

AT A MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF MAMARONECK,
HELD ON SEPTEMBER 7, 2023, THE FOLLOWING RESOLUTION WAS ADOPTED:

APPLICATION NO. ZON-23-0003

Name: Shore Acres Point Corporation (the "Applicant")
Premises: 504 The Parkway ("the Premises")
District: R-20
Tax I.D.: Section 4, Block 76, Lot 1

RECEIVED
VILLAGE OF MAMARONECK
2023 SEP 15 12:00 PM
ZONING BOARD

WHEREAS, the Applicant has applied to the Zoning Board of Appeals ("Boards") for renewal of a certain special permit dated October 7, 2021 for continued operation of a club ("Club") at the Premises in an R-20 zoning district, and requests that conditions of the 2021 approval be modified as follows (i) an extension of the ending time from 9:00 p.m. to 10:00 p.m. for member-sponsored events on Sunday-Thursday, with a one-hour extension to 11:00pm on Super Bowl Sunday, and (ii) a specific exemption so that the annual Club membership meeting is not counted as one of the five permitted annual Club member-sponsored events per year ("Application"); and

WHEREAS, in addition to the special permit renewal granted in 2021 for the Club, the Board previously granted the following:

- December 12, 2013 – Initial Special Use Permit
- November 5, 2015 - Renewal
- October 5, 2017 - Renewal and Amendment
- July 12, 2018 - Renewal and Amendment; and

WHEREAS, a special permit to operate the Club is subject to the approval procedure set forth in Article VII and Article X of the Village of Mamaroneck Zoning Code ("Zoning Code"); and

WHEREAS, after due notice, the Board conducted a Public Hearing on the Application on July 27, 2023, at which time the Board heard all parties, reviewed and considered materials related to the Application and entered written public comments into the record; and

WHEREAS, the public hearing was closed on July 27, 2023 and the Board deliberated and voted on the Application at the subsequent meeting on September 7, 2023; and

WHEREAS, the proposed action is classified as Type II pursuant to the New York State Environmental Quality Review Act (SEQRA) regulations, 6 NYCRR §617.5(c)(18).

NOW, THEREFORE BE IT RESOLVED, that, after reviewing the Application and related materials and information during the public hearing process, the Board hereby grants a renewal of the Special Permit to continue operation of a Club on the Premises with conditions set forth herein. In making this determination, the Board makes the following findings in accordance with Article X, Section 342-71(A) through (E) of the Zoning Code:

1. The Applicant's use of the Premises over the prior three years, including the location and size of the use, the nature and intensity of the operation, and the traffic and circulation resulting from Applicant's use, the size of the property in relation to the use, and the location of the property with respect to the type, arrangement, and capacity of streets giving access to it, are such that the use remains in harmony with the appropriate and orderly development of the district in which it is located.
2. The Application involves no proposed alterations to the existing buildings and facilities, increase in the scope of activities, except for the requested change in the ending time for events, or any alteration of the nature and extent of the landscaping and screening on the Premises. As such, the continuation of the use will not hinder or discourage the appropriate development and use of adjacent properties or buildings.
3. The continuation of the operation with the only alteration being in connection with the extension of time for events as set forth herein will not be objectionable by reason of noise, fumes, smoke, dust, vibration, glare, intensity, or flashing lights.
4. The use, as set forth in the Application, will not adversely affect the public health, safety and welfare, and the comfort and convenience of the public in general, and of the residents of the neighborhood in particular.
5. The Application is in compliance with special permit standards and requirements as set forth in Section 342-71 of the Zoning Code and the Applicant is entitled to the granting of the Special Permit under the circumstances of this Application, subject to the conditions stated herein.

AND BE IT FURTHER RESOLVED, that, in making this determination, the Board also makes the following findings in accordance with the written standards for "Clubs and Recreation Uses" in Article VII Section 342-42 (A) through (D) of the Zoning Code:

1. The proposed use of the Premises is located on property of adequate size with sufficient screening and the Applicant shall continue to provide and otherwise arrange for sufficient parking in connection with the proposed use of the Premises.
2. The proposed use of the Premises shall not involve outdoor entertainment, live or mechanical.
3. The proposed use of the Premises shall not involve exterior lighting other than that which is essential to the safe and convenient use of the Premises and the Applicant remains obligated to ensure that such lighting meets the standards in Section 342-18 of the Zoning Code.
4. The proposed use of the Premises shall not include use of outdoor public address systems.

AND BE IT FURTHER RESOLVED, that, the Special Permit renewal granted herein is subject to the following conditions:

- A. That the Special Permit renewal granted herein for the Club shall be valid for a period of three years expiring on October 31, 2026, with application for any further renewal due no less than three months prior to expiration, otherwise the Special Permit shall expire without notice to Applicant; and
- B. That the Special Permit renewal granted herein shall terminate upon any change in the use, change in the intensity of the use, or cessation of use for more than twelve (12) months.
- C. Hours for organized events held inside the clubhouse shall be to be no greater than as follows:
 - 1. There shall be a maximum of five Club-sponsored events per calendar year which shall end no later than at 1:00 a.m. on Fridays and Saturdays or the day before a legal holiday and end no later than at 11:00 p.m. on Sundays through Thursdays. The annual Club membership meeting shall not count toward the tally of maximum events.
 - 2. That member-sponsored events shall end no later than 12 a.m. on Fridays and Saturdays or the day before a legal holiday and end no later than 10 p.m. on Sundays through Thursdays, except for a member-sponsored event on Super Bowl Sunday which shall end no later than 11:00 p.m.
- D. When there is amplified sound or music inside the clubhouse after 9:00 p.m., all windows and doors shall be shut to prevent noise emanating from the clubhouse interior.
- E. No outside organized events shall be permitted after 9:00 p.m. and outdoor amplified sound or music is prohibited at all times.
- F. The pool shall not be open later than 8:00 p.m. Sundays through Thursdays or later than 9:00 p.m. on Fridays and Saturdays, from May 15th through September 30th.
- G. All organized events shall be conducted in strict compliance with the Applicant's existing house rules, which have not been changed since the prior special permit, a copy of which shall be provided to the Building Department, which are to be enforced by the Shore Acres Point Corp. Board of Directors without exception.
- H. A copy of this Resolution shall be located on the Premises, provided to every member of the Club and provided to individuals holding events at the Premises.
- I. During each event, the Applicant shall have an employee or authorized representative of the Club, who is not a sponsor of such event, physically present at the Premises who shall be empowered and authorized to take action necessary to ensure compliance with the conditions herein and to receive and respond to

any complaints from residents of other properties. The contact information of that person shall be provided in writing to the Village Building and Police Departments prior to the event.

- J. The granting of this Special Permit renewal shall not be deemed to relieve the Applicant of the need to obtain approval of any other board or agency or officer prescribed by law or ordinance with regard to the operation or continued use of the Premises.
- K. That compliance with all laws, ordinances and regulations of the Village of Mamaroneck, the State of New York and the United States is required in addition to the conditions imposed herein.
- L. That the failure to observe and perform any of these conditions shall render this permit invalid.

BE IT FURTHER RESOLVED, that, the Board directs that a complete copy of this resolution be filed with the Village Clerk in compliance with New York State Village Law.

On the motion by Board member Glattstein, seconded by Board member Neufeld, the foregoing resolution was brought before the Board for consideration with the Board members voting as follows:

Robin Kramer, Chair	- YES
Brian Glattstein	- YES
Gretta Heaney	- Recused
David Neufeld	- YES
Angelique Shingler	- YES

The motion was carried on a vote of 4-0 with one recusal.

Robin A Kramer

Robin A Kramer (Sep 13, 2023 21:26 EDT)

Robin Kramer, Chair, Zoning Board of Appeals

Brittanie O'Neill

Brittanie O'Neill (Sep 15, 2023 12:20 EDT)

Board Secretary

Dated: September 7, 2023
Mamaroneck, New York