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113 Delancey Avenue
Mamaroneck, New York 10543

June 13, 2025

Mayor Sharon Torres and Board of Trustees
Village of Mamaroneck
123 Mamaroneck Avenue
Mamaroneck, NY 10543

RE: Local Law M of 2025 (the "Local Law M").

Dear Mayor Torres and Board of Trustees:

I am writing this letter in my individual capacity as a resident of Mamaroneck. The views of the Zoning Board of Appeals (the "ZBA") were set forth in its letter dated June 9, 2025.

I am writing to express my dismay at the adoption of Local Law M, especially given the haste with which you, the Mayor and Board of Trustees (the foregoing, collectively, the "Board") changed longstanding Village law on the apparent basis of a few disgruntled businesses. Instead of taking the opportunity to fully understand the purpose of and process for special permit renewals or the impact of Local Law M, you rushed to take an action based on incomplete and inaccurate information, leaving Village residents without recourse to remedy situations where the operations of certain businesses negatively affect the community.

Perhaps the problem is that the Board doesn't understand the purpose of special permits or the reason the ZBA issues three (3) year preliminary special permits for new businesses. The purpose of special permits is to allow a municipality to consider whether the proposed location of a use or structure that is permitted pursuant to the local zoning code is appropriate so that the use at the specific location will not adversely affect the its neighbors or the municipality as a whole. When the ZBA reviews an application for a special permit, it is not considering whether that restaurant or other business is a good business; it is only considering whether siting such business at the proposed location could have some negative impact on the Village. The ZBA holds a public hearing to allow residents and others in the Village the opportunity to speak on that point. The special permit is issued for a brief period in order to allow the neighbors to evaluate whether the business, once it has started operating, although complying with Village law, is a good neighbor.

Although the Board dismissed the problems created in the cases of Molly Spillane's and Ralph's as a few "bad actors," for which the "good businesses" should not be punished, the point is that those few businesses are precisely the reason the special permit and the renewal are needed. Molly Spillane's

did not violate any Village law or the special permit conditions and, therefore, did not receive a violation. That did not mean that the restaurant was a good neighbor. The number of residents who appeared at the public hearing on the renewal or sent written testimony is evidence of that. Under Local Law M, Molly Spillane's would have been automatically issued a renewal and would have continued to negatively affect many residents.

Moreover, notwithstanding the testimony of Brooklyn Bagels, a special permit – or a renewal – does not take many months or cost tens of thousands of dollars, not even for them. The record at the Building Department shows that Brooklyn Bagels filed its application for a building permit on July 7, 2022; was issued a determination by the Building Department on July 8, 2022 to enable it to appeal to the ZBA; and was considered at the July 28, 2022 public hearing, the first public hearing after it filed. The public hearing was closed on July 28, meaning that the attorney did not have to appear a second time, and the renewal was issued at the next ZBA meeting, on September 8, 2022. It took 2 months to obtain the special permit. And the cost for the special permit could not have been remotely close to \$50,000. I estimate the charges incurred by Brooklyn Bagels for the special permit to be closer to \$2,000. This includes \$650 for the application fee (note that \$175 is the application fee for a renewal) plus \$661.50 for the escrow fee, together with the costs of making copies and sending out notices to neighbors. Thus, the lion's share of the cost is attributed to fees set by the Board. This applicant did incur some additional costs by its decision to hire an attorney to present at the July public hearing, although an attorney is not required. The \$50 – 60,000 described by their owner clearly wasn't the cost connected with the issuance of the special permit. It is interesting to note that neither of the two businesses that you relied on as support for Local Law M - Brooklyn Bagels and Augustine's – actually submitted an application for a renewal or had to deal with the process.

Members of the Board said that they had looked at the application and it was burdensome; but I do not understand why they think that. Many of the requested documents have already been or will be submitted to the Building Department as part of the process for the building permit and a certificate of occupancy. To the extent that copies of Building Department files are requested, that can be obtained by asking the Building Department for the records. And the questions on the application form are fairly basic – including name and address, type of business, owner's consent where the applicant is a lessee, and a description of why the business is appropriate for the location.

The Village process for special permits and their renewal has been unchanged for more than 30 years. Even during the pandemic, applicants continued to come to the Village and apply for special permits. Over the years, the ZBA process has become easier and less cumbersome, and the ZBA has striven to continue to make reasonable accommodations. The only things that have changed in the Village are the Building Department and its recent failures (which are presumably corrected with our new Building Inspector and his staff); the use of an outside consulting firm to review building permit applications rather than the Building Department; the imposition of escrow fees instead of having the Village pay the costs of its attorney; the processes for handling applications at the Village; and, as indicated by its adoption of this law, the Board's apparent prioritizing of businesses over its residents.

In my time on the ZBA, it has neither been unfriendly to business nor bureaucratic, as one of the Board members implied. The ZBA does not, however, simply accept businesses and their statements as to their impact but ensures that Village residents are not and have not been negatively affected by

such business. The job of the ZBA is to ensure that permitted uses are allowed and continue to be allowed in the Village as long as they do not harm Village residents.

I strongly urge you to reconsider and rescind Local Law M. Please let me know if you have any questions.

Sincerely,

Robin Kramer

Robin A. Kramer