



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*

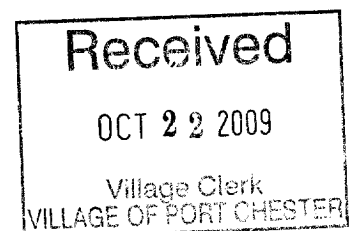
DATE: October 22, 2009

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, October 15, 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

William Villanova, Acting Chairman
Evelyn Petrone, Secretary
Ronald Luiso
Art D'Estrada

(914) 939-5203

October 16, 2009

Mr. Robert Sachs
74 Munson Street
Port Chester, NY 10573

RE: Case No. 1471 (F562)
74 Munson Street
Variance to Construct Second Story Addition

Dear Mr. Sachs:

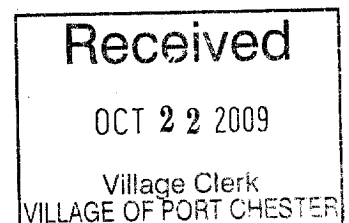
It was the unanimous decision of this Board at its hearing held on Thursday, October 15, 2009, to grant the variance as requested on your application regarding the above captioned matter.

Sincerely,

William Villanova
Acting Chairman

WV:akb

cc: Stephen Marchesani, 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

Robert Sachs

from the determination of the Building

Inspector denying application for permit to construct a
second story addition

on premises No. 74 Munson Street

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

No. 136.45, Block No. 1, Lot No. 50, 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 second story addition on the premises located in a R5 zoning district

on the premises No. 74 Munson Street in the Village of Port Chester, being Section No. 136.45

Block No. 1, Lot No. 50 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 345-41, Part II, Dimensional Regulations: Minimum 6'0" side yard setback required, 4.09' existing and proposed, variance required

MINUTES OF MEETING

Application for Zoning Variance

Date of Hearing: October 15, 2009

No. of Case: 1471, 74 Munson Street

Applicant: Robert Sachs

Nature of Request: See publication notice annexed hereto.

Variance to construct second story addition

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

- a. Stephen Marchesani, AIA, 5 Scott Circle, 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: 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 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
Robert Sachs

Case No. 1471

-----X
FINDINGS OF FACT

1. The applicant is the owner of property located at 74 Munson Street, Port Chester, designated as Section 136.45, Block 1, Lot 50 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 Single-Family Residence District.

4. The applicant proposes a second-floor addition.

6. The Building Department denied the application for a building permit by Notice of Disapproval dated August 11, 2009 which stated as follows:

Section 345-401 Part II, Dimensional Regulations: Minimum 6'0", side yard setback required, 4.09 existing and proposed, variance required.

7. A public hearing was conducted on September 17, 2009 wherein the applicant and all interested parties were given a full and complete opportunity to be heard.

8. The applicant's representative, Stephen Marchesani, AIA, stated that the addition would be over the existing first floor. The owner has three children and the proposed would facilitate a master bedroom and bathroom. The architect further stated the variance required was minimal and that the addition would have no impact on the neighborhood.

9. No one appeared in opposition to the neighborhood; two residents came and said that they were in favor.

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 addition will add value to the subject property and the neighborhood.

3. The applicant cannot otherwise provide a means of improving his property and seeking other variances might have greater impact than the minimal side-yard setback variance sought.

4. The requested variance is minor in nature.

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-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 overwhelmingly 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 Robert Sachs, Case No. 1471, 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: October 15, 2009
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

October 16, 2009

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

RE: Extension
Case No. 1463 (F1817)
99 Hobart Avenue

Dear Mr. Carbone:

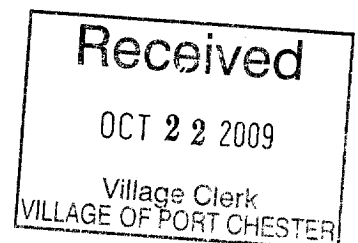
It was the unanimous decision of this Board at its hearing held on Thursday, October 15, 2009, to grant a ninety day extension on variances that were granted July 16, 2009 regarding a subdivision at the above noted location.

Sincerely,

William Villanova
Acting Chairman

WV:akb

cc: Leon Sculti





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

October 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:

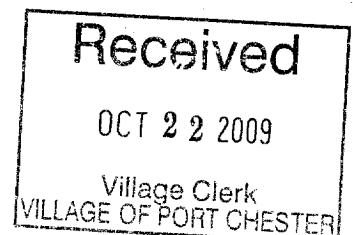
As per your request, it was the unanimous decision of this Board at its hearing held on Thursday, October 15, 2009, to adjourn the above captioned matter to the next scheduled meeting of November 19, 2009.

Sincerely,

William Villanova
Acting Chairman

WV:akb

cc: Jaime Montoya
Timothy Wetmore, AIA



MINUTES OF MEETING

Application for Zoning Variance

Date of Hearing: October 15, 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 October 15, 2009 requesting an adjournment to the November 19, 2009 meeting as Mr. Feinstein, attorney for the applicant, was out of State.

~~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 November 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

William Villanova, Acting Chairman
Evelyn Petrone, Secretary
Ronald Luiso
Art D'Estrada

(914) 939-5203

October 16, 2009

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 to Church Use

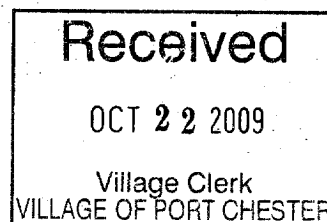
Dear Mr. Gianfrancesco:

As per your request, it was the unanimous decision of this Board at its hearing held on Thursday, October 15, 2009, to adjourn the above captioned matter to the next scheduled meeting of November 19, 2009.

Sincerely,

William Villanova
Acting Chairman

WV:akb



MINUTES OF MEETING

Application for Zoning Variance

Date of Hearing: October 15, 2009
No. of Case: 1473, 54 Poningo Street
Applicant: Gary Gianfrancesco, AIA

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

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

- a. Gary Gianfrancesco, AIA, 545½ Westchester Avenue, 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: Requested an adjournment to the next meeting as there had been a change in legal council and the new attorney did not have enough time to prepare for tonight's 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 November 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

William Villanova, Acting Chairman
Evelyn Petrone, Secretary
Ronald Luiso
Art D'Estrada

(914) 939-5203

October 16, 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:

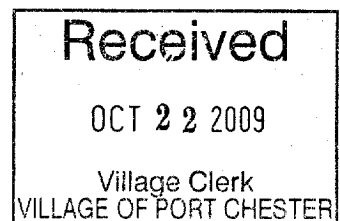
It was the unanimous decision of this Board at its hearing held on Thursday, October 15, 2009, to grant a ninety day extension on variances that were granted June 15, 2006 for an application to construct a multi-family residential structure With a commercial component on the first floor at the above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

Sincerely,

William Villanova
Acting Chairman

WV:akb

cc: Frank Boccanfuso



MINUTES OF MEETING

Application for Zoning Variance

Date of Hearing: October 15, 2009

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

Applicant: Demetrios Adamis, Esq.

Nature of Request: ~~See publication notice annexed hereto~~ XXXX

Extension on variances granted June 15, 2006

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 October 2, 2009 requesting another extension of variances based upon the continuing efforts of the applicant to finalize site plan and other issues applicable to the property.

Findings of Board

Action taken by Board: A motion was made by Mr. Luiso, seconded by Mr. D'Estrada, to grant another 90 day extension on variances that were granted June 15, 2006. 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

October 16, 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:

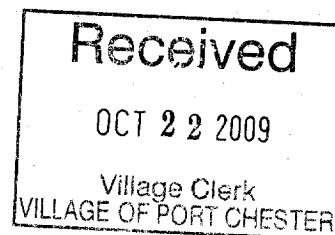
It was the unanimous decision of this Board at its hearing held on Thursday, October 15, 2009, to grant a ninety day extension on variances that were granted February 15, 2007 for an application to construct a multi-family residential structure at the above noted location.

Sincerely,

William Villanova
Acting Chairman

WV:akb

cc: Frank Boccanfuso



MINUTES OF MEETING

Application for Zoning Variance

Date of Hearing: October 15, 2009
No. of Case: 1415, Willett/Abendroth Avenues
Applicant: Demetrios Adamis, Esq.

Nature of Request: ~~See publication notice annexed hereto.~~
Extension of variances granted February 15, 2007

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 October 2, 2009 requesting another extension of variances based upon the continuing efforts of the applicant to finalize site plan and other issues applicable to the property.

~~Findings of Board~~

Action taken by Board: A motion was made by Mr. Luiso, seconded by Mr. D'Estrada, to grant another 90 day extension on variances that were granted February 15, 2007. 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

October 16, 2009

Planning Commission
Village of Port Chester
222 Grace Church Street
Port Chester, NY 10573

RE: Planning Commission Case #418C (F707)
25 Midland Avenue

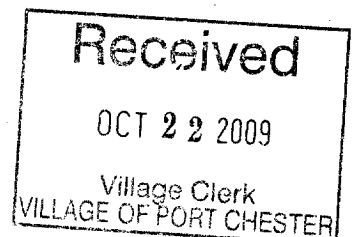
Dear Chairman and Members:

It was the unanimous decision of this Board at its hearing held on Thursday, October 15, 2009, to consent to the proposal of the Port Chester Planning Commission as the designated Lead Agency for the above noted location.

Sincerely,

William Villanova
Acting Chairman

WV:akb



MINUTES OF MEETING

Application for Zoning Variance

Date of Hearing: October 15, 2009
No. of Case: 25 Midland Avenue
Applicant: Port Chester Planning Commission

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

Planning Commission as Lead Agency for 25 Midland Avenue

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 September 14, 2009 from Michael Antaki, Chairman of the Port Chester Planning Commission requesting to be lead agency for an application at 25 Midland Avenue.

~~Findings of Board~~

Action taken by Board: A motion was made by Mr. Luiso, seconded by Mr. D'Estrada, to consent to the proposal of the Planning Commission to be designated as Lead Agency for 25 Midland Avenue. 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

October 16, 2009

Ms. Wendy Krempa
13 Halstead Avenue
Port Chester, NY 10573

RE: Case No. 1474 (F74)
13 Halstead Avenue
Variance to Construct a Detached Two Car Garage

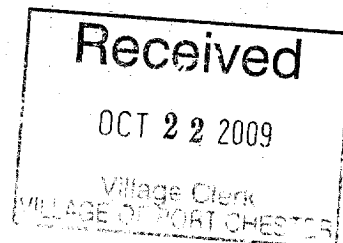
Dear Ms. Krempa:

Please be advised that at the Zoning Board of Appeals hearing held on Thursday, October 15, 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 November 19, 2009.

Sincerely,

William Villanova
Acting Chairman

WV:akb



MINUTES OF MEETING

Application for Zoning Variance

Date of Hearing: October 15, 2009

No. of Case: 1474, 13 Halstead Avenue

Applicant: Wendy Krempa

Nature of Request: See publication notice annexed hereto.

Open space variance to construct detached two car garage

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

a. Wendy Krempa, 13 Halstead 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: Propose two car garage to keep cars off the street. Built new house with a driveway. Knew needed a variance for a garage and did not want to hold up building the house. Difficult to park on the street as property is near a park and a Church. Not enough room to turn around in driveway. Could store boat in garage. If proposed one car garage, would still need variance. Two car garage will look better than one car garage.

~~Findings of Board~~ XXX

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

William Villanova, Acting Chairman
Evelyn Petrone, Secretary
Ronald Luiso
Art D'Estrada

(914) 939-5203

October 16, 2009

Mr. and Mrs. Andrew Zaccagnino
15 Quintard Drive
Port Chester, NY 10573

RE: Case No. 1252B (F4801)
15 Quintard Drive
Variances to Widen Driveway

Dear Mr. and Mrs. Zaccagnino:

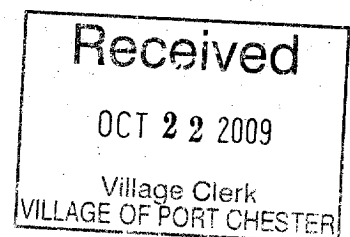
It was the unanimous decision of this Board at its hearing held on Thursday, October 15, 2009, to adjourn the above captioned matter to the next scheduled meeting of November 19, 2009.

Sincerely,

William Villanova
Acting Chairman

WV:akb

cc: Aldo Vitagliano, Esq.



MINUTES OF MEETING

Application for Zoning Variance

Date of Hearing: October 15, 2009

No. of Case: 1252B, 15 Quintard Drive

Applicant: Mr. and Mrs. Andrew Zaccagnino

Nature of Request: See publication notice annexed hereto.

Variations to widen driveway and provide parking in front yard

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

- a. Aldo Vitagliano, Esq. 150 Purchase Street, Rye, NY
- b. Kathleen Zaccagnino, 15 Quintard Drive, Port Chester, NY
- c. Patricia and Mark Bryant, 17 Quintard Drive, Port Chester, NY
- d. Dianne Hernandez, 27 Quintard Drive, Port Chester, NY
- e. Drawing of driveways in area submitted, Labeled Exhibit "A"
- f. Petition for applicant submitted, Labeled Exhibit "B"

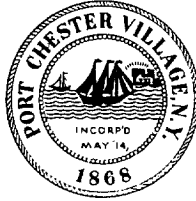
2. Names and addresses of those appearing in opposition to application.

- a. Mr. Lagani, 20 Quintard Drive, Port Chester, NY
- b. Richard Abel, 19 Quintard Drive, Port Chester, NY
- c.
- d.
- e.

Summary of statement or evidence presented: Two lot subdivision and was to have access by cul-de-sac but would not work, not enough room. Constructed dwelling and has a TCO. Driveway was being constructed and contractor exceeded ten feet in width. Misunderstanding by contractor. Most driveways in area more than ten feet. Common driveway and not enough room for two cars to pass. Width of 28 feet in front of house allows for turn around. Daughter with spinal cord injury gets picked up by van. Planning Commission recommended driveway going out onto Quintard Drive instead of Harve Road (private road) because Harve Road is not wide enough for emergency vehicles. Will landscape along driveway for screening of neighbors most affected. No detriment or undersirable change to neighborhood. No adverse impact.

~~XXXXXXXXXXXXXXXXXXXX~~
~~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 November 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

William Villanova, Acting Chairman

Evelyn Petrone, Secretary

Ronald Luiso

Art D'Estrada

(914) 939-5203

October 16, 2009

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

RE: Case No. 1472 (F382)

36 Bush Avenue

Variances to Convert Existing Warehouse into Church

Dear Mr. Colangelo:

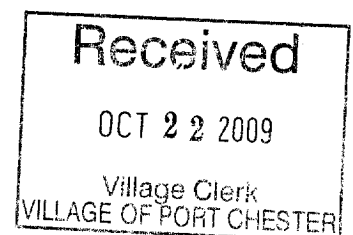
It was the unanimous decision of this Board at its hearing held on Thursday, October 15, 2009, to adjourn the above captioned matter to the next scheduled meeting of November 19, 2009.

Sincerely,

William Villanova
Acting Chairman

WV:akb

cc: The Salvation Army



MINUTES OF MEETING

Application for Zoning Variance

Date of Hearing: October 15, 2009

No. of Case: 1472, 36 Bush Avenue

Applicant: The Salvation Army

Nature of Request: See publication notice annexed hereto.

Variations to covert existing warehouse into Church

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

- a. John Colangelo, Esq. 211 South Ridge Street, Rye Brook, NY
- b. James Garofalo, Miller Associates, Inc., 10 North Street, Cold Spring, NY
- c. Major A. George, Salvation Army, 440 West Nyack Road, Nyack, NY
- d. Mark Damiano, owner of 36 Bush Avenue
- e. Comments by Dolph Rotfeld, Village Engineer, submitted, Labeled Exhibit "A"
- f. Summary of Project Issues submitted, Labeled Exhibit "B"

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

- a. Elizabeth Huthwaite, 22 Washington Mews, Port Chester, NY

Summary of statement or evidence presented: Numerous hearings at Planning Commission. Salvation Army building in square taken by eminent domain. Operating at Carver Center on Westchester Avenue. Have looked at other locations in the Village. Propose to renovate industrial building. M1 zone, 21,790 square foot lot. Combine five separate building on lot for chapel and rooms for Bible study, after school programs, etc. Mixed uses in area. Alternative permitted uses would be negative impact. Church more positive impact. No ability to increase parking. Impossible to have underground parking due to an underground culvert. Traffic study states little or no traffic impact on neighborhood. Not large enough to create traffic impact. Some curb cuts on Bush Avenue to be eliminated. Extensive use of vans that are parked off-site. Disagrees with building inspector regarding variance for transitional yards. Site not between residential and non-residential zones. No sleeping quarters, no one living on site. Have thirty parishioners at this time. Would like to attract new parishioners. Do not rent facilities. All focused for religious use. Churches given special treatment, may not be denied. Closest facility in White Plains. Board requested comments from Pat Cleary, Village Planner, regarding parking and an opinion from Anthony Cerreto, Village Attorney, regarding transitional yards.

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

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

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