

MINUTES OF A MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF MAMARONECK, NEW YORK, HELD ON THURSDAY, DECEMBER 4, 2014 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 December 4, 2014. 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:** Barry Weprin, Chairman  
David Neufeld, Board Member  
Michael Ianniello, Secretary  
Greg Sullivan, Board Member  
Len Violi, Board Member  
Anna Georgiou, Counsel to Board  
Les Steinman, Counsel to Board  
Dan Gray, Building Inspector

**ABSENT:** None

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

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**PUBLIC HEARINGS**

Mr. Weprin stated that Application #14SP-2011 will be adjourned to the January meeting as the mailing was not completed.

There were no other public hearings on the agenda.

**CLOSED APPLICATIONS**

1. Application #16A-2014, DOMINICK AND NATALIE SOUSA, D/B/A MCRUZ LLC, 440 Beach Avenue, (Section 4, Block 26, Lot 12), for an area variance to construct a new one family residence. The proposed residence violates Article V, Chapter 342-27 of the Schedule of Minimum Requirements where the minimum front yard setback is 20' and the applicant proposes an entrance platform of 9' and a residence of 13'. (R-5 District)

Mr. Weprin did not attend the last meeting but reviewed the video of the meeting and is prepared to vote on the application. Mr. Ianniello is a new member of the Board, but reviewed the video of last month's meeting and is prepared to vote. The Board discussed the merits of the application.

Mr. Sullivan stated that he visited the neighborhood, has looked at the lot and has spoken to the Building Inspector. He supports the proposed orientation of the home. He doesn't think the house would look right the other way and that the appearance of the home under such circumstances would be a long narrow home, similar to a quonset hut.

Mr. Neufeld stated the property was purchased knowing a substantial variance would be necessary; it is a self created situation. Mr. Violi referenced his comments from the November 6<sup>th</sup> meeting.

Mr. Ianniello indicated the area could be helped by constructing the new home and situating the home as proposed can improve the neighborhood. Corner lots are always an issue. The home will be consistent with the appearance of other homes in the neighborhood.

On motion of Mr. Violi, seconded by Mr. Sullivan the application for an area variance to construct a new house was approved.

Ayes: Sullivan, Ianniello, Violi, Neufeld, Weprin  
Nays: None  
Absent: None

2. Adjourned Application #31-2013, SHORE ACRES PROPERTY OWNERS ASSOCIATION, ET AL., regarding 700 S. Barry Avenue a/k/a 555 S. Barry Avenue, Mamaroneck Beach and Yacht Club, (Section 4, Block 37, Lot 1) for an appeal of the determination of the Building Inspector, made on April 5, 2013 finding the amended site plan application of Mamaroneck Beach and Yacht Club is zoning compliant. (MR District)

Mr. Steinman acknowledged receipt of recent correspondence received from the Keane & Beane and Newman Ferrara law firms and from Suzanne McCrory on the subject of whether Mr. Iannello may or should participate in the decision-making on the subject appeal. Mr. Steinman stated that he had spoken with Mr. Ianniello and that, notwithstanding any of the claims and arguments made in that correspondence, it has been determined that Mr. Ianniello will not participate in the decision-making on this appeal because the appeal has been ongoing for over a year, the public hearing has been closed for months and the ZBA has already deliberated upon and decided upon all but one of 30 issues raised on the appeal, with the remaining issue to be resolved tonight and a resolution to be prepared for the next meeting.

Chairman Weprin stated that the last item on the appeal to be resolved involves the 5000 square feet provision. Mr. Steinman was asked to and read the text of the note. Mr. Steinman reminded the Board that at a prior meeting, Mr. Neufeld and others had pointed out that the note in question contemplates an existing residence and a determination whether the new construction will adversely impact that existing residential use. Mr.

Steinman stated that the Board has been supplied with a full-sized copy of the set of plans that were submitted to the Building Department for a determination of zoning compliance. One of the plans has been scaled to show the distance between the existing residence and the nearest proposed construction. Chairman Weprin stated that the distance shown was approximately 7,425 square feet, as scaled off by the Village Engineer. Mr. Steinman also stated that, at the Board's request, he has looked into the legislative history of the provision and didn't find anything to add to the interpretation of the language of the provision.

Chairman Weprin stated that there are 2 possible interpretations of the provision. The first is 5,000 square feet of area between the new construction and the existing residence, which complies. The second is the applicant's interpretation - 5,000 square feet per unit. That seems so inconsistent with other zoning law provisions and would require much more separation in this zoning district than other, residential zoning districts. He added that there was a great deal of open area in the vicinity of the proposed construction. He is not prepared to accept the applicant's interpretation.

Mr. Sullivan, Mr. Neufeld and Mr. Viola agree with Chairman Weprin.

Counsel will prepare a resolution. The use and zoning ordinance which have already been voted on will be included in the resolution.

### MINUTES

On motion of Mr. Violi, seconded by Mr. Sullivan the minutes for September and October 2014 were approved.

Ayes: Violi, Neufeld, Sullivan, Weprin  
Nays: None  
Abstain: Ianniello

The November minutes will be approved at the January meeting as the Board has not had sufficient time to review them.

Mr. Weprin suggested that Mr. Ianniello volunteer to be the Secretary for the Board. Mr. Ianniello accepted.

Prepared by:  
Barbara Ritter

