

MINUTES OF A MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF MAMARONECK, NEW YORK, HELD ON THURSDAY, DECEMBER 4, 2008, AT 7:00 P.M.

PRESENT: Clark Neuringer, Chairman
Robin Kramer
George Mgrditchian
Barry Weprin
Steven Silverberg, Counsel to Board
John Winter, Building Inspector
Bob Melillo, Assistant Building Inspector

ABSENT: Gregory Sullivan

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Lisa Casey, court reporter, was present at the meeting to take the minutes, which will not be transcribed unless specially requested.

The meeting was called to order by Chairman Neuringer at 7:07 p.m., and he explained the procedures that would be followed.

Chairman Neuringer said Mr. Sullivan would not be present this evening.

Chairman Neuringer indicated that anyone who would prefer an adjournment until a full Board is present may do so at this time.

Application #21-208, NORA LUCAS, an appeal of the issuance of the Certificate of Occupancy, dated July 28, 2008 to Benmar Properties LLC, 609 Brook Street (R-5 District) requested an adjournment.

Chairman Neuringer said Application #21-2008, NORA LUCAS, would be adjourned to the next meeting of the Board on Wednesday, January 7, 2009.

Chairman Neuringer announced that the next meeting of the Board would be on Wednesday, January 7, 2009 at 7:00 p.m.

Chairman Neuringer asked those present to note the location of the exits.

Chairman Neuringer advised that anyone who would like to submit material intended for the Boards' consideration, must do so no later than the Monday prior to the Thursday meeting. This must be submitted to Laura Garcia at the Village Attorney's office.

Chairman Neuringer welcomed new Board member Mr. Barry Weprin.

Chairman Neuringer said there were reorganization issues that needed to be addressed by the Board.

Chairman Neuringer asked Mr. Mgrditchian to stay on as Secretary to the Board. Mr. Mgrditchian said he would continue as Secretary to the Board.

Chairman Neuringer asked Ms. Kramer to serve as the Vice Chair to the Board. Ms. Kramer said she would serve as Vice Chair to the Board.

Chairman Neuringer wished everyone a happy and healthy holiday season.

DISCUSSION-

Adjourned Application #49A-2008, RANI MAHAL, 327-322 Mamaroneck Avenue for a variance from §286-10 to increase the height of an existing sign from 30 inches (permitted) to 38 inches (proposed) (C-2 District).

Mr. Abdul Jalil was present to represent the application.

Mr. Mgrditchian asked if there was any lighting or neon signs that flicker. Mr. Jalil said there was not.

A motion was made by Mr. Mgrditchian, to close the public hearing for Rani Mahal, 327-322 Mamaroneck Avenue, seconded by Mr. Jackson.

Ayes: Neuringer, Kramer, Mgrditchian, Weprin
 Nays: None
 Absent: Sullivan

Adjourned Application #35A-2008, PEOPLE'S BANK, 1444 East Boston Post Road, to vary Section 342-38 to convert an existing gas station and restaurant to a bank with a drive thru and parking in a required front yard. (C-1 District)

Mr. Paul Noto, Esq/615 Halstead Avenue and Mr. Craig Thompson, Engineer were present to represent the application.

Mr. Noto said this is a continuation of a public hearing. The applicant went back to the Planning and has agreed to land bank three parking spaces. Mr. Noto discussed the bypass. Mr. Noto said they still need a variance in the back of the property. There are two drive thrus and one bypass lane has been removed.

Mr. Thompson said Ms. Oakley has recommended plantings. They have eliminated the bypass lane. The applicant has received ARB approval.

Chairman Neuringer asked the applicant if they are eliminating one lane in the rear, noting that two lanes will be drive thrus and the drive thrus are to be used as a bypass lane. Chairman Neuringer discussed the land banking of some parking spaces.

Mr. Thompson explained the required setbacks and variances.

Chairman Neuringer asked if the variance is required on the Toyota side. Mr. Thompson said it was not, according to Mr. Winter.

Mr. Noto said with the land banking they have 25 feet and it would be a conditional variance based on the ZBA.

Chairman Neuringer said the reason the applicant is here is because they are requesting to provide more parking spaces than is required. Mr. Noto said his position is that they need more than what the Code requires. Chairman Neuringer said at the People's Bank in Thornwood the designated number of spaces for the bank is seven, similar to the Code for a bank of the same size.

Mr. Noto said the bank does not think seven spaces is enough. Mr. Noto mentioned that the Bank of America has a similar application.

Chairman Neuringer said he did not know how many spaces the People's Bank in Thornwood asked for. In a letter from the Westchester County Planning Board they think that the parking is excessive.

Chairman Neuringer said the block and lot numbers for each parcel need to be straightened out. Chairman Neuringer said there are two parcels, the applicant is buying one and leasing the other. Chairman Neuringer asked how the two lots can be merged if the applicant only owns one of them. Mr. Noto said the owner would have to agree to that. Ms. Kramer asked if that could be done. Mr. Thompson described the two parcels on the drawing. Chairman Neuringer asked what happens if the lease runs out. Ms. Kramer said the applicant would have to have an agreement for merging two tax lots. Mr. Silverberg said this is not a concern of the ZBA.

Mr. Thompson said they are providing 10 feet. Ms. Kramer said in the rear the setback is measured from the canopy and asked the applicant if they considered moving the building up 5 feet and noted that if they did that it wouldn't effect the need for a setback in the rear. Mr. Thompson said they did consider that.

Chairman Neuringer asked if the applicant did a scheme for 8 parking spaces. Mr. Thompson said they never looked at 8 parking spaces. Mr. Noto said the bank would not move forward with 8 parking spaces, noting that the bank is in an area where people have to drive to get to the bank. Ms. Kramer said the applicant would still need a variance in the back.

Chairman Neuringer asked if anyone in the audience was present to comment on this application. No one was present to comment on this application.

Chairman Neuringer asked if any Board member desired to comment on this application. The Board had no additional comments.

A motion was made by Mr. Mgrditchian, to close the public hearing for People's Bank, 1444 East Boston, seconded by Ms. Kramer.

Ayes: Neuringer, Kramer, Mgrditchian, Weprin
 Nays: None
 Absent: Sullivan

Application #51A-2008, STEVE CIRACO, 236 Melbourne Avenue, for a variance of §342-27 to reduce a side yard setback from 2 feet (previously approved) to 1 foot to replace an existing garage. (R-5 District)

Mr. Steve Ciraco/236 Melbourne Avenue was present to represent the application.

Mr. Ciraco said his family has owned the property for at least 70 years and that he and his brother took over the property when their mother died. The old barn was demolished in 1983 and in March of 1984 Mr. Ciraco Sr. was granted a variance to put in a garage that would be on the existing footprint of the building. The house was sold on 11-3-08, but the permit is open on the existing garage. Mr. Ciraco submitted a letter to the Board that he received from his neighbor, Mr. Peter Bower, stating his support of the application. Mr. Ciraco said he is trying to legalize the garage.

Mr. Mgrditchian asked if the neighbor to the right side of the property was in support of the application and Mr. Ciraco said he was. Mr. Mgrditchian asked why this was left unattended and noted that there are

two surveys and that the survey dated 8-21-08 seems more appropriate for the application and more accurate.

Chairman Neuringer asked if anyone in the audience was present to comment on this application. No one was present to comment on this application.

Chairman Neuringer asked if any Board member desired to comment on this application. The Board had no additional comments.

Mr. Weprin asked if there was any way to know if the Building Department was aware of this and Mr. Winter said there was not.

A motion was made by Mr. Mgrditchian, to close the public hearing for Steve Ciraco, 236 Melbourne Avenue, seconded by Mr. Weprin.

Ayes: Neuringer, Kramer, Mgrditchian, Weprin
 Nays: None
 Absent: Sullivan

Application #52A-2008, J. TAYLOR DESIGN GROUP, 804 Howard Avenue, for a variance of §342-27 to reduce a minimum lot area from 7,500 square feet (required) to 5,000 square feet (proposed) and to permit a roof projection within 4 feet of the property line (5 feet is required) to construct a new 2 family house. (R-2F District)

Mr. Jason Taylor, Architect, 40 Rogers Drive, New Rochelle, was present to represent the application.

Mr. Taylor said the home was damaged in the flooding of the Mamaroneck River. He has been working with Ms. Covington and the Habitat for Humanity. Mr. Taylor discussed the size of the old house and setbacks. Mr. Taylor said the new design conforms to size, setbacks and is FEMA compliant and handicap accessible. They want to make two separate dwellings for Ms. Covington and her daughter. The applicant is asking for a variance to build the two separate dwellings and a variance on the overhang on the roof. They want the overhang to extend all the way around. Mr. Taylor asked if the Board had any questions.

Chairman Neuringer said this is a pre-existing, non-conforming lot. The applicant doesn't have to comply with the frontage because it's pre-existing. Chairman Neuringer asked why the applicant needs a variance on the lot area and not on the frontage.

Mr. Taylor said because it wasn't a two family house before and now it is, it wasn't an existing condition.

Chairman Neuringer said the structure conforms to the zoning.

Mr. Winter said the issue was that the projection being closer than five feet in one area.

Chairman Neuringer asked if anyone in the audience was present to comment on this application. No one was present to comment on this application.

Chairman Neuringer asked if any Board member desired to comment on this application.

Ms. Kramer discussed the area where the projection is closer than five feet and the minimum lot area per dwelling unit.

A motion was made by Mr. Mgrditchian, to close the public hearing for J. Taylor Design Group, 804 Howard Avenue, seconded by Mr. Weprin.

Ayes: Neuringer, Kramer, Mgrditchian, Weprin
 Nays: None
 Absent: Sullivan

Application #53A-2008 RICHARD BECKER, 317 Frank Avenue, for a variance of §342-27 to rebuild a deck and add a shed that encroaches within the rear yard setback (11.5 feet proposed, 25 feet required). (R-5 District)

Mr. & Mrs. Richard Becker, 317 Frank Avenue, were present to represent the application.

Ms. Kramer said this is an increase in the variance and what the applicant is trying to do is to legalize the deck.

Mrs. Becker said she brought materials to the Regatta and was told that they would be in the Board's packet.

Chairman Neuringer said according to the materials the Board received the setback was 17' so the applicant is asking for 11.5'. Mr. Becker said that is correct.

Ms. Kramer asked if there was any reason why the deck was enlarged. Mr. Becker said no. Ms. Kramer asked if the applicant is building out the deck on the other side. Mr. Becker said no.

Chairman Neuringer asked Mr. Becker to explain why, if he wanted a larger deck, he did not go wider instead of deeper. Mr. Becker said he went wider and deeper. Mr. Becker said the deck was extended out 4 ½'.

Mr. Mgrditchian asked what the dimensions of the deck are. Chairman Neuringer said the deck is 16' x 24'. Mr. Mgrditchian asked what size the original deck was. Mr. Becker said 12'. Mr. Mgrditchian said the deck was extended 4' and asked about the new stairs. Mr. Becker said spiral stairs will come off the side.

Chairman Neuringer asked if anyone in the audience was present to comment on this application. No one was present to comment on this application.

Chairman Neuringer asked if any Board member desired to comment on this application. The Board had no additional comments.

A motion was made by Mr. Mgrditchian, to close the public hearing for Richard Becker, 317 Frank Avenue, seconded by Ms. Kramer.

Ayes: Neuringer, Kramer, Mgrditchian, Weprin
 Nays: None
 Absent: Sullivan

Application #54A-2008, JOSEPH PATERNO, 606 Rockland Avenue, for a variance of §342-27 to permit lot coverage of 39% (35% is the maximum) and to encroach into the front yard setback (20 feet is required, 17 feet, 7 inches is proposed) to construct a front and side 2 story addition. (R-5 District)

Mr. Joseph Paterno, 606 Rockland Avenue, was present to represent the application.

Mr. Paterno said he is looking to expand the home. The variance is for lot coverage, they have 39% now and need 35%. Because of the irregularity of the lot, it is legal non-conforming. This plan was the best case scenario to provide more living space, by increasing the front and north side. If the lot was regular size it would be 34.9% and conform. Mr. Paterno said they are not in the flood zone.

Mr. Mgrditchian asked if the applicant had adequate parking. Mr. Paterno said he has adequate parking and the proposed construction conforms with the character of the neighborhood. Mr. Mgrditchian said Mr. Paterno did a nice job on the design.

Ms. Kramer said the proposed garage is 23' deep and asked if that is deep for a garage. Mr. Winter said 23' is not deep for a garage.

Chairman Neuringer said the variance regarding the 12% lot coverage is a pre-existing smaller lot, (than the 5,000). The structure conforms to zoning and the applicant did an excellent job on the design.

Chairman Neuringer asked if anyone in the audience was present to comment on this application. No one was present to comment on this application.

Ms. Charlotte Viltz, 602 Rockland Avenue, addressed the Board regarding her concerns about the application. Ms. Viltz said she has lived in her house since 1960. She is concerned that what is being built will raise her taxes. Mr. Mgrditchian said what Mr. Paterno builds doesn't effect Ms. Viltz' taxes. Ms. Viltz is also concerned about more traffic after the building is complete. Chairman Neuringer said part of the proposal is to created more off street parking. Chairman Neuringer asked Mr. Paterno how many spaces/cars he has now. Mr. Paterno said he has two and will be adding one more space to the driveway. Chairman Neuringer said by doing this Mr. Paterno is increasing the off street parking.

Mr. Norm Rosenblum, 125 Carroll Avenue, addressed the Board to say he is in favor of the application and that it may actually help taxes go down.

Chairman Neuringer asked if any Board member desired to comment on this application.

Ms. Kramer asked if the 2 ½ story addition was going over the existing. Mr. Paterno said it was.

A motion was made by Mr. Mgrditchian, to close the public hearing for Joseph Paterno, 606 Rockland Avenue, seconded by Ms. Kramer.

Ayes: Neuringer, Kramer, Mgrditchian, Weprin
 Nays: None
 Absent: Sullivan

Application #21SP-2008, TUCKER CHASE, 143 Mamaroneck Avenue, for a special permit to operate a sit down and carry out restaurant. (C-2 District)

Mr. Tucker Chase, Architect and Mr. George Juan were present to represent the application.

Mr. Tucker said he is here to request a special permit to open an Asian restaurant. It will be a carry out restaurant with seating for twelve people.

Mr. Mgrditchian asked where the ventilation was. Mr. Tucker said there is a hood over all the cooking lines that will be exhausted to the roof out the back, it will go to the rear, then up.

Mr. Mgrditchian said the drawing does not show the ventilation equipment. Mr. Tucker said he was going to provide the ventilation equipment information with the Building Permit. Mr. Mgrditchian said he is concerned about what type of ventilation will be used. Mr. Tucker said it will be an engineered standard exhaust system. Mr. Tucker said he didn't know he had to provide the information on the ventilation equipment to obtain a special permit. Mr. Mgrditchian asked what was going to be provided in the rear to protect the area.

Chairman Neuringer asked if Mr. Tucker could confirm that residential units are above the restaurant. Mr. Tucker said he could confirm that.

Chairman Neuringer said the applicant is planning to ventilate by going to the back and going straight up and that part of the procedure of a special permit is to see if the proposed work will effect the neighbors.

Mr. Tucker said he is not clear on what the Board wants him to do. Mr. Mgrditchian said the Board needs an engineered drawing of the ventilation system. Chairman Neuringer said the Board needs to see what equipment they are going to be using.

Mr. Mgrditchian said the applicant might need a large unit and that the applicant should provide a ventilation plan and pictures of what it will look like.

Chairman Neuringer asked if there were vertical duct risers in the rear. Mr. Tucker said yes, that they are the existing ones.

Mr. Mgrditchian asked how the applicant was going to address the garbage. Mr. Tucker said the garbage will be picked up at least four times a week and that the pick-up will be in the rear of the building.

Chairman Neuringer said on the plans it says to see the mechanical drawings and there are none. Mr. Tucker said he does not have them and asked if there were any special requirements for the exhaust system. Chairman Neuringer asked what the construction of the building is. Mr. Tucker said the building is a wood frame.

Chairman Neuringer discussed the possibility of there being complaints about noise and odor, and that he exhaust fan could vibrate the building. Mr. Tucker asked if the Board could provide him with direction and guidelines. Mr. Mgrditchian suggested that Mr. Tucker look at the plans for the other Asian restaurant down the street to get an idea of what he will need to do. Mr. Tucker asked what the exhaust requirements were. Mr. Mgrditchian said under a special permit it is under the purview of the Board to see if the proposal will impact the neighbors and that is what the Board is doing. Chairman Neuringer said the Board does not have a checklist for applicants.

Chairman Neuringer told the applicant to demonstrate why the system he designed won't have a negative impact on the occupants in the building or to the neighbors on either side. Mr. Tucker said he needed help with regards to what he is expected to provide to the Board.

Ms. Kramer explained that the Board does not have specific standards to give to him. Ms. Kramer said the Board is concerned about odor, fumes and noise. The Board is looking for the applicant to design a system that conforms to Code and that the odor, fumes and noise do not have an adverse effect to the occupants and neighbors on either side. The Board would expect the applicant to provide plans showing the exhaust system.

Mr. Silverberg said the applicant should review the Planning and Zoning records for the Asian restaurant that is next to Enzo's.

Chairman Neuringer said all the electrical work should be New York, not Connecticut and where it says Suffolk County it should say Westchester County.

Chairman Neuringer said there is a sense that the public hearing should be left open. Mr. Tucker asked what he needs to do. Ms. Kramer said when Mr. Tucker has submitted the necessary information he may come back to the Board.

Chairman Neuringer asked if anyone in the audience was present to comment on this application.

Mr. Bert Segal, 137-139 Mamaroneck Avenue, addressed the board regarding his concerns about the application. Mr. Segal said he has lived in Mamaroneck for 37 years. He has had tremendous problems because garbage is all over and it will only get worse with this restaurant. Mr. Segal said he has been fined for the garbage being all over. Mr. Segal said he put in a fence and a small stone wall so the garbage would not go into his property, but it still does. People complain about the garbage. Mr. Segal said tenants go down and dump their garbage in the front and he had to hire a part-time Superintendent to clean up the front.

Mr. Mgrditchian asked if the landlord of the building was an absentee landlord. Mr. Segal said yes.

Mr. Segal said debris was being thrown out of the back window into the dumpster and the garbage ends up on his property. Mr. Mgrditchian asked if Mr. Segal has spoken with the new landlord and he said no because the landlord is never around. Mr. Segal said he did not want to get into a hassle with the landlord.

Mr. Weprin asked if the Building Department attempt to contact the owner of the building. Mr. Segal said Mr. Ciraco said he has made attempts to contact him. Mr. Segal said it is not his business to contact the owner, the Village should do that. Mr. Segal said he is concerned about his tenants smelling odors and fumes from the restaurant. Mr. Segal said the restaurant would be detrimental to that portion of Mamaroneck Avenue. Mr. Segal asked where the parking would be because there is no parking anywhere.

Mr. Mgrditchian asked if the garbage situation has been going on for years. Mr. Segal said no, but the character of the garbage has changed. Ms. Kramer said Mr. Segal is alleging that the building next door is responsible. Mr. Segal said he told Mr. Ciraco to open up a garbage bag and see where the garbage is coming from. Chairman Neuringer asked how the Board can assist Mr. Segal in a matter like this. Mr. Segal said if a permit is issued for a restaurant the Board should consider the minimum requirements for safety, odor and parking. Chairman Neuringer said the area is in a C-2 District and parking is not a requirement. Mr. Mgrditchian said the ZBA can control the environment to a certain degree. Chairman Neuringer said what is proposed is a permitted use. Mr. Weprin said this sounds like an enforcement issue. Chairman Neuringer said the Building Inspector would deal with the installation of the ventilation system. Mr. Segal said a fast food restaurant opening in this location is a big problem. Mr. Silverberg

said the Board's purview is to see if the application meets the requirements for a special permit. Ms. Kramer said the ZBA can determine/consider if the standards are met for the application for the special permit. Mr. Segal said if the ZBA grants the special permit they have to make sure the garbage meets the standards. Mr. Mgrditchian said a restaurant of that nature will have an enclosed area for garbage and the ZBA can determine if it is necessary to send the applicant to other Village Boards for the special permit. Mr. Weprin asked if there was any problem with garbage from the previous owner and Mr. Segal said no, that the previous owner ran a tea house.

Chairman Neuringer asked if anyone else in the audience was present to comment on this application. No one else was present to comment on this application.

A motion was made by Mr. Mgrditchian, to adjourn the public hearing for Tucker Chase, 143 Mamaroneck Avenue, to the next meeting of the Board on Wednesday, January 7, 2009, assuming that the necessary documentation is provided in a timely manner, seconded by Ms. Kramer.

Ayes: Neuringer, Kramer, Mgrditchian, Weprin
 Nays: None
 Absent: Sullivan

Application #22SP-2008, VINCENT GRAZIANO, 767 E. Boston Post Road, to amend a special permit to add a one-story addition. (C-1 District)

Mr. Vincent Graziano and Mr. Michael Orsini, Architect, was present to represent the application.

Mr. Graziano said the application is to enclose an existing structure.

Chairman Neuringer asked if anyone in the audience was present to comment on this application.

Mr. Norm Rosenblum, 125 Carroll Avenue, addressed the Board to say he is in favor of the proposed application and that Mr. Graziano has been a good neighbor.

Mr. Graziano and the Board discussed seating and traffic flow. Mr. Orsini showed the board a drawing of the seating. Mr. Orsini said there would be 30 additional spaces.

A motion was made by Mr. Mgrditchian, to close the public hearing for Vincent Graziano, 767 E. Boston Post Road, seconded by Mr. Weprin.

Ayes: Neuringer, Kramer, Mgrditchian, Weprin
 Nays: None
 Absent: Sullivan

Application #23SP-2008, MAC 150 LLC, 211 Halstead Avenue, for a special permit to convert existing store to a food establishment. (C-2 District)

Ms. Martha McCarty, Esq. and Mr. Mark Corozza, 42 Midland Avenue, were present to represent the application.

Ms. McCarty said this is an application for a special permit. The store is known as the Station Stop and is across from the Mamaroneck Train Station. It will essentially be the same business. The exhaust and hood are on the plans. Ms. McCarty said they have received approval from the County Department of

Health. Ms. Kramer asked what hours they will be open. Mr. Corozza said they will be open six days a week from [redacted] a.m. to [redacted] p.m. Chairman Neuringer asked if any food was served now. Mr. Corozza said there is, but there is no cooking on the premises. Chairman Neuringer said the business is sandwiched between two buildings so the exhaust will be in the rear and go up and out. Chairman Neuringer asked if there were any residential windows by the ventilation and Ms. McCarty said no. Chairman Neuringer asked if the exhaust system would be state of the art and Ms. McCarty said it would be. Mr. Silverberg asked if the applicant would be opening the business on Sundays. Mr. Corozza said the business would eventually be open on Sundays from 7:00 a.m. – 3:00 p.m. Ms. McCarty asked if the Board could vote on the application this evening.

Chairman Neuringer asked if anyone in the audience was present to comment on this application. No one was present to comment on this application.

Chairman Neuringer asked if any Board member desired to comment on this application. The Board had no additional comments.

A motion was made by Mr. Mgrditchian, to close the public hearing for MAC 150 LLC, 211 Halstead Avenue, seconded by Mr. Weprin.

Ayes: Neuringer, Kramer, Mgrditchian, Weprin
 Nays: None
 Absent: Sullivan

PENDING APPLICATIONS CLOSED

Application of Erica Cohn and John Zucker #42A-2008, 629 Fairway Avenue

Chairman Neuringer said the application of Erica Cohn and John Zucker #42A-2008, 629 Fairway Avenue, will be adjourned to the next meeting of the Board on Wednesday, January 7, 2009, at the request and agreement of the applicant.

Application of Richard Santorsola #34A-2008, 628 Wood Street

Chairman Neuringer said the application of Richard Santorsola #34A-2008, 628 Wood Street, will be adjourned to the next meeting of the Board on Wednesday, January 7, 2009, so Mr. Weprin has the opportunity to watch the meeting.

Application of Michael Donnadio #20SP-2008, 324 Halstead Avenue

A motion was made by Mr. Mgrditchian, to modify the special permit without the requirement for expiration, seconded by Mr. Weprin.

Ayes: Neuringer, Kramer, Mgrditchian, Weprin
 Nays: None
 Absent: Sullivan

Application of Nimar Corp. #11SP-1996, 1029 West Boston Post Road

A motion was made by Mr. Mgrditchian, to approve the renewal of a special permit to continue operating an existing restaurant, seconded by Ms. Kramer.

Ayes: Neuringer, Kramer, Mgrditchian, Weprin
 Nays: None
 Absent: Sullivan

Application of Ana Rojo #46A-2008, 738 River Street

A motion was made by Mr. Mgrditchian, to approve the variance from Article V Section 342-21 (b) (9) to increase a fence height from 5 feet (permitted) to 6 feet (proposed) (R-5 District), seconded by Ms. Kramer.

Ayes: Neuringer, Kramer, Mgrditchian, Weprin
 Nays: None
 Absent: Sullivan

Application of Rita M. Banaham #48A-2008, 414 Hunter Street

Mr. Silverberg said the application of Rita M. Banaham #48A-2008, 414 Hunter Street, should be adjourned to the next meeting of the Board on Wednesday, January 7, 2009.

Application of Victor Caceres & Casiano Dominquez d/b/a Vera Cruz #47A-2008, 639 Mamaroneck Avenue

The application of Victor Caceres & Casiano Dominquez d/b/a Vera Cruz #47A-2008, 639 Mamaroneck Avenue, will be adjourned to the next meeting of the Board on Wednesday, January 7, 2009.

Application of Remo Ferraro #50A-2008, 129 New Street

The application of Remo Ferraro #50A-2008, 129 New Street should not have been on the agenda this evening because it was previously approved by the Board.

Application of Mr. & Mrs. Stoeckert #44A-2008, 1520 Henry Avenue

The application of Mr. & Mrs. Stoeckert #44A-2008, 1520 Henry Avenue, will be adjourned to the next meeting of the Board on Wednesday, January 7, 2009.

PENDING CLOSED APPLICATIONS-(12-4-08)**Application of MAC 150 LLC, #23SP-2008, 211 Halstead Avenue**

A motion was made by Mr. Mgrditchian, to approve the special permit to convert an existing store to a food establishment, seconded by Ms. Kramer.

Ayes: Neuringer, Kramer, Mgrditchian, Weprin
 Nays: None
 Absent: Sullivan

Application of Vincent Graziano, #22SP-2008, 767 E. Boston Post Road

A motion was made by Mr. Weprin, to amend a special permit to add a one-story addition, seconded by Mr. Mgrditchian.

Ayes: Neuringer, Kramer, Mgrditchian, Weprin
 Nays: None
 Absent: Sullivan

Application of Rani Mahal, #49A-2008, 327-322 Mamaroneck Avenue

A motion was made by Mr. Weprin, to approve a variance from §286-10 to increase the height of an existing sign from 30 inches (permitted) to 38 inches (proposed), based on the ZBA knowing that the sign is not flashing on Mamaroneck Avenue, in the rear of the building and facing the waterfront, seconded by Mr. Mgrditchian.

Ayes: Neuringer, Kramer, Mgrditchian, Weprin
 Nays: None
 Absent: Sullivan

Application of Steve Ciraco, #21A-2008, 236 Melbourne Avenue

A motion was made by Mr. Mgrditchian, to approve a variance of §342-27 to reduce a side yard setback from 2 feet (previously approved) to 1 foot to replace an existing garage, seconded by Ms. Kramer.

Ayes: Neuringer, Kramer, Mgrditchian, Weprin
 Nays: None
 Absent: Sullivan

Application of J. Taylor Design Group, #52A-20008, 804 Howard Avenue

A motion was made by Mr. Mgrditchian, to approve a variance of §342-27 to reduce a minimum lot area from 7,500 square feet (required) to 5,000 square feet (proposed) and to permit a roof projection within 4 feet of the property line (5 feet is required) to construct a new 2 family house, seconded by Mr. Weprin.

Ayes: Neuringer, Kramer, Mgrditchian, Weprin
 Nays: None
 Absent: Sullivan

Application of Joseph Paterno, #54A-2008, 606 Rockland Avenue

A motion was made by Ms. Kramer, to approve a variance of §342-27 to permit lot coverage of 39% (35% is the maximum) and to encroach into the front yard setback (20 feet is required, 17 feet, 7 inches is proposed) to construct a front and side 2 story addition, seconded by Mr. Mgrditchian.

Ayes: Neuringer, Kramer, Mgrditchian, Weprin
 Nays: None
 Absent: Sullivan

MINUTES

November minutes adjourned to the next meeting of the Board on Wednesday, January 7, 2009.

ADJOURNMENT

A motion was made by Mr. Mgrditchian to adjourn the meeting, seconded by Mr. Weprin.

Ayes: Neuringer, Kramer, Mgrditchian, Weprin
 Nays: None
 Absent: Sullivan

The meeting adjourned at 10:17 p.m.

PREPARED BY:

ELIZABETH A. DREAPER

RESPECTFULLY SUBMITTED BY:

GEORGE MGRDITCHIAN
 SECRETARY