

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

In the Matter of the Application of

306 FAYETTE AVENUE. REALTY, INC. AND NEW
WAVERLY AVENUE ASSOCIATES, LLC,

Petitioner,

vs.

ZONING BOARD OF APPEALS OF THE VILLAGE
OF MAMARONECK,

Respondent.

Index Number: 60827/2022

Purchased date:

Petitioner designates in
WESTCHESTER County as
the place of trial

The basis of the venue is:
Subject Property is located in
WESTCHESTER County

NOTICE OF PETITION

PLEASE TAKE NOTICE, that upon the annexed Verified Petition of Thomas J. Milo duly verified on the date of May 15, 2022 and the exhibits attached thereto, the undersigned will move this Court at the Courthouse located at 111 Dr. Martin Luther King, Jr. Blvd., White Plains, New York on June 20, 2022 at 9:30AM, or as soon thereafter as counsel can be heard, for an Order vacating and setting aside, pursuant to CPLR article 78, the determination of the respondent Zoning Board of Appeals of the Village of Mamaroneck denying the application of petitioner 306 Fayette Avenue. Realty, Inc. and New Waverly Avenue Associates, LLC for an area variance granting relief from the Mamaroneck Village Zoning Code to permit outdoor storage of mobile generators.

Pursuant to Section 403 of the New York Civil Practice Law and Rules, an answer to the Petition and supporting affidavits, if any, shall be served so that they are received at least two (2) days before the time at which the Petition is noticed to be heard. If this notice is served upon

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Respondent at least twelve (12) days before the time at which the Petition is noticed to be heard, an answer shall be served at least seven (7) days before such time.

Petitioner designates Westchester County as place of the action. Venue is based upon the fact that the Subject Property is located in Westchester County.

Dated: Rye, New York
May 19, 2022

DORF & NELSON LLP

By: 

Paul J. Noto
Attorneys for Petitioner
555 Theodore Fremd Avenue
Rye, New York 10580
(P) 914.381.7600
(F) 914.381.7608

To: Village Clerk of the
Village of Mamaroneck
Respondents
Village Hall at the Regatta
123 Mamaroneck Avenue
Mamaroneck, NY 10543

**REQUEST FOR JUDICIAL INTERVENTION**

Supreme COURT, COUNTY OF Westchester

Index No: 60827/2022 Date Index Issued: 05/16/2022

CAPTION Enter the complete case caption. Do not use et al or et ano. If more space is needed, attach a caption rider sheet.		For Court Use Only:								
306 FAYETTE AVENUE. REALTY, INC. AND NEW WAVERLY AVENUE ASSOCIATES, LLC		IAS Entry Date								
-against- ZONING BOARD OF APPEALS OF THE VILLAGE OF MAMARONECK		Judge Assigned								
Plaintiff(s)/Petitioner(s)		RJI Filed Date								
Defendant(s)/Respondent(s)										
NATURE OF ACTION OR PROCEEDING: Check only one box and specify where indicated.										
COMMERCIAL <input type="checkbox"/> Business Entity (includes corporations, partnerships, LLCs, LLPs, etc.) <input type="checkbox"/> Contract <input type="checkbox"/> Insurance (where insurance company is a party, except arbitration) <input type="checkbox"/> UCC (includes sales and negotiable instruments) <input type="checkbox"/> Other Commercial (specify): _____ NOTE: For Commercial Division assignment requests pursuant to 22 NYCRR 202.70(d), complete and attach the COMMERCIAL DIVISION RJI ADDENDUM (UCS-840C) .	MATRIMONIAL <input type="checkbox"/> Contested NOTE: If there are children under the age of 18, complete and attach the MATRIMONIAL RJI Addendum (UCS-840M) . For Uncontested Matrimonial actions, use the Uncontested Divorce RJI (UD-13). REAL PROPERTY Specify how many properties the application includes: _____ <input type="checkbox"/> Condemnation <input type="checkbox"/> Mortgage Foreclosure (specify): <input type="checkbox"/> Residential <input type="checkbox"/> Commercial Property Address: _____ NOTE: For Mortgage Foreclosure actions involving a one to four-family, owner-occupied residential property or owner-occupied condominium, complete and attach the FORECLOSURE RJI ADDENDUM (UCS-840F) . <input type="checkbox"/> Partition NOTE: Complete and attach the PARTITION RJI ADDENDUM (UCS-840P) . <input type="checkbox"/> Tax Certiorari (specify): Section: _____ Block: _____ Lot: _____ <input type="checkbox"/> Tax Foreclosure <input type="checkbox"/> Other Real Property (specify): _____									
TORTS <input type="checkbox"/> Asbestos <input type="checkbox"/> Child Victims Act <input type="checkbox"/> Environmental (specify): _____ <input type="checkbox"/> Medical, Dental or Podiatric Malpractice <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Products Liability (specify): _____ <input type="checkbox"/> Other Negligence (specify): _____ <input type="checkbox"/> Other Professional Malpractice (specify): _____ <input type="checkbox"/> Other Tort (specify): _____	OTHER MATTERS <input type="checkbox"/> Certificate of Incorporation/Dissolution [see NOTE in COMMERCIAL section] <input type="checkbox"/> Emergency Medical Treatment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Local Court Appeal <input type="checkbox"/> Mechanic's Lien <input type="checkbox"/> Name Change/Sex Designation Change <input type="checkbox"/> Pistol Permit Revocation Hearing <input type="checkbox"/> Sale or Finance of Religious/Not-for-Profit Property <input type="checkbox"/> Other (specify): _____									
SPECIAL PROCEEDINGS										
<input type="checkbox"/> Child-Parent Security Act (specify): <input type="checkbox"/> Assisted Reproduction <input type="checkbox"/> Surrogacy Agreement <input type="checkbox"/> CPLR Article 75 - Arbitration [see NOTE in COMMERCIAL section] <input checked="" type="checkbox"/> CPLR Article 78 - Proceeding against a Body or Officer <input type="checkbox"/> Election Law <input type="checkbox"/> Extreme Risk Protection Order <input type="checkbox"/> MHL Article 9.60 - Kendra's Law <input type="checkbox"/> MHL Article 10 - Sex Offender Confinement (specify): <input type="checkbox"/> Initial <input type="checkbox"/> Review <input type="checkbox"/> MHL Article 81 (Guardianship) <input type="checkbox"/> Other Mental Hygiene (specify): _____ <input type="checkbox"/> Other Special Proceeding (specify): _____										
STATUS OF ACTION OR PROCEEDING Answer YES or NO for every question and enter additional information where indicated.										
Has a summons and complaint or summons with notice been filed? Has a summons and complaint or summons with notice been served? Is this action/proceeding being filed post-judgment?	<table border="0"> <tr> <th>YES</th> <th>NO</th> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>	YES	NO	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	If yes, date filed: _____ If yes, date served: _____ If yes, judgment date: _____
YES	NO									
<input type="checkbox"/>	<input checked="" type="checkbox"/>									
<input type="checkbox"/>	<input checked="" type="checkbox"/>									
<input type="checkbox"/>	<input checked="" type="checkbox"/>									
NATURE OF JUDICIAL INTERVENTION Check one box only and enter additional information where indicated.										
<input type="checkbox"/> Infant's Compromise <input type="checkbox"/> Extreme Risk Protection Order Application <input type="checkbox"/> Note of Issue/Certificate of Readiness <input type="checkbox"/> Notice of Medical, Dental or Podiatric Malpractice <input type="checkbox"/> Notice of Motion <input checked="" type="checkbox"/> Notice of Petition <input type="checkbox"/> Order to Show Cause <input type="checkbox"/> Other Ex Parte Application <input type="checkbox"/> Partition Settlement Conference <input type="checkbox"/> Poor Person Application <input type="checkbox"/> Request for Preliminary Conference <input type="checkbox"/> Residential Mortgage Foreclosure Settlement Conference <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Other (specify): _____										

RELATED CASES List any related actions. For Matrimonial cases, list any related criminal or Family Court cases. If none, leave blank. If additional space is required, complete and attach the RJI Addendum (UCS-840A) .				
Case Title	Index/Case Number	Court	Judge (if assigned)	Relationship to instant case

PARTIES For parties without an attorney, check the "Un-Rep" box and enter the party's address, phone number and email in the space provided. If additional space is required, complete and attach the RJI Addendum (UCS-840A) .				
Un-Rep	Parties List parties in same order as listed in the caption and indicate roles (e.g., plaintiff, defendant, 3 rd party plaintiff, etc.)	Attorneys and Unrepresented Litigants For represented parties, provide attorney's name, firm name, address, phone and email. For unrepresented parties, provide party's address, phone and email.	Issue Joined For each defendant, indicate if issue has been joined.	Insurance Carriers For each defendant, indicate insurance carrier, if applicable.
<input type="checkbox"/>	Name: 306 FAYETTE AVENUE. REALTY, INC. AND NEW WAVERLY AVENUE ASSOCI... Role(s): Plaintiff/Petitioner	JONATHAN NELSON, DORF & NELSON LLP, 555 THEODORE FREMD AVE STE A300 , RYE, NY 10580, jnelson@dorflaw.com	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
<input checked="" type="checkbox"/>	Name: ZONING BOARD OF APPEALS OF THE VILLAGE OF MAMARONECK Role(s): Defendant/Respondent	123 Mamaroneck Avenue, Mamaroneck , NY 10543	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	

I AFFIRM UNDER THE PENALTY OF PERJURY THAT, UPON INFORMATION AND BELIEF, THERE ARE NO OTHER RELATED ACTIONS OR PROCEEDINGS, EXCEPT AS NOTED ABOVE, NOR HAS A REQUEST FOR JUDICIAL INTERVENTION BEEN PREVIOUSLY FILED IN THIS ACTION OR PROCEEDING.

Dated: 05/19/2022

JONATHAN BRETT NELSON

Signature

2578177

JONATHAN BRETT NELSON

Print Name

Attorney Registration Number

This form was generated by NYSCEF

Request for Judicial Intervention Addendum

Supreme COURT, COUNTY OF Westchester

Index No: 60827/2022**For use when additional space is needed to provide party or related case information.****PARTIES:** For parties without an attorney, check "Un-Rep" box AND enter party address, phone number and e-mail address in "Attorneys" space.

Un-Rep	Parties	Attorneys and Unrepresented Litigants	Issue Joined	Insurance Carriers
	List parties in same order as listed in the caption and indicate roles (e.g., plaintiff, defendant, 3 rd party plaintiff, etc.)	For represented parties, provide attorney's name, firm name, address, phone and email. For unrepresented parties, provide party's address, phone and email.	For each defendant, indicate if issue has been joined.	For each defendant, indicate insurance carrier, if applicable.
<input type="checkbox"/>	Name: 306 FAYETTE AVENUE. REALTY, INC. AND NEW WAVERLY AVENUE ASSOCIATES, LLC Role(s): Plaintiff/Petitioner	JONATHAN NELSON, DORF & NELSON LLP, 555 THEODORE FREMD AVE STE A300 , RYE, NY 10580, jnelson@dorflaw.com	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	

RELATED CASES: List any related actions. For Matrimonial actions, include any related criminal and/or Family Court cases.