



PORT CHESTER BUILDING AND FIRE PREVENTION DEPARTMENT

222 GRACE CHURCH STREET • PORT CHESTER, NEW YORK 10573

939-5203

Frank Ruccolo

Assistant Building & Plumbing Inspector

MEMO TO: Joan Mancuso, Village Clerk

FROM: Anne Belfatto, ZBA Secretary *AB*

DATE: February 25, 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, February 18, 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

(914) 939-5203

February 22, 2010

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

RE: Case No. 1473 (F367)
54 Poningo Street
Variances to Convert Existing Building for Church Use

Dear Mr. Gianfrancesco:

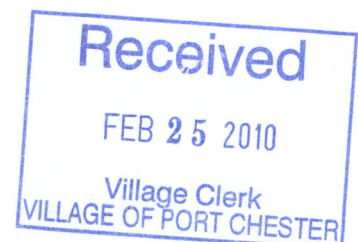
Please be advised that at the Zoning Board of Appeals hearing held on Thursday, February 18, 2010, said Board reviewed your application for request of variances regarding the above captioned matter and a decision will be made at the next meeting scheduled for March 18, 2010.

Sincerely,

William Villanova
Acting Chairman

WV:akb

cc: Anthony Carbone, Esq.



MINUTES OF MEETING

Application for Zoning Variance

Date of Hearing: February 18, 2010
No. of Case: 1473, 54 Poningo Street
Applicant: Segunda Iglesia Pentecostal

Nature of Request: See publication notice annexed hereto.
Variances to convert existing building into a Church.

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

- a. Gary Gianfrancesco, AIA, 545½ Westchester Avenue, Rye Brook, NY
- b. Anthony Carbone, Esq., 320 Westchester Avenue, Port Chester, NY
- c. R. Quintana, 58 Poningo Street, Port Chester, NY
- 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: Revised Notice of Disapproval. Church has been used building as is for past years without any problems. No traffic or parking impacts. Most parishioners walk to Church and Church has three vans that bring parishioners to the Church. Basically a Sunday operation, not much during the week. Have some children's programs. Variances are for the most part for pre-existing conditions. Not changing footprint of building.

~~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 March 18, 2010. A vote was taken and the motion was unanimously carried. Another motion was made by Ms. Petrone, seconded by Mr. D'Estrada, requesting the Village Attorney, Anthony Cerreto, 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

(914) 939-5203

February 22, 2010

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

RE: Case No. 1480 (F2923)
435 Boston Post Road
Variance to Install Second Wall Sign

Dear Mr. Ceccaro:

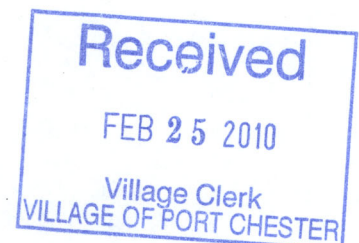
It was the unanimous decision of this Board at its hearing held on Thursday, February 18, 2010, to adjourn the above captioned matter to the next scheduled meeting of March 18, 2010.

Sincerely,

William Villanova
Acting Chairman

WV:akb

cc: AVR Realty Company
Party City



MINUTES OF MEETING

Application for Zoning Variance

Date of Hearing: February 18, 2010
No. of Case: 1480, 435 Boston Post Road
Applicant: Sign Design/AVR Realty Company, LLC

Nature of Request: See publication notice annexed hereto.

Variance to install second wall sign for Party City

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

- a. Douglas Coccaro, 501 Willett Avenue, Port Chester, NY
- b. Photos of other signs in area submitted and Labeled Exhibit "A".
- 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: Second sign at Party City proposed. Would like more public exposure. Other tenants in shopping center have additional signs. Store is not visible from Boston Post Road. More information required and Board requested that the owner of the shopping center appear at the next meeting.

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 March 18, 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

(914) 939-5203

February 22, 2010

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

RE: Case No. 1479 (F1640)
2 Purdy Avenue
Variances to Install Bio-fuel Storage Tank

Dear Mr. Adamis:

Please be advised that at the Zoning Board of Appeals hearing held on Thursday, February 18, 2010, said Board reviewed your application for request of variances regarding the above captioned matter and a decision will be made at the next meeting scheduled for March 18, 2010.

Sincerely,

William Villanova
Acting Chairman

WV:akb



MINUTES OF MEETING

Application for Zoning Variance

Date of Hearing: February 18, 2010

No. of Case: 1479, 2 Purdy Avenue

Applicant: Westmore Fuel Co., Inc.

Nature of Request: See publication notice annexed hereto.

Variations to install bio-fuel storage tank

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

- a. Demetrios Adamis, Esq., 2900 Westchester Avenue, Purchase, NY
- b. Domenick Bologna, 2 North Water Street, Greenwich, CT
- 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: Proposed 20,000 gallon bio-fuel storage tank (refined animal fats blended with fuel oil). Property is 1.04 acres. Storage tank will be on a concrete pad. Will be serviced by fuel trucks on Purdy Avenue not by water barge. Pre-existing nonconforming use. Only facility approved for bio-fuel between New York City and Connecticut. Other existing tanks are No. 2 fuel oil. Positive recommendation of Planning Commission. Applicant received NYCERTA grant.

~~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 March 18, 2010. A vote was taken and the motion was unanimously carried.

Another motion was made by Ms. Petrone, seconded by Mr. Luiso, requesting the Village Attorney, Anthony Cerreto, to prepare the Findings of Fact.



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

(914) 939-5203

February 22, 2010

Mr. John Colangelo, Esq.
211 South Ridge Street
Rye Brook, NY 10573

RE: Case No. 1478 (F2014)
240 Westchester Avenue
Variations to Convert Beauty Salon into Dental Office

Dear Mr. Colangelo:

It was the unanimous decision of this Board at its hearing held on Thursday, February 18, 2010, to grant the variations as requested on your application regarding the above captioned matter.

Sincerely,

William Villanova
Acting Chairman

WV:akb



RESOLUTION ON APPEAL

Before the

Zoning Board of Appeals

OF THE VILLAGE OF PORT CHESTER, N.Y.

IN THE MATTER OF THE APPEAL

of

240 Westchester Avenue, LLC

from the determination of the Building

Inspector denying application for permit to convert beauty
salon into a dental office

on premises No. 240 Westchester Avenue

in the Village of Port Chester, New York, being Section

No. 136.72, Block No. 1, Lot No. 14, on

the Assessment Map of the said Village

having heretofore appealed to this Board from a determination of the Building Inspector denying appellants application for
permission to convert beauty salon into a dental office located in a RA2 zoning district

on the premises No. 240 Westchester Avenue in the Village of Port Chester, being Section No. 136.72

Block No. 1, Lot No. 14 on the Assessment Map of said Village on the ground that the same violates the

zoning ordinance of said Village in the following particulars, viz: Section 345-43, Part II, Dimensional
Regulations: Minimum 50'0" front yard setback required, 8.1' existing and proposed,
variance required. Minimum 25'0" side yard setback required, 3.61' existing and
proposed, variance required. Minimum 50'0" required for total of two side yards, 18.31'
existing and proposed, variance required. Minimum 400 square feet usable open space
with no dimension less than 20'0" required, applicant proposes 446 square feet, however,
one linear dimension is 14.7', variance required. Section 345-14(C), Schedule of
Parking Spaces: Total of eight (8) parking spaces required, six (6) parking spaces
proposed, variance required

MINUTES OF MEETING

Application for Zoning Variance

Date of Hearing: February 18, 2010
No. of Case: 1478, 240 Westchester Avenue
Applicant: 240 Westchester Avenue, LLC

Nature of Request: See publication notice annexed hereto.
Variances to convert beauty salon into dental office

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

- a. John Colangelo, Esq., 211 South Ridge Street, Rye Brook, 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 approved 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 unanimously carried.

ZONING BOARD OF APPEALS OF THE
VILLAGE OF PORT CHESTER

-----X
In the Matter of the Application of
240 Westchester Avenue, LLC

Case No. 1478

-----X
FINDINGS OF FACT

1. The applicant is the owner of property located at 240 Westchester Avenue, Port Chester, New York, also designated as Section 142.22, Block 1, and Lot 14 on the Tax Map of the Town of Rye.
2. The subject premises are improved by an existing 2 ½ story mixed use building.
3. The subject premises are located in an RA2 Residence District.
4. The applicant proposes to convert office space from a beauty salon to a dental office.
5. The Building Department denied the application for a building permit by Notice of Disapproval dated December 18, 2009, which stated as follows:

“Section 345-43, Part II, Dimensional Regulations: Minimum 50’0” front yard setback required, 8.1’ existing and proposed, variance required. Minimum 25’0” side yard setback required, 3.61’ existing and proposed, variance required. Minimum 50’0” required for total of two side yards, 18.31 existing and proposed, variance required. Minimum 400 square feet useable open space with no dimension less than 20’0” required, applicant proposes 446 square feet, however, one linear dimension is 14.7’, variance required. Section 345-14©, Schedule of Parking Spaces: Total of eight (8)P parking spaces required, six (6) parking spaces proposed, variance required.
6. A public hearing was held on January 21, 2009 wherein the applicant and all interested parties were given a full and complete opportunity to be heard.
7. The applicant was represented by John Colangelo, Esq. and Michael Boender, A.I.A.

8. Counsel made the following presentation. He stated that the property presently has a nonconforming beauty salon use on the first floor with a residential use on the second floor. There is a separate entrance for the dwelling. Most alterations will be interior and ADA compliant. The applicant has been practicing dentistry in the Village for the past 17 years and needs more space than he has at his present location. He has four employees. His office hours are Monday, Tuesday, Thursday and Friday 9:00 a.m. to 6:00 p.m. and alternating Saturdays from 9:00 a.m. to 6:00 p.m. There are two municipal parking lots in the vicinity and most patients walk to the office. He represented that all conditions are existing and that the granting of the variances will not change the character of the neighborhood.

9. No one 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 alleges 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 variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. In fact, the proposed use will be a less intensive use than the existing beauty salon.

3. The applicant cannot otherwise occupy the space without a variance.

4. Except with respect for parking, the variances are technical in nature as they are for existing conditions. There is sufficient parking in the municipal parking lots nearby.

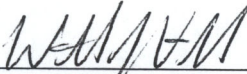
5. The requested variance will not have any adverse impact on the physical or environmental conditions in the neighborhood. The variances will not result in any decrease of light, air, privacy, security for fire and other dangers or overcrowding. Nor is there any evidence that the variances would negatively impact the natural environment and/or any ecological systems.

6. Since the applicant purchase the property with presumptive knowledge of the restrictions contained within the RA2 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,
grants the application of 240 Westchester Avenue, LLC., Calendar No. 1478, for area
variances finding that it is Type II Action under the New York State Environmental
Quality Review Act and authorizes the Chairman to sign these Findings on its behalf.

Dated: February, 18, 2010
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 Patrone, Secretary
Ronald Luiso
Art D'Estrada

(914) 939-5203

February 22, 2010

Mr. Gary Gianfrancesco, AIA
Arconics Architecture
545 ½ Westchester Avenue
Rye Brook, NY 10573

RE: Case No. 1221C (F707)
25 Midland Avenue
Variances to Construct Addition to Existing Auto Repair Facility

Dear Mr. Gianfrancesco:

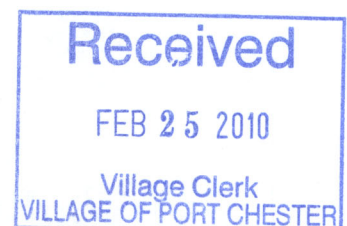
It was the unanimous decision of this Board at its hearing held on Thursday, February 18, 2010, to grant the variances as requested on your application regarding the above captioned matter.

Sincerely,

William Villanova
Acting Chairman

WV:akb

cc: Joseph Sandarciero
Anthony Carbone, Esq.



RESOLUTION ON APPEAL

Before the

Zoning Board of Appeals

OF THE VILLAGE OF PORT CHESTER, N.Y.

IN THE MATTER OF THE APPEAL

of

Joseph Sandarciero

from the determination of the Building
Inspector denying application for permit to construct an
addition to the existing auto repair facility

on premises No. 25 Midland Avenue
in the Village of Port Chester, New York, being Section
No. 142.46, Block No. 2, Lot No. 14, 17, on
the Assessment Map of the said Village

having heretofore appealed to this Board from a determination of the Building Inspector denying appellants application for
permission to construct an addition to the existing auto repair facility located in a
C1 zoning district

on the premises No. 25 Midland Avenue in the Village of Port Chester, being Section No. 142.46
Block No. 2, Lot No. 14, 17 on the Assessment Map of said Village on the ground that the same violates the

zoning ordinance of said Village in the following particulars, viz: Section 345-13(B), Nonconforming Uses:
Applicant proposes to increase nonconforming use, variance required.
Section 345-47, Part II, Dimensional Regulations: Rear yard setback requires 30'0",
applicant proposew 0'0", variance required. Exceeds maximum F.A.R., 0.35 required,
applicant proposes 0.63, variance required

MINUTES OF MEETING

Application for Zoning Variance

Date of Hearing: February 18, 2010
No. of Case: 1478, 25 Midland Avenue
Applicant: Joseph Sandarciero

Nature of Request: See publication notice annexed hereto.

Variances to construct addition to existing auto repair facility

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

- a. Anthony Carbone, Esq., 320 Westchester Avenue, Port Chester, NY
- b. Gary Gianfrancesco, AIA 545½ Westchester Avenue, Rye Brook, 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: Findings of Fact as prepared by Athnony Cerreto, Village Attorney.

Findings of Board: SEE ATTACHED

Action taken by Board: A motion was made by Ms. Petrone, seconded by Mr. Luiso, that there is a negative declaration with the Short Environmental Impact Statement. A vote was taken and the motion was unanimously carried.

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 unanimously carried.

ZONING BOARD OF APPEALS OF THE
VILLAGE OF PORT CHESTER

-----X
In the Matter of the Application of
Joseph Sanderciero

Case No. 1221C

-----X
FINDINGS OF FACT

1. The applicant is the owner of property located at 25 Midland Avenue, Port Chester, New York, also designated as Section 142.46, Block 2, Lots 14 and 17 on the Tax Map of the Town of Rye, New York.
2. The subject premises is improved by an existing automotive garage
3. The subject premises are located in a C-1 Commercial District.
4. The applicant proposes an addition to the garage for retail and office use.
5. The Building Department denied the application for a building permit by Notice of Disapproval dated December 18, 2009, which stated as follows:

“Section 345-13(B) Non-conforming use: applicant proposes to increase nonconforming use, variance required.
Section 345-47, part II, Dimensional Regulations: Rear yard setback requires 30’0”, applicant proposes 0’0”, variance required. Exceeds maximum F.A.R., 0.35 required, applicant proposes 0.63, variance required.
6. A public hearing was held on January 21, 2010 wherein the applicant and all interested parties were given a full and complete opportunity to be heard.
7. Anthony Carbone, Esq. and Gary Gianfrancesco, A.I.A. represented the applicant.
8. Counsel made the following presentation. He stated that Red’s Garage has been in business in the Village for over thirty years. There has been an automotive repair shop at the location since 1949. The subject premise consists of two tax lots. The first lot is improved by the existing garage. The second lot is vacant, and was formerly improved by a multi-family dwelling that has since been demolished. The applicant proposes an addition to the garage which will be used for retail on the first floor and offices on the

second floor. The new addition would therefore promote more efficient operations as well as facilitate the parking of additional vehicles inside the garage and off the parking lot and street.

9. Counsel noted that although both tax lots were combined for zoning compliance review, retail/office use is a permitted use in the C1 District.

10. He also added that the applicant has received a favorable recommendation from the Planning Commission who had reviewed the site plan.

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

12. One long-standing neighbor submitted correspondence having no objection.

CONCLUSIONS OF LAW

1. With regard to the request for a use variance, Village Law, Section 7-712-b (2) (b) states that "no such use variance shall be granted without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located, (1) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence; (2) that the alleged hardship relating to the property in question is unique; (3) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and (4) that the alleged hardship has not been self-created.

2. The owner cannot realize a reasonable return without making the necessary improvements to the premises. The property has been devoted to automotive repair use for over 60 years and it would be cost-prohibitive to operate it for any other use.

3. The hardship relating to the property is unique and is not shared by other surrounding properties.

4. The proposed addition will follow the rear line of the existing garage. It will not alter the essential character of the neighborhood which is predominantly nonconforming, including residential and non-residential. There are also a number of nonconforming automotive uses nearby.

5. Retail and office use is a permitted use in the C-1 Zoning District. Had there have been a stand-alone application, the applicant would not have required a use variance and therefore makes the argument that the relief sought is not self-created.

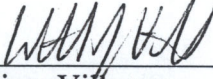
6. Applying the balancing test for an area variance pursuant to Village Law, Section 7-712-b(3)(b), the applicant has provided sufficient evidence that the benefit to

the applicant outweighs any detriment to the Village by the granting of the requested dimensional variances such that they may also be required.

DETERMINATION

On motion of Ms. Petrone, seconded by Mr. Luiso
, the Zoning Board of Appeals of the Village of Port Chester, New York,
grants the application of Joseph Sanderciero, Case No. 1221C, for a use and area
variances and authorizes the Chairman to sign these Findings on its behalf.

Dated: February 18, 2010
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

(914) 939-5203

February 22, 2010

Mr. Scott R. Lucas
295 Lake Drive
Rhinebeck, NY 12572

RE: Case No. 1481 (F2833)
406 King Street
Variances to Replace Existing Structure

Dear Mr. Lucas:

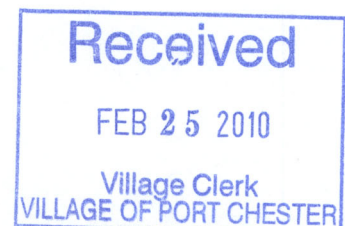
As per your request, it was the unanimous decision of this Board at its hearing held on Thursday, February 18, 2010, to adjourn the above captioned matter to the next scheduled meeting of March 18, 2010.

Sincerely,

William Villanova
Acting Chairman

WV:akb

cc: P.C. Congregation of Jehovah Witnesses



MINUTES OF MEETING

Application for Zoning Variance

Date of Hearing: February 18, 2010

No. of Case: 1481, 406 King Street

Applicant: Port Chester Congregation of Jehovah Witnesses

Nature of Request: See publication notice annexed hereto.

Variances to replace existing structure

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 dated February 17, 2010 from Scott Lucas requesting an adjournment to the March, 2010 hearing.

~~Findings of Board~~ XXX

Action taken by Board: A motion was made by Mr. D'Estrada, seconded by Mr. Luiso, to adjourn this application to the next scheduled meeting of March 18, 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

(914) 939-5203

February 22, 2010

Mr. Lawrence Bennett
312 Ronbru Drive
New Rochelle, NY 10804

RE: Case No. 1476 (F4386)
435 Elm Street
Variances to Widen Existing Driveway

Dear Mr. Bennett:

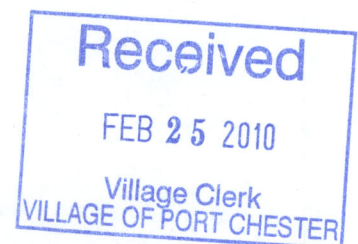
It was the unanimous decision of this Board at its hearing held on Thursday, February 18, 2010, to adjourn the above captioned matter to the next scheduled meeting of March 18, 2010.

Sincerely,

William Villanova
Acting Chairman

WV:akb

cc: Elio Guaman



MINUTES OF MEETING

Application for Zoning Variance

Date of Hearing: February 18, 2010
No. of Case: 1476, 435 Elm Street
Applicant: Elio Guaman

Nature of Request: See publication notice annexed hereto.
Variances to widen driveway

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

- a. Lawrence Bennett, 312 Ronbru Drive, New Rochelle, NY
- b.
- c.
- d.
- e.

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

- a.
- b.
- c.
- d.
- e.

Summary of statement or evidence presented: Revised plans submitted tonight. Need review by Building Inspector and possible revised Notice of Disapproval. Curb cut to remain the same. Parking area modified. Robert Gerardi, 433 Elm Street, who was opposed to this application reviewed the new plan and had no problem with it.

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 meeting of March 18, 2010. A vote was taken and the motion was unanimously carried.