

MINUTES  
BOARD OF APPEALS  
VILLAGE OF SEA CLIFF  
VILLAGE HALL  
300 SEA CLIFF AVENUE  
SEA CLIFF, NEW YORK 11579

May 5, 2011

Present:	Chair	Kevin McGilloway
	Members	Dina Epstein
		Noel Griffin
		Ted Kopczynski
		Jamie Weil

The meeting was called to order at 8:03 pm.

The Board opened the continued public hearing on the Board's consideration of the revocation of the special permit of Mario Larrea d/b/a Gold Coast Collision, 161 Glen Cove Avenue, Sea Cliff. Mr. Maccarone, Esq., appeared as an attorney representing the occupant and owner of the premises. Mr. Maccarone confirmed that he had reviewed information at Village Hall with Superintendent of Buildings Drew Lawrence and confirmed that the information testified to and shown to the Board at the April 28, 2011 hearing was identical to the information that had been provided previously to him. Mr. Maccarone then submitted a closing argument to the Board. Upon the completion of that closing statement, the Board closed the hearing and reserved decision.

The Board discussed the revocation application and the record consisting of written and photographic evidence and testimony. After such discussion, on motion duly made by the Chair, seconded by Mr. Griffin, and adopted four votes in favor and Mr. Weil not participating in the vote or the discussion, the Board determined that violations occurred in accordance with the resolution annexed

hereto. After further discussion, on motion duly made by Mr. Griffin, seconded by Ms. Epstein, and adopted four votes in favor and Mr. Weil not participating in the vote or the discussion, the Board voted to revoke the special permit in accordance with the resolution annexed hereto.

There being no further business, the meeting was adjourned at 10:00 pm.

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ZONING BOARD OF APPEALS  
VILLAGE OF SEA CLIFF

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In the Matter of

MARIO LARREA, GOLD COAST  
COLLISION, ACTION MOTORS, SEA  
CLIFF EQUITIES, LLC, LARREA  
ENTERPRISES, M&M COACH LTD.

161 Glen Cove Avenue  
Sea Cliff, New York 11579  
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STATEMENT

This is an application by the Superintendent of Buildings requesting that the Zoning Board of Appeals (the "Board") take action to revoke the special permit issued to the then-owner of the premises located at 161 Glen Cove Avenue, Sea Cliff, New York (the "Premises"). The Superintendent of Buildings alleges that the operator of the Premises has committed 1,160 violations of the conditions of a special permit granted by the Board in a decision rendered on January 7, 1986 and filed with the Village Clerk on January 14, 1986 (the "Special Permit").

On motion duly made by the Chair, seconded by Mr. Griffin, and adopted unanimously by a vote of four votes in favor and none against (Member Weil did not participate in the hearing or the determination), the Board made the following findings and determination:

**RESOLVED**, upon consideration of the evidence filed with the Board, presented at the public hearings, and all proceedings had herein, the Board makes the following findings of fact and conclusion:

## FINDINGS OF FACT

1. The Premises are in the Business B zoning district in the Village. The Premises are designated as Section 21, Block 111, Lots 17-21 on the Nassau County Land and Tax Map. While the Premises were owned by Mario Larrea in 1986 (the year of the issuance of the Special Permit), the Premises now are owned by Sea Cliff Equities, LLC. Mario Larrea, has confirmed that he runs and operates the existing business on the Premises and that the Mario Larrea who originally applied for, and obtained, the Special Use Permit is his father.

2. The Premises are located on the northwest corner of Glen Cove Avenue and Cromwell Place in the Village of Sea Cliff. Glen Cove Avenue is primarily a commercial roadway in the vicinity of the Premises, and Cromwell Place, with the exception of the commercial establishments located on the northwest and southwest corners of Glen Cove Avenue and Cromwell Place, is a residential street.

3. In or about 1986, Mario Larrea d/b/a Gold Coast Collision applied to the Board for variances and a special use permit to occupy and operate the Premises as a motor vehicle repair shop. By decision dated January 7, 1986, the Board granted the variances and special use permit (the "Special Permit") subject to the following relevant conditions:

- (1) Deliveries and shipments shall be made so as not to obstruct or interfere (sic) with the flow of traffic on Glen Cove Avenue and Cromwell Place, shall not be made by tractor-trailer type vehicles, and shall only be made between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday, and 9:00 a.m. and 5:00 p.m. on Saturday. No deliveries shall be made on Sunday or holidays.
- (4) No storage of any type or for any purpose shall be permitted outside of the building in the "green belt" area located between the building and

the westerly property line from Altamont Avenue to the northerly property line.

- (8) The hours of operation shall be limited to 8:00 a.m. to 6:30 p.m. Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday. No business operations shall be permitted on Sunday or holidays.
- (12) All automobiles and other vehicles connected with the business, whether owned by customers, employees, or principals, are to be parked on the property, and shall not be parked on any adjacent streets.
- (13) No dismantling of automobiles or other motor vehicles or any other operations, except washing and light buffing of cars, shall be performed out of doors. All washing and buffing of vehicles shall be performed in the northerly fenced in area.
- (15) All automobile parts, dismantled vehicles and similar articles shall be stored within the building or within the northerly fenced in area. All automobile parts shall be stored inside or in closed containers.
- (16) All sanding, painting, body and fender repairs and other similar operations normally associated with a motor vehicle body repair shop shall be conducted or performed inside the building.
- (17) All automobiles and other vehicles stored outside at the premises shall be stored for the purposes of repair to such vehicles only. No automobile or other vehicle shall be parked or stored for the purpose of selling, trading or otherwise disposing of such vehicle, or for using the parts thereof for other vehicles. Any operation in the manner generally associated with a junk yard business is strictly and absolutely prohibited. No automobile or other vehicle shall be stored at the premises for more than three months regardless of whether or not such automobile or vehicle is temporarily removed from the premises during such period of time.
- (18) All automobiles and other vehicles parked or stored at the premises pending repair shall be kept inside the building or within the northerly fenced in area. No such automobiles or other vehicles shall be parked or stored in the parking area located in the southeast area of the premises either during the day or overnight.
- (19) All painting, spraying, and similar operations shall be conducted inside in spray booths. These booths shall be properly constructed and maintained to filter odors, fumes, dust and similar particles. All residue shall be filtered internally or directed through appropriate stacks or other ventilation devices away from surrounding residences. All systems and

installations shall be constructed in conformance with Nassau County Air Pollution Regulations and/or other similar governmental regulations which may be applicable.

(21) The premises shall be developed in accordance with the site plan drawing dated July 23, 1985, prepared by John A. Barbieri, and submitted to this Board, subject to the following modifications, deletions, and additions:

- (E) A five (5) cubic yard dumpster shall be located in the fenced in area at the northerly end of the property.
- (F) The entire frontages along Glen Cove Avenue and Cromwell Place between the property line and fence (or the hypothetical extension thereof) shall be planted with hemlocks at least 5 feet in height. All hemlocks shall be on 8 foot centers, interspersed with spreading junipers. Similarly sized and placed hemlocks shall be planted along the westerly wall of the building.
- (G) Two evergreen trees, each 2 ½ inch caliber, as measured three feet up from the base, shall be planted in the “green belt” area located west of the building. One shall be planted between the northwest corner of the building and the fence; the other at approximately the center of the westerly wall of building. Both shall be approximately centered between the building and the fence.

(22) The premises shall not be used for any use which will intensify or increase the usage or the parking requirements without further application to this Board.

4. The Special Permit further provides that:

(26) In the event one (1) or more of the aforesaid conditions is violated, the Village shall have the right to suspend the Special Permit granted by this Board pending a hearing on the violation by the Zoning Board of Appeals or the Village Board of Trustees. If such hearing shall result in a determination that one (1) or more of the conditions have been violated, or if the operator of the premises shall fail to appear at such hearing, the Village shall have the right to suspend or revoke the Special Permit and Certificate of Occupancy either temporarily or permanently.

5. In addition, Village Code §138-1403, which regulates special use permits, provides:

- C. Revocation of a special permit. Any special permit granted pursuant to this chapter shall be revocable on the order of the Zoning Board of Appeals at any time upon the failure of the

owner or operator of the use or structure covered by the special permit to observe all requirements of this chapter with respect to the maintenance and conduct of the use or structure or upon failure to observe all conditions in connection with such special permit which was designated by the Zoning Board of Appeals issuing the same. Prior to revoking any such special permit, the Zoning Board of Appeals shall give the holder of the special permit at least 10 days' written notice of violation. If within such 10 days the special permit holder so requests, the Zoning Board of Appeals shall hold a hearing on the revocation of such special permit and shall give the applicant for the hearing at least 10 days' written notice thereof either by certified mail, return receipt requested, or by personal service. The foregoing provisions shall not be deemed to preclude the use of any other remedy by the Zoning Board of Appeals or by any enforcement agent of the Village to compel compliance with any conditions of the special permit. The violation of any condition imposed by the Zoning Board of Appeals as part of a special permit shall constitute a violation of this chapter and shall subject such violator to the penalties set forth in §2-4B(2) of this Code.

6. In or about September 2010, after receiving information from the building department that the owner or operator of the Premises had been operating the Premises in violation of numerous conditions of the Special Permit during the period September 2009 and April 8, 2010, the Board commenced a proceeding under Village Code §138-1403 to consider revocation of the Special Permit. Notice was provided to the permit holder, owner and/or operator of the Premises, and a hearing was requested. The Board scheduled a hearing for September 30, 2010. That hearing was adjourned on numerous occasions, including a request by Mr. Larrea's attorney John Maccarone, Esq., that the hearing be adjourned indefinitely pending a Village Court proceeding in which Mr. Larrea and various entities, including Sea Cliff Equities LLC and Action Motors, were charged with identical violations. Mr. Maccarone expressed his concern that Mr. Larrea might have to testify before the Board to defend the charges, and that such testimony may have the indirect result of a waiver of his client's right not to incriminate himself in the

Village Court proceeding. While the Board recognized that the revocation hearing could proceed lawfully despite the pending Village Court proceeding involving identical charges, as a courtesy, the Board agreed to adjourn the matter for a short period of time while awaiting a determination on the Village Court matters.

7. After a series of adjourned dates, the Board scheduled a hearing on the original charges for December 21, 2010.

8. By letter dated December 6, 2010, the Board received a letter from the building department requesting that the original charges and application be set aside and that the Board consider charges of violations of the conditions of the Special Permit encompassing the period April 9, 2010 through October 30, 2010. That request included a listing of the various allegations of violations of Special Permit conditions, a listing of the dates on which the violations were alleged to have occurred together with a statement as to the actions or inactions constituting the violations, corresponding photographs representing the alleged violations and a disc containing each of the aforementioned items. None of the charges for the period April 9, 2010 through October 30, 2010 represented charges pending in the Village Court.

9. Thereafter, upon notice given by the Village by letter dated December 6, 2010, notice of the alleged Special Permit condition violations was provided to the Premises addressed to Mr. Larrea d/b/a Gold Coast Collision (the permit holder). That notice contained a booklet containing all of the information identified in paragraph 8 above. A notice also was provided to Mr. Maccarone. While the notice was sent certified mail, return receipt requested, to both Mr. Larrea and Mr. Maccarone, only Mr. Maccarone accepted service of the notice and enclosed documents and disk.

10. As provided in the notice, notice of the hearing opportunity was given, and the hearing date was set for December 21, 2010. Mr. Maccarone acknowledged the notice, requested for a hearing, and requested that the hearing scheduled for December 21, 2010 be adjourned. The Board granted the adjournment request and scheduled the hearing for January 25, 2011. Again, Mr. Maccarone requested an adjournment and Mr. Larrea appeared before the Board on January 25, 2011 to make the same request. The Board informed Mr. Larrea that the Board would agree to grant the adjournment request and confirmed that Mr. Larrea understood that the purpose of the hearing was to consider whether there were violations of the Special Permit conditions and if the alleged violations were determined to have occurred the Board could revoke the Special Permit. The Board granted an adjournment of the hearing to February 8, 2011.

11. At the hearing on February 8, 2011, Drew Lawrence, the Village Superintendent of Buildings testified regarding the allegations. Mr. Maccarone contended that the allegations, as testified to by Mr. Lawrence, could not be sustained or demonstrated to have existed. While some of those contentions related to the facts as presented in the testimony and the charges identified in the booklet, Mr. Maccarone also objected to the pictures depicted in the booklet as being difficult to view. While the Board acknowledged that the photographs also were available on the disc that was provided as part of the hearing notice, the Board also was concerned about proceeding with the hearing utilizing the some of the photographs that were shown only in the booklet. The Board stated that it was difficult to observe the information testified to in some of the photographs. Without the electronic equipment to show the disc containing the photographs the Board requested that the Superintendent prepare a presentation that

would be easier for the Board to follow and consider whether all of the 1,664 charges were proper charges. As a result, the Board determined to continue the hearing without date to provide the Superintendent with an opportunity to arrange for a presentation that would enable the Board to better view the photographs in relation to the specific charges and to consider the viability of all 1,664 alleged occurrences of violations.

12. Thereafter, the Superintendent modified the charges by reducing the number of alleged violations from 1,664 to 1,160. The Superintendent created a booklet and disc containing those charges in the same form as the original charges. Larger versions of the photographs also were provided by the Superintendent. All of this information then was provided to the Board and Mr. Maccarone, and the hearing was continued to April 28, 2011.

13. On April 28, 2011, testimony was presented by Mr. Lawrence. Mr. Maccarone was given an opportunity to challenge that testimony and the all information and evidence in the record (including the booklet and related photographs) and present evidence in an effort to demonstrate that there had not been violations of the Special Permit conditions as alleged in the modified charges. Mr. Larrea testified with regard to some items, and Mr. Maccarone presented various legal arguments. Additionally, members of the public spoke about general observations of the conditions of the Premises.

14. During the hearing, the Superintendent presented the photographs and the charges utilizing a screen and computer that enabled the Board to clearly view the photographs. The Board also had reviewed the booklet and the photographs and was keenly aware of the specifics of the various charges.

15. Mr. Maccarone requested an opportunity to confirm that the disc and photographs shown were the same information that was provided to him and to be able to make a closing presentation after such review. The Board granted the request, and adjourned the continued hearing to May 5, 2011.

16. On May 5, 2001, Mr. Maccarone made a closing statement, and the Board closed the hearing.

17. The Board discussed the testimony, evidence and the specific charges. After such discussion, the Board made the following findings with respect to the specific charges:

- A. Condition # 1: The Special Permit condition provides that deliveries and shipments to the business are to be made so as not to impede the flow of traffic on Glen Cove Avenue and Cromwell Place with vehicles that re not tractor-trailer type vehicles and such deliveries are not to be made during certain hours, days or holidays. The evidence demonstrated that there were 5 different alleged occasions of violations of this condition. The Board is unpersuaded that the evidence demonstrates violations of those occurrences. There was no testimony that the vehicles were specifically used for deliveries or shipments to the business or that the vehicles obstructed traffic on Cromwell Place or Glen Cove Avenue.
- B. Condition # 4: The Special Permit condition prohibits any storage outside the building in the "green belt" area. The "green belt" area is identified in the site plan. The Superintendent testified and submitted numerous photographs depicting various equipment, vehicle parts, a dumpster and garbage type material on 148 different dates during the relevant period. It was contended by Mr. Maccarone that some of the items, including a vehicle, may be located in an area that is not part of the "green belt" area, as it would appear that such area should encompass only a portion of the westerly side yard that neither includes the area between the front of the building and Cromwell Place nor the area to the rear of the building and the northerly property line. Mr. Maccarone did not dispute that the yard area between the building and the westerly property line was part of the green belt area. The Board finds that the

evidence demonstrates that on each occasion alleged in the charges and the charging booklet, there was at least one item stored in between the building and the adjoining residential property line to the west. Both the photographic evidence and the testimony clearly demonstrated that there were stored items in the green belt area on each of the dates identified in the charges. While the Board also finds that the clear intent of the Special Permit was to include the entire yard area, including the front and the rear yard, to be part of the green belt to give the Board's 1986 decision its full intent, the Board finds that the evidence clearly demonstrated the existence of stored materials, including a dumpster, vehicle parts, equipment, and garbage in the area that was not disputed to be included as the green belt area. Accordingly, the Board reaches the conclusion that violations of Special Permit condition 4 existed on each of the dates identified in the charges.

- C. Condition # 8: This condition limits the hours of operation to 8am through 6:30pm weekdays and 9am through 5pm on Saturdays. Initially, the Superintendent submitted that there were 14 specific known violations of this condition. After modifying the charges, the Superintendent contended that such violations occurred on April 25, 2010 and July 14, 2010. The evidence for the remaining 12 charges did not clearly indicate that work was being performed during prohibited hours. April 25, 2010 was a Sunday. It was evident from the evidence that cars, one with an open roof and one with an open trunk likely were being worked on. However, in the absence of any additional information demonstrating that actual work was being performed at that time, the Board is unable to conclude that work was being performed on April 25, 2010. The evidence demonstrated that car repair work was taking place after 6:30pm on July 14, 2010. Accordingly, the Board finds that a violation of Special Permit Condition 8 occurred on July 14, 2010.
- D. Condition # 12: This condition requires that all vehicles connected to the business (customers, employees or principals) are to be parked on the Premises only. Initially, the Superintendent submitted information to show that this condition was violated on 73 occasions. That number was reduced to 28 occurrences, and the Board, as with the other conditions, considered only the 28 alleged occurrences. On the dates specified in the booklet, shown in the picture and discussed during the hearing, in each instance the Board finds that there was at least one vehicle parked on Cromwell Place

associated with the business. On various occasions identified this included a limousine (which sometimes was also shown to be parked on the Premises on dates not relevant to this charge), a delivery truck, vehicles being worked on, and vehicles being worked on partially on the Premises and partially in the street. While Mr. Maccarone contended that some of those vehicles may not be associated with the business, no testimony was submitted to counter the evidence and testimony submitted by the Superintendent. Accordingly, the Board finds that Special Permit condition 12 was violated on each of the 28 occasions identified in the charges, as on each occasion one or more vehicles connected with the business was parked either completely or partially on Cromwell Place. While the Board finds that there sometimes was more than one such associated vehicle parked in the street, the Board only considered each date as a separate event, and therefore, consistent with the charges finds that the condition was violated on 28 occasions.

- E. Condition #13: This condition prohibits the dismantling of vehicles or any operations, except washing and light buffing of cars, to take place outdoors and requires that all washing and buffing be performed in the northerly fenced in area. There are seven (7) different occasions of an alleged violation of this condition. On each of those occasions, as identified in the charges, it was evident that some motor vehicle repair related operations were taking place outdoors in a non-permitted area. Specifically, those operations occurred in the area located immediately south of the building along the Cromwell Place frontage. Accordingly, the Board finds that this condition was violated on each of the seven dates identified in the charges.
  
- F. Condition #15: This condition requires that all automobile parts, dismantled vehicles and similar articles be stored within the building or within the northerly fenced in area. The Superintendent submitted that this condition was violated on 80 consecutive dates from April 18, 2010 through July 7, 2010. However, while there clearly was a vehicle located in the rear area of the property during that entire timeframe, the evidence did not clearly demonstrate that the vehicle was dismantled. Accordingly, the Board does not find a violation of this condition in relation to that vehicle. The Superintendent also submitted information that there were automobile parts and/or dismantled vehicles (unrelated to the aforementioned vehicle) on the Premises outside of the northerly fenced in area on 37 different dates. The evidence and photographs from those dates clearly demonstrates that there were automobile parts and

parts of dismantled vehicles located on the Premises neither within the building nor within the northerly fenced in area on each of those dates. Accordingly, the Board finds that this condition was violated on each of the identified dates. The Superintendent also added some charges in the modified charging booklet related to drums located on the Premises. As these charges were neither identified in the original charging document nor indicated in the summary chart prepared by the Superintendent, the Board did not consider these items in its deliberation. Thus, as to the 37 different dates of alleged violations of this condition, the Board finds that such violations existed on each date.

- G. Condition #16: This condition required that all sanding, painting, body and fender repairs and other similar operations normally associated with a motor vehicle body repair shop be conducted inside the building. The Superintendent contended that such work was being performed on seven different dates. The evidence in support of these contentions was after-the-fact evidence of staining on the ground. While this evidence indicates that some activity took place, the Board does not find this sufficient to demonstrate that violations of this condition occurred on the dates as charged.
- H. Condition #17: This condition prohibited various activities, including the storage of vehicles for the purpose of selling, trading or otherwise disposing of such vehicles or vehicle parts. There were 19 different alleged dates of violations of this condition. On each of those occasions, it was demonstrated that vehicles were located on the Premises with for sale signs located on such vehicles. There also was evidence on the wall of the Premises in the form of a retail dealer registration placard demonstrating that the location had the authority to deal vehicles. Mr. Maccarone contended that because there was no evidence of an actual sale or transfer that there was no demonstration of a violation of this condition. The actual sale of a vehicle is irrelevant to this analysis. On each occasion identified in the charging booklet, there was evidence that a vehicle was parked at the premises being offered for sale. This was demonstrated by the existence of vehicles on the Premises with for sale signs in their windows. The same red van was located on the site with a for sale sign for each of the April dates in the charges. The same car was located on the Premises with a for sale sign for each of the June dates in the charges. The same car was located on the Premises with a for sale sign for each of the October dates in the charges. Accordingly, the

Board finds that this condition was violated on each of the 19 dates identified in the charging booklet.

- I. Condition #18: This condition requires that all vehicles parked or stored at the Premises pending repair shall be kept inside the building or within the northerly fenced in area. It also prohibits the parking or storage in the parking area located in the southeast area of the Premises either during the day or overnight. No factual testimony was offered to counter the allegations that were submitted by the Superintendent. This condition was alleged to have been violated on 109 different occasions. A review of the testimony and the evidence clearly demonstrates that a violation of this condition occurred on each date alleged. However, the notice of charges specifically provides that the only vehicles identified as being in violation of the condition are those that are present during non-business hours. The photographs contain a time stamp, and the Superintendent has indicated that the time stamp is indicative of the fact that not all of the alleged violations occurred during non-business hours. Specifically, the following dates reflect those dates where there was a clear violation of the condition, but such violation occurred during business hours and, as such, absent notice, are not deemed to be violations by the Board: April 12, 17, 19, 20, 21, and 24, May 1, 3, 5, 15 and 19, June 10, 14 and 15, July 1, 10, 20, and 31, August 2, 3 6, 13, 16, 18, 26, 28 and 30, September 2, 8, 18, 20, 23, and October 4, 6, 7, 8,13, 19, 22, 25, 28 and 31. On each of the remaining dates identified in the charges, the Board finds that vehicles were parked on the Premises in the southeast area, and accordingly finds that this condition was violated on each of those dates.
- J. Condition #19: This condition mandates that all painting, spraying, and similar operations shall be conducted inside in spray booths. The Superintendent contended that such work was being performed on three (3) different dates. The evidence in support of these contentions was after-the-fact evidence of staining on the ground. While this evidence indicates that some activity took place, the Board does not find this sufficient to demonstrate that violations of this condition occurred on the dates as charged.
- K. Condition # 21(E): This condition requires that a five (5) cubic yard dumpster be located in the fenced in area at the northerly end of the Premises. The location of that dumpster is depicted on the approved site plan. The Superintendent identified 70 dates when the dumpster was not so located. Each of these

dates was supported by photographic evidence. Mr. Maccarone does not contend that the dumpster was not located as required by the plans, only that it was necessary for the dumpster to be located in a different location because of the requirements of the carting company retained by Mr. Larrea. Mr. Larrea did not submit any information demonstrating that the location of the dumpster as testified to and as located in the photographs ever was approved by a Village board or department. Accordingly, the Board finds that this condition was violated on each of the dates identified in the charging booklet.

- L. Condition #21(F): This condition requires that the entire frontages along Glen Cove Avenue and Cromwell Place be planted with hemlocks at least 5 feet in height. No plantings were ever so planted. Accordingly, it is alleged that there was a violation on all 206 days from April 9, 2010 through October 2010. Mr. Larrea admits this allegation. The Board finds that the evidence demonstrates that there was a violation of this condition for 206 consecutive days.
- M. Condition #21(G): This condition requires that two (2) evergreen trees be planted in the "green belt" area located west of the building. No trees were ever so planted. Accordingly, it is alleged that there was a violation on all 206 days from April 9, 2010 through October 2010. Mr. Larrea admits this allegation. The Board finds that the evidence demonstrates that there was a violation of this condition for 206 consecutive days.
- N. Condition #22: This condition prohibits the Premises from being used in a manner that intensifies the usage or the parking requirements without an approval for such intensification from the Board. The Superintendent contends that the use of the Premises for mechanical work constitutes an intensification of the use and parking requirements. Mr. Larrea submits that such mechanical work is a normal activity for a motor vehicle repair shop. The Board finds that such work is a normal activity for a repair shop so long as the activity is related only to the vehicles being repaired. As there was no evidence that such work extended beyond this type of activity, the Board does not find that a violation of this condition existed on the dates alleged in the charging booklet.

18. Except in the specific instances noted above, there was no credible evidence or testimony that refuted the evidence of the existence of the violations of numerous Special Permit conditions. Accordingly, as provided above, the Board finds that Special Permit conditions 4, 8, 12, 13, 15, 17, 21(E), 21(F) and 21(G) were violated on the dates identified in the notice of charges and the evidentiary record.

19. After making such findings, the Board discussed the nature of the violations and their impact on the neighborhood. The Board noted that there was a continued pattern of violations over a period of time, that such violations created an extreme negative consequence on the neighborhood, specifically the neighborhood located along Cromwell Place and the adjoining residential property and that there was no indication of any compliance with the Special Permit conditions. The Board noted that the conditions were put in place to assure that this use, which is located immediately next to a residential neighborhood, would not be harmful to the health, safety and welfare of the Village and the particular neighborhood located immediately next to the Premises.

20. For the foregoing reasons, on motion duly made by Mr. Griffin, seconded by Ms. Epstein, and adopted four votes in favor and Mr. Weil not participating in the vote or the discussion, the Board, pursuant to the authority delegated to the Board in the Village Code, hereby revokes the Special Permit.