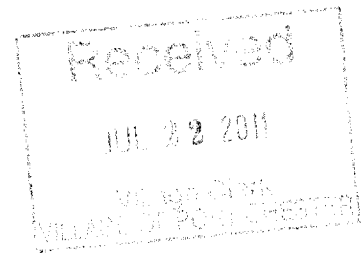




Zoning Board of Appeals
222 Grace Church Street
Port Chester, New York 10573



Board Members

William Villanova, Acting Chairman
Evelyn Petrone, Secretary
Ronald Luiso
Art D'Estrada
Frank Strauch
Gerardo Espinoza, Alternate

(914) 939-5203

July 19, 2011

Michiel A. Boender, AIA
Edgewater Group Architects
163 North Main Street
Port Chester, NY 10573

Re: ZBA Case #2011-0004 – 260 Boston Post Road

Dear Mr. Boender:

At a meeting of this Board June 16, 2011, a review of the above application was conducted, the Village Attorney directed to prepare Findings and the matter adjourned.

The next meeting will be held July 21, 2011.

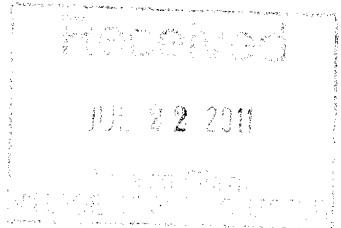
Sincerely,

William Villanova
Acting Chairman

WV:kmi

MINUTES OF MEETING

Application for Zoning Variance



A meeting of the Zoning Board of Appeals was held at the Courtroom of the Police Headquarters Building, 350 North Main Street, Port Chester, NY at 7:00p.m. with Acting Chairman Villanova presiding.

Present in addition to Acting Chairman Villanova were Board Members Ms. Petrone, and Messrs. Luiso, Strauch and D'Estrada. Also present was Mr. Espinoza, Alternate Member, and Peter Tringali, Building Inspector. It was noted this particular meeting was not televised, but a tape recording device used.

Date of Hearing: June 16, 2011
No. of Case: 2011-0004
Applicant: Michiel A. Boender, AIA
Edgewater Group Architects

Nature of Request: See publication notice annexed hereto.

Variance from the requirement of Section 345-30, 345-10 and 345-51 Part 1 Article IX, permission to raise the roof, to a compliant height, on an existing building which currently does not comply with side yard and front yard setbacks (there will be no expansion of the existing footprint). The premise is in the CD Zone. The existing building has a side-yard setback of 7.96 feet, where 30 feet is required, and a front yard setback of 10.33 feet, where 30 feet is required.

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

- a. Michiel A. Boender, AIA
Edgewater Group Architects
163 North Main Street
Port Chester, NY 10573

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

- a. None

Summary of statement or evidence presented:

Relative to the Certified Mail/Return Receipts noticing the Public Hearing, Ms. Petrone noted eight were received by the adjoining property owners along with eight receipts indicating proof of mailing.

Mr. Boender displayed a plan and explained the proposed raising of the roof of the building.

Action taken by Board:

A motion was made by Mr. Luiso seconded by Mr. D'Estrada, and the Public Hearing was declared closed.

Record of Vote: For 5 Against 0 Absent

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

Close Public Hearing

- F – Petrone
- F – Luiso
- F – D'Estrada
- F – Strauch
- F – Villanova

A motion was made by Ms. Petrone, seconded by Mr. Strauch, to direct the Village Attorney to prepare Findings.

Ms. Petrone noted the building would not change the character or use of the neighborhood and does not change the traffic situation. In addition, she stated there is no additional parking, the application is unique as there is no other way to achieve the goal of having a basketball court in the height that exists now; and, the applicant adequately explained why he wants to change the height of the entire structure as opposed to just the back-basketball court. Ms. Petrone thought the variance was not substantial.

Chairman Villanova affirmed a restrictive use of the Third Floor would be part of the amended motion. The setback variance is still in line with the existing structure.

Record of Vote: For 5 Against 0 Absent

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

**Village Attorney
to Prepare Findings**

F – Petrone
F – Luiso
F – D’Estrada
F – Strauch
F – Villanova

The matter was adjourned until the meeting to be held July 21, 2011

Attest:

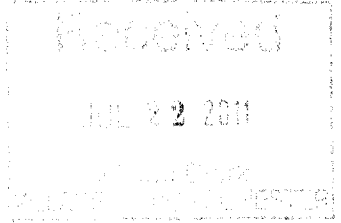
[Handwritten signature]
[Handwritten date: July 21, 2011]

Signed

[Handwritten signature]

William Villanova

Title Acting Chairman



MINUTES OF MEETING

Application for Zoning Variance

A meeting of the Zoning Board of Appeals was held at the Courtroom of the Police Headquarters Building, 350 North Main Street, Port Chester, NY at 7:00 p.m. with Acting Chairman Villanova presiding.

Present in addition to Acting Chairman Villanova were Board Members Ms. Petrone, and Messrs. Luiso, Strauch and D'Estrada. Also present was Mr. Espinoza, Alternate Member, and Peter Tringali, Building Inspector. It was noted this particular meeting was not televised, but a tape recording device used.

Date of Hearing: June 16, 2011
No. of Case: 2011-0002
Applicant: Paola Corallo-Balentine

Nature of Request: See publication notice annexed hereto.

Build into front yard setback for proposed deck and porch.

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

- | | | |
|-----------|---|--|
| a. | Paola Corallo-Balentine
39 Linden Street
Port Chester, NY 10573 | Marsella + Knoetgen, Architects
154 East Poston Post Road
Mamaroneck, NY 10543 |
|-----------|---|--|

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

- a.** None

Summary of statement or evidence presented:

Relative to the Certified Mail/Return Receipts noticing the Public Hearing, Ms. Petrone noted 60 were received by the adjoining property owners along with 25 receipts indicating proof of mailing.

The members noticed a discrepancy in the stated agenda and application. Discussion followed with the Building Inspector and Ms. Balentine.

After brief discussion, the applicant was sworn in, gave a history of the application, and mentioned the cost to notify the adjoining property owners. Chairman Villanova advised her the village would keep the Public Hearing opened and adjourn the matter until the meeting to be held July 21, 2011.

Action taken by Board:

A motion was made by Mr. Luiso seconded by Mr. D'Estrada, to have the matter adjourned until the following month, with the Public Hearing to remain open.

Record of Vote: For 5 **Against** 0 **Absent**

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

Adjourn

F – Petrone
F – Luiso
F – D'Estrada
F – Strauch
F – Villanova

Later on in the evening, in a telephone call to the Village Attorney, he stated the error in the notice was on the village's part and the cost of the second mailing should not be imposed on the applicant.

Attest:

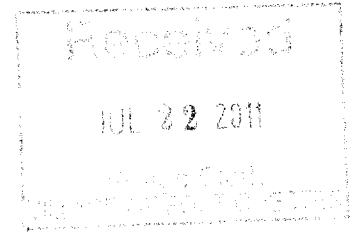
July 27, 2011

Signed

William Villanova

William Villanova

Title 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
Frank Strauch
Gerardo Espinoza, Alternate

(914) 939-5203

July 19, 2011

Ms. Paola Corallo-Balentine
39 Linden Street
Port Chester, NY 10573

Re: ZBA Case #2011-0002 – 39 Linden Street

Dear Ms. Balentine:

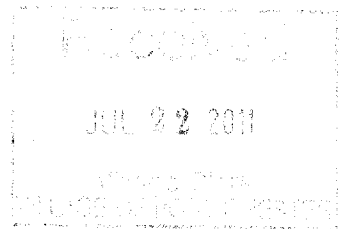
At a meeting of the Zoning Board of Appeals held June 16, 2011, the Public Hearing was held opened and the matter adjourned.

The next meeting will be held July 21, 2011.

Sincerely,

William Villanova
Acting Chairman

WV:kmi



MINUTES OF MEETING

Application for an Interpretation

A meeting of the Zoning Board of Appeals was held at the Courtroom of the Police Headquarters Building, 350 North Main Street, Port Chester, NY at 7:00p.m. with Acting Chairman Villanova presiding.

Present in addition to Acting Chairman Villanova were Board Members Ms. Petrone, and Messrs. Luiso, Strauch and D'Estrada. Also present was Mr. Espinoza, Alternate Member, and Peter Tringali, Building Inspector. It was noted this particular meeting was not televised, but a tape recording device used.

Date of Hearing: June 16, 2011
No. of Case: File #491 Interpretation
Applicant: Gary Gianfrancesco, AIA, AICP, LEED AP
Arconics Architecture, P. C.

Nature of Request: See publication notice annexed hereto.

If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use, which in the opinion of the Board of Appeals, is of the same or of a more restricted nature.

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

- a. Gary Gianfrancesco, AIA
Arconics Architecture, P. C.
545 ½ Westchester Avenue
Rye Brook, NY 10573
- John Shiboski
620 Fayette Avenue
Mamaroneck, NY 10543
- Anthony A. Carbone, Esq.
Berlingo & Carbone, P.C.
320 Westchester Avenue
Port Chester, NY 10573

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

- a. None

Summary of statement or evidence presented:

Relative to the Certified Mail/Return Receipts noticing the Public Hearing, Ms. Petrone noted 26 were received by the adjoining property owners, four returned along with nine receipts indicating proof of mailing.

Mr. Gianfrancesco mentioned his letter, dated May 31, 2011, enclosing an Affidavit, dated May 26, 2011, stating the most recent lease for the premises commenced on September 1, 2010, but the tenant vacated the premises on December 4, 2010.

Mr. Gianfrancesco displayed a plan and explained the parking at the site. He stated the garage will be used for storage as related to the office. Mr. Villanova noted the use of this building is a less intensive use, same or of a more restrictive nature than a restaurant, with the parking layout more than compliant.

After further discussion, Mr. Villanova stated the use of the building as an office is the same or of a more restrictive nature. Mr. Tringali stated it was a more positive use.

The members commented on the proposed use and spoke to the issue of this particular neighborhood, possible parking of commercial vehicles in the lot, possible chaining or a decorative gate, and structural alterations.

Mr. Carbone stated there would be no parking of commercial vehicles and noted comparisons between medical offices and a restaurant. He spoke to the hours of operation, traffic, parking, noise, garbage, deliveries, and the current uses of the other properties in the neighborhood. Mr. Gianfrancesco noted there would be no change to the footprint of the building.

Mr. Luiso affirmed the only question is, "Is this a more restrictive use?"

Action taken by Board:

A motion was made by Mr. Luiso seconded by Ms. Petrone, that the Public Hearing be closed.

**Record of Vote: For 5 Against 0 Absent
List names of members and how voted – symbols as follows: F-for, A-against, Ab-absent**

Close Public Hearing

- F – Petrone
- F – Luiso
- F – D'Estrada
- F – Strauch
- F – Villanova

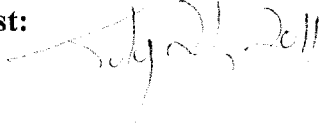
A motion was made by Mr. Luiso seconded by Ms. Petrone, to direct the Village Attorney to prepare Findings to approve a more restrictive use to include conditions agreed to by the application, i.e., no overnight parking, no commercial vehicles, and the installation of a decorative gate.

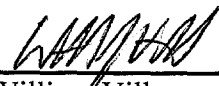
**Record of Vote: For 5 Against 0 Absent
List names of members and how voted – symbols as follows: F-for, A-against, Ab-absent**

**Village Attorney
to Prepare Findings**

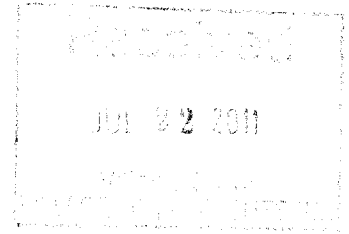
- F – Petrone
- F – Luiso
- F – D'Estrada
- F – Strauch
- F – Villanova

The matter was adjourned until the meeting to be held July 21, 2011

Attest: 

Signed 

William Villanova
Title 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
Frank Strauch
Gerardo Espinoza, Alternate

(914) 939-5203

July 18, 2011

Gary Gianfrancesco, AIA, AICP, LEED AP
Arconics Architecture, P. C.
545 ½ Westchester Avenue
Rye Brook, NY 10573

Re: ZBA Case #Interpretation/64 Merritt Street

Dear Mr. Gianfrancesco:

At a meeting of this Board June 16, 2011, a review of the request for an interpretation was conducted, the Village Attorney directed to prepare Findings and the matter adjourned.

The next meeting will be held July 21, 2011.

Sincerely,

William Villanova
Acting Chairman

WV:kmi

MINUTES OF MEETING

**Proposed Local Law amending Chapter 345
with regard to Public Notice Requirements**



A meeting of the Zoning Board of Appeals was held at the Courtroom of the Police Headquarters Building, 350 North Main Street, Port Chester, NY, June 16, 2011, at 7:00 p.m. with Acting Chairman Villanova presiding.

Present in addition to Acting Chairman Villanova were Board Members Ms. Petrone, and Messrs. Luiso, Strauch and D'Estrada. Also present was Mr. Espinoza, Alternate Member, and Peter Tringali, Building Inspector. It was noted this particular meeting was not televised, but a tape recording device used.

Mr. Villanova called the Village Attorney relative to the proposed changes to the public notice requirements, forwarded by memorandum from the Village Clerk, dated June 15, 2011. Specifically, he questioned Mr. Cerreto and requested confirmation of the meaning of the underlined/bracketed text.

Mr. Cerreto confirmed the bracketed text indicates a proposed deletion to the existing law with underlined being the proposed new language.

After brief discussion, it was noted the members were in favor of the proposed changes and a motion was made by Ms. Petrone and seconded by Mr. Strauch.

Record of Vote: For 5 Against 0 Absent

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

**Proposed
Local Law**

- F – Petrone
- F – Luiso
- F – D'Estrada
- F – Strauch
- F – Villanova

Attest:

[Handwritten signature]
July 21, 2011

Signed

[Handwritten signature of William Villanova]

William Villanova

Title

Acting Chairman