



PORT CHESTER BUILDING AND FIRE PREVENTION DEPARTMENT

222 GRACE CHURCH STREET • PORT CHESTER, NEW YORK 10573

939-5203

Dan Gray
Building Inspector

MEMO TO: Joan Mancuso, Village Clerk

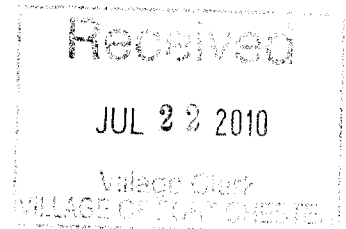
FROM: Anne Belfatto, ZBA Secretary *AB*

DATE: July 22, 2010

RE: **Zoning Board of Appeals Decisions**

Pursuant to Section 7-712-a of Village Law, attached are the decisions rendered by the Zoning Board of Appeals at their meeting held on Thursday, July 15, 2010.

Please respond with the proper filing date.



AB/
Attachments



Zoning Board of Appeals

222 GRACE CHURCH STREET
PORT CHESTER, NEW YORK 10573

Board Members

William Villanova, Acting Chairman
Evelyn Petrone, Secretary
Ronald Luiso
Art D'Estrada
Gerardo Espinoza, Alternate

(914) 939-5203

July 19, 2010

Ms. Reena Kashyap
Clay Art Center
40 Beech Street
Port Chester, NY 10573

RE: Case No. 1486 (F4247)
38-40 Beech Street
Parking Variance to Convert Wood Shop into Clay Art Studio

Dear Ms. Kashyap:

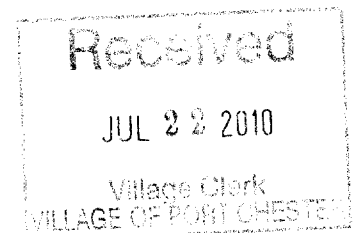
It was the decision of this Board at its hearing held on Thursday, July 15, 2010, to grant the variance as requested on your application regarding the above captioned matter.

Sincerely,

William Villanova
Acting Chairman

WV:akb

cc: David Mooney, AIA



MINUTES OF MEETING

Application for Zoning Variance

Date of Hearing: July 15, 2010
No. of Case: 1486, 38-40 Beech Street
Applicant: Clay Art Center, Inc.

Nature of Request: See publication notice annexed hereto.

Parking variance to convert wood shop into clay art studio

1. Names and addresses of those appearing in favor of the application.

- a. David Mooney, AIA, 5 Blind Brook Road, Rye, NY
- b. Reena Kashyap, Clay Art Center, 40 Beech Street, Port Chester, NY
- c.
- d.
- e.

2. Names and addresses of those appearing in opposition to application.

- a. None
- b.
- c.
- d.
- e.

Summary of statement or evidence presented: Memo dated 7/2/10 from Traffic Sergeant, Charles Vaccaro, recommending Clay Art purchase additional decal parking if there is an increase of employees. Clay Art has eight decals at this time and right now no more than eight artists at one given time. Findings of Fact as prepared by Anthony Cerreto, Village Attorney. Mr. Cerreto also recommended an annual review after the certificate of occupancy is issued.

Findings of Board: SEE ATTACHED

Action taken by Board: A motion was made by Mr. Luiso, seconded by Mr. D'Estrada, to close the public hearing. A vote was taken and the motion was unanimously carried.

A motion was made by Ms. Patrone, seconded by Mr. D'Estrada, to approve the Findings of Fact as prepared by Anthony Cerreto, Village Attorney. A vote was taken and all

ZONING BOARD OF APPEALS OF THE
VILLAGE OF PORT CHESTER

-----X
In the Matter of the Application of
Clay Art Center, Inc.

Case No. 1486

-----X
FINDINGS OF FACT

1. The applicant is the lessor of property located at 38-40 Beech Street, also known and designated as Section 142.47, Block 1, Lot 22 and 23 of the Tax Map of the Town of Rye, New York.

2. The subject premises are improved by a two-story building formerly used as a wood shop.

3. The subject premises are located in an M1 Industrial District.

4. The applicant proposes to expand the art studio.

5. The Building Department denied the application for a building permit by Notice of Disapproval dated April 20, 2010 which stated as follows:

Section 345-14 (C)(2), Schedule of Off-Street Parking Spaces: Seventeen (17) parking spaces required, 0 parking spaces proposed, variance required.

6. A public hearing was conducted on June 17, 2010 wherein the applicant and all interested parties were given a full and complete opportunity to be heard.

7. The applicant's architect, David Mooney, made the presentation with the Director, Reena Kashyap. The applicant has been located in the Village of Port Chester since 1957; it was established as a not-for-profit corporation in 2006. The proposed expansion project will result in six additional art studios, as well as classroom space for children and art classes. Six new **artists to use space.** There will no classes on Sunday. The applicant currently has 5 to 8 artists at the facility every day. The property cannot support any off-street parking.

8. The applicant purchases 8 decal parking spaces from the Village for use at the adjacent Beech Street municipal parking lot. It was represented that the parking lot is underutilized. But that the applicant would be willing to purchase additional spaces as needed.

9. One neighbor testified in favor of the application and no one testified in opposition.

10. At the Board's request, a report has been received from the Police Department regarding the availability and utilization of the municipal lot. The report stated that the lot has a total of 73 parking spaces, with 45 available decal spaces. In total, 27 decal spaces have been purchased in 2010; 8 of these spaces were purchased by the applicant. Over the past three years, there has been a decline in decal purchases. The report concludes that there is available limited time parking for the short-term patrons of the Clay Art Center and that the applicant be encouraged to purchase additional decal parking from the Village.

CONCLUSIONS OF LAW

1. With regard to a request for an area variance, Village Law, Section 7-712-b(3)(b) requires the Zoning Board of Appeals to balance the benefit to the applicant if the variance is granted as against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board shall consider: (1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse impact on the physical or environmental conditions in the neighborhood; and (5) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

2. The requested variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties.

3. The applicant cannot otherwise provide a means of improving its property. The conditions are pre-existing and any use of the property would require a variance from the off-street parking requirements in the Zoning Code.

4. The requested variance is significant, but there is available decal parking in the adjacent municipal parking lot for the applicant's benefit.

5. The requested variance will not have any adverse impact on the physical or environmental conditions in the neighborhood. The variance will not result in any decrease of light, air, privacy, security for fire and other dangers or overcrowding. Nor is

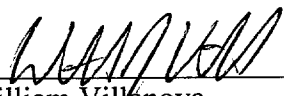
there any evidence that the variance would negatively impact the natural environment and/or any ecological systems.

6. Since the applicant purchased the property with presumptive knowledge of the restrictions contained within the M-1 Zoning District, there is arguably the existence of self-created hardship. However, this is only one factor for the Board to consider and does not outweigh the other foregoing factors that otherwise tip in its favor.

DETERMINATION

On motion of Ms. Petroen, seconded by Mr. D'Estrada
, the Zoning Board of Appeals of the Village of Port Chester, New York,
the application of Clay Art Center, Case No. 1486, for an area variance which is a Type
II action requiring no further environmental review and authorizes the Chairman to sign
these Findings on its behalf.

Dated: July 15, 2010
Port Chester, New York



William Villanova
Acting Chairman


RECEIVED

JUL 7 2010

VILLAGE OF PORT CHESTER
BUILDING

**Port Chester Police Department
Traffic Bureau
350 North Main Street
Port Chester, New York 10573**

Memo

To: William Villanova, Acting Chairman Zoning Board of Appeals
From: Charles Vaccaro, Traffic Sergeant 
Date: 7/2/2010
Re: Zoning Board Case 1486 (F4247) - Clay Art Center

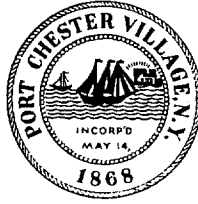
In response to your request for a report regarding the availability and utilization of the municipal parking lot on Beech Street for the use of the Clay Art Center please see my findings.

I conducted an on-site inspection of the Beech Street municipal lot which is known as Lot #5. The Lot has a total of 73 parking spaces including 1 handicap space. The parking lot has 28 3hr limited time parking spaces located in the center isle of the parking lot. These spaces are multi-use spaces for area businesses including the Clay Art Center. Note that Holy Rosary Church makes use of these spaces for mass and funerals as needed and over the last 2 years the Early Learning Center makes use of app. 5-7 spaces per day for part time teacher assistant short term parking and parent parking for the school. Currently during daytime hours that center section of 3 hr parking is 2/3rds full as seen on 6/28, 6/30 and 7/2 at app 18 vehicles.

Decal parking in the lot consists of 45 parking spaces located on the perimeter with 8 spaces currently paid for by the Clay Art Center. In total the other local businesses have purchased and use a total of 27 decal spaces, leaving 18 available spaces for purchase and use of the Clay Art Center. The purchase price for a decal space is \$425.00 per year.

Over the past 3 years there has been a decline in decal purchases in the Beech Street Lot as in 2008 there were 60 paid spaces, in 2009 only 34 spaces were paid and as noted only 27 paid for in 2010 so far.

In conclusion there is some available limited time parking for the short term patrons of the Clay Art Center. However, if there is an increase of employees for the additional space then I would recommend the Clay Art Center purchase additional decal parking for their employees so not to inhibit parking of any patrons of the Clay Art Center or surrounding users.



Zoning Board of Appeals

222 GRACE CHURCH STREET
PORT CHESTER, NEW YORK 10573

Board Members

William Villanova, Acting Chairman
Evelyn Petrone, Secretary
Ronald Luiso
Art D'Estrada
Gerardo Espinoza, Alternate

(914) 939-5203

July 19, 2010

Mr. Vitorio Ciraco, Jr. AIA
23 West Street
Harrison, NY 10528

RE: Case No. 1483 (F1515)
470 West William Street
Variances to Construct One Story Rear Addition

Dear Mr. Ciraco:

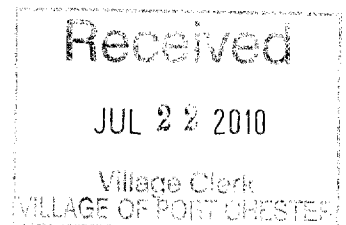
Please be advised that at the Zoning Board of Appeals hearing held on Thursday, July 15, 2010, said Board reviewed your application for request of variances regarding the above captioned matter and a decision will be made at the next scheduled meeting for August 19, 2010.

Sincerely,

William Villanova
Acting Chairman

WV:akb

cc: William Lucerno



MINUTES OF MEETING

Application for Zoning Variance

Date of Hearing: July 15, 2010
No. of Case: 1483, 470 West William Street
Applicant: William Lucerno

Nature of Request: See publication notice annexed hereto.

Variations to construct one story rear addition

1. Names and addresses of those appearing in favor of the application.

- a. William Lucerno, 470 West William Street, Port Chester, NY
- b.
- c.
- d.
- e.

2. Names and addresses of those appearing in opposition to application.

- a. Bart Didden, 123 Betsy Brown Road, Port Chester, NY
- b.
- c.
- d.
- e.

Summary of statement or evidence presented: Board received documents supporting monthly, annual expenses on property. Owner did not submit tax returns. Purchased as a two family. House built in 1902. Was one family at one time. Front yard setback existing. Houses in neighborhood have two or three bedrooms. None of the neighbors opposed. Nice neighborhood. No negative impact on neighborhood.

~~Findings of Board:~~

Action taken by Board: A motion was made by Mr. Luiso, seconded by Ms. Petrone, to close the public hearing and to render a decision at the next scheduled hearing of August 19, 2010. A vote was taken and the motion was unanimously carried.

A motion was made by Mr. D'Estrada, seconded by Mr. Espinoza, requesting Anthony Cerreto, Village Attorney, to prepare Findings of Fact. A vote was



Zoning Board of Appeals

222 GRACE CHURCH STREET
PORT CHESTER, NEW YORK 10573

Board Members

William Villanova, Acting Chairman
Evelyn Petrone, Secretary
Ronald Luiso
Art D'Estrada
Gerardo Espinoza, Alternate

(914) 939-5203

July 19, 2010

Mr. Douglas Coccaro
Sign Design
501 Willett Avenue
Port Chester, NY 10573

RE: Case No. 1484 (F1883)
1000 High Street
Variations to Erect a Second Wall Sign

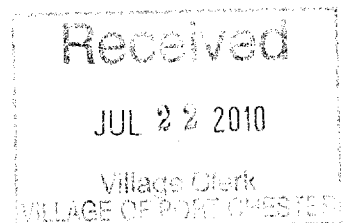
Dear Mr. Coccaro:

Please be advised that at the Zoning Board of Appeals hearing held on Thursday, July 15, 2010, said Board reviewed your application for request of variations regarding the above captioned matter and a decision will be made at the next scheduled meeting for August 19, 2010.

Sincerely,

William Villanova
Acting Chairman

WV:akb



MINUTES OF MEETING

Application for Zoning Variance

Date of Hearing: July 15, 2010
No. of Case: 1484, 1000 High Street
Applicant: Port Chester Nursing Home

Nature of Request: See publication notice annexed hereto.

Variations to erect a second wall sign at rear of building

1. Names and addresses of those appearing in favor of the application.

- a. Douglas Coccaro, Sign Design, 501 Willett Avenue, Port Chester, NY
- b. Different renderings of sign submitted Labeled Exhibit "B"
- c. Wayne Benach, Director of the Port Chester Nursing Home
- d.
- e.

2. Names and addresses of those appearing in opposition to application.

- a. None
- b.
- c.
- d.
- e.

Summary of statement or evidence presented: Need sign for identification. Building 200 feet away from highway and there is a forest of trees. Trying to get contrast to see the sign on the brick building. Prefer white faced illuminated sign. Will give notice to building. No detriment to the neighborhood. ABR to review for the aesthetics.

~~Findings of Board~~

Action taken by Board: A motion was made by Mr. Luiso, seconded by Mr. D'Estrada, to close the public hearing and to render a decision at the next scheduled hearing of August 19, 2010. A vote was taken and the motion was unanimously carried.

A motion was made by Mr. Luiso, seconded by Ms. Petrone, requesting Anthony Cerreto, Village Attorney, to prepare the Findings of Fact. A vote was taken and the motion was unanimously carried.



Zoning Board of Appeals

222 GRACE CHURCH STREET
PORT CHESTER, NEW YORK 10573

Board Members

William Villanova, Acting Chairman
Evelyn Petrone, Secretary
Ronald Luiso
Art D'Estrada
Gerardo Espinoza, Alternate

(914) 939-5203

July 19, 2010

Mr. Michiel Boender, AIA
Edgewater Group
163 North Main Street
Port Chester, NY 10573

RE: Case No. 1485 (F2175)
277 Madison Avenue
Variances to Construct Second Story Addition

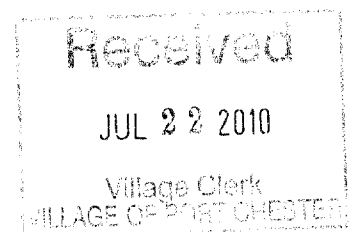
Dear Mr. Boender:

It was the unanimous decision of this Board at its hearing held on Thursday, July 15, 2010, to adjourn the above captioned matter to the next scheduled meeting of August 19, 2010.

Sincerely,

William Villanova
Acting Chairman

WV:akb



MINUTES OF MEETING

Application for Zoning Variance

Date of Hearing: July 15, 2010
No. of Case: 1485, 277 Madison Avenue
Applicant: Marion and Cathleya Castillo

Nature of Request: See publication notice annexed hereto.

Variations to construct second story addition

1. Names and addresses of those appearing in favor of the application.

- a. Michiel Boender, AIA, 163 North Main Street, Port Chester, NY
- b. Jim Pellegrino, 272 Madison Avenue, Port Chester, NY
- c.
- d.
- e.

2. Names and addresses of those appearing in opposition to application.

- a. Mary Ellen Smith, 285 Madison Avenue, Port Chester, NY
- b. Dom Tamarro, 265 Madison Avenue, Port Chester, NY
- c.
- d.
- e.

Summary of statement or evidence presented: Propose master bedroom on first floor and other bedrooms on the second floor. Make house more livable, small house. Owners will live there when they retire. Owned property since 1985 and have not rented it since 2005. They are New York residents who happened to get transferred to Manilla due to work. Have grown children who are away at college. Increasing height of house by 6½ feet. Addition in character with neighborhood. Board requested one of the owners or possibly the son to appear before the Board.

~~Findings of Board~~

Action taken by Board: A motion was made by Ms. Petrone, seconded by Mr. D'Estrada, to adjourn this application to the next scheduled hearing of August 19, 2010. A vote was taken and the motion was unanimously carried.



Zoning Board of Appeals

222 GRACE CHURCH STREET
PORT CHESTER, NEW YORK 10573

Board Members

William Villanova, Acting Chairman
Evelyn Petrone, Secretary
Ronald Luiso
Art D'Estrada
Gerardo Espinoza, Alternate

(914) 939-5203

July 19, 2010

Mr. Oscar Ovalle
Greenwich Design Architects
309 Greenwich Avenue
Suites 201-202-203
Greenwich, CT 06830

RE: Case No. 1487 (F874)
21 Gilbert Place
Variances to Convert Two Family to a One Family and to
Convert Garage Second Floor Space from Storage to a One Family Unit

Dear Mr. Ovalle:

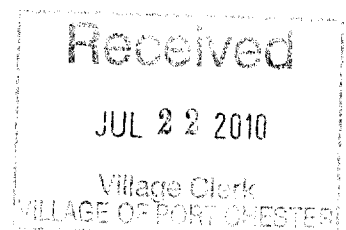
It was the unanimous decision of this Board at its hearing held on Thursday, July 15, 2010, to adjourn the above captioned matter to the next scheduled meeting of August 19, 2010.

Sincerely,

William Villanova
Acting Chairman

WV:akb

cc: Gloria Gonxales



MINUTES OF MEETING

Application for Zoning Variance

Date of Hearing: July 15, 2010
No. of Case: 1487, 21 Gilbert Place
Applicant: Gloria Gonzalez

Nature of Request: See publication notice annexed hereto.

Variances to convert one family into two and garage space into one family unit

1. Names and addresses of those appearing in favor of the application.

- a. Angela Patricia Lara, 21 Gilbert Place, Port Chester, NY
- b.
- c.
- d.
- e.

2. Names and addresses of those appearing in opposition to application.

- a. None
- b.
- c.
- d.
- e.

Summary of statement or evidence presented: It was determined that Ms. Lara needed translation services and was advised to have her designer, Oscar Ovalle, appear with her at the next hearing.

~~Findings of Board~~

Action taken by Board: A motion was made by Mr. Luiso, seconded by Mr. D'Estrada, to adjourn this application to the next scheduled hearing of August 19, 2010. A vote was taken and the motion was unanimously carried.



Zoning Board of Appeals

222 GRACE CHURCH STREET
PORT CHESTER, NEW YORK 10573

Board Members

William Villanova, Acting Chairman
Evelyn Petrone, Secretary
Ronald Luiso
Art D'Estrada
Gerardo Espinoza, Alternate

(914) 939-5203

July 19, 2010

Mr. Demetrios Adamis, Esq.
Gioffre & Gioffre
2900 Westchester Avenue
Suite 206
Purchase, NY 10577

RE: Extension
Case No. 1415 (F113)
Willett Avenue/Abendroth Avenue

Dear Mr. Adamis:

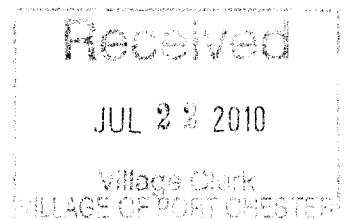
It was the decision of this Board at its hearing held on Thursday, July 15, 2010, to grant a ninety day extension on variances that were granted February 15, 2007 for an application to construct a multi-family residential structure at the above noted location.

Sincerely,

William Villanova
Acting Chairman

WV:akb

Cc: Frank Boccanfusco



MINUTES OF MEETING

Application for Zoning Variance

Date of Hearing: July 15, 2010
No. of Case: 1415, Willett/abendroth Avenue
Applicant: Demetrios Adamis, Esq.

Nature of Request: ~~See publication notice annexed hereto~~

Extension of variances granted February 15, 2007

1. Names and addresses of those appearing in favor of the application.

- a. Demetrios Adamis, Esq., 2900 Westchester Avenue, Purchase, NY
- b.
- c.
- d.
- e.

2. Names and addresses of those appearing in opposition to application.

- a. None
- b.
- c.
- d.
- e.

Summary of statement or evidence presented: Request for an additional ninety day extension. Renewed site plan approval six-seven months ago. Client optimistic. Has acquired site and indicates some movement in credit market.

~~Findings of Board:~~

Action taken by Board: A motion was made by Mr. Luiso, seconded by Ms. Petrone, to grant an additional ninety day extension on variances that were granted February 15, 2007. A vote was taken and the motion carried.



Zoning Board of Appeals

222 GRACE CHURCH STREET
PORT CHESTER, NEW YORK 10573

Board Members

William Villanova, Acting Chairman
Evelyn Petrone, Secretary
Ronald Luiso
Art D'Estrada
Gerardo Espinoza, Alternate

(914) 939-5203

July 19, 2010

Mr. Demetrios Adamis, Esq.
Gioffre & Gioffre
2900 Westchester Avenue
Suite 206
Purchase, NY 10577

RE: Extension
Case No. 1394 (F1869)
Willett Avenue/Abendroth Place

Dear Mr. Adamis:

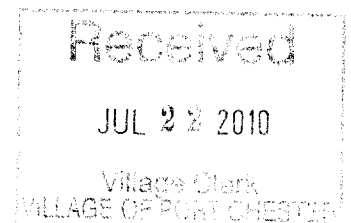
It was the decision of this Board at its hearing held on Thursday, July 15, 2010, to grant a ninety day extension on variances that were granted June 15, 2006 for an application to construct a multi-family residential structure with a commercial component on the first floor at the above noted location.

Sincerely,

William Villanova
Acting Chairman

WV:akb

Cc: Frank Boccanfusco



MINUTES OF MEETING

Application for Zoning Variance

Date of Hearing: July 15, 2010

No. of Case: 1394, Willett Avenue/Abendroth Place

Applicant: Demetrios Adamis, Esq.

Nature of Request: ~~See publication notice annexed hereto.~~

Extension of variances granted June 15, 2006.

1. Names and addresses of those appearing in favor of the application.

- a. Demetrios Adamis, Esq., 2900 Westchester Avenue, Purchase, NY
- b.
- c.
- d.
- e.

2. Names and addresses of those appearing in opposition to application.

- a. None
- b.
- c.
- d.
- e.

Summary of statement or evidence presented: Requesting an additional 90 day extension of variances. Made re-submission to Planning Commission and porbably receive approval sometime in the fall. Client indicates some movement in credit market. Acquired sites. Intend to see it through.

~~Findings of Board~~

Action taken by Board: A motion was made by Mr. Luiso, seconded by Mr. Espinoza, to grant an additional ninety day extension on variances that were granted June 15, 2006. A vote was taken and the motion was carried.



Zoning Board of Appeals

222 GRACE CHURCH STREET
PORT CHESTER, NEW YORK 10573

Board Members

William Villanova, Acting Chairman
Evelyn Petrone, Secretary
Ronald Luiso
Art D'Estrada
Gerardo Espinoza, Alternate

(914) 939-5203

July 19, 2010

Mr. Gary Gianfrancesco, AIA
Arconics Architecture
545½ Westchester Avenue
Rye Brook, NY 10573

RE: Extension
Case No. 1473 (F367)
54 Poningo Street

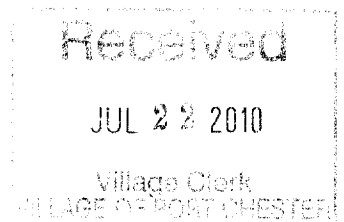
Dear Mr. Gianfrancesco:

It was the unanimous decision of this Board at its hearing held on Thursday, July 15, 2010, to grant a ninety day extension on variances that were granted March 18, 2010 at the above noted location.

Sincerely,

William Villanova
Acting Chairman

WV:akb



MINUTES OF MEETING

Application for Zoning Variance

Date of Hearing: July 15, 2010
No. of Case: 1473, 54 Poningo Street
Applicant: Gary Gianfrancesco, AIA

Nature of Request: ~~See publication notice annexed hereto.~~
Extension of variances granted March 18, 2010

1. Names and addresses of those appearing in favor of the application.

- a. None
- b.
- c.
- d.
- e.

2. Names and addresses of those appearing in opposition to application.

- a. None
- b.
- c.
- d.
- e.

Summary of statement or evidence presented: Letter from Gary Gianfrancesco, AIA requesting an extension as the project is still before the Planning Commission and still must go before the Board of Trustees.

~~Findings of Board:~~

Action taken by Board: A motion was made by Ms. Petrone, seconded by Mr. Luiso, to grant a ninety day extension on variances that were granted March 18, 2010. A vote was taken and the motion was unanimously carried.