

**MINUTES of the regular meeting of
the Board of Appeals of the City of Rye held
in City Hall on July 17, 2014 at 7:30 P.M.**

PRESENT:

**SUSAN BROWN
DAVID CUTNER
SERGE NIVELLE
MAUREEN POWERS
ALAN WIENER**

ALSO PRESENT: Kristen Wilson, Corporation Counsel

**ABSENT: Mr. Piscionere, Mr. Weil & Maureen Eckman
Building Inspector**

ALSO ABSENT: Maureen Eckman, Building Inspector

Joseph Sack, City Council Liaison, (Absent)

The following applications were postponed to the September 11, 2014 meeting.

#14-25

**Oskar Lewnowski
75 Stuyvesant Ave.
153-14-1-14**

#14-47

**James & Paula O'Neill
11 Meadow Pl.
139-19-1-1**

The following applications were adjourned to the September 11, 2014 meeting:

#14-41

**James & Noreen Kennedy
3 Dale St.
146-14-2-50**

#14-44

**John Mazzola
25 Bulkley Manor
146-19-20-1-1**

#14-46

**Alice Veikontis
569 Milton Rd.
153-7-2-47**

#14-22

**Sanjay Sharma
9 Mead Pond Ln.
146-10-2-65**

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

#14-24

**Ganz Easy Street
JCS Capital LLC
2 Second St.
146-7-1-19**

The Board found that (1) any benefit that might accrue to the applicant from the variance sought is and would be outweighed by multiple detriments to the neighborhood and district, nearby properties, and the health, safety, and welfare of the community, including but not limited to adverse impacts on traffic congestion, parking, and the Rye City Schools, if the proposed variance were granted, (2) the variance sought is substantial, (3) by the applicant's own testimony, the benefit sought by the applicant can be achieved by other feasible "as of right" proposals, and (4) the applicant's alleged difficulty was entirely self-created.

Upon motion duly made and seconded, the Board unanimously voted to deny the relief requested. Accordingly, the variance is denied.

ROLL CALL:

AYES: Ms. Brown, Mr. Cutner, Mr. Nivelles, Mrs. Powers, Mr. Weil
NAYS: None
ABSENT: Mr. Piscione, Mr. Wiener

#14-36
Isaac & Donna Zion
50 Cowles Ave.
146-15-2-22

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

ROLL CALL:

AYES: Ms. Brown, Mr. Cutner, Mr. Nivelles, Ms. Powers, Mr. Weil
NAYS: None
ABSENT: Mr. Piscione, Mr. Wiener

#14-40
Joseph Messina
290 Grace Church St.
146-8-2-29-1

Chairman Weil made a motion, seconded by Mr. Nivelles to issue a Finding and Decision interpreting the Code that a batting cage as proposed in this application is subject to the provision of the City Code that requires that a tennis court, paddle ball court or similar court be within the permitted setbacks.

The Board voted to adopt the Findings and Decision by the following vote:

ROLL CALL:

AYES: Ms. Brown, Mr. Cutner, Mr. Nivelles, Ms. Powers, Mr. Weil
NAYS: None
ABSENT: Mr. Piscione, Mr. Wiener

#14-42
Daniel & Sarah Derman
12 Lavender Ln.
146-7-4-15

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

ROLL CALL:

AYES: Ms. Brown, Mr. Cutner, Mr. Nivelles, Ms. Powers, Mr. Weil
NAYS: None
ABSENT: Mr. Piscionere, Mr. Wiener

#14-43
Patrick Koechlin
39 Sanford St.
146-20-1-1

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

ROLL CALL:

AYES: Ms. Brown, Mr. Cutner, Mr. Nivelles, Ms. Powers, Mr. Weil
NAYS: None
ABSENT: Mr. Piscionere, Mr. Wiener

#14-45
Ingraham Taylor
c/o George Grossman Assocs
10 Cedar St.
146-11-2-15

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

ROLL CALL:

AYES: Ms. Brown, Mr. Cutner, Mr. Nivelles, Mr. Weil
NAYS: None
ABSTAIN: Mrs. Powers
ABSENT: Mr. Piscionere, Mr. Wiener

**#14-48
AV Development
34 Helen Ave.
153-6-2-31**

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

ROLL CALL:

**AYES: Ms. Brown, Mr. Cutner, Mr. Nivelles, , Mr. Weil
NAYS: None
ABSTAIN: Mrs. Powers
ABSENT: Mr. Piscionere, Mr. Wiener**

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
Noreen P. Whitty, City Assessor e-mail**