

MINUTES of the regular meeting of the
Board of Appeals of the City of Rye held in City
Hall on November 19, 2009 at 8:00 P.M.

PRESENT: ALAN WEIL, CHAIR
SCOTT BEECHERT
TAMARA MITCHEL
SERGE NIVELLE
ANTHONY PISCIONERE
MAUREEN POWERS
ALAN WIENER

ABSENT: Mrs. Powers

Andrew Ball, City Council Liaison, (Absent)
Vincent Tamburro, Building Inspector (Present)

#09-35
Andrew Dellipaoli
110 Glen Oaks Dr.
146.17-1-47

The Board voted to sustain the decision of the Board of Architectural Review by denying applicant's amended Application #07.123, to construct a retaining wall 4.57 ft. (approximately) to 5.03 ft. (approximately) in height approximately 0.9 feet from the property line at its nearest point to 1.9 feet from the property line at its farthest point, by the following vote: (See Finding & Decision for complete notations)

ROLL CALL:

AYES: Mr. Beechert, Ms. Mitchel, Mr. Nivelles, Mr. Piscionere, Mr. Wiener

NAYS: Mr. Weil

ABSENT: Ms. Powers

#09-56
Emily Nashshen
36 Elizabeth St.
139.19-3-48-2

The Board voted to sustain the decision of the Building Inspector regarding the payment of the administrative fee of \$1000.00 to be paid by the applicant for building (detached garage) without a permit by the following vote: (see Finding and Decision for complete notation)

ROLL CALL:

AYES: Mr. Beechert, Ms. Mitchel, Mr. Nivelles, Mr. Piscione, Mr. Wiener
Mr. Weil
NAYS: None
ABSENT: Ms. Powers

The following applications were withdrawn by the Board:

| | |
|-------------------|----------------|
| #09-38 | #09-48 |
| John Fallon | David Buckley |
| 122-124 North St. | 31 Everett St. |
| 146.10-2-48 | 153.11-1-10 |

The following applications were heard at this hearing and a decision was rendered:

#09-53
Elmwood Avenue Associates LLC
60 Elmwood Avenue
146.19-5-21

In accordance with the Findings and Decision proposed by Mr. Weil, seconded by Mr. Wiener, the Board voted to adopt the Findings and Decision by the following vote:

ROLL CALL:

AYES: Mr. Beechert, Ms. Mitchel, Mr. Nivelles, Mr. Piscione, Mr. Wiener
Mr. Weil
NAYS: None
ABSENT: Ms. Powers

#09-55
Alfred Eberhardt
2 Green Acres Drive
146.15-1-4

In accordance with the Findings and Decision proposed by Mr. Nivelles, seconded by Mr. Piscione, the Board voted to adopt the Findings and Decision by the following vote:

ROLL CALL:

AYES: Mr. Beechert, Ms. Mitchel, Mr. Nivelles, Mr. Piscionere, Mr. Wiener
Mr. Weil
NAYS: None
ABSENT: Ms. Powers

#09-57
Raymond Viault
10 Boulder Road
146.16-1-5

In accordance with the Findings and Decision proposed by Mr. Weil, seconded by Mr. Piscionere, the Board voted to adopt the Findings and Decision by the following vote:

ROLL CALL:

AYES: Mr. Beechert, Ms. Mitchel, Mr. Nivelles, Mr. Piscionere, Mr. Wiener
Mr. Weil
NAYS: None
ABSENT: Ms. Powers

#09-58
John Ulicny
30 Florence Avenue
146.17-2-12

In accordance with the Findings and Decision proposed by Mr. Wiener, seconded by Mr. Weil, the Board voted to adopt the Findings and Decision by the following vote:

ROLL CALL:

AYES: Mr. Beechert, Ms. Mitchel, Mr. Nivelles, Mr. Piscionere, Mr. Wiener
Mr. Weil
NAYS: None
ABSENT: Ms. Powers

Legal notice pertaining to the above stated public hearings was published in the City's official newspapers and notice of said public hearings was mailed to the owners of property in the immediate vicinity of the property of the petitioners.

Said Findings and Decisions, which will be filed with the respective applications, are made a part of these minutes, representing the majority vote of the members of the Board present.

Dawn F. Nodarse
Secretary,
Board of Appeals

TO: Christian K. Miller, City Planner, e-mail
Vincenzo Tamburro, Building Inspector, e-mail
Noreen P. Whitty, City Assessor e-mail