



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 

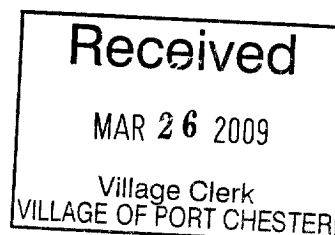
DATE: March 26, 2009

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, March 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

March 20, 2009

Mr. Chris Colby
Spire Architecture, PLLC
6030 Route 82 Village Centre
Stanfordville, NY 12581

RE: Case No. 1465 (F1353)
1 Horton Avenue
Variance to Legalize Existing Wall Sign

Dear Mr. Colby:

Please be advised that at the Zoning Board of Appeals hearing held on Thursday, March 20, 2009, said Board reviewed your application for request of a variance regarding the above captioned matter and a decision will be made at the next meeting scheduled for April 16, 2009.

Sincerely,

Roberto Vilato
Chairman

RV:akb

cc: Summer Rain Sprinkler Systems

MINUTES OF MEETING

Application for Zoning Variance

Date of Hearing: March 20, 2009
No. of Case: 1465, 1 Horton Avenue
Applicant: Spire Architecture

Nature of Request: See publication notice annexed hereto.

Variance to legalize existing wall sign

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

- a. Chris Colby, Spire ARchitecture, 6030 Route 82, Stanfordville, NY
- b.
- c.
- d.
- e.

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

- a. Esme Lombard, 62 Hobart Avenue, Port Chester, NY
- b. Sharon Gallagher Klass, Landmark Square, #335, Port Chester, NY
- c.
- d.
- e.

Summary of statement or evidence presented: Legalize 10 x 13 wall sign on east side of building in their parking lot identifying company. Placed over some luvors of building. Morton type building-reduced construction cost. Be costly to move. Placing of sign not detrimental to neighborhood. Long distance from residential. Substantial commercial on that side of building. No adverse impact. Opponents would rather have sign on Horton Avenue side.

~~Findings of Board~~

Action taken by Board: A motion was made by Mr. Villanova, seconded by Mr. Luiso, to close the public hearing and to render a decision at the next scheduled hearing of April 16, 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

March 20, 2009

Mr. Ralph G. Mastromonaco, P.E.
13 Dove Court
Croton-on-Hudson, NY 10520

RE: Case No. 1432A (F817)
23 Shore Drive
Variance to Widen Driveway

Dear Mr. Mastromonaco:

Please be advised that at the Zoning Board of Appeals hearing held on Thursday, March 20, 2009, said Board reviewed your application for request of a variance regarding the above captioned matter and a decision will be made at the next meeting scheduled for April 16, 2009.

Sincerely,

Roberto Vilato
Chairman

RV:akb

cc: Mr. and Mrs. John Doyle

MINUTES OF MEETING

Application for Zoning Variance

Date of Hearing: March 20, 2009

No. of Case: 1432A, 23 Shore Drive

Applicant: Mr. and Mrs. John Doyle

Nature of Request: See publication notice annexed hereto.

Variance to widen driveway

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

- a. Michael Dobler, Mastromonaco Consulting Engineers, Croton-on-Hudson, NY
- b. Shelia Doyle, 1 Club Road, Rye, 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: Geometric curvature to garage. Ten foot driveway would be restrictive for passage. Original plan had two curb cuts which is not permitted, reduced it to one, realized restriction as the garage has three bays. Will have clear site both directions with wider driveway. Average driveways in area is twenty feet. Merger of five lots with 1.1 acres and new house will be 8,000 to 9,000 square feet. Ten foot driveway too small for house. Variance not substantial.

~~Findings of Board~~XXXX

Action taken by Board: A motion was made by Mr. Villanova, seconded by Mr. Luiso, to close the public hearing and to render a decision at the next scheduled hearing of April 16, 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
Evelyn Petrone
Ronald Luiso
Art D'Estrada
Meredith Black, Alternate

(914) 939-5203

March 20, 2009

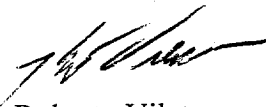
Mr. Steven Feinstein, Esq.
Gallo, Feinstein & Naishtut, LLP
211 South Ridge Street
Rye Brook, NY 10573

RE: Case No. 1441 (F1394)
13 Maple Place
Use Variance to Convert One Family into a Two Family Dwelling

Dear Mr. Feinstein:

It was the unanimous decision of this Board at its hearing held on Thursday, March 19, 2009, to adjourn the above captioned matter to the next scheduled meeting of April 16, 2009.

Sincerely,


Roberto Vilato
Chairman

RV:akb

cc: Jaime Montoya
Timothy Wetmore, AIA

MINUTES OF MEETING

Application for Zoning Variance

Date of Hearing: March 20, 2009

No. of Case: 1441, 13 Maple Place

Applicant: Jaime Montoya

Nature of Request: See publication notice annexed hereto.

Use variance to convert one family into a two family dwelling

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

- a. Steven Feinstein, Esq., 211 South Ridge Street, Rye Brook, NY
- b. Timothy Wetmore, AIA, 14 Gayer Road, Westport, CT
- c. Jaime Montoya, 13 Maple Place, Port Chester, NY
- d. Charles Montoya, 13 Maple Place, Port Chester, NY
- e.

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

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

Summary of statement or evidence presented: Owner purchased home in 1978 as a two family. Property has been a two family on or before 1953. Supplied an affidavit from a tenant who lived there in 1973 as a two family. Made no improvements to property. Being taxed as a two family. Surrounding neighbors in R5 zone mostly multi-family properties. Propose adding to house and will be bringing the house up to code. Variances required because of existing conditions on site. Older zoning map indicated R5 zone. Map dated 1987, which is being used today, indicates property in two zones, RA3 and R5 which is subject to interpretation per Section 345-4 (E)(F) that gives the Board the right to decide the zoning boundary of the property. Board requested a copy of the deed.

~~Findings of Board~~

Action taken by Board: A motion was made by Mr. Villanova, seconded by Mr. Luiso, to adjourn this application to the next scheduled hearing of April 16, 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
Evelyn Petrone
Ronald Luiso
Art D'Estrada
Meredith Black, Alternate

(914) 939-5203

March 20, 2009

Mr. Anthony Carbone, Esq.
Berlingo & Carbone
320 Westchester Avenue
Port Chester, NY 10573

RE: Case No. 1463 (F1817)
99 Hobart Avenue
Variances to Subdivide Parcel into Two Lots

Dear Mr. Carbone:

As per your request, it was the unanimous decision of this Board at its hearing held on Thursday, March 19, 2009, to adjourn the above captioned matter to the next scheduled meeting of April 16, 2009.

Sincerely,

Roberto Vilato
Chairman

RV:akb

cc: Leon Sculti

MINUTES OF MEETING

Application for Zoning Variance

Date of Hearing: March 20, 2009

No. of Case: 1463, 99 Hobart Avenue

Applicant: Leon Sculti

Nature of Request: See publication notice annexed hereto.

Variations to subdivide parcel into two lots

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 March 16, 2009 requesting an adjournment to the April, 2009 meeting.

Findings of Board

Action taken by Board: A motion was made by Mr. Villanova, seconded by Mr. Luiso, to adjourn this application to the next scheduled meeting of April 16, 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
Evelyn Petrone
Ronald Luiso
Art D'Estrada
Meredith Black, Alternate

(914) 939-5203

March 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:

It was the unanimous decision of this Board at its hearing held on Thursday, March 20, 2009, to grant the variances as requested on your application regarding the above captioned matter.

Sincerely,

Roberto Vilato
Chairman

RV:akb

cc: Michael Csenge, AIA

RESOLUTION ON APPEAL

Before the

Zoning Board of Appeals

OF THE VILLAGE OF PORT CHESTER, N.Y.

IN THE MATTER OF THE APPEAL

of

Kenneth Heaney and Alexis Ortiz Heaney

from the determination of the Building

Inspector denying application for permit to construct a detached one car garage and rear deck

on premises No. 69 Glendale Place

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

No. 136.70, Block No. 1, Lot No. 59, 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 a detached one car garage and rear deck on premises located in a R5 zoning district

on the premises No. 69 Glendale Place in the Village of Port Chester, being Section No. 136.70

Block No. 1, Lot No. 59 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 345-6(I)(1), Accessory Structures: Rear yard setback requires 5'0", applicant proposes 3'0", variance required. Section 345-31, Part II, Dimensional Regulations: Minimum usable open space requires 2,000 square feet, 1,186 square feet existing, applicant proposes 1,967.9 square feet, variance required

MINUTES OF MEETING

Application for Zoning Variance

Date of Hearing: March 20, 2009

No. of Case: 1464, 69 Glendale Place

Applicant: Kenneth Heaney

Nature of Request: See publication notice annexed hereto.

Variations to construct detached one car garage and rear deck

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

a. Kenneth Heaney, 69 Glendale 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: Findings of Fact as prepared by Anthony Cerrato, 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 Cerrato, Village Attorney, and to grant the variations 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
Kenneth Heaney

Case No. 1464

-----x
FINDINGS OF FACT

1. The applicant is the owner of property located at 69 Glendale Place, Port Chester, also designated as Section 136.70, Block 1, Lot 59 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-5 Zoning District.

4. The applicant proposes to construct a detached garage and rear deck.

5. The Building Department denied the application for a building permit by Notice of Disapproval dated January 26, 2009 which stated as follows:

“Section 345-6(I)(1). Accessory Structures: Rear yard setback requires 5’0”, applicant proposes 3’0”, variance required.
Section 345-41, Part II, Dimensional Regulations: Minimum usable open space requires 2,000 square feet, 1,186 square feet existing, applicant proposes 1,967.9 square feet, variance required.”

6. A public hearing was conducted on February 19, 2009 wherein the applicant and all interested parties were given a full and complete opportunity to be heard.

7. The applicant was represented by his architect, Michael Csenge, AIA. The applicant proposes to remove the swimming pool and existing deck. Mr. Csenge stated that the applicant is limited in what he can do since the Village has a storm sewer easement that bisects the premises. He noted that the proposed improvements would result in a net increase in open space.

8. No one appeared for 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.

2. The requested variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The deck will be an amenity and increase the value of the subject premises and neighborhood.

3. The applicant cannot otherwise construct a useable rear deck without the rear-yard setback variance.

4. The requested variances are not significant.


5. The requested variances 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-5 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. Luiso,
the Zoning Board of Appeals of the Village of Port Chester, New York,
the application of Kenneth Heaney, Case No. 1464, for
area variances which is a Type II action requiring no further environmental review and
authorizes the Chairman to sign these Findings on its behalf.

Dated: March 20, 2009
Port Chester, New York



Roberto Vilato
Chairman