

**THE MINUTES OF THE REGULAR MEETING OF THE ZONING BOARD  
OF THE TOWN OF MAMARONECK, JANUARY 4, 2017  
HELD IN CONFERENCE ROOM C, OF THE TOWN CENTER  
740 WEST BOSTON POST ROAD, MAMARONECK, NEW YORK**

**Present:** Arthur Wexler, Chairman, Irene O'Neill, Jeffery King, Evans Simpson, Stephen Marsh (alternate)

**Also Present:** Lisa Hochman, Counsel (Not voting).

**Absent/Excused:** Jonathan Sacks, John H. Landi, Building Inspector, Tom Murphy, Town Board Liaison

Mr. Wexler, the chairman stated that the applications would be taken out of order.

**MINUTES**

The minutes of the November 30, 2016 meeting were postponed.

**APPLICATION NO. 1 - CASE NO. 3036 - Josh Freidfertig - 42 Villa Road Public Hearing continued**

Josh Freidfertig, the applicant, stated that as suggested by the Board last month, he pushed the four air conditioning condenser units closer to the house and was able to achieve the required 20 foot total side yard therefore he only needs the right side variance. The Board discussed the application.

**Motion:** To Close Public Hearing

**Action:** Approved

**Moved by** Arthur Wexler, Chairman, **Seconded by** Irene O'Neill.

**Motion:** To approve the requested variance

**Action:** Approved

**Moved by** Stephen Marsh, **seconded by** Irene O'Neill.

**Vote:** Motion carried by unanimous roll call vote (summary: Yes = 5).

**Yes:** Arthur Wexler, Chairman, Evans Simpson, Irene O'Neill, Jeffery King, Stephen Marsh.

**Resolution to Approve Area Variance**

**42 Villa Road**

After review, on motion of Stephen Marsh seconded by Irene O'Neill the following resolution was proposed and adopted unanimously, (5-0).

**Ayes:** Arthur Wexler, Chairman, Irene O'Neill, Jeffery King, Evans Simpson, Stephen Marsh (alternate)

**Nays:** None

**WHEREAS**, Josh Freifertig (the “**Applicant**”) requested a variance to install two (2) air conditioning condenser units on the right side yard of the premises located at 42 Villa Road and known on the Tax Assessment Map of the Town of Mamaroneck as Block 111, Lot 63; and

**WHEREAS**, the Building Director declined to issue such permit on the grounds that the plans submitted failed to comply with the Town of Mamaroneck Zoning Ordinance (the “**Zoning Code**”) with particular reference to Section(s) 240-38B(2)(a) and 240-69; and

**WHEREAS**, the Applicant submitted to this Board an application for relief from the requirements of the Zoning Code; and

**WHEREAS**, the Board examined the plans, inspected the site, reviewed the application and has heard all persons interested in this application after publication of a notice thereof and a public hearing thereon; and

**WHEREAS**, this is a Type II action having no significant impact on the environment pursuant to 6NYCRR§ 617 et. seq. and accordingly, no further action under SEQRA is required, and

**WHEREAS**, a letter from the neighbor to the right of the Applicant’s house was entered into the record stating that there is no objection to the location of the air conditioning units; and

**WHEREAS**, the son of the neighbor to the left of the Applicant’s house appeared and stated objections to the placement of the air condenser units but it was determined and uncontested that the units on the left side of the house complied with the side yard setback requirements in the Zoning Code; and

**WHEREAS**, based upon comments by Zoning Board members, the Applicant moved the air condenser units in both side yards closer to the house to reduce any impact to neighbors on either side; and

**WHEREAS**, the Zoning Board of the town of Mamaroneck makes the following findings as required; and

1. The Board finds that the benefit to the applicant from the granting of the variance outweighs any detriment to the health, safety and welfare of the neighborhood or community. In reaching this conclusion, the Board considered the following factors.
  - A. Whether an undesirable change will be produced in the character of the neighborhood or detriment to nearby properties will be created by granting of the variance.

*The Board finds that the granting of the variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties because the encroaching air condenser units take up a minimal amount of square feet and locating two of the units on each side equally disbursts the noise and is preferable to moving four units to one side of house, which would unduly burden the neighbor on left side of the house.*

- B. Whether the benefit sought by the applicant can be achieved by some means feasible to the applicants other than an area variance.

*The Board finds that the benefit sought by the applicant cannot be achieved by some method feasible to the applicant not requiring a variance because placing all four units in the compliant side yard would disproportionately burden the neighbor on the left side of the house.*

- C. Whether the area variance is substantial.

*The Board finds that a three-foot side yard variance from the air condenser units is not substantial.*

- D. Whether the proposed variance will have an adverse impact on the physical or environmental conditions in the neighborhood.

*The Board finds that the variance will not adversely impact the local physical or environmental conditions because there will be no increase in runoff, light and adding only a small amount of noise as they will be on separate sides of the house.*

- E. Whether the difficulty is self-created.

*The Board finds that the difficulty is self-created, but that this factor is not determinative under the circumstances presented.*

- 2. For the reasons stated above, the granting of the variance is in harmony with the general purpose and intent of the Town of Mamaroneck Zoning Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- 3. For reasons stated above, the variance is the minimum necessary to alleviate the difficulty detailed in the application yet also preserves and protects the character of the neighborhood and the health safety and welfare of the community.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the subject application be and the same is **GRANTED**, subject to the following conditions:

**GENERAL CONDITIONS**

- 1. This variance is limited to the construction shown on the submitted plans as conditioned and/or modified in accordance with the direction of the Board as agreed to by the Applicant.
- 2. The Applicant shall submit plans reflecting any conditions or modifications as above for the review and approval of the Building Inspector prior to the granting of the building permit.

3. The Applicant shall obtain a building permit within (6) months of the filing of this resolution.
4. The building permit shall be void if construction is not started within (6) months.
5. Construction shall be in compliance with the plans submitted in connection with this application, as conditioned or modified pursuant to the direction of the Board.

This decision was filed with the Town Clerk as provided in Section 267-a(2) of the Town Law.

**APPLICATION NO. 2 - CASE NO. 3010 - 176 Myrtle Blvd.**

Adjourned at the applicant's request.

**APPLICATION NO. 5 –CASE NO. 3049 - 57 Harrison Drive - Public Hearing**

Josh Nogar, the applicant, addressed the Board asking to widen his driveway to allow for cars to pass each other in the driveway. He stated that the curb cut is to remain as is. He further stated that they do not wish to park side by side; one car will be parked in the garage. An erosion permit will be required. Fred Grippi, the applicants architect, stated that they will have to look at the calculations for drywells to determine whether or not they are adequate. The Board discussed the application.

**Motion:** To open the public hearing (*non pro tunc*)

**Action:** Approved

**Moved by** Arthur Wexler, Chairman, **Seconded by** Irene O'Neill.

**PUBLIC COMMENTS**

David Becker of 1 Robins Nest asked the Board to take into consideration the later application for 55 Harrison Drive when reviewing this application.

**Motion:** To close the public hearing

**Action:** Approved

**Moved by** Arthur Wexler, Chairman, **Seconded by** Irene O'Neill.

**Motion:** To approve the requested variance

**Action:** Approved

**Moved by** Evans Simpson, **seconded by** Irene O'Neill.

**Resolution to Approve Area Variance**

**57 Harrison Drive**

After review, on motion of Evans Simpson seconded by Irene O'Neill the following resolution was proposed and adopted unanimously, (5-0).

Ayes: Arthur Wexler, Chairman, Irene O'Neill, Jeffery King, Evans Simpson, Stephen Marsh (alternate)

Nays: None

**WHEREAS**, J. Nogar and A. Bedrosian (collectively, the "**Applicant**") requested a variance to extend the existing driveway at the right side of the property on the premises located at 57 Harrison Drive and known on the Tax Assessment Map of the Town of Mamaroneck as Block 501, Lot 300; and

**WHEREAS**, the Building Director declined to issue such permit on the grounds that the plans submitted failed to comply with the Town of Mamaroneck Zoning Ordinance (the "**Zoning Code**") with particular reference to 240-79B(b), 240-79B(a) and 240-69; and

**WHEREAS**, the Applicant submitted to this Board an application for relief from the requirements of the Zoning Code; and

**WHEREAS**, the Board examined the plans, inspected the site, reviewed the application and has heard all persons interested in this application after publication of a notice thereof and a public hearing thereon; and

**WHEREAS**, this is a Type II action having no significant impact on the environment pursuant to 6NYCRR§ 617 et. seq. and accordingly, no further action under SEQRA is required, and

**WHEREAS**, the Zoning Board of the town of Mamaroneck makes the following findings as required; and

1. The Board finds that the benefit to the applicant from the granting of the variance outweighs any detriment to the health, safety and welfare of the neighborhood or community. In reaching this conclusion, the Board considered the following factors.
  - A. Whether an undesirable change will be produced in the character of the neighborhood or detriment to nearby properties will be created by granting of the variance.

*The Board finds that the granting of the variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties because it's a small stone curb and there is no structure or bulk to be added.*

- B. Whether the benefit sought by the applicant can be achieved by some means feasible to the applicants other than an area variance.

*The Board finds that the benefit sought by the applicant cannot be achieved by some method feasible to the applicant not requiring a variance because there is no alternative to allow the family's two cars to bypass each other.*

- C. Whether the area variance is substantial.

*The Board finds that the variance is not substantial because it does not add any additional bulk and the paved portion driveway is one foot away from the property line but the curb itself is right on the property line.*

- D. Whether the proposed variance will have an adverse impact on the physical or environmental conditions in the neighborhood.

*The Board finds that the variance will not adversely impact the physical or environmental conditions because there will be no increase in bulk, noise or light.*

- E. Whether the difficulty is self-created.

*The Board finds that the difficulty is self-crested, but that this factor is not determinative under the circumstances presented.*

2. For the reasons stated above, the granting of the variance is in harmony with the general purpose and intent of the Town of Mamaroneck Zoning Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
3. For reasons stated above, the variance is the minimum necessary to alleviate the difficulty detailed in the application yet also preserves and protects the character of the neighborhood and the health safety and welfare of the community.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the subject application be and the same is **GRANTED**, subject to the following conditions:

**GENERAL CONDITIONS**

1. This variance is limited to the construction shown on the submitted plans as conditioned and/or modified in accordance with the direction of the Board as agreed to by the Applicant.
2. The Applicant shall submit plans reflecting any conditions or modifications as above for the review and approval of the Building Inspector prior to the granting of the building permit.
3. The Applicant shall obtain a building permit within (6) months of the filing of this resolution.
4. The building permit shall be void if construction is not started within (6) months.
5. Construction shall be in compliance with the plans submitted in connection with this application, as conditioned or modified pursuant to the direction of the Board.

This decision was filed with the Town Clerk as provided in Section 267-a(2) of the Town Law.

**APPLICATION NO. 7 - CASE NO. 3053 - 111 Laurel Avenue - Public Hearing**

Steve Secon, the applicant’s architect, stated that they seek to legalize an existing deck built more than 35 years ago. Mr. Galimi, the owner, stated that his family bought the house in 1971 and the deck was built sometime thereafter, without a permit. He added that the deck is in disrepair. Mr. Secon stated that the back door would require steps into the setback. Mr. Galimi stated that there are several similar decks in the area. Ms. O’Neill stated that she observed that several neighbors have similar decks. Letters of support from the neighbors were entered into the record and marked Exhibit 1. The Board discussed the application.

**Motion:** To open the public hearing  
**Action:** Approved  
**Moved by** Arthur Wexler, Chairman, **Seconded by** Jeffery King.

**PUBLIC COMMENTS**

There were no public questions or comments.

**Motion:** To close the public hearing  
**Action:** Approved  
**Moved by** Arthur Wexler, Chairman, **Seconded by** Irene O’Neill.

**Motion:** To approve the requested variance  
**Action:** Approved  
**Moved by** Jeffery King, **seconded by** Irene O’Neill.

**Resolution to Approve Area Variance**

**111 Laurel Avenue**

After review, on motion of Jeffery King seconded by Irene O’Neill the following resolution was proposed and adopted unanimously, (5-0).

Ayes: Arthur Wexler, Chairman, Irene O’Neill, Jeffery King, Evans Simpson, Stephen Marsh (alternate)

Nays: None

**WHEREAS**, Garret and Mary Galimi (collectively, the “**Applicant**”) requested a variance to legalize an existing deck on the premises located at 111 Laurel Avenue and known on the Tax Assessment Map of the Town of Mamaroneck as Block 124, Lot 423; and

**WHEREAS**, the Building Director declined to issue such permit on the grounds that the plans submitted failed to comply with the Town of Mamaroneck Zoning Ordinance (the “**Zoning Code**”) with particular reference to Section(s) 240-39B(3) and 240-69; and

**WHEREAS**, the Applicant submitted to this Board an application for relief from the requirements of the Zoning Code; and

**WHEREAS**, the Board examined the plans, inspected the site, reviewed the application and has heard all persons interested in this application after publication of a notice thereof and a public hearing thereon; and

**WHEREAS**, this is a Type II action having no significant impact on the environment pursuant to 6NYCRR§ 617 et. seq. and accordingly, no further action under SEQRA is required, and

**WHEREAS**, the Zoning Board of the town of Mamaroneck makes the following findings as required; and

1. The Board finds that the benefit to the applicant from the granting of the variance outweighs any detriment to the health, safety and welfare of the neighborhood or community. In reaching this conclusion, the Board considered the following factors.

- A. Whether an undesirable change will be produced in the character of the neighborhood or detriment to nearby properties will be created by granting of the variance.

*The Board finds that the granting of the variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties because the neighbors in the immediate vicinity have similar decks and therefore the proposal is consistent with neighborhood conditions.*

- B. Whether the benefit sought by the applicant can be achieved by some means feasible to the applicants other than an area variance.

*The Board finds that the benefit sought by the applicant cannot be achieved by some method feasible to the applicant not requiring a variance because the deck already exists and provides egress to a three-foot wide door and from the rear elevation of the house there is a cellar door, which needs a height of 8 feet for access.*

- C. Whether the area variance is substantial.

*The Board finds that the variance is not substantial because it does not increase the footprint of the house and merely legalizes existing, unobjectionable conditions.*

- D. Whether the proposed variance will have an adverse impact on the physical or environmental conditions in the neighborhood.

*The Board finds that the variance will not adversely impact the local physical or environmental conditions because the deck is pervious and will remain the same size.*

- E. Whether the difficulty is self-created.

*The Board finds that the difficulty is self-created, but that this factor is not determinative under the circumstances presented.*

2. For the reasons stated above, the granting of the variance is in harmony with the general purpose and intent of the Town of Mamaroneck Zoning Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
3. For reasons stated above, the variance is the minimum necessary to alleviate the difficulty detailed in the application yet also preserves and protects the character of the neighborhood and the health safety and welfare of the community.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the subject application be and the same is GRANTED, subject to the following conditions:

**GENERAL CONDITIONS**

1. This variance is limited to the construction shown on the submitted plans as conditioned and/or modified in accordance with the direction of the Board as agreed to by the Applicant.
2. The Applicant shall submit plans reflecting any conditions or modifications as above for the review and approval of the Building Inspector prior to the granting of the building permit.
3. The Applicant shall obtain a building permit within (6) months of the filing of this resolution.
4. The building permit shall be void if construction is not started within (6) months.
5. Construction shall be in compliance with the plans submitted in connection with this application, as conditioned or modified pursuant to the direction of the Board.

This decision was filed with the Town Clerk as provided in Section 267-a(2) of the Town Law.

**APPLICATION NO. 8 - CASE NO. 3054 - 14 Burton Road - Public Hearing**

**Motion:** To open the public hearing

**Action:** Approved

**Moved by** Arthur Wexler, **Chairman**, **Seconded by** Irene O'Neill.

Martin and Valeria Olson, the owners, addressed the Board stating that they purchased the property with the driveway as is and repaved it in September without obtaining a permit. They further stated that the size of the driveway did not change. Mr. Olsen stated that they did not receive a new survey when they purchased their house. The Board discussed the driveway and the application.

**PUBLIC COMMENTS**

There were no public questions or comments

**Motion:** To close the public hearing

**Action:** Approved

**Moved by** Arthur Wexler, Chairman, **Seconded by** Irene O'Neill.

**Motion:** To approve the requested variance

**Action:** Approved

**Moved by** Irene O'Neill, **seconded by** Evans Simpson.

**Resolution to Approve Area Variance**

**14 Burton Road**

After review, on motion of Irene O'Neill seconded by Evans Simpson the following resolution was proposed and adopted unanimously, (5-0).

Ayes: Arthur Wexler, Chairman, Irene O'Neill, Jeffery King, Evans Simpson, Stephen Marsh (alternate)

Nays: None

**WHEREAS**, Valeria and Martin Olson (collectively, the "**Applicant**") requested a variance to legalize an existing black top driveway on the premises located at 14 Burton Road and known on the Tax Assessment Map of the Town of Mamaroneck as Block 407, Lot 318; and

**WHEREAS**, the Building Director declined to issue such permit on the grounds that the plans submitted failed to comply with the Town of Mamaroneck Zoning Ordinance (the "**Zoning Code**") with particular reference to Section(s) 240-77B(1)(a) and 240-69; and

**WHEREAS**, the Applicant submitted to this Board an application for relief from the requirements of the Zoning Code; and

**WHEREAS**, the Board examined the plans, inspected the site, reviewed the application and has heard all persons interested in this application after publication of a notice thereof and a public hearing thereon; and

**WHEREAS**, this is a Type II action having no significant impact on the environment pursuant to 6NYCRR§ 617 et. seq. and accordingly, no further action under SEQRA is required, and

**WHEREAS**, the Zoning Board of the town of Mamaroneck makes the following findings as required; and

1. The Board finds that the benefit to the applicant from the granting of the variance outweighs any detriment to the health, safety and welfare of the neighborhood or community. In reaching this conclusion, the Board considered the following factors.

- A. Whether an undesirable change will be produced in the character of the neighborhood or detriment to nearby properties will be created by granting of the variance.

*The Board finds that the granting of the variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties because the driveway has existed as it does today for many years and, therefore it will not change existing conditions.*

- B. Whether the benefit sought by the applicant can be achieved by some means feasible to the applicants other than an area variance.

*The Board finds that the benefit sought by the applicant cannot be achieved by some method feasible to the applicant not requiring a variance because there will be no other way to expand the driveway except to the front of the house and any alternative would require ripping up the asphalt.*

- C. Whether the area variance is substantial.

*The Board finds that the variance is not substantial because it does not add any bulk to the property and has existed without objection for many years.*

- D. Whether the proposed variance will have an adverse impact on the physical or environmental conditions in the neighborhood.

*The Board finds that the variance will not adversely impact the local physical or environmental conditions because it will not result in any increase of stormwater runoff, noise or light and there is no added bulk.*

- E. Whether the difficulty is self-created.

*The Board finds that the difficulty is self-crested, but that this factor is not determinative under the circumstances presented.*

2. For the reasons stated above, the granting of the variance is in harmony with the general purpose and intent of the Town of Mamaroneck Zoning Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
3. For reasons stated above, the variance is the minimum necessary to alleviate the difficulty detailed in the application yet also preserves and protects the character of the neighborhood and the health safety and welfare of the community.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the subject application be and the same is GRANTED, subject to the following conditions:

## **GENERAL CONDITIONS**

1. This variance is limited to the construction shown on the submitted plans as conditioned and/or modified in accordance with the direction of the Board as agreed to by the Applicant.
2. The Applicant shall submit plans reflecting any conditions or modifications as above for the review and approval of the Building Inspector prior to the granting of the building permit.
3. The Applicant shall obtain a building permit within (6) months of the filing of this resolution.
4. The building permit shall be void if construction is not started within (6) months.
5. Construction shall be in compliance with the plans submitted in connection with this application, as conditioned or modified pursuant to the direction of the Board.

This decision was filed with the Town Clerk as provided in Section 267-a(2) of the Town Law.

### **APPLICATION NO. 3 - CASE NO. 3047 - 66 Sherwood Drive - Public Hearing continued**

Andrew Spatz, the new attorney for Mr. Alexander, gave a brief synopsis of the application. He stated that Mr. Alexander purchased the property with the existing garage in bad repair. Letters in support have been provided from five neighbors plus there were two new letters in support of the application entered into the record and marked Exhibits 1&2. Mr. Spatz stated that there are no violations pending and to dismantle the existing garage would be a hardship to the applicant. Mr. Spatz also asserted that the garage is in character with the neighborhood.

The Board discussed the variance request and questioned whether a variance was necessary given that it appeared to be legally nonconforming with no proposal to increase the size of the pre-existing, nonconforming structure. Mr. Spatz requested an adjournment.

The matter was adjourned to the January 25, 2017 meeting.

### **APPLICATION NO. 4 - CASE NO. 3051 - 55 Harrison Drive - Public Hearing continued**

Adriana Kierszenbaum of Dorf & Nelson, the applicant's new attorney, stated that in response to the request made by the Board at the prior meeting, the property has been staked.

Fred Grippi, the applicant's architect, addressed the Board and stated that the property is 55 feet wide instead of the required 75 feet. He further stated that most of the houses in the neighborhood are on similarly undersized lots and he designed the proposed house with a low profile for less impact and to fit in with the character of the neighborhood. He showed the plan of the proposed residence and pointed out that the house to the left is higher.

Mr. Wexler asked how much earth being removed. Mr. Grippi responded that the house is being cut into the slope and the house will hold back the earth. He further stated that the house will be 45 feet away from the rear property line.

Mr. Tomczyk stated that Mr. Carpaneto approved the permit contingent on his purchase of the five-foot strip from the Town. Mr. Marsh stated that the proposed house meets the required rear, front and side yard setback requirements. Mr. Grippi stated that in 2014 the building inspector stated that the lot was buildable. The new building inspector denied the application and determined a variance is required. The Board discussed the application and the zoning code requirements.

## **PUBLIC COMMENTS**

Carol Carozza of Robins Nest stated it was a 1961 subdivision.

David Becker of 1 Robins Nest, the next door neighbor, read a letter into the record stating his reasons for opposing the application.

Tree removal was discussed.

Mr. Evans asked how the neighbors ascertained that the lot is not buildable because he observed that there are many lots nearby similarly narrow and those lots are developed with houses.

Bruce Meighan of 38 Shadow Lane stated that there is a steep drop from his property to the lot.

Mr. Evans stated that the proposed house would be dug into the hill and if done properly would cause no danger.

Philip Heinegg of 59 Harrison brought photos of the yard dated January 3, 2017 showing water flow. Mr. Heinegg further stated that water is accumulating in the yard of the newly built house and concluded that runoff would increase further due to tree removal and damage to trees on neighboring properties caused by the proposed development. He further stated that the noise levels from I-95 are significantly greater since the trees have been removed.

Mr. Tomczyk stated that that the Storm Water Pollution Prevention Plan (SWPPP) has been approved.

Ms. Carozza stated that the construction will impact the oak tree on her property causing it to die and fall.

Drew George of 52 Harrison Drive stated that he bought his house because of the trees across the street and the impact of the proposed development would be a major inconvenience.

Pat McNamarra stated that he doesn't want his neighborhood to look like Queens.

Board members asked to see the approved building plans.

Ms. Kierszenbaum stated that the tree removal was done with the approval of the building department and the building of a house will not impact the neighborhood negatively.

The Board asked for the following: the stamped approved set of plans; that the stakes be sprayed to differentiate the property line and house; the approved SWPPP, the size of the house relative to size of the neighboring houses in 150 foot diameter; and a depiction of how much slope is to be removed.

Ms. Kierszenbaum requested an adjournment.

The matter was adjourned to February 25, 2017

### **APPLICATION NO. 6 - CASE NO. 3052 - 615 Fifth Avenue - Public Hearing**

**Motion:** To open the public hearing

**Action:** Approved

**Moved by** Arthur Wexler, Chairman, **Seconded by** Irene O'Neill.

David Cooper of Zarin and Steinmenz, the applicant's attorney, addressed the Board, stating that the owner, Corine Ram, and architect, Greg Di Angelis, were also present.

Mr. Cooper stated that they are before the Board to respond to egress and ingress requirements and parking spaces for the gym use. They were instructed by the Town to request a variance.

Mr. Cooper stated that the gym use is not public recreational space as it is a cross fit gym with membership and a small amount of members at any given time. The square footage of the gym and occupancy was discussed.

The Board discussed the Notice of Disapproval and determined that it must be corrected, as 10 spaces are required.

### **PUBLIC COMMENTS**

Rona Coligero, the owner of 8 Valley Place, stated that the gutters and leaders from the applicant's property are discharging into her rear property causing flooding.

The applicant requested an adjournment.

### **MINUTES**

**Motion:** To approve the Minutes of November 30, 2016

**Action:** Approved

**Vote: Motion passed (summary: Yes = 3, No = 0, Abstain = 2).**

**Yes:** Arthur Wexler, Chairman, Irene O'Neill, Stephen Marsh.

**Abstain:** Evans Simpson, Jeffery King.

**Moved by** Arthur Wexler, Chairman, **Seconded by** Irene O'Neill.

**ADJOURNMENT**

The meeting was adjourned at 11:15 P.M.

Minutes prepared by Francine M. Brill, Zoning Board of Appeals Secretary