

**MINUTES of the regular meeting of
the Board of Appeals of the City of Rye held
in City Hall on September 11, 2014 at 7:30
P.M.**

**PRESENT: ALAN WEIL, CHAIR
SUSAN BROWN
DAVID CUTNER
SERGE NIVELLE
ANTHONY PISCIONERE
ALAN WIENER**

ABSENT: MAUREEN POWERS

Joseph Sack, City Council Liaison, (Absent)

The following applications were postponed to the October 16, 2014 meeting.

#14-41 James & Noreen Kennedy 3 Dale St. 146-14-2-50	#14-51 Mr. & Mrs. Evans Anderson 20 Mayfield St. 146-18-4-42)
---	--

The following applications were adjourned to the October 16, 2014 meeting:

**#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:

**#14-25
Oskar Lewnowski
75 Stuyvesant Ave
153-14-1-14**

In accordance with the Findings and Decision proposed by Mr. Piscionere , seconded by Mr. Wiener, the Board voted to deny the relief requested.

ROLL CALL:

AYES: None

NAYS: Ms. Brown, Mr. Cutner, Mr. Nivelles, Mr. Piscionere, Mr. Weil and Mr Wiener

ABSENT: Mrs. Powers

#14-44

**John Mazzola
25 Bulkley Manor
146-19-2-78**

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: Ms. Brown, Mr. Cutner, Mr. Nivelles, Mr. Piscioner, Mr. Weil and Mr. Wiener

NAYS:

ABSENT: Mrs. Powers

#14-46

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

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

ROLL CALL:

AYES: Ms. Brown, Mr. Piscionere, Mr. Weil and Mr Wiener

NAYS: Mr. Cutner, Mr. Nivelles

ABSENT: Mrs. Powers

#14-47

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

In accordance with the Findings and Decision proposed by Mr. Wiener, seconded by Mr. Nivelles, to grant the requested variance. The Board first upheld the Building Inspector's interpretation of the Code, that 100% of the square footage above the subject garage should be included in the F.A.R. calculation, as the space is not "attic space." Second the Board found that, although ordinarily the Board does not grant variances for new construction, in this matter the timing of the applicant's submission to the Building

Department and the Board of Architectural Review was such that the applicant had a reasonable expectation that the Building Department's past practice would apply and only 50% of the square footage above the garage would be included in the calculation of F.A.R. Accordingly, the Board found that, in fairness to the applicant, a variance was warranted. Moreover the Board found that the variance sought was the minimum variance necessary and adequate and at the same time preserved and protected the character of the neighborhood and the health, safety and welfare of the community.

1. The Board voted to uphold the interpretation of the Building Inspector.
by the following vote

ROLL CALL:

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

2. The Board also granted the request for an area variance by the following vote.

ROLL CALL:

AYES: Ms. Brown, Mr. Nivelles, Mr. Piscionere, Mr. Weil and Mr Wiener
NAYS: Mr. Cutner
ABSENT: Mrs. Powers

#14-49
Greg Spagna
1 Watson Ct
153-6-1-30-1

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

:

#14-50
Greg & Jennifer Leahy
192 Central Ave.
146-6-2-51

In accordance with the Findings and Decision proposed by Piscionere, 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. Nivelle, Mr. Piscionere, Mr. Weil and Mr Wiener
NAYS: None
ABSENT: Mrs. Powers

#14-52
Zach Gibbs
3 Pine Ln
146-14-2-22

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: Ms. Brown, Mr. Cutner, Mr. Nivelle, Mr. Piscionere, Mr. Weil and Mr Wiener
NAYS: None
ABSENT: Mrs. Powers

#14-53
Jay & Megan Wardle
18 Elmwood Ave
146-19-5-52

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

ROLL CALL:

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

#14-54
Aileen & Jeremy Harris
450 Milton Rd.
146-18-4-54

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

ROLL CALL:

AYES: Ms. Brown, Mr. Cutner, Mr. Nivelle, Mr. Piscionere, Mr. Weil and Mr Wiener
NAYS: None

ABSENT: Mrs. Powers

**#14-55
Andrew & Elizabeth Parks
19 Drake Ave
146-17-2-64**

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

The Board voted to adopt the Finding & Decision by the following vote:

ROLL CALL:

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

**#14-56
Larren & Patty Nashelsky
86 Rye Rd.
153-7-1-1-6**

In accordance with the Findings and Decision proposed by Mr. Piscionere seconded by Mr. Weil the Board voted to adopt the Findings and Decision conditioned upon the applicant accepting the condition that the car-port may never be enclosed and must be constructed specifically as designed by the following vote:

ROLL CALL:

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

**#14-57
Thomas & Alice Mullooly
22 Fordham Rd.
146-18-3-5**

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

#14-58
Kristen Scheyder
Seth Rabinowitz
4 Trailsend
153-13-1-61

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: Ms. Brown, Mr. Cutner, Mr. Nivelles, Mr. Piscionere, Mr. Weil and Mr Wiener
NAYS: None
ABSENT: Mrs. 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
Noreen P. Whitty, City Assessor e-mail