

MINUTES OF A MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF MAMARONECK, NEW YORK, HELD ON THURSDAY, JANUARY 6, 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 January 6, 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.

RECEIVED  
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2011 MAR 15 AM 8:29  
VILLAGE OF MAMARONECK  
NEW YORK

- 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

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 7:04 p.m. and he introduced everyone and detailed the procedures for the meeting. The next meeting is scheduled for Thursday, February 3, 2011. Chairman Neuringer appointed Mr. Weprin as Vice Chair and Ms. Kramer as Secretary.

**1. Application #2SP-2008, WESTCHESTER JEWISH CENTER**

Mr. Noto appeared on behalf of the applicant. He noted for the record that Mark Jacoby (President) and Susan Lurie (Executive Director) from the Westchester Jewish Center were present. He stated that the center is requesting a renewal of their existing special permit which was obtained in 2008 which approved the addition of four nursery school classrooms, an activity center, an office and to expand a library and add a Holocaust Memorial. Mr. Noto also requested the permit be renewed without a term limit.

Chairman Neuringer indicated that he was aware that neighbors had complained about noise in the past. Mr. Noto stated that the center has received no complaints from police.

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

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

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

Absent: Weprin

**2. Application #8SP-2001, TBLSC, LLC. (D/B/A U-FITNESS PTC, INC)**

Ulysses Davis, the applicant, addressed the Board. He indicated that he was requesting a renewal of his special permit to operate a personal fitness center. Mr. Davis said there were no changes to the establishment in the eleven years he has been there. He also requested the special permit renewal be granted without a term limit.

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. Sullivan, seconded by Ms. Kramer.

Ayes: Neuringer, Neufeld, Kramer, Sullivan

Nays: None

Absent: Weprin

**3. Application #1A-2011, SALVATORE & MARYANN POLLARO**

Chairman Neuringer said he was notified through the mail of this application because he is within the 400 foot radius. He stated this has no bearing on him hearing the application.

Salvatore and Maryann Pollaro, the applicants, addressed the Board. They said they are planning to move and there is an open permit on the house. The permit they received from the Building Department is not compliant with the code. The original permit was granted to build a deck. The permit was never closed out, and the applicants were notified that it was not in compliance. Ms. Pollaro stated that the deck was built exactly as the plans showed at the time.

Discussion arose regarding the survey and the setback calculations on the disapproval notice. Mr. Melillo stated that the surveyor gave him the numbers. Chairman Neuringer asked the applicants for a new survey to avoid any confusion in the future.

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 Ms. Kramer, seconded by Mr. Neufeld.

Ayes: Neuringer, Neufeld, Kramer, Sullivan

Nays: None

Absent: Weprin

**4. Application #2A-2011, DAVID FINCH**

David Finch, the applicant, addressed the Board. Mr. Finch stated that he bought the home 25 years ago. The home has old 1 ½ bathrooms. He has always wanted two full baths. Mr. Finch stated he tried to rehab the bathroom, but found out he would have to vacate the house for three

weeks. That was not an option. He determined that he could put the bathroom in another location and this is what has caused the setback issue.

Chairman Neuringer stated the Board was in possession of a survey with a letter saying there is no change to the setback. Discussion arose regarding how the setback was determined and that a variance can't be considered without a proper measurement. Chairman Neuringer asked that the architect and surveyor coordinate so the language for the resolution is accurate.

Ms. Kramer noted that the Board requires a survey to be within one year. Chairman Neuringer stated that the Board has, in the past, permitted the use of an existing survey if the applicant affirms there are no changes. The Board discussed the plans. Chairman Neuringer stated that if the Board stipulates a dimension, the applicant would need to stick with that. Mr. Finch indicated he would.

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. Sullivan, seconded by Ms. Kramer.

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

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

Chairman Neuringer went slightly out of order with the agenda and called SAPOA. He stated that the Board had received the amended appeal, but it can't be heard at this time because it was submitted late to the Building Department. Chairman Neuringer also stated to the applicant's attorney that one member is not in attendance yet and another member may have to leave early. He asked the attorney in the audience if her client wished to adjourn the hearing until the February meeting. Counsel asked to confer with her partner, Steve Kass.

At 7:25 p.m., the Board took a short recess.

At 7:35 the public hearing resumed.

Steve Kass, attorney for the applicants, stated that his clients would wait a little longer before requesting an adjournment for this evening. It was dependent on how long the La Russo application would take.

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

Donald Mazin, Esq. appeared on behalf of the applicant. He stated that his client has two children and they are allergic to hairy animals. Mr. La Russo went to his father and said it would be nice to raise pigeons for the children and they would get to see their grandfather. The wish is to create a hobby the family can enjoy and take part in.

The applicant wants to install a pigeon shed which complies with the code. The purpose of the shed is to house the racing pigeons. The pigeons are quiet and when the sun goes down, they go to sleep and are inactive, Mr. Mazin stated. The pigeons will be medically treated. The shed and pigeons will be kept clean. The shed is similar to other sheds in the area. Sheds are permitted and pet ownership is permitted. Mr. Mazin said the code does not define the definition of a pet. Many types of birds are considered pets. Mr. Mazin went on to say that dogs are entered into competitions; they bark louder than pigeons coo and dogs can bite and attack.

Mr. Mazin indicated that there are several pigeon coops in the Village. If the applicant is not allowed to have a pigeon coop, it will violate his first amendment rights. He stated that pigeons are not susceptible to many diseases. They pose no harm when keeping and racing pigeons. They are much less likely than other pets to transfer diseases to humans. Mr. Mazin went on to detail how pigeons have been used historically during war time and how they were responsible for saving countless lives.

Mr. Mazin stated that the Village has not prohibited pigeon coops within the Village. Mr. Mazin requested the Board make a determination that pigeons are pets and are no different from other birds. He indicated that there are eleven permits issued for pigeon coops. He also read for the record a letter from former Mayor Joseph Lanza who supports the pigeon coop application.

Mr. Mazin went on to say that “domesticated” means “tame.” In order for a pigeon to travel great distances and return, the pigeon must be trained. It is not wild. Racing pigeons are not like street pigeons. Mr. Mazin added that he has not come across proof that people are harmed by racing pigeons. Racing the pigeons is for competition and fun. The pigeons are tested for steroids. Racing pigeons are costly, so they will be well taken care of. As for noise, Mr. Mazin stated that everything makes noise. Nothing is ever silent. The pigeons are raised for the purpose of sport. Mr. La Russo senior used to race pigeons. Pigeons have been in the Village for years. The former Mayor was aware of pigeon coops in the area.

Discussion arose as to whether the Board should incorporate the record from the variance application into this record. Mr. Silverberg stated that the Board should make the determination before moving forward. Mr. Mazin and Mr. Silverberg discussed the differences between the current application for an interpretation and the former application for a variance.

Vito La Russo addressed the Board. As for the health issue, he stated that birds don't defecate except for the first few seconds of flight. Pigeons don't spread diseases. He read from a letter written by Dr. Witney, a veterinarian.

Chairman Neuringer stated that a lot of time was being spent on the health issues, but the Board is looking at an interpretation that doesn't have anything to do with health. Mr. Mazin advised his client not to go into the health aspects.

Vito La Russo continued by showing a picture of a small child holding a baby pigeon. He hopes his grandchildren will interact with the pigeons. Chairman Neuringer again reminded Mr. La Russo that the Board is tasked with making an interpretation as to whether pigeons are considered

customary household pets. Mr. Weprin stated that Mr. La Russo should focus on why pigeons are considered pets.

Ms. Kramer asked how many pigeons will be housed in the shed. Mr. Mazin answered by saying there is no prohibition and that the Board can't limit the number. That stated, he noted that there would be between 40 and 50 pigeons. Ms. Kramer asked why 40 or 50 pigeons are a reasonable number. Mr. Mazin said the code does not define "reasonable." Mr. Mazin said this is a small number compared to other coops.

Ms. Kramer asked what happens to the pigeons if they do not race well or get old. Vito La Russo stated that he would eliminate them. Mr. Sullivan asked if a customary household pet is generally euthanized when its usefulness is up. There is a distinct difference between a pet that does not perform as opposed to a pet that is getting old or sick. Mr. Mazin stated that the birds are given to pet stores. Mr. Sullivan noted that Mr. Mazin's answer is different than what was stated at the last meeting where the Board was told the birds were disposed of.

Mr. Neufeld asked if there were copies of the permits and what the permits were for. Mr. Mazin stated that they were for bird coops. Mr. Neufeld asked how the permits came about. Mr. Mazin said individuals were building coops. Mr. Weprin said it didn't appear that they were considered customary pets. Mr. Winter indicated his office searched the records and there were some permits issued in the 1940's and some in the 1970's. The law changed in the late 60's. Mr. Neufeld stated that if an applicant were making an application for a shed, and the Building Department was not informed, the department wouldn't know the shed would be used for racing.

Mr. Winter stated that in the past, a special permit was issued by the Village Manager. Mr. Mazin said that pigeons have been in existence for years in the Village and there is no reason why his applicant should be discriminated against.

Mr. Neufeld asked Mr. Winter if there is a record of how many coops there are in the Village and Mr. Winter said there was not. Chairman Neuringer asked Mr. Winter if the applicant requested to build a shed, would the Building Inspector have any reason to reject it. Mr. Winter indicated that he would have issued the permit.

Mr. Weprin said that the applicant did not say why fifty pigeons are reasonable. Vito La Russo said there are two series of races – old and young. During this time of year, the young pigeons are raised. When they are let out to be trained, some are lost. The other pigeons are the breeding pigeons. Finally, the dropper pigeons are used to bring the returning pigeons down. Mr. La Russo continued by stating the process of breeding and racing the pigeons. He stated that the birds must be kept in perfect condition.

Chairman Neuringer asked how many birds are housed safely. Mr. La Russo said one square foot is provided per bird. There is a partition for the young pigeons, one for the old pigeons and one for the breeders. Fifty pigeons can fit comfortably in the shed. Chairman Neuringer stated that the size of the shed provides a limitation and Mr. La Russo concurred. Chairman Neuringer said that it appears that fifty pigeons is about half of what the standard pigeon coop owners have.

Chairman Neuringer asked if the children will be involved and have access to the pigeons. Mr. La Russo indicated they would with supervision. Mr. Sullivan stated that Mr. La Russo speaks about a very technical and sophisticated way of maintaining the birds and that he wants his grandchildren to enjoy the pets. But, it seems they won't have much interaction with the pigeons. Mr. La Russo stated that his grandchildren will be able to handle the dropper pigeons. Mr. Sullivan said that he was trying to understand how to determine these are household pets. At the first public hearing Mr. La Russo indicated this was a hobby and he would be at the location a few times a week.

Ms. Kramer stated that the applicant stated he knows of thirteen cases of pigeon coops which came under the prior Village Code. The Board needs more information as to when these coops existed. Ms. Kramer asked Mr. Mazin if he could provide the Board with that information. Mr. Mazin stated that the community has known about this for some time. Ms. Kramer stated that even if the law was not enforced and the mayor knew of the pigeon coops, that does not make them customary pets. The fact that many people keep pigeons, does that mean they keep them as pets? Mr. Mazin said his client stated that he considers them pets. The state code says that as long as the animal is in or nearby a dwelling, it is a pet. Chairman Neuringer stated that codes and ordinances change. What was once allowed might not be allowed now. Mr. Mazin said he would provide the Board with a list of household pets.

Mr. Silverberg asked what the reward was for winning pigeon races and Mr. Mazin stated a certificate and some prize money.

At 8:45 p.m. the Board adjourned for recess so the court reporter could change her tape.

At 8:50 p.m., the public hearing resumed.

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

Julius Russell addressed the Board. He noted that most people think of dogs, cats, hamsters, etc. as household pets because they live inside the house. Discussion arose regarding pet owners who keep their dogs outside.

Thomas Burt addressed the Board. Mr. Burt stated that the number of pigeons alone would not make them customary household pets. He has a bird as a pet. Mr. Burt said that an animal whose continued place in the household is based on his performance is not a pet. The fact that the grandchildren have to be supervised in order to handle them so that they can continue to race is not a household pet. If this were the case, sled dogs, hunting dogs and racehorses could be kept as pets. The pigeons may be tamed, but they are not pets. Mr. Burt's concern is also the number of pigeons. Four seems reasonable, but a larger numbers seems questionable.

Mr. Neufeld asked if companionship can be joined with competitiveness. Mr. Burt stated that if the animal stops being competitive, and the owner gets rid of it, then it isn't a pet and never was a pet. The birds that are too slow will be eliminated.

Nick Puglisi addressed the Board. He stated that he did not know the La Russos. He has several pets including pigeons. One of the most memorable times he can remember is racing pigeons with

his grandfather. Mr. Puglisi indicated that he understands the concerns of the neighbors, but pigeons are pets. And pigeon owners love their birds. He said he never had any problems with his neighbors when he was racing pigeons and there was no issue with filth.

Myriam Elamraoui addressed the Board. She stated that she lives next door to the applicant and that she has written to the Board before. She noted that Mr. La Russo, who lives in Rye, will not be taking care of the pigeons. It is not allowed in Rye.

Chairman Neuringer stated that if Ms. Elamraoui wants the law changed, she would need to go before the Board of Trustees. Ms. Elamraoui said that gambling is illegal with reference to pigeon racing. Chairman Neuringer asked if she was suggesting there will be gambling. Ms. Elamraoui said it was quite possible and it is well know that racing is a gambling sport.

Mr. Neufeld asked if other villages allow pigeon racing. Ms. Elamraoui said both Larchmont and White Plains do not allow pigeon racing. She went on to say she has concerns that the pigeons won't be taken care of properly. If Mr. La Russo wants the pigeon coop, he should have it in Rye.

David La Russo addressed the Board. He noted for the record that he supports the pigeon coop and thinks it is a great opportunity for his family. Mr. La Russo also stated that he will take care of the pigeons.

Ben Elamraoui addressed the Board. Mr. Elamraoui stated that Mr. La Russo is building the shed 50 feet away from his porch and closer to Mr. Elamraoui's property. He is doing this to keep the problems away from Mr. La Russo's property. David La Russo is not the owner and he does not know anything about the pigeons, he stated. When the training begins, the mess it will create will be terrible. Mr. Elamraoui indicated that if there are one or two pigeons in a cage in the house, these are pets. The number of pigeons is the issue. If there are one or two, that is a completely different matter. Mr. Elamraoui referenced the PETA article on Mike Tyson. He stated that this is a business, these are not pets. Before Vito La Russo had an attorney, he told the Board what he was really going to do. Now that he has an attorney, he has changed his objective. Mr. Elamraoui stated that with respect to Larchmont, he pays taxes and sends his children to school. Why should Mamaroneck be a dumping ground?

Lori Friedly addressed the Board. She stated that as a pet owner her pet is required to be under her control. A good pet owner is also required to clean up after his or her pet.

Andre Friedly addressed the Board. He stated that he has heard throughout this meeting that children are allergic to furry pets, but can have birds. This seems strange. Mr. Friedly stated that he has not heard how these pigeons will provide companionship and education to the grandchildren. The pigeons will be flying long distances and will not be around the children. Mr. Friedly asked if the practice of eliminating pigeons that don't perform make them household pets. The applicant wants the pigeons classified as household pets, but the audience has only heard about competition. These pigeons will not be around when they are racing.

Donald Arace addressed the Board. Mr. Arace stated that the pigeon coop is very close to his picnic table. He entertains a lot during the spring, summer and fall. The noise of 50 pigeons that

close to his house will be disturbing. This is a quality of life issue for the neighbors. Mr. Arace stated that the pigeon coop will devalue his property and other properties in the neighborhood. He suggested the applicant build the pigeon coop in an area with open space where there will be room for it.

Pat Angley addressed the Board. Ms. Angley stated that she lives adjacent to the La Russo property and has lived there since 1989. She does not wish to be burdened by a neighbor who wants to convince the Board that 40-50 pigeons are customary household pets. The legislation did not intend that 40-50 pigeons be considered customary pets. Ms. Angley's concern is the amount of droppings that she will be subjected to. Her other concern is the amount of bird seed that will be needed to feed the pigeons. She questioned how the seeds will be disbursed and where it will be stored. The seeds will attract vermin. Finally, Ms. Angley has concerns about noise. She does not believe the applicant's assertion that the pigeons will make only as much noise as the wind ruffling tree leaves. She believes it will be much louder and more of a nuisance. She noted that this is a business; there is no affection. The pigeons will be numbers in a book.

Chairman Neuringer stated that the Board received information on the noise issue and it does not appear to reach the level of a violation.

Jeffrey Fine addressed the Board. He asked why the neighbors did not receive a mailing notifying them of this meeting. Chairman Neuringer answered that a variance was not applied for. Interpretations do not require mailings or signage by the applicant. Mr. Weprin stated that what the Board is deciding is an interpretation and they do not normally affect neighbors.

Dr. Fine stated that he has treated patients with the three most common pigeon-borne illnesses. He does not feel the Cornell professor is an expert on this matter. Gary Wormser, an infectious disease specialist, would be the local expert. Dr. Fine said that in New York City people think of pigeons as flying pests.

With regard to droppings, pigeons defecate all the time. A fungus is found in the droppings. It dries and then becomes airborne. Dr. Fine stated that his daughter has asthma. He noted that the New York City Department of Health and Hygiene has specific regulations regarding the handling of pigeon droppings. People with compromised immune systems should not handle droppings. Dr. Fine stated that the droppings will attract mice, ticks and bedbugs. This is not a reasonable risk to take.

On the issue of a domesticated animal, Wikipedia's definition is as follows:

A **pet** is an animal kept for companionship and enjoyment or a household animal, as opposed to wild animals or to livestock, laboratory animals, working animals or sport animals, which are kept for economic or productive reasons.

Dr. Fine stated that if a primary purpose of a pet is not that definition, than it is not a pet. He also asked who would monitor when the number of pigeons increases beyond fifty. These are racing



animals. They are used for sport. Dr. Fine suggested the Board view the PETA website to see how the racing pigeons are retired; their necks are snapped.

Chairman Neuringer asked Dr. Fine if he had read of any distinctions between city pigeons and racing pigeons. Dr. Fine stated that the physiological make-up is the same. One is trained and one is not. A truly domesticated bird that lives inside is different from those that are outside.

Thomas Esposito addressed the Board. He stated that he is a third generation pigeon flyer. He has spent 48 years with pigeons. Mr. Esposito said that his family has spent countless hours being involved with the pigeons and he has many fond memories. Mr. Esposito's pigeon coop is ten feet from his property line in Stratford, Connecticut. He has never had a problem with neighbors.

Susan Orand addressed the Board. Ms. Orand noted that her backyard lounging area is close to the proposed coop. She stated that the definition of a customary household pet can change over time. She asked if anyone would keep a pet in a 1 square foot area.

At this point, the Chair asked that if the SAPOA and Golub applicants wished to continue waiting to be heard. Steve Kass, attorney for the applicants, requested an adjournment until the February 3<sup>rd</sup> meeting due to the late hour and the fact that the current application was still being heard. Chairman Neuringer stated that the applicants would be placed first on the agenda for next month.

At 10:05 p.m. Mr. Neufeld left the meeting for the remainder of the evening.

Cliff Sperber addressed the Board. He noted that the applicant's attorney never mentioned the pigeons as pets earlier in the evening.

Maryann Viola addressed the Board. Ms. Viola stated that people were in attendance tonight because of the letters she sent to the community. She said she was surprised that something so important to the Village or the code needs no notification. Mr. Weprin stated that there was notice given to the newspaper. There is always a general notice.

Ms. Viola stated that her issue is one of hardship. She has a compromised immune system. Her backyard is serene and beautiful. She and her husband enjoy their home and have lived there for over fifty years. Ms. Viola discussed her medical problems. She described how her back yard is like a sanctuary and how her husband likes to spend time outside. She also discussed her husband's health since the pigeon application was made.

Donald Mazin, Esq. reiterated the fact that his client was not required to notify his neighbors of this application as it is an interpretation. Based on the turn out tonight, the information about the meeting did get out to the public.

With respect to pets, Mr. Mazin said the pigeons are considered pets. Certain dogs also require supervision when they are around small children. As for the number of pigeons, the applicant will have less than what the average pigeon racing enthusiast has. Mr. Mazin stated that this is not gambling and that the owner of the house will take care of the pigeons. The objections of the neighbors are not sufficient to deny an application, Mr. Mazin noted.

Mr. Silverberg asked if Mr. Mazin will provide case law and Mr. Mazin indicated that he would.

Frank Viola addressed the Board. He said that David La Russo and Vito La Russo stated they would both clean the shed. David La Russo works two jobs during the day and on Saturdays as well. Mr. Viola asked how he would have time to keep the shed clean.

Ben Elamraoui addressed the Board again. He stated that he felt it was unfair when Myriam Elamraoui was stopped by the Board from discussing what she submitted. Mr. Elamraoui stated he wanted to know what the process was for this application moving forward. Ms. Kramer said that the Board can close the hearing, take no more information and decide within two meetings. Mr. Weprin interjected that the Board won't close the meeting tonight because Mr. Neufeld left early due to being ill.

Mr. Elamraoui asked if the Board will take into account the previous materials that were submitted by the neighbors. Chairman Neuringer said that will need to be determined. Mr. Silverberg stated that the Board will have to decide, even though Mr. Mazin has objected. It is the Board's discretion. If the Board decides to incorporate the first application into the record, it should be the entire record from the previous application; not simply picking and choosing what should be included.

Michael Torlen addressed the Board. He stated that the audience has heard examples of what might be considered customary household pets. In Mr. Torlen's opinion, a racing pigeon would not be included.

The Board discussed whether it was ready to close the matter. Mr. Weprin stated that he feels the Board should include the original application as part of this record. Ms. Kramer stated that when an application is withdrawn, is it like it never existed? Mr. Sullivan stated that he is not comfortable with taking the record from the prior application. He feels it could be problematic. Chairman Neuringer said there was substantial information submitted earlier.

Mr. Mazin indicated that he felt it was determined at the last meeting that this would be a separate/new record. Mr. Silverberg's concern is that Mr. Mazin hasn't received the prior record. To be fair, the Board should decide now in order to give the public and Mr. Mazin notice. Mr. Sullivan stated that the Board received a lot of information that the neighbors wanted the Board to review tonight. He feels this could be an issue if this matter goes before a judge. Mr. Silverberg stated he did not feel this is a concern. Having information in the record is a better way to do it. Chairman Neuringer stated that the prior information is out there and readily available. The consensus of the Board is to include the prior record.

Mr. Mazin noted for the record his objection of incorporating the prior application into the record of this application. The Board requested from Mr. Mazin information regarding permits issued and case law.

The matter was adjourned to the February 3, 2011 meeting.

## **APPLICATIONS CLOSED**

### **1. Application #2SP-2008, WESTCHESTER JEWISH CENTER**

The Board discussed the merits of the application. The Board found the within application was a Type II action not subject to review under the State Environmental Quality Review Act (SEQRA). The renewal is granted without a term limit.

A motion to approve the renewal of the special permit was made by Mr. Sullivan for the reasons stated on the record and recorded in the verbatim transcript, seconded by Ms. Kramer.

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

### **2. Application #8SP-2001, TBLSC, LLC. (D/B/A U-FITNESS PTC, INC)**

The Board discussed the merits of the application. The Board found the within application was a Type II action not subject to review under the State Environmental Quality Review Act (SEQRA). The renewal is granted without a term limit.

A motion to approve the renewal of the special permit was made by Mr. Sullivan for the reasons stated on the record and recorded in the verbatim transcript, seconded by Ms. Kramer.

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

### **3. Application #1A-2011, SALVATORE & MARYANN POLLARO**

The Board discussed the merits of the case. It was noted that the applicants received a permit for what was built. The variance is small and there were no objections from neighbors. The Board found the within application was a Type II action not subject to review under the State Environmental Quality Review Act (SEQRA).

A motion to approve the variance with the stipulation that the Building Department receive a stamped and sealed survey within 60 days was made by Ms. Kramer for the reasons stated on the record and recorded in the verbatim transcript, seconded by Mr. Sullivan.

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

**4. Application #2A-2011, DAVID FINCH**

The Board discussed the merits of the application. The Board found the within application was a Type II action not subject to review under the State Environmental Quality Review Act (SEQRA).

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

Ayes: Neuringer, Kramer, Sullivan

Nays: None

Abstained: Weprin

Absent: Neufeld

**MINUTES**

A motion to approve the minutes of November 4, 2010 was made by Mr. Sullivan, seconded by Ms. Kramer.

Ayes: Neuringer, Kramer, Sullivan, Weprin

Nays: None

Absent: Neufeld

**ADJOURN**

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

Ayes: Neuringer, Kramer, Sullivan, Weprin

Nays: None

Absent: Neufeld

On motion duly made and carried, the meeting was adjourned at 11:00 p.m.

**ROBIN KRAMER**  
Secretary

Prepared by:  
Ann P. Powers