

**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

**Received**

JUL 23 2009

Village Clerk  
VILLAGE OF PORT CHESTER

MEMO TO: Joan Mancuso, Village Clerk

FROM: Anne Belfatto, ZBA Secretary 

DATE: July 23, 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, July 16, 2009.

Please respond with the proper filing date.

AB/

Attachments



# Zoning Board of Appeals

222 GRACE CHURCH STREET  
PORT CHESTER, NEW YORK 10573

(914) 939-5203

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

July 20, 2009

Mr. Peter Rossi  
Siteworks Contracting Corporation  
P.O. Box 3200  
Mount Vernon, NY 10553

**RE: Case No. 1468 (F2913)**  
**12 Oakridge Drive**  
**Rear Yard Variance to Construct Deck**

Dear Mr. Rossi:

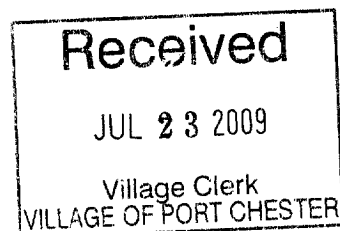
It was the decision of this Board at its hearing held on Thursday, July 16, 2009, to grant the variance as requested on your application regarding the above captioned matter.

Sincerely,

William Villanova  
Acting Chairman

WV:akb

cc: Oakridge Drive, LLC  
Fred Geremia, 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*

Peter Rossi

from the determination of the Building

Inspector denying application for permit to construct a  
rear deck

on premises No. 12 Oakridge Drive

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

No. 142.62, Block No. 2, Lot No. 30, 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 rear deck located in a R7 zoning district

on the premises No. 12 Oakridge Drive in the Village of Port Chester, being Section No. 142.62

Block No. 2, Lot No. 30 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" rear yard setback required, 20.31' proposed, varinace required

# MINUTES OF MEETING

## Application for Zoning Variance

**Date of Hearing:** July 16, 2009  
**No. of Case:** 1468, 12 Oakridge Drive  
**Applicant:** Peter Rossi

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

Rear yard variance to construct deck

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

- a. Arthur Rossi, P.O. Box 3200, Mount Vernon, 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 grant the variance as requested on application. A vote was taken and the motion carried.

ZONING BOARD OF APPEALS OF THE  
VILLAGE OF PORT CHESTER

-----X  
In the Matter of the Application of  
Peter Rossi d/b/a  
Siteworks Contracting Corp. and  
Oakridge Drive, LLC

Case No. 1468

-----X  
FINDINGS OF FACT

1. The applicant, Oakridge Drive, P.C. is the owner of property located at 12 Oakridge Drive, Port Chester, New York, also known and designated as Section 142.62, Block 2, Lot 30 on the Tax Map of the Town of Rye.

2. The subject premises is improved by a one-family dwelling that is under construction.

3. The subject premises part of a three-lot subdivision.

4. A one-family dwelling is currently being constructed at the subject premises.

5. The subject premises is located in an R-7 Residence District.

6. The applicant proposes a rear deck.

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

Section 345-40, Part II, Dimensional Regulations: Minimum 30'0", rear yard set-back required, 20.31' proposed, variance required.

8. A public hearing was conducted on June 18, 2009 wherein the applicant and all interested parties were given a full and complete opportunity to be heard.

9. The applicant stated that the proposed rear deck was 10 feet by 14 feet, would not be obtrusive or have any negative visual impact on the neighborhood and that the shape of the lot was a limiting factor.

10. No one testified in favor or against the application.

#### CONCLUSIONS OF LAW

1. With regard to a request for area variances, 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 amenity and will increase the value of the dwelling.

3. The applicant cannot otherwise provide a means of constructing a deck without a variance.

4. The requested variance is not significant.

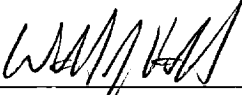
5. The requested variance will not have any adverse impact on the physical or environmental conditions in the neighborhood. The variance will not result in any decrease of light, air, privacy, security for fire and other dangers or overcrowding. Nor is there any evidence that the variance would negatively 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. Petrone, seconded by Mr. Luiso  
, the Zoning Board of Appeals of the Village of  
Port Chester, New York, granted the application of Oakridge Drive, LLC  
Calendar No. 1468, for an area variance which is a Type II action and authorizes  
the Chairman to sign these Findings on its behalf.

Dated: July 16, 2009  
Port Chester, New York

  
\_\_\_\_\_  
William Villanova, Acting Chairman



# Zoning Board of Appeals

222 GRACE CHURCH STREET  
PORT CHESTER, NEW YORK 10573

(914) 939-5203

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

July 20, 2009

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

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

Dear Mr. Sculti:

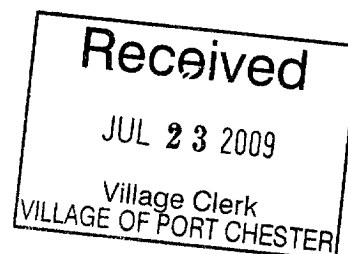
It was the decision of this Board at its hearing held on Thursday, July 16, 2009, to grant the variances as requested on your application regarding the above captioned matter.

Sincerely,

William Villanova  
Acting Chairman

WV:akb

cc: Anthony Carbone, Esq.  
Mayor and Board of Trustees





RESOLUTION ON APPEAL

Before the

Zoning Board of Appeals

OF THE VILLAGE OF PORT CHESTER, N.Y.

IN THE MATTER OF THE APPEAL

of

Leon Sculti

from the determination of the Building

Inspector denying application for permit to subdivide parcel  
into two lots

on premises No. 99 Hobart Avenue

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

No. 136.47, Block No. 1, Lot No. 11, 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 subdivide parcel into two lots located in a R7 zoning district

on the premises No. 99 Hobart Avenue

in the Village of Port Chester, being Section No. 136.47

Block No. 1, Lot No. 11

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 width of both lots requires 70'0", applicant proposes 50'0"  
for both lots, variance required. Minimum side yard setback requires 10'0",  
existing 3.78', variance required

# MINUTES OF MEETING

## **Application for Zoning Variance**

**Date of Hearing:** July 16, 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

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

- a. No one

**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 adjourn this application to the next scheduled hearing of August 20, 2009. A vote was taken and the motion did not carry, two to three.

A second motion was made by Ms. Black, seconded by Mr. D'Estrada, 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 four to one.

A third motion was made by Ms. Black, seconded by Mr. D'Estrada, to amend the Findings of Fact to include the following: 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. A vote was taken and the motion was unanimously carried.

**Record of Vote:**

1.. For	<u>Two</u>	Against	<u>Three</u>	Absent	<u>-0-</u>
2. For	<u>Four</u>	Against	<u>One</u>	Absent	<u>-0-</u>
3. For	<u>Five</u>	Against	<u>-0-</u>	Absent	<u>-0-</u>

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

1. F - Petrone	2. A - Petrone	3. F - Petrone
F - Luiso	A - Luiso	F - Luiso
A - D'Estrada	F - D'Estrada	F - D'Estrada
A - Black	F - Black	F - Black
A - Villanova	F - Villanova	F - Villanova

ZONING BOARD OF APPEALS OF THE  
VILLAGE OF PORT CHESTER

-----X  
In the Matter of the Application of  
Leon Sculti

Case No. 1463

-----X  
FINDINGS OF FACT

1. The applicant, Leon Sculti, is the owner of property located at 99 Hobart Avenue, Port Chester, New York, also known and designated as Section 136.47, Block 1, Lot 11 on the Tax Map of the Town of Rye.

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

3. The applicant proposes a two-lot subdivision.

4. The subject premises is located in an R-7 Residence District.

5. The Building Department denied the application for a building permit by Notice of Disapproval dated January 20, 2009 which stated as follows:

Section 345-40, Part II, Dimensional Regulations: minimum width of both lots 70'0", applicant proposes 50'0" for both lots. variance required. Minimum side yard setback requires 10'0", existing 3.78', variance required.

6. The public hearing was closed on June 18, 2009 wherein the applicant and all interested parties were given a full and complete opportunity to be heard.

7. The applicant was represented by Anthony Carbone, Esq., Port Chester, New York.

8. The applicant testified that he was a real estate broker and purchased the property two years ago. He stated that the property was once owned by the original developer of the neighborhood.

9. His attorney presented the application stating that the proposed subdivision was for two lots as shown on the plat: Lot "A" consists of the

existing one-family dwelling and Lot "B" that would be developed for a one-family dwelling. The variances sought pertain to the lot width for both lots and a side yard setback for the existing dwelling.

10. Counsel argued that the variances would be in overwhelmingly in keeping with the character of the one-family residential neighborhood. A survey was furnished to the Board showing that 37 out of 38 neighboring properties were 50 x150 foot in lot size.

11. He noted that the application had originally called out for two additional variances, that of the front yard setback and parking in the side and rear yard for the existing dwelling. but through the application process, these variances were no longer required.

12. He also noted that stormwater drainage issues were the subject of extensive discussion with the Planning Commission during its review of the subdivision. These issues were satisfactorily addressed through a "Cultec Recharger" retention system that would be required of the applicant if the subdivision was ultimately approved by the Board of Trustees.

13. Counsel advised that the applicant had canvassed the neighborhood for their input and produced several written consents to the application.

14. No one testified against the application.

#### CONCLUSIONS OF LAW

1. With regard to a request for area variances, 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 facilitate an additional one family home and will not produce an undesirable change in the stable, established character of the residential neighborhood nor a detriment to nearby properties.

3. The applicant cannot otherwise subdivide his property without a variance.

4. The requested variance for the side yard is for an existing condition that would require a waiver short of demolishing the existing dwelling. The variance for the lot width for both lots is thirty percent of the zoning requirement and, as such, could be considered significant.

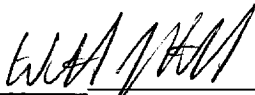
5. The requested variances will not have any adverse impact on the physical or environmental conditions in the neighborhood. The proposed use is a permitted use under the Zoning Code. Stormwater drainage issues were satisfactorily addressed. There is no evidence in the record of any negative parking or traffic impacts. 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. The applicant revised his plans over the course of the application process reflecting an intention to minimize the number of variances sought.

#### DETERMINATION

On motion of Ms. Black, seconded by Mr. D'Estrada, the Zoning Board of Appeals of the Village of Port Chester, New York, granted the application of Leon Sculti, Calendar No. 1463, for area variances which is a Type II action and authorizes the Chairman to sign these Findings on its behalf.

Dated: July 16, 2009  
Port Chester, New York

  
\_\_\_\_\_  
Acting Chairman  
William Villanova

Amendment to the Findings of Fact as follows:

7. 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.



# 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

July 16, 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:

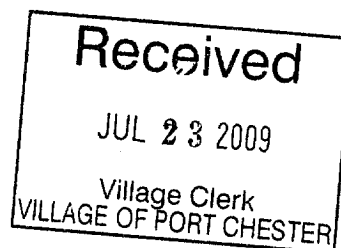
As per your request, it was the unanimous decision of this Board at its hearing held on Thursday, July 16, 2009, to adjourn the above captioned matter to the next scheduled meeting of August 20, 2009.

Sincerely,

William Villanova  
Acting Chairman

WV:akb

cc: Jaime Montoya  
Timothy Wetmore, AIA



# MINUTES OF MEETING

## Application for Zoning Variance

**Date of Hearing:** July 16, 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. 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 July 15, 2009 from Steven Feinstein, Esq. requesting an adjournment to the next monthly meeting.

~~Findings of Board~~XXX

**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 20, 2009. A vote was taken and the motion was unanimously carried.



# Zoning Board of Appeals

222 GRACE CHURCH STREET  
PORT CHESTER, NEW YORK 10573

(914) 939-5203

**Board Members**

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

July 16, 2009

Mr. David Wallance, AIA  
325 West 38<sup>th</sup> Street  
Room 912  
New York, NY 10018

**RE: Case No. 1467 (F4172)**  
**3 Rye Road**  
**Variances to Widen Driveway**

Dear Mr. Wallance:

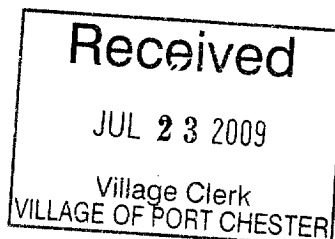
It was the unanimous decision of this Board at its hearing held on Thursday, July 16, 2009, to adjourn the above captioned matter to the next scheduled meeting of August 20, 2009.

Sincerely,

William Villanova  
Acting Chairman

WV:akb

cc: Dr. Klaus Kleinfeld  
Michael Kolba





# MINUTES OF MEETING

## Application for Zoning Variance

**Date of Hearing:** July 16, 2009  
**No. of Case:** 1467, 3 Rye Road  
**Applicant:** Dr. Klaus Kleinfeld

**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. David Wallance, AIA, 325 West 38th Street, New York, NY
- b. Michael Kolba, Project Manager, John Meyer Consulting, Armonk, 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:** Referral to City of Rye and Westchester County, waiting for a response. Modified plan to reduce driveway width proposed. Revised landscaping plan. Applicant to submit revised plans and copy of City of Rye's approval.

### ~~Findings of Board~~

**Action taken by Board:** A motion was made by Ms. Petrone, seconded by Mr. Luiso, to adjourn this application to the next scheduled hearing of August 20, 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

July 20, 2009

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

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

Dear Mr. Adamis:

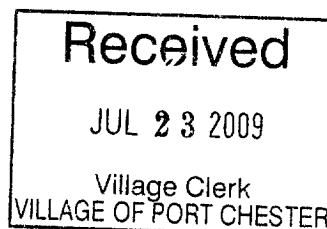
It was the decision of this Board at its hearing held on Thursday, July 16, 2009, to grant a ninety day extension on variances that were granted February 15, 2007 for an application to construct a multi-family residential structure at the above noted location.

Sincerely,

William Villanova  
Acting Chairman

WV:akb

cc: Frank Boccanfuso



# MINUTES OF MEETING

## Application for Zoning Variance

**Date of Hearing:** July 16, 2009

**No. of Case:** 1415, Willett Avenue and Abendorth Avenue

**Applicant:** Demetrios Adamis, Esq.

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

Extension of variances granted 2/15/07

### 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:** Application before Planning Commission for amendments to site plan. Several months to complete. Committed to project.

### Findings of Board:

**Action taken by Board:** A motion was made by Ms. Petrone, seconded by Mr. Luiso, to grant another 90 day extension on variances that were granted 2/15/07. A vote was taken and the motion carried.



# Zoning Board of Appeals

222 GRACE CHURCH STREET  
PORT CHESTER, NEW YORK 10573

(914) 939-5203

**Board Members**

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

July 20, 2009

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:

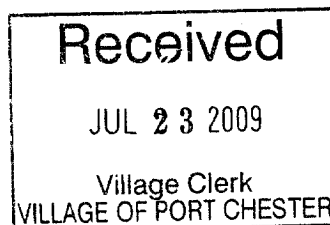
It was the decision of this Board at its hearing held on Thursday, July 16, 2009, to grant a ninety day extension on variances that were granted June 15, 2006 for an application to construct a multi-family residential structure with a commercial component on the first floor at the above noted location.

Sincerely,

William Villanova  
Acting Chairman

WV:akb

cc: Frank Boccanfuso



# MINUTES OF MEETING

## Application for Zoning Variance

**Date of Hearing:** July 16, 2009

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

**Applicant:** Demetrios Adamis, Esq.

**Nature of Request:** ~~See publication notice annexed hereto.~~  
Extension on variances granted 6/15/06

### 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:** Amended site plan approved. Seeking financing. Committed to project.

### ~~Findings of Board:~~XXX

**Action taken by Board:** A motion was made by Ms. Petrone, seconded by Mr. Luiso, to grant another 90 day extension on variances that were granted 6/15/09. A vote was taken and the motion carried.



# Zoning Board of Appeals

222 GRACE CHURCH STREET  
PORT CHESTER, NEW YORK 10573

(914) 939-5203

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

July 16, 2009

Mr. Raul Bello, AIA  
38 New Street  
Rye, NY 10580

**RE: Case No. 1469 (F4329)**  
**46 Tower Hill Drive**  
**Front Yard Variance to Construct Second Story Addition**

Dear Mr. Bello:

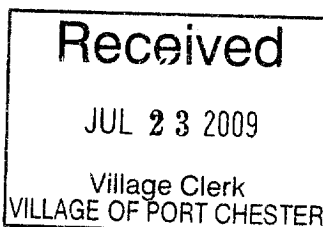
Please be advised that at the Zoning Board of Appeals hearing held on Thursday, July 16, 2009, said Board reviewed your application for request of a variance regarding the above captioned matter and a decision will be made at the next meeting scheduled for August 20, 2009.

Sincerely,

William Villanova  
Acting Chairman

WV:akb

cc: John Aguilar



# MINUTES OF MEETING

## Application for Zoning Variance

**Date of Hearing:** July 16, 2009  
**No. of Case:** 1469, 46 Tower Hill Drive  
**Applicant:** John Aguilar

**Nature of Request:** See publication notice annexed hereto.  
Front yard variance to construct second story addition

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

- a. Raul Bello, AIA, 38 New Street, Rye, 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:** Proposed second story addition with a one foot overhang in front yard. Reason for overhang is that the bedrooms in the house are small. Will give more space. No change in character of neighborhood. No adverse impact of area. Minimal variance.

### ~~Findings of Board:~~

**Action taken by Board:** A motion was made by Ms. Petrone, seconded by Mr. Luiso, to close the public hearing and to render a decision at the next scheduled hearing of August 20, 2009. A vote was taken and the motion was unanimously carried.



# Zoning Board of Appeals

222 GRACE CHURCH STREET  
PORT CHESTER, NEW YORK 10573

(914) 939-5203

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

July 16, 2009

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

**RE: Case No. 1466 (F1902)**  
**262 Columbus Avenue**  
**Variances to Construct Rear Addition and Extend Front Porch**

Dear Mr. Boender:

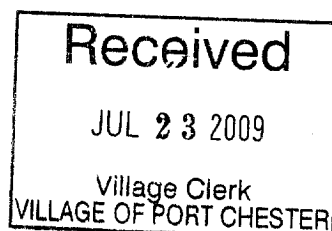
It was the unanimous decision of this Board at its hearing held on Thursday, July 16, 2009, to adjourn the above captioned matter to the next scheduled meeting of August 20, 2009.

Sincerely,

William Villanova  
Acting Chairman

WV:akb

cc: Anthony Carbone, Esq.





# MINUTES OF MEETING

## Application for Zoning Variance

**Date of Hearing:** July 16, 2009

**No. of Case:** 1466, 262 Columbus Avenue

**Applicant:** Luis and Maria Costa

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

Use and area variances to construct rear addition and extend front porch

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

- a. Michiel Boender, AIA, 163 North Main Street, Port Chester, NY
- b. Luis Costa, 262 Columbus Avenue, Port Chester, NY
- c. Anthony Carbone, Esq., 320 Westchester Avenue, Port Chester, NY
- d. Mrs. Miguel Coyt, 51 Park Avenue, Port Chester, NY
- e. Copy of search & co dated 10/6/08 submitted and Labeled Exhibit "A"
- f. Copy of assessment card submitted, Labeled Exhibit "B"
- g. Copy of closing statement submitted, Labeled Exhibit "C"
- h. Copy of floor plan submitted, Labeled Exhibit "D"
- i. Copy of survey submitted, Labeled Exhibit "E"

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

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

**Summary of statement or evidence presented:** Front yard setback no longer required because of alignment. Improved by a two family dwelling. Purchased in 12/08 from a bank after foreclosure. Building department has certified it is a two family in a R2F zoning district. Did not learn of use issue until proposed addition in the rear and extension of front porch/vestibule. Similar case at 11 University Place granted.

~~Findings of Board~~ XXX

**Action taken by Board:** A motion was made by Ms. Petrone, seconded by Mr. Estrada, to adjourn this application to the next scheduled hearing of August 20, 2009. A vote was taken and the motion was unanimously carried.