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GOVERNMENT

Legislator Sheila Marcotte Named Vice-Chair of Budget and Appropriations Committee

WHITE PLAINS, NY -- On Wednesday January 18, 2012 at the first scheduled meeting of the new legislative session, Budget and Appropriations Committee Chairperson, Legislator Judy Myers, appointed Legislator Sheila Marcotte her Vice Chair. The Budget and Appropriations Committee is comprised of nine members including the Chair. In the course of the County's fiscal year, the Committee:

- Contracts for and reviews the annual independent audit of all county financial dealings, transactions and records conducted

by an outside CPA firm;

- Reviews and modifies, where appropriate, the proposed county budget;
- Monitors all county operational and capital expenditures;
- Analyzes and reviews all fiscally related matters and makes recommendations on those matters to the full Board for consideration;
- Seeks opportunities for operational reform that will lead to better and less



costly county government.

Following the meeting, Legislator Marcotte said, "I am gratified that Legislator Myers has appointed me to be her Vice-Chair. Following our recent bipartisan budget negotiations, I am glad to see that Legislator Myers is 'walking the walk' regarding a new spirit of bipartisan cooperation." Marcotte went on to say, "The stewardship of taxpayer money has always been my top priority as a Legislator and

as a Council Member in Eastchester. I intend to bring the same high level of fiscal responsibility, transparency and accountability to my work as Vice-Chair of this committee."

Legislator and Westchester County Board of Legislators Budget and Appropriations Committee Chair, Judy Myers said, "I look forward to working with Legislator Marcotte as well as the rest of the Budget and Appropriations Committee members, to fully implement the objectives inherent in the 2012 Budget."

Yorktown Zoning Board Sued



By **ABBY LUBY**

YORKTOWN, NY - - In a David and Goliath scenario, a Mohegan Lake resident has sued the Yorktown Zoning Board of Appeals for being "arbitrary and capricious" in its approval for variances in a church expansion application.

Evan Bray served Article 78 papers on Yorktown's Zoning Board of Appeals last week, claiming that for the past year, the board has abused their discretion by granting variances requested by the Faith Bible Church in Mohegan Lake.

"I'm challenging the zoning board's decision to grant a variance for a bigger building when they didn't consider additional space for parking," said Bray, who lives next door to the Faith Bible Church with his wife and three young daughters. Bray, who holds a degree in Architecture and has been a professional building code and zoning consultant in Manhattan, claims his contentions against the zoning board are not only about the validity of approved variances, but that the board seemed to have a closed eye to town codes and special use permits.

The church opened in 1994 in the former Lakeland Jewish Center at the edge of a small, residential neighborhood across from Mohegan Lake. Faith Bible Church owns several building lots, upon which a single-family house is situated. According to Reverend Carmine Zottoli, the church's pastor, the house was purchased in 2005 and turned into a non-residential space to be used by the church. Records indicate that the church never applied for a special use permit.

"They [the church] probably should've applied for a special use permit, but they didn't," said Yorktown Building Inspector John Winter. "As long as it can be straightened out - if they get their permits and go through the process - it will be self-correcting."

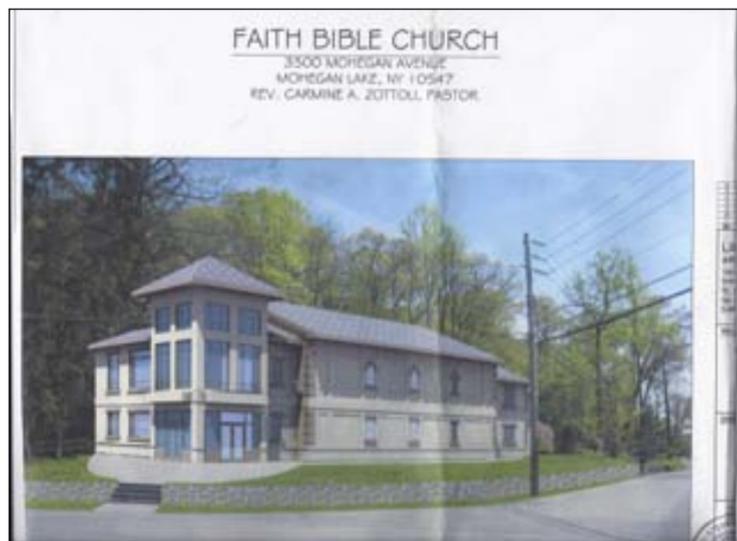
Gregg Buccì, acting chairman of the

Zoning Board, with purview over the Faith Bible Church application, denied a special permit was required. "There's no need for those permits," he said. "That [special permit] is beyond the scope of what is before us." Buccì was acting chairman only for the Faith Bible Church application, temporarily replacing zoning board chair Gordon Fine. Fine recused himself because he shares an office space with the church's lawyer, Albert Capellini.

The lawsuit questions the legality of the town's process; how can a variance be

granted if it is contingent on a special use permit when the permit doesn't exist?

"It's a little quirky," said Winter. "It's the egg and chicken question. You need both [permit and variance]. Some towns keep special permits with the planning board. We're all over the map with it."



Rendering of the proposed new Faith Bible Church.



Faith Bible Church in Mohegan Lake.

Bray is also suing the board for approving variances for a 14-foot rear yard when the code requires 30 feet; a 12 foot retaining wall, where the code allows for only four feet; and a two-foot side yard, where 12 feet are required.

The Faith Bible Church application to expand their building and parking area was approved by the zoning board in December 2011. Bray's lawsuit claims that granting a variance for a bigger building to accommodate a growing congregation, but allowing for just a slightly larger parking area was counterintuitive.

"The board didn't consider the parking," said Bray. "They granted a variance for a much bigger building but the applicant doesn't have enough parking spaces to support their congregation. That's crazy."

Faith Bible Church has requested to demolish the house next door and replace it with a parking lot to fit some 25 additional vehicles. "This will certainly improve our parking conditions," said Zottoli, who added that the church's congregation has grown to approximately 160 people including adults, teens and children.

According to the town's site design report on parishioner and vehicle counts, on Palm Sunday of last year there was a total of 242 parishioners and 90 vehicles. That count fluctuated over the month-long survey to a low of 171 parishioners and 67 vehicles. The report also indicates that at any given time 344 parishioners could use the church, and the church could also be used as a school, which would accommodate 172 people.

Although town code requires that any house of worship have one parking space for every four pews (this allows for "stacking" - double or triple parking), Yorktown has never gone on the record for what the legal occupant and parking load is for Faith Bible Church. Church neighbors, including Bray, indicate that they are not opposed to the church being in their neighborhood, just the proposed expansion; a larger building would not be in character with the small, lakeside community.

In a letter to the zoning board from David Abrams, an adjacent property owner to the

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church, Abrams said that currently, church members are forced to park on his property. "I would imagine if the capacity of the building increased the number of cars and congestion will increase. I am opposed to such a dramatic change in this small neighborhood."

Hermalinda Maidana, mother of young children who lives on the other side of the house to be demolished, said a new parking area would "directly impact our quality of life."

Bray established an active website (save-moheganlake.com) to keep the community updated. Since he has been outspoken about the church's expansion, many have rallied to his cause. John Gordon and his wife Judy, who have lived near the Faith Bible Church for 40 years, have been disappointed in the derisive treatment of Bray at the meetings held by the Zoning Board of Appeals membership.

"I'm very nervous about the town - especially after a couple of meetings. They ran Evan [Bray] up and down. They pulled some lousy tricks," said Gordon. "He was reading the zoning code out loud once and they told him he was wrong - they were just poo-pooing him."

Bray said that the zoning board has "not once asked the applicant if any of the variances could be reduced." He claimed that records he repeatedly requested through the Freedom of Information Law [F.O.I.L.] were not forthcoming, but sometimes, they would suddenly

appear when he showed up in person at the town offices. Bray also red-flagged omissions to the variance application that included comments and signatures from church neighbors. The application had to be corrected and re-submitted.

Bucci said the zoning board thoroughly reviewed the Faith Bible Church application. "We've analyzed and deliberated over this application in great detail. There are substantial records that reflect this."

In his argument against Bray's challenges throughout the application process, Faith Bible Church's lawyer, Albert Capellini, called on the board to consider the illegality of thwarting the "legitimate ends of religious worship" and if they did so "[the town] would be in violation of that assembly's religious liberty."

The next stop for the Faith Bible Church application is with the Yorktown Planning Board.

"The full manner in which they want to use the site hasn't been determined yet," said John Tegeder, Yorktown's Planning Director. "There are several people who have a lot of issues they are bringing up and we are evaluating those issues."

Photos by Abby Luby and courtesy of Abby Luby Photo.

Abby Luby is a Westchester based, freelance journalist who writes local news, about environmental issues, art, entertainment and food. Her debut novel, "Nuclear Romance" was recently published. Visit the book's website, <http://nuclearromance.wordpress.com/>.



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