



PORT CHESTER BUILDING AND FIRE PREVENTION DEPARTMENT

222 GRACE CHURCH STREET • PORT CHESTER, NEW YORK 10573

939-5203

Frank Ruccolo

Assistant Building & Plumbing Inspector

Rafael A. Luyando

Code Enforcement Officer

Brian D. Acciavatti

Code Enforcement Officer

Lawrence A. Chiulli

Code Enforcement Officer

MEMO TO: Joan Mancuso, Village Clerk's Office

FROM: Anne Belfatto, ZBA Secretary *AB*

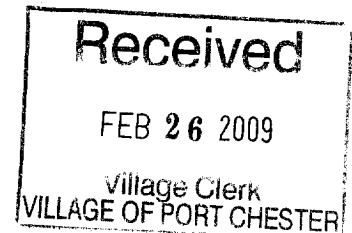
DATE: February 26, 2009

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 19, 2009.

Please respond with the proper filing date.

AB/
Attachments





Zoning Board of Appeals

222 GRACE CHURCH STREET
PORT CHESTER, NEW YORK 10573

Board Members

Roberto Vilato, Chairman
William Villanova, Secretary
Evelyn Petrone
Ronald Luiso
Art D'Estrada
Meredith Black, Alternate

(914) 939-5203

February 20, 2009

Mr. Leon Sculti
99 Hobart Avenue
Port Chester, NY 10573

RE: Case No. 1463 (F1818)
99 Hobart Avenue
Variances to Subdivide Parcel into Two Lots

Dear Mr. Sculti:

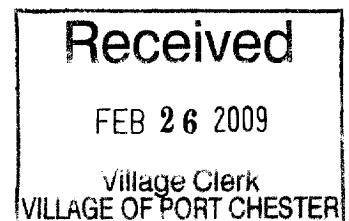
It was the unanimous decision of this Board at its hearing held on Thursday, February 19, 2009, to adjourn the above captioned matter to the next scheduled meeting of March 19, 2009.

Sincerely,

Roberto Vilato
Chairman

RV:akb

cc: Anthony Carbone, Esq.



MINUTES OF MEETING

Application for Zoning Variance

Date of Hearing: February 19, 2009
No. of Case: 1463, 99 Hobart Avenue
Applicant: Leon Sculti

Nature of Request: See publication notice annexed hereto.
Variances to subdivide property into two lots

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

- a. Anthony Carbone, Esq. 320 Westchester Avenue, Port Chester, NY
- b. Leon Sculti, 99 Hobart Avenue, Port Chester, NY
- c. Diagram of lots in area submitted, Labeled Exhibit "E"
- d. Copy of zoning code, Section 345-13(E) submitted, Labeled Exhibit "F"
- e. Copy of letter by Bruno Gioffre, Esq. dated 1/11/93 submitted, Labeled Exhibit "G"
- f. Letter from Philip Maniscalco, 124 Hobart Avenue, Labeled Exhibit "H"
- g. Letter from Joseph Ballantoni, 23 Halstead Avenue, Labeled Exhibit "I"
- h. Letter from Eleanor Mines, 43 Halstead Avenue, Labeled Exhibit "J"
- i. Equation for Parcel runoff decrease submitted, Labeled Exhibit "K"

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

- a. No one

Summary of statement or evidence presented: Plans modified eliminating front yard parking and front yard setback variances. In 1952, zoning for area was R7. Six houses in area after 1952 received side yard variances. Two lots in common. If vacant lot was owned by someone else, would not have to be here, merger of two lots. No variances for new house, totally in character with neighborhood. Village engineer is preparing calculations regarding the storm water remediation. Revise application to building department for new denial and resubmission of application. Moratorium on development, can present case but Board not allowed to vote.

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 19, 2009. 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

- F - Petrone
- F - Luiso
- F - D'Estrada
- F - Black
- F - Vilato



Zoning Board of Appeals

222 GRACE CHURCH STREET
PORT CHESTER, NEW YORK 10573

Board Members

Roberto Vilato, Chairman
William Villanova, Secretary
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Ronald Luiso
Art D'Estrada
Meredith Black, Alternate

(914) 939-5203

February 20, 2009

Mr. James Heffernan
20 Francis Lane
Port Chester, NY 10573

RE: Case No. 1460A (F4071)
20 Francis Lane
Variance to Construct an Extension

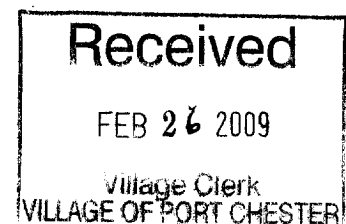
Dear Mr. Heffernan:

It was the unanimous decision of this Board at its hearing held on Thursday, February 19, 2009, to grant the variance as requested on your application regarding the above captioned matter.

Sincerely,

Roberto Vilato
Chairman

RV: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

James Heffernan

from the determination of the Building

Inspector denying application for permit to amend building permit #G10800 to construct a 3'0" extension

on premises No. 20 Francis Lane

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

No. 136.39, Block No. 1, Lot No. 26, 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 amend building permit #G10800 to construct a 3'0" extension at property located in a R7 zoning district

on the premises No. 20 Francis Lane

in the Village of Port Chester, being Section No. 136.39

Block No. 1, Lot No. 26

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 345-40, Part II, Dimensional Regulations: Minimum 30'0" front yard setback required, applicant proposes 15'0", variance required

MINUTES OF MEETING

Application for Zoning Variance

Date of Hearing: February 19, 2009
No. of Case: 1460A, 20 Francis Lane
Applicant: James Heffernan

Nature of Request: See publication notice annexed hereto.

Front yard variance to construct 3'0" extension

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

- a. James Heffernan, 20 Francis Lane, 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. D'Estrada, to approve the Findings of Fact as prepared by Anthony Cerreto, Village Attorney, and to grant the variance 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
James Heffernan

Case No. 1460A

-----X
FINDINGS OF FACT

1. The applicant is the owner of property located at 20 Francis Lane, Port Chester, also formerly designated as Section 136.39, Block 1, Lot 26 on the Tax Map of the Town of Rye, New York.

2. The subject premises are improved by a one-family dwelling.

3. The subject premises are located in an R-7 Single-Family Residence District.

4. The applicant proposes a front extension.

6. The Building Department denied the application for a building permit by Notice of Disapproval dated December 5, 2008 which stated as follows:

Section 345-40, Part II, Dimensional Regulations: minimum 30'0" front yard setback required, applicant proposes 15'0", variance required.

7. A public hearing was conducted on January 15, 2009 wherein the applicant and all interested parties were given a full and complete opportunity to be heard.

8. The applicant stated that has modified his plans to include a front extension which required a further variance of the front yard set-back. He stated that no other variance is required and that the proposed addition will have no visual or adverse impact on his neighbors.

9. Eileen Gearson, 30 Pilgrim Drive, appeared in favor of the application; no one appeared in opposition.

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 variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The proposed front extension will, in fact, add value to the subject property and the neighborhood.

3. The applicant cannot otherwise provide a means of improving his property with an extension without a variance of the front-yard set back based on the curvature of the road.

4. The requested variance is minor.

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 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 his favor.

DETERMINATION

On motion of Ms. Patrone, seconded by Mr. D'Estrada
, the Zoning Board of Appeals of the Village of Port Chester, New York,
granted

the application of James Heffernan, Case No. 1460A, 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: February 19, 2009
Port Chester, New York



Roberto Vilato
Chairman



Zoning Board of Appeals

222 GRACE CHURCH STREET
PORT CHESTER, NEW YORK 10573

Board Members

Roberto Vilato, Chairman
William Villanova, Secretary
Evelyn Petrone
Ronald Luiso
Art D'Estrada
Meredith Black, Alternate

(914) 939-5203

February 20, 2009

Mr. Kenneth Heaney
69 Glendale Place
Port Chester, NY 10573

RE: Case No. 1464 (F1126)
69 Glendale Place
Variances to Construct Detached Garage and Rear Deck

Dear Mr. Heaney:

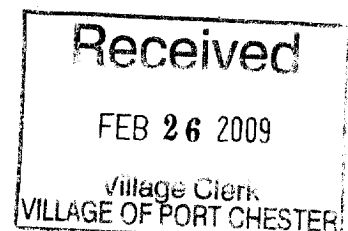
Please be advised that at the Zoning Board of Appeals hearing held on Thursday, February 19, 2009, said Board reviewed your application for request of variances regarding the above captioned matter and a decision will be made at the next meeting scheduled for March 19, 2009.

Sincerely,

Roberto Vilato
Chairman

RV:akb

cc: Michael Csenge, AIA



MINUTES OF MEETING

Application for Zoning Variance

Date of Hearing: February 19, 2009
No. of Case: 1464, 69 Glendale Place
Applicant: Kenneth Heaney

Nature of Request: See publication notice annexed hereto.
Variances to construct detached one car garage and rear deck

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

- a. Michael Csenge, AIA, 493A Fifth Avenue, New Rochelle, NY
- b. Kenneth Heaney, 69 Glendale Place, Port Chester, NY
- c. Photos of property submitted Labeled Exhibit "A"
- 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: Existing deck and pool to be removed and filled in. Storm sewer easement bisecting property. Net open space will be increased.

~~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 19, 2009. 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

Roberto Vilato, Chairman
William Villanova, Secretary
Evalyn Petrone
Ronald Luiso
Art D'Estrada
Meredith Black, Alternate

(914) 939-5203

February 20, 2009

Mr. Steven Feinstein, Esq.
Gallo, Feinstein & Naishtut, LLP
211 South Ridge Street
Rye Brook, NY 10573

RE: Case No. 1441 (F394)
13 Maple Place
Use Variance to Convert One Family into a Two Family Dwelling

Dear Mr. Feinstein:

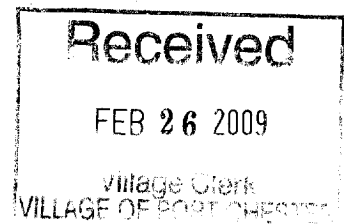
As per your request, it was the unanimous decision of this Board at its hearing held on Thursday, February 19, 2009, to adjourn the above captioned matter to the next scheduled meeting of March 19, 2009.

Sincerely,

Roberto Vilato
Chairman

RV:akb

cc: Jaime Montoya
Timothy Wetmore, AIA



MINUTES OF MEETING

Application for Zoning Variance

Date of Hearing: February 19, 2009

No. of Case: 1441, 13 Maple Place

Applicant: Jaime Montoya

Nature of Request: See publication notice annexed hereto.

Use variance to convert a one family into a two family dwelling

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

a. No one

b.

c.

d.

e.

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

a. No one

b.

c.

d.

e.

Summary of statement or evidence presented: Letter dated February 13, 2009 from Steven Feinstein, attorney for applicant, requesting an adjournment to the March, 2009 hearing.

~~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 March 19, 2009. A vote was taken and the motion was unanimously carried.