

MINUTES OF A MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF MAMARONECK, NEW YORK, HELD ON THURSDAY, OCTOBER 1, 2009 AT 7:00 P.M. IN THE COURTROOM AT 169 MT. PLEASANT AVENUE, MAMARONECK, NEW YORK.

These are intended to be "Action Minutes" which primarily record the actions voted on by the Zoning Board at the meeting held October 1, 2009. The full public record of this meeting is the audio/video recording made of this meeting and kept in the Zoning Board's Records.

**PRESENT:** Chairman Neuringer, Chairman  
George Mgrditchian, Secretary  
Robin Kramer, Board Member  
Gregory Sullivan, Board Member  
Barry Weprin, Board Member  
Steven Silverberg Counsel to Board  
Robert Melillo, Building Department

RECEIVED  
CLERK'S OFFICE  
2009 NOV -6 AM 9:48  
VILLAGE OF MAMARONECK  
NEW YORK

**ABSENT:** John Winter, Inspector of Buildings

Lisa Casey, Court Reporter, was present at the meeting to take the stenographic minutes, which will not be transcribed unless specifically requested.

**CALL TO ORDER**

The meeting was called to Order by Chairman Neuringer at 7:07 p.m. and he detailed the procedures for the meeting. The next meeting is scheduled for Thursday, November 5, 2009. Chairman Neuringer asked that all present take note of the exit doors in case of emergency. Chairman Neuringer indicated that any materials for the ZBA meeting had to be presented to the ZBA Office five days before the meeting.

Chairperson Neuringer began with the agenda.

**1. Application #25SP-2006, THE POST SBAG INC.**

Board member George Mgrditchian recused himself from this application because he knows the applicant's wife.

Donald Mazin, Esq. appeared on behalf of the applicant. He indicated that the applicant wished to renew the restaurant's special permit.

Chairman Neuringer stated that there were some concerns regarding the establishment and other Village departments. Mr. Mazin indicated that a cabaret license was issued on June 5<sup>th</sup> and that all of the issues were cleared up after the license was issued. As an adjournment would not impede the business as it is currently run, Chairman Neuringer indicated that the Board was requesting an adjournment to do some further research.

Steve Silverberg, Esq. asked if there had been a hearing with the Board of Trustees? Mr. Mazin indicated that there had been, but that he would need to obtain the record of what transpired at that meeting. Mr. Mazin stated that the Village Manager investigated the matter and found that it was not necessary to go before the Board of Trustees.

Mr. Weprin noted that the cabaret license was not in the Board's packet. Mr. Mazin stated that he would provide information to the Board and that he had no objection to adjourning the matter until November 5<sup>th</sup>.

## **2. Application #17SP-2006, SUBWAY**

Ahmad Ghafoor, the applicant, appeared before the Board and he indicated that he was asking for a renewal of a 2006 special permit to operate a Subway Sandwich Shop. He also stated that all paperwork had been submitted to the Village regarding this application.

Mr. Mgrditchian asked if there were any changes since the last special permit was issued and Mr. Ghafoor answered that there were no changes. Mr. Mgrditchian asked if Subway was up to date with inspections and Mr. Ghafoor answered in the affirmative.

Chairman Neuringer asked if anyone wished to address the Board. None did.

A motion to close the public hearing was made by Mr. Sullivan, seconded by Mr. Mgrditchian.

## **3. Adjourned Application #14A-2009, DIBENEDETTO/FABIANO**

Chairman Neuringer stated that the applicant had submitted a letter to the Zoning Office and Building Department indicating that he withdrew his application for a variance to add tattoo services to an existing business.

## **4. Adjourned Application #27A-2009, MR. AND MRS. JOSEPH URBINATI**

Chairman Neuringer stated that the applicant's attorney had submitted a letter to the Zoning Office requesting an indefinite adjournment. Discussion arose regarding the need to re-notice should the applicant come before the Board again. Mr. Sullivan asked that Ann Powers notify the applicant that they will need to re-notice if they come before the Board again. Ms. Kramer asked how the applicant can continue an indefinite adjournment. She stated that if the structure is not legal the applicant should remove the cabana or come back before this Board. Chairman Neuringer stated that the applicant is going before the Planning Board and the cabana might not be a non-conforming structure. Mr. Silverberg clarified that if the applicant goes before the Planning Board and they still have a violation, the Building Department will follow up. As long as this is done, it should be satisfactory to the Board.

## **5. Application #32A-2009, MAMARONECK GARDENS INC.**

Luigi Landi, the applicant, appeared before the Board. Mr. Landi stated that part of the wall fell down and another part is beginning to fall. Mr. Mgrditchian asked if this was a pre-existing

condition and Mr. Landi answered in the affirmative. Mr. Mgrditchian asked if work had been done to shore up and contain the wall. Ms. Kramer asked if whatever caused the original wall to collapse was being taken into consideration to fix the wall. Mr. Landi indicated that they were taking that into account. Mr. Landi continued by stating that the wall was poorly constructed originally and there are drainage issues as well.

Mr. Mgrditchian asked if the entire wall was being changed. Mr. Landi indicated that the wall which is coming down is being replaced as well as the rest of the wall, which is five feet and does not need a variance.

Discussion arose regarding the different heights of the wall and the possibility of raising grade. The plan illustrated five feet going to seven feet, but Mr. Landi stated that was a typographical error and that nothing was being changed.

Chairman Neuringer asked if anyone else would like to address the Board. None did.

A motion to close the public hearing was made by Mr. Mgrditchian, seconded by Mr. Kramer.

#### **6. Application #35-2009, LYNNE VAUGHN**

David Vaughn, the father of the applicant, appeared before the Board. Chairman Neuringer stated that there were some issues with the applicant's signage being displayed. Mr. Vaughn indicated that work was being done on the property and the workers removed the sign not knowing it needed to be displayed. The sign was down for a day, before it was put back up. Both Ms. Kramer and Mr. Sullivan stated that they had observed the sign when they went for their site visit.

Mr. Vaughn stated that the applicant is asking for a variance to install a deck on the rear of the house. He indicated that building the deck where it does not create a setback issue would block an entry to the house. He noted that the applicant's architect laid out the deck for his daughter and brought to her attention that there was an issue with regards to the deck.

Chairman Neuringer stated that the 1950 survey shows the structure in a different location. Mr. Vaughn explained that his daughter moved the deck to the left side of the house to make it possible to enter the basement through the basement door which had been blocked by the deck.

Chairman Neuringer asked who the owner of the house was and Mr. Vaughn answered that his daughter, Lynne Vaughn, was the owner of the property and that she has owned the home for three years.

Chairman Neuringer asked if anyone wished to approach the Board. None did.

A motion to close the public hearing was made by Mr. Mgrditchian, seconded by Mr. Weprin.

**7. Application #33A-2009, DENNIS FARRELL**

Dennis Farrell appeared before the Board. He stated that he is applying for two variances. One variance is to legalize a shed replacement and another variance is for a new archway. He indicated that the shed is where he keeps his motorcycle because he doesn't have a garage. He stated that he built a roof because he was having water.

Chairman Neuringer asked when the shed was built and Mr. Farrell answered two and a half years ago. Chairman Neuringer asked what was there before the shed and Mr. Farrell answer another shed. Ms. Kramer asked the size of the shed. Mr. Farrell stated that it was ten feet by twelve feet. Chairman Neuringer asked how long Mr. Farrell has lived in the home and he answered fifty years. Ms. Kramer asked if Mr. Farrell is making any changes to the structure and Mr. Farrell answered in the negative and that everything will remain the same. Mr. Mgrditchian asked if Mr. Farrell is the sole tenant and he indicated that he lives with his mother. Mr. Mgrditchian asked if the basement is finished and Mr. Farrell indicated that it is a finished bedroom. Mr. Mgrditchian asked if anyone used the bedroom in the basement and Mr. Farrell stated that his nephew uses the bedroom. Chairman Neuringer asked if there is a kitchen in the basement and Mr. Farrell stated that there is no kitchen, but there is a bathroom. Chairman Neuringer asked if there are stairs going to the basement and Mr. Farrell indicated that there are no stairs, but a ramp used to put his motorcycle in the basement. Chairman Neuringer asked if Mr. Farrell planned to keep the ramp and he indicated in the affirmative.

Chairman Neuringer stated that the applicant is asking for a variance of seven inches and asked why the applicant can't move the structure seven inches. Mr. Farrell stated that moving the shed would be costly. He stated that his motorcycle, tools and personal belongings are in the shed. Chairman Neuringer asked Mr. Farrell if he had to he could move the shed and Mr. Farrell stated that was correct.

Chairman Neuringer asked if anyone wished to approach the Board. None did.

A motion to close the public hearing was made by Mr. Mgrditchian, seconded by Mr. Weprin.

**8. Application #26A-2009, JAIME AND JOVITA CALIMLIN**

Jaime and Jovita Calimlin, the applicants, appeared before the Board. Mrs. Calimlin stated that she and her husband are requesting a variance to legalize an eight foot fence on the rear of their property. She indicated that they had applied for a six foot variance in 2008. Mrs. Calimlin indicated that because of the rise of the land, she had to raise a portion of the fence to eight feet so that the fence could be level. She stated that the fence is six feet in height, but it was raised by posts to level the fence.

Chairman Neuringer asked what was behind the fence and Mrs. Calimlin answered that there was a slope that went down to Interstate 95. Chairman Neuringer asked why two feet pillars were placed into the ground. Mr. Mgrditchian stated that it was because of the slope.

Chairman Neuringer asked if anyone wished to approach the Board. None did.

A motion to close the public hearing was made by Mr. Mgrditchian, seconded by Mr. Weprin.

**9. Adjourned Application #29A-2009, MICHAEL FASANO**

Chairman Neuringer indicated that the applicant requested an adjournment until the November 5, 2009 meeting.

**10. Adjourned Application #31A-2009, PEOPLE'S UNITED BANK**

Paul Noto, Esq. appeared on behalf of the applicant, as well as Joseph Calucci, the engineer. Mr. Noto stated that this was a straight forward application and that the applicant is requesting three variances relating to signage. He indicated that the applicant was before the BAR and that suggestions were agreed upon based on BAR. He indicated that one of the original signs was made smaller based on discussions with the BAR. Chairman Neuringer indicated that the Board had received revisions that were sent from Mr. Noto and reiterated that the same variances are being requested. Mr. Noto answered that is correct; only one sign is smaller. Mr. Noto clarified that the variance requested is for the height of the sign, not the length.

Chairman Neuringer inquired about the free standing sign. Mr. Noto stated that the applicant needed the free standing sign because people are not going to see the bank without the sign directing them. Mr. Calucci stated that there is a setback from Sterling Avenue and that as a person travels down Boston Post Road, there is no egress or ingress to the bank. He stated that a sign before the entrance on Sterling Avenue would be helpful.

Mr. Mgrditchian indicated that people traveling on Boston Post Road can see the existing sign. Mr. Noto stated that shrubbery covers the sign. Mr. Mgrditchian asked if the applicant can maintain the shrubbery so that it doesn't hide the sign. Chairman Neuringer clarified that the front entrance of the bank is on Boston Post Road and the entrance for cars is on Sterling Avenue. Ms. Kramer asked if the sign has two faces and Mr. Calucci answered in the affirmative. He indicated that the monument sign is seven feet from grade and six and a half feet wide. Ms. Kramer asked if the sign is illuminated and Mr. Calucci answered in the affirmative. Ms. Kramer asked if there is anything else that shows the entrance to the bank is on Sterling Avenue. Mr. Calucci answered in the negative.

Chairman Neuringer asked Mr. Noto what the comments from the BAR were. Mr. Noto stated that the BAR approved their application, but asked the applicant to reduce the size of one sign, which the applicant did. Mr. Noto submitted draft minutes from BAR approving the application.

Chairman Neuringer asked if anyone wished to approach the Board. None did.

A motion to close the public hearing was made by Mr. Mgrditchian, seconded by Mr. Sullivan.

## **11. Application #34A-2009 & #2I-2009, GEORGE KROL**

Paul Noto, Esq. appeared on behalf of the applicant. Mr. Noto began by stating that this property has a rich history. He thanked Rob Melillo from the Building Department for helping clarify issues. Mr. Noto stated that in 1998, Mr. Krol bought the property. Mr. Noto indicated that the home was built in 1900 and an addition was added in 1941. He added that the house is a five family house in a two family zone. When Mr. Krol purchased the home, there was one illegal unit. Mr. Noto stated that the applicant performed work on the property and obtained permits. He noted that work was either approved or denied by the Building Department.

Mr. Noto stated that the applicant renovated the basement apartment and combined two rooms into one room. The applicant never received a certificate of occupancy because he did not ask for one. Mr. Noto indicated that the applicant is a lay person and did not know he had to do anything else once the work was completed. Mr. Melillo stated that the Building Department provides applicants with a packet which includes a checklist of final requirements before the applicant can obtain a certificate of occupancy. Mr. Noto stated that it was when Mr. Krol was obtaining permits for a pool that it was discovered that a certificate of occupancy was never issued.

Mr. Mgrditchian inquired about the hole in Mr. Krol's property. Mr. Noto stated that he believes it is for the generator. Mr. Mgrditchian indicated the hole seemed very large for a generator. Mr. Noto then clarified that the hole is for the pool. Ms. Kramer asked why the applicant is before the Board for a variance since it is approved permitted and legal. Mr. Noto answered that is why he is requesting an interpretation. He stated that the previous Building Inspector issued permits and had no problem with the non-conformity and that this Building Inspector is taking a stricter stand on issues. Discussion arose as to whether the permits in 1998 were issued incorrectly and that the permit for the house should have been a variance because it impacted on the conformity. The outside of the house does not violate prohibition, but the inside of the house does and that is one of the variances the applicant is requesting. Mr. Noto stated that at this time the house is a legal five family with five units. When the applicant purchased the home it was a five family with six units.

Chairman Neuringer asked if work that was done altered or changed the structure to a non-conforming use and if what previously existed changed. Mr. Noto answered in the affirmative. Ms. Kramer inquired about the greenhouse. Mr. Krol answered that the greenhouse is for flowers and vegetables, but he is currently using it for storage. He noted that eventually he will be planting. Mr. Kramer asked if the applicant lived at the residence. Mr. Krol answered in the affirmative. Ms. Kramer asked if the greenhouse is for the applicant's personal use and Mr. Krol answered in the affirmative. Mr. Noto indicated that the greenhouse was built in 2005. Mr. Mgrditchian asked what is the purpose of having the greenhouse when it isn't being use. Mr. Krol indicated that he is very busy, works on weekends and does not currently have the time to fill the greenhouse with plants and vegetables.

Chairman Neuringer asked about the deck. Mr. Krol indicated that originally the deck was going to be repaired. He was advised to obtain a permit for the deck. The new deck is slightly larger than the original deck. Mr. Mustacato stated that the applicant was in the process of rebuilding the deck. The Building Department instructed him to file a plan because they did not have any information and the deck needed to be legalized. Ms. Kramer asked who uses the deck. Mr. Krol

answered only he uses the deck, as well as the garage and greenhouse. Paul Noto interjected that the permit for the pool has been removed.

Chairman Neuringer asked if anyone wished to approach the Board.

Guy Zerig approached the Board. He stated that he lives in the area and is perplexed as to what the grand design is of Mr. Krol's project. Mr. Zerig indicated that there is a lot of construction going on. There are also many construction vans. He went to the Building Department and asked to view files on the property. He stated that the files indicate that there are many permits that have not been closed out. Mr. Zerig stated he is unclear as to where the responsibility lies, whether it is with the Building Department or the property owner. Mr. Zerig also stated that this is the first time he has ever seen Mr. Krol. He wants to know who will be living at the property and that his concern is for the future. He stated that he feels the whole project is very murky.

Mr. Krol stated that he has lived at the property since 1991 and that the construction van at his house is his own personal van and not a construction van. Mr. Neuringer stated that occupants of the property are of no concern to this Board.

Mr. Noto indicated that with respect to the open permits, there is no advantage to having an open permit and that most homeowners don't know they need a certificate of occupancy. Ms. Kramer asked if the apartments rent continuously and Mr. Noto answered in the affirmative. Chairman Neuringer inquired about the work done on the second floor and Mr. Krol stated that the work was cosmetic in nature.

Chairman Neuringer read a letter from Santa Lemmo of 314 Tompkins Avenue. The letter indicated that Santa Lemmo is not in favor of the Board granting Mr. Krol's variance. Chairman Neuringer stated that a copy of the letter will be provided to Mr. Noto.

Ms. Kramer asked if the house complies with all aspects of the code and Mr. Noto responded that everything is compliant. Discussion arose as to when the zoning code permitted the property to be a five family house. If it was prior to 1968, it would be a legal non-conforming. It is necessary to find out if prior to 1968 a five family was a permitted use. There needs to be a determination if there is a record as to the point and time when the property was a five family house. Mr. Noto stated that the property card illustrates that it was a three family dwelling in 1900. Mr. Silverberg asked that Mr. Melillo follow up and do additional research. It was indicated that there was no garage on the property when Mr. Krol purchased it and that would indicate that the house is older than 1941. Mr. Noto will provide the Board with copies of the assessment cards.

Mr. Mazin asked for a point of information if the two applications for Mr. Krol are being considered together and Ms. Kramer answered in the affirmative. Mr. Noto indicated that he has no objection to consolidating the applications.

The matter is being adjourned until November 5, 2009.



## **APPLICATIONS CLOSED**

### **1. Application #19A-2009 & #11-2009 , FITIM BALAJ**

Mr. Silverberg stated that while there was a vote on a resolution at the last meeting, in his over site he missed the interpretation issue. On the variance issue, there was a 2-2 vote which is a denial. He indicated that because the Board was within the 62 day period and there was not a full Board in September, the Board must take action on the interpretation and may also want to vote with a full Board on the variance. Mr. Silverberg distributed documentation on some language that one of the Board members requested. Mr. Mazin, attorney for the applicant, was also provided a copy.

Chairman Neuringer began by stating at the last meeting alteration and non-alteration was removed by the applicant stipulating he would put the house back to the original form. He questioned why the Board was being asked to make an interpretation. Mr. Silverberg indicated that the Board did not resolve and vote on the interpretation at the last meeting.

Mr. Weprin (who was absent at the last meeting) indicated that he viewed the September 3<sup>rd</sup> DVD, listened to the entire presentation and is prepared to vote.

Ms. Kramer noted that if the Board is prepared to take a vote, neither of Mr. Silverberg's interpretations is correct because everything is being brought back to the way it was originally. She stated that the Board can list what needs to be repaired and that the rest goes back to being as it was. Mr. Silverberg reiterated that the applicant is still entitled to the interpretation. If the Board denies the variance and the applicant still has to convert to a two family house, he will need an interpretation. Ms. Kramer stated that if the work performed was due to health and safety reasons, the applicant would not need a variance. There is also the issue that it cannot be determined if every single change made on the house was related to health and safety.

Mr. Weprin indicated that his understanding is that if the applicant goes back to the original and only makes changes related to health and safety concerns, the Board will be satisfied. Mr. Mgrditchian stated that the building is currently down and should not be allowed to be rebuilt.

Mr. Silverberg stated that the Board can take the position that if the house is restored than there is nothing required. He indicated that there are three ways to interpret the ordinance: 1) Building Inspector is incorrect and there is no need to change, 2) based on what was done, the Building Inspector is correct and the building needs to be restored, 3) irrespective of anything, the Building Inspector is correct and a variance is needed.

Chairman Neuringer stated that any discussion relative to changing the four family designation to two family should be off the table. It is a legal non-conforming. He indicated that it was a four family house and will remain a four family house. The applicant asked the Board to render an interpretation and the Board needs to determine if certain acts constitute an alteration as well as action taken by the applicant.

Ms. Kramer noted that with respect to work that has already been done, the applicants want an interpretation. The applicant is willing to take out everything that was done and return it to the



size, shape and room conformity as it was the day it was purchased. She stated that only work remaining for health and safety needs to be approved by the Board. Mr. Mgrditchian asked if Ms. Kramer is referring to the main structure or the addition. Ms. Kramer replied that the Board must look at everything. Mr. Mgrditchian reiterated that the applicant should not rebuild the structure that was torn down. Chairman Neuringer stated that was why the Board distinguished the existing structure and addition that was torn down. Ms. Kramer stated that with respect to the main house, the Board can make an interpretation that once everything is restored only safety and health issues are changed. Discussion arose regarding the excavation of the basement.

A motion was made by Ms. Kramer that with respect to the main house, as discussed by the Board and applicant, the applicant restores partitions to the way they were before and what is left relates to health and safety reasons, seconded by Mr. Weprin.

Ayes: Neuringer, Mgrditchian, Kramer, Sullivan, Weprin  
Nays: None

Mr. Sullivan asked when a wall is removed, is that a removal of the building. Mr. Silverberg answered stating if a certain percentage of the building is removed, then that constitutes the removal of the building.

Chairman Neuringer indicated that certain issues were discovered and action was taken. If the applicant goes to the Building Inspector and is sent to the Zoning Board to fix these conditions, the Board would be hard pressed to deny. In this case, the applicant did not follow procedures. Mr. Balaj should have come to the Board before work began. Chairman Neuringer questioned if this decision was meant to punish the applicant. Mr. Sullivan took offense to Chairman Neuringer's statement regarding punishment.

Mr. Sullivan stated that if there were all of these health and safety issues, the Board would have been notified by the Building Department indicating all the problems. Chairman Neuringer stated that if the extension was taken down because of safety issues and it is being rebuilt, what advantage is there to the applicant. As long as the applicant is not getting an increase, then this is appropriate. Chairman Neuringer continued by stating that the applicant probably spent more and overacted to the situation.

Mr. Weprin indicated that if a building burned down due to a fire, the Board would allow rebuilding. Mr. Silverberg stated that Section 342-66 does provide that when a building is destroyed whole or in part, it may be rebuilt. Ms. Kramer noted that the issue whether the applicant came to the Board before or after is not relevant and that the Board cannot deny solely on that reason.

Mr. Mgrditchian stated that he was not convinced that all the work done was done due to health and safety concerns. Chairman Neuringer reiterated that it has been demonstrated that the disrepair of the building was severe enough to perform the work and felt the applicant ably demonstrated this position. Mr. Weprin stated that he felt there had been some testimony that demonstrated the applicant needed to do substantial work to the exterior as well. He indicated that there is no contradictory evidence and there is no benefit to the applicant. Ms. Kramer noted that

if she makes changes to her house not for health and safety reasons, she is still getting a better house when it is completed. Chairman Neuringer stated that there are many things that can be done on a house that improves it.

Ms. Kramer indicated that she is not comfortable with a vote. Mr. Silverberg instructed the Board that they do not have to make a vote tonight. Chairman Neuringer asked if anyone objected to tabling the matter. Donald Mazin, Esq. did not object and consented. Mr. Silverberg asked Mr. Mazin if he had any objection to holding off filing the first resolution of the night to have them all together and Mr. Mazin did not objection

A motion to adjourn the application was made by Chairman Neuringer, seconded by Mr. Weprin.

## **2. Application #4S-2009, ANGELO SALZILLO**

The Board discussed the merits of the application.

Ms. Kramer stated that the applicant's reasoning for the sign is to separate Harvest Market from Boston Market. Mr. Weprin indicated that the applicant has not demonstrated that this is a problem, but he could come back before the Board in a year. Chairman Neuringer stated that there is clearly a problem for people to park in the applicant's lot for Boston Market. The proposed sign cannot be seen when cars are parked in front and signs in the parking lot itself will be more beneficial.

A motion to deny the application was made by Mr. Weprin for the reasons stated on the record and recorded in the verbatim transcript, seconded by Mr. Mgrditchian.

Ayes: Neuringer, Mgrditchian, Kramer, Weprin  
Nays: Sullivan

## **3. Application #31A-2009, PEOPLE'S UNITED BANK**

The Board discussed the merits of the application.

Ms. Kramer stated that in certain cases a sign variance is appropriate. A sign on the corner might be needed. Mr. Weprin indicated that he feels the signs seem minor. Discussion arose regarding the three signs. The two signs on the building are not as much a concern as the sign at the corner. Ms. Kramer stated that the Planning Board was very clear that they wanted landscaping to hide the parking. Given what the Planning Board is requesting, the trees shouldn't be pruned, so they can hide the parking lot.

A motion to approve the variances for the 3' 5/8 " tall sign and the accessory sign that is not 50% or less in size to the principle sign and deny the free standing sign was made by Mr. Sullivan for the reasons stated on the record and recorded in the verbatim transcript, seconded by Mr. Weprin.

Ayes: Neuringer, Kramer, Mgrditchian, Sullivan, Weprin  
Nays: None

**4. Application #17SP-2006, SUBWAY**

The Board discussed the merits of the application.

The renewal of the special permit is granted without a term limit.

A motion to approve the application was made by Mr. Weprin for the reasons stated on the record and recorded in the verbatim transcript, seconded by Mr. Mgrditchian.

Ayes: Neuringer, Kramer, Mgrditchian, Sullivan, Weprin  
Nays: None

**5. Application #32A-2009, MAMARONECK GARDENS INC.**

The Board discussed the merits of the application.

A motion to approve the application was made by Mr. Weprin for the reasons stated on the record and recorded in the verbatim transcript, seconded by Mr. Mgrditchian.

Ayes: Neuringer, Kramer, Mgrditchian, Sullivan, Weprin  
Nays: None

**6. Application #35-2009, LYNNE VAUGHN**

The Board discussed the merits of the application. Ms. Kramer noted that the setback was not 16 feet, but 6 feet and that the variance is granted on the six feet setback not 16 feet.

A motion to approve the application was made by Mr. Mgrditchian for the reasons stated on the record and recorded in the verbatim transcript, seconded by Mr. Weprin.

Ayes: Neuringer, Kramer, Sullivan, Mgrditchian, Weprin  
Nays: None

**7. Application #33A-2009, DENNIS FARRELL**

The Board discussed the merits of the application. Discussion arose regarding the placement of the shed and the ability of the applicant to move the shed.

A motion to approve the variance for the archway was made by Mr. Weprin for the reasons stated on the record and recorded in the verbatim transcript, seconded by Ms. Kramer.

Ayes: Neuringer, Kramer, Weprin  
Nays: Mgrditchian, Sullivan

A motion to deny the variance for the shed was made by Mr. Weprin for the reasons stated on the record and recorded in the verbatim transcript, seconded by Mr. Sullivan.

Ayes: Neuringer, Kramer, Weprin, Mgrditchian, Sullivan  
Nays: None

**8. Application #26A-2009, JAIME AND JOVITA CALIMLIN**

The Board discussed the merits of the application.

A motion to approve the application was made by Mr. Weprin for the reasons stated on the record and recorded in the verbatim transcript, seconded by Mr. Sullivan.

Ayes: Neuringer, Kramer, Sullivan, Mgrditchian, Weprin  
Nays: None

A motion for executive session was made by Chairman Neuringer, seconded by Ms. Kramer.

**ADJOURN**

A motion to adjourn the meeting was made by Mr. Sullivan, seconded by Ms. Kramer.

Ayes: Neuringer, Mgrditchian, Kramer, Sullivan, Weprin  
Nays: None

On motion duly made and carried, the meeting was adjourned at 10:35 p.m.

GEORGE MGRDITCHIAN  
Secretary

Prepared by:  
Ann P. Powers