

MINUTES OF A MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF MAMARONECK, NEW YORK, HELD ON THURSDAY, APRIL 4, 2013 AT 7:30 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 April 4, 2013. 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: Lawrence Gutterman, Chairman
Barry Weprin, Vice Chairman
Robin Kramer, Secretary
Greg Sullivan, Board Member
Dave Neufeld, Board Member
Anna Georgiou, Counsel to Board
Bill Gerety, Building Inspector
Joe Angiello, Assistant Building Inspector

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

CALL TO ORDER

Chairman Gutterman called to order the Regular Meeting at 7:34 p.m.

PUBLIC HEARINGS

1. Application #5SP-2010, FAISAL LIAQAT D/B/A DOMINO’S PIZZA, 960 Mamaroneck Avenue (Section 8, Block 53, Lot 1), to renew an existing special permit to operate a Domino’s Pizza. (C-1 District)

Mr. Sullivan noted for the record that his office is across the street from Domino’s Pizza, but doesn’t feel it is necessary for him to recuse himself.

Faisal Liaqat, the applicant, addressed the Board. He stated that he is requesting a renewal of his special permit to operate a Domino’s Pizza. Mr. Liaqat noted that there have been no changes in operation since the business began 2 ½ years ago. When asked if there had been any violations, Mr. Liaqat stated that he had erected a sign and was told to take it down, which he did. He also said there were no changes to the operation of the pizzeria planned.

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

Mr. Sullivan moved to close the public hearing on Application #5SP-2010, seconded by Mr. Weprin.

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

2. Application #11SP-2010, FLORENCIO FERNANDEZ D/B/A PALETERIA FERNANDEZ, INC., 350 Mamaroneck Avenue (Section 9, Block 18, Lot 22A), to renew an existing special permit to operate an ice cream store. (C-2 District)

Florencio Fernandez, the applicant, addressed the Board. He stated that he is requesting the renewal of his special permit to operate an ice cream shop. Mr. Fernandez stated that there have been no changes to the operation of the ice cream shop and that he does not anticipate any changes in the future. He said he is simply requesting an extension of the previously approved special permit. With respect to the hours of operation, Mr. Fernandez said that the hours are the same, 10:00 a.m. to 10:00 p.m. seven days a week.

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

Ms. Kramer moved to close the public hearing on Application #11SP-2010, seconded by Mr. Weprin.

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

3. Application #17SP-2009, ENUER BALIDEMAJ D/B/A IL CASTELLO RESTAURANT, 576 Mamaroneck Avenue (Section 8, Block 103, Lot 54A1), to renew an existing special permit to operate a restaurant. (C-1 District)

Enuer Balidemaj, the applicant, addressed the Board. He said that he has operated the restaurant for 3 ½ years and is requesting a renewal of the special permit. Mr. Balidemaj noted that there are no changes now or will there be in the future with respect to the operation of the restaurant.

Mr. Balidemaj said that the hours of operation are the same: 12:00 p.m. to 10:00 p.m. Tuesday through Friday, 5:00 p.m. to 11:00 p.m. Saturdays and 3:00 p.m. to 9:00 p.m. on Sundays. He said the restaurant is closed on Mondays and that one hour after operating hours, there is no one in the restaurant.

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

Mr. Weprin moved to close the public hearing on Application #17SP-2009, seconded by Mr. Neufeld.

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

4. Application #6SP-2010, HECTOR VASQUEZ D/B/A STATION STOP DELI, 211 Halstead Avenue (Section 9, Block 12, Lot 1B), to renew an existing special permit to operate a deli. (C-2 District)

The applicant was not present for the public hearing. Ms. Powers will contact the applicant and inform him that the application has been adjourned to the May 2, 2013 meeting.

5. Application #1S-2013, PROSPECT CIGAR GROUP D/B/A DOC JAMES CIGAR LOUNGE, 133 E. Prospect Avenue (Section 9, Block 51, Lot 9B), to legalize a hanging sign where the sign violates Section 286-12B(1) (business establishments shall be limited to one façade sign) where this is the second facade sign, Section 286-12C(2) (the lower edge of a sign shall not be located above the level of the second story of the building), and Section 286-2 (Projecting Sign: the sign extends 7 feet where 18 inches is allowed from the plane of such wall or structure. (C-2 District)

Chairman Gutterman noted for the record that the applicant did not perform the necessary notifications to neighbors and that the application would be placed on the May 2, 2013 agenda provided that the applicant conforms to the mailing requirements.

Mr. Neufeld noted that the application did not have the consent of the owner. Chairman Gutterman said that it was received after the application was submitted and each Board member has a copy in their packets for this evening.

6. Application #8A-2013, OLIVER DIRDARIAN & VIRGINE DIRDARIAN, 630 Seney Avenue (Section 59, Block 84, Lot 5), to construct first and second floor additions and alterations, widen front driveway, and enlarge bluestone patio where the proposed right side addition violates Article V, Section 342-27 of the Schedule of Minimum Requirements where the applicant proposes a combined side yard setback of 13.6 feet and 35 feet is required. (R-15 District)

Vince Fazio, the designer for the applicants, addressed the Board. He stated that the applicant is requesting an area variance regarding a second floor addition. Mr. Fazio stated that he provided photos that depict the area. He said that the home has two bedrooms upstairs and that the applicant would like to add a bedroom and a master bathroom.

Ms. Kramer stated that there were many ways the construction could have been done and asked why this design was chosen with variances needed. Mr. Fazio stated that it makes the most sense and that the footprint is not being expanded. He also noted that there is no new foundation work. Mr. Fazio indicated that the lot is large and narrow and that the house, with the addition, is well within the FAR requirements.

Ms. Kramer stated that the survey shows the asphalt goes to the house, but it looks like it is being built on. Mr. Fazio stated that the only variance required is the right side yard near the second story and that everything else meets the requirements. He noted that the addition is being built right on top of the first floor. Mr. Angiello stated that the house meets the FAR and that everything else is in compliance.

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

Mr. Sullivan moved to close the public hearing on Application #8A-2013, seconded by Mr. Weprin.

Ayes: Gutterman, Sullivan, Kramer, Weprin, Neufeld

Nays: None

7. Adjourned Application #2I-2013, SUZANNE MCCRORY, regarding 818 The Crescent (Section 9, Block 85, Lot 34B), for an appeal of the issuance of a Certificate of Occupancy for Building Permit #22476 and seeking a determination that the Certificate of Occupancy is invalid. (R-15 District)

Chairman Gutterman asked if anyone wished to add documents to the record. No one did. He said that there has been a wealth of documents that have been submitted since the last public hearing and detailed the documents received from Ms. McCrory, the Ottingers and the Ottingers' attorney Joseph Messina. He stated that all pages of the Henderson resolution #2A-2007 have now been provided by Ms. McCrory. Ms. Georgiou stated that the 2010 Appellate Division case that affirmed the lower Court's decision has also been provided to the Board.

Chairman Gutterman asked for the Building Department record on the matter. Bill Gerety, the Building Inspector, asked what specifically is being requested for the record. Ms. Georgiou stated that he should provide the Building Department record related to the Certificate of Occupancy that is being challenged.

Mr. Gerety said he has the Building Permit and many historical documents in the file. Ms. Georgiou stated that the ZBA can't tell the Building Inspector what to submit and that the record submission is pursuant to state law. Mr. Gerety then said he would suggest the record would be the practice of issuing the Certificates of Occupancy: 1) Building Permit being active and legal 2) Periodic inspections performed 3) Electrical inspections by electrical agency 4) Closing documents (Application for Certificate of Occupancy) 5) As-built plans 6) As-built survey 7) Final inspection with no outstanding safety issues. Mr. Gerety stated that the record would reflect that those details were attended to before the Certificate of Occupancy was issued. Ms. Georgiou noted that the ZBA doesn't know the documents relied upon when the Certificate of Occupancy was issued. She stated that the items Mr. Gerety went through sound reasonable. She also noted the Building Department had provided a record to the ZBA for prior ZBA appeals and he could review what was submitted by the Building Department for other appeals.

Ms. Kramer asked what documents were used to issue the Certificate of Occupancy and Mr. Gerety said that he believes what he spoke of before would suffice. Chairman Gutterman stated that the public hearing is still open and he would like the Building Department to provide the documents as soon as possible. The hearing will stay open, the Chairman noted.

Chairman Gutterman asked if anyone wished to address the Board.

Sue McCrory, the applicant, addressed the Board. She stated that the Certificate of Occupancy was issued even though the house doesn't match the approved plans. The foundation has changed; it was supposed to be an open foundation with breakaway walls, she said. Instead, Ms. McCrory stated, a solid foundation was built that does not meet the flood code. Ms. McCrory stated that since the house was constructed, the FEMA flood map was changed. She said the property owners didn't build what was permitted and the Village has permitted what was built. Mr. Gerety stated that many times there are changes to the final project. Ms. McCrory said that

there wasn't a revised plan created and that there is a house that does not match the approved plans. Ms. McCrory noted that she believes there are zoning and flood compliance issues. She said that there has never been a flood zone determination for this house. Ms. McCrory submitted a Floodplain Development Permit for 818 The Crescent and reviewed the contents. She noted that many portions of the permit have not been completed by the Floodplain Administrator. Ms. McCrory stated that if everything had been completed properly, with respect to floodplain, she would have appealed to the Planning Board. She stated that her appeal is to the Certificate of Occupancy.

Ms. McCrory stated that the Building Inspector is required to review the revision to see if it meets the code. Once that is done, the Building Inspector makes a determination; that has been skipped in the process, she indicated.

With respect to fill, Ms. McCrory stated that fill has been introduced on the site and there are no permits for the fill. In conclusion, Ms. McCrory said that while she tried to make the case for zoning and flood compliance, she is doing this because it is a substantive issue and she is seeking to have it corrected.

Ms. Kramer asked what type of permit the Ottingers received for the foundation wall. Ms. McCrory answered that the Ottingers received a permit for a pier foundation. Ms. Kramer noted that since the property is no longer in the V zone, the Ottingers could build a solid wall and asked if amending the plan now that they are in the A zone would remedy the situation. Assuming the solid wall built is in compliance with the A zone requirements, all the Ottingers would need to do is file revised plans, Ms. Kramer noted. Ms. McCrory stated that was correct, given the scenario Ms. Kramer illustrated. Ms. McCrory went on to say that steps have not been taken to ensure flood compliance.

Ms. Ottinger addressed the Board. She stated that she wished to clear up statements Ms. McCrory had made. She noted that Bill Gerety is the fifth Building Inspector for this project. She stated that when she originally submitted plans for the project, Dan Natchez was responsible for doing the grading and stormwater permit #22892 and she received a Certificate of Compliance. She noted that the Floodplain Development Permit Application was submitted by Mr. Natchez as well. Ms. Ottinger stated that what Ms. McCrory has listed has nothing to do with this Building Permit. She also indicated that there is no fill with respect to this part of the plan.

Ms. Ottinger stated that the former Building Inspector, Mr. Carroll, had her architect amend the plan to insert A zone vents in 2006, which was done. She noted that under the foundation plan it indicates breakaway walls. Breakaway walls and vents were built to plan, Ms. Ottinger said. FEMA asked to make sure the property was in the correct floodplain, Ms. Ottinger said and that there was never an issue with the breakaway walls. Ms. Ottinger said that the plans submitted in 2006 were for an A zone and she received a Certificate of Occupancy for an A zone. She said that four Building Inspectors and FEMA have confirmed that the walls above ground are breakaway.

With respect to fill, Ms. Ottinger stated that Ms. McCrory has said that there has never been a permit fill. Ms. Ottinger stated that is not true. She noted that in one of the Planning Board resolution “Whereas” clause it states that the house is not in violation with respect to fill. Ms. Ottinger stated that there has never been an issue with the fill. She went on to say that Ms. McCrory then sued the Planning Board and the Court found that the Planning Board was correct.

Ms. Ottinger said that Ms. McCrory then went to FEMA and FEMA had no issues with the fill. Ms. Ottinger stated that the property has passed every inspection and the foundation of the house is in compliance. When the LOMR was completed, the Certificate of Occupancy was issued. Ms. Ottinger also stated that FEMA does not view Ms. McCrory as an aggrieved person.

Ms. Kramer asked if one permit was to fill and grade and the other permit was to build and Ms. Ottinger stated that was correct. Ms. Kramer asked if that was the typical protocol to do it that way. Ms. Ottinger stated that Mr. Natchez was involved with the floodplain portion and when the plans needed to be re-done, the architect handled the building permit portion.

Ms. Kramer asked if FEMA could get involved with the compliance aspect. Ms. Ottinger stated that FEMA did extensive research. Ms. Ottinger also noted that landscaping was done to the property, not fill. Ms. Kramer asked if the Building Permit and Certificate of Occupancy related at all to the first Certificate of Compliance and Ms. Ottinger stated that it did not; they are totally separate. With respect to fill and grading being necessary before building, Ms. Kramer said that she expects to find that out when the Building Department provides records.

Chairman Gutterman asked if anyone else wished to address the Board.

Gina von Eiff addressed the Board. She inquired about the security of files within the Building Department. She said that she is concerned that documents have been removed from files. She noted a situation where her daughter was reviewing files in the Building Department and was told that people aren’t watched when the files are being reviewed by outside parties and that files could go missing.

Chairman Gutterman stated that he will leave the public hearing open so that the Board can accept the Building Department files. Ms. Ottinger asked if the Board could close the hearing and still accept the Building Department documents. Chairman Gutterman stated that he is reluctant to do that, especially since there is a new Building Inspector.

CLOSED APPLICATIONS

1. Application #1F-2013, DOMINQUE HERRMANN, 310 Clafin Avenue (Section 9, Block 71, Lot 1B1), for a fence height variance where the fence violates Article IV, Section 342-14C(1) (Building Projections) where the applicant proposes to install a six foot high fence on the southwest side of the property and only a four foot high fence is allowed. (R-15 District)

The Board discussed the merits of the application. Mr. Sullivan stated that he did not have an issue with this application. The fence is setback so it shouldn’t cause a safety concern, he noted.

On motion of Mr. Sullivan, seconded by Mr. Weprin, the application for a variance is approved.

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

2. Application #4A-2013, JEROME LE JAMTEL, 875 Pirates Cove (Section 9, Block 103, Lot 3), to obtain a Certificate of Compliance for Building Permit #23392 amended as Permit # 08-0026 for an in-ground pool and pool equipment where the proposed pool and pool equipment violates Article V, Section 342-27 of the Schedule of Minimum Requirements where the pool has a lesser side yard setback of 13.9 feet and 20 feet is required and the pool equipment has a lesser side yard setback of 16.6 feet and 20 feet is required. (R-20 District) **AND** Application #5A-2013, JEROME LE JAMTEL, 875 Pirates Cove (Section 9, Block 103, Lot 3), to obtain a Certificate of Occupancy for the deck and enclosed porch where the structure violates Article V, Section 342-27 of the Schedule of Minimum Requirements where the applicant has 16.6 feet for a lesser side yard and 20 feet is required. (R-20 District)

The Board decided to review both applications together. Ms. Kramer voiced her concern that the applicant built what they wanted, not what the permit required. Mr. Neufeld stated that there are two separate applications; one for an enclosed porch and the other for the pool and pool equipment. The Board discussed the fact that the survey does not show the enclosed porch, but the sketch does.

Mr. Sullivan reminded the Board that when they defined structure in a previous application, it created this issue. Mr. Neufeld stated that this is a self-created situation by the applicant. Ms. Kramer stated that one of the variances isn't large, but that the other one is large. Mr. Weprin stated that it makes a difference as to what type of structure is there. Chairman Gutterman stated that if this application came before the ZBA before it was built, the ZBA would probably have told the applicant to move it into compliance. Mr. Angiello stated that even the pool is built a little off.

Discussion arose as to whether the porch could be moved. The pool is only 7.5 inches encroaching, Chairman Gutterman noted. Mr. Angiello clarified that there are two separate permits; one for the pool and one for the wood deck. He said that the pool is 6 feet over into the setback, but he hasn't heard complaints from neighbors and there are a lot of shrubs around it.

Mr. Sullivan stated that the pool deck is within the setback and at grade and doesn't affect neighbors. The deck is in line with the house and the pool equipment wouldn't need a variance if it wasn't sitting on the slab of concrete, Mr. Sullivan said.

Mr. Weprin stated that he was troubled by this application and wished there was some type of fine that could be imposed. Ms. Kramer suggested the BOT look into these types of issues. She referenced a club that built tennis courts where they wanted them and had to come before the ZBA for a variance.

On motion of Mr. Sullivan, seconded by Mr. Weprin, the application for variances is approved.

Ayes: Gutterman, Kramer, Sullivan, Weprin
Nays: None
Abstain: Neufeld

3. Application #14SP-2012, F & B LLC D/B/A CLUB CAR RESTAURANT, One Station Plaza (Section 9, Block 2, Lot 2A1), for reconsideration of two conditions (E [ii] and E [iv]) of approval for amended special permit #14SP-2012 granted on January 3, 2013. (C-1 District)

Chairman Gutterman noted for the record that both the applicant's attorney and Gina von Eiff submitted letters regarding the issue of voting and whether a vote needed to be unanimous on this matter. Mr. Neufeld stated that Village Law Section 7-712a requires a unanimous vote. He said that the system allows for one to file an Article 78. Mr. Neufeld also stated that a unanimous vote is required for re-opening an application and for voting on the application. Mr. Neufeld didn't believe the argument, with respect to special permits not being included in Section 7-712a, meant that it could be interpreted that special permits were excluded from the law. He went on to say that Village law does not supersede State law. With respect to the General Construction Law, Mr. Neufeld stated that the law only deals with what constitutes a quorum, not the vote itself.

Ms. Kramer asked if Village Law Section 7-712 applies to variances only or variances and special permits. Mr. Neufeld stated that some sections reference variances only, so that could imply that it includes special permits.

The Board discussed that some of the cases presented were under town law and whether different laws could be applied to villages. Mr. Neufeld felt there was a correlation between the two laws. Mr. Neufeld said that he believes the state laws should be followed. He also stated that he has a concern about opening up a situation where people come back to make changes on special permit resolutions.

Chairman Gutterman stated that if the Board approves anything, it will be with a unanimous vote. He stated that there are two issues on the table: 1) the extension of outdoor dining hours and 2) the option to play music. Ms. Kramer stated that the applicant is also requesting to add lunch time weekday hours outside.

Mr. Neufeld stated that many residents came out to have their concerns heard and the Board came up with an appropriate compromise. He went on to say that the applicant was forthright in saying that there were problems and he was working to remedy them. Mr. Neufeld also stated that the Board gave the applicant a one-year timeframe. He said he feels the Board should see how the restaurant does for this time period.

Ms. Kramer noted that the applicant never asked for outdoor seating for lunch during the week in their first application. Discussion arose as to whether the applicant can ask for more when they didn't ask for it in the original application.

Chairman Gutterman stated that the applicant alluded to financial issues caused by closing early. Mr. Weprin stated that he would allow day time outdoor dining during the week and to keep the outdoor dining hours for the weekend the same; the outdoor dining is to be closed by 9:00 p.m. on weekends.

Ms. Kramer stated that the argument made by the applicant that the ZBA was infringing on the authority of the Village Manager was not persuasive.

Mr. Weprin stated that he would modify the special permit to allow day time seating seven days a week and keep the 9:00 p.m. closing for the weekends. The Board discussed the outdoor seating hours for the weekdays and determined that 11:00 a.m. to 4:00 p.m. would be appropriate. Ms. Kramer said that the 4:00 p.m. cut off time would avoid the rush hour at the train station.

Mr. Sullivan reminded the Board that the applicant can file an Article 78. He said that every other restaurant has received dinner hour outdoor seating privileges and that he doesn't see a large issue with this.

Ms. Kramer said that usually outdoor seating does not come before the Board because it is on public property; because this is private, the Board has jurisdiction. Mr. Neufeld stated that he feels the Board worked on this matter originally and reached a proper determination. He felt it will be problematic granting one part and not the other. Mr. Neufeld stated that he is comfortable with what the Board originally determined.

Chairman Gutterman said he is not swayed by the music argument the applicant made, but he is agreeable with the day time hours and also extending weekend hours.

On motion of Mr. Weprin, seconded by Ms. Kramer, the request to modify condition E [ii] of Special Permit #14SP-2012 to allow for outdoor seating on weekdays is approved and that all other aspects are denied.

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

4. Application #2I-2012, HENRIETTE MCCABE, regarding 418 North Barry Avenue (Section 4, Block 27, Lot 12), for an appeal of the issuance of a building permit (revision) for authorized grading changes. (R-5 District)

Chairman Gutterman stated that the Board wished to seek advice of counsel on this application. On motion of Mr. Gutterman, seconded by Mr. Sullivan, the Board entered into a closed meeting for advice of counsel on the pending application.

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

At 9:28 p.m. the Board convened into a meeting for advice of counsel.

At 9:43 p.m. the Board reconvened the regular meeting.

Ms. Kramer noted for the record that the Board has previously made a determination that based on Chapter 186, it is improper for the ZBA to hear appeals of stormwater determinations under Chapter 186 and that appeals should be brought before the Planning Board. Ms. Kramer also stated that Chapter 294 gives the authority to the Building Inspector; it does not authorize the ZBA to take an appeal. Ms. Kramer asked if the challenge is solely regarding Chapter 294 or a challenge of something else. Chairman Gutterman stated that he believes the issues are only under Chapters 294 and 186. He said this matter centers on stormwater and drainage issues.

Ms. Georgiou stated that she would draft a resolution consistent with this discussion. Chairman Gutterman stated that he could not offer direct relief to the applicant. Ms. Georgiou asked if the Board was denying the application based on jurisdiction and Chairman Gutterman said yes. It was decided that the Board would review the draft resolution and adopt it at the May meeting.

5. Application #5SP-2010, FAISAL LIAQAT D/B/A DOMINO'S PIZZA, 960 Mamaroneck Avenue (Section 8, Block 53, Lot 1), to renew an existing special permit to operate a Domino's Pizza. (C-1 District)

The Board discussed the merits of the application.

On motion of Mr. Weprin, seconded by Mr. Sullivan, the application for renewal of the special permit without a term limit is approved.

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

6. Application #11SP-2010, FLORENCIO FERNANDEZ D/B/A PALETERIA FERNANDEZ, INC., 350 Mamaroneck Avenue (Section 9, Block 18, Lot 22A), to renew an existing special permit to operate an ice cream store. (C-2 District)

The Board discussed the merits of the application.

On motion of Mr. Weprin, seconded by Mr. Sullivan, the application for renewal of the special permit without a term limit is approved.

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

7. Application #17SP-2009, ENUER BALIDEMAJ D/B/A IL CASTELLO RESTAURANT, 576 Mamaroneck Avenue (Section 8, Block 103, Lot 54A1), to renew an existing special permit to operate a restaurant. (C-1 District)

The Board discussed the merits of the application.

On motion of Mr. Weprin, seconded by Mr. Sullivan, the application for renewal of the special permit without a term limit is approved.

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

8. Application #8A-2013, OLIVER DIRDARIAN & VIRGINE DIRDARIAN, 630 Seney Avenue (Section 59, Block 84, Lot 5), to construct first and second floor additions and alterations, widen front driveway, and enlarge bluestone patio where the proposed right side addition violates Article V, Section 342-27 of the Schedule of Minimum Requirements where the applicant proposes a combined side yard setback of 13.6 feet and 35 feet is required. (R-15 District)

The Board discussed the merits of the application.

On motion of Mr. Weprin, seconded by Ms. Kramer, the application for a variance is approved.

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

MINUTES

On motion of Mr. Gutterman, seconded by Mr. Weprin, the February 7, 2013 meeting minutes are approved.

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

On motion of Mr. Gutterman, seconded by Mr. Weprin, the March 7, 2013 meeting minutes are approved.

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

ADJOURN

On motion of Mr. Weprin, seconded by Ms. Kramer, the meeting was adjourned at 9:50 p.m.

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

ROBIN KRAMER
Secretary

Prepared by:
Ann P. Powers