

BOARD OF APPEALS

RUTHERFORD HALL 5 A 11:49  
VILLAGE HALL  
SCARSDALE, NY  
JANUARY 10, 2024  
OFFICE OF  
TREASURER

A regular meeting of the Board of Appeals of the Village of Scarsdale was held at Rutherford Hall on Wednesday, January 10, 2024, at 7:00 p.m.

Those members present were Chair, Jeffrey Watiker, Barry Meiselman, Amy Cooper, Eric Lichtenstein, and Meredith Millen. Also, present were Village Attorney Christian Gates from Keane and Beane, P.C., Building Inspector, Frank Diodati, Village Planner, Kellan D. Cantrell, and Planning Secretary, Donna Myers.

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The Chair said please allow me to take a few moments of your time to explain the Board's procedures. We hear each application in the order in which it is noticed – we hear first from the applicant and then from any person speaking in favor of or in opposition to the application.

After all of the evening's hearings, the Board will deliberate. Deliberations are open to the public. You are free to leave at the conclusion of your hearing or to stay for the deliberations. Some applicants choose to leave once their hearings have been concluded, while others choose to remain here. Should you decide to leave before the Board's deliberations you may obtain the Board's decision by calling Donna Myers at Village Hall tomorrow at (914) 722-1131. Also, tomorrow the decisions will be posted on the website at [www.scarsdale.com](http://www.scarsdale.com) in the Agenda Center. Whether you stay or go has no bearing on the Board's deliberations or decision.

At the conclusion of deliberations on each application, the Board attempts to reach a consensus. For an application to be granted, at least three of the Board's five members must vote in favor of that application. The Board's decision is memorialized in a written resolution. The resolutions are filed at Village Hall and are available to the public.

The reading of the following legal notice was waived pursuant to a continuing resolution adopted by unanimous vote of the Board.

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LEGAL NOTICE  
VILLAGE OF SCARSDALE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Board of Appeals of the Village of Scarsdale in Rutherford Hall in Village Hall, 1001 Post Road, Scarsdale NY 10583, on Wednesday, January 10, 2024, at 7:00 p.m. at which time and place the Board of Appeals will consider the following:

1. The application of 96 Morris La LLC for a Special Use Permit, pursuant to Chapter 310-88 of the Village Code, to construct a tennis court at 96 Morris Lane, identified on the Village tax map as Sec. 14, Blk. 05, Lot 14.
2. The application of Aton Kulikovos for a Variance from the requirements of Chapter 310-35 of the Village Code, to construct an addition that would encroach into the front yard setback, at 15 Wakefield Road, identified on the Village tax map as Sec. 22, Blk. 05, Lot 12.
3. Adjourned by Applicant - The application of Scarsdale Development for a Special Use Permit, pursuant to Chapter 310-88 of the Village Code, to construct a swimming pool at 12 Innes Road, identified on the Village tax map as Sec. 18, Blk. 02, Lot 51.
4. The application of TDJ Contracting Corp. for a Special Use Permit, pursuant to Chapter 310-88 of the Village Code, to construct a swimming pool at 16 Butler Road, identified on the Village tax map as Sec. 04, Blk. 01, Lot 402
5. The application of Cooper Lot 6 LLC for a Special Use Permit, pursuant to Chapter 310-88 of the Village Code, to construct a swimming pool at 6 Cooper Road, identified on the Village tax map as Sec. 14, Blk. 03, Lot 9.10A.
6. The application of TDJ Contracting Corp. for a Special Use Permit, pursuant to Chapter 310-88 of the Village Code, to construct a swimming pool at 42 Mamaroneck Road, identified on the Village tax map as Sec. 14, Blk. 04, Lot 25A.

Submitted materials may be viewed by

- Logging on to [www.scarsdale.com](http://www.scarsdale.com)
- Scroll down to the calendar
- Click on ZONING BOARD - MEETING date, and
- Click on APPLICATIONS AND SUPPORTING DOCUMENTS

Please email [planning@scarsdale.com](mailto:planning@scarsdale.com) with any comments or questions.

By Order of the Board of Appeals, Scarsdale, New York, updated January 8, 2024.  
Kellan D. Cantrell, AICP, Village Planner.

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1. The application of 96 Morris La LLC for a Special Use Permit, pursuant to Chapter 310-88 of the Village Code, to construct a tennis court at 96 Morris Lane, identified on the Village tax map as Sec. 14, Blk. 5, Lot 14.

John Conte, landscape architect, and John Conte III, civil engineer were present. The landscape plan shows 38 significantly sized trees and several shrubs for screening along the tennis court at the rear property line. The proposed tennis court will be a Har-Tru court of granular material which allows permeability. The submitted lot coverage and area calculations comply with the Village Code. Mr. Conte confirmed receiving the Village's policy statement on tennis courts.

The Chair went through the individual points of the policy statement on tennis courts. Mr. Conte stated the tennis court is more than thirty feet on all sides of the property. Existing around the property are six- to eight feet high evergreen plantings, and in the tennis court area we are proposing twelve- to sixteen feet high plantings. The tennis court will be a hard clay court that plays much quieter than an asphalt court. The Chair pointed out the landscape plans do not show screening on the far side of the property and referred to the minimum acceptable amount of screening as per the tennis policy statement. Mr. Conte said from the fence line to the inside edge of the foliage, each being approximately three-to four feet wide, meets the ten-foot minimum requirement. He said the trees consist of arborvitaes, spruce trees, and some deciduous birch trees for height but mostly evergreens. Mr. Conte said the plan shows a code compliant black vinyl chain link fence with no lighting planned for the tennis court.

Mr. Meiselman said he noticed several screening gaps on the right-hand side. Mr. Conte said he created privacy on the property as there are no gaps. This is very densely screened on all sides. Ms. Cooper said she also noticed screening gaps. Mr. Conte said there is a line of arborvitaes that run down the side of the property and across the rear. Ms. Cooper agreed to the line of arborvitaes however, there are gaps in-between each tree. The arborvitaes must be touching at all points. Mr. Conte questioned the no gap rule between foliage from ground level to ten feet high. The Chair said the gap rule applies from ground level to five feet in height. Mr. Conte agreed his interpretation of the definition of the no gap rule was incorrect.

Mr. Conte said near the tennis court we planted eight birch trees that are sixteen-to eighteen feet tall, fourteen Norway spruce ten-to twelve feet tall, ten dark American arborvitaes twelve-to fourteen feet tall and six Canadian hemlocks fourteen-to sixteen feet tall. He assumed that was the area to plant a thick buffer, however, he would be amendable to either add additional screening or in-fill the gaps on the far side.

Ms. Cooper questioned whose property the existing screening is on since it appears to be on the neighbor's property. Mr. Conti said he did not complete a survey but believes the existing screening is on his client's property.

Ms. Cooper said the property line does not appear straight as it curved narrow saying the front left corner seemed much closer to the property line. Mr. Conti confirmed the tennis court is more than the required setback.

Ms. Cooper asked about a sound barrier to the fence. Mr. Conte did not contemplate adding a sound barrier to the open mesh chain link fence but will if required. The Chair added there is no sound barrier required. Mr. Conte said it is the required setback to a standard sized tennis court.

Mr. Cantrell pointed out the plans show a ten-foot-high fence and Mr. Diodati confirmed a ten-foot-high fence is standard for tennis courts.

The Chair asked if there was anyone else who wished to be heard with respect to this application. No subsequent persons desiring to be heard, the Chair ended the discussion on the application.

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2. The application of Aton Kulikovos for a Variance from the requirements of Chapter 310-35 of the Village Code, to construct an addition that would encroach into the front yard setback, at 15 Wakefield Road, identified on the Village tax map as Sec. 22, Blk. 5, Lot 12.

Silvio Luca, the architect, was present. The request of this corner property is for a 10.55% variance to the front yard setback. The house and property line are not parallel as shown on Drawing S1. The requested thirty square foot variance is based upon two levels. The Chair asked if the third floor was included in the square footage of the FAR calculation. Mr. Luca replied yes.

Ms. Cooper asked if it is required for a stormwater management plan. Mr. Luca said it is only required for new construction as per the building code; however, the plans include drywells. Ms. Cooper asked if there was a stormwater plan for the entire house. Mr. Luca said that will need to be investigated.

The Chair asked if there was anyone else who wished to be heard with respect to this application. No subsequent persons desiring to be heard, the Chair ended the discussion on the application.

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3. The application of Scarsdale Development for a Special Use Permit, pursuant to Chapter 310-88 of the Village Code, to construct a swimming pool at 12 Innes Road, identified on the Village tax map as Sec. 18, Blk. 02, Lot 51.

The Chair said the applicant had adjourned to the next meeting on February 14, 2024.

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4. The application of TDJ Contracting Corp. for a Special Use Permit, pursuant to Chapter 310-88 of the Village Code, to construct a swimming pool at 16 Butler Road, identified on the Village tax map as Sec. 04, Blk. 01, Lot 402.

Walter Nestler, landscape architect and certified arborist, was present. This is currently an active construction site with the proposal for an 18' x 38' swimming pool with spa. A perimeter black chain link fence around three sides of the rear with a five-foot-high aluminum picket gate enclosure. Currently along the rear property line are hemlocks and several other deciduous trees. We are proposing an understory of lower plants that will meet the landscape screening height requirement while preserving all the existing trees along the perimeter in the rear. On the sides of the property, the proposal is to plant the minimum five-foot-high screen plantings that will consist of both evergreen shrubs and trees. The patios shown were included in the original site plan with a terrace around the swimming pool. Another swimming pool terrace is planned but not shown on the rendering. The lot coverage requirement has been met with the condition of the proposed driveway as a pervious surface. A modified SWEC for the building will be completed by Eliot Senor, engineer, and land surveyor. The swimming pool equipment is located at the back left-hand corner and meets both setback and screening requirements and is completely enclosed by fencing.

The Chair asked if the plantings in the rear are proposed, or existing saying there seem to be gaps. Mr. Nestler said the starlight trees in the rear are the existing hemlocks and will add understory plants to fill those gaps. The Chair commented on the number of deciduous trees and asked if he was relying on non-evergreen trees for screening. Mr. Nestler replied he is only planting evergreen shrubs or trees.

Mr. Nestler referred to the lower lot coverage calculation of 19,797 which is six feet less from what is on record. As for the stock piling of soil and topography, the topsoil has already been striped and stockpiled. The stormwater management plan will be completed by Eliot Senor's office.

Mr. Cantrell asked if there are any proposed retaining walls, Mr. Nestler said no. The retaining wall near the driveway is part of the current approved building permit.

The Chair asked if there was anyone else who wished to be heard with respect to this application. No subsequent persons desiring to be heard, the Chair ended the discussion on the application.

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5. The application of Cooper Lot 6 LLC for a Special Use Permit, pursuant to Chapter 310-88 of the Village Code, to construct a swimming pool at 6 Cooper Road, identified on the Village tax map as Sec. 14, Blk. 03, Lot 9.10A.

Abigail Adams, registered landscape architect, was present. The proposal is for a 20' x 40' swimming pool for a single-family residential home. The location of the swimming pool meets all required setbacks along with a five-foot-high code compliant fence that will enclose the rear yard. A tree removal plan was submitted. The planting plan includes eight replacement trees along with 74 evergreen trees, three ornamentals, about 200 shrubs and several perennials. The tree material includes such species as maples, magnolias, sweet gums, cedars, green giant arborvitaes with several ornamental shrubs. The trees around the rear yard and screening for the swimming pool and pool equipment will be installed at a minimum of five feet high with the majority being planted at seven- to eight-feet high.

The Chair asked if there will be any non-evergreen screening planted. Ms. Adams said the screening will be all evergreens.

Mr. Cantrell commented that the swimming pool has a setback requirement of thirty feet, rather than the twenty feet on the plan, and the lot coverage form needs to be submitted. He also requested the word future pool house be reflected on the plan or remove the pool house from the plan.

The Chair asked if there was anyone else who wished to be heard with respect to this application. No subsequent persons desiring to be heard, the Chair ended the discussion on the application.

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6. The application of TDJ Contracting Corp. for a Special Use Permit, pursuant to Chapter 310-88 of the Village Code, to construct a swimming pool at 42 Mamaroneck Road, identified on the Village tax map as Sec. 14, Blk. 04, Lot 25A.

Walter Nestler, landscape architect and certified arborist, was present. The proposal is for a swimming pool and pool equipment that meets the setback requirements. The rear yard will be surrounded by a five-foot-high black chain link fence that closes from the side to the property with a five-foot-high aluminum picket fence. The location of the swimming pool equipment and generator are on the left-hand side of the property and will be enclosed and screened with five-foot-high evergreens. The southern and western sides of the property are heavily screened with existing evergreen and deciduous plantings and as required; any screening gaps will be filled in with additional plantings. On the north side of the property, additional screening will be added consisting of white pines and arborvitaes. A very large copper beech tree lies right on the line of

the subdivided property. The proposed previously approved patio is being expanded to include paving. The topography and grading will remain the same as no retaining walls are being proposed or required. The existing stormwater drainage plan for the house will be amended.

The Chair asked if a plan is in place to screen from the house on the other side of the copper beech tree. Mr. Nestler said the screening, although not shown on the plans, straddles both sides of the property lines except for the area of the beech tree and drip line. The Chair asked Mr. Nestler if relief is being sought from this Board from the normal screening requirements to accommodate the beech tree. Mr. Nestler said yes as in consideration of the beech tree's significance. The Chair asked if he considered other places to screen that will not affect the beech tree. Mr. Nestler said he could accommodate that request. The Chair asked for confirmation for which property the landscape screening is on.

Mr. Meiselman asked if there is a policy for vegetation that either straddles or is right on the property line. Mr. Diodati said the requirement for new screening is it must be on the applicant's private property and not on the property line.

Mr. Cantrell requested the spa be labeled on the plans and the lot coverage worksheet updated to reflect the quadrilateral.

Mr. Nestler acknowledged receiving the letter from the neighbor Ms. Wolchok of 20 Mamaroneck Road.

The Chair asked if there was anyone else who wished to be heard with respect to this application. No subsequent persons desiring to be heard, the Chair ended the discussion on the application.

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CASE #39 OF 2023

1. 96 Morris La LLC  
96 Morris Lane  
Sec 14, Blk 05, Lot 14  
Special Use Permit - Tennis Court

The Board considered the application of 96 Morris La LLC, Case #39 of 2023, for a Special Use Permit, pursuant to Chapter 310-88 of the Village Code, to construct a Tennis Court at 96 Morris Lane upon motion duly made and seconded, unanimously held the matter over to the February 14, 2024, meeting in order to:

1. Provide a landscaping plan that depicts the entire parcel.
2. Ensure the landscaping plan complies with the Village Code requirements and the ZBA Policy Statement on tennis courts that ensures the landscape screening for the tennis court touches without gaps all year long.

Motion to Hold Over: Mr. Meiselman

Second: Ms. Cooper

	Aye	Nay	Abstain	Absent
Mr. Watiker, Chair	X			
Ms. Cooper	X			
Mr. Lichtenstein	X			
Mr. Meiselman	X			
Ms. Millen	X			

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CASE #40 OF 2023

2. Aton Kulikovos  
15 Wakefield Road  
Sec 22. Blk 05, Lot 12  
Variance – Front Yard Setback

The Board considered the application of Aton Kulikovos, Case #40 of 2023, for a front yard setback variance from Chapter 310-35 to construct a one car garage with a second-floor addition at 15 Wakefield Road, on a corner lot, and, upon motion duly made and seconded, unanimously adopted the following resolution:

WHEREAS: The Board has considered the subject application pursuant to the State Environmental Quality Review Act and Chapter 152 of the Village Code; now therefore be it

RESOLVED: That after examination of the site and evaluation of the information submitted with the application, the granting of a setback variance is a Type II action as pursuant to NYCRR 617.5(16) and no further environmental review is required pursuant to said regulations; and

WHEREAS: The property, located in the A-4 (7,500 sq. ft.) zoning district, is shown in the Assessor’s records as 0.18 acre and 7,840 sq. ft. on the lot coverage form; and

WHEREAS: The property is improved with a home built in 1951; and

WHEREAS: Chapter 310-35 regulates the front yard setbacks in residence A districts and;

WHEREAS: The Applicant is requesting a front yard setback of 26.8 ft. where 30 ft. is required, representing a 3.2 ft. variance or 11%.; and

WHEREAS: The Board members have visited the site and are familiar with the materials in the application; and

WHEREAS: At its meeting on December 13, 2023, the Board opened and closed a duly noticed public hearing on the application in which all those present wishing to be heard on the matter were given an opportunity to do so; and

WHEREAS: The Board members considered the criteria for granting area variances pursuant to New York State Village Law Section 7-712 (b) and conducted the appropriate balancing test as required therein, weighing the benefit to the applicant against the detriment to the neighborhood or the community; now therefore be it

RESOLVED: That the application of Aton Kulikovos, Case #40 of 2023, for an area variance to construct a single car garage and second story addition above the garage as shown on Site Plan SP.1 dated September 31, 2023, be approved based on the following findings and conditions:

1. The requested variance will not create an undesirable change in the character of the neighborhood or a detriment to nearby properties as the house will be improved with a garage that is further away from the neighbors to the rear.
2. The benefit sought may not be achievable through other methods in that it the variance is minimal to achieve the desired outcome of rebuilding a functional garage and addition. The granting of the variance will allow homeowners to park modern vehicles in the garage when it was previously too narrow to comfortably fit such vehicles. Moreover, shifting the garage forward to better align with the house will allow the garage's 2<sup>nd</sup> floor to be incorporated into the house and thus act as a functional area without unnecessarily wasting space.
3. The requested variance of 3.2 feet (11%) is not substantial and conforms to Board of Appeals precedent, taking into account that it (a) only involves a corner of the garage and floor above and (b) involves only a few square feet of encroachment.
4. The requested variance will not have an adverse physical impact on the neighborhood and will be an overall improvement to the homeowner and the neighborhood because the garage will be further from the abutting rear house thereby reducing sounds and disturbances. The lot is not square, and the house is not parallel to the lot lines, which makes the lot unique.
5. The alleged hardship is not self-created due to the unique shape of the parcel compounded by the parcel being located on a corner lot.

Motion to Approve as Submitted: Mr. Lichtenstein

Second: Ms. Millen

	Aye	Nay	Abstain	Absent
Mr. Watiker	X			

Ms. Cooper	X			
Mr. Lichtenstein	X			
Mr. Meiselman	X			
Ms. Millen	X			

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CASE #2 OF 2024

4. TDJ Contracting Corp.  
16 Butler Road  
Sec 04, Blk 01, Lot 402  
Special Use Permit to construct a swimming pool

The Board considered the application of TDJ Contracting Corp., Case #2 of 2024, for a Special Use Permit, pursuant to Chapter 310-88 of the Village Code, to construct a swimming pool at 16 Butler Road, upon motion duly made and seconded, unanimously adopted the following resolution:

WHEREAS: The Board has considered the subject application pursuant to the State Environmental Quality Review Act and Chapter 152 of the Village Code; now therefore be it

RESOLVED: That after examination of the site and evaluation of the information submitted with the application, the Board determined that such application, the construction of minor accessory structures (such as driveways, fences or pools) is a Type II action pursuant to 6 NYCRR 617.5(c) (12) and no further environmental review is required pursuant to said regulations; and

WHEREAS: The property, located in the A-2a (15,000 sq. ft.) zoning district, is shown in the Assessor's records as .45 acre and 19,991 sq. ft. on the lot coverage form. and

WHEREAS: The property is currently being improved with a new home; and

WHEREAS: Chapter 310-88(A) of the Village Code authorizes the Board of Appeals to consider Special Use Permits for the construction of swimming pools; and

WHEREAS: The plans show the proposed location of the swimming pool, associated equipment, landscaping and fencing; and

WHEREAS: The pool and pool equipment appear to meet the required setbacks and the project appears to meet the lot coverage; and

RESOLVED: That the application of TDJ Contracting Corp., Case #2 of 2024, for a Special Use Permit, pursuant to Chapter 310-88 of the Village Code, to construct a swimming pool at 16 Butler Road, as shown on sheets 1-9 all dated December 9, 2023, be approved based on the following findings and conditions:

1. The proposed swimming pool is consistent with the public health, safety, morals and general welfare of the community.
2. There shall be installed and maintained on the lot upon which the pool is located, and completely enclosing the pool, a fence or wall not less than 5 feet in height, with all gates and doors equipped with self-closing and self-latching devices designed to keep and capable of keeping such gates and doors securely closed at all times when not in actual use. The fence shall be constructed as represented to the Board at the meeting and on the approved plans.
3. Evergreen screening shall be planted as represented on the plans but in any event, at a minimum of 5 feet in height, and spaced so as to completely screen the pool from the view of all persons occupying adjoining properties and from the street, subject to the approval of the Building Inspector, shall assure that these features be installed and maintained on the applicant's property as long as said pool is in existence.
4. A 24-hour filter circulating system shall be installed and maintained as represented on the plans.
5. Lighting of the pool and adjacent premises shall be limited to underwater lighting.
6. Drainage and sanitary facilities, conforming to the requirements of the Scarsdale Village Code, shall be installed and maintained. Measures must be taken to ensure that water containing chemicals, such as acids or detergents resulting from lowering the water level of the pool or from pool cleaning, will be pumped directly into the sanitary sewer system, and not drained onto any land or into any stream or storm drain.
7. The use of the swimming pool shall be limited to the occupants of the principal building and their guests.
8. No excavation or removal of additional soil or rock shall be permitted except to construct the pool and any related stormwater management facilities.
9. A Stormwater Management and Erosion Control Permit is required. The soil erosion control measures shall be in place prior to the issuance of a Building Permit.
10. The applicant shall submit an "as built" survey and certified lot coverage form to the Building Inspector prior to the issuance of a Certificate of Occupancy,

showing the final location of the pool, associated improvements, fencing and the as-built lot coverage.

11. The swimming pool shall be completed within 24 months and shall not be used prior to the issuance of a Certificate of Occupancy.
12. The Certificate of Occupancy shall not be issued until the applicant complies with all conditions set down by the Board.
13. Failure to obtain a Certificate of Occupancy for the swimming pool within a period of 24 months from the date of this resolution shall cause the Special Use Permit to become null and void, unless an extension is granted by the ZBA.
14. Submit updated plans to show the rear yard is full screened per the Village Code and the ZBA policy statement on swimming pools.
15. Submit an updated lot coverage form to reflect the area of the lot that is listed on the approved 2022 lot coverage form as 19,997 sq. ft.

Motion to approve with condition: Mr. Meiselman

Second: Ms. Millen

	Aye	Nay	Abstain	Absent
Mr. Watiker	X			
Ms. Cooper	X			
Mr. Lichtenstein	X			
Mr. Meiselman	X			
Ms. Millen	X			

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CASE #3 OF 2024

5. Cooper Lot 6 LLC  
6 Cooper Road  
Sec. 14 Blk. 03 Lot 09.10A  
Special Use Permit to construct a swimming pool

The Board considered the application of Cooper Lot 6 LLC, Case #3 of 2024, for a Special Use Permit, pursuant to Chapter 310-88 of the Village Code, to construct a swimming pool at 6

Cooper Road upon motion duly made and seconded, unanimously held the matter over to the February 14, 2024, meeting in order to:

1. Provide an updated plan that is in compliance with the Village Code and ZBA Policy Statement setback requirements for swimming pools.
2. Label the pool house on the plans as “future pool house”

Motion to hold over: Mr. Lichtenstein

Second: Mr. Meiselman

	Aye	Nay	Abstain	Absent
Mr. Watiker	X			
Ms. Cooper	X			
Mr. Lichtenstein	X			
Mr. Meiselman	X			
Ms. Millen	X			

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CASE #4 OF 2024

6. TDJ Contracting Corp.  
42 Mamaroneck Road  
Sec. 14 Blk. 04 Lot 25A  
Special Use Permit to construct a swimming pool

The Board considered the application of TDJ Contracting Corp., Case #4 of 2024, for a Special Use Permit, pursuant to Chapter 310-88 of the Village Code, to construct a swimming pool at 42 Mamaroneck Road upon motion duly made and seconded, unanimously held the matter over to the February 14, 2024, meeting in order to:

1. Provide an updated plan that includes more robust landscaping that complies with the Village Code and ZBA Policy Statement on swimming pools including existing and proposed landscaping.
2. Screening options that accommodate the Beech tree on the property line.
3. Label the spa on the plan.
4. Submit an updated lot coverage worksheet that reflects the quadrilateral.

Motion to hold over: Ms. Millen

Second: Mr. Meiselman

	Aye	Nay	Abstain	Absent
Mr. Watiker	X			
Ms. Cooper	X			
Mr. Lichtenstein	X			
Mr. Meiselman	X			
Ms. Millen	X			

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Upon motion duly made by Mr. Meiselman, and seconded by Ms. Millen, the minutes of the December 2023 meeting were approved.

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Upon motion duly made by Ms. Cooper, and seconded by Ms. Millen, the Board members entered advice of Counsel session.

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Upon motion duly made by Ms. Cooper, and seconded by Mr. Meiselman, the Board members exited advice of Counsel session.

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The Chair announced the next meeting of the Board of Appeals would be held on Wednesday, February 14, 2024, at 7:00 p.m.

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The Zoning Board of Appeals meeting was adjourned at 8:50 p.m.

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Kellan D. Cantrell, AICP, Village Planner