



MINUTES OF MEETING

Application for Permit or 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, September 15, 2011, at 7:00 p.m. Evelyn Petrone presiding.

Present in addition to Ms. Petrone were Messrs. Luiso, Strauch and D'Estrada. Also present was Mr. Espinoza, Alternate Member, Anthony Cerreto, Village Attorney and Christopher D. Steers, Assistant Village Manager.

Date of Hearing: September 15, 2011
No. of Case: 2011-0008 18 West Glen Avenue
Applicant: Catherine Furano

Nature of Request: See publication notice annexed hereto.

Erect above ground pool in an R7 Zone.

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

- a. Catherine Furano
18 West Glen Avenue
Port Chester, NY 10573

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

- a. None

Summary of statement or evidence presented:

Ms. Furano addressed the members stated the above ground pool is 15' x 24', with no deck, and gave a brief history of the property.

Action taken by Board:

After brief discussion, Mr. D'Estrada made a motion, which was seconded by Mr. Strauch, directing the Village Attorney to draft Findings of Fact in favor of this applicant for the next meeting.

Record of Vote: For 5 Against 0 Absent _____

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

Prepare Findings

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

On the motion of Strauch, seconded by Luiso, the Public Hearing was closed and the matter adjourned until the meeting to be held October 20, 2011.

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/
Adjourn**

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

Attest:

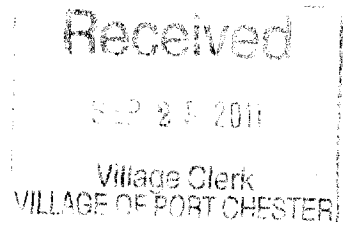
September 23, 2011

Signed

William Villanova

William Villanova

Title Acting Chairman



MINUTES OF MEETING

Application for an Interpretation/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, September 15, 2011, at 7:00 p.m. Evelyn Petrone presiding.

Present in addition to Ms. Petrone were Messrs. Luiso, Strauch and D'Estrada. Also present was Mr. Espinoza, Alternate Member, Anthony Cerreto, Village Attorney and Christopher D. Steers, Assistant Village Manager.

Date of Hearing: September 15, 2011
No. of Case: #2011-0005 **22 Broad Street**
Applicant: Aldo V. Vitagliano, P.C.

Nature of Request: See publication notice annexed hereto.

Operate an Auto Detailing business with indoor space for seven vehicles, and outdoor parking on site, within the C2 Zone, in a building where the prior use was non-conforming warehouse and bulk storage, variance from the requirement of Section 345-48 of the said Zoning Ordinance.

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

a.	Aldo V. Vitagliano, P.C. Attorney At Law 150 Purchase Street Rye, NY 10580-2136	Larry Dominguez Roosevelt Holding, LLC 114 Pearl Street Port Chester, NY 10573
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Edwin Montoya, the son of the proposed tenant, Tain Pineda,

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

a. None

Summary of statement or evidence presented:

a. Memorandum of Act & Law, received September 8, 2011.

Action taken by Board:

Mr. Vitagliano explained the information contained in his memorandum, which included a letter from the Zoning Board of Appeals, dated February 21, 1995, relative to a proposed heating and air conditioning business, and noted the information received in the memorandum from Christopher D. Steers, dated August 18, 2011.

Discussion followed relative to the history of the site, the type of use proposed, non-conforming and unlawful uses at other sites, i.e. 9 Mill Street and 120 North Pearl Street, and Section 345-61 F 8, accessory uses to gas stations.

The members noted the intensity of the proposed use at the site, retail uses in the area and Mr. Cerreto explained the three points of Mr. Vitagliano's argument, i.e. the history of the property since 1995, the uses since then, if the site is a legal non-conforming use, if an auto detail use would be one the village would want there and Messrs. Vitagliano and Dominguez responded.

Mr. Steers addressed the members relative to the available information on the history of the site. Mr. Vitagliano stated the application focuses on the lower floor and elaborated on the prior uses, automotive, vending machine, etc., but Poly Temp, a heating and air-conditioning company, who also fabricate, is still occupying space in the building. In addition, he noted the proposed use will still need site plan approval from the Planning Commission.

Mr. Dominguez addressed the members noting the equipment stored at the building.

Mr. Steers noted there was not a legal use established for the space being used by Village Appliance and the only lawful Certificates of Occupancy are for retail. In addition, he elaborated on the auto detailing use being a car wash.

Mr. Vitagliano mentioned the copy of a portion of the Sanborn Map from 1950. He noted many uses in the village did not receive Certificates of Occupancy.

Mr. Vitagliano stated he was not prepared to go forward with a use variance and was withdrawing this portion of the application.

Mr. Cerreto stated he would review the records with the Building Inspector and provide an opinion/memorandum to the members prior to their decision. Mr. Strauch requested additional information on interpretations and non-conforming uses.

Mr. Cerreto noted the interpretation would be if an auto detailing use is a permitted use in the C2 district and if it is a less intensive use than a prior legal non-conforming use.

After brief discussion, Mr. Luiso made a motion, which was seconded by Mr. Strauch, to leave the Public Hearing 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

Public Hearing
To Remain Open

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

On the motion of Mr. Luiso, seconded by D'Estrada, the matter was adjourned until the meeting to be held October 20, 2011.

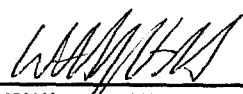
Record of Vote: For 5 Against 0 Absent

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

Adjournment

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

Attest:
SEPTEMBER 23, 2011

Signed 

William Villanova
Title Acting Chairman

Received

SEP 23 2011

Village Clerk
VILLAGE OF PORT CHESTER

MINUTES OF MEETING

Application for Permit or 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, September 15, 2011, at 7:00 p.m. Evelyn Petrone presiding.

Present in addition to Ms. Petrone were Messrs. Luiso, Strauch and D'Estrada. Also present was Mr. Espinoza, Alternate Member, Anthony Cerreto, Village Attorney and Christopher D. Steers, Assistant Village Manager.

Date of Hearing: September 15, 2011
No. of Case: #2011-0011 **22 Don Bosco Place**
Applicant: Father Richard Alejunas SDB
Owner: Church of Our Lady of the Rosary

Nature of Request: See publication notice annexed hereto.

Erect a two-story addition to the Don Bosco Community Center located at 22 Don Bosco Place, Port Chester, NY.

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

a.	Peter F. Gaito, AIA	Father Richard Alejunas, SDB
	Peter F. Gaito, Jr.	42 Don Bosco Place
	Peter F. Gaito & Associates	Port Chester, NY 10573
	399 Knollwood Road, Suite 106	
	White Plains, NY 10603	

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

a. None

Summary of statement or evidence presented:

Father Alejunas addressed the members and explained the proposed use of the addition, which will include space for a computer lab, homework help, and an additional kitchen for a culinary program.

Messrs. Gaito displayed a plan for the 5,000 square foot addition, which will require the approval of the Architectural Board of Review, and explained the solar units and energy provisions included in the structure.

Discussion followed relative to the height of the proposed structure, 54' in the R2F Zone where 35' is required, and Mr. Steers confirmed the issue was not a part of the original Notice of Disapproval. It was noted the Village will assume the cost of any necessary re-notice.

After further discussion about the hours, type of programs offered, parking setbacks, adjoining properties and those located behind the proposed addition, Mr. Cerreto stated the height and parking requirements will be reviewed.

Action taken by Board:

After brief discussion, Mr. Luiso made a motion, which was seconded by Mr. Strauch, to leave the Public Hearing open and adjourn the matter until the meeting to be held October 20, 2011.

Zoning Board of Appeals Minutes
22 Don Bosco Place
Page 2
September 15, 2011

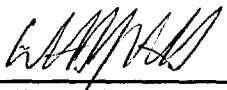
Record of Vote: For 5 Against 0 Absent _____

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

Public Hearing
To Remain Open
Matter Adjourned

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

Attest: *SEPTEMBER 23, 2011*

Signed 

William Villanova
Title Acting Chairman

Received

SEP 21 2011

Village Clerk
VILLAGE OF PORT CHESTER

MINUTES OF MEETING

Application for Permit or 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, September 15, 2011, at 7:00 p.m. with Evelyn Petrone presiding.

Present in addition to Ms. Petrone were Messrs. Luiso, Strauch and D'Estrada. Also present was Mr. Espinoza, Alternate Member, Anthony Cerreto, Village Attorney and Christopher D. Steers, Assistant Village Manager.

Date of Hearing: September 15, 2011
No. of Case: 2011-0010 **25 Willett Avenue**
Applicant: Collimore, Inc.

Nature of Request: See publication notice annexed hereto.

Renovate existing vacant 2-story building located on the Northeast corner of Willett Avenue and Abendroth Avenue for a full service European style restaurant on the First Floor with a separately accessed office space on the Second floor (to be occupied by a separate tenant).

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

a.	John B. Colangelo, Esq. 211 South Ridge Street Rye Brook, NY 10573	Pierre Jacques Sarrazin, AIA, Architect Sarrazin Architecture PLLC 21 North Main Street Port Chester, NY 10573
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2. Names and addresses of those appearing in opposition to application.

a. Lynn Cariello
29 Willett Avenue

Summary of statement or evidence presented:

Relative to the mailing to the adjoining property owners, Ms. Petrone noted there were 28 Certified Mail/Return Receipts, 19 returned unclaimed and three Receipts, indicating proof of mailing.

Messrs. Colangelo and Sarrazin displayed a plan and explained the proposed expansion of a non-conforming structure, side yard variance, rear access/driveway to the bank and noted the use is consistent with others in the area. Mr. Colangelo noted the site is in a C2 Zone, no parking is required and noted sufficient parking in a 1,200' radius from the building. In addition, he noted there was additional parking on Marvin Place and the side of 110 Willett Avenue and mentioned a report from Adler Consulting, dated August 23, 2011, prepared for the members of the Planning Commission.

Discussion followed with the members relative to hours of operation (open for lunch-closing at 4:00 a.m.) parking, outdoor dining, landscaping and occupancy calculations.

Ms. Cariello addressed the members and mentioned her concerns about the second story blocking the windows at 29 Willett Avenue, possible fire hazards and noise.

Mr. Steers noted a representative of the State did a site visit with the Building Department and elaborated.

Mr. Sarrazin stated he would bring a three dimensional model of the two buildings to the next meeting.

Received

SEP 17 2011

Village Clerk
VILLAGE OF FORT CHESTER

MINUTES OF MEETING

Application for Permit or Variance

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Present in addition to Ms. Petrone were Messrs. Luiso, Strauch and D'Estrada. Also present was Mr. Espinoza, Alternate Member, Anthony Cerreto, Village Attorney and Christopher D. Steers, Assistant Village Manager.

Date of Hearing: September 15, 2011
No. of Case: 2011-0009 **67 Purdy Avenue**
Applicant: 67 Purdy Avenue, LLC

Nature of Request: See publication notice annexed hereto.

Construct a one story warehouse in the M1 Zone.

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

a.	Vincent Castellano, Attorney Vincent Castellano, P.C. 35 East Grassy Sprain Road Yonkers, NY 10710	Luigi Rugliano, Principal 67 Purdy Avenue, LLC 125 Nelson Avenue Harrison, NY 10528
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2. Names and addresses of those appearing in opposition to application.

a. None

Summary of statement or evidence presented:

Mr. Castellano handed up a Statement of Principal Points to the members. He described the proposed warehouse at the vacant lot on Purdy Avenue for vehicles and equipment. He indicated the lot size is 108' x 97', the garage door towards the back of the structure, and the building would have a brick front.

The members indicated they wanted no storage outside with no environmental impact to the neighborhood. Ms. Petrone mentioned the required notice to the adjoining property owners and noted there were 35 Certified Mail Receipts, 1 returned unclaimed and 21 Returned Receipts.

Discussion followed relative to the parking requirements, eight spaces, six provided, parking along the side of the building, width of the curb cut, the Public Hearing signage, and whether a parking variance is required. The members noted the parking layout and size of the curb cut need to be reviewed.

Discussion also followed about what specifically is stored in the building and if this is considered a contractor's yard. There should not be any outside storage. Mr. Steers mentioned there should be clarity on the proposed type of vehicle used, which could possibly be considered equipment.

Ms. Petrone noted it will need to be determined if a parking variance is required, if safety officers would have any objection to the parking layout, if the proposed curb cut is within the zoning requirements, the use of the proposed building and what can be done outside the building.

After further discussion about the exhaust fans, air conditioning units and noise, the members requested additional information, specifications and catalog cuts.

Action taken by Board:

A motion was made by Mr. Luiso, seconded by Mr. D'Estrada, to keep the Public Hearing open and adjourn the matter until the meeting to be held October 20, 2011.

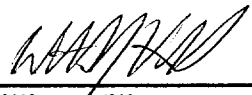
Record of Vote: For 5 Against 0 Absent _____

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

Adjournment

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

Attest: *SEPTEMBER 23, 2011*

Signed 

William Villanova
Title Acting Chairman

Action taken by Board:

A motion was made by Mr. Luiso, seconded by Mr. Strauch, to keep the Public Hearing open and adjourn the matter until the meeting to be held October 20, 2011.


Record of Vote: For 5 Against 0 Absent

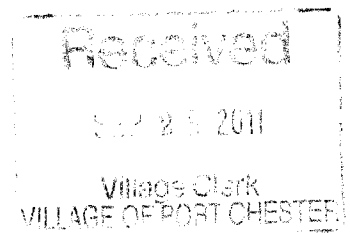
List names of members and how voted – symbols as follows: F-for, A-against, Ab-absent

Adjournment

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

Attest: SEPTEMBER 23, 2011

Signed 
Title William Villanova
Acting Chairman



MINUTES OF MEETING

Application for Permit or Variance

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Present in addition to Ms. Petrone were Messrs. Luiso, Strauch and D'Estrada. Also present was Mr. Espinoza, Alternate Member, Anthony Cerreto, Village Attorney and Christopher D. Steers, Assistant Village Manager.

Date of Hearing: September 15, 2011

No. of Case: 2011-0007 440 North Main Street

Applicant: John Cleary
Elite Training/Elite Kids, LLC

Nature of Request: See publication notice annexed hereto.

Install a private training facility in an existing building with nine parking spaces where 13 are required.

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

None

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

Summary of statement or evidence presented:

Ms. Petrone mentioned a letter from Edgewater Group Architects, dated September 15, 2011, requested the matter be withdrawn. The applicant is now providing nine parking spaces at the site and no longer needs a variance.

After brief discussion, Mr. Luiso made a motion, which was seconded by Mr. D'Estrada, to withdraw the application.

Record of Vote: For 5 Against 0 Absent _____

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

Matter Withdrawn

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

Attest:

Signed

William Villanova

Title Acting Chairman

MINUTES OF MEETING

Application for Permit or Variance

Received
SEP 23 2011
Village Clerk
VILLAGE OF PORT CHESTER

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, September 15, 2011, at 7:00 p.m. with Evelyn Petrone presiding.

Present in addition to Ms. Petrone were Messrs. Luiso, Strauch and D'Estrada. Also present was Mr. Espinoza, Alternate Member, Anthony Cerreto, Village Attorney and Christopher D. Steers, Assistant Village Manager.

Date of Hearing: September 15, 2011
No. of Case: 1394(F1869) Willett Avenue and Abendroth Place
Applicant: Gioffre & Gioffre, P.C.
"The Castle"

Nature of Request: Extension of time of variances granted.

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

a. None

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

a. None

b.

Summary of statement or evidence presented:

Letter from Anthony B. Gioffre, III, Cuddy & Feder LLP, dated September 12, 2011, requesting a 90 day extension of the previously granted variances.

Findings of Board:

Action taken by Board:

On the motion of Mr. Luiso, seconded by Mr. D'Estrada, a 90 day extension was granted.

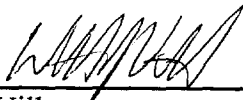
Record of Vote: For 3 Against _____ Absent _____ Abstain 2

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

F	Petrone	Abstain	D'Estrada
F	Luiso	Abstain	Strauch
F	D'Estrada		

Messrs. D'Estrada and Strauch were not familiar with the prior application.

Attest:
SEPTEMBER 23, 2011

Signed 
William Villanova
Title Acting Chairman