

MINUTES OF A MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF MAMARONECK, NEW YORK, HELD ON THURSDAY, FEBRUARY 3, 2011 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 February 3, 2011. 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:** Clark Neuringer, Chairman  
Robin Kramer, Secretary  
Barry Weprin, Vice Chairman  
Dave Neufeld, Board Member  
Greg Sullivan, Board Member  
Steve Silverberg, Counsel to Board  
John Winter, Building Inspector  
Robert Melillo, Assistant Building Inspector

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VILLAGE OF MAMARONECK  
NEW YORK

Lisa Mango, 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 7:10 p.m. and he introduced everyone and detailed the procedures for the meeting. The next meeting is scheduled for Thursday, March 3, 2011. Chairman Neuringer noted that LMC-TV was having difficulty with the live feed and therefore, the meeting would not be carried live. The meeting would be taped.

**1. Adjourned Application #2I-2011, THE SHORE ACRES PROPERTY OWNERS ASSOCIATION AND BENNETT & CYNTHIA GOLUB**

Steve Kass, Esq. appeared on behalf of the applicants. He stated that the applicants are challenging two determinations made by the Building Inspector. 1) The acreage of the club’s property and 2) Parking requirements. Mr. Kass made clear that he is not challenging Mr. Winter’s integrity and good faith. He also noted for the record that these are two entirely different challenges. If the applicants prevail on the first appeal, there is no necessity to go over the parking issue. Mr. Kass stated that he learned on Monday that the Building Inspector had submitted two responses to the ZBA as well as a submission from counsel. Since Mr. Kass received the documents late, they may wish to submit documentation at a later time, if possible.

Mr. Kass began with the applicants’ first appeal. He reviewed the Village Code and how the code defines a “lot.” “As shown on the Village Assessor’s map” is what he is focusing on. It is the applicants’ argument that lot area is too large by ½ acre. The club is lot 31 on the Village Assessment map and is shown as 12.29 acres. The survey indicates 1.76 acres behind the high water line. The Town of Rye data sheet also shows 12.29 acres, the same as the Village. The club has paid taxes on Section, block and lot 4-77-31.

Mr. Kass went on to discuss the Stipulation of Settlement entered into by the club and the Village in September 2010. He noted that Exhibit A of the settlement follows the Ward-Carpenter survey and does not include the 1.76 acres. Mr. Kass went on to say that when the club filed the amended site plan, the Spinelli survey showed the 12.29 acres as well. Also, the metes and bounds of the Ward-Carpenter survey were the same.

With respect to the proposed land grant, Mr. Kass stated it was clear in September of 2010 this area was outside the 12.29 acres. When the issue was raised by the applicants, Mr. Spinelli produced an uncertified survey and changed the property line; the property that was to be a proposed land grant. Mr. Spinelli made the change based on the Benchmark memorandum. Mr. Kass noted that the memo was rejected by the Building Inspector because no one at Benchmark would stand behind it. Mr. Kass said the Building Inspector changed his mind because he said he received several other documents and felt consistency with those practices required him to change his mind. Mr. Kass went on to say that the Building Inspector should not adjudicate private disputes. Because the land was under water, the Ward-Carpenter survey did not delineate it.

Mr. Kass showed pictures of Otter Creek from 1998 until August of 2008. He noted that the club was sanctioned by the DEC for illegal filling of this wetland area. Mr. Kass stated he is not asking the Board to determine the dispute between the DEC and the club, but rather to determine the Building Inspector erred in not following the requirements of what a "lot" is. Mr. Kass said the Building Inspector has cited examples of similar properties which were given approvals. The applicants believe those examples do not have anything to do with FAR. In this situation there is no land grant. There were land grants in the other cases. Using a photo to illustrate the Royal Patent, Mr. Kass noted that none of the disputed area is within the grant.

Mr. Kass stated that a major study of underwater lands was undertaken in 1989 by the Village. Under public trust doctrine, property that belongs to the state belongs to the state. One can't steal land from the state of New York. Mr. Kass read from the report. Mr. Kass noted that the report found no underwater land grants had been identified at the Mamaroneck Beach and Yacht Club site.

Mr. Kass stated that there are two easements: 1) breakwater and 2) the existing marina. There is a very strong record. All of the prior Building Inspector determinations had land grants. This property does not have a land grant. Mr. Kass believes the property is 12.29 acres and there is no land grant to extend that. The Building Inspector was erroneous.

As for the parking issue, Mr. Kass stated that there are two factors involved: 1) capacity – the application says the dining room will have a maximum capacity of 368 people which he feels is low and believes it to be 409. If this number is correct, the club is short the number of parking spots required. The Village Code requires spaces to be paved and striped. The Planning Board allows waiving of paving up to 50%. The Planning Board feels that if gravel is used, this is acceptable. Mr. Kass stated that his clients feel gravel is not the same as paving. There is also a concern about gravel going into the Otter Creek Preserve. Mr. Kass said the applicants are opposed to polluting the creek. The DEC recommends gravel is treated as impermeable. Impermeable is not paved. Mr. Kass stated that he does not feel the Planning Board had the authority to approve.

In closing, Mr. Kass stated that the code, tax map, stipulation of consent and tax proceedings all show 12.29 acres. The Building Inspector's determination should be set aside.

Ms. Kramer clarified that the Planning Board temporarily waived 50% of the parking required. Mr. Kass stated that the Planning Board waived more than 50% and that is why the applicants are here tonight. Ms. Kramer asked why capacity of the dining room is relevant to the number of parking spaces and Mr. Kass said that it is all one dining area, so capacity has to be looked at.

Mr. Neufeld asked if there are any parking spaces that are not on the lot and Mr. Kass answered in the affirmative. Mr. Neufeld asked if it is possible they could be paved. Mr. Kass said that the club would need a wetlands permit to pave in that area. The club has taken areas that could have been used as parking and used them for residential housing. That is why they are using that area. There is a lot of overbuilding.

Chairman Neuringer asked who did the plotting on the royal patent and Mr. Kass stated Michael Finkbeiner. The photo is equivalent to a metes and bounds map.

Chairman Neuringer asked if Mamaroneck Beach and Yacht Club would like to address the Board. Eric Gordon, Esq. asked for five minutes to review the materials that Mr. Kass presented.

The Board took a five minutes break. When it reconvened, Mr. Gordon addressed the Board. He noted that he is appearing on behalf of the club. Also in attendance were Joel Sachs, Esq., Lisa Rosenshein, and Gregg DeAngelis (the architect).

Regarding ownership issues, Mr. Gordon stated that it is not the ZBA's job to make a determination as to who owns the land. He said that Mr. Kass asserted that a "lot" has to be determined by the Village assessment map, but he stated that underwater land grants don't follow the Village's assessment map. He noted that for one application, Mr. Natchez was in favor of going beyond the Village assessment map.

Mr. Gordon stated that a correction deed was submitted on November 29, 2010. The club is in discussions with the Town of Rye regarding the assessment. Mr. Gordon also believes the club will have discussions with the Village about assessment. He stated that the club has legal evidence showing that the club owns the property. The DEC has said the club must maintain this property. This is an attempt to block what the club wants to do. SAPOA has not come forth to identify another owner of that section of property, Mr. Gordon stated.

Mr. Gordon noted that a November 18, 2010 email to then Village Attorney Christie Derrico from Benchmark Title Agency stated that research showed they stood by their survey. The club owns the area to the middle of the creek. This is based on the title search, not the survey. Mr. Gordon also clarified that Mr. Spinelli has issued a stamped, certified survey.

Relating to the land grants that Mr. Kass brought up earlier, Mr. Gordon stated that it is the club's contention that this has never been considered land under water. With respect to the stipulation, Mr. Gordon said that the stipulation states that this particular piece of property be included. There

is indisputable proof that the club owns the property. The club also submitted the Town's updated assessment map which shows a larger number than 12.29; which proves that these maps aren't always completely accurate. Mr. Gordon noted that this is why people look at surveys.

It was noted by the Board that Mr. Gordon's entire presentation was on the ownership issue, when he initially said that the Board is not tasked to look at ownership. Mr. Gordon stated that he wanted to address Mr. Kass's comments on ownership and not leave the Board with any questions.

As for parking, Mr. Gordon stated that the club would need a new application if they increased the number of seats in the dining room, which they have not applied for. Therefore, seating for 368 is what the club will have. Mr. Gordon said that the club believes gravel is equivalent to paving.

Mr. DeAngelis addressed the Board. He stated that the dining area is sprinkled. He reviewed with the Board how he calculated the parking based on the following:

- 1) Number of facilities the club has
- 2) Number of seats in the dining facility and residences
- 3) Membership and residences on property

The largest number of spaces resulted from the number of seats in the dining room. Mr. DeAngelis said there is a posted occupancy in the dining hall of 368. According to New York State building code, 409 is the maximum number of seats that could fit the dining room. Mr. DeAngelis designed the parking based on the posted capacity of 368. It was never the club's intent to increase the occupancy in the dining area.

With respect to the paving issue, Mr. DeAngelis stated that the club proposed a material near the Otter Creek parking area which would allow grass to grow through. As the club went through the process with the Planning Board, it was agreed that gravel would be more appropriate. For the Otter Creek area it was determined that it be kept in its natural condition. The Planning Board resolution states that this can be changed if the Building Department deems it necessary.

Lisa Rosenshein, the owner of the club, addressed the Board. She referenced the Otter Creek pictures and said the DEC requested the club do work in that specific area. It is Ms. Rosenshein's contention that the club was cleaning up the area. She noted that the club has never been cited by the DEC. She also said that the club does use one lot for overflow parking when needed.

Joel Sachs, attorney for the club, addressed the Board. He stated that this past fall soil samples were taken of the property outside the 12.29 acres. The report showed this area was never land under water. He believes this land was never part of a land grant. Mr. Sachs noted that a correction deed was filed with the county and that this was done when the club received title from the title company. Copies of the deed have been submitted to the Town Assessor. The Town will be required to make the proper changes.

Ms. Kramer stated that the Board would leave aside the ownership issue. The zoning ordinance defines "lot" and she read the definition. She stated that a Village assessment map can be used with reference to zoning. Ms. Kramer asked how Mr. Gordon defines the lot. Mr. Gordon stated

that the club owns that property and it should be included in the FAR. It is a mistake in the assessment map which will be corrected. Mr. Gordon noted that the Building Inspector said it should also be based on the survey and ownership.

Ms. Kramer asked how owning a bigger piece of land translates into a lot. Mr. Gordon stated that it is property the club owns. Mr. Sachs stated that if the assessment map shows one acre of land and there is proof an owner owns two acres of land on the lot, calculating of FAR should be based on two acres. Mr. Sachs said that once the Town and Village get corrected deeds, they will be required to change the map. Ms. Kramer asked how that makes the assessor change the map. Mr. Sachs stated that every time a deed is filed with the county, the assessor is required to note who the new owner is and if there are any changes to be made.

Mr. Neufeld said that this is a deed from Mamaroneck Beach and Yacht Club conveying it to Mamaroneck Beach and Yacht Club. This is not a correction deed. Mr. Neufeld asked how an appurtenance clause can be used to obtain property. He has never seen an appurtenance clause used to convey title. Mr. Neufeld asked for a copy of the complete title policy and Mr. Sachs indicated he would provide it to the Board.

Chairman Neuringer asked if a title policy was issued at the time the club bought the property and if a copy could be provided to the Board. Ms. Kramer noted that the deed does not say "correction deed." She stated that she did not understand how this was a correction deed. Mr. Sachs stated that the prior deed did not cover the ½ acre. Mr. Weprin said that he does not feel this has a substantive effect. This is being done to have the assessment changed.

Mr. Neufeld said there has to be some basis that the Board can make a determination of who owns the land. The Planning Board and the Building Inspector concurred that gravel is paving. The Planning Board felt it would be more desirable.

Chairman Neuringer asked how many member families the club currently has or is expecting to have. Lisa Rosenshein stated that she did not know for the coming season, but last year they had approximately 172 families. She noted that the club is looking to pick up 30-32 more member families. A member family is one person to a couple with children. Chairman Neuringer asked what the parking calculations were based on. Ms. Rosenshein said there could be a larger number of people. The number on the sign in the dining hall is 368. The club's website indicates 400, but the club doesn't hold parties for more than 350 people usually. Mr. Neuringer asked if the sprinkler capabilities were increased, would it be possible to increase the capacity. Mr. DeAngelis answered that it would be possible.

Ms. Kramer noted that she does not believe that the Board of Trustees has the power to determine that the site plan is zoning compliant, although it is referenced in Mamaroneck Beach and Yacht Club's papers. Mr. Sachs stated that in 2004, the Building Inspector, Village Attorney and planner agreed that the site plan was compliant.

Mr. Neufeld asked that assuming paving means asphalt; can the club put asphalt down without violating the consent decree? Mr. Gordon stated that the club would require a permit from the DEC. Mr. Sachs said he would look into the matter and get back to the Board.

A brief discussion arose regarding whether Mr. Silverberg gave advice to the Building Inspector. Mr. Silverberg indicated that was not true; he did not give advice to the Building Inspector and he did not discuss with Mr. Winter if this was zoning compliant. Mr. Winter concurred with what Mr. Silverberg said.

Mr. Kass stated that the DEC found violations. The June pictures presented to the Board are the days the violation occurred. With respect to the site plan and the Board of Trustees, they were not tasked with making a determination. The Ward-Carpenter survey shows the property is the high water mark.

Chairman Neuringer stated that the Board would not be closing the hearing and that the applicants may submit additional materials by the Monday prior to the meeting. Both parties should provide each other with the documents and should not rely on the ZBA office to do this. Mr. Silverberg asked if the Board would like him to draft a memo and it was decided that Mr. Silverberg would speak with the Village Assessor but there was no need to draft a memo to the Board.

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

The application was adjourned to the March 3, 2011 meeting.

## **2. Application #1SP-2011, NIKO'S GREEK TAVERNA**

Emanuel Caras, the architect, appeared on behalf of the applicant. He stated that the applicant is before the Board for a special permit to operate a restaurant. The site has been utilized as a restaurant for many years. Mr. Caras went through the history of restaurants at the site. The current use is for a restaurant and the continued use will be for a restaurant and bar. The seating will not change. Mr. Caras noted that he is in the process of applying for a permit to make some alterations inside. He said the air conditioner on the roof will be augmented. Mr. Caras said that he requests a positive determination for this special permit and as quickly as possible. The hours of operation are Sunday through Thursday, 10:a.m. to 11:00 p.m., and Friday and Saturday from 11:00 a.m. to 12:00 midnight. Mr. Caras also stated that the applicant would like to be open for holidays and special occasions until 4:00 a.m.

Chairman Neuringer stated that the last request regarding hours of operation is troublesome. One can't arbitrarily set up a later time. Mr. Caras stated that this will be a family restaurant with bar facilities. Chairman Neuringer noted that most family restaurants are not opened until 4:00 a.m. Mr. Sullivan stated that the Board has had other applicants who were given special permits to remain open until 4:00 a.m. Chairman Neuringer asked if the 4:00 a.m. time would be on weekends and Mr. Kringas, the owner, stated that in his White Plains restaurant, he stays open to 4:00 a.m. maybe twice a year at most. Mr. Silverberg suggested putting a limitation of ½ dozen times a year when the restaurant may remain open until 4:00 a.m. Mr. Kringas stated that he did not wish to be limited in that way.

Ms. Kramer asked if the lease had commenced on the property and Mr. Kringas stated that it had. Ms. Kramer inquired about a liquor license and Mr. Kringas said he anticipates getting it in 60 to 90 days as he has already applied for it.



Chairman Neuringer asked if the applicant was changing the number of seats in the bar area. Mr. Caras answered in the affirmative, adding that the seats will be reduced and the size of the bar is being cut.

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

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

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

### **3. Application #2SP-2011, MONTAGE WINE LOUNGE**

Frank Marsella, the architect, appeared on behalf of the applicant. He stated that the applicant is requesting a special permit to open and operate a wine lounge. The space had previously been a furniture store. Mr. Marsella stated that he is installing two handicapped bathrooms, a prep area and a lounge area with a bar. He noted that a staircase will also be added to allow for storage below the main floor.

Mr. Marsella said he filed with the Health Department and they have approved the plans. He stated that the applicant will be going to the Panning Board for a change in use. The hours of operation are as follows:

- Monday: Closed to the public. Open only for private functions and/or wine school.
- Tuesday: 4:00 p.m. to 10:00 p.m.
- Wednesday: 4:00 p.m. to 10:00 p.m.
- Thursday: 11:00 a.m. to 12:00 midnight
- Friday: 11:00 a.m. to 1:00 a.m.
- Saturday: 11:00 a.m. to 1:00 a.m.
- Sunday: 2:00 p.m. to 10:00 p.m.

Mr. Marsella stated that there will be no cooking on the premises. It is a lounge type concept. Ms. Kramer asked about parking and Mr. Winter stated that there are no parking requirements. There will be table staff which makes this establishment a restaurant.

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

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

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

#### **4. Application #1I-2011, VITO LARUSSO**

Donald Mazin, Esq. appeared on behalf of the applicant. He read excerpts from his brief. Mr. Mazin spoke about the difference between the common pigeon and the racing pigeon. Mr. Mazin noted that the applicant wants to race pigeons as a hobby and for the enjoyment for him and his family. Mr. Mazin referenced how former Mayor Lanza had knowledge of homeowners having pigeons.

Chairman Neuringer asked that Mr. Mazin focus on the new information from his brief. Mr. Mazin said the Board can't set forth a specific number of pigeons, but that his client is fine with 50 pigeons. Mr. Mazin noted that the disapproval notice focused on pigeons not being customary household pets. Mr. Mazin submitted a permit for 1127 Jensen Avenue, which the Board said the Building Inspector provided to them.

Mr. Neufeld confirmed with John Winter that he located nine permits and Mr. Winter said yes there were nine permits, but some of the permits could have gone through the Village Manager's office which means he wouldn't have knowledge of them.

Discussion arose regarding the timeframe within which the Village Manager could issue a permit to have pigeons. John Winter indicated that he would violate individuals with pigeon coops today. Mr. Silverberg stated that if one discontinues a non-conforming use, you lose the right to use it. Mr. Mazin stated that there has been no mayor, no Village Manager and no Board who has prevented pigeon racing. If the applicant is denied, it will be highly discriminatory.

Mr. Mazin distributed pictures of where the pigeon coop will be and also photos of a property in Greenwich which also houses a pigeon coop. Mr. Mazin also submitted New York State Consolidated laws.

Discussion arose regarding the definition of "customary" household pets and what would make it a customary household pet today in the Village. Discussion also arose as to how the Building Inspector would determine a reasonable number of pigeons. The Building Inspector said it would depend on the particular case. Ms. Kramer asked what makes the fact that it was customary in the 1970's and 1980's customary today. Mr. Mazin said that if the Board of Trustees didn't feel this was appropriate, they should have outlawed the practice. There is no ban on pigeons.

Chairman Neuringer asked if anyone in the audience wished to address the Board. He directed the public to limit their comments to new information only.

Mrs. Viola addressed the Board. She stated that last month Myriam Elamraoui spoke at the public hearing and drafted the letter which was submitted to the Board. Mrs. Viola stated that when Ms. Elamraoui presented at the last meeting, the Chair seemed angry and cut her off. Mrs. Viola questioned why this occurred and stated her objections to how Ms. Elamraoui was treated.

Mrs. Viola went on to say that Mr. La Russo seems completely confident that he is going to win. She stated that she is concerned with the Board's behavior.



Mr. Elamraoui addressed the Board. He noted that Myriam Elamraoui was interrupted many times and the applicant was allowed to go on at length. Mr. La Russo spoke uninterrupted, Mr. Elamraoui stated. All the neighbors opposed to the application were stopped while they were speaking.

Mr. Elamraoui said that this is an investment for Mr. La Russo. It is a business. If Mr. La Russo wants the pigeons as pets, the Board should let him have a handful of birds, but not fifty. Mr. Elamraoui noted that the pigeon coop is closer to the other neighbors' properties than it is to his own house. Chairman Neuringer asked if the applicant was willing to move it closer to his own house, would that be agreeable to Mr. Elamraoui and he said it would not. Mr. Elamraoui stated that this is an issue of property values and quality of life. Mr. Elamraoui stated that this is a residential area. The Board should not allow this. Mr. Elamraoui has asked Mr. La Russo to provide a survey and it has not been provided. Mr. Elamraoui also asked how the Board would know if the birds were healthy and how will he control the number of pigeons.

Mr. Sullivan asked Mr. Elamraoui if he thought a pigeon is a household pet and he stated that it was not a household pet. Mr. Elamraoui asked that the matter remain open so that he and others can submit more information to the Board.

Mrs. Viola addressed the Board again. She discussed her displeasure with how the Board reacted to Mr. La Russo when he told the Board this wasn't his property; that it was his son's property. She said that pigeon racing is big business. Mrs. Viola stated she felt it was unfair what Mr. La Russo senior was doing to his son by forcing him to have a pigeon coop in a neighborhood where everyone is against it.

Vito La Russo addressed the Board. He noted that he has sat on several boards in the Village over the years and worked for the Chamber of Commerce. He felt Mrs. Viola's remarks about him were uncalled for. He noted that Mr. Viola ran a business out of his home.

Mrs. Viola again tried to address the Board; however Chairman Neuringer stated that Mrs. Viola was speaking out of turn. At this point it was decided by the Board to close the public hearing, but leave open the record for submissions to be submitted to the Zoning Office no later than the Friday before the next meeting by 4:30 p.m.

A motion to close the public hearing but to leave the record open as described above was made by Ms. Kramer, seconded by Mr. Sullivan.

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

##### **5. Application #3A-2011, TERRENCE O'NEILL**

Victor Carosi, the engineer, appeared on behalf of the applicant. He stated that he submitted two letters from neighbors indicating no objection to the application. The applicant has owned the house for many years. The applicant is requesting a variance to add a roof structure to a pre-existing portion of the home and has no plans to significantly alter the structure. The applicant is

also requesting a variance to make a three season area of the home a four season living area. The applicant plans to insulate the area.

Mr. Carosi stated that the applicant is not proposing to increase the steps of the porch; he is only putting the roof over it. The footprint of the home has not changed. The front of the property is where the applicant is encroaching on the setback. Mr. Carosi went through the plans with the Board, outlining specifically what will be done.

Chairman Neuringer asked if anyone in the audience wished to address the Board.

Katherine Varian addressed the Board. She indicated that she supports this application and that she lives behind the applicant.

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

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

### **APPLICATIONS CLOSED**

#### **1. Application #39A-2010, FRANCISCO NOVELLO**

The Board discussed the merits of the application. Mr. Weprin, Mr. Neufeld and Ms. Kramer believe this application is a use variance application. The applicant has not made their case for the use of the adjacent property. This is a completely different use. The applicant hasn't met the burden for a use variance.

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

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

#### **2. Application #44A-2010, MR. AND MRS. JOSEPH URBINATI**

The Board discussed the merits of the application. It was noted that no neighbors opposed the application; however, this is a substantial variance. It is more than 50%. It will change the character of the neighborhood. It expands the structure and what the applicant wants can be achieved on a smaller scale.

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

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

**3. Application #1SP-2011, NIKO'S GREEK TAVERNA**

The Board discussed the merits of the case. Discussion arose whether to put limitations on the number of days the establishment could stay open until 4:00 a.m. It was determined that the restaurant could remain open no more than 25 days a year for holidays and special occasions. The Board, based upon a review of the EAF accompanying the application and all other relevant materials, deemed this as an unlisted action and issued a negative declaration requiring no further action under the State Environmental Quality Review Act (SEQRA).

A motion to approve the special permit 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, Sullivan, Weprin, Neufeld  
Nays: None

**4. Application #2SP-2011, MONTAGE WINE LOUNGE**

The Board discussed the merits of the application. The Board, based upon a review of the EAF accompanying the application and all other relevant materials, deemed this as an unlisted action and issued a negative declaration requiring no further action under the State Environmental Quality Review Act (SEQRA).

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

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

**MINUTES**

A motion to approve the minutes of December 2, 2010 was made by Mr. Sullivan, seconded by Mr. Weprin.

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

**ADJOURN**

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

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

On motion duly made and carried, the meeting was adjourned at 11:18 p.m.

ROBIN KRAMER

Secretary

Prepared by:  
Ann P. Powers