

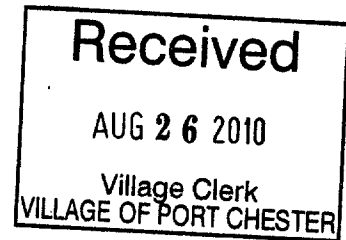
PORT CHESTER BUILDING AND FIRE PREVENTION DEPARTMENT

222 GRACE CHURCH STREET • PORT CHESTER, NEW YORK 10573

939-5203

Dan Gray
Building Inspector

MEMO TO: Joan Mancuso, Village Clerk
FROM: Anne Belfatto, Building Department *AB*
DATE: August 26, 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, August 19, 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

Frank Strauch

Gerardo Espinoza, Alternate

(914) 939-5203

August 24, 2010

Mr. Michael Boender, AIA
Edgewater Group
169 North Main Street
Suites 201-202-203
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, August 19, 2010, to adjourn the above captioned matter to the next scheduled meeting of September 16, 2010.

Sincerely,

William Villanova
Acting Chairman

WV:ml

MINUTES OF MEETING

Application for Zoning Variance

Date of Hearing: August 19, 2010

No. of Case: 1485, 277 Madison Avenue

Applicant: Marion and Cathleya Castillo

Nature of Request: See publication notice annexed hereto.

Variations to construct a 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.
- 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 Michiel Boender dated August 18 requesting that this matter be adjourned until next month

~~Findings of Board~~

Action taken by Board: A motion was made by Ms. Petrone, seconded by Mr. Luiso to adjourn the application to the next scheduled hearing of September 16, 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
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Gerardo Espinoza, Alternate

(914) 939-5203

August 24, 2010

Mr. William Luceno
470 West William Street
Port Chester, NY 10573

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

Dear Mr. Luceno:

As per your written request, it was the unanimous decision of this Board at its hearing held on Thursday, August 19, 2010, that the above captioned matter be withdrawn without prejudice.

Sincerely,

William Villanova
Acting Chairman

WV:ml

MINUTES OF MEETING

Application for Zoning Variance

Date of Hearing: August 19, 2010

No. of Case: 1483, 470 West William Street

Applicant: William Lucerno

Nature of Request: See publication notice annexed hereto.

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

Summary of statement or evidence presented:

Letter dated July 29, 2010 from William Luceno requesting application to be withdrawn without prejudice.

~~Findings of Board~~

Action taken by Board: A motion was made by Mr. Luiso, seconded by Mr. D'Estrada to withdraw the application without prejudice. 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
Frank Strauch
Gerardo Espinoza, Alternate

(914) 939-5203

August 24, 2010

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

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

Dear Mr. Coccaro:

It was the decision of this Board at its hearing held on Thursday, August 19, 2010, to grant the variances as requested on your application regarding the above captioned matter.

Sincerely,

William Villanova
Acting Chairman

WV:ml

MINUTES OF MEETING

Application for Zoning Variance

Date of Hearing: August 19, 2010

No. of Case: 1484, 1000 High Street

Applicant: Port Chester Nursing Home

Variations to erect a second wall sign at rear of building

Nature of Request: See publication notice annexed hereto.

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

a. Douglas Cocco, Sign Design, 501 Willett Avenue, 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:

Findings of Fact as prepared by
Anthony Cerreto, Village Attorney

Findings of Board: SEE ATTACHED

Action taken by Board: A motion was made by Ms. Petrone, seconded by Mr. Luiso, to approve the Findings of Fact as prepared by Anthony Cerreto, Village Attorney, and to grant the variances as requested on application. A vote was taken and the motion was carried.

ZONING BOARD OF APPEALS OF THE
VILLAGE OF PORT CHESTER

-----X
In the Matter of the Application of
Port Chester Nursing Home

Case No. 1484

-----X
FINDINGS OF FACT

1. The applicant is the owner of property located at 1000 High Street, Port Chester, also designated as Section 141.60, Block 1, Lot 11, on the Tax Map of the Town of Rye, New York.

2. The subject premises are improved by a convalescent home.

4. The subject premises are located in a PD Design Professional Building District.

5. The applicant proposes a second exterior sign at the rear of the building.

6. The Building Department denied the application for a permit by Notice of Disapproval dated January 19, 2010 which stated as follows:

“Section 345-15 Sign Regulations, (D): Sign permitted on public street frontage, applicant proposes sign at rear of building, variance required.

Section 345-15, Sign Regulations, and (D) (1) (a): Sign shall not exceed 8 square in total, applicant proposes 100 square feet, variance required.”

7. A public hearing was held on June 17, 2010 and on July 15, 2010 wherein the applicant and all interested parties were given a full and complete opportunity to be heard.

8. Douglas Coccaro, Sign Design, presented the application. Wayne Benach, Director of the Port Chester Nursing Home, was also present. Mr. Coccaro stated that the applicant needed new signage that will be more visible from the adjacent Cross Westchester Expressway (I-287). Mr. Benach added that such signage was necessary to distinguish the premises from the neighboring former United Hospital site.

9. After comments from the Zoning Board, the applicant returned with a revised design of the proposed sign. The proposed sign was 5 feet high and 20 feet wide,

contained in a fluorescent illuminated sign box, with an ivory acrylic face. The sign would have vinyl applied lettering, a logo 4 feet high, and two lines of copy, "Port Chester" 9 inches high and "Nursing and Rehabilitation" 11 inches high. It was represented that the new design was less obtrusive, but still enabled the applicant to achieve its intentions.

10. Mr. Cocco brought to the Zoning Board's attention that the Zoning Board had granted similar applications to neighboring property owners along the I-287/Route 1 corridor.

11. No one from the public testified in favor or against the application.

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. Using this balancing test, the Zoning Board finds and determines that the variances be granted.

2. The requested variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The sign is not unreasonably large in size and obtrusive.

3. The applicant cannot otherwise provide for enhanced signage without the variances.

4. The requested variances are not substantial.

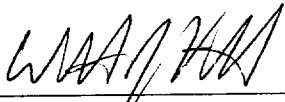
5. The requested variances will not have any adverse impact on the physical or environmental conditions in the neighborhood. The variances will not result in any decrease of light, air, privacy, security for fire and other dangers or overcrowding. Nor is there any evidence that the variance would negatively 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 R-7 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. Petrone seconded by Mr. Luiso
, the Zoning Board of Appeals of the Village of Port Chester, New York,
finds that this matter is a Type II Action under the State Environmental Quality Review
Act (SEQRA) and hereby grants the application of the Port Chester Nursing Home,
Calendar No. 1484, for area variances and authorizes the Chairman to sign these Findings
on its behalf.

Dated: August, 2010 19th
Port Chester, New York



William Villanova
Acting Chairman



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
Frank Strauch
Gerardo Espinoza, Alternate

(914) 939-5203

August 24, 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, August 19, 2010, to adjourn the above captioned matter to the next scheduled meeting of September 16, 2010.

Sincerely,

William Villanova
Acting Chairman

WV:ml

cc: Gloria Gonxales

MINUTES OF MEETING

Application for Zoning Variance

Date of Hearing: August 19, 2010

No. of Case: 1487, 21 Gilbert Place

Applicant: Gloria Gonzalez

Nature of Request: See publication notice annexed hereto.

Variations 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. 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:

As per the building department's recommendation the case was adjourned for September 16, 2010.

~~Findings of Board~~

Action taken by Board:

A motion was made by Ms. Petrone, seconded by Mr. Villanova to adjourn this application to the next scheduled hearing of September 16, 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
Frank Strauch
Gerardo Espinoza, Alternate

(914) 939-5203

August 24, 2010

Mr. Michael Rozins
350 South Broadway
Tarrytown, NY 10591

RE: Case No. 1489 (F 3004)
211 Irving Avenue
Variations to Install Storage Silo

Dear Mr. Rozins:

It was the unanimous decision of this Board at its hearing held on Thursday, August 19, 2010, to adjourn the above captioned matter to the next scheduled meeting of September 16, 2010.

Sincerely,

William Villanova
Acting Chairman

WV:ml

cc: Anthony Carbone, Esq.
Timothy Wetmore, AIA

MINUTES OF MEETING
Application for Zoning Variance

Date of Hearing: August 19, 2010
No. of Case: 1489 – 221 Irving Avenue
Applicant: Michael Rozins, owner of Bagel Emporium, Tenant

Nature of Request: See publication notice annexed hereto.

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

- a. Michael Rozins, owner of Bagel Emporium, tenant
- b. Mike Palmer, KB System
- c. Marvin Ravikoff, Landlord
- d. Karl Brunner, KB System
- e. Dom Neri, Neri's Bakery, Port Chester, NY
- f. Anthony Carbone, Esq. 320 Westchester Avenue, Port Chester, NY

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

- a. Monroe Mann, Esq. 211-217 Westchester Avenue, Port Chester, NY representing Panda Restaurant located on Westchester Avenue in Port Chester

Summary of statement or evidence presented: It was proposed that the Bagel Emporium be allowed to build a silo in back of the building with dimensions been 10' in diameter and 21' tall. It was noted that this will not result in the lost of any parking spaces. It was said that there are several entities already using silos in Port Chester, Yonkers and Tarrytown. There was some concern on behalf of the board regarding noise, hours of operation, size and safety issues.

Findings of Board:

Action taken by Board: A motion was made by Mr. Villanova, seconded by Ms. Petrone, to postpone the public hearing until next meeting, and to render a decision at the next scheduled hearing of September 16, 2010. A vote was taken and the motion was unanimously carried.

Record of Vote: For Five Against -0- Absent -0-

List names of members and how voted – symbols as follows: F-for, A-against, Ab-absent

Close Public Hearing

F - Petrone
F - Luiso
F - D'Estrada
F - Villanova

Attest: 8/20/10

Signed William Villanova

Title Acting Chairman



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
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Gerardo Espinoza, Alternate

(914) 939-5203

August 24, 2010

Mr. Rudy V. Rodberg, AIA
20 Church Street
Greenwich, CT

RE: Case No. 1488
New Broad Street
.....Variance to Erect a New 8' Fence

Dear Mr. Rodberg:

It was the unanimous decision of this Board at its hearing held on Thursday, August 19, 2010, that the above captioned matter does not require a variance as there are no zoning restrictions for height of fences in a non-residential zone

Sincerely,

William Villanova
Acting Chairman

WV:ml

MINUTES OF MEETING

Application for Zoning Variance

Date of Hearing: August 19, 2010
No. of Case: 1488
Applicant: Rudy V. Ridberg, AIA

Nature of Request: See publication notice annexed hereto.

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:

Memorandum dated August 17, 2010 from P. Cleary, Planning Consultant, that there is no zoning restrictions that apply for height of fences in a non-residential zone

Findings of Board:

Action taken by Board:

A motion was made by Mr. Luiso seconded by Mr. Villanova in the matter that there is no restrictions that apply for height of fences in a non-residential zone