintained and/or required to be maintained by Tenant pursuant to this Lease.

ARTICLE 12

Subordination, Attornment, Notice to Lessor and Mortgagees

12.01 This Lease, and all rights of Tenant hereunder, are and shall be (a) subject and subordinate in all respects to all present and future ground leases, over-riding leases and underlying leases and/or grants of term of the Demised Premises or any part thereof ("superior

leases”), (b) subject to all mortgages and building loan agreements, which may now or hereafter affect the Demised Premises or any part thereof (herein referred to as “superior mortgages”), whether or not the superior leases or superior mortgages shall also cover other lands and/or buildings, and the foregoing shall extend to each and every advance made or hereafter to be made under the superior mortgages, and to all renewals, modifications, replacements and extensions of the superior leases and superior mortgages and spreaders, consolidations and correlations of the superior mortgages. This Section shall be self-operative and no further instrument of subordination shall be required. In confirmation of such subordination, Tenant shall promptly execute and deliver at its own cost and expense any instrument, in recordable form, if required, that Landlord, the lessor of any superior lease or the holder of any superior mortgage or any of their respective successors in interest may request to evidence such subordination. Notwithstanding the preceding sentence, in confirmation of such subordination, Tenant shall promptly execute and deliver at its own cost and expense any instrument, in recordable form, if required, that Landlord, the lessor of any superior lease or the holder of any superior mortgage or any of their respective successors in interest may request to evidence such subordination, provided, that any such instrument shall, in the case of a holder of a superior mortgage that is an institutional lender, be on such lender’s then standard form and, in the case of a holder of a superior mortgage that is not an institutional lender or in the case of a lessor of a superior lease, be in a form that is commercially reasonable and, in any case, the form of instrument shall not increase or decrease Tenant’s obligations under this Lease, other than to a de minimus extent.

12.02 Tenant agrees without further instruments of attornment in each case, to attorn to the lessor of any superior lease, or to the holder of any superior mortgage or any successor to such holder’s interest, upon such holder’s or successor’s request, as the case may be, to waive the provisions of any statute or rule or law now or hereafter in effect which may give or propose to give Tenant any right of election to terminate this lease or to surrender possession of the Demised Premises in the event a superior lease is terminated or a superior mortgage is foreclosed, and that unless and until said lessor, or holder, as the case may be, shall elect to terminate this Lease, Tenant’s obligations under this Lease shall not be affected in any way whatsoever by any such proceeding or termination (it being understood, however, that such holder or successor in interest shall under no circumstances: (i) be bound by any payment of rent for more than one month in advance, except to the extent such rent is actually received by such holder or successor; (ii) be bound by any amendment or modification of the Lease without the consent of such holder or successor in interest or; (ii) be bound by any act or omission of Landlord occurring prior to such attornment), and Tenant shall take no steps to terminate this Lease without giving written notice to said lessor under the superior lease, or holder of a superior mortgage, and a reasonable opportunity to cure (without such lessor or holder being obligated to cure), any default on the part of the Landlord under this Lease. In confirmation of such attornment, Tenant shall promptly execute and deliver at its own cost and expense any instrument, in recordable form, if required, that Landlord, the lessor of any superior lease or the holder of any superior mortgage or any of their respective successors in interest may request to evidence such attornment, provided that any such instrument shall, in the case of a holder of a superior mortgage that is an institutional lender, be on such lender’s then current form and, in the case of a holder of a superior mortgage that is not an institutional lender or in the case of a lessor of a superior lease, be in a form that is commercially reasonable and, in either case, the form of

instrument shall not increase or decrease Tenant's obligations under this Lease, other than to a de minimis extent.

12.03 Notwithstanding anything contained in this Lease to the contrary, Tenant's subordination of this Lease and its rights hereunder to any superior lease and/or any superior mortgage shall be conditioned upon Landlord obtaining from the lessor of any such superior lease and/or the holder of any such superior mortgage an agreement, on such lessor's or holder's then standard form, to the effect that, so long as Tenant is not in default under this Lease, such lessor or holder will not disturb Tenant's possession under this Lease.

ARTICLE 13

Assignment and Subletting

13.01 Neither this Lease nor the Term and estate hereby granted, nor any part hereof or thereof, nor the interest of Tenant in any sublease or the rentals thereunder, shall be assigned, mortgaged, pledged, encumbered or otherwise transferred by Tenant by operation of law or otherwise, and neither the Demised Premises nor any part thereof, shall be encumbered in any manner by reason of any act or omission on the part of Tenant or anyone claiming under or through Tenant, or shall be sublet, in whole or in part, or be used or occupied or permitted to be used or occupied by anyone other than Tenant or for any purpose other than as permitted by this Lease, excluding, however, hourly rental agreements for broadcasting between Tenant and third parties. In the event Landlord consents to an assignment of the Tenant's interest in this Lease, the Tenant initially named herein shall not be released from its obligations as Tenant under this Lease and shall remain jointly and severally liable therefor with the assignee of the Tenant's interest under this Lease.

13.02 If this Lease be assigned, whether or not in violation of the provisions of this Lease, Landlord may collect rent from the assignee. If the Demised Premises or any part thereof be sublet, in whole or in part, or be used or occupied by anybody other than Tenant, whether or not in violation of this Lease, Landlord may after default by Tenant, and expiration of Tenant's time to cure such default, collect rent from the subtenant or occupant. In either event, Landlord may apply the net amount collected to the rents herein reserved, but no such assignment, subletting, occupancy or collection shall be deemed a waiver of any of the provisions of Section 13.01, or the acceptance of the assignee, subtenant or occupant as tenant, or a release of Tenant from the further performance by Tenant of Tenant's obligations under this Lease. The consent by Landlord to assignment, mortgaging, subletting or use or occupancy by others shall not in any way be considered to relieve Tenant from obtaining the express written consent of Landlord to any other or further assignment, mortgaging, or subletting or use or occupancy by others not expressly permitted by this Article. References in this Lease to use or occupancy by others, that is, anyone other than Tenant, shall not be construed as limited to subtenants and those claiming under or through subtenants but as including also licensees and others claiming under or through Tenant, immediately or remotely.

ARTICLE 14

Compliance with Laws and Requirements of Public Authorities

14.01 Tenant shall promptly notify Landlord of any written notice it receives of the violation of, and Tenant shall comply with, any law, statute, code, rule, regulation or requirement (collectively, "Laws") of any Federal, State, Municipal or other public authorities which shall, with respect to the Building or the Demised Premises or the use and occupation of any of the foregoing or the abatement of any nuisance, impose any violation, order or duty arising from (i) Tenant's or any other party's specific use of the Demised Premises, (ii) Tenant's specific manner of conduct of any business or operation of its installations, equipment or other property therein, (iii) any cause or condition created by or at the insistence of Tenant or any other party, or (iv) breach of any of Tenant's obligations hereunder. Landlord shall be responsible for complying, at Landlord's sole cost and expense, with all Laws for which Tenant is not obligated to comply with under the terms of this Lease. Tenant's signage shall comply with all applicable laws and shall be approved by Landlord, which approval shall not be unreasonably withheld, conditioned or delayed.

ARTICLE 15

Quiet Enjoyment

15.01 Landlord covenants that if, and so long as, Tenant pays all of the Base Rent and additional rent due hereunder, and keeps and performs each and every covenant, agreement, term, provision and condition herein contained on the part and on behalf of Tenant to be kept and performed, Tenant shall quietly enjoy the Demised Premises without hindrance or molestation by Landlord or by any other person lawfully claiming the same, subject to the covenants, agreements, terms, provisions and conditions of this Lease and to any superior leases and/or superior mortgages.

ARTICLE 16

Non-Liability and Indemnification

16.01 Neither Landlord nor any agent or employee of Landlord shall be liable to Tenant, its employees, agents, contractors and licensees, and Tenant shall hold Landlord harmless for any injury or damage to Tenant or to any other persons or for any damage to, or loss (by theft, vandalism or otherwise) of any property of Tenant and/or of any other person, irrespective of the cause (unless caused by Landlord's negligence or failure to perform or comply with any of the covenants, agreements, terms, provisions, conditions or limitations contained in this Lease on the part of Landlord to be performed or complied with) of such injury, damage or loss, including, without limitation, that caused by water regardless of its source. Landlord shall not be liable in any event for loss of, or damage to, any property entrusted to any of Landlord's employees or agents by Tenant without Landlord's specific written consent. Landlord shall not be liable for the security or physical safety of Tenant, its employees, agents or visitors, including, without limitation, after hours use of the Demised Premises.

16.02 Tenant shall defend, indemnify and save harmless Landlord and its agents and employees against and from all liabilities, obligations, damages, penalties, claims, costs, charges and expenses, including reasonable architects' and attorneys' fees, which may be imposed upon or incurred by or asserted against Landlord and/or its agents by reason of any of the following occurring during the Term: (a) any work or thing done in on or about the Demised Premises or any part thereof by or at the insistence of Tenant, its agents, contractors, subcontractors, servants, employees, licensees or invitees; (b) any negligence or otherwise wrongful act or omission on the part of Tenant or any of its agents, contractors, subcontractors, servants, employees, subtenants, licensees or invitees; (c) any accident, injury or damage to any person or property occurring in, on or about the Demised Premises or any part thereof, or vault, passageway or space adjacent thereto; and/or (d) any failure on the part of Tenant to perform or comply with any of the covenants, agreements, terms, provisions, conditions or limitations contained in this Lease on its part to be performed or complied with. In case any action or proceeding is brought against Landlord by reason of any such claim, Tenant upon written notice from Landlord shall at Tenant's expense resist or defend such action or proceeding by counsel approved by Landlord in writing, which approval Landlord shall not unreasonably withhold.

16.03 Landlord shall defend, indemnify and save harmless Tenant and its agents and employees against and from all liabilities, obligations, damages, penalties, claims, costs, charges and expenses, including reasonable architects' and attorneys' fees, which may be imposed upon or incurred by or asserted against Tenant and/or its agents by reason of any of the following occurring during the Term: (a) any work or thing done in on or about the Demised Premises or any part thereof by or at the insistence of Landlord, its agents, contractors, subcontractors, servants, employees, licensees or invitees; (b) any negligence or otherwise wrongful act or omission on the part of Landlord or any of its agents, contractors, subcontractors, servants, employees, subtenants, licensees or invitees; and/or (c) any failure on the part of Landlord to perform or comply with any of the covenants, agreements, terms, provisions, conditions or limitations contained in this Lease on its part to be performed or complied with. In case any action or proceeding is brought against Tenant by reason of any such claim, Landlord upon written notice from Tenant shall at Landlord's expense resist or defend such action or proceeding by counsel approved by Tenant in writing, which approval Tenant shall not unreasonably withhold.

16.04 Except as otherwise expressly provided herein, this Lease and the obligations of Tenant to pay rent hereunder and perform all of the other covenants, agreements, terms, provisions and conditions hereunder on the part of Tenant to be performed shall in no way be affected, impaired or excused because Landlord is unable to fulfill any of its obligations under this Lease or is unable to supply or is delayed in supplying any service, express or implied, to be supplied or is unable to make or is delayed in supplying any equipment or fixtures if Landlord is prevented or delayed from so doing by reason of any Unavoidable Delays; provided that Landlord shall in each instance exercise reasonable diligence to effect performance when and as soon as possible.

ARTICLE 17

Destruction and Damage

17.01 If the Building shall be damaged by fire or other casualty, neither party shall have the right to terminate this Lease. Tenant shall promptly, at its sole cost and expense, repair, restore and rebuild the Building and the other improvements as nearly as possible to the condition they were in immediately prior to such damage or destruction, subject to the approval, and in accordance with the requirements of, the holder of any superior mortgage on the Demised Premises. The provisions and conditions in Articles 8 and 10 applicable to changes, alterations or repairs, shall similarly apply to work required to be done under this Article 17. Notwithstanding anything in this Section 17.01 to the contrary, in the event a casualty occurs and, as a result thereof, the Building is materially damaged, Tenant shall have the right to cancel this Lease by giving Landlord written notice not later than sixty (60) days after the casualty. In addition, in the event of a casualty to the Building which does not result in the Building being materially damaged, Tenant shall have the right to cancel this Lease if Tenant's architect shall reasonably estimate that the time to effect repairs will exceed six (6) months or if following the completion of any repairs the remaining term of the Lease would be less than one (1) year. For purposes of this Section 17.01, "materially damaged" shall mean damage the cost of which to repair or restore exceeds fifty (50%) percent of the replacement cost of the Building in the opinion of an independent third party appraiser or contractor selected by Landlord and approved by Tenant, which approval shall not be unreasonably withheld.

17.02 Provided Tenant is not in monetary default hereunder, Tenant shall be entitled to have all proceeds of the insurance policy or policies described in Section 11.02 above, applied towards discharging the cost of repair, restoration or rebuilding of said damage or destruction, promptly after presentation to the Landlord by Tenant of proper bills therefor from the contractor hired by Tenant to effect such repairs, restorations or rebuilding, pursuant to a construction contract previously approved in writing by Landlord, such approval not to be unreasonably withheld, conditioned or delayed, but subject nevertheless to the succeeding provisions of this Article. Tenant, simultaneously with making payment of such costs from such proceeds will secure a waiver of lien in favor of Landlord and any superior mortgagees signed by all persons who have furnished labor, services, materials or supplies in the repair, restoration or rebuilding of said damages. If such insurance proceeds shall be insufficient to pay the entire cost of any such work, Tenant agrees to pay the deficiency. If Tenant shall fail or refuse after thirty (30) days notice and demand to proceed promptly with the work or restoration of the Demised Premises, Landlord may so proceed for the account of Tenant, or may, at Landlord's option, treat such failure or refusal as a violation of the covenants of this Lease, and the insurance proceeds shall in such case become the property of Landlord.

17.03 Tenant agrees in the event of loss, damage or destruction referred to in Section 17.01 hereof, at its sole cost and expense, to proceed with Landlord promptly to adjust the loss. Landlord agrees to consult with Tenant and advise Tenant of developments in connection with such adjustment.

17.04 Tenant's obligation to make payment of the rent and all other charges on the part of Tenant to be paid and to perform all other covenants and agreements on the part of Tenant to

be performed shall not be affected by any such damage or destruction of the Building or any other part of the Demised Premises by any loss, damage or destruction, and Tenant hereby waives the provisions of any statute or law now or hereafter in effect contrary to such obligations of Tenant as herein set forth, or which relieves Tenant therefrom including, without limitation, the provisions of Section 227 of New York's Real Property Law. To the extent Landlord receives the proceeds of any rent/business interruption insurance in connection with any casualty to the Building, Landlord shall credit against the Base Rent due under this Lease from Tenant a corresponding amount.

17.05 Tenant further covenants and agrees that any law to the contrary notwithstanding including, without limitation, the provisions of Section 227 of New York's Real Property Law, no loss, damage or destruction to the Demised Premises or any part thereof shall operate to terminate this Lease or to relieve or discharge Tenant from the payment of rent or additional rent as the same become due and payable as in this Lease provided, or from the performance and fulfillment of any of Tenant's obligations and undertakings herein.

ARTICLE 18

Eminent Domain; Condemnation

18.01 In the event that the Demised Premises, or any part thereof, shall be taken in condemnation proceedings or by the exercise of any right of eminent domain or by agreement between any superior lessors and lessees and/or Landlord on the one hand and any governmental authority authorized to exercise such right on the other hand (in any such instance, a "Taking"), Landlord shall be entitled to collect from any condemnor the entire award or awards that may be made in any such proceeding without deduction therefrom for any estate hereby vested in or owned by Tenant, to be paid out as in this Article provided. Tenant hereby expressly assigns to Landlord all of its right, title and interest in or to every such award and also agrees to execute any and all further documents that may be required in order to facilitate the collection thereof by Landlord.

18.02 At any time during the Term, if title to the whole or a substantial portion (i.e., more than twenty-five (25%) percent) of the Building or the Demised Premises shall be the subject of a Taking, this Lease shall terminate and expire on the date of such Taking and the Base Rent and additional rent provided to be paid by Tenant shall be apportioned and paid to the date of such Taking.

18.03 In the event of a Taking of less than all or substantially all of the Building or the Demised Premises which nevertheless in the reasonable judgment of Tenant renders the Building and/or the Demised Premises unsuitable for the conduct by Tenant of its business thereat as conducted immediately prior to such Taking, Tenant may elect to terminate this Lease by written notice of such election to the Landlord given not later than thirty (30) days after (i) notice of such Taking is given by the condemning authority, or (ii) the date of such Taking, whichever occurs later. Upon the giving of such notice this Lease shall terminate on the date of service of such notice and the Base Rent and additional rent due and to become due, shall be prorated and adjusted as of the date of the Taking. If Tenant fails or is not entitled to give such notice upon such partial Taking, and this Lease continues in force as to any part of the Building or the

Demised Premises not taken, the rents apportioned to the part taken shall be prorated and adjusted as of the date of Taking and from such date the Base Rent and additional rent shall be reduced to the amount apportioned to the remainder of the Building and/or the Demised Premises.

18.04 Notwithstanding the foregoing provisions of this Article, Tenant shall be entitled to appear, claim, prove and receive in the proceedings relating to any Taking mentioned in the preceding Sections of this Article, such portion of each award made therein as represents any moving or relocation expenses to which Tenant may be entitled, and any special awards or allowances provided by law to tenants whose space has been taken by eminent domain, so long as the foregoing does not reduce Landlord's award and does not include the value of the leasehold estate which shall belong to Landlord.

18.05 In the event of any such Taking which does not result in a termination of this Lease, subject to compliance with the provisions of any superior mortgage and superior lease, Tenant (or Landlord as and to the extent provided in Article 17 hereof as if damage and destruction covered thereby were involved) shall proceed with reasonable diligence to repair, alter and restore the remaining part of the Building and the Demised Premises to substantially the same condition as it was in immediately prior to the date of such taking to the extent that the same may be feasible, so as to constitute a tenantable Building and Demised Premises.

ARTICLE 19

Surrender

19.01 On the last day of the Term, or upon any earlier termination of this Lease, or upon any re-entry by Landlord upon the Demised Premises, Tenant shall quit and surrender the Demised Premises to Landlord vacant, broom clean, in good order, condition and repair except for ordinary wear and tear and damage by fire or other insured casualty, restored as provided in Section 8.01, if applicable.

19.02 Prior to such surrender, Tenant shall (a) remove any Tenant's Property, (b) at Landlord's request, repair any damage and make any replacements to the Building or the Demised Premises resulting from or necessitated by such removal, and restore those parts of the Demised Premises from which the removal referred to in subparagraph (a) above occurred, to a condition which will blend with and be comparable to and compatible with adjacent areas. If Tenant shall fail to perform as provided in this Section 19.02 hereof, Landlord shall have the right (but not the obligation) to do so at Tenant's cost and expense, without further notice or demand upon Tenant, and Tenant shall indemnify Landlord against all loss or liability resulting therefrom, including without limitation, any delay in granting occupancy of the Demised Premises to a future occupant, and, at Landlord's option, Tenant shall be deemed a Tenant from month to month pursuant to Section 19.04 hereof until compliance with the removal, repair and restoration provisions of this Section 19.02 hereof has fully been satisfied.

19.03 Tenant hereby indemnifies and agrees to hold Landlord harmless from and against any loss, cost, liability, claim, damage, fine, penalty and expense, including reasonable attorneys' fees and disbursements, resulting from delay by Tenant in surrendering the Demised

Premises upon the termination of this Lease as provided in this Article 19, including without limitation, any claims made by any succeeding tenant or prospective tenant based upon such delay.

19.04 In the event Tenant remains in possession of the Demised Premises after the termination of this Lease without the execution by Landlord and Tenant of a new Lease, Tenant, at the option of Landlord, shall be deemed to be occupying the Demised Premises as a tenant from month to month, at a monthly rental equal to: (i) for the first sixty (60) days of such holdover, one and one-half (1) times; and (ii) thereafter, two (2) times, the Base Rent and additional rent payable during the last month of the Term, subject to all of the other terms of this Lease insofar as the same are applicable to a month-to-month tenancy, and without in any way whatsoever waiving the provisions of Section 19.03 hereof.

ARTICLE 20

Conditions of Limitation

20.01 (A) If at or before the Commencement Date or at any time during the Term there shall be filed against Tenant in any court pursuant to any statute either of the United States or of any state a petition in bankruptcy or insolvency or for reorganization or for the appointment of a receiver or trustee of all or a portion of Tenant's assets, and within forty-five (45) days thereafter Tenant fails to secure a discharge thereof, or if Tenant shall make an assignment for the benefit of creditors or petition for or enter into an arrangement or composition with creditors, or takes advantage of any statute relating to bankruptcy, this Lease shall thereupon be deemed automatically canceled and terminated, in which event neither Tenant nor any person claiming through or under Tenant by virtue of any statute or of an order of any court shall be entitled to possession or to remain in possession of the Demised Premises but shall forthwith quit and surrender the Demised Premises. In the event of any such cancellation or termination, this Lease shall terminate (whether or not the Term shall theretofore have commenced) with the same force and effect as if that day were the Expiration Date, but Tenant shall remain liable for damages as provided in Article 22. In addition to the other rights and remedies available to Landlord by virtue of any other provision of this Lease or by virtue of any statute or rule of law, Landlord may retain as liquidated damages any rent and/or any other monies received by it from Tenant or others on behalf of Tenant.

(B) If, pursuant to any bankruptcy statute, Tenant is permitted to assign this Lease in disregard of the provisions of this Article 20, Tenant agrees that adequate assurance of future performance by such assignee shall be required in an amount equal to the sum of one (1) year's Base Rent and all additional rent, payable as of the date of such assignment. Said sum shall be deposited in cash with Landlord and shall be held, without interest, by it for the balance of the Term of this Lease as further security for the full and faithful performance of all of the obligations of this Lease to be performed by such assignee. If Tenant receives or is to receive any valuable consideration for such assignment, such consideration, after deducting therefrom (i) the reasonable broker's commissions, if any, incurred by Tenant for such assignment, and (ii) any portion of such consideration reasonably designated by the assignee as paid for the purchase of Tenant's Property in the Demised Premises, shall be the sole and exclusive property of Landlord and shall be paid over to Landlord directly by such assignee.

20.02 This Lease and the Term and estate hereby granted are subject to the limitation that, (a) whenever Tenant shall default in the payment of any installment of Base Rent, or in the payment of any additional rent, on any day upon which the same shall be due and payable (and such default shall not be cured within ten (10) days after written notice given to Tenant not more than two times in any Rent Year), or (b) whenever Tenant shall do or permit anything to be done, whether by action or inaction, contrary to any of Tenant's obligations hereunder, other than the payment of Rent, and if such situation shall continue and shall not be remedied by Tenant within thirty (30) days after Landlord shall have given to Tenant a notice specifying the same (unless a longer or shorter period of time for curing such default is specifically provided for in this Lease, in which case such longer or shorter period of time, as the case maybe, shall control for purposes of this Section 20.02(b), or, in the case of a happening or default which cannot with due diligence be cured within a period of thirty (30) days and the continuance of which during the period required for cure (but in no event to exceed one hundred twenty (120) days after such Landlord notice) will not subject Landlord to the risk of criminal liability or termination of any superior lease or foreclosure of any superior mortgage, if Tenant shall not duly institute within such thirty (30) day period and promptly and diligently prosecute to completion all steps necessary to remedy the same, or, (c) whenever any event shall occur or any contingency shall arise whereby this Lease or any interest therein or the estate hereby granted or any portion thereof or the unexpired balance of the Term hereof would, by operation of law or otherwise, devolve upon or pass to any person, firm or corporation other than Tenant, except as expressly permitted by Article 13, or (d) whenever Tenant shall abandon the Demised Premises for a period of thirty (30) consecutive days or advise Landlord that Tenant does not intend to take possession of and occupy the Demised Premises, then in any such event covered by subsections (a), (b), (c) or (d) of this Section 20.02 at any time thereafter, Landlord may give to Tenant a notice of intention to end the Term of this Lease at the expiration of five (5) days from the date of the service of such notice of intention, and upon the expiration of said five (5) days this Lease and the Term and estate hereby granted, whether or not the Term shall theretofore have commenced, shall terminate with the same effect as if that day were the Expiration Date, but Tenant shall remain liable for damages as provided hereinafter.

ARTICLE 21

Re-Entry by Landlord Default Provisions

21.01 If this Lease shall terminate for any reason whatsoever, Landlord or Landlord's agents and employees may, without further notice, immediately or at any time thereafter, enter upon and re-enter the Demised Premises, or any part thereof, and possess or repossess itself thereof either by summary dispossession proceedings, ejectment or by any suitable action or proceeding at law, or by agreement, or otherwise, and may dispossess and remove Tenant and all other persons and property from the Demised Premises without being liable to indictment, prosecution or damages therefor, and may repossess the same, and may remove any persons therefrom, to the end that Landlord may have, hold and enjoy the Demised Premises and the right to receive all rental income again as and of its first estate and interest therein. In the event of any termination of this Lease under the provisions of Article 20 or re-entry under this Article by reason of default hereunder on the part of Tenant, Tenant shall thereupon pay to Landlord the Base Rent and additional rent due up to the time of such termination of this Lease or of such

recovery of possession of the Demised Premises by Landlord, as the case may be, and shall also pay to Landlord damages as provided in Article 22.

21.02 In the event of any breach or threatened breach by Tenant of any of the agreements, terms, covenants or conditions contained in this Lease, Landlord shall be entitled to enjoin such breach or threatened breach and shall have the right to invoke any right and remedy allowed at law or in equity or by statute or otherwise as though re-entry, summary proceedings, and other remedies were not provided for in this Lease.

21.03 Each right and remedy of Landlord provided for in this Lease shall be cumulative and shall be in addition to every other right or remedy provided for in this Lease or now or hereafter existing at law or in equity or by statute or otherwise, and the exercise or beginning of the exercise by Landlord of any one or more of the rights or remedies provided for in this Lease or now or hereafter existing at law or in equity or by statute or otherwise shall not preclude the simultaneous or later exercise by Landlord of any or all other rights or remedies provided for in this Lease or now or hereafter existing at law or in equity or by statute or otherwise.

ARTICLE 22

Damages

22.01 If this Lease is terminated under the provisions of Article 20, or if Landlord shall re-enter the Demised Premises under the provisions of Article 21 or in the event of the termination of this Lease, or of re-entry by reason of default hereunder on the part of Tenant, Tenant shall pay to Landlord as damages, at the election of Landlord, either,

(a) on demand, a sum which at the time of such termination of this Lease or at the time of any such re-entry by Landlord, as the case may be, represents the positive difference between: (i) the aggregate of the Base Rent and the additional rent payable hereunder which would have been payable by Tenant (conclusively presuming the additional rent to be the same as was payable for the year immediately preceding such termination) for the period commencing with such earlier termination of this Lease or the date of any such re-entry, as the case may be, and ending with the expiration of the Term, had this Lease not so terminated or had Landlord not so re-entered the Demised Premises; and (ii) the fair market rental value of the Demised Premises for the same period of time, or

(b) sums equal to the Base Rent and the additional rent (as above presumed) payable hereunder which would have been payable by Tenant had this Lease not so terminated, or had Landlord not so re-entered the Demised Premises, payable quarterly but otherwise upon the terms therefor specified herein following such termination or such re-entry and until the expiration of the Term, provided, however, that if Landlord shall relet the Demised Premises or any portion or portions thereof during said period, Landlord shall credit Tenant with the net rents received by Landlord from such reletting, such net rents to be determined by first deducting from the gross rents as and when received by Landlord from such reletting the expenses incurred or paid by Landlord in terminating this Lease or in re-entering the Demised Premises and in securing possession thereof, as well as the expenses of reletting, including altering and preparing the Demised Premises or any portion or portions thereof for new tenants, brokers' commissions,

advertising expenses, attorneys' fees, and all other expenses properly chargeable against the Demised Premises and the rental therefrom; it being understood that any such reletting may be for a period shorter or longer than the remaining Term of this Lease, but in no event shall Tenant be entitled to receive any excess of such net rents over the sums payable by Tenant to Landlord hereunder, nor shall Tenant be entitled in any suit for the collection of damages pursuant to this Subsection to a credit in respect of any net rents from a reletting, except to the extent that such net rents are actually received by Landlord. If the Demised Premises or any part thereof should be relet in combination with other space, then proper apportionment shall be made of the rent received from such reletting and of the expenses of reletting. Landlord however shall in no event and in no way be responsible or liable for any failure to relet the Demised Premises or any part thereof or for failure to collect any rent due upon any such reletting, except that Landlord agrees to use commercially reasonable efforts to relet the Demised Premises.

22.02 Suit or suits for the recovery of such damages, or any installments thereof, may be brought by Landlord from time to time at its election, and nothing contained herein shall be deemed to require Landlord to postpone suit until the date when the Term would have expired if it had not been so terminated under the provisions of Article 20, or under any provision of law, or had Landlord not re-entered the Demised Premises. Nothing herein contained shall be construed to limit or preclude recovery by Landlord against Tenant of any sums or damages to which, in addition to the damages particularly provided above, Landlord may lawfully be entitled by reason of any default hereunder or otherwise on the part of Tenant.

ARTICLE 23

Waivers

23.01 Tenant, for itself, and on behalf of any and all persons claiming through or under Tenant, including creditors of all kinds, does hereby waive and surrender all right and privilege so far as is permitted by law, which they or any of them might have under or by reason of any present or future law, of the service of any notice of intention to re-enter and also waives any and all right of redemption or re-entry or repossession in case Tenant shall be dispossessed or ejected by process of law or in case of re-entry or repossession by Landlord or in case of any expiration or termination of this Lease as herein provided.

23.02 Tenant waives Tenant's rights, if any, to designate the items against which any payments made by Tenant are to be credited, and Tenant agrees that Landlord may apply any payments made by Tenant to any items it sees fit, irrespective of and notwithstanding any designation or request by Tenant as to the items against which any such payments shall be credited.

23.03 Except to the extent that a mandatory counterclaim is involved, Tenant waives Tenant's rights, if any, to assert a counterclaim in any summary proceeding brought by Landlord against Tenant for non-payment of rent or additional rent, and Tenant agrees to assert any such claim against Landlord only by way of a separate action or proceeding.

23.04 To the extent permitted by applicable law, Landlord and Tenant hereby waive trial by jury in any action, proceeding or counterclaim brought by either against the other on any

matter whatsoever arising out of or in any way connected with this Lease, the relationship of Landlord and Tenant, or Tenant's use or occupancy of the Demised Premises, or any emergency or other statutory remedy with respect thereto.

ARTICLE 24

No Other Waivers or Modifications

24.01 The failure of either party to insist in any one or more instances upon the strict performance of any one or more of the agreements, terms, covenants, conditions or obligations of this Lease, or to exercise any right, remedy or election herein contained, shall not be construed as a waiver or relinquishment for the future of the performance of such one or more obligations of this Lease or of the right to exercise such election, but the same shall continue and remain in full force and effect with respect to any subsequent breach, act or omission. No executory agreement hereafter made between Landlord and Tenant shall be effective to change, modify, waive, release, discharge, terminate or effect an abandonment of this Lease, in whole or in part, unless such executory agreement is in writing, refers expressly to this Lease and is signed by the party against whom enforcement of the change, modification, waiver, release, discharge or termination or effectuation of the abandonment is sought.

24.02 The following specific provisions of this Section shall not be deemed to limit the generality of the foregoing provisions of this Article:

(a) No agreement to accept a surrender of all or any part of the Demised Premises shall be valid unless in writing and signed by Landlord. The delivery of keys to an employee of Landlord or of its agent shall not operate as a termination of this Lease or a surrender of the Demised Premises.

(b) The receipt or acceptance by Landlord of rents with knowledge of breach by Tenant of any term, agreement, covenant, condition or obligation of this Lease shall not be deemed a waiver of such breach.

(c) No payment by Tenant or receipt by Landlord of a lesser amount than the correct Base Rent or additional rent due hereunder shall be deemed to be other than a payment on account, nor shall any endorsement or statement on any check or any letter accompanying any check or payment be deemed to effect or evidence an accord and satisfaction, and Landlord may accept such check or payment without prejudice to Landlord's right to recover the balance or pursue any other remedy in this Lease or at law provided.

ARTICLE 25

Curing Defaults

25.01 If either party shall default in the performance of any covenant, agreement, term, provision or condition herein contained, the other party, without thereby waiving such default, may perform the same for the account and at the expense of the defaulting party without notice in case of emergency and in any other case if such default continues after twenty (20) days from

the date of the giving of written notice to the defaulting party of the other party's intention so to do. Bills for any reasonable and necessary expense incurred by either party in connection with any such performance by a party of a defaulting party's obligations under this Lease shall be payable by the defaulting party within ten (10) days of written demand. Amounts owing by Tenant to Landlord under this Article 25 shall be and be deemed to be additional rent.

ARTICLE 26

Notices, Service of Process

26.01 Any notice, statement, demand, request or other communication ("Notice") required or permitted pursuant to this Lease or otherwise shall be in writing and shall be deemed to have been properly given if addressed to the other party at the address hereinabove set forth, and (a) if sent to such address by (i) registered or certified United States mail, return receipt requested, postage prepaid, or (ii) United States Express Mail or private, reputable overnight courier, charges prepaid, or (b) if personally delivered to such address to an officer, partner or other authorized representative of the other party, receipt requested, then in any of such events referred to in clauses (a) and (b) above, notice shall be deemed to have been given, rendered or made on the third (3rd) business day after mailing, on the first (1st) business day after delivery to Express Mail or other courier service or upon delivery in the case of personal delivery (or, if rejected, when delivery was first attempted). Either party may, by notice as aforesaid, designate a different address or addresses for Notices for it. Notice given by counsel for either party shall be deemed valid if addressed and sent as aforesaid. A copy of any Notice given by Tenant to Landlord shall also be given to Landlord's counsel, ~~McCullough, Goldberger & Staudt, LLP, 1311 Mamaroneck Avenue, Suite 340, White Plains, New York 10605, Attention: Charles A. Goldberger, Esq.~~ Smith, Buss & Jacobs, LLP, 733 Yonkers Avenue, Yonkers, New York 10704, Attention: Robert A. Spolzino, Esq. A copy of any Notice given by Landlord to Tenant shall also be given to Tenant's counsel, Meighan & Necarsulmer, 100 Mamaroneck Avenue, #307, Mamaroneck, New York 10543, Attention: Jefferson D. Meighan, Esq.

ARTICLE 27

Estoppel Certificate, Memorandum

27.01 Tenant agrees, at any time and from time to time, as requested by Landlord, or the holder of any superior lease or superior mortgage, upon not less than ten (10) days' prior written notice, to execute and deliver without cost or expense to the Landlord a statement prepared by Landlord or such holder certifying that this Lease is unmodified and in full force and effect (or if there have been modifications, that the same is in full force and effect as modified and stating the modifications), certifying the dates to which the Base Rent and additional rent have been paid, and stating whether or not, to the best knowledge of Tenant, Landlord is in default in performance of any of its obligations under this Lease, and, if so, and specifying as to such other matters as may be reasonably requested and as are part of the standard form or request of such holder, it being intended that any such statement delivered pursuant thereto may be relied upon by any other person with whom the Landlord, or the holder of any superior lease or superior mortgage, may be dealing.

ARTICLE 28

No Other Representations, Construction, Governing Law

28.01 Tenant expressly acknowledges and agrees that Landlord has not made and is not making, and Tenant, in executing and delivering this Lease, is not relying upon, and has not been induced to enter into this Lease by, any representations, except to the extent that the same are expressly set forth in this Lease or in any other written agreement which may be made and executed between the parties concurrently with the execution and delivery of this Lease and shall expressly refer to this Lease.

28.02 If any of the provisions of this Lease, or the application thereof to any person or circumstances shall, to any extent, be invalid or unenforceable, the remainder of this Lease, or the application of such provision or provisions to persons or circumstances other than those as to whom or which it is held invalid or unenforceable, shall not be affected thereby, and every provision of this Lease shall be valid and enforceable to the fullest extent permitted by law.

28.03 This Lease shall be governed in all respects by laws of the State of New York.

ARTICLE 29

Parties Bound

29.01 The obligations of this Lease shall bind and benefit the successors and assigns of the parties with the same effect as if mentioned in each instance where a party is named or referred to, except that no violation of the provisions of Article 13 shall operate to vest any rights in any successor or assignee of Tenant, and that the provisions of this Article shall not be construed as modifying the conditions of limitation contained in Article 20. However, the obligations of Landlord under this Lease shall not be binding upon Landlord herein named with respect to any period subsequent to the transfer of its interest in the Demised Premises as owner or lessee thereof and in the event of such transfer said obligations shall thereafter be binding upon each transferee of the interest of Landlord herein named as such owner or lessee of the Demised Premises, but only with respect to obligations arising during the period commencing with such transfer and ending with a subsequent transfer within the meaning of this Article, and such transferee, by accepting such interest, shall be deemed to have assumed such obligations except only as may be expressly otherwise provided elsewhere in this Lease. A Lease of Landlord's entire interest in the Demised Premises as owner or lessee thereof shall be deemed a transfer within the meaning of this Article 29.

29.02 Tenant shall look solely to the estate and interest of Landlord, its successors and assigns, in the Demised Premises (or the proceeds thereof) for the collection of a judgment (or other judicial process) requiring the payment of damages or money by Landlord in the event of any default by Landlord hereunder, and no other property or assets of Landlord (or of any partner, member, officer, director, shareholder, principal, employee or agent of Landlord) shall be subject to levy, execution or other enforcement procedure for the satisfaction of Tenant's remedies under or with respect to either this Lease, the relationship of Landlord and Tenant hereunder or Tenant's use and occupancy of the Demised Premises.

ARTICLE 30
Environmental Matters

30.01 Tenant agrees that it will not use, handle, generate, treat, store, spill, discharge, release, suffer or dispose of, or permit the use, handling, generation, treatment, storage, spilling, discharge, release, sufferance or disposal of any Hazardous Materials (defined below), except in compliance with all applicable laws, ordinances, and regulations (including consent decrees and administrative orders) relating to public health and safety and protection of the environment, including those statutes, laws, regulations, and ordinances identified in Section 30.04 below as amended and modified from time to time (collectively, "Environmental Laws") in, on, under, around or above the Demised Premises now or at any future time and will indemnify, defend (with counsel reasonably acceptable to Landlord) and save Landlord, its principals, employees, agents and lenders harmless from any and all obligations, demands, liabilities, actions, proceedings, claims, costs, expenses and losses of any kind, including, but not limited to, those arising from injury to any person, including death, damage to or loss of use or value of real or personal property, and costs of investigation and cleanup or other environmental remedial work as well as reasonable fees and disbursements of attorneys, experts and consultants, which may arise in connection with Tenant's use, handling, generation, treatment, storage, spilling, discharge, release, sufferance or disposal of any Hazardous Materials at the Demised Premises or a violation by Tenant of its obligations under this Article 30. Notwithstanding anything in this Lease to the contrary, nothing herein shall in any way obligate Tenant to take any action of any kind whatsoever (including, without limitation, any investigation, removal, corrective action, remediation, abatement, control and/or operation and maintenance activity), or provide indemnification, with respect to any Hazardous Materials that were not introduced to the Premises by Tenant, its agents, employees, contractors, invitees and/or customers (collectively, "Non-Tenant-Related Hazardous Materials").

30.02 If at any time during the Term it is determined that there are any Hazardous Materials located in, on, under, around, or above the Demised Premises in violation of Environmental Laws (other than Non-Tenant Related Hazardous Materials), Tenant shall promptly commence with diligence within twenty (20) days after becoming aware of the presence of such Hazardous Materials and shall continue to diligently take all appropriate action, at Tenant's sole expense, to remove the Hazardous Materials if required by Environmental Laws and otherwise to cause such Hazardous Materials to comply with Environmental Laws and remediate the Demised Premises in accordance with Environmental Laws.

30.03 Landlord shall be solely responsible for and shall comply with all legal requirements with respect to all Non-Tenant-Related Hazardous Materials. In the event that Tenant shall discover the existence of any Non-Tenant-Related Hazardous Materials on, at, under or about the Demised Premises during the Term, Landlord shall be obligated to remove and dispose of such Non-Tenant-Related Hazardous Materials at its sole cost and expense, in accordance with Environmental Laws (including the execution of any and all waste manifests or other documents required by the applicable governmental authorities in connection therewith). If, at any time during the Term, Landlord becomes aware of any soil or groundwater contamination on, at, under or about the Demised Premises, Landlord shall immediately give notice of such

contamination to Tenant. In the event that, as a result of the presence at the Demised Premises of any Non-Tenant-Related Hazardous Materials, Tenant is unable to open for business for a period of thirty (30) consecutive days because, under Environmental Laws, such Non-Tenant-Related Hazardous Materials pose a health or safety risk to Tenant's employees, customers and/or other business invitees, Tenant shall have the right, upon not less than thirty (30) days written notice to Landlord, to terminate this Lease, in which event this Lease shall be and be deemed to be terminated as of the last day of such thirty (30) day period as if such date were the date herein originally set forth for the expiration of this Lease and neither party shall have any further obligation to the other hereunder, except as herein expressly set forth to the contrary; provided, however, such notice shall be deemed to have been withdrawn if prior to the end of such thirty (30) day period, the health or safety risk upon which Tenant's right to terminate is predicated is reduced to levels permitted by Environmental Laws. Landlord agrees to indemnify, reimburse and defend Tenant, its agents, employees, contractors, partners, investors, and affiliates against, and to hold them harmless from and against, any and all claims, demands, losses, liabilities, damages, injuries, costs and expenses (including, but not limited to, reasonable fees and disbursements of attorneys, experts and consultants) paid or incurred by, or asserted against, Tenant as a direct result of any Non-Tenant-Related Hazardous Materials at the Demised Premises.

30.04 For purposes of this Lease, "Hazardous Materials" means: (i) "hazardous substances" or "toxic substances" as those terms are defined by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §§ 9601 et seq., or the Hazardous Materials Transportation Act, 49 U.S.C. § 1801, all as amended and amended after this date; (ii) "hazardous wastes," as that term is defined by the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901 et seq., as amended and amended after this date; (iii) any pollutant or contaminant or hazardous, dangerous, or toxic chemicals, materials, or substances within the meaning of any other applicable federal, state, or local law, regulation, ordinance, or requirement (including consent decrees and administrative orders) relating to or imposing liability or standards of conduct concerning any hazardous, toxic, or dangerous waste substance or material including, without limitation, radioactive materials, medical waste, biomedical waste and infectious materials, all as amended or amended after this date; (iv) petroleum oil and all their products and derivatives as those terms are defined by applicable federal, state and local laws and regulations; (v) any radioactive material, including any source, special nuclear or by-product material as defined at 42 U.S.C. §§ 2011 et seq., as amended and amended after this date; (vi) asbestos in any form or condition; and (vii) polychlorinated biphenyls (PCBs) or substances or compounds containing PCBs.

30.05 Landlord represents and warrants to and for the benefit of Tenant, to the best of Landlord's knowledge, as follows:

(a) Neither the Demised Premises nor Landlord are currently in violation of or subject to (nor in the past have they been in violation of or subject to) any existing or pending investigation, action, litigation or inquiry by any governmental authority or to any remedial obligations to governmental authorities or private parties under Environmental Laws.

(b) Landlord is not aware of the current or past presence of any Hazardous Materials

in, on, or under the Demised Premises. To the best of Landlord's knowledge: there has never been a release or discharge of any hazardous substance, hazardous waste, or petroleum, oil or fuel product, substance or waste (as those terms are used and defined under Environmental Laws) at or on the Demised Premises.

(c) Landlord has truthfully and fully provided to Tenant, in writing, any and all written information relating to any past or present environmental conditions, in, on, under or from the Demised Premises including, but not limited to, any reports related to Hazardous Materials under Environmental Laws in, on, under or migrating to or from any of the Demised Premises and/or to the environmental condition of the Demised Premises.

30.06 As part of Landlord's Improvements, Landlord shall (i) repair or replace, if necessary, the lateral sewer line serving the Demised Premises and (ii) remove the underground fuel storage tank in accordance with all applicable laws.

30.07 The obligations contained in this Article shall survive the expiration or sooner termination of this Lease.

ARTICLE 31

Continuation of Term

31.01 Provided Tenant has fully and faithfully performed all of its obligations under this Lease, this Lease is in full force and effect and Tenant is not in default hereunder, then Tenant shall have the right ("Tenant's First Continuation Right") to continue leasing for an additional period of five (5) years commencing on the moment immediately following the then existing Expiration Date ("First Continuation Term") upon the following terms and conditions:

(A) The demised premises to be included in the First Continuation Term shall be the same demised premises as was commencement of the First Continuation Term.

(B) Tenant shall exercise Tenant's First Continuation Right by notifying Landlord thereof in writing ("First Continuation Notice") not later than six (6) months prior to the then existing Expiration Date.

(C) Provided Tenant duly complies with the conditions set forth above in this Article 31, then the following terms shall be applicable to the First Continuation Term:

(i) The Demised Premises shall be delivered to Tenant "as is", in their same condition, and none of Landlord's obligations under any provision of the Lease regarding improvement of any space shall be applicable;

(ii) No rent concession or abatement or credit against the cost of, or Landlord's contribution to the cost of, any improvements, work or other costs shall be applicable.

(iii) All of the other terms and conditions of the Lease, as modified hereby,

shall be applicable to the First Continuation Term, except as may be reasonably necessary because a renewal term rather than an original term, and a previously occupied space rather than a new space, is involved.

(iv) The Expiration Date shall be and be deemed to be the last day of the First Continuation Term and references in this Lease to the Term shall include the First Continuation Term.

31.02 Provided Tenant has fully and faithfully performed all of its obligations under this Lease, this Lease is in full force and effect and Tenant is not in default hereunder, then Tenant shall have the right ("Tenant's Second Continuation Right") to continue leasing for an additional period of five (5) years commencing on the moment immediately following the then existing Expiration Date ("Second Continuation Term") upon the following terms and conditions:

(A) The demised premises to be included in the Second Continuation Term shall be the same demised premises as was included under this Lease at the moment immediately prior to the commencement of the Second Continuation Term.

(B) Tenant shall exercise Tenant's Second Continuation Right by notifying Landlord thereof in writing ("First Continuation Notice") not later than six (6) months prior to the then existing Expiration Date.

(C) Provided Tenant duly complies with the conditions set forth above in this Article 31, then the following terms shall be applicable to the Second Continuation Term:

(i) The Demised Premises shall be delivered to Tenant "as is," in their same condition, and none of Landlord's obligations under any provision of the Lease regarding improvement of any space shall be applicable;

(ii) No rent concession or abatement or credit against the cost of, or Landlord's contribution to the cost of, any improvements, work or other costs shall be applicable.

(iii) All of the other terms and conditions of the Lease, as modified hereby, shall be applicable to the Second Continuation Term, except that Tenant shall have no further right to continue to extend or renew the Term, and as may be reasonably necessary because a renewal term rather than an original term, and a previously occupied space rather than a new space, is involved.

(iv) The Expiration Date shall be and be deemed to be the last day of the Second Continuation Term and references in this Lease to the Term shall include the Second Continuation Term.

ARTICLE 32

Right to Purchase

32.01 Landlord grants to Tenant a right to purchase the Demised Premises, subject to the terms and conditions set forth in this Article.

32.02 Provided Tenant is not in default beyond any applicable notice, grace and/or cure period, Tenant may exercise its right to purchase the Demised Premises upon written notice to Landlord at any time during the initial ten (10) year Term of the Lease. Landlord and Tenant shall use commercially reasonable efforts to enter into a contract to purchase the Demised Premises within thirty (30) days after delivery of Tenant's notice that it is exercising its right to purchase.

32.03 The purchase price for the Demised Premises shall be defined at the time notice is provided by Tenant to Landlord that Tenant is exercising its option to purchase, as shown on Exhibit 2 attached hereto and made a part hereof, less any amount Landlord has received in grants related to tenant's occupancy of the Premises.

32.04 In the event Tenant exercises its right to purchase the Demised Premises in accordance with this Article, the deed transferring title from the Landlord to the Tenant shall reserve unto the Landlord the right to consent to any proposed changes to the façade at the Demised Premises, and such covenant shall run with the land.

32.05 In the event Tenant purchases the Demised Premises in accordance with this Article 32 and thereafter sells the Demised Premises to a third party, Tenant shall reimburse the tri-municipal cable television Board of Control composed of at least one member from the Village of Larchmont, one member from the Village of Mamaroneck and one member from the Town of Mamaroneck (hereinafter the "Board of Control") for the monies expended on building improvements that did not involve Tenant's equipment or Tenant's operation-specific expenditures.

32.06 In the event Tenant does not exercise its right to purchase the Demised Premises as herein provided, Landlord shall have the right to sell the Demised Premises to a third party subsequent to the initial ten (10) year Term of the Lease and the net proceeds from such sale shall be distributed as follows:

(i) The first \$~~600,000~~1,100,000 (plus value escalations as set forth in Exhibit 32 with respect to Tenant's purchase price based upon~~depending~~ on the year of the sale) to the Landlord;

(ii) The next \$1.1 million or actual cost by the Board of Control that is expended on building improvements that did not involve Tenant's equipment or Tenant's operation-specific expenditures, to the Board of Control; and

(iii) The balance, if any, to the Landlord.

ARTICLE 33

Security Deposit

33.01 As of the date of this Lease, Tenant has deposited with Landlord the Security Deposit as security of the punctual performance by Tenant of each and every obligation of it under this Lease. In the event of any default by Tenant (after giving effect to any applicable notice and cure period), Landlord may apply or retain all or any part of the security to cure the default or to reimburse Landlord for any sum which Landlord may spend by reason of the default. In the case of every such application or retention Tenant shall, on demand, pay to Landlord the sum so applied or retained which shall be added to the Security Deposit so that the same shall be restored to its original amount. If at the end of the Term Tenant shall not be in default under this Lease, or upon the sooner termination of this Lease other than as a result of an uncured Tenant default, the Security Deposit, or any balance thereof, shall be returned to Tenant within fourteen (14) days after the Expiration Date or such date of sooner termination. Tenant further covenants that it will not assign or encumber or attempt to assign or encumber the monies deposited herein as security and that neither the Landlord nor its successors or assigns shall be bound by any such assignment, encumbrance, attempted assignment or attempted encumbrance.

ARTICLE 34

Miscellaneous Provisions

34.01 The Article headings in this Lease are inserted only as a matter of convenience or reference, and are not to be given any effect whatsoever in construing this Lease.

34.02 Any provision of this Lease which requires a party not to unreasonably withhold its consent, (a) shall be read as if the word “withhold” read “withhold, delay or defer”, and (b) shall never be the basis for any award of damages (unless exercised in intentional and deliberate bad faith) or give rise to a right of setoff to the other party, but shall be the basis for a declaratory judgment or specific injunction with respect to the matter in question.

34.03 This Lease is offered to Tenant for signature with the express understanding that it shall not be binding upon Landlord unless and until Landlord shall have executed and delivered a fully executed copy to Tenant, and until the holder of any and all superior mortgages shall have approved the same.

34.04 Notwithstanding any contrary provision of this Lease, Tenant shall not under any circumstances commence any action or proceeding or take any action based upon an alleged breach or default of this Lease by or through Landlord, except as provided in Section 25.01, unless and until (a) Tenant first shall have notified Landlord thereof, specifying in detail the facts of the alleged breach or default, and (b) Landlord shall not have cured, or used due diligence to cure, said alleged breach or default within thirty (30) days after receipt of said notice, subject nevertheless to Unavoidable Delays.

34.05 The person signing this Lease on behalf of Tenant represents and warrants that he or she is authorized to do so on behalf of Tenant and that Tenant is duly authorized to execute,

deliver and perform all of its obligations under and pursuant to this Lease. Upon request of Landlord, Tenant shall provide evidence reasonably satisfactory to Landlord confirming the representations set forth in this Section 34.05.

34.06 The person signing this Lease on behalf of Landlord represents and warrants that he or she is authorized to do so on behalf of Landlord and that Landlord is duly authorized to execute, deliver and perform all of its obligations under and pursuant to this Lease. Upon request of Tenant, Landlord shall provide evidence reasonably satisfactory to Tenant confirming the representations set forth in this Section 34.06.

34.07 This Lease has been jointly prepared by Landlord and Tenant. Landlord, Tenant and their separate advisors have had an adequate opportunity to review, comment upon and revise or cause the revision of this Lease as necessary and each of Landlord and Tenant confirm that this Lease represents the product of all of their efforts and shall not be interpreted in favor of either Landlord or Tenant or against Landlord or Tenant merely because of their efforts in preparing this Lease.

34.08 If either party hereto fails to perform any of its obligations under this Lease or if a dispute arises between the parties hereto concerning the meaning or interpretation of any provision of this Lease, then the defaulting party or the party not prevailing in such dispute shall pay any and all reasonable costs and expenses incurred by the other party on account of such default and/or in enforcing or establishing its rights hereunder, including, without limitation, court costs and reasonable attorneys' fees and disbursements. Any such attorneys' fees and other expenses incurred by either party in enforcing a judgment in its favor under this Lease shall be recoverable separately from and in addition to any other amount included in such judgment, and such attorneys' fees obligation is intended to be severable from the other provisions of this Lease and to survive and not be merged into any such judgment.

IN WITNESS WHEREOF, the parties hereto have executed this Lease under seal on the day and year first above written.

LANDLORD: THE VILLAGE OF MAMARONECK

By: _____
Name:
Title:

TENANT: LARCHMONT MAMARONECK
COMMUNITY TELEVISION, INC.

By: _____
Name:
Title:

SCHEDULE A
Legal Description

EXHIBIT 1

Plans and Specifications of Tenant's changes consented to by Landlord

[To be provided.]

EXHIBIT 2
Tenant's Option to Purchase

<u>Year</u>	<u>Base Price</u>	<u>Value Escalation</u>	<u>Purchase Price</u>
<u>1</u>	<u>\$1,100,000</u>	<u>2.0%</u>	<u>\$1,122,000</u>
<u>2</u>	<u>\$1,122,000</u>	<u>2.0%</u>	<u>\$1,144,400</u>
<u>3</u>	<u>\$1,144,440</u>	<u>2.0%</u>	<u>\$1,167,329</u>
<u>4</u>	<u>\$1,173,051</u>	<u>2.5%</u>	<u>\$1,196,512</u>
<u>5</u>	<u>\$1,202,377</u>	<u>2.5%</u>	<u>\$1,226,425</u>
<u>6</u>	<u>\$1,232,437</u>	<u>2.5%</u>	<u>\$1,257,085</u>
<u>7</u>	<u>\$1,269,410</u>	<u>3.0%</u>	<u>\$1,294,798</u>
<u>8</u>	<u>\$1,307,492</u>	<u>3.0%</u>	<u>\$1,333,642</u>
<u>9</u>	<u>\$1,346,717</u>	<u>3.0%</u>	<u>\$1,373,651</u>
<u>10</u>	<u>\$1,393,852</u>	<u>3.5%</u>	<u>\$1,421,729</u>

~~EXHIBIT 3~~

~~Escalations for Years 11-20~~

Financing Alternatives for LMC-TV Facility Consolidation

September 11, 2017

Prepared by Leon Potok, VOM Trustee

Executive Summary

- LMC-TV has two options for consolidating operations into one location, either the Old Hook & Ladder Firehouse owned by the Village of Mamaroneck or the Town of Mamaroneck's Town Center
- Under both alternatives, LMC-TV as tenant would pay for upgrading and customizing its new space, but the proposed lease for the Firehouse offers the potential for recovering a portion of the upfront investment
- The Firehouse alternative is more expensive and cannot be financed solely from the PEG Equipment Fund, as can the Town Center alternative
- The Firehouse alternative requires funding from the Unrestricted Fund and the Village of Mamaroneck; NYS grants might be available as well
- LMC-TV Board prefers the Firehouse for its central location on Mamaroneck Avenue, which affords greater public access and visibility
- The fundamental decision is whether the additional upfront cost for the Firehouse is worth the advantages of its highly visible location.
- The location of LMC-TV's next home will ultimately be decided by the tri-municipal Board of Control, which controls distributions to LMC-TV

Key Terms

- **Board of Control (“BOC”)** – body established by the three municipalities (Villages of Larchmont and Mamaroneck and Town of Mamaroneck) to negotiate with cable companies to receive and distribute franchise fees and the ability to make universal availability of public, educational and government (“PEG”) programming. The BOC is composed of one voting representative from each municipality.
- **PEG Equipment Fund** – Holds grants from cable companies that are restricted to support PEG programming to purchases, renovation or construction of access equipment and related needs.
- **Unrestricted Fund** – Holds undistributed franchise fees.

How Much Will It Cost and How Much Is Available

- Upfront cost for upgrading and moving into the Firehouse adds up to nearly \$2.4 million, or \$1.6 million more than moving into the Town Center.
- PEG Equipment Fund is too small to fully fund the Firehouse option.

		<u>Firehouse</u>	<u>Town Center</u>
		(in \$000's)	
Capital Expenses			
Renovate main floor and top floor		1,385	519
Cost of renovating basement level		150	
Additional soft costs	20%	307	??
Contingency	10%	154	??
Additional cost of moving		257	257
Temporary space at Town Center		125	-
Total Facility and Moving Costs		<u>2,378</u>	<u>777 +</u>
Resources- PEG Equipment Fund			
Capital Balance, 12/31/17		<u>1,312</u>	<u>1,312</u>
Surplus/(Shortfall), as of 12/31/17		<u>(1,066)</u>	<u><535</u>

Historical Financial Summary – BOC Unrestricted Fund

- Over the eight years from 2010 through 2017, franchise fees from Cablevision and Verizon have exceeded expenses by more than \$2.0 million
- However, annual distributions of \$350,000 have added up to \$2.8 million, eating into the Unrestricted Fund by nearly \$800,000
- The current rate of annual distributions is not sustainable

	Actual						Estimated	
	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>
	(in thousands of dollars)							
Unrestricted Fund								
Total Revenues	735	806	799	806	858	866	893	910
Expenses								
LMC-TV	500	500	500	515	530	580	605	657
BOC Expenses	<u>29</u>	<u>31</u>	<u>29</u>	<u>42</u>	<u>32</u>	<u>34</u>	<u>32</u>	<u>32</u>
Total Expenses	<u>529</u>	<u>531</u>	<u>529</u>	<u>557</u>	<u>562</u>	<u>615</u>	<u>637</u>	<u>690</u>
Operating Surplus	206	275	270	249	296	251	256	220
Cash to Municipalities	<u>(350)</u>	<u>(350)</u>	<u>(350)</u>	<u>(350)</u>	<u>(350)</u>	<u>(350)</u>	<u>(350)</u>	<u>(350)</u>
Net Cash Flow	(144)	(75)	(80)	(101)	(54)	(99)	(94)	(130)

Historical Summary – PEG Equipment and Unrestricted Funds

- Over the eight years from 2010 through 2017, fees from Cablevision and Verizon to the PEG Equipment Fund have exceeded spending by almost \$700,000.
- On a combined basis, total fund balances fell by \$100,000, from nearly \$1.8 million to \$1.7 million.
 - Unrestricted Fund surplus was cut by \$800,000
 - PEG Equipment Fund surplus increased by \$700,000

	Actual							Estimated	
	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>
Unrestricted Fund									
Net Cash Flow		(144)	(75)	(80)	(101)	(54)	(99)	(94)	(130)
PEG Equipment Fund									
Franchise Fee		130	130	130	130	130	130	130	130
Spending		<u>(20)</u>	<u>(95)</u>	<u>(55)</u>	<u>(41)</u>	<u>(2)</u>	<u>(93)</u>	<u>(41)</u>	<u>(9)</u>
Net Cash Flow		110	35	75	89	128	37	89	121
Total Fund Balances - Before Firehouse Funding									
Unrestricted	1,156	1,011	936	856	755	700	601	507	377
PEG Equipment	<u>628</u>	<u>738</u>	<u>772</u>	<u>848</u>	<u>937</u>	<u>1,065</u>	<u>1,102</u>	<u>1,191</u>	<u>1,312</u>
Total	1,783	1,749	1,709	1,704	1,692	1,766	1,704	1,698	1,689

Projected Financial Summary

- The investment in the Firehouse would require cutting back distributions to the three municipalities, as shown below.

	Estimated	Projections				
	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
Unrestricted Fund						
Operating Surplus	220	218	215	212	209	205
Cash (to)/from Municipalities	<u>(350)</u>	<u>-</u>	<u>-</u>	<u>(150)</u>	<u>(150)</u>	<u>(150)</u>
Net Cash Flow	(130)	218	215	62	59	55
PEG Equipment Fund						
Franchise Fee	130	130	130	130	130	130
Spending	<u>(9)</u>	<u>(117)</u>	<u>(117)</u>	<u>(117)</u>	<u>(117)</u>	<u>(117)</u>
Net Cash Flow	121	13	13	13	13	13
Total Fund Balances - Before Firehouse Funding						
Unrestricted	377	595	810	872	931	986
PEG Equipment	<u>1,312</u>	<u>1,325</u>	<u>1,339</u>	<u>1,352</u>	<u>1,366</u>	<u>1,379</u>
Total	1,689	1,920	2,149	2,224	2,296	2,365

Funding of Firehouse Investment

- The Firehouse option would require funding from the PEG Equipment Fund, the Unrestricted Fund, and from the Village of Mamaroneck, as shown below.

	Estimated	Projections				
	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
Total Fund Balances - Before Firehouse Funding						
Unrestricted	377	595	810	872	931	986
PEG Equipment	<u>1,312</u>	<u>1,325</u>	<u>1,339</u>	<u>1,352</u>	<u>1,366</u>	<u>1,379</u>
Total	<u>1,689</u>	<u>1,920</u>	<u>2,149</u>	<u>2,224</u>	<u>2,296</u>	<u>2,365</u>
VOM Firehouse Move						
Capital Cost		(2,378)				
Sources of Funds:						
PEG Equipment Fund		1,300				
Unrestricted Fund		578				
Village of Mamaroneck		<u>500</u>				
Total		2,378				
Total Fund Balances - After Firehouse Funding						
Unrestricted	377	17	232	294	353	408
PEG Equipment	<u>1,312</u>	<u>25</u>	<u>39</u>	<u>52</u>	<u>66</u>	<u>79</u>
Total	<u>1,689</u>	<u>42</u>	<u>271</u>	<u>346</u>	<u>419</u>	<u>487</u>

Financing Summary

- Renovation and move to Firehouse would require:
 - The PEG Equipment Fund to pay for \$1.3 million in capital expenses;
 - Board of Control to retain almost \$600,000 in the Unrestricted Fund that could otherwise be distributed, assuming no grants are awarded;
 - An investment by VOM of \$500,000 for upgrading the building.
- If the Village of Mamaroneck is awarded a grant for upgrading the Firehouse, the three municipalities would potentially share in the proceeds
- The Unrestricted Fund could potentially recover its investment in upgrading the Firehouse
 - The Board of Control will have the option to purchase the Firehouse at a price set to the value of the Firehouse before LMC-TV's upgrades;
 - If the BOC does not exercise its option, it will still potentially share in the proceeds upon a sale of the Firehouse by VOM

VOM-LMC-TV Lease – Key Financial Terms

- Base Rent will be set at \$46,200 per year for ten years with option to renew for another ten years at market value
- LMC-TV will have option to purchase Firehouse at set price, as follows:

LMC-TV's Option to Purchase

Year	Base Price	Value Escalation	Purchase Price
1	1,100,000	2.0%	1,122,000
2	1,122,000	2.0%	1,144,440
3	1,144,440	2.0%	1,167,329
4	1,173,051	2.5%	1,196,512
5	1,202,377	2.5%	1,226,425
6	1,232,437	2.5%	1,257,085
7	1,269,410	3.0%	1,294,798
8	1,307,492	3.0%	1,333,642
9	1,346,717	3.0%	1,373,651
10	1,393,852	3.5%	1,421,729

- The Base Price reflects the appraised value of the Firehouse, plus the upfront investment, and would be reduced by grants received by the VOM

VOM Board Perspective

- LMC-TV has enhanced public access and participation in local government, school and community activities
- Local public access programming is a valuable resource for the community and should be financially supported by local governments
- LMC-TV would be an even more valuable asset by consolidating its operations into a highly visible, central location such as the Firehouse
- The VOM central business district would be strengthened and revitalized with the location of LMC-TV in the Firehouse
- The proposed lease provides LMC-TV a long-term home and the option to establish a permanent presence by purchasing the Firehouse at a set price
- The proposed lease provides a reasonable return to taxpayers on the Firehouse, directly through the financial terms of the lease, and indirectly through the revitalization of a key segment of the central business district

Village of Mamaroneck, NY

Item Title: Resolution Scheduling a Public Hearing On PLL-V 2017 – A Proposed Local Law Amending Chapter 342 Of The Village Code (Zoning) Regarding The Official Zoning Map Of The Village Of Mamaroneck

Item Summary: Resolution Scheduling a Public Hearing On PLL-V 2017 – A Proposed Local Law Amending Chapter 342 Of The Village Code (Zoning) Regarding The Official Zoning Map Of The Village Of Mamaroneck

Fiscal Impact:

ATTACHMENTS:

Description

Item 4A
PLL V re amendng zoning map
ZoningMapDraft_9-27

Type

Cover Memo
Cover Memo
Cover Memo

Village of



Mamaroneck

Village Hall At The Regatta

P.O. Box 369

123 Mamaroneck Avenue

Mamaroneck, N.Y. 10543

<http://www.villageofmamaroneck.org>

OFFICE OF
ROBERT YAMUDER
VILLAGE MANAGER

Tel (914) 777-7703

Fax (914) 777-7760

SEPTEMBER 25, 2017

ITEM 4A – AGENDA REGULAR MEETING

RESOLUTION RE:

**SCHEDULING A PUBLIC HEARING ON PLL-V 2017 – A PROPOSED LOCAL LAW AMENDING
CHAPTER 342 OF THE VILLAGE CODE (ZONING) REGARDING THE OFFICIAL ZONING MAP
OF THE VILLAGE OF MAMARONECK**

A PROPOSED LOCAL LAW regarding the official zoning map of the Village of Mamaroneck having been duly introduced by a member of the Board of Trustees, it is

RESOLVED that pursuant to 6 NYCRR § 617.5(c)(19) the adoption of the proposed local law is a Type II action under the New York State Environmental Quality Review Act (SEQRA) requiring no further environmental review; and be it further

RESOLVED that a public hearing on Proposed Local Law V of 2017 in accordance with Municipal Home Rule Law § 20 be held on October 10, 2017 at 7:30 p.m. at the municipal building, located at 169 Mount Pleasant Avenue, Mamaroneck, New York.

PROPOSED LOCAL LAW V – 2017

A Proposed Local Law to amend Chapter 342 of the Code of the Village of Mamaroneck (Zoning) regarding the official zoning map of the Village of Mamaroneck

BE IT ENACTED by the Board of Trustees of the Village of Mamaroneck as follows:

*(Language in strike-through ~~as defined~~ to be deleted; language in **bold** is to be added)*

Section 1.

Chapter 342-6 of the Code of the Village of Mamaroneck is amended as follows:

§ 342-6 Zoning Map.

The boundaries of said districts are hereby established as shown on the Zoning Map, Village of Mamaroneck, dated ~~March 6, 2015~~ **September 25, 2017**, as may be subsequently amended, which is hereby adopted and made a part of this chapter. ~~Said Map~~ **The zoning map**, indicating the latest amendments, shall be kept up-to-date in the offices of the ~~Director of Building, Code Enforcement and Land Use Administration~~ **Building Department** for the use of the public.

Section 2.

If any section, subsection, clause, phrase or other portion of this local law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, the portion of the law declared to be invalid will be deemed a separate, distinct and independent portion and the declaration will not affect the validity of the remaining portions hereof, which will continue in full force and effect.

Section 3.

This law is adopted pursuant to the authority granted by Municipal Home Rule Law § 10(1)(e)(3) and will supersede the provisions of the Village Law to the extent that they are inconsistent with this local law.

Section 4.

This local law will take effect immediately upon its filing in the office of the Secretary of State in accordance with Municipal Home Rule Law § 27.

Village of Mamaroneck, New York

Date Adopted: September 25, 2017

Revision	Date

DRAFT

DRAFT

Town of Mamaroneck

Rye

Zoning Districts

- TOD Transit Oriented Development Overlay
- HISO Harbor Island Scenic Overlay
- R-20 Single-Family Residential 20,000 SF Lots
- R-15 Single-Family Residential 15,000 SF Lots
- R-10 Single-Family Residential 10,000 SF Lots
- R-7.5 Single-Family Residential 7,500 SF Lots
- R-6 Single-Family Residential 6,000 SF Lots
- R-5 Single-Family Residential 5,000 SF Lots
- R-2F One and Two Family Residential
- RM/SC Multiple Residence / Senior Citizen Housing
- R-4F/P One to Four Family Residential/ Parking
- R-4F One to Four Family Residential
- RM-1 Multiple Residence
- RM-2 Multiple Residence
- RM-3 Multiple Residence
- C-1 General Commercial
- C-2 Central Commercial
- M-1 Manufacturing
- MC-1 General Marine - Commercial
- MC-2 General Marine - Commercial
- MR Marine Recreation
- P Parking
- PB Parkland
- C-1/RM-2 General Commercial/ Multiple Residence
- R-6/O-1 Single-Family Residential 6,000 SF Lots/ Office
- R-5/O-1 Single-Family Residential 5,000 SF Lots/ Office
- RM-1/P Multiple Residence/ Parking
- R-5/ P Single-Family Residential 5,000 SF Lots/Parking

DRAFT



Official Zoning Map

Map prepared by
Greg Cutler,
Village Planner

Village of Mamaroneck, NY

Item Title: Resolution Authorizing Acceptance of Marine Center Donations

Item Summary: Resolution Authorizing Acceptance of Marine Center Donations

Fiscal Impact:

ATTACHMENTS:

Description

Item 4B

Type

Cover Memo

Village of



Mamaroneck

Village Hall At The Regatta

P.O. Box 369

123 Mamaroneck Avenue

Mamaroneck, N.Y. 10543

<http://www.villageofmamaroneck.org>

OFFICE OF
ROBERT YAMUDER
VILLAGE MANAGER

Tel (914) 777-7703

Fax (914) 777-7760

SEPTEMBER 25, 2017

ITEM 4B – AGENDA REGULAR MEETING

RESOLUTION RE:

ACCEPTING DONATIONS FOR THE MARINE EDUCATION CENTER AT HARBOR ISLAND PARK

WHEREAS, the Marine Education Center educates residents and celebrates the important environmental, cultural, and historical significance of the Mamaroneck Harbor, Long Island Sound; and

WHEREAS, the success of the Center is attributable to the volunteers who spent numerous hours participating in the design of the facility as well as the day to day operations and the generous residents who donated funds to ensure its prosperity; and

WHEREAS, over the years, the Village has received donations to the center from generous residents; and

WHEREAS, consistent with Village Policy, it is necessary to accept these donation and recognize their generosity to the community; now therefore be it

RESOLVED, that the Village Board herein accepts the following donations for the Marine Education Center:

<u>From:</u>	<u>Amount:</u>
Martin & Suzanne Oppenheimer	\$150
Farris Family Foundation	\$250

; and be it further

RESOLVED, that the Village Manager and Clerk-Treasurer are authorized to deposit these funds in the Trust & Agency Account established for the Marne Education Center; and be it further

RESOLVED, that the Village Board of Trustees herein thanks these individuals and families for their generosity to the community and support of this valuable Village asset.

Village of Mamaroneck, NY

Item Title: Resolution Authorizing Maintenance of Federal Income Tax Deduction for Payment of State & Local Taxes

Item Summary: Resolution Authorizing Maintenance of Federal Income Tax Deduction for Payment of State & Local Taxes

Fiscal Impact:

ATTACHMENTS:

Description

Item 4C

Type

Cover Memo

Village of



Mamaroneck

Village Hall At The Regatta

P.O. Box 369

123 Mamaroneck Avenue

Mamaroneck, N.Y. 10543

<http://www.villageofmamaroneck.org>

OFFICE OF
ROBERT YAMUDER
VILLAGE MANAGER

Tel (914) 777-7703

Fax (914) 777-7760

SEPTEMBER 25, 2017

ITEM 4C – AGENDA REGULAR MEETING

RESOLUTION RE:

**OPPOSING ELIMINATION OF THE
DEDUCTIBILITY OF STATE AND LOCAL TAXES**

WHEREAS, Congress is giving serious consideration to eliminating the federal income tax deduction for state and local taxes;

WHEREAS, this deduction, which has been in place for more than 100 years, is heavily utilized by residents of our community and our State;

WHEREAS, New York residents already pay more into the federal treasury than the federal government returns to New York;

WHEREAS, the state and local tax deduction is a fundamental principle of federalism and without it our residents would be faced with double taxation as they would be forced to pay federal income taxes on the taxes they pay to state and local governments;

WHEREAS, this federal cost shift onto local governments would place extreme pressure on municipal budgets, including diminished revenue for essential local government investments, including public safety and public infrastructure; and

WHEREAS, increased federal taxation and reduced municipal services will harm our local housing market, decrease home values and erode our local tax base; now therefore be it

RESOLVED, that the Village of Mamaroneck expresses its strong opposition to any tax reform proposal that would eliminate the State and Local Tax (SALT) Deduction and urges Representative Eliot Engel, Senator Charles Schumer and Senator Kirsten Gillibrand to join us in publicly opposing any such proposal.

Village of Mamaroneck, NY

Item Title: CTB II

Item Summary: CTB II

Fiscal Impact:

Village of Mamaroneck, NY

Item Title: Report from the Village Manager

Item Summary: None

Fiscal Impact:

Village of Mamaroneck, NY

Item Title: Report from the Clerk-Treasurer

Item Summary: None

Fiscal Impact:

Village of Mamaroneck, NY

Item Title: Report from the Village Attorney

Item Summary: None

Fiscal Impact:

Village of Mamaroneck, NY

Item Title: Minutes of the Board of Trustees Special Meeting from August 30

Item Summary: Minutes of the Board of Trustees Special Meeting from August 30

Fiscal Impact:

ATTACHMENTS:

Description

BOTSM083017

Type

Cover Memo

MINUTES OF A SPECIAL MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK
HELD ON WEDNESDAY, AUGUST 30, 2017 AT 1:00 P.M. IN THE COURTROOM, MAMARONECK, NEW YORK

PRESENT:

Mayor
Trustees

Norman S. Rosenblum
Leon Potok
Victor M. Tafur
Keith W. Waitt (2:23pm)

Village Manager
Village Planner
Consulting Village Planner
Industrial Area Committee Advisor

Robert Yamuder
Gregory Cutler
Robert Galvin
Andrew Spatz

ABSENT:

Trustees
Assistant Village Manager

Louis Santoro
Daniel Sarnoff

OPEN MEETING

On motion of Mayor Rosenblum, seconded by Trustee Potok:

RESOLVED that the August 30, 2017 Board of Trustees Special Meeting be and is hereby open.

Ayes: Potok, Tafur, Rosenblum
Nays: None
Absent: Waitt, Santoro

Interviews for the RFPs received for the Industrial Area and the Comprehensive Plan

Candidate: Frederick P Clark Associates, Inc.

Presentation of Industrial Area Zoning Regulations and Anticipated Generic Environmental Impact Statement

Representatives from Frederick P Clark Associates: Michael Galante, Sarah Brown and Marilyn Timpone-Mohamed

Candidate: Ferrandino Associates, Inc. with Provident Design Engineering, PLLC.

Presentation of Proposal for the Village Of Mamaroneck Industrial Area Implementation and Generic Environmental Impact Statement

Representatives from Ferrandino Associates Vince Ferrandino and Carolyn Worstell.
Representative from Provident Design Engineering Brian Dempsey.

BOT SPECIAL MEETING
AUGUST 30, 2017

Candidate: NV5

Presentation of Comprehensive Plan

Representatives from NV5 Victor Minerva and Neil Desai

Candidate: NV5

Presentation of MAKER Zone VISION IMPLEMENTATION

Planning Services for Industrial Area Zoning Implementation and Anticipated Generic Environmental Impact Statement

Representatives from NV5 Victor Minerva, Neil Desai and Greg Del Rio via phone.

Candidate: rePLACE Urban Studio/BFJ/JMC

Presentation of Proposal for Planning Services for the Village of Mamaroneck's Industrial Area Zoning Implementation and Anticipated Generic Environmental Impact Statement

Representative from rePLACE Urban Studio Peter Syrett

Representative from BFJ Frank Fish

Representative from JMC James Ryan

ADJOURNMENT

On motion of Trustee Potok, seconded by Trustee Waitt:

RESOLVED that the Board of Trustees be and hereby adjourn the August 30, 2017 Board of Trustee meeting at 6:09 p.m.

PREPARED BY:

AGOSTINO A. FUSCO
CLERK TREASURER

RESPECTFULLY SUBMITTED BY:

AGOSTINO A. FUSCO
CLERK TREASURER

Village of Mamaroneck, NY

Item Title: Minutes of the Tree Committee from August 21, 2017

Item Summary: Minutes of the Tree Committee from August 21, 2017

Fiscal Impact:

ATTACHMENTS:

Description

Aug 21 Minutes

Type

Cover Memo

AUGUST 2017 MINUTES

MINUTES OF MEETING OF THE TREE COMMITTEE HELD ON August 21, 2017 AT 7:30 P.M. IN THE VILLAGE COURTHOUSE, MAMARONECK, NEW YORK.

PRESENT:	Sarah Robertson, Chair	Ellen Freeman
	Gail Koller	Robert Yamuder, VOM Manager
	Sean Gormley	Stuart Tiekert, VOM resident

1. CALL TO ORDER: 7:42 PM

2. APPROVAL OF MINUTES: Mr. Gormley makes motion to approve June 2017 minutes as amended; Ms Freeman seconds the motion. All in favor.

3. COMMENTS FROM RESIDENTS: Mr. Tiekert said tree near SW corner of Post & South Barry is too close to corner; reported dead tree with tree gator bag; complained about tree planting throughout village; requested more tall trees be planted.

4. CORRESPONDENCE: Email from Michael Graham re: elm at 407 Creek Road. Roots coming up through grass. Ms Robertson to discuss with Mr. Graham.

5. OLD BUSINESS:

- a. Gator bags: not all young trees have gator bags; not all bags are filled.
- b. Fall Planting: Ms Robertson, Mr. Yamuder, Ms Sherrid, Mr. Hillman, and Mr. Iacovelli to meet.
- c. Tree Management Plan – Discussion with Mr. Hillman next week.
- d. Tree Planting Protocol to be drafted by Ms Robertson.
- e. Ms Koller and Mr. Yamuder to meet on Waverly Avenue to review tree planting sites on Waverly.

6. NEW BUSINESS:

- a. October 13 – 16: 300 native trees to be planted at Otter Creek. Should Clean/Green Day be rescheduled for that weekend?

b. TC Volunteers – Ms Robertson to ask if TC can be added to Rye Neck H.S.
Approved Community Service list

c. Harbor Island Park cherry trees – Some old trees are in bad shape. Some younger trees are crooked. New cherry trees will be a priority for fall planting. Mr. Yamuder to discuss pruning with Tony and Barry.

6. CALENDAR NOTES:

Next meeting: September 18

On motion of Mr. Gormley to adjourn the meeting; seconded by Ms Freeman. All in favor.
ADJOURNMENT at 8:50 PM.

Village of Mamaroneck, NY

Item Title: Minutes of the Arts Council from July 12, 2017

Item Summary: Minutes of the Arts Council from July 12, 2017

Fiscal Impact:

ATTACHMENTS:

Description

Type

July 12

Cover Memo

VILLAGE OF MAMARONECK ARTS COUNCIL
REGULAR MEETING MINUTES
Wednesday, July 12 2017 – 7:00P.M.
Village Hall Conference Room, 123 Mamaroneck Avenue

1. Members and guests:
 - i. Members present: Chair, Solange De Santis (on video/audio), Chari Allison, Robin Campbell , Jane Dorian, Jacqueline Meier, Joycemaire Washburn
Board Trustee, Keith Waitt
Daniel Sarnoff, Acting Village Manager
Guests: Melissa Moak, Laura Bott (audio)
Absent: Jamie Weisinger
2. Meeting called to order
 - i. The meeting of the Arts Council was called to order at 7:07 PM.
3. Approval of minutes
 - i. Campbell moved to approve the Minutes of the April meeting. Meier seconded. All in favor.
4. July 4th Concert:
 - i. Robin reported that the Soundettes director was pleased that the Soundettes performed at the concert.
5. Summer Nights on the Sound
 - i. Chari reported that she has the checks for the bands who perform. The procedure is to hold the check until the performance is over. Rain date cancellation will be called by 2 PM. Person in charge needs to have phone number of band manager.
 - ii. Two food trucks were contacted to be present at concerts.
 - iii. Format: introduce Mayor, self and welcome participants, band and sponsors if any.
 - iv. Signs and banners should be placed in park.
 - v. Leon Potok had suggested that the Council spend money to promote concerts on Facebook.
 - vi. Members suggested discussing the day of the week for most participation at concerts for next year. Chari make the suggestion to do more with the Chamber of Commerce.
6. Village Song Proposal
 - i. Robin proposed a song to celebrate the Village of Mamaroneck with council members, residents, students, etc., contributing to the lyrics, and perhaps with a contest.
 - ii. Solange suggested that members send thoughts about Mamaroneck to Robin to begin drafting a song.

7. Sunday Art Lectures/ Art Show at the Mamaroneck Library
 - i. Jackie reported on art lectures and said that there will be three in the fall at the library.
 - ii. Joyce Marie reported that she will be judging student art at the library teen center with A.I. Friedman.
8. Discussion of Publicity
 - i. Ken Valenti discussed calendar posting, video and Instagram (76 followers).
 - ii. Chari suggested that we keep posting art related happenings in Mamaroneck and surrounding communities.
 - iii. Members discussed types of items to post.
9. Murals in Village
 - i. Members discussed possibilities for murals in Village. Chari suggested doing a mural walk to see appropriate spots.
 - ii. Murphy Brothers were somewhat interested.
10. Wayfinding in Village
 - i. Discussion of progress of Wayfinding. Possibility of art on signs was discussed.
 - ii. Keith Waitt said the topic will be discussed at the next Village Board meeting.
11. Arts and Crafts Fair at the Library
 - i. Chari mentioned that the Fair will take place on December 9.
 - ii. Chari will plan with members to advertise early.
12. Adjournment
 - i. Jane made a motion to adjourn the meeting. Robin seconded it. All in favor. Meeting adjourned at 8:21 PM.

Village of Mamaroneck, NY

Item Title: Minutes of the Planning Board meeting from April 26, July 12 and July 26, 2017.

Item Summary: Minutes of the Planning Board meeting from April 26, July 12 and July 26, 2017.

Fiscal Impact:

ATTACHMENTS:

Description

Type

04 26 2017 adopted VOMPBM MINUTES

Cover Memo

07 12 2017 adopted VOMPBM MINUTES

Cover Memo

07 26 2017 adopted VOMPBM MINUTES

Cover Memo

**APPROVED
VILLAGE OF MAMARONECK
PLANNING BOARD MEETING MINUTES
WEDNESDAY, April 26, 2017, 7:00 PM
Courtroom @ 169 Mt. Pleasant Avenue, MAMARONECK, NY**

These are intended to be "Action Minutes", which primarily record the actions voted on by the Planning Board on April 26, 2017. The full public record of this Meeting is the audio/video recording made of this meeting and kept in the Planning Board's records.

PLEASE BE ADVISED, that the next Meeting of the Planning Board of the Village of Mamaroneck is scheduled for Wednesday, May 10, 2017 at 7:00 P.M. in the Courtroom in Village Hall, 169 Mt. Pleasant Ave., entrance located on Prospect Avenue, in the Village of Mamaroneck.

PRESENT: **LEE WEXLER, CHAIRMAN**
 JOHN VERNI
 RICHARD LITMAN
 INGEMAR SJUNNEMARK
 LOU MENDES

HUGH GREECHAN, VILLAGE CONSULTING ENGINEER
 LESTER STEINMAN, PLANNING BOARD ATTORNEY
 BOB GALVIN, VILLAGE PLANNING CONSULTANT
 SUSAN OAKLEY, LANDSCAPE CONSULTANT
 MIKE MUSSO, HDR-SENIOR PROJECT ENGINEER

Call to Order

Chair Wexler called the meeting to order at 7:02 p.m.

OLD BUSINESS

HAMPSHIRE COUNTRY CLUB - DEIS

The Planning Board acknowledged the receipt of the DEIS submitted by the Applicant. The substance of this document will NOT be discussed at this meeting. The Board and staff will begin review of this document.

A work session has been set for Wednesday May 24, 2017

ORIENTA BEACH CLUB - SITE PLAN (Taken out of order)

1054 Walton Avenue Site Plan (Section 9, Block 98, Lot 1) Application to relocate an existing platform tennis court, add an additional court, add a new Warming hut and decking and install storm water recharging system (MR District)

Ingemar Sjunnemark is recused from review of this application

Planning Board to consider a draft negative declaration

Mr. Rex Gedney appeared on behalf of the applicant. There has not been any new submission to this Board. They did appear before the HCZMC at their last meeting and received a favorable response and

believe that a Consistency Determination will be made at their next meeting. Mr. Gedney stated that they are at this meeting in regard to the draft Negative Declaration that was prepared and asked if the Board was going to make a decision on that this evening.

Mr. Wexler stated that there was a draft Neg Dec as well as an EAF prepared by Mr. Galvin. Mr. Galvin stated that he was at the HCZMC meeting and there was nothing noted that would preclude the Planning Board from adopting this.

On motion of Mr. Verni, seconded by Mr. Mendes and carried, the Board adopted the Negative Declaration for Orienta Beach Club

Ayes: Verni, Wexler, Litman, Mendes

Nays: None

Absent: None

Recused: Sjunneemark

MAMARONECK ICES - SITE PLAN

946 East Boston Post Road, Section 4, Block 63, lot 1 Application Site Plan approval in order to operate an ice cream shop, property located in the C1 Zoning district.

Mr. Eric Gordon of Keane and Beane appeared on behalf of the applicant. They appeared before the ZBA on the review of their amended site plan. This amendment closes the outdoor counter space. When Mr. Rosenberg was given a building permit, the Building Department made a determination that this was a retail use. The ZBA disagreed with the determination and stated that a site plan and special permit was required. Mr. Gordon reviewed the past and next steps in this application process. They are asking this Board to address the side yard setback adjacent to the residential area, setting it to 10 feet. There will be nothing inside that side yard. The second issue is for this Board to set a reasonable setback for a corner lot. Mr. Gordon reviewed their landscape plan. He stated that the building height is remaining and discussed other screening being used to help mitigate the customers milling around. There are no drainage issues on the site. The driveway connections to the adjacent streets were reviewed, including the number and size of curb cuts. They believe this improves the pedestrian safety on the site. Traffic effects were discussed and they believe that there are no adverse traffic impacts. Utilities and disposal of waste have been taken care of. There is some noise, but there has never been a noise ordinance violation. The Board of Architectural Review will review advertising features. The last issue is parking and of greatest concern to the neighbors. They believe that they have an appropriate parking plan. Mr. Rosenberg is in the process of finalizing a store in White Plains and they believe that when this store opens, it will impact the number of customers coming to this location. He is also negotiating opening additional stores in Westchester County. They also believe the novelty of the store will decrease as well. More employees were hired to help with the turnover of customers.

Mr. Peter Russillo appeared regarding the traffic study. A memo was sent to the ZBA regarding this study. Mr. Russillo reviewed the traffic plan. The numbers used were the high numbers from last summer; the peak hours for both the road system and the operation of the ice cream shop. Turning tracks were studied using a fire truck, garbage truck and delivery truck. Mr. Russillo reviewed this. They can all enter and exit easily. He also reviewed the parking lot and what their experience was last summer. The layout of the parking lot was explained. The new plan is far superior to what is there today. Mr. Wexler asked Mr. Russillo to review the peak times and the number of cars going in and out during that period. Mr. Gordon appeared

again to discuss the parking when another business goes into the space next door. This will have to be coordinated depending on the type of business that occupies this space. Mr. Mendes stated that the volume of business is too busy for the space now and this will only get worse when another business comes in. The parking on the street is a mess. He feels that the driveway onto East Boston Post Road is a dangerous situation. There is a high concentration of traffic on Keeler Avenue and it is a nuisance for the neighborhood.

Mr. Greg DeAngelis appeared to review the new layout with the enclosed counter and how customers will be queued away from the parking lot and road. Mr. Russillo addressed the backing out of parking spaces. It is done every day on Mamaroneck Avenue. There needs to be caution when doing so. Mr. Mendes is concerned that there will be people milling around and kids running around in the parking lot. The applicant disagrees as the entrance doors and sitting area are away from the parking lot. Mr. Verni stated that he does not like the extension, as he believes that this will push the customers further into the parking lot. He would like to see the applicant take additional space in the building and not have this bump out.

Mr. Michael Stein of Hudson Engineering appeared. He disagrees with Mr. Verni and stated that this modification of the driveway has been shifted away from Post Road pulling the driving lane away from where the customers are. Mr. Wexler stated there are a lot of concerns regarding parking and traffic demands. Mr. Russillo stated that the movement and level of service would be at Level B, which is very little delay. The parking during peak hours was reviewed. Mr. Mendes said they have no way to know how many patrons were parking on the streets. Mr. Rosenberg agreed that the parking was a mess last year but believes that their plan will alleviate this.

Mr. Galvin believes there are two separate items; one is the parking lot configuration that he believes works and the other is the circulation of traffic flow that the DOT will opine on. There is precedent in the Village where employees manage the flow and parking on site. This can be done here. It was noted that the DOT has reviewed this plan and they asked that a letter be sent from the Fire Chief regarding their ability to enter the site. The Fire Department is in the process of drafting this letter. Mr. Galvin stated that the DOT would be submitting a final determination to this Board. Mr. Mendes believes that the DOT will approve this, but this is still a nuisance for the neighborhood. He lives there and knows that. Mr. Wexler asked the Board if there is another traffic plan they believe would work better than the one submitted. The Board discussed other options. Mr. Galvin reiterated that the Board might want a condition to be that the applicant hires a parking attendant.

Mr. Sjunnemark believes that this is a vast improvement over what was there. The Board will either give this a chance or have him close his operation. Mr. Wexler stated that the Zoning Board is looking at this in regard to if this fits in the neighborhood. Their focus is the site plan. The Zoning Board has the final say if this is an appropriate use for this site. Mr. Verni believes that this business is too much for this site. He does not believe that this works for Keeler Avenue. Mr. Wexler reiterated that they are not making a determination on the site plan this evening; they are making their recommendations to the Zoning Board on how the site plan is evolving. Mr. Wexler spoke in favor of some of the improvements. The store is open now and the situation is terrible. This is a vast improvement over what is there now. He is still concerned that the site can handle the traffic.

Mr. Gordon stated that they are trying to create a site plan that works for everyone, but if this Board is dead set against this business being here and will never approve a site plan, this is something that they would like to know so that they do not continue to spin their wheels. Mr. Verni asked again about the applicant talking with the landlord to have additional space in the building. Mr. Rosenberg stated that the

landlord is on vacation. He proposes taking the additional space, and keeping the extension. He would operate the other side as a morning business. Mr. Rosenberg is willing to put someone in place to direct traffic. Mr. Litman believes that it is premature to make a decision on the site plan as too much could change.

Mr. Gordon reiterated that this Board makes the decision on the two issues he brought up at the beginning of the hearing regarding the side yard and corner yard setbacks. Mr. Wexler stated that he has not heard any disagreement on these two issues and asked if the Board would be comfortable making a recommendation on these to the Zoning Board. Mr. Wexler stated that he is willing to make a recommendation to the Zoning Board that they are agreeable to that relief and they have made progress on the site plan although there are issues with the traffic flow. Mr. Verni believes that sends the wrong message regarding the site plan.

Mr. Steinman informed the Board that the past Planning Board Chair, Mr. Sterk asked whether any future use in the portion of the empty space in the building be required to apply for site plan and special use approvals. Based upon his research, Mr. Steinman stated that the answer appears to be yes. Also, if this Board were to approve a site plan for Mamaroneck Ices, there would be a provision in it that if there were a business proposed to use the additional space, it would have to come back before this Board to review the adequacy of the parking. Mr. Verni stated that he understands this procedurally but still has issue with what is on this site now. Mr. Litman again stated that this Board needs all of the information requested before further deliberation. Mr. Wexler asked that they look at closing the curb cut on Keeler or possibly making it a one way if that is amenable to the Fire Department. Mr. Rosenberg appeared and requested the Board allow him to return in one month after he revises his plans and speaks to the landlord regarding acquiring the additional space. The Board had no objection to this.

Mr. Wexler opened up the hearing to the public and asked that it be limited to new information. Ms. Meg Yergin of Stuart Avenue appeared. She stated that the traffic study took place on August 26 and this is not the peak time of year. She submitted photos of the chaos that took place at the parking lot last summer. She does not understand how empty spaces were determined, as there were no strips and a different parking configuration every night. There have been 30-40 customers each evening this spring when it has been very cold. Unless a truly independent traffic study is done including the foot traffic, what is needed at this site will never be determined. She appreciates the Board's concern over the noise and danger this has caused. Two peak hours is plenty of time for a child to get injured. The enclosure makes it more difficult to drive through the parking lot, as customers will still stand outside of it. Everyone will have to cross over the entrance to the Boston Post Road to be served.

Mr. Anthony Francella of Keeler Avenue appeared. Mr. Francella brought up the statement made by the applicant that he would use the additional space for a morning business. Mr. Francella thought that he would have to acquire that space to use for the overflow of this business. Mr. Verni stated that he would need to generate income from this space to make it viable to pay the extra rent. From the neighbor's point of view, the peak time is not 6-8 pm; it is from 6-10 pm. He believes that the glass enclosure is a danger as it could be an area of congregation, as people would be trying to read the menu boards. This business is just not working. Mr. Francella showed a video that depicts all of the concerns that the Board raised tonight. Ms. Stephanie Figliomeni of Jensen Avenue appeared. Part of her home is on Keeler. She has been before this Board for a year and the Board is finally seeing what they are dealing with. There has never been an issue with the businesses that were there previously. She is a teacher and this is the first time she could not enjoy her summer, she was constantly policing the street. She is tired of hearing excuses from the applicant.

Someone was hit by a car crossing the Boston Post Road last year and someone died crossing that road years ago. She is warning the Board that this will happen again. No matter what is done at this site, it will never work.

Mr. John Garfufi of Keeler Avenue appeared regarding the traffic and issues on Keeler and the dramatic change to the neighborhood since this business moved in.

Ms. Maria DiFiore of Jensen Avenue appeared. She is here to ask that the Board save their homes. She is losing value on her home every day because of this business. The Board needs to work for the residents. This is an illegal business that should have never been allowed to open.

Mr. Colin Maggs, representative for property owner of 946 East Boston Post Road appeared. He stated that he has recently received phone calls from people interested in putting in a coffee shop in the open space. The crossing guard in that area has told him that there is interest by the locals to have a place in the neighborhood where you can go in to grab a cup of coffee or a quick bite. He has a meeting scheduled with the Building Department regarding the legality of having a morning breakfast business in that location. He hopes that this can happen.

Mr. Verni believes that this would make it even worse and suggests that he speak to Mr. Rosenberg regarding this space. Mr. Maggs believe that hours of operation would be relevant, but not who the tenant is. If there would be time restrictions, he would like to know what they are. Mr. Wexler believes a coffee shop would be compatible but that is a Zoning Board issue. Mr. Maggs stated that Mr. Rosenberg has reached out to them regarding the other space and they are entertaining his offer. Mr. Gordon appeared again and stated that the video shown by the neighbors was before the new plan was configured and as far as property values go, there is no proof that this business is affecting those. That is a lay opinion.

The Public Hearing was adjourned to the May 24, 2017 meeting.

PUBLIC HEARINGS:

MAMARONECK CENTER- BRIXMOR SUBDIVISION

805, 817- 819 Mamaroneck Avenue - Subdivision Application (Section 8, Block 72, Lot 1 & Section 8 , Block 69, Lot 1) discussion of proposed merging of lots for the redevelopment of a retail center
AS PER THE APPLICANT'S REQUEST- THIS APPLICATION HAS BEEN ADJOURNED TO THE MAY 10, 2017 MEETING.

The Public Hearing was adjourned to the May 10, 2017 meeting per the applicant's request.

WETLANDS PUBLIC HEARINGS:

JEFFREY & VICTORIA MAGGARD -WETLANDS PERMIT

8 Oak Lane Wetlands Permit (Section 9 Block 92 Lot 8) to construct an addition to the house, a new in ground swimming pool, remove the existing asphalt tennis court, replace existing septic tank and associated site work in the R-20 District

Mr. Paul Milliot from Daniel S. Natchez and Associates appeared to continue the review that began at the March meeting. Mr. Alan Pilch, Engineer, Mr. Rex Gedney, Architect and Mr. Sean Jancski, Landscape Architect were present as well. After the last meeting, the applicant went to the Harbor and Coastal Zone Coastal Commission where the application received a Consistency Determination.

Mr. Milliot stated that the fundamentals of the plans have not changed. There have been changes in the landscape plan addressing the concerns of Ms. Oakley. There will also be less trenching done saving trees.

The planting plan was revised to add more oak trees. At the direction of the HCZMC, it was requested that the applicant do an investigation into the septic system for the cottage. Upon investigation it was found there was only a septic tank and not a field beyond the tank. The tank was pumped and an alarm installed that will sound when the tank is full. The Health Department was also notified. The Health Department directed the applicant to install a new septic system placed directly behind the cottage. There are 5-6 trees that will need to be taken down to accommodate this system. They are still in a net positive for trees being planted versus trees removed. The preliminary meeting with the Health Department went very well. Perc tests have been scheduled for this Friday. Soil investigations have been done and they look favorable.

Mr. Milliot stated that there would still be a 48% reduction in impervious surfaces in the wetland buffer and a 12% reduction for the overall site. They are hopeful that tonight's hearing would reach the point where the Board directed a resolution be prepared.

Mr. Greechan stated that he spoke with Mr. Wasp from the Health Department and is sure that this project will be approved. Mr. Greechan also stated that the new storm water plan is better than the previous plan submitted, as they are creating a second rain garden and the water from the first driveway is now being treated. He believes that the applicant has done a good job with their storm water plan. Mr. Steinman suggested that Mr. Greechan's comments be part of the conditions of the approval. Mr. Galvin suggested that a condition be that Mr. Greechan needs to review and approve the building plan. Mr. Greechan agrees and also that it is conditioned on the Health Department approval.

The discharge into the rain garden was reviewed. Erosion control was reviewed as well. Maintenance of the rain garden was discussed. It is a dedicated storm water feature and the Village requires a maintenance agreement that is tied to the property in perpetuity. Mr. Jancski reviewed where the trees would be removed and the replacements planted. He did state that things might have to be adjusted during the planting phase depending on the conditions found.

On motion of Mr. Verni, seconded by Mr. Sjunneemark and carried, the Board closed the public hearing for 8 Oak Lane Wetlands Permit

Ayes: Verni, Wexler, Litman, Sjunneemark, Mendes
Nays: None
Absent: None

On motion of Mr. Verni, seconded by Mr. Sjunneemark and carried, the Board authorized a resolution to be drafted for 8 Oak Lane Wetlands Permit

Ayes: Verni, Wexler, Litman, Sjunneemark, Mendes
Nays: None
Absent: None

TERRACE COURT - SITE PLAN & SPECIAL PERMIT

128 Library Lane, Section 9, Block 49 Lot 19A, Application for a site plan to construct a three story - three unit multi family residence with parking on the first story at grade (C-1 District)

On motion of Mr. Verni, seconded by Mr. Sjunneemark and carried, the Board opened the public hearing for 128 Library Lane Special Permit

Ayes: Verni, Wexler, Litman, Sjunneemark, Mendes
Nays: None

{00811967.doc.}Planning Board Meeting

April 26, 2017

Page 6 of 10

Absent: None

Mr. Jonathan Kraut appeared on behalf of the applicant. He reviewed the project. They have submitted their special permit application. They feel they have met the criteria of a special permit and his project complies with the Code.

Mr. Stuart Tiekert of Beach Avenue appeared and asked about the Board waiving requirements or the granting of a variance by the Planning Board. Mr. Wexler stated that would be discussed this evening. Mr. Tiekert had a memo dated 3/31/17, from the Village Engineer with three items that have not been addressed. Mr. Greechan stated that these issues have been informally addressed and the plans will be submitted to the Village. There will be an opportunity for the public to review and comment on these plans. Mr. Tiekert asked if the same note that is on the Orienta Beach Club plans regarding notifying the Village of any work would be on the plans for this project. He also inquired about the note stating that as-built drawings shall be submitted after final construction. Mr. Greechan stated that both these notes are standard. Mr. Tiekert has asked for as-built plans on storm water management practices and he has been told that there are no records responsive. Mr. Tiekert stated that there is nothing on the hearing notice sent to the neighbors that the applicant is asking for a variance to build closer to the setbacks. He believes that this is a deficiency. Lastly, there was discussion at HCZMC regarding the difference between percolation and infiltration. Mr. Tiekert read the definitions of infiltration and percolation. He was surprised to hear two engineers say that there is no difference.

Mr. Kraut appeared again and stated that they did address the engineering comments in the SWPPP. All of these will be on the final plans. The existing condition will be a substantial improvement over what exists. As far as having as-built plans, he will comply and it is his experience that these measures are physically inspected. The streetscape has been discussed. The applicant asked that the hearing be closed. Mr. Verni asked about the neighbor's concerns. Mr. Kraut stated that those have been addressed and the neighbors are in favor of this. Mr. Wexler asked about the setback encroachments. Mr. Rex Gedney, project architect appeared and addressed the setbacks and areas of encroachment. The neighbor's concern was screening and landscaping. They have since demonstrated that this will be heavily screened and landscaped and the neighbors satisfied. There is a letter of support that is in the record.

Mr. Stuart Tiekert appeared again and stated that the hearing should not be closed, as the Board does not have a site plan that meets Village requirements. The cultec system shows it too close to bedrock. The applicant has had issue with his sites regarding a construction entrance and a silt fence.

Mr. Wexler stated that the Board has spent a lot of time on this application and they would assure that their engineer is satisfied before a site plan is approved. Mr. Steinman believes that the point being made by Mr. Tiekert is valid, but the Board may close the hearing if they wish. Mr. Verni would prefer keeping the hearing open and preparing the resolution for review at their next meeting.

On motion of Mr. Verni, seconded by Mr. Litman and carried, the Board authorized a resolution to be drafted for 128 Library Lane Site Plan & Special Permit

Ayes: Verni, Wexler, Litman, Sjunnemark, Mendes

Nays: None

Absent: None

The Public Hearing was adjourned to the May 10, 2017 meeting

T-MOBILE NORTHEAST- SPECIAL PERMIT RECERTIFICATION and AMENDMENT FOR A WIRELESS TELECOMMUNICATION FACILITY

910 Stuart Avenue, (Section 4, Block 62, lots 2, 3 7 & 8) Application for the recertification and amendment of a special permit for a wireless telecommunication facility (R-7.5 Zoning District)

Mr. Litman is recused from this hearing.

On motion of Mr. Verni, seconded by Mr. Sjunnemark and carried, the Board opened the public hearing for T-Mobile

Ayes: Verni, Wexler, Sjunnemark, Mendes

Nays: None

Abstained: Litman

Mr. Robert Gaudio Attorney appeared on behalf of the applicant. He reviewed the application and the documents submitted. Mr. Steinman reviewed the Board's role in regard to this approval.

Mr. Mike Musso from HDR appeared. He is consulting for the Village on this application. He noted the changes in the federal laws on telecommunication. Mr. Musso reported on this application including photos, which were submitted to the Board. Mr. Musso explained exactly what would be happening at the T-Mobile bay station. This application meets all eligible facilities request criteria. He also believes that what has been provided is in accordance with Village Code. They did make recommendations for conditions. Radio frequency emissions should be submitted. Certification of the structure, maintenance and inspection, color matching and references to the Code on operations, he believes should also be conditions. Mr. Musso stated that the applicant requested that they never have to come back to the Village to recertify. He thinks this is a bad idea due to the evolution and change in technology. The possibility of using stealth screens and possible antennae colors was discussed. The trends going forward were reviewed. Mr. Galvin suggested adding the eligible facilities language in the Village Code. Mr. Musso stated that there is a lot evolving on the Federal front.

Ms. Meg Yergin of Stuart Avenue appeared. She recently found out that a steel grid would be placed over her living room. She believes that the applicant is minimizing the sleds. The roof of her building will be very different. The tenants have not had the time to access what this will mean to the rooftop. The Fire Department may be concerned. She asked if these would be bolted to the roof. She asked that the Board give the building Board time as they are in communication with T-Mobile. She felt this is expanding on their permitted use.

Mr. Mark DiMaggio of Sophia Street appeared. He lives directly across the street from the building. He has concerns with T-Mobile in general and the special permit renewal. He read the letter from the Attorney and the Consultant's report. He asked how definitions are set forth both in the letter and the Village Code. In the letter the attorney stated that there is no substantial change. He sees nothing in the documentation regarding density. He lives on the beta sector side of the building and looks directly at the beta antenna. Putting another antenna there is a significant effect. He submitted photos of the view from his front porch. Something should be done to screen the antennae. Why can't they build dormers so that they are not so much of an eyesore? He read the Code regarding visual effect and does not believe that has been considered. These have an obvious affect on the property value of the homes in the neighborhood. There is NY Code that states the reasons for these facilities not to be approved and among them is the impact on property values. He asked for empirical evidence that shows that this facility is not affecting the property value of the surrounding homes and of 910 Stuart Avenue itself. Mr. DiMaggio believes that the municipality can step in, as there has been more than one occasion when T-Mobile has acted disrespectfully of residents.

He showed photos of a United Van Lines van and large crane that parked in front of his home. The Village had no idea what was going on. They had a woefully inadequate permit and were operating outside of the times allowed. This is a company who has consistently tried to make changes to their equipment without following the Code and putting his family and other families in the area at risk.

Mr. Gaudioso appeared again and stated that this is not correct. The violation given was to a subcontractor; nothing against T-Mobile. There was a building permit received and no violation for electrical work. The subcontractor did plead guilty to violating the noise code.

Mr. Michael Witsch of 910 Stuart Avenue appeared. He believes that he owns part of the roof as a shareholder of the building. He did not know about this public hearing until he saw a sign in the front yard. He was told that the building's board of directors would be handling this. He was on the board when a new roof was installed in 2005-2006. They were very careful when this was done. He is concerned about what this sled will be attached to. He is also concerned about the two neighbors who have access to the lower roof. Their shares include this area, as he doesn't know about the radio frequency exposure. Is there shielding that can be put in to protect them. Mr. Witsch asked when the last federal tests for health standards were done.

Mr. Gaudioso appeared and stated that they have all of the necessary consents from the property owner. He also stated that is not a valid inquiry to be made to this Board according to the Village Code.

Mr. Musso appeared again to address the comments made. He believes that there will be no anchoring to the roof directly. It will be weighted, which is common. The radio frequency report had photos from 2015. When asked if the sleds are visible, Mr. Musso stated that they are not, but a one-inch cross form would be. Regarding the emissions concern for tenants, Mr. Musso stated that there would be no effect on the tenants. The last radio frequency report was done in 2015 and he does recommend this being done again as a condition. He does believe that the accepted health criteria are something that needs to be looked at.

Ms. Julie Webber of 910 Stuart Avenue appeared. She does not expect that these structures are ever going away, but would ask that the Board wait before approving the recertification and amendment to their permit. She would like to see the approval letter from the building's board. She believes that there is something that could cover the equipment that would fit the architecture of the building. Ms. Webber stated that a crane would be needed to put this equipment on the roof. She asked when the last time a structural engineer inspected the roof. She also asked who is responsible should something happen to the roof. They need more time and information before moving forward.

Ms. DiMaggio of Sophia Street appeared. She asked that the same requirements be put on T-Mobile as is done with residents. Also, the residents should be able to see the plans in depth and detail before moving forward. She would also like to see if there is anything architecturally that could be done to minimize the unsightliness of the equipment.

Mr. Gaudioso appeared and reminded the Board that this is a Special Permit renewal and they do comply with the Code in this regard. As far as the new equipment, the Code is not applicable. The Federal Eligible Facilities Law pre-empts every other consideration other than the lower height. There are no applicable criteria for density or aesthetics or the other items mentioned. The Building Department did issue a building permit. There are insurance provisions with the building. There are insurance certificates for doing the work as well. There is a very specific shot clock to do this work. Once 60 days has passed, the

project is deemed approved by the Eligible Facilities Law. Mr. Gaudioso stated that a structural analysis of the roof was done. Mr. Gaudioso believes that if they do try to screen the equipment, it would look worse. The one time that a municipality tried to force T-Mobile to put up screening, it went to Federal Court and the screening was not done. He further stated that he has a structural analysis in regard to the sleds and he is happy to make that analysis part of the record.

Ms. Yergin appeared again and stated that there are tremendous winds there. She asked if these sleds have been tested for the kinds of winds that occur here.

Mr. Witsch stated that it is too bad that the tenants have no rights. He asked that the T-Mobile representative submit a copy of the agreement with the building.

On motion of Mr. Sjunneemark, seconded by Mr. Mendes and carried, the Board closed the public hearing for T-Mobile

Ayes: Verni, Wexler, Sjunneemark, Mendes
Nays: None
Absent: None
Recused: Litman

On motion of Mr. Verni, seconded by Mr. Sjunneemark and carried, the Board authorized a resolution to be drafted for T-Mobile with conditions as per the HDR memo recommendations

Ayes: Verni, Wexler, Sjunneemark, Mendes
Nays: None
Absent: None
Recused: Litman

WORK SESSION - Continued discussion on micro-breweries and similar uses.

Mr. Galvin stated that he presented the Board with a report on micro-breweries including the information by Half Time. There was red-lined legislation included. He asked that the Board review all so that they could report back to the Board of Trustees. Mr. Wexler suggested that the Board read this information and be prepared to put something together at their next meeting.

ADJOURN MEETING

On motion of Mr. Verni, seconded by Mr. Sjunneemark and carried, the meeting was adjourned at 11:07p.m.

Ayes: Verni, Wexler, Litman, Sjunneemark, Mendes
Nays: None
Absent: None

Respectfully submitted,

Betty-Ann Sherer

Betty-Ann Sherer

**APPROVED
VILLAGE OF MAMARONECK
PLANNING BOARD MEETING MINUTES
WEDNESDAY, July 12, 2017, 7:30 PM
Court Room, 169 Mount Pleasant Ave. Mamaroneck, NY**

These are intended to be "Action Minutes", which primarily record the actions voted on by the Planning Board on June 12, 2017. The full public record of this Meeting is the audio/video recording made of this meeting and kept in the Planning Board's records.

PLEASE BE ADVISED, that the next Meeting of the Planning Board of the Village of Mamaroneck is scheduled for Wednesday, July 26, 2017 at 7:00 P.M. in the Courtroom in Village Hall, 169 Mt. Pleasant Ave., entrance located on Prospect Avenue, in the Village of Mamaroneck.

PRESENT:

**LEE WEXLER, CHAIRMAN
JOHN VERNI
RICHARD LITMAN
LOU MENDES
INGEMAR SJUNNEMARK**

**HUGH GREECHAN, VILLAGE CONSULTING ENGINEER
LESTER STEINMAN, PLANNING BOARD ATTORNEY
DAN GRAY, BUILDING INSPECTOR
SUSAN OAKLEY, LANDSCAPE CONSULTANT**

Call to Order

Chair Wexler called the meeting to order at 7:04 p.m.

APPROVAL OF MINUTES

Consideration of Draft minutes from:

Minutes from 5/10, 5/24 & 6/14, 2017 meetings

May 10, 2017

On motion of Mr. Verni, seconded by Mr. Litman and carried, the Board approved the minutes of the May 10, 2017 meeting as submitted.

Ayes: Verni, Wexler, Litman, Mendes, Sjunneemark

Nays: None

Absent: None

May 24, 2017

On motion of Mr. Verni, seconded by Mr. Mendes and carried, the Board approved the minutes of the May 24, 2017 meeting as submitted.

Ayes: Verni, Wexler, Litman, Mendes

Nays: None

Abstained: Sjunneemark

June 14, 2017

On motion of Mr. Sjunnemark, seconded by Mr. Litman and carried, the Board approved the minutes of the June 14, 2017 meeting as submitted.

Ayes: Verni, Wexler, Litman, Sjunnemark

Nays: None

Abstained: Mendes

For ease of discussion- the next 2 items were discussed together

OLD BUSINESS

A. THE RESIDENCES at LIBRARY LANE 145- 149 LIBRARY LANE

SITE PLAN Continued discussion (Section 9, Block 50, Lot 6A) Site plan application for 145-149 Library Lane to remove the existing building and construct a 9 unit apartment building with parking on the ground level. (C-2 District)

PUBLIC HEARINGS

A. THE RESIDENCES at LIBRARY LANE 145- 149 LIBRARY LANE

SUBDIVISION & SPECIAL PERMIT - Continued Public Hearing (Section 9, Block 50, Lot 6A) Subdivision & Special Permit application for 145-149 Library Lane to remove the existing building and construct a 9 unit apartment building with parking on the ground level. (C-2 District)

Christie Tomm Addona appeared for the Applicants. She noted that the approvals sought by the Applicants are Subdivision to merge the 2 existing lots, Site Plan to remove the structures and construct a new building and a Special permit to operate the residential use in the C2 zone.

Since the last meeting the Applicant received input from the Board, its consultants, the public as well as other agencies and revisions have been made to the proposal. The SWPPP has been revised and Jane Didona has submitted a landscape plan for the site. The building location has been modified as per the comments as well. The Applicant modified their plans to take comments from Mr. Hirsh into consideration. It was noted there is now 4' setback from the rear on the lower level. It was noted that the requirements for side yard setbacks is 0' and the applicant now proposes 4'. A submission has also been made to move forward to the July 19th HCZMC meeting. With respect to the requirements of special permit the applicant read the following:

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 building is smaller than could technically be constructed in the site. It is consistent with the changes being made along Library Lane for permitted infill housing and removes two older buildings, one of which is vacant and an eyesore. The limited number of apartments will not be overly burdensome and adequate onsite parking is being provided.

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 additional landscaping proposed for the front of the building and the rooftop will exceed anything currently provided along Library Lane and will act as a catalyst to further improvements along that street.

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.

None of the above will be present and the use of a heat pump will eliminate any fumes from heating the building.

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.

All required parking is provided at ground level, will be screened and as requested by the Planning Board. In addition, the driveway entrance has been narrowed and additional landscape screening has been provided.

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.

Same will be provided.

The recent letter from County Planning suggested making provision for affordable housing. The Village Code has provisions for below market rate housing which do not apply to this project. Moreover, in light of the small number of units, the costs associated with constructing a first class building and providing all of the modifications suggested by the Planning Board, including additional screening, landscaping, roof plantings, etc., it is not economically feasible to provide for affordable housing in this small project. Further, as the suggestion is to provide 10% of the units as affordable, at most there would be one such unit. One affordable unit, while adversely affecting the economics of this project, will not make any significant contribution to affordable housing in the Village.

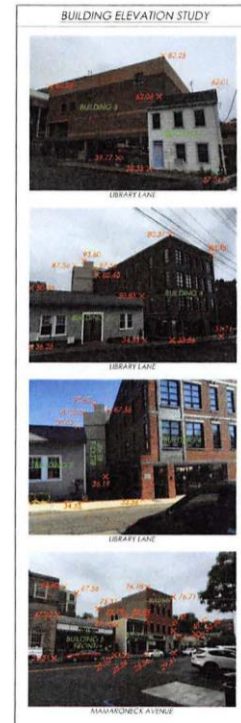
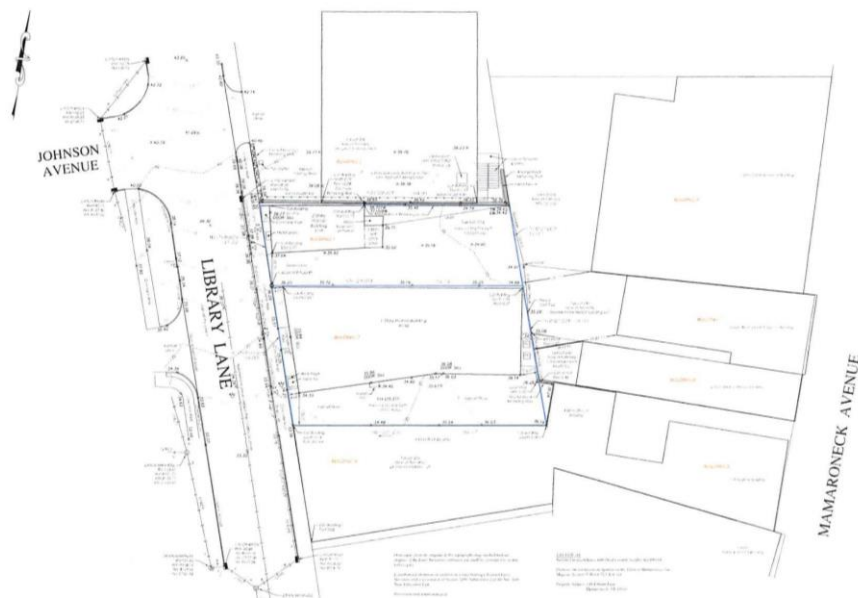
Chris Crocco Architect for the project:

Responded to a comment email sent By Bob Galvin after the last planning meeting:

Comment: Rear elevation needs to be developed and a photo simulation for PB; determine and specify the rear yard setback, any screening)

A revised rendering has been provided – in response to the Chair's comments- the circle detail has been carried from the front of the building to the rear and can be seen from Mamaroneck Ave.





Comment: Provide the depth of the back yard to the PB, the height of the building fronting on Mamaroneck Avenue and the elevation compared to the proposed building). Demonstrate height of proposed building vis-a-vis surrounding buildings (proposed building is at 42' where 45' is maximum required)

The proposed Building height is 43.8 ½'

All building heights and setbacks have been provided on the survey/ topography plan dated November 16, 2016 last revised June 8, 2017. To the top of the parapet this proposed building is approximately 2' higher than the Emelin Theater.

Comment:

Address the size and design of the "145" on front of the proposed building

The address numbers have been reduced to roughly 10" tall and placed on the overhang of the building.

Comment: Narrow entrance driveway (specify the existing proposed width and proposed new width) - provide decorative and/or landscape screen for the parking area

The driveway entrance has been narrowed to 16' wide a reduction from initially 22'-24'. It will be an electronic sliding gate



Comment:

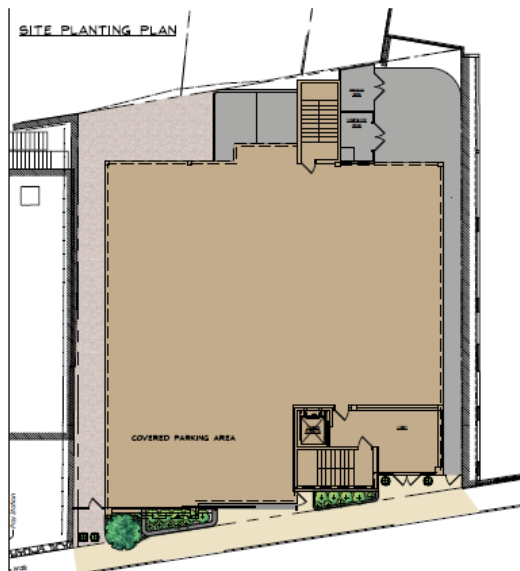
Show "head on" rendering which would show the 6' strip between the Emelin and the proposed building - should show gate and the proposed treatment of this area

A gate will allow access around to the side.
A tree has also been added to the front corner of the building.



Comment: PB liked the continuation of the stone wall material from the Emelin for the proposed building.

The Applicant would like to use the stone as proposed on the front of the proposed building for the stone walls



The building was moved back and two planters were added to soften the façade and provide a streetscape.

The existing side walk is 6 and the building has been pushed back an additional 2'.

Comment: More energy efficient and low noise (quieter) condensers and placement (if on roof closer to Emelin than adjacent apartment building)

On the roof heat pumps will be used which will be very quiet and have low emissions and have no flue stacks. Any mechanicals will be behind the stairwell and in the rear bump out with fencing to keep them out of sight.



(previous roof rendering submitted)

Comment: Review comments of owner of 108 Mamaroneck Avenue re: window placement and separation for opening, etc.

With the initial submission a 3' feet back from the first floor was proposed Mr. Hirsh's building goes up to the property line on the first floor. They are now 4' from the property line on the first floor. Both buildings have garages on the first floor.

Second floor Mr. Hirsh's building moves in 3' to provide windows and to comply with building code. It was noted the adjoining walls of each building would be the bedroom side of the units and not the primary source of light and ventilation. The proposed building is a little more than 4' from the line, this would be 7 feet between the buildings. At the balconies there is 15 feet between the buildings.

Chair Wexler note the front stairs are along the elevator stack, where it is the most open part of the building. Why is this space dedicated to the stair well and not for an apartment.

Mr.Crocco noted in order to achieve adequate parking the lobby has to be positioned properly as well as the stairs have to be properly distanced to meet building code.

Comment: Revise window treatment - making them not flush and more articulated in the front facade (look at similar approaches at 108 Mamaroneck Avenue and 128 Library Lane - just approved)



The windows have been revised to reflect the bumped out windows and reduce the 'canyon effect'.

The overhang is approximately 12", and does not over hang the sidewalk and runs along the property line. The plantings will be in front of it.

The garage will be fully secure the plants will screen the fence and gate.

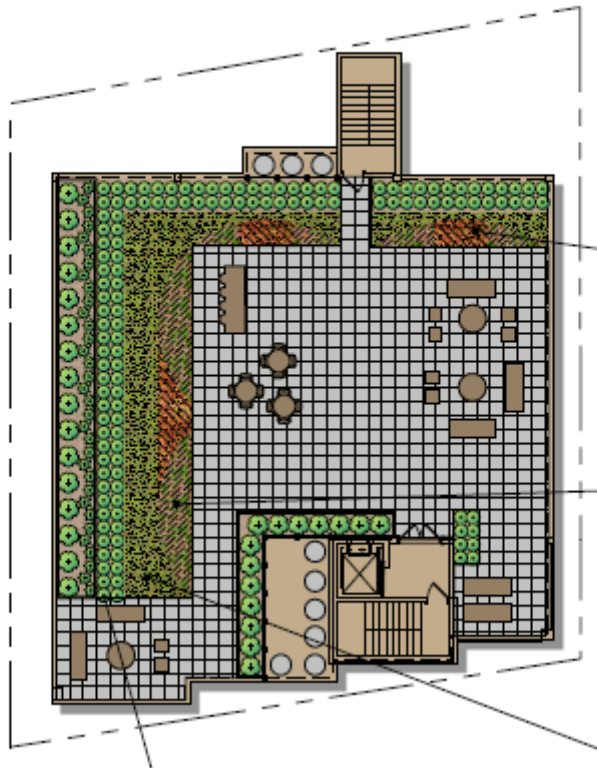
The 6' separation distance required by the Emelin Theater is a distance that is a non-negotiable requirement and is part of the contract and condition of sale. This distance between the building would also be required if there is work needed on the Emelin. If scaffolds or a cherry picker we needed to be utilized, a minimum of 6' would be required.

The rear stair exits to the garage and there is a gate for exiting.

Jane Didona, Landscape Architect, noted she is quite familiar with the site as she had also worked on 108 Mamaroneck Ave and 128 Library Lane. She noted the different feel as you move up Library Lane as well as the different zoning districts.

She felt the transition between spaces was very important. Raised stone planters have been added as well as a tree closer to the Emelin Theater. Movable planters and a cypress would complement the theater plantings. These planters would also be utilized near the entrance doors.

ROOF PLAN



The roof has a patio feel with multiple seating arrangements with a strong screening along the theater side. Planter boxes will be used with similar species as on the ground level with the addition of other drought tolerant plants in green roof trays. They will vary in height for interest and screening.

The tree of concern would not obstruct the windows but will also anchor that portion of the building.

The green roof will also provide for storm water treatment, but they are not taking credits for that treatment.

There will be roof irrigation in case of drought.

The Board liked the roof plan but wanted to see the roof landscaping carry around to the edges of the roof to the front and rear of the roof to have green spill over the roof and tie into the

plantings below. Ms. Oakley agreed with the Board's comments.

Mr. Mendes felt the roof landscaping was very nice but the façade was rigid, harsh, and not playful. The planters above and below would soften the look. The whole street is changing and each should complement the other.

Other Board members felt the buildings did complement each other. The diversity was good. There were concerns with the size since it will be taller than the library. The increased landscaping will certainly soften the look.

Street trees were discussed, Ms. Didona felt a tree in front of the elevator stack would be jammed as there was not enough room. There were concerns from the Applicant regarding adding another tree and narrowing the sidewalk and ADA compliance. Ms. Oakley agreed there may not be enough room to add a tree in front of the elevator stack, it would be pinched.

The Board asked the Applicant to revisit the addition of another tree, even if the building needs to be moved back. If a tree cannot be added, then additional plants should be added to the planters.

Ms. Oakley referred to her memo and understood the approach to the plan submitted. She did feel there was an opportunity to add more vertical plantings.

The applicant noted that if the building was moved back further, it would impact (reduce) the parking on site.

The Board noted the response from DEC with comments on cultural resources. The Applicant is in the process of submitting the CRIS information to SHPO. Photos of the interior may be required to be submitted.

Public Comment

Dan Natchez- He went out and walked library Lane and suggested that the Board look to either set the building back further or add more architectural features to reduce the mass.

Gary Hirsh- Adjoining property owner- Thanked the applicant for the many changes made to the building. He noted the garbage disposal is proposed to be in between the two buildings. He requested the container removal take place within the garage to buffer the sound. He also has concerns with the proximity in front. He noted the floor plan sheet A-1- there is a lot of space behind the unit on the right. There is opportunity to address the concern of a large façade on the street as well as an opportunity to allow more light and air to reach his building. He felt the large decks could be modified as they currently face a large blank wall. He demonstrated his suggestions of reconfiguration of the space that could benefit both properties. The Board discussed the floor plan, decks and moving the stair cases, which may open the building up.

Mr. Crocco noted the space configurations have been worked on for 7 months, if they were to move the lobby back, it would reduce the parking. The deck on the south side allows for the parking to be covered, if the deck were enclosed the plan would be over the FAR. The details of the design fall on the position of the lobby, parking and street scape. There are currently 2 spaces proposed to be uncovered. He also noted the topography of the street and the elevation changes as you move up the hill. This adds to the perception of the height of the structure.

Janet Price- adjoining resident- she felt this new building seems higher than the surrounding building and has concerns with the mass and reduction of light and air surrounding the building.

Attorney Steinman added with respect to the recent comments one of the criteria of special permit approval is "...the location nature and height of the building proposed will not hinder or discourage the appropriate development and use of adjacent land and buildings..."

It was recommended that the Applicant look to revise their plans

Applicant to submit:

- revised landscaping plan
- take the comments of this meeting and consider reconfiguration of the structure as well as the interior space

The Applicant asked if they should still move forward to HCZMC review.

The Board felt it was the Applicant's decision if they would like to revise their plans and then move forward.

Mr. Greechan noted once the stormwater plans are solidified, then they could move to HCZMC as they rely on reviewing those documents.

The 30 day circulation period of the Notice of Intent has ended and *the Planning Board confirmed their Lead Agency Status.*

Public Hearing has been adjourned to the September 13, 2017 meeting

B. O'KEEFE SUBDIVISION 740 Soundview Drive- Continued Public Hearing (Section 4, Block 74, Lots 36, 37A, 37B, 38, 39& 40) Subdivision -Lot Merger to combine multiple lots to create 2 zoning compliant lots in the (R-10 District)

Martha McCarty Attorney for the Applicant- Recapped the history of this Application. Consistency was granted by the HCZMC at their last meeting.

Bob Galvin noted the Preliminary Plat dated April 6, 2017 and Final plat dated May 31, 2017 have been submitted. The final plat reflects the addition of a zoning compliance table.

Chair Wexler asked for any additional Public Comment- There were no additional public comments at this time

On motion of Mr. Sjunneemark, seconded by Mr. Verni and carried, the Public Hearing on the Preliminary Subdivision Application for 740 Soundview Drive was closed.

Ayes: Verni, Wexler, Litman, Mendes, Sjunneemark

Nays: None

Absent: None

On motion of Mr. Sjunneemark, seconded by Mr. Verni and carried, the Board approved the Preliminary Plat dated April 6, 2017 for 740 Soundview Drive.

Ayes: Verni, Wexler, Litman, Mendes, Sjunneemark

Nays: None

Absent: None

On motion of Mr. Sjunneemark, seconded by Mr. Verni and carried, the Board waived the Public Hearing on the Final Plat.

Ayes: Verni, Wexler, Litman, Mendes, Sjunneemark

Nays: None

Absent: None

RESOLUTION
VILLAGE OF MAMARONECK PLANNING BOARD
(Adopted July 12, 2017)

RE: 740 Soundview Drive

Resolution of Preliminary and Conditional Final Subdivision Plat Approval

After due discussion and deliberation, on motion by Mr. Sjunneemark, seconded by Mr. Verni and carried, the following resolution was adopted:

WHEREAS, on May 10, 2017, William and Catherine O'Keefe, the Applicant, (all references to which shall include and be binding upon the Applicant's successors and/or assigns) submitted to the {00812044.doc.}Planning Board Meeting

May 24, 2017

Page 9 of 19

Village of Mamaroneck Planning Board ("Planning Board") an Application with accompanying documentation seeking a subdivision to create two zoning compliant lots (Lot 1 and Lot 2) with a redrawn boundary line. Lot 1 contains an existing single family residence ("Application"); and

WHEREAS, the Applicant's property is located at 740 Soundview Drive ("Property"), situated in the R-10 Residential District; and

WHEREAS, a legally noticed public hearing on the subdivision application was opened by the Planning Board on May 10, 2017 and continued on June 14, 2017 and closed on July 12, 2017, at which the opportunity for public comment was offered to all interested parties; and

WHEREAS, the Planning Board has carefully reviewed the proposed subdivision plat and photographs of the property and considered comments from the Village Consulting Planner in a memorandum dated May 14, 2017, and Zoning Compliance review by the Building Inspector dated April 21, 2017; and

WHEREAS, there is no imminent or planned development of the newly created lot and accordingly no Stormwater Management and Pollution Prevention Plan (SWPPP) was submitted by the applicant or required for the proposed subdivision, which is not situated adjacent to an environmentally sensitive area; and

WHEREAS, the application seeks the lot line adjustment that would result in a new Lot 2. The existing property at 740 Soundview Drive is in the R-10 zoning district and totals 28,750 sf. The proposed subdivision would result in two zoning compliant lots. Lot 1 would be 17,250 sf and contain the existing residence (740 Soundview Avenue) and Lot 2 would be 11,500 sf. The existing dwelling and garage on Lot 1 includes 3,246 sf. Lot 1 would have a frontage of 150' and depth of 115'. Lot 2 would have a frontage of 100' by 115' depth and would permit a house with 3,833 sf.

The Planning Department provided a map showing nearby lots and distance (183') to Magid Pond across Soundview Drive. The map shows the properties along both sides of Soundview Avenue in the vicinity of the subject property to be developed in a similar fashion to what is being proposed. The proposed action conforms to the existing zoning and development pattern along Soundview Drive. There are no existing wetlands on the property. The property is not located in the 100 year flood plain. There are also no identified historic or archeological resources contained on the subject property. Lot 2 would be vacant which the applicant has indicated that they would intend to sell and not develop themselves.

This Project is described and illustrated on the following survey and subdivision plat with accompanying documents submitted by the Applicant which forms a part of the Subdivision Application:

1. *Topographical Survey of Lots 36, 37, 38, 39 & 40, Block 507 on "Map of Shore Acres" in the Village of Mamaroneck, Town of Rye, Westchester County, N.Y. (Filed on June 25, 1914 as Map No. 2064)* prepared by Ricard A. Spinelli, NYS Licensed Surveyor dated April 3, 2017.
2. *Resubdivision Map of Lots 36 thru 40, Block 507 on "Map of Shore Acres" in the Village of Mamaroneck, Town of Rye, Westchester County, N.Y. (Filed on June 25, 1914 as Map No. 2064)* prepared by Richard A. Spinelli, NYS Licensed Surveyor dated April 6, 2017 (Preliminary Plat)
3. *Resubdivision Map of Lots 36 thru 40, Block 507 on "Map of Shore Acres" in the Village of Mamaroneck, Town of Rye, Westchester County, N.Y. (Filed on June 25, 1914 as Map No. 2064)* prepared by Richard A. Spinelli, NYS Licensed Surveyor dated April 6, 2017 and revised May 31, 2017 (Final Plat).
4. *Short Form Environmental Assessment Form ("SEAF")* dated April 20, 2017.
5. *Coastal Assessment Form ("CAF")* dated April 12, 2017 and submitted pursuant to Local Law No. 30-1984.

WHEREAS, the Planning Board determined that the Project was an unlisted action under SEQRA on May 10, 2017 and issued a Notice of Intent (NOI) to be Lead Agency on May 11, 2017, assumed Lead Agency status at its meeting on June 14, 2017 and after review of the EAF and the Village Consulting Planner's memorandum dated May 14, 2017, issued a Negative Declaration for the proposed unlisted action on June 14, 2017; and

WHEREAS, the Harbor and Coastal Zone Commission (HCZM) conducted its preliminary review of the application on May 17, 2017 and reviewed an application for a consistency determination on June 21, 2017 and completed its review of the application and determined on this same date that the Project is consistent with the Village's Local Waterfront Revitalization Program ("LWRP") pursuant to Chapter 240 of the Village Code; and

WHEREAS, the Planning Board has reviewed the application for a preliminary subdivision plat and has considered that the preliminary subdivision plat proposes to create two lots with a redrawn boundary line. The proposed preliminary subdivision plat represents a lot adjustment with no imminent or planned development of the newly created lot by the applicant; and

WHEREAS, the Planning Board is familiar with the Property and all aspects of the proposed action and has been satisfied that the subdivision plat will conform to the requirements of the Village Code, Chapter A348; and

WHEREAS, on July 12, 2017, the Planning Board voted to grant the application for preliminary subdivision approval; and

WHEREAS, on July 12, 2017, application was made for approval of a final subdivision plat entitled "*Resubdivision Map of Lots 36 thru 40, Block 507 on 'Map of Shore Acres' in the Village of Mamaroneck, Town of Rye, Westchester County, N.Y. (Filed on June 25, 1914 as Map No. 2064)*" prepared by Richard A. Spinelli, NYS Licensed Surveyor dated April 6, 2017 and revised May 31, 2017 (Final Plat); and

WHEREAS, the Planning Board has reviewed the Final Plat submitted and found that the Final Plat is essentially the same as the Preliminary Plat with the exception of a requested zoning compliance chart and includes the signature blocks for the Westchester County Department of Health and the Chair of the Village Planning Board; and

WHEREAS, the Final Plat is in substantial conformity with the previously approved Preliminary Subdivision Plat so as to obviate the need for a public hearing on the Final Plat and the Planning Board on July 12, 2017 waived such public hearing; and

WHEREAS, the Planning Board has completed its review and evaluation of the application and the preliminary and final plats and has fully considered the factors set forth in the Village Code and determined that such standards and criteria have been satisfied:

NOW, THEREFORE, BE IT

RESOLVED, that the application for approval of a preliminary subdivision plat entitled: "*Resubdivision Map of Lots 36 thru 40, Block 507 on 'Map of Shore Acres' in the Village of Mamaroneck, Town of Rye, Westchester County, N.Y. (Filed on June 25, 1914 as Map No. 2064)*" prepared by Richard A. Spinelli, NYS Licensed Surveyor dated April 6, 2017 for a subdivision to create two zoning compliant lots (Lot 1 and Lot 2) with a redrawn boundary line for Tax Lots 36 thru 40 on property located at 740 Soundview Drive is hereby approved; and be it further

RESOLVED, that the application for approval of a final subdivision plat entitled: "*Resubdivision Map of Lots 36 thru 40, Block 507 on 'Map of Shore Acres' in the Village of Mamaroneck, Town of Rye, Westchester County, N.Y. (Filed on June 25, 1914 as Map No. 2064)*" prepared by Richard A. Spinelli, NYS Licensed Surveyor dated April 6, 2017 and revised May 31, 2017 for a subdivision to create

{00812044.doc.}Planning Board Meeting

May 24, 2017

Page 11 of 19

two zoning compliant lots (Lot 1 and Lot 2) with a redrawn boundary line for Tax Lots 36 thru 40 on property located at 740 Soundview Drive is hereby conditionally approved subject to compliance with the following conditions which, unless otherwise specified, must be satisfied prior to the Planning Board Chairman's signing of the final linen:

- (a) The preparation and submission to the Planning Board of a plat in final form within 180 days of the date of the filing of this resolution granting conditional final subdivision plat approval. One or more extensions may be granted by the Planning Board provided that the Applicant makes application to the Planning Board not less than thirty (30) days prior to the expiration of the original or subsequent approvals. A request for an extension of time to submit a final plat must include information regarding the date that the Planning Board granted final subdivision approval and a statement as to whether any prior application for an extension of time has been made by the Applicant and the action taken by the Planning Board on such application; and
- (b) The Applicant shall secure approval of the water supply and wastewater disposal system and the endorsement of the plat by the Westchester County Department of Health; and.
- (c) The Applicant shall submit to the Building Department written evidence of the actual recording in the County Clerk's Office of the final plat and a stamped copy of the filed subdivision plat as a condition of this approval; and
- (d) The Applicant shall pay all outstanding consultant review fees in connection with the Planning Board review of this Application.

VOTE:

Ayes: Verni, Wexler, Litman, Mendes, Sjunneemark

Nays: None

Absent: None

On motion of Mr. Verni, seconded by Mr. Sjunneemark and carried, the Board authorized the Chair to Sign the Mylar once all conditions of approval have been satisfied.

Ayes: Verni, Wexler, Litman, Mendes, Sjunneemark

Nays: None

Absent: None

C. 300 WAVERLY AVENUE- SPECIAL PERMIT - Open Public Hearing

(Section 8, Block 112, Lot 1B) Application for Special Permit to allow their tenant Westchester Sandbox Theatre to occupy the second floor to provide dance and music instruction. (M-1 District)

On motion of Mr. Sjunneemark, seconded by Mr. Verni and carried, the Board opened the Public Hearing for 300 Waverly Avenue Special Permit.

Ayes: Verni, Wexler, Litman, Mendes, Sjunneemark

Nays: None

Absent: None

Arthur Wexler, Architect for Applicant, The tenant for this property is the Westchester Sandbox Theater.

There will be 2 classrooms, and no performances at this site. The school hours will be Monday through Friday 4pm- 9pm, vary by activity, and all day Saturday and Sunday.

Mr. Ferrante explained a partnership with the White Plains Performing Arts Center which is where all performances will take place.

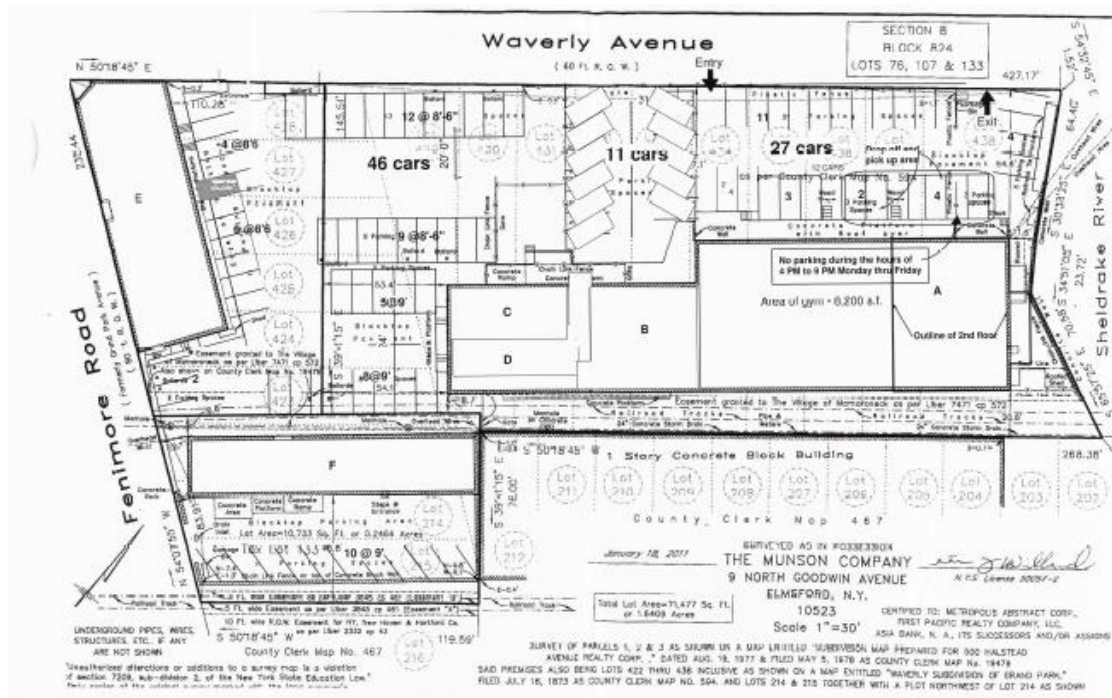
Mr. Wexler noted the other uses on this site and the parking provided.

There will be 20 students in class on site; expected not to exceed 30 children at one time. He noted there will be a no parking area 4-9 Monday – Friday, as a drop off area. On the weekend there are approximately 80 parking spaces.

The other uses on the site are a saddle maker, embroiderer, the French American school offices and a gym. This use takes place alternate hours from the other businesses.

There are multiple curb cuts which divides the parking areas.

The school has a drop off location but no real need for parking.

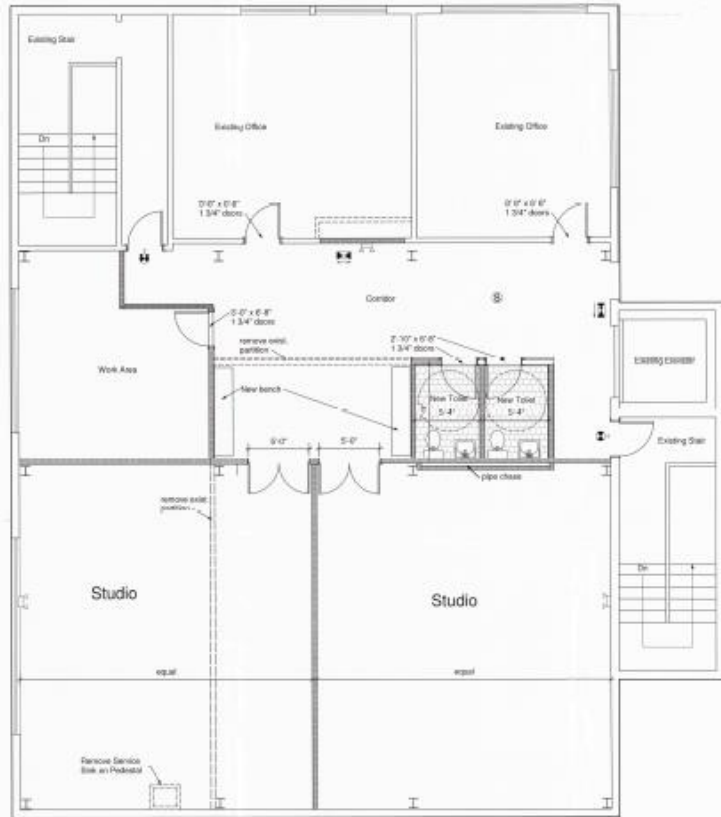


There will be partitions constructed to divide the space built and 2 new handicap accessible bathrooms. This is a wood structure with steel beams and columns and the space is sprinklered. This space has been vacant for quite a while.

There are two extra rooms one to be an office the other a waiting room. There is no need for a dressing room area.

Mr. Litman had concerns with fire safety – it was confirmed there are sprinklers, two staircases for exits, and no additional permit is needed for this place of public assembly. This will meet all building and fire code criteria; this could be a condition of approval.

The Board felt this was a good use of the space as well as a good solution for the school's needs. They also felt this was a good use near the industrial area, and the parking situation works well.



Plan of Second Floor
Scale: 1/4"=1'-0"

Legend

There was no Public Comment

On motion of Mr. Sjunneemark, seconded by Mr. Verni and carried, the Board declared this a Type II action under SEQRA.

Ayes: Verni, Wexler, Litman, Mendes, Sjunneemark

Nays: None

Absent: None

On motion of Mr. Sjunneemark, seconded by Mr. Verni and carried, the Board closed the Public Hearing for 300 Waverly Avenue Special Permit.

Ayes: Verni, Wexler, Litman, Mendes, Sjunneemark

Nays: None

Absent: None

On motion of Mr. Sjunneemark, seconded by Mr. Verni and carried, the Board authorized a resolution of approval to be drafted for the July 26, 2017 meeting for 300 Waverly Avenue Special Permit with the condition that prior to the issuance of a Building Permit the applicant meet all Building and Fire Code regulations .

Ayes: Verni, Wexler, Litman, Mendes, Sjunneemark

Nays: None

Absent: None

NEW BUSINESS

- A. **MAMARONECK BEACH & YACHT CLUB** - Request for Extension - Board to consider request for extension of site plan approval to allow time to commence construction to be extended to June 9, 2018 and construction to be completed by December 8, 2022.

Eric Gordon Attorney for the Applicant explained the history supporting the request for an extension of site plan. The approval was granted in 2010. In 2013 there was a stipulation agreement entered into with the Village and a second entered with the Village and SAPOA. The 2013 site plan process proceeded until there were issues with the sewer which evolved into the requirement of a Supplemental Environmental Impact Statement. The FSEIS for the sewer improvements was submitted today.

The 2013 agreement noted if certain approvals were not granted, the applicant could return to the 2010 plan. This is why the approval of the 2010 is being maintained. The conditions and the site have not changed.

He noted the comment letter submitted by Newman & Ferrara on behalf of SAPOA. He understood their objections but felt if they (MBYC) were unable to get the extension requested and had to return for Board approval on the 2010 plan they feared the plan would then be argued to be invalid. The request is consistent with the stipulation agreement. They are moving ahead with the 2013 plan as now the FSEIS for the sewer plan has been submitted. The proposal, is to have the pipe on the bridge, a structural engineer has determined the bridge can support the weight. The present pipe has been dye tested and it was agreed it will be retested every 6 months. There are no outstanding violations.

Mr. Greechan commented that system pressure dye tests were performed. These tests would be performed every 6 months which satisfies the Village concerns. There is no specific requirement for this.

There was a problem with a lateral at one point, the pipe was repaired and Department of Health had approved the repair, and this is a good temporary solution.

The details of the FSEIS will not be discussed until the Board has had the opportunity to review the documents submitted.

Debra Cohen Attorney for SAPOA wished to address the Board and wanted the opportunity to submit questions to the Board within the next week and for the Board to consider asking the Applicant to respond to these questions in writing. This will assure there will not be material changes to the circumstances. She also requested the opportunity for the Public to respond to the responses.

Mr. Gordon strongly objected to the request. He felt the Board would determine if there were changes in conditions.

Mr. Steinman noted this matter has been on the agenda for a while and posted on the web site. There was an opportunity for questions to be raised.

Chair Wexler felt the Board has been generous with granting extensions and did not feel this would hold the process up.

Mr. Steinman noted the last extension was 18 months. This is separate from the FEIS which the Board will now review.

Ms. Cohen noted the last extension was granted for only 18 months since the request was late, actually after the extension had expired. She again asked if she could submit questions to the Board for them to then determine if they wanted these questions to be asked of the Applicant.

Mr. Steinman noted this extension would simply keep the status quo. The Board will review the FSEIS at their first meeting in September. The findings on the supplemental environmental impact statement would then be combined with the findings on the entire 2013 document.

He suggested the September 13th meeting should give the Board adequate time to review the document.

Mr. Litman felt he needed time to read the document and was interested in hearing the public comment and then weigh that against the existing rules and regulations. He was not prepared to act on this tonight wanted to hear public comment.

Mr. Wexler clarified, the decision before the Board tonight is a legal one which preserves the status quo of an earlier approval for a different project that is now held up in litigation.

Mr. Litman responded that he did not like dealing with an incomplete situation. He liked to make informed decisions and was not prepared to make a decision on the whole thing in general, and did not understand what the rush was.

Chair Wexler then Asked Mr. Steinman if there were legal implications with entertaining this request when the Board meets in September?

Mr. Steinman suggested a 3 month extension which would be almost the same.

Most Board members agreed with a 3 month extension.

Mr. Gordon disagreed with the Board that this has anything to do with the future site plan you will be considering. This is merely a contingency of a stipulation that was entered into by this Village in 2013. This has nothing to do with what you will be considering in the future. The preserves some approvals, in case they have to return to the 2010 plan. The extension has nothing to do with the plan the Board is considering or the SFEIS submitted today.

Mr. Wexler agreed and felt the Board is inclined to grant the extension.

Mr. Steinman then suggested an extension to the end of the year (December 31, 2017)

On motion of Mr. Sjunnemark, seconded by Mr. Mendes and carried, the Board authorized the preparation of a resolution for a 6 month extension to be drafted for the July 26, 2017 meeting.

Ayes: Verni, Wexler, Litman, Mendes, Sjunnemark

Nays: None

Absent: None

B. 612 WAVERLY AVENUE SITE PLAN (Section 8 Block 110, Lot 11A)

Application for site plan approval to renovate and improve parking lot. (M-1 District)

Joe Riina & TJ Milo

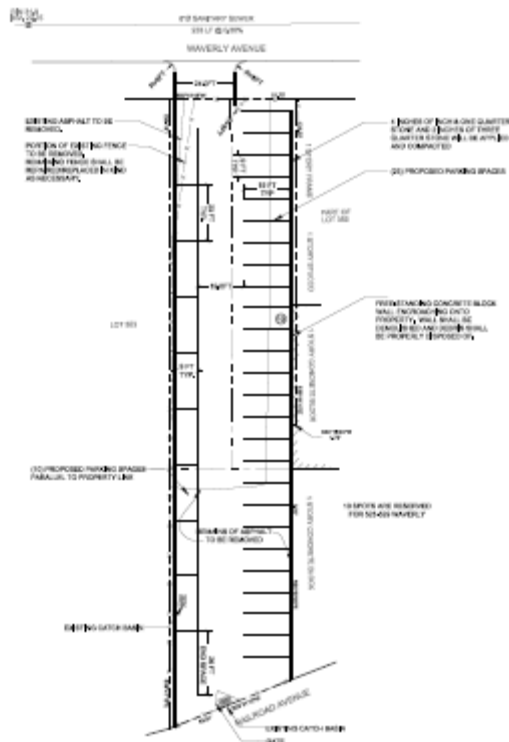
Joe Riina Engineer for the Applicant, this is a vacant parcel on the east side of Waverly Avenue.

A parking plan has been submitted for a new car dealership storage. The Applicant is open to other ideas such as public parking for the Village.

The site is concrete and broken asphalt, partially pervious. As part of this site, 10 parking spots were reserved as part of an approval for 524 & 529 Waverly Avenue.

He noted he had received the comment letters from both Susan Oakley and Woodard & Curran.

He had no concerns with the engineering comments. He noted a chestnut tree on the property and planned to have the site entrance on the other side of the site away from the tree.



This plan shows 25 head in parking spaces as well as 10 parallel spaces.

Mr. Milo noted there will be future plans for 442 Waverly, but he thought it may include a brewery use, but was unsure what the parking needs would be.

He understood more car dealership parking was not what the Board was looking for. He agreed some form of municipal parking would be good. This plan has been submitted as a starting point of conversation.

Mr. Verni noted the Village may be interested in a future use as part of a bigger plan as the Village moves forward with the Industrial area.

It was noted the Applicant has the right to develop the use as a parking lot. IN the M-1 zone a parking lot is permitted, the board would like to work with the

applicant to develop a better layout.

It was noted the location map shows structures on the site

Mr. Greechan noted the improvements would help stormwater and traffic in the area. Currently the lot is a vacant, gravel lot.

As proposed the parking lot seems tight. It provides 9 x 19'spaces with a 19' aisle. It is currently arranged as a storage lot. If this were to be used as a municipal lot, the parallel parking would need to be removed.

The Board looked favorably on a potential municipal lot use as it could be an asset to the MAKER zone. It was recommend the Applicant meet with the Traffic Commission as well as Village.

Public Comment:

Andrew Spatz-adjoining property owner- submitted photos of the site.

He noted the storm water management, there are currently 2 drains on this parcel. He felt these drains were failing, currently the water travels down Railroad Ave to Hoyt and Fenimore in heavy rain events, this results in ponding. He noted the plans presented would be an improvement. He also noted the gravel surface proposed if compacted would not be pervious. He would like some assurance that the head in parking will not damage his building. His greater concern is the current problem of the obstruction of Waverly Avenue from loading and unloading of vehicles. He noted the Comprehensive Plan-Chapter 5,

Industrial Study of 1997 and the Waverly Avenue Design Study of 2004 all address concerns with traffic flow and access along these roads. He requested if this were approved that there be a condition that loading and unloading of cars not take place on Waverly.

He was in favor of the idea of this possibly being used for municipal parking in the industrial area, it would be a true benefit, which he would support.

Mr. Riina noted the head in parking would be against the fence and not the Spatz building. Mr. Milo also agreed to not have the trucks deliver cars to the site. They could be offloaded at another location then driven over.

Martin Spatz noted Mr. Milo has been very responsive to this concern and added the cars may not be safely driven on the roads without active registrations and plates. He felt Mr. Milo has done his best, but sometimes you cannot control the delivery drivers.

The Board then asked if Mr. Milo was asking for approval of this parking layout or for something else.

Mr. Milo added this plan is a starting point for development discussions. He understood the concerns with dealership parking, he also noted a car dealership may not want to use the lot if they couldn't fully load the lot. He was unsure if this plot could be anything more than a parking lot due to the size and shape.

Mr. Riina added, if the parking lot is approved, it could be used for Mr. Milos's current need and possibly be a municipal lot later. Either way, the site drainage and lot would be up graded.

Mr. Verni added that could be beneficial if the Village moved forward with a GEIS, having parking ready to go would be a benefit

Mr. Milo was willing to revise his plan to reflect a non-storage use, stripped, asphalt parking lot, with proper stormwater management and landscaping in place.

It was recommended the Applicant and Mr. Spatz begin a discussion with the Village.

B. Board of Trustee Referral of PLL K, M, N & P 2017

Mr. Galvin gave a brief summary of the proposed Local laws:

All of these local laws came out of the review of the Zoning Code undertaken by the Village Attorney, Land Use Counsel and Building Inspector in February 2017. The purpose of this review was to clarify items that have been problematic in applying and interpreting the Code

PLL-M-2017 eliminates Note #12 in the schedule (*Note 12 is problematic in that it exempts additions to residential structures where 50% of the existing structure is retained and there is no increase in footprint from having to comply with FAR requirements. This runs counter to the purpose of having an FAR requirement and could permit a full second story addition to a one story house which is at the maximum FAR.*)

PLL-N-2017 amends language of chapter to comply with requirements of General Municipal law

PLL-K-2017 eliminates Note #4 in the schedule (Note 4 is unclear what is meant by this requirement and the Building Department does not know how to apply it.) The note states that "No new construction or addition to existing construction and no new or expanded use shall be permitted which will reduce the area of land immediately surrounding any residential structure on the same lot to less than 5,000 square feet per dwelling unit."

PLL-P-2017 - microbreweries/micro-alcohol production - Greg has put together an environmental review of the law's impacts which has been provided to the Board.

The Board agreed these were procedural clarifications

On motion of Mr. Sjunnemark, seconded by Mr. Verni and carried, the Board authorized the Chair to draft a memo of support for PLL K, M & N to the Board of Trustees.

Ayes: Verni, Wexler, Litman, Mendes, Sjunnemark

Nays: None

Absent: None

The Majority of the Board was in support of PLL P, Mr. Litman renewed his objection. Although he was in general support of the local law, he still had concerns with allowing brew pubs in the C-1 District.

On motion of Mr. Sjunnemark, seconded by Mr. Verni and carried, the Board authorized the Chair to draft a memo of support for PLL P to the Board of Trustees.

Ayes: Verni, Wexler, Litman, Mendes, Sjunnemark

Nays: None

Absent: None

ADJOURN MEETING

On motion of Mr. Verni, seconded by Mr. Sjunnemark and carried, the meeting was adjourned at 10:41p.m.

Ayes: Verni, Wexler, Litman, Mendes, Sjunnemark

Nays: None

Absent: None

Respectfully submitted,

Betty-Ann Sherer

Betty-Ann Sherer

**APPROVED
VILLAGE OF MAMARONECK
PLANNING BOARD MEETING MINUTES
WEDNESDAY, July 26, 2017, 7:30 PM
Court Room, 169 Mount Pleasant Ave. Mamaroneck, NY**

These are intended to be "Action Minutes", which primarily record the actions voted on by the Planning Board on July 26, 2017. The full public record of this Meeting is the audio/video recording made of this meeting and kept in the Planning Board's records.

PLEASE BE ADVISED, that the next Meeting of the Planning Board of the Village of Mamaroneck is scheduled for Wednesday, September 13, 2017 at 7:00 P.M. in the Courtroom in Village Hall, 169 Mt. Pleasant Ave., entrance located on Prospect Avenue, in the Village of Mamaroneck.

PRESENT: **LEE WEXLER, CHAIRMAN
JOHN VERNI
RICHARD LITMAN
INGEMAR SJUNNEMARK**

**HUGH GREECHAN, VILLAGE CONSULTING ENGINEER
LESTER STEINMAN, PLANNING BOARD ATTORNEY
SUSAN OAKLEY, LANDSCAPE CONSULTANT
BOB GALVIN, PLANNING CONSULTANT**

ABSENT: **LOU MENDES**

Call to Order

Chair Wexler called the meeting to order at 7:05 p.m.

OLD BUSINESS

A. 209 GRAND STREET - EXTENSION OF FINAL SUBDIVISION

APPROVAL

(Section 8, Block 64, Lot 32) Proposed 2 lot subdivision for the creation of one new lot. An existing 2 family residence will remain and an additional 2 family home is proposed for the newly created lot in the (R-4F District). Planning Board will consider the request for extension of final subdivision approval.

Michael Mastrogiacomo Engineer for the project requested a 90 day extension of final plat approval. The Applicant has been working with Westchester County, Village Engineer and Westchester Joint Water Works to get the paperwork on adequate sewer and water for the project. There were comments and conditions they have been working on addressing.

Mr.Greechan noted the plans have not changed since the original approval there was some additional information brought in and he has no issues.

Mr. Steinman noted the State Statute allows for 2 90 day extensions of approval

On motion of Mr. Sjunnemark, seconded by Mr. Verni and carried, the Board approved a 90 day extension of final plat approval for 209 Grand Street as requested.

Ayes: Verni, Wexler, Sjunnemark Litman

Nays: None

Absent: Mendes

Mr. Tiekert addressed the Board with a question of clarification on what agenda items public comment is allowed. He was unsure what this project was or how it was placed on the agenda. All he saw posted with the agenda was a letter from Mr. Garden with the request.

He also noted it was stated the plans had not changed since the original approval, he was unclear if it was preliminary or final plat.

He then advised the Board he has a certified FOIL response from the Village that they have no records responsive to the date. He noted the Board approved final plat without a public hearing and the vote was split. He felt that approval was based on a set of plans that were not reviewed by the Board. He noted this application has been before the board for over 4 years. He felt there were problems with the plan as well as procedural errors.

4. WETLANDS PUBLIC HEARINGS

A. NICHOLS YACHT YARD WETLANDS PERMIT -Public Hearing

500 Rushmore Avenue (Section 9 Block 29/22, Lot 1, 4,235) Open Public Hearing for a Wetlands permit to structurally stabilize and repair a damaged building and for the elevation of two office buildings to meet FEMA Flood Plain BFE requirements. (MC-1 General Marine Commercial District)

On motion of Mr. Sjunnemark, seconded by Mr. Verni and carried, the Board opened the Public Hearing for 500 Rushmore Avenue

Ayes: Verni, Wexler, Litman, Sjunnemark

Nays: None

Absent: Mendes

Mr. Natchez addressed the Board and gave a brief history of the flooding and storm damage to the existing buildings. The proposal is to raise the buildings and he had hoped the work could be completed prior to the busy season and requested this application not be held over to the September meeting.

The buildings will be raised, one building will be reconfigured

There will be a net reduction in impervious surface by 136 square feet

The raising of the building will then comply with FEMA regulations

BAR approval was granted July 20, 2017

He believed this is a type II action under SEQRA.

He noted Mr. Greechan's memo from July 21, 2017, since then the plans have been revised to address the comments. Although these plans were not submitted to the Board, they were submitted to Mr. Greechan and he presented them to the Board during this meeting.

He felt the revisions were minor in nature.

Excerpt of the Village Consulting Engineer comment memo:

The following is a summary of our comments at this time. It should be noted that additional comments may be added upon receipt of further information:

{00812050.doc.}Planning Board Meeting

July 26, 2017

Page 2 of 12

1. The Applicant is proposing approximately 3,700 square feet site of disturbance. Given that the proposed disturbance is between 2,000 square feet and 1 acre, the Applicant shall provide stormwater quality controls in accordance with Village Code. Specifically, the Applicant shall provide stormwater quality volume (WQv) as per Chapter 9 Redevelopment Activity of the NYS Stormwater Design Manual. The Applicant shall consider shallow water quality measures (i.e. bio-swale) within the site.

2. Given the proximity to Mamaroneck Harbor/Long Island Sound, the Applicant shall not be held accountable for water quantity attenuation.

3. The Applicant shall show and quantify the proposed Limit of Disturbance on the plans.

4. The Applicant shall superimpose the existing and proposed impervious areas to demonstrate a reduction in impervious area.

5. The Applicant shall identify the existing trailer to be removed on the plans.

6. The Applicant shall ensure protection of overhead wiring during construction of proposed improvements.

7. The Applicant shall show construction fencing or protection to prevent public access to the area of construction

Applicant stated these comments have been addressed on revised plans to be submitted.

Other buildings on site are not proposed to be changed and are not part of this application.

5 perc holes were done- 3 of which were rock and high water at the surface, 18'-24' to the east they were able to get down 6' to water, they were clay and bog with only 1' of soil below the 12" of crushed stone.

Mr. Natchez noted an exemption is allowed in the code.

Geo tech fabric is under the rip rap but is not a full treatment for water quality.

The buildings are going from 1 story to 2 story with a pitched roof, which would be approximately 27' in height, still code compliant. This will still be lower than the Village buildings across the water.

It was also noted there can be no storage of equipment or materials under the raised portions since that would then require fire rating provided under the structure.

It was noted these buildings would be raised 10', since they are visible from the water and Harbor Island, installing lattice and additional landscaping would improve this plan.

The Applicant's architect felt the lattice could make the building appear bigger and encourage storage.

It was noted the BAR approved this plan and did not require lattice or vegetation.

Susan Oakley noted a recent Shore Acres Point application has breakaway lattice and plants which can survive being periodically submerged, since this is tidal these are reasonable solutions.

The Board agreed with her suggestions.

Mr. Natchez noted Shore Acres has a different elevation and felt this site will have more than occasional flooding. He stated he usually is in support of landscaping but felt they would not survive at this site.

Mr. Galvin suggested the buildings and photographs should be keyed on the map to show the impact of the buildings on the site as a whole.

Mr. Greechan added according to the Village Code, the disturbance of over 2,000' triggered the requirements to provide water quality, but not quantity.

Stormwater planters can be used for water quality and would satisfy all of his concerns.

Mr. Steinman followed up on a previous statement, the Planning Board does not have the authority to grant a waiver for water quality requirements only the Village Manager can do that. Without a waiver or these items being addressed, the SWPPP cannot be approved.

Mr. Greechan added that is the recommendation of the SMO as well. Salt tolerant vegetation in a shallow water quality solution is what should be used.

The Board noted the bio swale used in another project.

It was also noted that location is a higher elevation and may not work on this site.

Mr. Natchez noted he has discussed alternatives with the Applicants. Planter boxes can be partially sub grade and part raised 1 ½' above surface with switch grass installed qualify for water quality requirements. The leaders could be directed into them. He presented a plan previously not submitted to the Board which reflected planter boxes 27' by 3 ½', the water quality required would be 83 cubic feet and this will provide 84' cubic feet of treatment.

Chair Wexler stated the revised plans should be submitted to the Board for review and comments will be made on those plans at the next meeting.

Mr. Steinman also noted he had been discussing this application with the Building Inspector, who needs to determine if Site plan approval would also be required for this application.

Public Comment:

Phil Silver- lives opposite the boat yard on Rushmore- he had attended the BAR meeting and noted the following concerns:

Floodlights facing Rushmore Avenue- currently there is a light which shines into his home, he was concerned there will be more lights added. It was noted the only light is to be one over the office door

The hours of construction- can they be limited-

The Board had noted this is addressed in the code (building construction hours)

Can the building be raised less than 10'

Mr. Natchez noted it could be – if using the current FEMA maps, the preliminary maps would require this to be at 17' so no, since it was recommended by the building Inspector to comply with the preliminary elevation maps.

Applicant to submit

Revised plans which address the Village Engineers comments

Lighting plan

On motion of Mr. Sjunneemark, seconded by Mr. Verni and carried, the Board declared this application a Type II action under SEQRA

Ayes: Verni, Wexler, Litman, Sjunneemark

Nays: None

Absent: Mendes

Public Hearing continued to the September 13, 2017 meeting

5. PUBLIC HEARINGS- None

7. RESOLUTIONS

A. **300 WAVERLY AVENUE- SPECIAL PERMIT** - (Section 8, Block 112, Lot 1B) Application for Special Permit to allow their tenant Westchester Sandbox Theatre to occupy the third floor to provide dance and music instruction. (M-1 District)

Chair Wexler noted this application had been reviewed at length at the last meeting, there was one concern about fire safety which has been addressed in this resolution.

RESOLUTION
VILLAGE OF MAMARONECK PLANNING BOARD
Adopted July 26, 2017

RE: Westchester Sandbox Theatre - 300 Waverly Avenue
Resolution of Special Permit Approval

After due discussion and deliberation, on motion by Mr. Verni, seconded by Mr. Sjunneemark and carried, the following resolution was adopted:

WHEREAS, on July 12, 2017, First Pacific Realty, Co., the “Applicant,” (all references to which shall include and be binding upon the Applicant’s successors and/or assigns) submitted to the Village of Mamaroneck Planning Board (“Planning Board”) an Application with accompanying documentation, seeking special permit approval to allow their tenant, Westchester Sandbox Theatre, to occupy the second floor at 300 Waverly Avenue for two classrooms for dance and music instruction (“Application”); and

WHEREAS, the Applicant is located at 300 Waverly Avenue within the M-1 Manufacturing District; and

WHEREAS, the Applicant is proposing the occupation by its tenant, Westchester Sandbox Theatre of a vacant 3,000 square foot, second floor space for two classrooms for dance

and music instruction including two new handicapped bathrooms. The space is over the LA Boxing facility; the premises have an elevator as well as two access stairways. The space is fully sprinklered. There will be no performances held at this site; all performances will be at another location in White Plains. Classes will be between the hours of 4 PM and 9 PM, Monday through Friday, and between 11:00 a.m. and 6:00 p.m., Saturday and Sunday. The entire site provides 94 spaces for its tenants. There will be a total of 12 spaces provided as required for the Westchester Sandbox Theatre. These 12 spaces will be restricted for Westchester Sandbox parking including student drop off and pick up. This parking area in front of the building will be posted with a sign "Reserved Spaces for Westchester Sandbox Use from 4 PM to 9 PM Monday through Friday". To assist in the operation of the student drop off and pick up, Westchester Sandbox Theatre will post an employee in the parking area during the time that drop off and pick up occurs. Based on the nature of the application and proposed second floor space, there were no stormwater or landscape improvement plans required. This proposal ("Project") is described and illustrated on the following set of plans prepared by Arthur J. Wexler, Architect and submitted by the Applicant which forms a part of the Application:

1. a-1 "Plan of Second Floor, Westchester Sandbox Theatre, 300 Waverly Avenue" as dated June 7, 2017;
2. s-1 "Site Plan, Westchester Sandbox Theatre, 300 Waverly Avenue" as dated June 7, 2017;
3. Coastal Assessment Form ("CAF") dated June 23, 2017, and submitted pursuant to Local Law No. 30-1984;
4. Short-Form Environmental Assessment Form ("EAF") dated June 23, 2017; and

WHEREAS, the Planning Board is familiar with the Property and all aspects of the proposed action; and

WHEREAS, the Planning Board has carefully examined the Application and received comments from the Village's Planning Consultant as summarized in an email dated July 11, 2012, as well as from the Village's Planning Board Attorney; and

WHEREAS, the Applicant has satisfactorily addressed those comments; and

WHEREAS, a legally noticed public hearing was opened by the Planning Board on July 12, 2017 and closed on July 12, 2017, at which time all those wishing to be heard were given an opportunity to be heard; and

WHEREAS, the Planning Board determined on July 12, 2017, that the Project is a Type II Action pursuant to 6 NYCRR. § 617.5(c) (7); and

WHEREAS, the Planning Board has completed its review and evaluation of the special permit and considered the standards set forth in Village Code, Chapter 342 Article X and determined that such standards and criteria have been satisfied.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Planning Board hereby approves the special permit to allow the Applicant's tenant, Westchester Sandbox Theatre, to occupy the second floor at 300 Waverly Avenue for two classrooms for dance and music instruction subject to the following conditions:
 - (a) Prior to the issuance of a building permit, the Applicant shall obtain all required state, county and local permits and approvals. The Applicant shall comply with the New York State Uniform Fire Prevention and NYS Building Code including, but not limited to,

requirements for a fire sprinkler and alarm system. The Building Inspector shall confirm such compliance prior to the issuance of a certificate of occupancy for the space to be occupied by the Westchester Sandbox Theatre.

- (b) The Applicant shall pay all outstanding consultant review fees in connection with Planning Board review of this application.
2. When the above condition (b) has been satisfied, three (3) sets of the above-referenced plans illustrating the other approved conditions shall be submitted for the endorsement of the Planning Board Chairman. One (1) set of the endorsed plans will be returned to the Applicant, one (1) set will be provided to the Village Building Inspector and one (1) set will be provided to the Planning Board secretary. Prior to issuance of a certificate of occupancy, the Building Department will verify that the “as-built” conditions conform to the final approved site plan.

VOTE: Ayes: Wexler, Verni, Sjunneemark, Litman
Nays: None
Absent: Mendes

B. MAMARONECK BEACH & YACHT CLUB Request for Extension of Site Plan Approval

Chair Wexler noted this request had been discussed at the last meeting, and the board agreed to grant the extension of this approval. A letter from Debra Cohen and SAPOA had been received along with a letter of response from the Applicant’s attorney.

Mr. Litman renewed his objection with granting an extension of this approval, it’s been a long time since the approval and he felt the Board needed to satisfy the neighbor’s requests for status updates, then thing could move forward.

It was noted, the extension of this approval is to maintain the status quo and if the Board did not grant the extension it could be damaging to the process. The Board did authorize the resolution be drafted, it is only 6 months and in that time this Board would be reviewing the FSEIS. Once that is done decisions could be made on the application as a whole. That is the most important part. The FSEIS now puts the ball in the Planning Board’s court. With that submission the Board can move forward.

RESOLUTION
VILLAGE OF MAMARONECK PLANNING BOARD
Adopted July 26, 2017
RE: Mamaroneck Beach & Yacht Club –
Resolution of Extension of Site Plan Approval

After due discussion and deliberation, on motion by Mr. Sjunneemark, seconded by Mr. Verni and carried, the following resolution was adopted:

WHEREAS, on June 6, 2017, the Mamaroneck Beach & Yacht Club, the “Applicant,” (all references to which shall include and be binding upon the Applicant’s successors and/or assigns) submitted to the Village of Mamaroneck Planning Board (“Planning Board”) a request for a one-year extension of the time to commence and complete construction as provided in a site plan approval previously granted and extended by the Planning Board for 23 new seasonal

residences and other improvements to the Club property located at 555 South Barry Avenue (“Property”); and

WHEREAS, the Planning Board granted site plan and wetland permit approval of the Applicant’s original application to construct 23 seasonal residences at the Property (four within the renovated clubhouse and 19 within two new seasonal residences buildings), as well as a new yacht club/dock master’s building, a new recreation building and pool complex and associated parking and infrastructure modifications, in a resolution dated December 9, 2010 (“2010 Site Plan Approval Resolution”); and

WHEREAS, the Planning Board issued findings pursuant to the State Environmental Quality Review Act (SEQRA) on November 29, 2010, related to the original application; and

WHEREAS, the Village of Mamaroneck Harbor and Coastal Zone Management Commission (HCZMC) determined in a resolution dated December 2, 2010, that the original application was consistent with the Village’s Local Waterfront Revitalization Program (LWRP); and

WHEREAS, the Planning Board’s 2010 Site Plan Approval Resolution required that construction be commenced within eighteen (18) months of the date of that Resolution and that constructed be completed no later than December 8, 2016; and

WHEREAS, the Applicant had previously requested, and the Planning Board, by Resolutions dated

May 9, 2012, December 12, 2012, December 11, 2013, December 18, 2014 and April 13, 2016 had previously granted extensions of time to both commence and complete construction for additional periods, ending on June 9, 2017 and December 8, 2021; and

WHEREAS, on February 1, 2013, the Applicant submitted an Amended Site Plan and Wetland Permit application to reflect changes in conditions since the Planning Board’s 2010

Site Plan Approval Resolution and accomplish changes including elimination of five units and one story from the beach seasonal residence building, revisions to the proposed recreational building and a proposed larger yacht club/dock master’s building; and

WHEREAS, the Planning Board deliberated on the 2013 Amended Site Plan and Wetland Permit application in a public hearing held open for several months in 2013, as well as at additional meetings open to the public; and

WHEREAS, subsequent to the closing of the public hearing, various issues arose regarding the existing sanitary sewer system on the project site, and the Planning Board directed the Applicant to submit additional materials, including a Draft Scope for a Draft Supplemental Environmental Impact Statement (DSEIS) to incorporate this new information; and

WHEREAS, on December 2, 2013, the Applicant submitted the requested additional materials and the Planning Board reopened the public hearing on December 11, 2013, to consider these additional submittals; and

WHEREAS, on February 12, 2014, the Planning Board adopted a Final Scope for the Supplemental Environmental Impact Statement; and

WHEREAS, the Applicant has submitted and on April 13, 2016 the Planning Board accepted as complete for public review, an April 2016 Draft Supplemental Environmental Impact Statement for the sewer project (“April 2016 DSEIS”); and

WHEREAS, on May 25, 2016, a public hearing was held on the April 2016 DSEIS at which time all persons wishing to be heard were given an opportunity to be heard, the public

hearing was closed on and June 8th was set as the outside date for the submission of written comments on the April 2016 DESIS; and

WHEREAS, on July 12, 2017, the Applicant submitted to the Planning Board for completeness review a July 2017 Final Supplemental Environmental impact Statement for the sewer project ("July 2017 FSEIS"); and

WHEREAS, the Planning Board has carefully examined the Applicant's request for a further extension of approvals and received and reviewed comments and recommendations from the Planning Board's Attorney and the public; and

WHEREAS, the Planning Board's granting of the requested extension would not constitute a new determination by the Planning Board regarding the validity of the December 2010 Site Plan and would be intended to maintain the status quo pending the Applicant's completion of the SEQRA process and the Planning Board's determination of the Applicant's 2013 Amended Site Plan and Wetland Permit application; and

WHEREAS, a duly advertised public meeting was held on July 12, 2017 at which the Applicant's request for an extension of approvals was heard and all those wishing to be heard were given an opportunity to be heard; and

WHEREAS, the requested extensions constitute a Type II action under SEQRA;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Planning Board hereby grants the Applicant's request for extension of approvals as follows:

(a) The further extension of the time to commence construction as provided in the 2010 Site Plan Approval Resolution, and as extended in the Planning Board's May 9, 2012, December 12, 2012, December 11, 2013, December 18, 2014 and April 13, 2016 Resolutions, will be for a period of six months, and shall expire December 9, 2017.

(b) The further extension of time to complete construction as provided in the 2010 Site Plan Approval Resolution, and as extended in the Planning Board's May 9, 2012, December 12, 2012, December 11, 2013, December 18, 2014 and April 13, 2016 Resolutions, will be for a period of six months and shall expire on June 8, 2022.

(c) Except as otherwise provided herein, all conditions of the original site plan approval, as specified in the 2010 Site Plan Approval Resolution, shall remain in effect.

(d) The Applicant shall pay 50% of outstanding consultant review fees in connection with Planning Board review of this application.

VOTE: Ayes:	Wexler, Verni, Sjunneemark
Nays:	Litman
Abstain:	Mendes

Mr. Sjunneemark left the meeting at this time

6. NEW BUSINESS

A. AVALON SITE PLAN AMENDMENT

746 Mamaroneck Avenue (Section 8, Block 19, Lots 144, 170 289, 301, 306, 316 and 336)
Application for Site Plan amendment to renovate and reconfigure the entryway on building A.
(C-1 District)

Mark Weingarten Attorney for the Applicant gave a brief history of the site and noted this plan is part of a larger plan of renovations for Avalon. Most of the renovation will be interior such as counter tops and revised amenity spaces. This plan is to demolish the existing entry and construct a new one. This proposed project conforms to the code and is ADA compliant.

{00812050.doc}Planning Board Meeting

July 26, 2017

Page 9 of 12

Ron Martin – reviewed the design plan with the Board- these renderings were submitted along with the application.

This is the existing entrance 2 staircases which lead to the main entrance of the building. This is to make the entrance more aesthetically pleasing.

He noted the existing marquee sign and the two large trees (the trees shall remain)



EXISTING ENTRY

The proposed revision will open the stair to create one central staircase into the building. At the top of the stairs is a canopy which will be renovated, painted dark gray to coordinate with the building and the ADA lift will remain. The flower beds will be updated and will blend with the existing landscaping



PROPOSED ENTRY

Night time view (below) will blend with the current neighborhood surroundings and will have a positive impact on the existing street.

There are no facade changes proposed. There will be some lighting changes.

There is no accent lighting proposed but stair lighting will be added along with a back lit marquee.

There is no access or view of the garage.

New pavers will be added to the Village line of the side walk.
To prevent trip hazards, the area will be concrete stamped with a light pattern.
** Lighting plan to be submitted for review



Mr. Galvin noted this will go to the BAR for approval.
Ms. Oakley provided a memo of landscaping review

The Board discussed the criteria of whether this was an unlisted or type II action under SEQRA

Mr. Galvin added he felt this met the criteria of a SEQRA type II action as per 617.5(c) (2)

". . . replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds..."

He felt this project maintained the ADA access and this is smaller than the existing entrance although he agreed it expanded beyond the existing footprint.

The Board discussed the actions and noted minimal changes of the site.

On motion of Mr. Verni, seconded by Mr. Litman and carried, the Board declared this a Type II action under SEQRA as per section 617.5(c) (2) of the SEQRA Regulations

Ayes: Verni, Wexler, Litman,

Nays: None

Absent: Mendes, Sjunneemark

Public Comment:

There was no public comment on this application

The Board asked the Applicant how the residents felt about this renovation.

The Applicant responded that the tenants had positive feedback for the improvements to the site.

The Applicant will be meeting with Mr. Gray regarding construction sequence and safety during the process since the entrance and ADA lift will remain open during renovations. They are optimistic construction will move quickly and the entry work would begin February and hopefully completed by May 2018.

Applicant to provide:

Lighting plan

On motion of Mr. Verni, seconded by Mr. Litman and carried, the Board authorized a draft resolution to be prepared granting approval with the condition a lighting plan be provided prior to the next meeting.

Ayes: Verni, Wexler, Litman, Mendes

Nays: None

Absent: Sjunneemark

8. ADJOURN MEETING

On motion of Mr. Verni, seconded by Mr. Litman and carried, the meeting was adjourned at 8:21p.m.

Ayes: Verni, Wexler, Litman

Nays: None

Absent: Sjunneemark, Mendes

Respectfully submitted,

Betty-Ann Sherer

Betty-Ann Sherer

Village of Mamaroneck, NY

Item Title: Minutes of the Zoning Board of Appeals meetings from March 2, April 6, May 4, June 1, July 6, 2017.

Item Summary: Minutes of the Zoning Board of Appeals meetings from March 2, April 6, May 4, June 1, July 6, 2017.

Fiscal Impact:

ATTACHMENTS:

Description

Type

03 02 2017 FINAL ZBA MINUTES
04 06 2017 FINAL ZBA MINUTES
05 04 2017 FINAL ZBA MINUTES
06 01 2017 FINAL ZBA MINUTES
07 06 2017 FINAL ZBA MINUTES

Cover Memo
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APPROVED
Village of Mamaroneck
Zoning Board of Appeals
March 02, 2017 Minutes

APPROVED

MINUTES OF A MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF MAMARONECK, NEW YORK, HELD ON THURSDAY MARCH 02, 2017- AT 7:30 P.M. IN THE COURTROOM AT 169 MT. PLEASANT AVENUE, MAMARONECK, NEW YORK.

These are intended to be Action Minutes, which primarily record the actions voted on by the Zoning Board at the meeting held March 02, 2017. The full public record of this meeting is the audio/video recording made of this meeting and kept in the Zoning Board's records.

PRESENT: Barry Weprin, Chairman
Michael Ianniello, Board Member (Secretary) @ 8:25PM
Kelly Wenstrup, Board Member
Robin Kramer, Board Member

Anna Georgiou, Counsel to Board
Dan Gray, Building Inspector
Jeffrey Farrell, Assistant Building Inspector
Linda Whitehead, Village Attorney

ABSENT: David Neufeld (Vice Chairman)

CALL TO ORDER Chair Weprin called the meeting to order at 7:30 p.m., noted the fire exits and reviewed meeting procedures for the public.

The order of agenda review was changed.

Application # 1SP-2017, CVS 805 Mamaroneck Avenue, (Section 8, Block 72, Lot 1), for a special permit to operate a CVS Pharmacy, as per 342-30(A)1c for a change of tenant in a retail space greater than 3,000 square feet (C-1 District)

The Applicant requested adjournment of this application while the Planning Board continues their SEQRA review. The Board granted this request.

BOARD of TRUSTEE REFERRAL: PLL-B 2017

Ms. Whitehead informed the Board that this item has been tabled by the Board of Trustees.

WORK SESSION – Ms. Linda Whitehead, Village Attorney was present to discuss Zoning Code review for clarifications and inconsistencies.

Ms. Whitehead stated that the Board of Trustees asked that she, Mr. Gray and Mr. Steinman come up with a list of things in the Zoning Code that needed clarification or note where there are inconsistencies. The Board of Trustees will also be updating the Comprehensive Plan, so any substantive Zoning Code changes, will be done during the Comprehensive Plan update. The Board of Trustees referred this list of recommendations to the Planning Board and Zoning Board and asked that they be prioritized. Ms. Whitehead reviewed the list beginning with the third item, as the first two will not be discussed. The third item was to clearly indicate that there be only one permitted principal use on a residential lot. The Planning Board agreed with this, requesting that permitted principal uses on commercial lots be reviewed with the Comprehensive Plan update. The Board agreed with the need for clarification and that in a residential zone there should be only one principal permitted use. Certain commercial zones may allow more than one principal permitted use, but this must be consistent with the Village's Comprehensive Plan.

The next item discussed was the definition of coverage, as the definitions in the Code do not match. It is recommended that there be a definition of building coverage and lot coverage in the Code. The Planning Board agreed with this; but did question how decks would be handled, as they do not fit the definition of a building. The Board discussed what would be considered to be counted in lot coverage; i.e. all impervious surfaces. The question of whether including pervious surfaces like asphalt that allows water to flow through it should be counted as well. Ms. Whitehead stated that there is work to be done in determining what will be considered as part of lot coverage and reminded the Board that when the Board of Trustees considers any changes to the Zoning Code, these specific changes with the language would be referred back to the Zoning Board. It was agreed there would be the need to clarify these definitions.

The next issue reviewed was note 4 in the schedule of requirements for non-residential districts. Ms. Whitehead believes that the definition of lot coverage will handle this and it can then be omitted, or it needs to be clarified. This refers to a residential structure, but is on the nonresidential schedule. The Board agreed that this note should be removed. Note 12 in the schedule of requirements for residential districts is also believed to be problematic as it is a way to get around FAR. The Board agreed that this note should be removed.

In Section 342-90, the definition of the Zoning Board's jurisdiction does not match the enabling statute in Village Law. This is minor wording that they believe should match. Ms. Kramer asked why this was drafted differently need to determine what the difference means and what is better for the Village. The Board noted the differences between these provisions. Clarification is needed as to why Section 342-90 contains some additional language, whether these differences are substantive, and what was the

intent. Also discussed was whether supersession authority would be implicated. It is recommended that these issues be clarified by the Board of Trustees prior to any revision to Section 342-90.

Ms. Whitehead stated the next issue is notice requirements that do not match General Municipal Law. This issue affects the Planning Board as the ZBA already has this authority. The Board agreed the noticing requirements should match General Municipal Law. Next, section 342-54 gives the Zoning Board the authority in conjunction with review of a variance or special permit to allow an applicant to utilize parking within 500 feet of the property. Extending this authority to the Planning Board is proposed in conjunction with its review of a site plan or special permit. The Board agreed to recommend extending the same authority regarding parking within 500' of property line to the Planning Board.

Ms. Whitehead stated that items 10, 11 and 12 refer to subdivision procedures and regulations and not relevant to this Board. The next recommendation is that provisions for home office be updated. The Planning Board recommended that this be looked at in conjunction with the Comprehensive Plan as this is more substantive. The Board agreed with the Planning Board recommendation to have the list updated as part of the Comprehensive Plan. Ms. Whitehead also stated that it is recommended that the mini moratorium requirement in the Code should include the Zoning and Planning Boards as well. There was concern regarding how this would affect an application already "in the pipeline". The Board discussed what would happen if there was an application already filed and is moving through the approval process, there could be implications such as the special facts exception or potential conflicts with statutory deadlines, impacts related to delays in Board decision-making should be carefully considered. Ms. Whitehead will convey this concern to the Board of Trustees.

Ms. Whitehead stated that the movement of Special Permit authority from the Zoning Board to the Planning Board is something that has been discussed for years. The Board felt some special permits were more appropriate for Planning Board review; the Board agreed that these should be limited to applications already before the Planning Board for site plan review. It was also recommended generally that standards for special permits in the Zoning Code should be more concise and updated. Better standards in the Code regarding Special Permits were recommended and this will be conveyed to the Board of Trustees. The Wetlands Law needs to be updated. Hotels and Air B&Bs were added to the list, but Ms. Whitehead believes these will be addressed during the Comprehensive Plan Update discussion. Changing the definition of a half story also needs to be done.

Ms. Whitehead asked if the Board wanted to prioritize this list. They stated that the Board of Trustees recommendation of priorities is fine with them.

As there was not a quorum to hear the Hampshire application with Ms. Wenstrup being recused from this application, the Chair reordered the agenda, as Mr. Ianniello was not yet present.

PUBLIC HEARINGS

1. Application# 1A-2017 David & Diane Nelson 422 Rushmore Avenue (Section 9, Block 67, Lot 79A) for an area variance to install a central air conditioning system where a compressor is installed in the side yard. The installation violates Chapter 342- 27 of the Schedule of Minimum Requirements where the required lesser side yard is 15' and the required combined is 35' - the existing lesser side yard is 4.95' and the combined is 19.15' (pre-installation)- and the lesser side yard is 2.65' and 16.85' combined (with the installation). (R-15 District)

Mr. and Mrs. Nelson appeared and stated that they recently found out that their central air conditioning unit installed in 2014 did not meet required setbacks. There is no other place to place the unit on the property except for the roof or in front of a bedroom window at the front of the home. Ms. Kramer asked if could be screened. Ms. Nelson stated that there are bushes between their yard and the neighbors in the area where this sits.

Ms. Wenstrup motioned to close the public hearing for the Nelson Variance request, seconded by Ms. Kramer

Ayes:	Weprin, Wenstrup, Kramer
Recused:	None
Nays:	None
Absent:	Ianniello, Neufeld

2. Application 4A-2017 201 Grand Street Rentals, LLC FOR 201 Grand Street (Village Section 8, Block 64, Lot 29B) for area variances to allow four air compressors to be installed, two on the east side and two on the west side of the structure. The proposed compressor locations violate Article VIII section 342-54 B (1) of the Village Zoning Code where the required side yard is 10' and the applicant proposes 6' 8" for unit 1 and 8' for unit 2 on the west side, and on the east, for side yard setbacks for units 3 & 4 where 6' is required and the applicant proposes 3' 8" for unit 3 and 5'2" for unit 4 (R-4F District)

3. Application 5A-2017 201 Grand Street Rentals FOR 203 Grand Street (Village Section 8, Block 64 Lot 29A) for area variances to allow three air compressors to be installed, two on the east side and one on the west side of the structure. The proposed compressor locations violate Article VIII section 342-54 B (1) of the Village Zoning Code where the required side yard is 10 ' and the applicant proposes 6' 8" for unit 3, and 8' 2" for unit 4 on the east side, and on the west, for the side yard setback for unit 2 where 6' is required and the applicant proposes 5' 2". (No variance required for unit 1). (R-4F District)

These two applications were heard together. Mr. Sandy Lichtenstein appeared on behalf of the development and addressed the Board. Two, two family modular homes were built on the property

which was subdivided. The side yard setbacks for the air conditioning compressors are less than what is required. There are no other areas to put these compressors on the properties. There is landscaping required by the Planning Board, which will screen these compressors. Mr. Lichtenstein stated that the neighbors have no issue with this. Mr. Weprin stated that if these were noted on the original plans, alternatives could have been considered. Ms. Kramer would have no issue if the landscaped screening is sufficient. Mr. Lichtenstein stated that there would be a row of arborvitaes planted on the side yard.

Mr. Stuart Tiekert of Beach Avenue addressed the Board. He questioned the process as there seems to be plans and other required documents missing from this application. He also knows of one violation on the property and this is not noted on the application. Mr. Tiekert believes that this was a self-created problem and this has to be considered. He also believes that there is room behind the homes and a variance will not be needed and that this should have been addressed during the site plan approval. He has followed this closely and the homes have not been built according to the site plan approved by the Planning Board. He hopes that the Board will require a survey be submitted as is required as well as noting the existing violation.

Mr. Lichtenstein stated that there were some changes made during the construction; everything has been inspected and approved by the building department. There was a stop work order issued, but that was taken care of. He reiterated that there is no room at the back of the property. These are modern units and make very little noise. Ms. Kramer asked why he believes there is no room in the back. Mr. Lichtenstein stated that it would be in violation of the rear yard setback. (Mr. Ianniello joined the meeting). Mr. Tiekert stated that there is a plan approved by Mr. Gray that shows a portion of the rear yard being 30 feet. The Board reviewed these plans and it appears that a compressor would be within the back yard set back on one of the homes, but would require a variance on the other.

Ms. Wenstrup motioned to close the public hearing for the 201 & 203 Grand Street variance request, seconded by Ms. Kramer

Ayes:	Weprin, Wenstrup, Kramer, Ianniello
Recused:	None
Nays:	None
Absent:	Neufeld

4. Application #1SP-2014, Hampshire Club, Inc., 1025 Cove Road (Section 9, Block 72, Lots 1,2,3,11,17B,17C,18D,24,25,28 & 29- Section 9., Block 89B, Lots 15 & 16 - Section 9, Block 89C, Lots 22A & 23 -Section 9, Block 89D, Lots 24,25, 26,27& 28) for renewal of a special permit for Non-Member Events (MR and R-20 Districts)

Ms. Kelly Wenstrup was recused from the application review.

Mr. Michael Zarin, attorney for the Hampshire Club appeared and stated that his application was filed on December 8. Mr. Weprin stated that the delay in closing this hearing is that the Board had sufficient issue with the application. Mr. Zarin believes that the Hampshire Club has submitted all required information, more than any proceeding he has reviewed as well as responsive answers complying with the Code. When the Code was amended, he believes that all had knowledge of the Club's seasonal dining memberships. This was discussed at length in court, during the MBYC Special Permit Application as well as with Hampshire's. He stated that everyone was well aware of the membership when they revised the stipulation; what the normal practice was. If the Board believes that the Code should be changed to not allow seasonal dining memberships that should be recommended to the Board of Trustees. He understands that the Board struggles with this and because of that has asked Hampshire for additional information which has been provided. Mr. Zarin asked that the Board make a determination so that the parties can act accordingly. There is not an outpouring of complaints in this regard. He therefore takes issue with this Board requiring any additional information, as they have done their due diligence. Mr. Zarin respectfully requested that the hearing be closed this evening and the Special Permit renewal be granted.

Mr. Stephen Kass appeared and stated that the question of seasonal dining memberships was not addressed before this renewal. It was not part of the original Special Permit application. Nothing related to the MBYC application is relevant to this application. Mr. Cooper did report that there were 18 seasonal dining memberships at the end of 2016. Mr. Kass believes that these are a sham used only to shift non-member events to member events. If there were 18 seasonal dining events during 2014 and 2015, this would bring the percentage of non-member events over that three-year period to over 20% for each of those years. If that is the case, Hampshire has not met the requirement of keeping their non-member events under 20% and this Board cannot grant the Special Permit renewal. They have not made the required showing at least for 2016.

Mr. Zarin appeared again and stated that Mr. Kass is incorrect. Judge Jamison discussed this topic in length, it is not prohibited and an accepted practice.

Mr. Jack Lusk of Cove Road appeared. He appreciates the depth in which this Board has reviewed this application. He asked that the Board consider requiring that if there were a change in the basic use of the facility, the Club would have to come back before this Board.

Ms. Georgiou asked that Mr. Gray address a violation that the Club had been issued. Mr. Gray stated that there was a violation for Illicit Discharge/IDDE. This was found while the Village and Arcadis were doing home inspections for illegal discharge into sewer lines. A notice of violation was issued and according to the building department software program, it has not yet been cured. The building

inspector who wrote this violation was gone for the day so Mr. Gray did not have the opportunity to get an update from her.

Ms. Kramer asked for confirmation that memberships do not overlap. The number of memberships matches the number of members or member families. Mr. Zarin confirmed that this is correct.

Mr. Zarin appeared to address the violation. There was a sump pump that was never used and it was disconnected. He believes the violation was closed out in January.

Mr. Weprin informed Mr. Zarin that the Board will discuss this Special Permit renewal application this evening, but a vote will not be taken tonight.

Mr. Ianniello motioned to close the public hearing for the Hampshire Club Special Permit renewal request, seconded by Ms. Kramer

Ayes:	Weprin, Ianniello, Kramer
Recused:	Wenstrup
Nays:	None
Absent:	Neufeld

5. Application 1i-2017, **Stephanie Figliomeni**, et al., regarding 946 East Boston Post Road (Ralph's Italian Ices), (Section 4, Block 63 Lot 1) for appeal of Building Inspector determinations on December 14, 2016 that no new variances are required and on January 4, 2017 that tables and chairs do not constitute a structure and can be moved at any time. (C-1 District)

Mr. Anthony Francella appeared. He is part of this appeal application. He had the list of variances required by Ralph's Ices where it was determined that the variances were not needed. There was supposed to be a letter from the Building Inspector stating why these variances were not needed, but they have not yet received that. This is disappointing due to the sensitive nature of this issue. Mr. Francella believes that a use variance for a fast restaurant is needed. He read the Code provisions for restaurants in the C-2 District. The second issue is parking spaces as they extend beyond the parking lot lines and require a variance.

Ms. Stephanie Figliomeni appeared to review the dumpster and freezer locations. They do not meet the side and side-rear yard set back requirements. The tables bolted to the ground, considered structures also do not meet the set back requirements. There were pictures showing these.

Ms. Meg Yergin appeared and informed the Board that the light boxes were put up without permits. The issues raised by Ms. Figliomeni were also done without any permits. The light box issue is being brought to the Board of Architectural Review. Ms. Yergin read the minutes of the BAR meeting when Ralph's Ices appeared before them. It was for a façade renovation and façade signs and three awnings. This is all he got approvals for. The plans given to the BAR had nothing about light boxes and signs. There is a permit required to put a sign up. This was not done. They are also not Code compliant signs. The windows exceed the guidelines, as do the colors used on the building. The sign also needs to be in keeping with the character of the neighborhood. This obviously does not. It is a garish sign that stays lit even when the store is closed. It is basically a billboard. These are things Mr. Rosenberg never showed the Board of Architectural Review. These should be taken down or turned off until they are approved.

Mr. Eric Gordon, attorney, appeared on behalf of Mamaroneck Ices, the operator of Ralph's Ices. He is at the meeting with Mr. Rosenberg, owner and Mr. DeAngelis, architect for Ralph's Ices. As a matter of procedure, they never received the notice for this application when it was filed in January. They did not get notice until it sent by the Zoning Board secretary in mid-February. Mr. Gordon stated that these appeals were not timely filed. There were appeals filed by the same appellants on June 24, 2016, which arose out of a C of O issued in May. Everything raised tonight, except for the marked out parking spaces was at the site and operating at the time of their June appeal. The only issue raised in that appeal was the need for a special permit to run a food establishment and that a site plan was required. On August 18, 2016, after this Board made their determination, the Building Inspector made a determination that a special permit and site plan were required. The site was operating at that time and there was a determination that no other variances were required. A site plan application was then submitted to the Planning Board and Special Permit application submitted to this Board. Everything raised in this appeal was on the site plan filed in September of 2016. The Code states that appeals need to be filed within 60 days of the Building Inspector's determination. There was an email listing issues sent to this Board by Nora Lucas on December 1, which the Board asked Mr. Gordon to address. This was done. At that time, the Building Inspector restated his determination that no additional variances were required. This was not a new determination, this was a reissuance. The parking space setback was discussed at that time and it was determined that a variance was not needed. Again, he stated that everything presented tonight is barred, as it was not filed within the 60-day requirement. No further assertions with respect to zoning compliance were made except by Ms. Lucas on the morning of the December ZBA meeting.

Regarding the merits of the application, in respect to the use variance issue, that issue was addressed in the June appeal. They made a completely different argument this evening. This Board ruled on that in July stating that a Special Permit was required. With respect to Note 6 in the Schedule of Minimum Requirements, that has been discussed with the Building Inspector. Mr. Gordon read the section of the Code that states that a variance is not required. With respect to the issue that tables and

chairs must be subordinate to the use of the main building, he submitted that they are clearly subordinate to the use of the building. This is also the case with Carvel. They have outdoor tables and chairs with none inside. With respect to the minimum requirements for the dumpster, Mr. Gordon stated that the dumpster has been there the whole time and this should have been raised earlier. This will be looked at during the site plan review. Mr. Weprin reminded Mr. Gordon that some members of this Board believe that a Special Permit cannot be granted if there is a zoning violation. Mr. Gordon stated that there are no violations, as the Building Inspector did not raise any. Ms. Kramer stated that under New York State Law, if a Building Inspector makes a mistake, he or she has the right to state that and require a variance.

Mr. Gordon further stated that they disagree that the tables are structures just because they are bolted to the ground. Again, he believes that the Carvel tables are in the setback. The freezer location was determined not to be in violation. In respect to the curb cuts, they have asserted in their letter that they have been in existence when the Building Inspector made the determination that no variances were need. In respect to the signs, an application was made to the BAR. This should be moot with the filing of an amended site plan. He respectfully requested that the Board keep this hearing open. The Board stated that this Public Hearing will be kept open and continued to the April meeting.

Mr. Greg DeAngelis appeared (Mamaroneck Ices' architect) and confirmed that they are in the process of updating the site plan. Ms. Yergin appeared again and believes that this Board left it open in their determination of whether of not a use variance is needed. Also, the freezer is a walk-in and a structure is something that has a roof. Mr. Gordon appeared again and read the July 2016 resolution stating that Ralph's is required to get a Special Permit, there is no ambiguity as far as the use variance is concerned.

Mr. Francella appeared again and stated that Carvel takes their chairs inside when they close. This is for convenience on a nice evening. They are not there permanently. As far as the dumpster is concerned, it was previously moveable. An enclosure has been built around it, making it a permanent structure.

Mr. Scott Rosenberg appeared regarding the dumpster. He stated that this has been addressed. They have done everything asked of them.

Ms. Sue McCrory of The Crescent appeared and asked the status of the business, as they don't have a Special Permit or site plan approval. The Board asked Ms. McCrory to read the resolution adopted by them denying the outdoor counter service variance. That status will remain until they hear the Special Permit application at the next meeting.

The Public Hearing will be kept open and continued to the April meeting.

B. CLOSED APPLICATIONS

1. Application #3A-2017, Gallaher, 156 Saxon Drive, (Section 8, Block 1C, Lot 8)

This application was reviewed. Ms. Wenstrup stated that this lot is oddly shaped and the neighbors have no issue with the requested variance. The Board discussed/applied the statutory factors

Ms. Wenstrup motioned to approve the Gallaher variance as requested, seconded by Ms. Kramer

Ayes: Weprin, Ianniello, Kramer, Wenstrup

Recused: None

Nays: None

Absent: Neufeld

2. Application #1SP-2014, Hampshire Club, Inc., 1025 Cove Road (Section 9, Block 72, Lots 1,2,3,11,17B,17C,18D,24,25,28 & 29- Section 9., Block 89B, Lots 15 & 16 - Section 9, Block 89C, Lots 22A & 23 -Section 9, Block 89D, Lots 24,25, 26,27& 28)

Mr. Gray addressed the violation raised at the Public Hearing. The I & I and IDDE was taken care of. There is no longer a violation. The Board agreed to deliberate but not to vote since there are only three members present (as Ms. Wenstrup is recused). Ms. Kramer stated that the pertinent definitions are vague. Ms. Georgiou mentioned other nonmember event special permit/renewal applications considered by the Board, i.e. Beach Point, Mamaroneck Beach and Yacht and Orienta. Mr. Weprin stated that the Board needs to be consistent. Ms. Kramer asked if conditions could be added to this renewal. Ms. Georgiou stated that they can add conditions, but the Board should be consistent in its future consideration of nonmember event special permits and renewals for other clubs. The definition of "member" was discussed and if seasonal dining members hold a membership. Ms. Kramer asked that Ms. Georgiou circulate the original special permit resolutions and any renewals for Hampshire and Mamaroneck Beach and Yacht. The Board also asked Ms. Georgiou to draft a resolution approving the adoption of this renewal for the Board's consideration, although they are not sure that this is the way they will vote. Ms. Kramer asked if this Board could request that the Board of Trustees revise the definition of member making it clearer. Ms. Georgiou stated that they could make that request. The Board would like that to be done as well.

3. Application# 1A-2017 David & Diane Nelson 422 Rushmore Avenue (Section 9, Block 67, Lot 79A)

The application was discussed and the statutory factors applied.

Ms. Wenstrup motioned to approve the Nelson variance as requested, seconded by Ms. Kramer

Ayes: Weprin, Kramer, Wenstrup
Abstained: Ianniello
Nays: None
Absent: Neufeld

4. Applications #4A-2017 & 5A-2017 201 Grand Street Rentals, LLC FOR 201 & 203 Grand Street

Ms. Kramer's issue is that one of the homes may have room in the rear yard to place the air conditioner. With the home that does not have enough space; she believes that it may have been better to place it in the rear yard, even though they would still need a variance, as it would be further from the neighboring home. Mr. Weprin's concern is that if the applicant had come before this Board originally, they would have been asked to build smaller homes so that these variances would not be needed.

Mr. Gray stated that these are the first homes this builder has built and as they are modular homes, they may be pre-wired so that they may not have had a choice where the air conditioner can be placed. Ms. Kramer would like to see the site plan to see the screening. Ms. Wenstrup stated that she visited the properties and her concern is that one of the air conditioning units would not be able to be serviced unless the technician walked up the neighbor's driveway as this driveway is on the property line and the unit very close to the line as well. There will not be room to walk to this unit if screening is planted at that location.

The Board authorized counsel to draft a resolution approving these variances provided there is adequate screening for consideration at the next meeting.

C. ADJOURN MEETING

On motion of Ms. Kramer, seconded by Ms. Wenstrup the meeting was adjourned.

In favor: Weprin, Ianniello, Wenstrup, Kramer
Opposed: None
Absent: Neufeld

Respectfully submitted,

Betty-Ann Sherer

Betty-Ann Sherer

APPROVED
Village of Mamaroneck
Zoning Board of Appeals
April 6, 2017 Minutes

APPROVED

MINUTES OF A MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF MAMARONECK, NEW YORK, HELD ON THURSDAY APRIL 06, 2017- AT 7:30 P.M. IN THE COMMUNITY ROOM AT THE MAMARONECK LIBRARY 169 MT. PLEASANT AVENUE, MAMARONECK, NEW YORK.

These are intended to be Action Minutes which primarily record the actions voted on by the Zoning Board at the meeting held APRIL 06, 2017. The full public record of this meeting is the audio/video recording made of this meeting and kept in the Zoning Board's records.

PRESENT: Barry Weprin, Chairman
David Neufeld (Vice Chairman)@7:40PM
Kelly Wenstrup, Board Member
Robin Kramer, Board Member

Anna Georgiou, Counsel to Board

ABSENT: Michael Ianniello, Board Member (Secretary)

CALL TO ORDER Chair Weprin called the meeting to order at 7:30 p.m., noted the fire exits and reviewed meeting procedures for the public.

The order of agenda review was changed.

A. PUBLIC HEARINGS

1. Application # 2SP-2017 **Mucahit (Mike) Arici**, (Mamaroneck Coffee Roasters), 419 Mamaroneck Avenue, (Section 9, Block 11, Lot 2), Application for a Special Permit to operate a new Boutique Coffee Shop in an existing restaurant space (C-2 District).

This application has been adjourned to May 4, 2017 meeting due to lack of neighbor notification.

2. Application # 1SP-2017, **CVS 805 Mamaroneck Avenue**, (Section 8, Block 72, Lot 1), for a special permit to operate a CVS Pharmacy , as per 342-30(A)1c for a change of tenant in a retail space greater than 3,000 square feet (C-1 District)

Mr. Daniel Laub of Cuddy & Feder appeared on behalf of the applicant and in support of the Special Permit application for CVS to occupy the former A&P site on Mamaroneck Avenue. They will occupy approximately 15,000 square feet of a 24,000 square foot space. A letter was submitted to the Board regarding the criteria of the Special Permit.

Ms. Kramer asked about their statement on how they satisfy special permit requirements, as there was no demonstration of this in their statement. They did not list their hours, the people who come to a CVS, may not be the same people who shopped at the A&P and the impact of the A&P may have already been there before a Special Permit was required of them. She felt the applicant has a cavalier attitude with this presentation. Ms. Kramer asked about the hours. Mr. Laub stated that he assumes the hours will be the same as the store closing in the Village on Mamaroneck Avenue. Ms. Kramer also noted it was stated in the application that the parking capacity was adequate; however, a variance for the number of parking spaces provided on site was obtained by the Property Owner.

Mr. Laub stated that they believe the use is similar to what was already there with the A&P. Mr. Weprin stated that the Board would need to have the information on their hours of operation before approving this Special Permit.

Ms. Georgiou recommended that this application not be approved tonight as the project is subject to a Consistency Determination by the HCZMC and the Zoning Board should have that determination before making its determination.

Mr. Dan Natchez of Alda Road appeared and stated that a building permit has been issued and a lot of work done on a project that has not gotten a Special Permit. This should be addressed. Also, the premise for the variance, and their and the Planning Board's trying to help the applicant was based on their being a grocery store in the majority of the space as this is a big issue for this neighborhood. That is not happening. The majority of the space is going to a drug, not grocery store. This needs to be taken into consideration.

Application review will continue at the next meeting.
(Mr. Neufeld arrived)

3. Application # 8A-2017, **Sheila & Michael Walsh**, 1065 Seahaven Drive, (Section 9, Block 111, Lot 10) for an area variance, the proposed addition violates Chapter 342 Attachment 2 of the Schedule of Minimum requirements where the maximum number of stories permitted are 2 1/2 and the Applicant proposes 3 stories. Applicant seeks the re-granting of this variance as construction will not be completed within 1 year from the date of the building permit issued (Approval Condition "C").(R-20 District)

Ms. Cynthia Stoll appeared for the applicant. In 2015 the Walsh's applied for a variance of a third story where only 2 and a half are allowed. The variance was granted. They proceeded to develop a project, getting a building permit in 2016. The construction is not complete; however the Building Inspector has informed them that they need to reapply for this variance. The only change is that the garage has gotten smaller and the house is now set back 40 feet conforming to an old neighborhood association requirement. Notification of the neighbors was done. There was only positive feedback.

Mr. Neufeld asked when the project would be complete. Ms. Stoll stated that it would be in the spring of 2018.

Mr. Neufeld motioned to close the public hearing for the Walsh Variance application, seconded by Ms. Kramer

Ayes: Weprin, Wenstrup, Kramer, Neufeld

Recused: None

Nays: None

Absent: Ianniello

Mr. Weprin stated that these two applications will be heard together and that Ralph's Ices neglected to re-notice this hearing to the neighbors. They will allow the hearing to go forward, but it will not be closed to give the neighbors an opportunity to be heard at the May meeting.

4. Application # 5SP-2016, **Mamaroneck Ices, Inc.** (Ralph's Italian Ices), 946 East Boston Post Road, (Section 4, Block 63 Lot 1), for a *special permit* to operate a food service establishment/ fast food restaurant. (C-1 District)

5. Application #1I-2017, **Stephanie Figliomeni, et al.**, regarding 946 East Boston Post Road.

Mr. Eric Gordon of Keene and Beane appeared with Mr. Stein of Hudson Engineering on behalf of the applicant. Mr. DeAngelis, Mr. Russillo of Maser Consulting and Mr. Rosenberg were in attendance as well. Mr. Gordon stated that a site plan was prepared enclosing the customer service windows on the site. This addresses some of the zoning issues. The first issue that has been raised by Ms. Figliomeni and other neighboring property owners is that a use variance is required to operate a food service or fast food restaurant in the C-1 District. That determination was made by this Board in July. That is why they are applying for a special permit. This determination was never challenged. The Code is ambiguous in regard to this issue. Any ambiguity must be construed in favor of the applicant. The issue of the statute of limitation was raised. In August of 2016, the Building Inspector made his determination on a use

Regular Meeting

April 06, 2017

Page 3 of 11

and/or area variance. Mr. Gordon would like to put the issue of the Use Variance behind them. As far as the statute of limitations on the remaining claims, there was a determination as to an area variance in regard to the outdoor counter service. The site plan was submitted, and at some point it has to be accepted. No other variances are required.

Mr. Gordon continued that the next issue is the minimum requirements for off street parking. The Building Inspector has determined that this application allows parking within the distance of the lot lines without requiring a variance. If there is any ambiguity regarding this issue, again the applicant must be favored. With respect to the curb cut issue, Mr. Gordon stated that the neighbors claim that adding a curb cut on Keeler Avenue is not permitted under the Code. The applicants' understanding is that the Building Inspector has determined that a variance is not required. There is non-conformity there already with the two existing curb cuts on Keeler Avenue shown on a site plan from the 1930s. There will be a reduction in the non-conformity as one of the curb cuts is being eliminated. With respect to the outdoor tables and chairs, the Building Inspector has determined that they are not structures and do not need a variance. They are bolted down for safety. It is their position that they are clearly subordinate to the operations in the main building. In respect to the dumpster enclosure and freezer, it is their position that they are complaint. Mr. DeAngelis appeared and stated that as this is a corner lot, two areas are considered front yard areas. The additional area is a side yard and the placement of the dumpster enclosure and freezer are within the side yard requirements, compliant with Note 2. This has been presented to the Planning Board and the applicant believes this will be acceptable to them. The front yard lines and parking in the front yards was reviewed. Note 3 was read. They believe that the dumpster enclosure is not adjacent to the residential neighborhood and the enclosure is appropriate within the setback. The Building Inspector made the same interpretation as the applicant that a front yard setback of less than 10 feet is acceptable anywhere other than on Fenimore Road. Mr. Gordon believes that these are the zoning issues listed on the appeal.

Mr. Gordon then addressed the Special Permit application. It has been presented by some of the neighboring property owners that Mr. Rosenberg has failed to his due diligence with this. He believes that this is not the case. There was a question of whether or not this was a retail use. The Building Inspector and Planning Department made a determination and Mr. Rosenberg followed that determination. It was then determined that the Building Inspector and Planning Department were incorrect. Mr. Rosenberg did what he was supposed to do. The business has been so successful, that he is opening other stores in Westchester County and this will lessen the number of people who visit the Mamaroneck location. The primary complaint of the opposition is that this is too busy and does not belong in their neighborhood. Parking will be eased by the opening of other locations and by the new site plan layout.

A rendering of the new site plan was shown including new lighting and new landscaping. Photos of the types of vehicles that transverse on Keeler Avenue was given to the Board. These are two major roads that are busy at all times. There will be a main entrance screened from the neighbors on Keeler Avenue. No one will be gathered in front with the enclosed counter space. Several neighbors have spoken regarding moving the counter indoors and how this will help the issues. Mr. Gordon stated that this indoor service area will be 400 square feet and this will reduce the impact. Mr. Gordon showed videos of previous meetings where a neighbor stated that the outside counters are the major issue with this business. There is a significant cost to putting this addition on. If the Board is going to put a review period on this, the applicant requested a three year review period.

Mr. Gordon stated that the applicant would like an opinion from the Village's Planning Department regarding the parking issues. Mr. Stein of Hudson Engineering appeared regarding their discussions with the DOT regarding parking and curb cuts. They do have site-specific requirements. The exit and entrances for vehicles were reviewed. Mr. Russillo reviewed how these intersections would operate. He prepared a report, which was given to the Board. The vehicle counts from last year were listed in the report. The peaks were from 7-8 p.m. on Friday, Saturday and Sunday. An analysis of the existing conditions was run with different driveway combinations looked at. The number of vehicle trips during peak times was reviewed as well as potential for vehicles to circulate. They looked at the ability of a fire truck, garbage truck and delivery truck getting in and out of the site and any modifications that would have to be made. In terms of parking, similar parking facilities in White Plains, New Rochelle, Rye and Port Chester were shown and reviewed. They are similar in layout. The parking as well as the flow of the lot was reviewed. The issue of having another tenant in the adjacent space and the potential of not being able to accommodate the parking for any customers in the evening was discussed. Mr. Neufeld asked if the landlord anywhere in the applicant's documentation has acknowledged this. Mr. Gordon believes that the landlord has. Ms. Kramer stated that if this is approved, it will be approving 16 parking spaces, this will be a requirement for this use. If there is another tenant, there will have be an agreement for a shared use of the spaces. If the landlord has issue with this, he should have made the Board aware of that. The Board asked if the landlord has signed off on this site plan. The Board would like this approval before moving forward. Mr. Gordon stated that the landlord did sign off on the site plan and number of spaces being used as well as the addition to the building for the inside counter. Mr. Gordon stated that the Board may, if they wish, put conditions/times of use on the parking spaces.

The study done in regard to the availability of parking spaces was reviewed. Ms. Kramer believes that this study is not adequate as many vehicles park on the street. Mr. Russillo agreed that vehicles cannot be required to park in the lot. There were only 3 times during ten-minute increments when every space was occupied. He further stated that the average occupancy at

any given time was 9 or 10 vehicles. Mr. Russillo reminded the Board that this study was done at peaks time and during very good weather. Mr. Rosenberg stated that his other locations do not have issue with there being other tenants in an adjacent location sharing the required number of parking spaces. He also asked customers where they are coming from and this number will be alleviated with the addition of other locations. He believes that he has done everything asked of him.

The architectural plans were given to the Board and reviewed by Mr. DeAngelis. This shows the enclosed counter space, which is 400 square feet. They will be using the same roofline that is currently there. Mr. DeAngelis stated that the area cannot be opened, but there are windows that can be opened. Ms. Kramer believes that this may be a concern as having these windows operable; this might not alleviate the noise issue. Mr. DeAngelis stated that natural ventilation is desirable. The landscape plan was also reviewed. In the applicant's view the new curb cuts will also be decreasing the non-conformity. Existing lights shining on the adjacent properties are being eliminated. Ms. Kramer asked what the occupancy in the enclosed space is and if they do not know this, to have for the next meeting.

Ms. Meg Yergin of Stuart Avenue appeared. In regard to the video where a neighbor stated that is would be preferably to have the business inside, they meant everything inside; the counter, the seating, everything. Not a patio with open windows. She believes that there will be customers spilling out of the doors and it will be just as noisy. This still encourages customers to congregate in the parking area and adjacent neighboring streets. Also, the one parking study was done in the last week in August and the second in September. Ms. Yergin contests that that these are busy times, but not the busiest. She finds it curious that customers and sales are never counted. She believes that this information is available. She asked which Board determines how many parking spaces are required. Mr. Weprin informed her that it is the Planning Board and that number is eight. Ms. Yergin stated that the Village Attorney has acknowledged that there is nothing in the Code regarding parking requirements for fast food restaurants and that this has been brought forward to the Board of Trustees. Ms. Yergin also stated that the tables are not adequate to seat the number of customers. She brought attention to Ms. Whitehead's memo regarding this deficiency in the Code. In regard to the traffic study, there were no spaces marked, so there is no way to know how many spaces were open. The insufficient parking puts a strain on the neighbors. They are happy with the other businesses in the area and understand that they live in a C-1 zone, however, these close at a reasonable time and have adequate parking. Again, they believe that this business is not suitable in the C-1 District in this location. This is not Mamaroneck Avenue, not a C-2 zone. Drivers have a different expectation on Mamaroneck Avenue.

Ms. Yergin understands that there is much to be approved before any construction can begin and because of that, asked that the hours be restricted until such construction is done, as the neighbors have to deal with the enormous crowds until this is done. The hours should be brought back to a reasonable time. Ms. Nora Lucas of Beach Avenue appeared regarding the parking. She stated that the lack of a Code regarding parking required for fast food restaurants is referred to in the Comprehensive Plan and that leads to insufficient parking for fast food restaurants. As there is no way to calculate the sufficient number of spaces for a fast food restaurant, there is no way to know if what they are proposing is sufficient and if the number was calculated based on the outside tables, this number is being calculated on a smaller number of customers. In addition, this reference in the Comprehensive Plan talks only about the downtown. Ms. Lucas read from a February memo regarding the Code and its reference to fast food restaurants written by Ms. Whitehead at the request of the Board of Trustees. If and when the Board of Trustees addresses this issue, the required number of parking spaces will be determined, but not until that time. She also believes that the parking scheme will not work as everyone will be backing up into the same area and that even though there is room for 15 parking spaces, perhaps there should not be 15 there. It is also not known if this number of spaces is adequate for this type of business.

Mr. Anthony Francella of Keeler Avenue appeared regarding the parking study and the ability for trucks to get in and out of the lot. He asked if this was done with cars parked in the lot. Mr. Weprin believes that is the case as the applicant had to show that these trucks could get in and out at any given time. The studies are informative, but the neighbor's videos and photos do not lie. They are already living the situation and know what happens on a typical summer night. The neighbors prepared a video, which they attempted to show to the Board, that the site plan adds no spaces to the lot. Unfortunately, there was no audio and the Board asked that this be shown at the May meeting.

Mr. Dan Natchez of Alda Road appeared again. He is appalled that there were four documents handed out by the applicant at this meeting. There is a timeline when documents need to be submitted so that they may be reviewed by the Board and by residents. He wanted to note this for the record and asked that the Board make it clear that this will not be tolerated going forward. He also believes that it is disingenuous to make a statement on what the Building Inspector was thinking. He has never seen a traffic study that said that something would fail. He does not question the integrity, but what struck him as incorrect is that the statement that the opening on the extension will need only to be widened a bit to accommodate a fire truck. Anyone who has driven on the extension knows that is one of the narrowest roads in the Village. His office is right across the road and he uses the extension numerous times a day. Recently, he had to stop so that a car exiting Ralph's onto the extension did not hit him. Cars are also not accustomed to looking out for cars coming out of the parking

lot as they are looking ahead to the traffic on the Boston Post Road. He does not believe that this plan will work. Mr. Natchez believes that the use variance is the most pressing issue and reminded the Board that what they approve needs to be for the entire site. The Board cannot assume that parking spaces can be restricted during a certain time period. In reference to Mr. Rosenberg speaking to customers to find out where they are coming from, Mr. Natchez has done that as well and has determined that they are not coming specifically to Ralph's, but are in the area for another reason. He therefore does not believe that the opening of other locations will lessen the number of customers or traffic concerns.

Ms. Maria DiFiore of Jensen Avenue appeared. She has been before this and other Boards in the past asking that they please save the homes in the neighborhood. She is afraid that having this business in the neighborhood will greatly influence the value of the homes. She asked that Board members come to her home; try to sleep in one of the bedrooms. She is going to have to sell her home, as they have no quality of life. There are other places in the Village that can accommodate this business. His hours have been extended, affecting their quality of life. The Boards need to consider the residents. There is a location on Mamaroneck Avenue that is becoming vacant that would be perfect for this business. This business is not a fit for this neighborhood.

Mr. Neufeld asked that the legality of the preexisting non-conforming curb cuts be addressed and clarified for the next meeting. Ms. Kramer asked what the hours of operation would be under the new plan. Mr. Rosenberg stated that they would like for the closing hours to be 11:30 on school nights and midnight on all other nights. Mr. Rosenberg asked for clarification of whether his business is considered fast food or food service, as he is not doing any cooking. Mr. Weprin stated that cooking is not really relevant. Ms. Wenstrup asked about the outdoor seating. Mr. Rosenberg stated that they are farther than 10 feet from the fence that separates this property from the adjoining one.

Application review/public hearing will continue at the next meeting

B. CLOSED APPLICATIONS

1. Application #1SP-2014, **Hampshire Club, Inc.**, 1025 Cove Road

Due to this meeting being in the Community Room of the Mamaroneck Library and the requirement that it be done by 9:30, the Board believed that there was not adequate time to deliberate on this application.

Ms. Kramer motioned to extend their Special Permit to May 11, 2017, seconded by Mr. Neufeld

Ayes: Weprin, Kramer, Neufeld
Recused: Wenstrup
Nays: None
Absent: Ianniello

2. Application # 8A-2017, **Sheila & Michael Walsh**, 1065 Seahaven Drive

The Board discussed the application as presented, the parameters of the variance requested and the statutory balancing factors.

Mr. Neufeld motioned to approve the extension of their existing variance for a one-year period, seconded by Ms. Wenstrup

Ayes: Weprin, Wenstrup, Kramer, Neufeld
Recused: None
Nays: None
Absent: Ianniello

3. Application #4A-2017 **201 Grand Street Rentals, LLC FOR 201 Grand Street**

4. Application #5A-2017, **201 Grand Street Rentals, LLC FOR 203 Grand Street**

Mr. Weprin asked that the accusation made by Mr. Tiekert that this hearing should not have taken place at the last meeting as it violated the Open Meetings Law be addressed. Ms. Sherer stated that all documents were available for review at the meeting. It is not required that ZBA applicants provide electronic documents. Mr. Tiekert stated that it does not help if attendees don't know that there are additional documents at the meeting. Perhaps it should be announced.

The Board then reviewed the draft resolutions prepared by counsel for each property. Ms. Kramer stated that the screening referred to in the resolution is not adequate. They discussed specific landscaping requirements at the last meeting. The Board stated that they do not have issue with the Planning Board determining exactly what landscape materials are used, but their resolution should have more specifics as to the requirement to screen. Ms. Kramer asked that language be added to the resolution as condition D. It was asked that Ms. Georgiou include this in the resolutions for both Grand Street properties, 201 and 203.

Ms. Wenstrup has issue with new construction being built needing a variance. During the process with the Building and Planning Departments, this should have not been allowed and if there was ever a time to not give a variance, it should be now. The Board of Trustees needs to

clarify if air conditioning units are structures within the setback. Mr. Weprin does not believe that this was intentional and that this application is not the same as others may be going forward. The Board asked Ms. Georgiou to add additional language that the neighboring lot owners do not object and the uniqueness of this situation, as the two lots are adjacent to each other.

Ms. Wenstrup motioned to approve the resolution as amended granting the variances for 201 Grand Street, seconded by Ms. Kramer

Ayes: Weprin, Wenstrup, Kramer, Neufeld

Recused: None

Nays: None

Absent: Ianniello

Ms. Wenstrup motioned to approve the resolution as amended granting the variances for 203 Grand Street, seconded by Ms. Kramer

Ayes: Weprin, Wenstrup, Kramer, Neufeld

Recused: None

Nays: None

Absent: Ianniello

C. ADJOURN MEETING

On motion of Ms. Wenstrup, seconded by Ms. Kramer the meeting was adjourned at 9:36pm.

In favor: Weprin, Neufeld, Wenstrup, Kramer

Opposed: None

Absent: Ianniello

Respectfully submitted,

Betty-Ann Sherer

Betty-Ann

Sherer

Regular Meeting

April 06, 2017

Page 10 of 11

APPROVED
Village of Mamaroneck
Zoning Board of Appeals
May 04, 2017 Minutes

APPROVED

MINUTES OF A MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF MAMARONECK, NEW YORK, HELD ON THURSDAY MAY 04, 2017- AT 7:30 P.M. IN THE COURTROOM AT 169 MT. PLEASANT AVENUE, MAMARONECK, NEW YORK.

These are intended to be Action Minutes which primarily record the actions voted on by the Zoning Board at the meeting held May 04, 2017. The full public record of this meeting is the audio/video recording made of this meeting and kept in the Zoning Board's records.

PRESENT: Barry Weprin, Chairman
David Neufeld (Vice Chairman)
Robin Kramer, Board Member (Secretary)
Kelly Wenstrup, Board Member

Anna Georgiou, Counsel to Board
Frank Tavalacci, Assistant Building Inspector

CALL TO ORDER Chair Weprin called the meeting to order at 7:30 p.m., noted the fire exits and reviewed meeting procedures for the public.

A moment of silence was observed in memory of Karen Ianniello, wife of member Michael Ianniello. The order of agenda review was changed.

A. PUBLIC HEARINGS

Application # 2SP-2017 Mucahit (Mike) Arici, (Mamaroneck Coffee Roasters), 419 Mamaroneck Avenue, (Section 9, Block 11, Lot 2), Application for a Special Permit to operate a new Boutique Coffee Shop in an existing restaurant space (C-2 District).

This application has been adjourned to June 1, 2017 meeting due to lack of neighbor notification.

- 1. Application # 1SP-2017, CVS 805 Mamaroneck Avenue, (Section 8, Block 72, Lot 1), for a special permit to operate a CVS Pharmacy , as per 342-30(A)1c for a change of tenant in a retail space greater than 3,000 square feet (C-1 District)**

Ms. Lucia Chiochio of Cuddy & Feder appeared for the applicant. Since the last appearance, the delivery schedule and operating hours were provided. Ms. Chiochio reviewed the operating and delivery hours. Ms. Kramer asked how they could make the

assertion that this store will have the same impact as an A&P. Ms. Chiocchio stated they are both retail uses. She stated that it would be less of an impact as they are only taking over a portion of the building. This is a permitted use for this building at this site.

Ms. Kramer motioned to close the public hearing for the CVS Special Permit application, seconded by Mr. Neufeld

Ayes: Weprin, Wenstrup, Kramer, Neufeld

Recused: None

Nays: None

Absent: None

2. **Application # 3i-2017, Meg Yergin, regarding 931 East Boston Post Road, (Section 4, Block 62 Lot 4)** for appeal of Building Permit 16-1308 issued December 6, 2016 Permit 16-1219 issues November 10, 2016 and the December 6, 2016 Issuance of a Temporary Certificate of Occupancy and the February 2017 Extension of a Temporary CO for Sandbox Theater. The applicant seeks that the permit and Temporary CO be annulled, vacated or reversed pending site plan /special permit review to operate a school and a use variance to continue theater operations (C-1 District).

Mr. Weprin stated that communication was received from the Sandbox Theater that they received late notice so would not be able to make the meeting this evening. Therefore, the application review will continue at the June 1, 2017 meeting to give them the opportunity to speak on this.

Ms. Meg Yergin appeared. It is her understanding that they were mailed all of the material and they have known about it for months, as this appeal was filed in February. She is representing 40 of her neighbors. Ms. Yergin gave the history of Sandbox Theatre at this location. They are appealing the building permits issued and a TCO given by the Building Inspector, even with this being an illegal use and there having been many violations on the property. Ms. Yergin informed the Board of the parking situation as well as the dangerous condition on the Boston Post Road by the drop off and pick up of children. She does not understand the special agreement Mr. Ferrante has with the Mayor and the Building Department. She has also heard that Mr. Ferrante will be applying for a special permit. Ms. Yergin had photos showing how dangerous this situation is. Ms. Yergin also presented a timeline of how the Sandbox Theatre has been used since 2008. Ms. Wenstrup asked if the Board has all this information on this property. She was told that the Board and Ms. Yergin have all information from the file.

Ms. Yergin stated that the neighbors are looking for assurances on what is going on there and what their intentions are. Mr. Weprin stated that it is clear that things happened that were not right between 2008 and 2012.

Mr. Andrew Spatz, attorney for the owner of the property appeared. He stated that the ownership has a case pending in Village Court seeking the eviction of the tenant Sand Box Theater. They have been in discussion with the tenant and his attorney. The owner is taking this extremely seriously. They are working in conjunction with the Village to see if the violations are addressed and if not, the tenant will be evicted. Ms. Kramer believes that if Mr. Ferrante does not come to the June meeting, the Board should act on this. The Board agreed.

The public hearing was left open to the June 1, 2017 meeting.

The next two applications were heard together:

3. Application # 5SP-2016, Mamaroneck Ices, Inc. (Ralph's Italian Ices), 946 East Boston Post Road, (Section 4, Block 63 Lot 1), for a *special permit* to operate a food service establishment/ fast food restaurant. (C-1 District)

4. Application #1i-2017, Stephanie Figliomeni, et al., regarding 946 East Boston Post Road (Ralph's Italian Ices), (Section 4, Block 63 Lot 1) for appeal of Building Inspector determinations on December 14, 2016 that no new variances are required and on January 4, 2017 that tables and chairs do not constitute a structure and can be moved at any time. (C-1 District)

Mr. Eric Gordon of Keane and Beane appeared with Mr. DeAngelis, Mr. Rosenberg and Mr. Stein on behalf of Mamaroneck Ices. They were before the Planning Board last week in regard to the site plan approval. According to Mr. Gordon it was clear that the Planning Board was not satisfied with the proposed bump out to enclose a space for service. Mr. Rosenberg has since met with the landlord to state that if he was not allowed to rent the entire space for a reasonable fee, he would have to vacate and move his business elsewhere. The landlord has agreed. There will be a revised site plan that will show the entire area enclosed. The plan will be available for the Planning Board and ZBA for their next meetings. Mr. Gordon informed the Board that there would be a new site plan submitted; that the additional space would be used for a café that will sell coffee, pastries, salads, etc. and that their hours would be from 7 a.m. to 6 p.m. They are looking for a coordinated use that will work with Ralph's that will help financially now that Mr. Rosenberg will be renting the entire building.

Mr. Neufeld is concerned that there is now an entirely different proposal. There is no application that includes this proposed café. Mr. Gordon stated that there would be a revised application submitted. The proposal changed only because the Planning Board is not on board with this site plan. This new plan will also allow for an additional parking space or two. Ms. Wenstrup is concerned as customers will be in the same dangerous position that they have been in for the last year as this is being pushed back another month. Mr. Gordon stated that it is their position that the parking lot is not dangerous and there will be a parking attendant on site. There have been more employees hired to serve customers more quickly helping the line move so that there are not people standing in the parking lot. Another location, in North White Plains, will be open in the next couple of weeks and they believe that will decrease the number of customers visiting the Mamaroneck store. Mr. Weprin asked how long it would take from the current configuration to what is going to be proposed. Mr. Rosenberg stated that the interior would take a couple of weeks. Mr. Rosenberg informed the Board that he has been the parking attendant. Ms. Wenstrup is concerned as this was supposed to have been addressed by this point. Neighbors are living night after night with something that has not been approved. Mr. Weprin stated that the Board could impose further conditions on the business until this plan and special permit were decided. The hours of operation were discussed.

Ms. Kramer stated that she walked to Ralph's last Saturday at approximately 4 p.m. and the parking lot seemed full to her. She is concerned with having a café there open until 6 p.m., as it will make the parking situation worse. Ms. Kramer believes that before anything else goes further, this Board needs to make the determination if this is a permitted use. That preliminary basic issue needs to be decided before spending more time and having the applicant spend more money. Ms. Georgiou stated that initially this Board found this use to be a fast food restaurant and food service establishment and directed Mr. Rosenberg to apply for a special permit and site plan approval. Ms. Kramer went over the history of Ralph's and the Figliomeni appeal in front of them at this time. Mr. Neufeld believes that only the appeal should be discussed this evening, as they do not have a plan and revised application for the special permit. The Board agreed.

Ms. Meg Yergin of Stuart Avenue appeared. She understands that the Board wants to see the new plans before moving forward; however, what is not going to change is the dangerous parking lot situation. There are videos that show the dangerous nature. Mr. Neufeld stated that only the appeal would be discussed this evening, not the special permit, which deals with the parking. Ms. Yergin asked the Board to please allow them to show the video. The Board agreed. Ms. Yergin also requested that the hours be cut if they are allowed to stay open until the new plan is presented.

Mr. Anthony Francella of Keeler Avenue appeared and stated that the video shows why fast food restaurants are not permitted in the C-1 District. The video of the parking lot was shown. Mr. Weprin explained that the special permit does not determine parking. If they had been, or are given a Special Permit, it is the Planning Board who determines the parking needs. If those needs were not met, the applicant would come back to the Zoning Board for a condition to be put on the special permit in regard to parking. Mr. Francella stated that the issue is a use variance and if a fast food restaurant should operate in this area. This video demonstrates that it should not. Ms. Kramer stated that they are not determining whether they are entitled to a use Variance, they are determining if it requires a use variance.

Ms. Nora Lucas of Beach Avenue appeared. She stated that the ordinance regarding fast food restaurants was changed in 1996. The only fast food restaurants approved in the C-1 District since that time have not been controversial. This is the first time this Board is being asked if this is a permitted use under zoning. This Board has never been asked to make a determination if a fast food restaurant is a permitted use in C-1. Ms. Lucas had the minutes of the public hearing of this ordinance in 1996. When the Board of Trustees adopted this ordinance it stated that fast food could be permitted in the C-2 District if they were more than 200 feet apart, but they could not be permitted in the C-1 District. It also stated that restaurants are permitted that have outdoor tables that are clearly subordinate to the business. She does not believe that is the case here. This also assumes that this condition is for restaurants with table service, not with no indoor tables. The Zoning Code also does not talk about parking for fast food restaurants. That was brought up in the Comprehensive Plan. There is no mechanism for calculating parking for a fast food restaurant in our Code. If this Board does find that fast food restaurants in C-1 are a permitted use, they really need to think about parking. There is no benchmark for what the parking should be.

Ms. Sue McCrory of The Crescent appeared. She sent comments to the Board by email. It is a bit of a quandary as the permitted use in a C-1 District is for a restaurant, not a fast food restaurant. After Ralphs's initially applied for a variance for an outdoor counter, which was denied, it was the business owner's choice on how the building would be reconfigured. He could have structured it with tables to fit the Code. It is up to the applicant to structure the business in a way that will make it fit within the Code. She was distraught with the comment that this Board forced them to enclose the space. That is not true; they did not grant the outdoor counter variance. They are continuing to operate outside of the Code and Ms. McCrory believes that there should be a point where this Board says they have no more forbearance for that. The application has changed significantly and they, like other businesses, should be closed until they can operate within the Code.

Mr. Gordon appeared again. He stated that in respect to the special use, this Board already determined last July that this use is subject to special permit approval and since 1996, there have been fast food restaurants approved in this district. The Code states that restaurants are permitted in a C-1 District, not including carry out and fast food; however the Code also states that in the C-2 District it lists what is permitted but it does not mention carry out or fast food, so it can be interpreted that no carry out and fast food is allowed anywhere in the Village of Mamaroneck. This would be an impossible interpretation. Mr. Gordon asserts that this establishment falls under Chapter 342, Section 45 it states that service may be provided on a porch or outdoor area that is clearly subordinate to the main use of the establishment. Carvel does the same thing. Mr. Gordon stated that there may be a Res Judicata issue if this Board re-argues whether this is a permitted use in the C-1 District.

Ms. Kramer stated that there are defined terms in the Code for restaurant and fast food restaurant. On the day that an application comes in, it defines what the business is or is thought to be. If it does not fit the Code's definition of that, then a variance is needed. She asked if an applicant came in and said that they are a restaurant, but did not have seating, could a variance be given for that. Ms. Kramer also believes that counsel needs to weigh in on if there is a Res Judicata issue and if the appeal is okay and can be considered now.

Mr. Rosenberg stated that he could put tables inside if that is preferable. He thought that this is something that the Zoning Board did not want. Mr. Weprin stated that they are trying to determine what type of establishment this is and if it is determined to be a fast food restaurant, is that allowed in the C-1 District. Mr. Neufeld stated that it is not this Board's job to tell them what they want or should have; it is up to the applicant to understand what is allowed under the Code. Mr. Gordon read the definition of food service establishment. Fast food restaurants are part of this definition. Mr. Gordon reiterated that the parking lot is not a dangerous condition. Any parking lot can be walked across.

Ms. Georgiou read from the resolution setting forth the existing modification to the Interim Order for the Stay. Ms. Kramer suggested that the hours end at 10 p.m. on weeknights (Sunday through Thursday) and that they should stop serving at that time. No matter what the line is. The closing or stop serving time on the weekends was discussed as well as turning off of outside lights at closing time. They also asked that the requirement of a parking attendant from 6 p.m. to 10 p.m. every day be added.

Ms. Stephanie Figliomeni of Jensen Avenue appeared and stated that it baffles her that this Board is allowing this business to stay open. It should be closed until some type of decision is made. This is not fair to the residents. Mr. Weprin stated that it is not the applicant's fault

that proper procedure was not followed. The Board agreed to a closing/stop service time of 11:30 on Friday and Saturday nights.

Mr. Anthony Francella appeared again and stated that the Planning Board was not at all happy with the parking lot and traffic situation and stated that the flow of circulation and the excess traffic on Keeler Avenue has to be addressed or they will have to be closed. To say that there is not a safety issue in that parking lot is false.

Mr. Myron Tannenbaum, Chair of the Traffic Commissioners appeared. They have a lot of experience with traffic issues and would like the opportunity to look at the parking situation and traffic flow and make comments and suggestions they believe would help. Mr. Weprin believes that this is something that should be dealt with at the Planning Board. Ms. Wenstrup thanked Mr. Tannenbaum and stated that this intersection was looked at when she was on the Traffic Commission with Mr. Tannenbaum. She would appreciate their review and input. Mr. Weprin stated that the parking plan is on the Village's website and again, this should be dealt with with the Planning Board.

Ms. Allison Stabile of The Parkway appeared. She asked why the only traffic study done has been by the applicant. Is it not appropriate that a Village Land Use Board have a study done? The applicant's report seems biased. There should be an independent study done. Ms. Kramer is not sure if they have the power to do this. Ms. Georgiou stated that there is a process they can go through if they feel one is necessary. Ms. Kramer believes that, as this is part of the special permit process; determining if this business including the traffic is appropriate for the area, she sees no issue with having a study done. Ms. Kramer asked that if the Board has decided that it needs more information, could they not direct the applicant's traffic consultant to study a different time of day or day of week or time of year. Mr. Weprin stated that under these circumstances he believes this Board couldn't order a traffic study. In his view this is a very upside down and special circumstance due to an error made in the Building Department. Ms. Stabile commented that clearly the applicant's team is biased. Safety issues expand to the dangerous curve in the Boston Post Road where the Keeler Avenue split is. There was an accident just last year where a car plowed into the window of Healthyfit due to the traffic and rate of speed on the Boston Post Road. Community safety needs to be considered.

Mr. Gordon appeared again and stated that employees do not park on the site; so having the lights out in the parking lot after closing is not an issue.

Mr. Dan Natchez of Alda Road appeared and stated that this Board has not yet made a determination of whether or not this is a permitted use. He recommended they look at the minutes of the meetings held on the use variance. Mr. Natchez asked that the Board continue

to consider the residents when deciding on the hours going forward should they be granted their special permit.

Application review will continue at the June 1, 2017 meeting
Counsel will draft a memo on the legal issues discussed

Ms. Kramer motioned to amend the interim order to close no later than 10:00pm Sundays through Thursdays and no later than 11:30pm Friday and Saturday, with no customers to be served after these closing times and with all outdoor lighting to be turned off, and with a parking lot attendant to be present on-site every day from 6:00pm to 10:00pm, seconded by Ms. Wenstrup.

Ayes: Weprin, Wenstrup, Kramer, Neufeld
Recused: None
Nays: None
Absent: None

B. CLOSED APPLICATIONS

1. Application # 1SP-2017, CVS 805 Mamaroneck Avenue, (Section 8, Block 72, Lot 1)

The Board reviewed the draft resolution prepared by Counsel.

Ms. Kramer asked that the hours be added to the resolution and to also take out the reference to the A&P. The Board agreed.

Ms. Wenstrup motioned to adopt the resolution as amended granting the CVS Special Permit, seconded by Mr. Neufeld

Ayes: Weprin, Wenstrup, Kramer, Neufeld
Recused: None
Nays: None
Absent: None

2. Application #1SP-2014, Hampshire Club, Inc., 1025 Cove Road (Section 9, Block 72, Lots 1,2,3,11,17B,17C,18D,24,25,28 & 29- Section 9., Block 89B, Lots 15 & 16 - Section 9, Block 89C, Lots 22A & 23 -Section 9, Block 89D, Lots 24,25, 26,27& 28)

Kelly Wenstrup is recused from review of this application.

Since there would only be three members to deliberate, the Board agreed to extend the special permit for Hampshire Club to June 15, 2017.

Ms. Kramer motioned to extend the special permit for Hampshire Club to June 15, 2017, seconded by Mr. Neufeld

Ayes: Weprin, Kramer, Neufeld

Recused: Wenstrup

Nays: None

Absent: None

C. ADJOURN MEETING

Ms. Kramer motioned to adjourn the meeting at 9:43pm, seconded by Mr. Neufeld

Ayes: Weprin, Wenstrup, Kramer, Neufeld

Recused: None

Nays: None

Absent: None

Respectfully submitted by,

Betty-Ann Sherer

Betty-Ann Sherer

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Village of Mamaroneck
Zoning Board of Appeals
June 01, 2017 Minutes

APPROVED

MINUTES OF A MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF MAMARONECK, NEW YORK, HELD ON THURSDAY JUNE 01, 2017- AT 7:30 P.M. IN THE COURTROOM AT 169 MT. PLEASANT AVENUE, MAMARONECK, NEW YORK.

These are intended to be Action Minutes which primarily record the actions voted on by the Zoning Board at the meeting held June 01, 2017. The full public record of this meeting is the audio/video recording made of this meeting and kept in the Zoning Board's records.

PRESENT:

Barry Weprin, Chairman
David Neufeld (Vice Chairman) @ 7:41pm
Robin Kramer, Board Member (Secretary)
Kelly Wenstrup, Board Member
Clark Neuringer, Board Member

Anna Georgiou, Counsel to Board
Lester Steinman, Land Use Counsel
Frank Tapolacci, Assistant Building Inspector

ABSENT:

CALL TO ORDER Chair Weprin called the meeting to order at 7:30 p.m., noted the fire exits and reviewed meeting procedures for the public. He welcomed returning Member Clark Neuringer.

A. PUBLIC HEARINGS

1. Application # 2A-2017 **Hispanic Resource Center of Larchmont & Mamaroneck d/b/a/ The Community Resource Center**, 134 Center Avenue, (Section 8, Block 95, Lot 6), Application for a variance to install a gas powered electric generator in the front of the building. The proposed generator location violates section 342-27 of the Schedule of Minimum Requirements where the minimum required front yard setback is 20' and the applicant proposes 11'6". (R-4F District)

Ms. Liz Liscio, member of the Board for the Resource Center appeared. She stated that their pro-bono architect met with Mr. Gray and the location shown on the plan is the best location for the generator. The generator is needed to power the pumps in the event of another flood and the refrigerators that house the food for the food pantry.

The testing of the generator was discussed and its decibel level. Ms. Kramer asked that they check to make sure that their decibel level is within the Code. Ms. Kramer also asked if this should be an amended use variance or new variance. Ms. Georgiou suggested that because of the time that has passed since the use variance was granted, it would require a new variance. Mr. Neuringer asked about placement on any other location on the site. Ms. Liscio stated that both Mr. Gray and their architect did look and thought that this is the best place for it. (Mr. Neufeld arrived at 7:41pm). The location of the gas and power lines was discussed as well.

Ms. Kramer motioned to close the public hearing for the Hispanic Resource Center Variance request, seconded by Ms. Wenstrup

Ayes: Weprin, Wenstrup, Neufeld, Kramer, Neuringer
Recused: None
Nays: None
Absent: None

B. EXECUTIVE SESSION:

Ms. Kramer motioned to enter executive session at 7:43pm to discuss pending litigation involving the ZBA and Hampshire Club, seconded by Mr. Neuringer

In favor: Weprin, Neufeld, Kramer, Neuringer
Opposed: None
Absent: None
Recused: Wenstrup

Ms. Neufeld motioned to return from executive session at 7:57pm, no money was spent, no decisions were made, seconded by Mr. Kramer

In favor: Weprin, Neufeld, Kramer, Neuringer
Opposed: None
Absent: None
Recused: Wenstrup

PUBLIC HEARINGS CONTINUED: Mr. Weprin took items out of order, taking the shortest items first.

2. Application # 9A-2017 **Lisa & Etienne Boillot**, 810 Pirates Cove, (Section 9, Block 103, Lot 6), Application for variances to alter and expand the second floor of an existing single family home. The proposed alteration and expansion of the second floor violates Chapter 342-27 of the Schedule of Minimum Requirements where the required lesser side setback is 20' and the

proposed second floor addition setback is 15.15' and the combined side yard setback required is 45' and the applicant proposes 44.34'.(R-20 District)

Ms. Page Louis, architect for the applicant appeared. Ms. Louis showed this proposed construction on their site plan. Ms. Kramer stated that the survey is five years old. Mr. Weprin stated that if this were approved, it would be subject to receiving a new survey. Ms. Kramer asked how close the neighboring house is. Ms. Louis is not sure. Mr. Neuringer stated that he has always been sensitive to side yard setbacks. However, the benefit of this request is for a large vanity, a portion of a shower and a portion of a very large master closet. It is not living space. He asked if those items would justify violating the side yard setback. Ms. Louis stated that this side of the home already encroaches into the side yard setback. She wishes the home could be slid north. Mr. Neuringer stated that he would like to see an aerial view showing the home in relation to the neighboring home. Ms. Louis showed the proposed and the existing side yard elevation. Mr. Neufeld confirmed that the existing dormer is already into this setback and the proposed would not be into the setback anymore than the existing.

The Board agreed that any approval would be subject to the Board receiving a new survey and there being no changes from the prior survey. Mr. Neuringer is still concerned about the relationship of other homes to this building.

Ms. Wenstrup motioned to close the public hearing for the Boillot Variance request, seconded by Mr. Neufeld.

Ayes: Weprin, Wenstrup, Neufeld
Recused: None
Nays: Kramer, Neuringer
Absent: None

3. Application # 3I-2017, **Meg Yergin**, regarding 931 East Boston Post Road, Sandbox Theater (Section 4, Block 62, Lot 4) for appeal of Building Permit 16-1308 issued December 6, 2016, Permit 16-1219 issued November 10, 2016 and the December 6, 2016 Issuance of a Temporary Certificate of Occupancy and the February 2017 Extension of a Temporary CO for Sandbox Theater. The appellant seeks to annul, vacate and/or reverse the building permits and Temporary CO. (C-1 District)

Ms. Meg Yergin of Stuart Avenue appeared. She saw the letter stating that the landlord is essentially evicting the Sandbox Theater. She is representing 40 of her neighbors. Ms. Yergin stated that there is a discrepancy on when the Temporary Certificate of Occupancy will be expiring and the stipulation that allows the Sandbox Theater to remain longer. This is still affecting her neighborhood. She had pictures for the Board. The pictures show the dangerous area of the Boston Post Road where parents double park to let their children in and out. She

believes that closing this sooner rather than later would be best for all involved, including the children.

Mr. Andrew Spatz, counsel for the landlord of the building appeared regarding the letter sent referencing when the tenant would vacate. He has had communications with both the tenant and the tenant's counsel and they understand the seriousness in which he is handling this. It is Mr. Spatz's understanding that all equipment will start being moved on June 5. Mr. Neuringer stated that it was his belief from watching an earlier hearing that the tenant would be out by June 1. Mr. Spatz stated that in conferences with the tenant and their counsel, this was a matter that would face litigation and that litigation would delay any progress. The landlord chose not to go that route. When asked if their having to find another location played a part in this agreement, Mr. Spatz assured the Board that it did not. The responsibility of the tenant to comply with all Village laws and regulations during their remaining time in the space was reviewed. Mr. Weprin asked that a copy of this stipulation be filed for the record. Ms. Wenstrup asked what the building would be used for during the months of June and July as the stipulation allows them to stay until the end of July. Mr. Spatz is not sure, but whatever it is, it must comply with Village Code. Ms. Kramer stated that this stipulation is separate from the appeal in front of them and the Board's decision should not be contingent on this stipulation. The questions in front of them are if the TCO was issued correctly and if they need a Special Permit. Mr. Spatz reminded the Board that if this location is found in violation of Village Code, this would be presented to the courts and within 72 hours, their doors would be locked. Mr. Neufeld stated that the parties could change this stipulation at any time.

Mr. Dan Ferrante, Executive Director of the Sandbox Theater appeared. They started correcting violations and in February he asked for a Temporary Certificate of Occupancy to give them time to find another space. This TCO has strict parameters. There is no public assembly in the building. They have cooperated with the Village. It took four months to reach the stipulation agreement with the landlord. The TCO ends at the end of June and they will be stopping any operations around June 23. If they are there later, it will be just to move their equipment and clean the building. If this TCO were rescinded, it would disrupt their business. He also believes that the Village needs to hold up their end of this agreement.

Mr. Ferrante stated that they did have a special permit that expired. Mr. Neuringer asked about the representation that this school would be out by June 1. Mr. Ferrante did not make that representation. He also stated that the use of the business did not change the Village's opinion on that business changed. Mr. Neuringer asked how many more times the dangerous situation on the Boston Post Road would be happening. Mr. Ferrante stated that he would say not many as they are operating on bare bones now and he could have the schedule sent to the Board. Ms. Kramer read from the special permit the school was first issued and the conditions agreed to were not the conditions this business was operating under. Mr. Ferrante stated that they are entitled to equal protection, as there are other unique circumstances under which TCOs are given.

Ms. Georgiou clarified that the TCO expires on June 17, 2017. Mr. Neuringer stated that Mr. Tivolacci had a copy of the TCO and it does state the expiration as June 17.

Ms. Kramer motioned to close the public hearing for the Yergin appeal, seconded by Ms. Wenstrup.

Ayes: Weprin, Wenstrup, Kramer, Neufeld, Neuringer
Recused: None
Nays: None
Absent: None

4. Application # 2SP-2017 **Mucahit (Mike) Arici**, 419 Mamaroneck Avenue, (Section 9, Block 11, Lot 2) Mamaroneck Coffee Roasters, Application for a Special Permit to operate a new Boutique Coffee Shop in an existing restaurant space. (C-2 District).

APPLICATION WITHDRAWN

5. Application # 5SP-2016, **Mamaroneck Ices, Inc.**(Ralph's Italian Ices), 946 East Boston Post Road, (Section 4, Block 63 Lot 1), for a *special permit* to operate a food service establishment/ fast food restaurant. (C-1 District) and Application #11-2017, Stephanie Figliomeni, et al.

Mr. Eric Gordon of Keane and Beane appeared for the applicant Mamaroneck Ices along with Mr. Stein, Mr. DeAngelis, Mr. Russillo and the owner, Mr. Rosenberg. A proposed site plan and permit, he believes, will alleviate the neighbor's concerns. There were photos submitted yesterday regarding a café coming in to the adjacent space. He realizes this was late, but he thought they were relevant. They believe that the parking lot capacity is adequate for both entities until 6 p.m. when the café would close. There were reports that there were lights on after 10 p.m. on some evenings. He is certain that the business closed when this Board stated that it should close. As far as the lighting, it was a safety issue. As there were still customers sitting at the tables eating their ices after 10 p.m., it was thought best not to leave them in the dark. The lights stayed on an extra 15 minutes. There does need to be enough light for clean up, but the floodlights can certainly be turned off. In regard to the appeal, Mr. Gordon sent a letter to this Board regarding whether or not this establishment is a subject to a special use permit. He feels that the issues in the appeal have been covered so that this Board may make a decision on that. In regard to the question raised earlier by Mr. Neufeld on the curb cuts, Mr. Gordon stated nowhere in the statute does it specifically address non-conforming ingress and egress. Mr. Gordon's position is that a curb cut is a non-conforming use just as a building would be.

Mr. Stein and Mr. DeAngelis reviewed changes to the site plan. Mr. Stein, engineer for the project stated that the exterior of the building has been changed and because of that an additional parking space was acquired. A letter from the Fire Chief agreeing with the layout and access was sent to the DOT. Mr. DeAngelis, architect for the project had copies of the rendering of the revised site plan. He reiterated that the addition to the building has been eliminated and everything is in the existing footprint of the building, incorporating a small café in the corner of the building. Entrances have been added to provide for a long queuing area for customers. The exit door leads customers to the table area to discourage patrons from being in the parking area. There is a new restroom and a separate entrance for the café. Plumbing and reconfiguration was done to push back the counter to make space for the indoor counter and service area. There is also a door going directly out to the refuse area. All of this, including additional landscaping, they believe will be a significant improvement to the site. A revised lighting plan will also be submitted. Mr. Weprin asked how long it would take to complete this plan. Mr. Rosenberg appeared and informed the Board that it would take 3 months. Mr. Weprin asked how long he would have to be closed. Mr. Rosenberg stated it would be 2 to 3 weeks. Mr. Rosenberg stated that he has been the parking attendant as required by the Board. Mr. Weprin asked whether the parking situation could be addressed by striping the lot during the time when this application and the appeal is being heard. Mr. Gordon stated the Building Department indicated that Planning Board approval would be required before striping of spaces could be done. Mr. Weprin noted the current use is illegal (outdoor counter) and that the current parking lot situation is chaotic.

Mr. Neuringer understands that everyday Ralph's operates; it is operating outside the statutes of the Code of the Village of Mamaroneck. He asked about the tables and chairs for both Ralph's and the café and if these are both considered food establishments, why does only Ralph's get a restroom and not the café. Mr. DeAngelis stated that it is due to the size of Ralph's versus the café. Mr. Rosenberg stated that anyone could access the bathroom, customers of either. Mr. Neuringer asked if the ownership of Ralph's and the café would be the same. Mr. Rosenberg stated yes. Mr. Neuringer asked if it is feasible that the café would be sold at some point. Mr. Rosenberg stated no, as the back work area is one area. Mr. Neuringer asked Mr. Rosenberg if he would be okay with a condition stating that the back work area could not be divided. He stated he would be fine with that. Mr. Neuringer asked if there has been an updated zoning analysis of the parking needed with the increase in the business size, including the café. Mr. Stein stated that has been done and their plan is Code compliant. The number of seats for each business was reviewed. There will be separate employees for each entity and the café will be open for breakfast and lunch only. The types of foods being sold in the café were reviewed. Mr. Rosenberg stated that there will be no cooking done and the grill shown in the plan will be removed. Mr. Neuringer asked if the applicant believes that their parking meets the standard of adequate parking capacity as is cited in special permit requirements. Mr. Rosenberg

stated yes, as he is opening additional locations and is willing to stipulate to this. Mr. Gordon stated that it has always been their position that capacity will go down. For the small amount of time, it may exceed the capacity, there is on-street parking, but they do meet the zoning standard. Mr. Neuringer stated that it would be this Board that determines if they meet the adequate parking capacity.

Mr. Neuringer asked how this plan would prevent cars from backing out onto Keeler Avenue. Mr. Rosenberg stated that they cannot back out that way. Mr. Weprin stated that is a concern with the lot not being striped. Mr. DeAngelis believes that when this is more structured, people will have the sense not to back out onto Keeler Avenue. Ms. Kramer stated that what is happening now is not going to continue, so the discussion of the current parking is unnecessary. Their discussion should be if the proposed parking would be adequate to grant the special permit; will it satisfy the criteria. Mr. Neuringer clarified that this application has not yet been before the Planning Board. Mr. Neuringer does not know how this Board could deliberate without a sense of the Planning Board's opinion on the site plan. Mr. Neufeld disagrees, as the law in NY is clear that the Zoning Board approves and establishes conditions of the special permit. The Planning Board takes that and makes it into a site plan. He is concerned that there is now a new application for a café thrown into the mix. Mr. Steinman stated that the Planning Board has been waiting for this Board to approve the special permit before moving forward. Mr. Neuringer asked if there was any communication from the Traffic Commission. Ms. Wenstrup said that has not been done. They have looked at it, but not sent any communication. Ms. Kramer stated that the Board could condition the special permit on satisfactory parking determined by the Planning Board. There could be other conditions as well that they would want to see satisfied in the site plan approved by the Planning Board.

Ms. Wenstrup stated that is not just the parking, but also the traffic issue and the movement of children. With the addition of the café, it changes the parameters of what is going on with this property. She asked about peak hours for both businesses. Mr. Rosenberg responded that peak hours for Ralph's are approximately 8:00 to 10:00 pm depending on the weather. The café would be open until 6:00 pm. To address the question of this new application, Mr. Rosenberg was required by the Planning Board to not have the bump out, but to lease the entire building. He is putting the café in to cover his costs, as Ralph's Ices is strictly a seasonal building. As this is not his main business, he cannot answer the question of peak hours for the café. Mr. Weprin believes if this is just a breakfast and lunch spot, he does not feel comfortable having the café open to 6 p.m. Ms. Kramer asked if Ralph's peak hours are the same during the school year and summer and weekends. Mr. Rosenberg responded that before school is out Ralph's serves students after school and stated there are differences. Ms. Kramer believes that this needs to be considered. Mr. Neuringer is concerned about the attraction of

commuter and school traffic to the café in the mornings. According to Mr. Rosenberg the proposed hours for the café will overlap with Ralph's by no more than six hours.

Ms. Nora Lucas of Beach Avenue appeared. She commented that the Zoning Code does not define fast food parking and the Comprehensive Plan sees this as an issue. The Code does state that for every counter serving a different food, the parking requirement needs to be increased by 10%. She believes that the zoning analysis has nothing to do with what is needed. This only takes the small number of tables into account.

Ms. Meg Yergin of Stuart Avenue appeared. She stated that the rendering of Ralph's is not the situation. She prepared what she indicated was an accurate picture of what it will be like. It will still need an excessive amount of on-street parking, will still have masses of people in the parking lot and crossing Keeler Avenue. She believes that the line will go outside of the door horizontally. There is no sidewalk area adjacent to Ralph's. No one goes to the corner to the crosswalk to cross the street. There is a large area on the side of Ralph's that parent's drop their children at where they play. She believes that there will be fewer parking spaces. Mr. Rosenberg being the parking attendant allowed him to pack in more cars. She also believes that cars will continue to back out onto Keeler if they cannot find a space. Ms. Yergin stated that there are parts of the parking lot that are not visible on the parking study video. Ms. Yergin had a photo of the current parking situation that she had presented on the video screen. She had a photo that shows many more cars parked than was reported by the traffic study done by Ralph's. There are many cars parked illegally as well. She had photos of several days that were reported by the Traffic Study having many more cars parked than reported. She stated that the Board needs to add 5-7 cars to any given days report and that is not counting cars parked on the streets. This was also during a cold and dismal May. There was a photo of Mr. Rosenberg helping a customer back out onto Keeler. There was also video of cars dropping off children in the parking lot and backing out onto Keeler. There are also many children shown that are not eating ice cream, they are just hanging around. She has many more pictures and videos showing the overcrowding, illegal parking and children running through the parking lot and across Keeler Avenue.

Ms. Kramer asked if the only entrance was on Keeler and only exit on Frank Avenue, does Ms. Yergin believe this would help the situation. Ms. Yergin does not believe this would help. Ms. Yergin is extremely concerned that adding the café will only make this situation worse.

Mr. Rosenberg appeared again and stated that the nights with all the children were nights of school concerts. That is not the norm for the store. Mr. Rosenberg stated that residents back out onto Keeler from their driveways and make U-turns as well.

Mr. Anthony Francella of Keeler Avenue appeared with a pamphlet regarding five other sites that the traffic study used in comparison to Ralph's. He stated that the amount of traffic that goes to Ralph's couldn't be compared to the other sites. Mr. Francella did a sampling of a survey of this site done by Mr. Rosenberg showing where his customers come from and this data does not support that opening a White Plains store will lessen the number of customers coming to Mamaroneck. The largest volume of customers comes from Mamaroneck. The data does not support the opening of a store in North White Plains. This data also showed that most customers are closer to Mamaroneck than North White Plains. The White Plains store is in a strip mall, where the atmosphere in Mamaroneck is more carnival like. If there were a store opened in New Rochelle, that might help the crowds; however, in a post by Mr. Rosenberg on Facebook, he stated that the zoning in New Rochelle would have to change for him to get this location.

Mr. Francella continued that as far as the Special Permit is concerned, there is a five-question test. One question concerns the business being in harmony with the area it is located in. Mr. Francella believes that this is not true and that this business is much too busy for the neighborhood. The third question references, noise, dust, and lights. He has been the witness of cursing, discussion of bodily functions, loud voices, beeping of cars, car lights shining into homes. Another question has to do with parking being adequate, screened and safe. This is not the case. The neighborhood streets have become an extension of Ralph's parking lot. Mr. Francella believes that there are too many serious safety concerns and therefore the business should be closed until the special permit is decided, the site plan decided and if approved, the construction completed. There is a huge insurance liability issue for the Village as well.

An employee of Ralph's, Jacqueline appeared. She believes the traffic is controlled and there is not much noise. Asia, another employee of Ralph's appeared. Many customers have stated that they hope that the business can stay and are angry that the neighbors are trying to close them down. What is being done is not fair to the ownership. Robert Miller appeared. Working at Ralph's is his first job. At least 50 people have come up to him letting him know how much they love it. It is a family place and he doesn't understand why neighbors are trying to close this down.

Mr. Dan Natchez of Alda Road appeared. He is happy to see young people getting involved, however, this is at one of the busiest intersections in Mamaroneck and this has to be considered. In regard to having a café open for breakfast, there is heavy foot traffic in that area and it makes no sense to take something that is a problem and extending that problem for a longer period of time. Mr. Natchez also doesn't understand why a businessperson would want to increase their expenses by adding a café when stating that opening another location will cut

his business in Mamaroneck. This is a good business; it is just in the wrong area. He agrees with Ms. Wenstrup that the Board should get the Traffic Commission's recommendation.

Ms. Sharon Torres from Evelyn Court appeared. She stated that a safety concern not raised is the traffic that is backed up on the Boston Post Road trying to get into Ralph's. There are too many cars trying to go in and out. She also doesn't believe that the business will decrease with the opening of other stores. People will continue to come. It is a good business, in a bad location.

Ms. Stephanie Figliomeni of Jensen Avenue appeared regarding the parking on Keeler Avenue. People will continue to park there and on Jensen Avenue; people avoid parking in the lot as it is jammed packed. It is really a quality of life issue for the neighborhood.

Mr. Gordon appeared again. There was a lot of information presented this evening that was new to them. They disagree with much that was said. He does agree with the map done that shows that there are customers that will go to other stores. He believes that they have satisfied the factors needed to obtain the Special Permit. The noise and lighting will be addressed with the new site plan. This site is at the intersection of two state roads, which is where you want a business.

Mr. Rosenberg indicated that he has talked with some of the neighbors during the last few weeks; they have felt badly that he is going through this. They are happy with the changes that are being done. Mr. Rosenberg stated that they are busier in May and June as kids from this area go away to summer camp. Mr. Neufeld stated that adding another use to this site is a concern.

Ms. Maria DiFiore of Jensen Avenue appeared. She walks her grandchildren across Keeler Avenue every day to school. The traffic is terrible and will only get worse with the addition of a café in the morning. This is not the appropriate location and should have been closed until the proper approvals are in place.

Mr. John Garufi of Keeler Avenue appeared. The lot is too small to accommodate the business. During the busy times, there is not a parking space to be had on any of the neighboring streets. Customers are using resident's driveways to turn around if they see a spot across the road. Even though Keeler Avenue is a state road, it is also in a residential neighborhood.

Ms. Wenstrup motioned to close the public hearing for the Special Permit to operate a food service establishment/fast food restaurant for Mamaroneck Ices, Inc., and the Figliomeni Appeal, seconded by Ms. Kramer.

Ayes: Weprin, Wenstrup, Kramer, Neufeld, Neuringer

Recused: None

Nays: None

Absent: None

6. Application # 11-2017, **Stephanie Figliomeni**, et al., regarding 946 East Boston Post Road (Ralph's Italian Ices), (Section 4, Block 63 Lot 1) for appeal of Building Inspector determinations on December 14, 2016 that no new variances are required and on January 4, 2017 that tables and chairs do not constitute a structure and can be moved at any time. (C-1 District)

Public Hearing for this appeal held with special permit application hearing for Mamaroneck Ices, Inc. (above).

C. CLOSED APPLICATIONS

1. Application # 9A-2017 **Lisa & Etienne Boillot**, 810 Pirates Cove, (Section 9, Block 103, Lot 6), Application for variances to alter and expand the second floor of an existing single family home. The proposed alteration and expansion of the second floor violates Chapter 342-27 of the Schedule of Minimum Requirements where the required lesser side setback is 20' and the proposed second floor addition setback is 15.15' and the combined side yard setback required is 45' and the applicant proposes 44.34'. (R-20 District)

Mr. Weprin apologized to Mr. Neuringer and Ms. Kramer for closing this application before having an updated survey and an aerial photo to determine the position to the neighboring home before doing so. He stated that given past actions on these types of applications, he is certain that this will be approved and did not see a reason to put it off for a month. Ms. Kramer stated that she has an issue, as this would not be allowed in other areas. A variance would not be granted without photographs of nearby homes. She believes that the Zoning Board of Appeals application needs to be amended to require photos or drawings of all homes within 200 feet. She is asking both the chair and counsel how this can be done.

Mr. Neuringer's concern is having an updated survey. Mr. Weprin stated that receiving an updated survey would be a requirement of the approval. Mr. Neufeld stated that previously, when an application came in, it was reviewed and if anything were missing; i.e. an updated survey, a letter would be sent to the applicant letting them know that their application would not be heard, as it was incomplete. Mr. Neuringer's other concern is that the photos are

abstract, as they do not show another home in any of the picture. He also believes that this home will not be adversely impacted if this variance is not granted.

Mr. Neufeld motioned to approve the variance with the condition that an updated survey needed to be received before moving forward, seconded by Ms. Wenstrup.

Ayes: Weprin, Wenstrup, Neufeld
Recused: None
Nays: Neuringer
Absent: None
Abstain: Kramer

2. Application # 2A-2017 **Hispanic Resource Center of Larchmont & Mamaroneck d/b/a/ The Community Resource Center**, 134 Center Avenue, (Section 8, Block 95, Lot 6), Application for a variance to install a gas powered electric generator in the front of the building. The proposed generator location violates section 342-27 of the Schedule of Minimum Requirements where the minimum required front yard setback is 20' and the applicant proposes 11'6". (R-4F District)

Ms. Kramer does understand that there is nowhere else to place it, but it needs to be screened. Ms. Wenstrup added that she was disturbed with the comment that the Building Inspector said this is where it could go. There was no documentary support for this. There have been issues in the past with just going with what the Building Inspector or Building Department said. She believes that they need to be more involved in the process. Ms. Kramer stated that this Board has been lax in requiring real substance in what is submitted to them. If you look at the survey, it appears that there is nowhere else to go. Mr. Weprin agrees with this.

Ms. Kramer motioned to approve the variance with the condition that appropriate screening be done, seconded by Ms. Wenstrup.

Ayes: Weprin, Wenstrup, Kramer, Neuringer
Recused: None
Nays: None
Absent: None
Abstain: Neufeld

3. Application #1SP-2014, **Hampshire Club, Inc.**, 1025 Cove Road (Section 9, Block 72, Lots 1,2,3,11,17B,17C,18D,24,25,28 & 29- Section 9., Block 89B, Lots 15 & 16 - Section 9, Block 89C,

Lots 22A & 23 -Section 9, Block 89D, Lots 24,25, 26,27& 28) for renewal of a special permit for Non-Member Events (MR and R-20 Districts)

Kelly Wenstrup is recused from review of this application. There is inadequate time this evening to deliberate.

Mr. Neufeld motioned to extend the special permit for Hampshire Club to July 15, 2017, seconded by Ms. Kramer

Ayes: Weprin, Kramer, Neufeld, Neuringer

Recused: Wenstrup

Nays: None

Absent: None

4. Application # 5SP-2016, **Mamaroneck Ices, Inc.** (Ralph's Italian Ices), 946 East Boston Post Road, (Section 4, Block 63 Lot 1), for a *special permit* to operate a food service establishment/ fast food restaurant. (C-1 District)

Ms. Wenstrup brought up the issue of Res Judicata and stated that she believes that there has been a change in circumstance by adding the café into the plan. Mr. Weprin believes that the issue is if fast food restaurants are allowed in this zone. They have approved fast food restaurants in this zone before, with the approval of Dunkin Donuts. Ms. Kramer is not certain that the café is a fast food use and if not, it is permitted. Mr. Neufeld stated that he has done much investigation on Res Judicata and it is clear to him that it is not an issue in this instance. There was not a special permit application before them before this time and they never denied the residents their right to speak on this application. Ms. Kramer agrees and stated that Dunkin Donuts is a precedent that needs to be considered.

Mr. Neuringer stated that Dunkin Donuts was an error. It is not a restaurant; it is not permitted in the C-1 District. The same is true with Starbucks. The Code defines a restaurant as having table service. Ms. Kramer read the Code. Mr. Neuringer stated that when the Code was changed in 1996, the Board of Trustees' intention was to narrow the scope of what is permitted in the C-1 District. Ms. Kramer believes that it did not effectively do that, as it talks about food service establishments being allowed and food service establishments do not have to have table service. Mr. Neuringer disagrees, as the only thing permitted in C-1 is a restaurant. If there is clarification needed, this is where that clarification should happen. The Board needs to take a stand by only permitting restaurants in the C-1 District. These two businesses are fast food operations and they are not permitted.

Ms. Kramer believes that this Board cannot now state that Dunkin Donuts and Starbucks were approved in error and that is no longer going to be done (that these are no longer permitted uses in the C-1 District). Mr. Neufeld has issue with it becoming more complex every time the applicant appears. As far as the safety issues, this is riddled with safety concerns. He believes that the café will be successful and there is not proper planning. He has a lot of trouble with this. He agrees that it is a great business, but not the right spot for it.

Mr. Neuringer read from the Special Permit requirements. He asked if there is anyone that believes that what is going on at that site is protective of the health, safety and welfare of the residents. Ms. Kramer stated that what is going on is not going to be allowed to continue. The question is if they can reasonably design something that will meet the special permit requirements. Does the Board think that this can be done? Mr. Weprin stated that he is not prepared to have the café go past lunch that they should be closing at 3 p.m. Ms. Kramer has another concern regarding the café's hours. If she lived in that neighborhood, she would not want to have a business opening at 7 a.m. on the weekends. Mr. Weprin has a problem with the hours as well and agrees that there are safety issues, although he does believe that this is an improved plan.

Mr. Neuringer believes that this plan is trying to put 10 pounds of something in a 5-pound bag. Mr. Weprin does not agree. Mr. Neuringer stated that there are things being done here that create dangerous conditions. Mr. Weprin believes that the parking area is a site plan issue and not their purview. Ms. Kramer stated that they have had this problem before. Mr. Weprin suggested that by having the café there, at least they know what is going in to the space. Mr. Neufeld agrees but believes that Ralph's should be closed until this and the site plan are decided. It is not their fault that they were allowed to operate without a special permit, as a mistake was made. Now that it is a requirement, they should not be allowed to continue to operate without a special permit. Mr. Neufeld also feels that the businesses need to be separate, not linking them. Ms. Kramer agrees. This Board tries to approve things so that businesses can open sooner rather than later. In this case, they would not have been able to open last summer had they applied for this special permit and site plan approval when they should have.

Ms. Wenstrup stated that she is having a hard time applying the five requirements for special permits and getting them to pass. In hoping that the business will decline, so that the neighborhood will not be impacted, shows her that the business does not belong there. It fails the conditions. She is having a hard time seeing how this fits and it is very different than Dunkin Donuts as this location is in a residential neighborhood. Mr. Neuringer asked the chair if it is his position to continue to perpetuate the errors made in the past. Mr. Weprin said yes, but not in those terms, as he believes that they were not errors. They may not have been as careful as

they could have been. Mr. Weprin stated that the Code if taken literally could prohibit fast food restaurants anywhere in the Village. Ms. Kramer understands what was done in 1996, but it was done sloppily. There is no legislative history. Not all of the necessary provisions were changed. She does not want to say what the Board of Trustees intended. Mr. Neuringer stated that there is a legislative history that is obtainable. There are minutes of meetings.

Based on these deliberations, Mr. Weprin believes that the special permit will be denied and that counsel will need to draft findings and a resolution for the Board's consideration at the July meeting. He asked what should be done until that is drafted. He is not sure that it is fair to close the business until that is done. Mr. Neufeld believes that striping the parking lot will help. Mr. Weprin believes that they should be allowed to keep minimum lighting on for 30 minutes after closing, for cleaning. Ms. Kramer does not believe that they should require Ralph's to close immediately as a practical matter. Mr. Weprin reiterated that based on the Board's deliberations and apparent consensus of the majority the special permit would be denied because of the noise, traffic and safety concerns in the neighborhood. The neighbors have evidenced this. The question is what needs to be done in the interim.

Mr. Neuringer urged the Board to take seriously the fact that this Board does not set precedence of the success of a business over the safety of our children. The Board will send their comments to counsel on their concerns. Ms. Kramer stated that if the business is going to be allowed to continue, that parameters need to be set regarding lights. It was agreed that minimum lights be allowed to stay on until 10:30 for cleaning purposes. All outdoor lighting (excluding floodlights) shall be turned off no later than 30 minutes after closing. Exterior flood lights shall be turned off at closing.

Ms. Kramer motioned to amend the Board's Interim Order, seconded by Ms. Wenstrup.

Ayes: Weprin, Wenstrup, Neufeld, Kramer, Neuringer
Recused: None
Nays: None
Absent: None

5. Application # 31-2017, **Meg Yergin**, regarding 931 East Boston Post Road, Sandbox Theater (Section 4, Block 62, Lot 4) for appeal of Building Permit 16-1308 issued December 6, 2016, Permit 16-1219 issued November 10, 2016 and the December 6, 2016 Issuance of a Temporary Certificate of Occupancy and the February 2017 Extension of a Temporary CO for Sandbox Theater. The appellant seeks to annul, vacate and/or reverse the building permits and Temporary CO. (C-1 District)

Ms. Kramer believes this issue needs to be addressed as she does not want the Building Department to be able to extend their TCO. Mr. Tapolacci stated that the Building Department has no intention of extending the TCO. The Board instructed counsel to draft a resolution stating that the Certificate of Occupancy was improperly granted for consideration by the Board at the July meeting.

6. Application # 11-2017, Stephanie Figliomeni, et al, 946 East Boston Post Road

The Board discussed the appeal brought against Ralph's Ices (challenging zoning compliance) and believes that with the expected denial of the special permit application, this will be a moot point. The Board instructed counsel to draft a resolution for consideration by the Board at the July meeting.

D. APPROVAL OF MINUTES

1. MINUTES: Draft minutes of November 3, 2016 for approval

These minutes have been carried to the July meeting for approval. Mr. Steinman asked that the Board request that all past Zoning Board minutes be completed and available for the next meeting. He asked that one of the members of the Board who was not on the Board in November read the minutes so that they may approved as there are only two sitting members of the Board who were on this Board in November of 2016.

E. ADJOURN MEETING

On motion of Mr. Neuringer, seconded by Ms. Kramer the meeting was adjourned at 11:12pm.

In favor: Weprin, Neufeld, Kramer, Wenstrup, Neuringer
Opposed: None
Absent: None
Abstained: None

Respectfully submitted,

Betty-Ann Sherer

Betty-Ann Sherer

APPROVED
Village of Mamaroneck
Zoning Board of Appeals
July 6, 2017 Minutes

APPROVED

MINUTES OF A MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF MAMARONECK, NEW YORK, HELD ON THURSDAY JULY 6, 2017- AT 7:30 P.M. IN THE COURTROOM AT 169 MT. PLEASANT AVENUE, MAMARONECK, NEW YORK.

These are intended to be Action Minutes which primarily record the actions voted on by the Zoning Board at the meeting held July 6, 2017. The full public record of this meeting is the audio/video recording made of this meeting and kept in the Zoning Board's records.

PRESENT:

Barry Weprin, Chairman
David Neufeld (Vice Chairman)
Robin Kramer, Board Member (Secretary)
Kelly Wenstrup, Board Member
Clark Neuringer, Board Member

Anna Georgiou, Counsel to Board
Lester Steinman, Land Use Counsel
Jeff Farrell, Assistant Building Inspector

ABSENT:

CALL TO ORDER Chair Weprin called the meeting to order at 7:30 p.m., noted the fire exits and reviewed meeting procedures for the public.

PUBLIC HEARINGS

Mr. Weprin took applications out of order.

Application 4I-2017, Donat, Lividini & Colaneri, regarding 1017 Grove Street Lot 3, (Section 4, Block 15, Lot 32) for an appeal of Building Permit #17-0429 issued on 4/27/17 for installation of a fence. (R-5 District).

Mr. Weprin stated that the Board received correspondence on this application and he does believe that it is appropriate to be heard without being amended. He also received notification that Mr. Castaldi asked for an adjournment as he had a conflict for tonight and could not attend the meeting. The Chair believes that Mr. Castaldi's request should be honored and this appeal heard at their next meeting.

Ms. Donat addressed the Board stating that the appeal is because the Building Department issued a building permit. Mr. Weprin stated that it would not be fair to Mr. Castaldi as he is the interested party and it is the Board's past practice to adjourn the hearing. Mr. Weprin polled the Board and they agreed that it would be best to hear everything together at their next meeting. Ms. Donat believes it is her application against the Building Department. This matter will be heard at the next Zoning Board of Appeals meeting.

1. Application #3SP-2017, Pizza Gourmet, 599 East Boston Post Road, (Section 4, Block 60B, Lot 24) Application to obtain a special permit to operate a restaurant in an existing restaurant space. (C-1 District).

Mr. Phil LoMedico, owner of Pizza Gourmet appeared. He has been at this location for 18 years and would like to expand the restaurant. Mr. Mark Fritz, architect for the project appeared. Mr. Fritz stated that the conditions will be the same. The changes to the interior were discussed. The proposed layout with 50 seats, a pizza oven and pizza bar was reviewed. The business hours will remain the same.

Public Comment:

Mr. Dan Natchez appeared representing the Shore Acres Property Owners Association. He stated that Pizza Gourmet has always been a good neighbor and they support the application.

Ms. Allison Stabile of The Parkway appeared. She also supports the application, as Phil has become an institution in the Rye Neck neighborhood.

Mr. Neufeld motioned to close the public hearing for Pizza Gourmet's Special Permit application, seconded by Ms. Kramer.

Ayes:	Weprin, Wenstrup, Neufeld, Kramer, Neuringer
Recused:	None
Nays:	None
Absent:	None

2. Application #6SP-2013, Shore Acres Point Corp., 504 The Parkway, (Section 4, Block 76A, Lot 1) to amend permitted hours for organized events for an existing special permit to operate a club (special permit renewal resolution dated November 5, 2015), (R-10 District).

Mr. Andrew Spatz, attorney for Shore Acres Point Corporation appeared. The President and Vice President of the Corporation were in attendance as well. Mr. Spatz stated that at the Special Permit renewal hearing in 2015, the hours of the club were changed. With these changed hours, there are many events that cannot take place. The Special Permit resolution from 2015 states that the club could amend the permitted hours for special events after one year. They are

at this meeting to apply for the extension of hours on Fridays and Saturdays to 12 a.m. for member events and 1 a.m. for SAPC sponsored events. The hours on Sundays through Thursdays would be extended to 11 p.m. There are no non-member events allowed on the premises. No outdoor speakers are used during events and the windows are closed to prevent sound from disturbing neighbors. Mr. Spatz noted that the amended hours are earlier than other clubs in residential areas. They believe that these changes will not have an adverse impact on the neighborhood. Mr. Spatz reviewed the club's house rules. The applicant obtained 104 signatures when speaking with neighbors regarding the extended hours.

Ms. Kramer asked if only residents of Shore Acres could be members of the club; Mr. Phil Lindenbaum president, confirmed that. Mr. Neuringer stated that he appreciates the club's commitment to not having outdoor speakers and closing windows, weather permitting; however he asked how a function on the deck would not cause noise and what the potential impacts of that noise would be for the neighbors across the harbor. Mr. Spatz stated that the rules are clear and if those rules were violated, a sanction would be imposed. They are not aware of any misconduct by members. As they are self-policing, Mr. Neuringer asked if a member of the Board will be at all functions to assure that the rules are adhered to. Mr. Lindenbaum stated that SAPC events are infrequent. Board members are present at these events. As it relates to private events, it is unlikely that Board members would be present. As no events may be held when the pool is open, which is until 8 p.m., there are no events planned for the summer. Historically these events happen over the fall, winter and early spring.

Ms. Kramer asked if it would be acceptable to the applicant to have a condition of the Special Permit be that the house rules are not amended; that the conditions of the house rules are also the conditions of the resolution. Mr. Lindenbaum responded that they would prefer for the resolution to address the specific conditions and not that the house rules cannot be amended. Ms. Kramer stated that would be agreeable to her.

Mr. Neufeld asked if there are events held after September 30. He was told that there were. There were then public comments addressed to the Board.

Mr. Steve Leight of The Crescent appeared. His property is directly across the harbor from this club. He is disappointed that he was not noticed for this hearing. He was also disappointed when he heard that due diligence was done with neighbors who would be affected. No one in Orienta was talked to. The new deck has been designed for use by members and for them to go in and out. He does not have issue with noise from the deck at 11 p.m., but 1 a.m. on the weekends and 11 p.m. on weeknights is beyond the pale. He would be happy to police the club for noise and lighting. He believes that they are in violation in regard to lighting. The building and pool are washed in light and he believes that this is not for safety reasons. There are two

particular lights that shine directly into his home. Mr. Leight believes that the club is disingenuous with their statement that they follow club rules.

Ms. Nadia Valla of The Parkway appeared and read a statement. She is a resident of Shore Acres for 27 years. She had a map for the Board that showed where her home is in relation to the club. She has issue with what is happening on the grounds. People are hanging out much later than the 9 p.m. curfew. When families leave after 9 p.m. a younger crowd replaces them. Members found needles in the sand on the beach and she is very concerned. At the clubhouse, parties seldom finish on time. Even after the party is over, it continues in the parking lot. The new hours will push this even later, into the early hours in the morning. They are in a residential district where the Village is very clear about noise levels. She is hoping that a mutually agreed upon resolution may be reached.

Ms. Sue McCrory of The Crescent appeared. Her home is directly across the harbor from the club. She asked if this is a club according to the Village Code. It is registered as a residential business corporation. She would like some investigation as to whether this is a non-conforming use. Mr. Weprin believes that a ruling was made and that the non-conforming use was grandfathered. She believes that having parties into the night would be a change to the neighborhood. Ms. McCrory asked that the hearing be extended and notice given to neighbors in the Orienta neighborhood. Mr. Neuringer stated that as this was constructed before the 1957 zoning code, it must have been conforming to whatever the code was at the time. Ms. McCrory agrees, however, there has been recent construction and she believes that if there were construction, it would have to be brought to conformity.

Mr. Rich Kelly of Soundview Drive appeared and stated that this is about common sense. These extended hours would happen about four times a year and impacts only a few homes in Shore Acres and across the harbor. He asked that the Board not forget the other 196 homes in Shore Acres. The needles on the beach have nothing to do with this hearing.

Mr. Dan Natchez of Alda Road appeared. He was impressed by the club's restrictions in their house rules. The additional restrictions requested by residents are not the same as restrictions at other clubs including the Mamaroneck Beach and Yacht Club. He would hope that this Board would keep this in mind when other clubs come before this Board. Mr. Natchez believes that the club is a not-for-profit.

Ms. Kramer stated that the resolution in 2015 did not mention existing conditions of the Special Permit, only events and pool hours; therefore, members at the club after the hours conditioned in the resolution are perfectly legal, as there is nothing in the special permit that

prevents this. Ms. Kramer believes that the “club”, events and pool all have to be considered when the Board looks at this application.

Mr. Neufeld asked if the notice went to all neighbors within 400 feet. Mr. Spatz stated that they filed with the Village a list of the properties that were noticed. When asked, Mr. Spatz stated that the Village generated the list. Ms. Kramer stated that there has been issue with this previously. Mr. Spatz stated that there was one address on The Crescent that was notified. Mr. Neuringer asked if the document received from the Village included a map with a circle drawn showing the homes within 400 feet. The Board believes that notice was given appropriately.

Mr. Valla of The Parkway appeared. He has reservations on the application. There are 202 members of SAPC. The intended use of the clubhouse is to bring the community together. There have been over 50 events over the last year to bring families together. The current permit is aligned with family activities. The hours are aligned with the Village Code and family orientation. If the hours were extended, the Village Code would be violated. Changing the hours would change this residential clubhouse to a party house. In regard to the 104 signatures on the petition, it is deceiving as many members of the same household signed the petition. If only one resident of a household is counted, the number is quite different. Mr. Valla did a recalculation that was given to the Board. This shows that 75 out of 202 households signed the petition. 63% of the households did not sign the petition after a transparent and participatory process. Mr. Neufeld appreciates the work put in, but the number of people who may or may not support something is secondary to the merits of the application, in his view.

Ms. Rosa Ferrante of Shore Acres Drive appeared. She has run events at the club and believes that they are not asking for much. She has heard frustration from members that cannot have a Super bowl party or watch Monday night football, as these events do not end by 9 p.m. She believes that they have been good neighbors.

Mr. Spatz stated that there was a sign in front of the club on the Fourth of July weekend stating that this hearing would be held. The club chose to do this during the summer when there would be more visibility. Mr. Spatz would encourage residents who have issue with the club, contact the Shore Acres Point Association Board. Mr. Lindenbaum appeared to add that they strive to have communication with their neighbors. When there have been issues related to noise, he has taken action. He has not been notified of any disturbances in Orienta. He wishes that he had been. They do not want to be bad neighbors.

Ms. Wenstrup asked if there is a limitation on how many times they would have late events and would it be appropriate to limit the number of events. Mr. Lindenbaum stated that they did not think this was required. There are approximately four SAPC sponsored events. They

believed that history would be a good enough guide. He would be happy to provide that number. Ms. Kramer asked how many member-sponsored events have taken place over the past year. Mr. Lindenbaum believes that this number was around 50 and some of these were daytime events and some were SAPC events. Mr. Neuringer asked what the injury would be if the hours remained the same. Mr. Lindenbaum believes that it would be lost opportunities. Mr. Spatz reminded the Board of the hours that the other clubs are allowed to operate. They surpass the current Village Code.

Ms. Wenstrup asked how many events would go to the later time if the time were changed. Mr. Spatz responded that there are currently no member sponsored events scheduled for over the summer and none scheduled for the fall either. Ms. Ferrante appeared again and stated that the reason why they don't have any member sponsored events scheduled as they could only have a one-hour event during the summer during the week and a three-hour event on the weekends.

Ms. Valla appeared again and stated that last week, kids were lighting off firecrackers until 2:45 a.m. She asked if the Board could assure that the grounds are closed at the curfew time. Mr. Leight appeared again and stated that the club could close the pool earlier so that there would be more time for member-sponsored events. That is their right.

Mr. Spatz stated that the club would be amenable to having the extended hours for a probation period.

Mr. Neufeld motioned to close the public hearing for the Shore Acres Point Corp Special Permit application, seconded by Ms. Kramer.

Ayes:	Weprin, Wenstrup, Kramer, Neufeld, Neuringer
Recused:	None
Nays:	None
Absent:	None

3. Application #10A-2017, Valvano, 338 Palmer Avenue, (Section 9, Block 29, Lot 8) for an area variance to construct a 1 car detached garage. The proposed garage is in violation of the Schedule of Minimum Requirements where the required lesser side yard setback is 6' and the applicant proposes 2' (R-2F District).

Mr. Sid Schloman, architect for the applicant appeared. He reviewed the application, which would put a one car detached garage in the rear yard of the property. He noted that the adjacent properties to the north and east have two car accessory garages, which are legal. The

side of the proposed garage would abut an existing garage. The placement of the garage would remove two cars from on-street parking with the garage and extended driveway. They feel the structure is compliant for height and lot coverage. They also feel that it is not a detriment to the property, neighborhood or environment. The garage would match the existing home.

Mr. Neuringer inquired about alternatives, as there are 19.5 feet to the side of the house. They have 5.5 feet to play with. It seems they could slide the garage to the west and not require a variance. Mr. Schloman stated that the garage will be placed in the rear yard, not the side yard and they will be aligning it with the existing pavement. Mr. Schloman stated that they are trying to have access to the rear yard and moving the structure to the west, would move it much closer to the home.

Ms. Kramer's only issue is the creation of a two-foot alley on the property. She does not know what will happen with this space. The Board discussed installation of a fence to enclose the space.

Ms. Wenstrup motioned to close the public hearing for the Valvano variance application, seconded by Mr. Neufeld.

Ayes: Weprin, Wenstrup, Kramer, Neufeld, Neuringer
Recused: None
Nays: None
Absent: None

4. Application #11A-2017, Turett, 841 Taylors Lane, (Section 4, Block 79, Lot 8B4) Application for the alternation and extension of an existing deck and front stairs and construction of a one-story addition over the deck. The proposed alteration and expansion of the second floor violates Chapter 342-27 of the Schedule of Minimum Requirements where the required rear setback is 35' and the applicant proposes 19.3', FAR allows for 0.317/4,838 square feet and the applicant proposed 0.374/5,707 square feet and the front yard setback for the existing garage required is 25' and the applicant proposes 15.3'. A variance was granted in 1957 for a 20' front yard setback for a garage and screened porch. (R-15 District).

Mr. Steve Tilly, architect for the applicant appeared. Mr. Tilly had a PowerPoint presentation showing an aerial view of the home. He stated that the home was elevated post Super Storm Sandy. Mr. Tilly showed a plan of the existing home and how the structure has slid toward the seawall. Because the home was lifted, you can no longer exit the home from points where you could before. This would provide an egress that was formerly available. Mr. Tilly also stated that when a Village official came to the home, it was discovered that the garage was not

built to the plans that were approved for a variance in 1957. This has to be corrected. They will also be replacing the front staircase that will allow water to flow through it.

Ms. Kramer asked what was non-compliant about the garage. Mr. Tilly stated that it is 15.3 feet from the front yard where 25 are needed. Ms. Nancy Turett appeared and believes that the front yard setback needed is 20 feet, not 25. She also stated that it looks like the house was lifted and the work they propose would make the home look like it fits in the neighborhood. Also, there are no bedrooms on the first floor so her elderly parents have to go up two flights of steps to get to a bedroom. They are hoping to close the existing deck and making it a guest room.

Ms. Margery Kaufman of Taylor's Lane appeared. She stated that the house was an eyesore for many years after the destruction from Sandy. The renovation of the home was done as economically as possible and does not fit in the neighborhood. She is in full support of this application.

Mr. Neuringer stated that the drawings almost depict the home in an abstract setting. It would have been helpful to see how it sits in relationship to the street and other homes. There are no dimensions on any of the drawings or plans. He asked if the existing home is encroaching on the wetlands buffer and is the proposed work encroaching further. Mr. Tilly stated that there is a key plan showing the location of the home and a page of photographs showing where the home sits. The dimensions needed for zoning are on the plan. They met with the Building Inspector and are decreasing the impervious surfaces. The determination was made that this did not need further review in regard to the wetlands. Mr. Tilly also stated that they are not increasing the footprint regarding the floor area ratio or the non-conformity in the rear yard. Mr. Farrell disagrees and there was a notice given to them that they need a variance which they have applied for.

Ms. Kramer stated that the footprint is being increased. She asked what the deck is being constructed of. Mr. Tilly stated that it is a wood deck that will be constructed on piers. Ms. Wenstrup asked about the flagstone terrace under the deck. Mr. Tilly stated that they would not be extending this. Ms. Turett appeared again. She stated that the home would not look more voluminous with the suggested work. The back of the home is very awkward. They are decreasing the impervious surface in the front.

Ms. Wenstrup motioned to close the public hearing for the Turett variance application, seconded by Mr. Neufeld.

Ayes:	Weprin, Wenstrup, Kramer, Neufeld, Neuringer
Recused:	None
Nays:	None

Absent: None

B. CLOSED APPLICATIONS

1. Mamaroneck Ices request to Re-Open the Public Hearing

Mr. Weprin stated that correspondence was received from the applicant asking that the hearing be re-opened as they are proposing a single use instead of a double use and the term for the Special Permit would be one year. Mr. Weprin does not believe that this is necessary, as he sees nothing new here. These could have been imposed as conditions of approval and the hearing/record was open for almost a year. There was no motion to re-open the public hearing.

2. Application # 5SP-2016, Mamaroneck Ices, Inc. (Ralph's Italian Ices), 946 East Boston Post Road, (Section 4, Block 63 Lot 1), for a *special permit* to operate a food service establishment/ fast food restaurant. (C-1 District)

Mr. Weprin stated that counsel prepared a resolution, which the Board reviewed. The Board suggested revisions to the resolution, which were added. Whether or not this business needed a use variance was discussed. Mr. Neuringer believed that the Board should take a position on this matter. Mr. Weprin believed that this is a complicated issue and should not be addressed at this time under this application.

Ms. Wenstrup motioned to adopt the resolution as amended denying the Special Permit for the Mamaroneck Ices, Inc. application, seconded by Mr. Neufeld.

Ayes: Weprin, Wenstrup, Neufeld, Kramer, Neuringer

Recused: None

Nays: None

Absent: None

3. Application # 11-2017, Stephanie Figliomeni, et al., regarding 946 East Boston Post Road (Ralph's Italian Ices), (Section 4, Block 63 Lot 1) for appeal of Building Inspector determinations on December 14, 2016 that no new variances are required and on January 4, 2017 that tables and chairs do not constitute a structure and can be moved at any time. (C-1 District)

Ms. Kramer stated that she believes that this is now moot, as the Special Permit for Mamaroneck Ices was not granted. Mr. Neuringer does not agree. The Board spent a lot of time

discussing a Special Permit and that has nothing to do with an analysis of use. By not acting on this, Mamaroneck Ices will come back with a revised Special Permit application and if the Board grants a Special Permit, the use would have not have been dealt with. Mr. Steinman stated that one alternative is to defer action on the Figliomeni appeal, pending the likelihood of the submission of a revised Special Permit application. Mr. Neuringer believes that the Board should deliberate and make a decision on whether or not this is a permitted use. Mr. Steinman cautioned that there are serious legal procedural matters that would preclude them from discussing the issue on this particular application, because of a prior determination on the first Figliomeni Appeal that this was a permitted use subject to a Special Permit. There may be another opportunity that would allow for them to address this issue. Ms. Kramer stated that this may or may not have been raised appropriately. The Board also discussed declaring this moot without prejudice.

The Board agreed that declaring this moot is the better way to go. Counsel drafted a resolution, which the Board reviewed.

Ms. Wenstrup motioned to adopt the resolution on the Figliomeni et al Appeal as amended, seconded by Mr. Neufeld.

Ayes:	Weprin, Wenstrup, Neufeld, Kramer, Neuringer
Recused:	None
Nays:	None
Absent:	None

* * *

Mr. Weprin suggested that the Board deliberate on the closed applications from this evening next. He also stated that the Yergin Appeal is now moot, as the Sandbox Theatre has closed. He also stated that the deliberation on Hampshire should go last so that Ms. Wenstrup may leave as she is recused from this matter.

4. Application # 31-2017, Meg Yergin, regarding 931 East Boston Post Road, Sandbox Theater (Section 4, Block 62, Lot 4) for appeal of Building Permit 16-1308 issued December 6, 2016, Permit 16-1219 issued November 10, 2016 and the December 6, 2016 Issuance of a Temporary Certificate of Occupancy and the February 2017 Extension of a Temporary CO for Sandbox Theater. The appellant seeks to annul, vacate and/or reverse the building permits and Temporary CO. (C-1 District)

Application deemed moot.

Mr. Neufeld motioned to approve the resolution drafted by counsel, seconded by Mr. Neuringer.

Ayes:	Weprin, Wenstrup, Neufeld, Kramer, Neuringer
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Recused: None
Nays: None
Absent: None

5. Application #3SP-2017, Pizza Gourmet, 599 East Boston Post Road, (Section 4, Block 60B, Lot 24) Application to obtain a special permit to operate a restaurant in an existing restaurant space. (C-1 District).

Ms. Kramer motioned to grant the Pizza Gourmet Special Permit, seconded by Mr. Neufeld.

Ayes: Weprin, Wenstrup, Neufeld, Kramer, Neuringer
Recused: None
Nays: None
Absent: None

6. Application #11A-2017, Turett, 841 Taylors Lane, (Section 4, Block 79, Lot 8B4) Application for the alteration and extension of an existing deck and front stairs and construction of a one-story addition over the deck. The proposed alteration and expansion of the second floor violates Chapter 342-27 of the Schedule of Minimum Requirements where the required rear setback is 35' and the applicant proposes 19.3', FAR allows for 0.317/4,838 square feet and the applicant proposed 0.374/5,707 square feet and the front yard setback for the existing garage required is 25' and the applicant proposes 15.3'. A variance was granted in 1957 for a 20' front yard setback for a garage and screened porch. (R-15 District).

The Board discussed the statutory factors. Mr. Weprin believes that the architect and neighbor made good points. Ms. Kramer believes that the floor area ratio does need to be addressed. Mr. Steinman stated that one complication is the footnote that the applicant is relying on is the subject of a proposed local law change being contemplated by the Board of Trustees. He believes that this is all the more reason to deal with it as a variance. Mr. Weprin stated that the floor area variance in this instance is an exception, these are unique circumstances and he is prepared to grant it. The Board discussed if this work brings the home into conformity with the neighborhood, the Board agreed it does in relation to the façade.

Ms. Wenstrup motioned to approve the Turett request for variances, seconded by Mr. Neufeld.

Ayes: Weprin, Wenstrup, Neufeld, Kramer, Neuringer
Recused: None
Nays: None
Absent: None

7. Application #10A-2017, Valvano, 338 Palmer Avenue, (Section 9, Block 29, Lot 8) for an area variance to construct a 1 car detached garage. The proposed garage is in violation of the Schedule of Minimum Requirements where the required lesser side yard setback is 6' and the applicant proposes 2' (R-2F District).

The Board discussed the statutory factors and the issue of the 2-foot alley was raised. Mr. Neuringer suggested making it 3-feet, as it would then be serviceable. The Board agreed to leave it as 2-feet. The Applicants must erect a fence for the purpose of limiting access to the narrow alley between the proposed garage and property line which will result from the garage construction.

Ms. Kramer motioned to approve the Valvano's request for a variance, seconded by Ms. Wenstrup.

Ayes:	Weprin, Wenstrup, Neufeld, Kramer
Recused:	None
Nays:	Neuringer
Absent:	None

C. OTHER BUSINESS

1. Board of Trustees Referral of PLL K, M, N & P 2017
The Board agreed to discuss this and the minutes next.

Mr. Neuringer stated that he does not feel comfortable with the Zoning Board of Appeals making comments on zoning laws that they may someday have to deliberate or consider. Ms. Georgiou stated that the former Village Attorney was at the March meeting and three of these proposed local laws were discussed. A memo was generated from the Board to the Board of Trustees. For PLL K, M and N, the Board had no issue with them and agreed with the changes. Mr. Weprin stated that their comments here do not bind their future decisions. Ms. Kramer stated that she has issue with PLL P. Ms. Sherer stated that this was not formally referred to the Board, but the Board of Trustees wanted them to look at it. Ms. Kramer will forward her comments on this law to Ms. Georgiou.

D. APPROVAL OF MINUTES

1. MINUTES:

Approval of Minutes from the December 1, 2016, January 5, 2017 & February 2, 2017 meetings

Ms. Wenstrup stated that she couldn't approve the December minutes, as she was not a member of the Board. Ms. Georgiou stated that as long as the meeting video was watched, those members who were not yet members could approve them. Ms. Kramer and Ms. Wenstrup stated that they watched only those hearings that were continuing, not those closed and voted on. Mr. Steinman suggested that Mr. Weprin and Mr. Neufeld attest that the minutes are a true and accurate representation of the meeting and that a resolution be adopted by the members stating that they will rely on Messrs. Weprin and Neufeld's attestation for the approval of the December minutes.

Ms. Kramer motioned to adopt the resolution on the approval of the December 2016 minutes, seconded by Ms. Wenstrup.

Ayes: Weprin, Wenstrup, Neufeld, Kramer
Recused: None
Nays: None
Abstained: Neuringer

Ms. Wenstrup motioned to approve of the January 2017 minutes with the revision suggested by Ms. Wenstrup, seconded by Mr. Neufeld.

Ayes: Weprin, Wenstrup, Neufeld, Kramer
Recused: None
Nays: None
Abstained: Neuringer

Ms. Kramer asked that a revision be made to the February 2017 minutes on Page 3. The Board agreed to the amendment.

Ms. Kramer motioned to approve of the February 2017 minutes with the revision suggested by Ms. Kramer, seconded by Mr. Neufeld.

Ayes: Weprin, Wenstrup, Neufeld, Kramer
Recused: None
Nays: None
Abstained: Neuringer

B. CLOSED APPLICATIONS (continued)

8. Application #1SP-2014, Hampshire Club, Inc., 1025 Cove Road (Section 9, Block 72, Lots 1,2,3,11,17B,17C,18D,24,25,28 & 29- Section 9., Block 89B, Lots 15 & 16 - Section 9, Block 89C, Lots 22A & 23 -Section 9, Block 89D, Lots 24,25, 26,27& 28) for renewal of a special permit for Non-Member Events (MR and R-20 Districts)

Ms. Wenstrup recused. Counsel submitted a draft resolution that was reviewed by the Board.

Mr. Neuringer has never been able to get a handle on member versus non-member events. The way it is handled currently troubles him. Changes to the membership language were discussed. Member sponsored events were also discussed. The time that events can end was discussed and whether or not the Board could mandate this. Limiting bands outdoors was discussed. Ms. Kramer does not have issue with this except that it was never discussed with the applicant and it would have to be done across the board to all clubs in the MR Zone. Mr. Steinman stated that an option would be to reopen the hearing. Another option would be to adjourn the discussion until the next meeting in September and extend the Applicant's current special permit until September 15 to enable counsel to provide clarification as to whether the Board can change hours that are stated in the Code. The Board agreed to the adjournment and the extension of the special permit to September 15.

Mr. Neuringer asked that a condition be added mandating that the club submit an annual report on the number of member and non-member events that have occurred over the year. The Board members expressed support for this request.

ADJOURN MEETING

On motion of Mr. Neufeld, seconded by Ms. Kramer the meeting was adjourned at 11:00 pm.

In favor:	Weprin, Neufeld, Kramer, Neuringer
Opposed:	None
Absent:	Wenstrup
Abstained:	None

Respectfully Submitted,

Betty-Ann Sherer

Betty-Ann Sherer