

STUYVESANT AVENUE Neighborhood Coalition

Rye Residents Regretfully Take Legal Action to End Years of Wainwright House Board of Directors' Mismanagement and Misuse of Property

Neighbors Express Affection for Wainwright House's Original Mission -- But Today Spotlight Board's Latest Transgression: Illegal Use of Alcohol on Property

January 21, 2022 -- Rye, NY – While expressing affection and appreciation for the Wainwright House's original mission and intent, a group of Rye residents today announced they have joined together to form the 'Stuyvesant Avenue Neighborhood Coalition' to sustain a series of legal actions to resolve years of Wainwright House mismanagement and misuse by its Board of Directors. Two separate legal actions (detailed below) are being filed by the group with the NY State Supreme Court to spotlight the Board of Directors' purposeful, illegal misuse of Wainwright House.

"Our primary objective is to spotlight how the Wainwright House Board of Directors is operating the facility illegally and contrary to its original intent -- and to then ensure the facility's rightful mission is sensibly restored," said Dr. Mary Munding. Mary and her late husband Paul moved to Stuyvesant Avenue with their 4 children 46 years ago. "Due to the Board's unreasonable intransigence, we must regretfully seek legal recourse to address the fact this tax-exempt non-profit is run in a manner unaccountable to Rye taxpayers and the local residents negatively impacted by the Board's chronic mismanagement."

Another resident, Sasha Galantic, summed up the situation as follows: "We love Wainwright House and its original mission and operational principles," she said. "But we feel the Board has lost its way and abandoned its mission, focusing heavily on commercial activities. Our issue is with the Board, not Wainwright."

The Coalition also intends to focus public attention on history and facts: In 1951 -- as a tribute to her parents who originally owned Milton Point -- Fonrose Wainwright Condict established with the City of Rye the Wainwright House as a "nonprofit, non-sectarian holistic learning center." Upon her death in 1983, she bestowed a \$2.9 million endowment and donated what is now the Fonrose Cottage to the Wainwright House to be used for the continuation of her noble, non-commercial mission.

"Decades later, the Wainwright is now a very different place than that decreed and desired by Fonrose Wainwright Condict," said Dr. Benjamin Rosenstadt, a 59-year resident of Milton Point. "The Wainwright House Board has sadly transformed the property into a commercial rental facility and catering hall for loud, lavish weddings -- to the detriment of our growing residential neighborhood's quality of life," he continued. "Wainwright House today is wholly contrary both operationally and in spirit to the original owner's high-minded 1951 vision."

Rosenstadt also noted that residential noise issues related to leaf-blowing and rock removal have recently attracted City attention. "The Wainwright House Board should candidly concede that nighttime wedding celebrations with alcohol -- like leaf blowing, rock removal and other loud activities -- can create noise conditions inconsistent with the quality-of-life Rye homeowners deserve and expect."

The two legal actions taken are as follows:

December 2021 -- Article 78 Petition Filed

At the conclusion of 2021, Milton Point residents filed an "Article 78", petitioning the Westchester Supreme Court to annul a September 2021 Rye Planning Commission decision permitting large-scale commercial events in the residential neighborhood by categorizing Wainwright as a *religious use* under the Rye Code. According to the group's attorney, Joe Eriole of Veneziano & Associates, "The problem with that premise is that Wainwright does not meet

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the Rye Code's definitions of a religious use, nor did they submit evidence to support that conclusion. In fact, they seem committed to not portraying themselves as a 'religious' institution *except* when they need these permits renewed."

The residents allege that the real premise of the approvals is the poor stewardship of Wainwright's mission by its present Board, which, despite a significant initial endowment and strong, genuine support of the community, stated on the record that Wainwright House is on the verge of insolvency if they are not allowed to hold these commercial events. The petition states: "Wainwright House has become a commercialized property that operates outside its original intent and legal mission."

The residents are petitioning to be heard on the management of the Wainwright House, and the Planning Commission's tacit approval of their operations. The petition states: "Wainwright House has become a commercialized property that operates outside its original intent and legal mission."

The recently filed Article 78 argues the Rye Planning Commission cited no evidence that Wainwright is indeed a religious institution. Said Eriole: "The zoning code is clear: It allows for a religious use in a residential zone under just two circumstances: a religious headquarters or church -- or a place of worship. Wainwright House is neither." Since these criteria are not met, Eriole said, "Wainwright House is not eligible for the use 'subject to special conditions' under which it was approved."

"It's crystal clear that Wainwright House is being used in an illegal, unauthorized manner," Eriole continued. "Moreover, the Planning Commission does not have the legal authority to usurp what is a legislative decision to rezone property. The commission overstepped its boundaries."

Action Taken [January, 2022]: Injunction Relief from Wainwright on Illegally serving Alcohol

The second legal action – which will take place next week – will be filing a complaint seeking a permanent injunction on Wainwright House's flagrant disregard of the covenants on their deed specifying intoxicating beverages cannot be sold on the property. According to the complaint, the Wainwright House deed prohibits them from using or allowing "any building on the premises to let or lease the same to be used for the purpose of selling intoxicating liquors and other non-residential actions."

The Stuyvesant Avenue Neighborhood Coalition says these two back-to-back legal actions come regrettably out of frustration after years of negotiations between neighbors and the Wainwright House Board. The actions also come after several generous, well-intended offers to assist the Wainwright House financially, which the Board of Directors rejected.

About Stuyvesant Avenue Neighborhood Coalition

The Stuyvesant Avenue Neighborhood Coalition is a group of Milton Point residents whose properties surround Wainwright House. They have joined together to petition the City of Rye to seek relief from the misuse and mismanagement of the historic mansion by its Board of Directors. The neighbors are listed in the recent public petition filings.

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