

MINUTES OF MEETING

Application for Permit or Variance

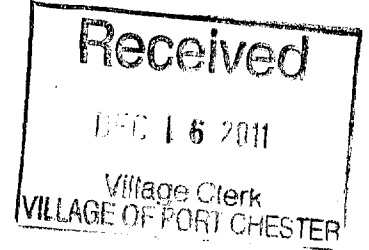
A meeting of the Zoning Board of Appeals was held at the Courtroom of the Police Headquarters Building, 350 North Main Street, Port Chester, NY, November 17, 2011, at 7:00 p.m. with Evelyn Petrone presiding.

Present in addition to Ms. Petrone were Messrs Luiso, D 'Estrada, Strauch, and Alternate Member Espinoza. Also in attendance were Anthony Cerreto, Village Attorney and Peter Miley, Building Inspector.

Chairman Villanova was absent.

Date of Hearing: November 17, 2011

No. of Case: 2011-0012 – 20 Francis Lane
Applicant: James Heffernan



Nature of Request:

on the premises No 20 Francis Lane in the Village of Port Chester, New York, situated on the East side of Francis Lane distant 639.25 feet of the corner formed by the intersection of Francis Lane and Quintard Drive being Section 136.398 Block No1, Lot No. 26 on the Assessment Map of the said Village, being a variance from the applicable Zoning Ordinance or Ordinances in the following respects: Applicant proposes an extension of the Den area by an additional 3 feet. Section 345-40, Part II, Dimensional Regulations; Minimum 30ft front yard setback requirement. Applicant proposes 10.5 ft where a variance is required

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

James Heffernan

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

None

Summary of statement or evidence presented:

At a previous meeting of the Board, (October 20, 2011) the Village Attorney was directed to draft Findings of Fact favorable to the applicant.

Findings of Board:

Findings of Fact were read. It was noted that this area variance was a Type II action and required no further environmental review and authorized the Chairman to sign the findings on their behalf.

Action taken by Board:

On the motion of Commissioner Petrone, which was seconded by Commissioner Luiso the Finding of Fact as prepared by the Village Attorney was accepted.

Record of Vote: For 4 Against 0 Absent _____

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

Acceptance of Findings:

F - PETRONE

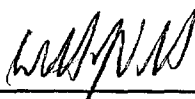
F - LUISO

F - D'ESTRADA

F - STRAUCH

A - ESPINOZA (Abstain)

Signed



William Villanova

Title Acting Chairman

ATTEST:

CRP

ZONING BOARD OF APPEALS OF THE
VILLAGE OF PORT CHESTER

-----X
In the Matter of the Application of
James Heffernan

Case No. 2011-0012

-----X
FINDINGS OF FACT

1. The applicant is the owner of property located at 20 Francis Lane, Port Chester, also designated as Section 136.39, Block 1, Lot 26 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-7 Single-Family Residence District.

4. The applicant constructed an extension of the den.

6. The Building Department raised objection by Notice of Disapproval dated September 12, 2011 which stated as follows:

Section 345-40, Part II, Dimensional Regulations. Minimum 30 feet front yard setback requirement applicant proposes 10.54 ft. where a variance is required.

7. A public hearing was conducted on October 20, 2011 wherein the applicant and all interested parties were given a full and complete opportunity to be heard.

8. The applicant stated that the work to the den was part of larger renovations to his home. This matter was part of prior application to the Zoning Board of Appeals. It was not until after a survey was obtained that it was ascertained that a further variance of the front yard setback was required.

9. No one appeared in favor or against the application.

CONCLUSIONS OF LAW

1. With regard to a request for an area variance, Village Law , Section 7-712-b(3)(b) requires the Zoning Board of Appeals to balance the benefit to the applicant if the variance is granted as against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board shall consider: (1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse impact on the physical or environmental conditions in the neighborhood; and (5) whether the 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 Board takes judicial notice of the rationale in its favorable determination in Case No. 1460A.

3. The requested variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The renovation will, in fact, add value to the subject property and the neighborhood.

3. The applicant cannot otherwise provide a means of improving his property with an extension without a variance of the front-yard set back based on the curvature of the road.

4. The requested variance is minor.


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 LUIO*
, the Zoning Board of Appeals of the Village of Port Chester, New York,
grants the application of James Heffernan, Case No. 2011-0012, 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: November 18 2011
Port Chester, New York



William Villanova
Chairman

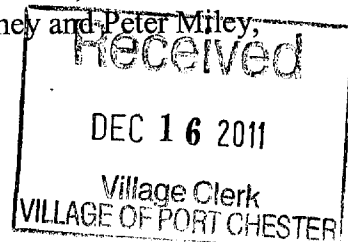
MINUTES OF MEETING

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, November 17, 2011, at 7:00 p.m. with Evelyn Petrone presiding.

Present in addition to Ms. Petrone were Messrs Luiso, D 'Estrada, Strauch, and Alternate Member Espinoza. Also in attendance were Anthony Cerreto, Village Attorney and Peter Miley, Building Inspector.

Chairman Villanova was absent.



Date of Hearing: November 17, 2011

No. of Case: 2011-0006 - Phoenix Castle - Willett Avenue & Abendroth Place
Applicant: Anthony Gioffre III

Nature of Request:

Applicant proposed to construct a building, located in the C2 Zone, which requires a variance as follows: Minimum area per dwelling unit required per Section 345-48.

Requested: 750 square feet
Proposed: 531 square feet

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

Anthony Gioffre, Attorney
Ray Sullivan, Sullivan Architectural Group
Frank Boccanfuso, Developer

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

None

Summary of statement or evidence presented:

Density Variance still needs to be pursued. The project was previously approved for 83 units. Additional units are being added to the project but the overall bedroom count (155 reduced to 136) has been reduced with no overall change to the exterior or footprint of the building. Parking has been expanded underneath the building – lifts have been eliminated

Findings of Board:

Still need Traffic Study (Adler Consulting)
Village needs to provide a traffic study. Someone from the Village needs to be present to discuss and answer questions about the traffic study.

Action taken by Board:

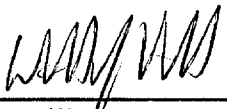
On the motion of Commissioner Petrone which was seconded by Commissioner D'Estrada the Public Hearing was adjourned to the next meeting (December 15, 2011) and the Village Attorney was directed to prepare Finding of Fact in favor of the applicant with the Board making a decision at the next meeting (December 15, 2011) based on the results of the traffic study.

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 Public Hearing

- F - PETRONE
- F - LUISO
- F - D'ESTRADA
- F - STRAUCH
- F - ESPINOZA

Signed 

William Villanova
Title **Acting Chairman**

ATTEST:
CLP

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, November 17, 2011, at 7:00 p.m. with Evelyn Petrone presiding.

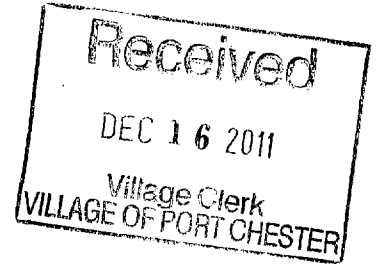
Present in addition to Ms. Petrone were Messrs Luiso, D 'Estrada, Strauch, and Alternate Member Espinoza. Also in attendance were Anthony Cerreto, Village Attorney and Peter Miley, Building Inspector.

Chairman Villanova was absent.

Date of Hearing: November 17, 2011

No. of Case: 2011-0009 – 67 Purdy Avenue

Applicant: Vincent Castellano, Attorney



Nature of Request:

Applicant proposes to construct a one story warehouse. The premise is in the M1 Zone. Plans submitted for a Building Permit do not comply with front yard and side yard setbacks. Zoning Regulations, Section 345 Attachment 1:3, require a front yard setback of 25 feet and a total side yard setback of 40 feet total. Applicant's plan denotes front yard setback of 1.6 foot minimum and 5.62 foot maximum. Plan denotes a total side yard setback of 20 feet.

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

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

Summary of statement or evidence presented:

At a previous meeting of the Board, (October 20, 2011) the Public Hearing was closed and the Village Attorney was directed to draft Findings of Fact favorable to the applicant.

Findings of Board:

The Findings of Fact were read and it was noted that specific conditions would apply with the approval of this application:

1. Should the applicant conduct outdoor storage of equipment, vehicles or supplies, this grant of approval shall be subject to revocation.
2. In any event, the matter shall be reviewed by the Board one year from this date for compliance.

It was also noted this matter is a Type II action requiring no further environmental review and authorizes the Chairman to sign these findings on its behalf.

Action taken by Board:

On the motion of Commissioner Petrone which was seconded by Commissioner Luiso the Findings of Fact were accepted as prepared by the Village Attorney

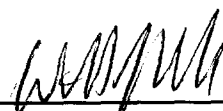
Record of Vote: For 5 Against 0 Absent _____

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

Acceptance of Findings:

F - PETRONE
F - LUISO
F - D'ESTRADA
F - STRAUCH
F - ESPINOZA

Signed



William Villanova

Title **Acting Chairman**

ATTEST:



ZONING BOARD OF APPEALS OF THE
VILLAGE OF PORT CHESTER

-----x
In the Matter of the Application of
67 Purdy Avenue, LLC

Case No. 2011-0009

-----x
FINDINGS OF FACT

1. The applicant is the owner of property located at 67 Purdy Avenue, Section 142.39, Block 1, Lot 19 on the Tax Map of the Town of Rye, New York.

2. The subject premises are unimproved.

3. The subject premises are located in an M-1 Light Industrial District.

4. The applicant proposes to construct a warehouse..

6. The Building Department denied the application for a building permit by Notice of Disapproval dated June 21, 2011 which stated as follows:

Plans submitted for a building permit does not comply with front yard and side yard setbacks. Zoning Regulations (Section 345 Attachment 1:3) require a front yard setback of 25 feet and a total side yard setback of 40 feet total. Applicant's plan denotes front yard setback of 1.6 foot minimum and 5.62 foot maximum. Plan denotes a total side yard setback of 20 feet.

7. A public hearing was conducted on September 15, 2011 and continued on October 20, 2011 wherein the applicant and all interested parties were given a full and complete opportunity to be heard.

8. The applicant was represented by Vincent Castellano, Esq., Yonkers. Counsel stated that the proposed use was a one-story, 1,560 square foot building which would have an office and garage for the applicant's masonry business. He stated that the matter had been favorably reviewed by the Planning Commission for site plan approval before being referred to the Zoning Board. During the site plan process, the plans were revised in order to be responsive to concerns raised by the Planning Commission and the adjoining residential property with regard to the location of the building and the parking

lot layout. He represented that the applicants intend to construct the building with more expensive materials, such as brick rather than split-face block, so as to enhance its appearance. The neighborhood is mixed, with an auto body shop, florist, steel contractor's shop, landscape supply yard and some older, nonconforming residences. He stated that the premises were purchased in a tax sale, and have been vacant and an eyesore and that the proposed warehouse would greatly improve the area.

9. After the testimony at the first hearing that raised the issue, counsel for the applicant at the subsequent hearing date clarified that the exterior of the property will not be used for the storage of equipment, vehicles or supplies. Such use is not a permitted use in the M1 Industrial District.

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

CONCLUSIONS OF LAW

1. With regard to a request for an area variance, Village Law , Section 7-712-b(3)(b) requires the Zoning Board of Appeals to balance the benefit to the applicant if the variance is granted as against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board shall consider: (1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse impact on the physical or environmental conditions in the neighborhood; and (5) whether the 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 premises have been vacant and non-productive. The proposed warehouse is a permitted use and will, in fact, be an improvement to the neighborhood.

3. The applicant cannot otherwise feasibly locate its business without some variance from the Zoning Board. The proposed building is the smallest possible structure that can be built on the lot that would accommodate the applicant's needs.

4. The requested variance is not substantial.

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 M1 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 its favor.

DETERMINATION

On motion of *MS. PETRONE* seconded by *MR LUISO*, the Zoning Board of Appeals of the Village of Port Chester, New York, grants the application of 67 Purdy Avenue, Case No.2011-0009, for an area variance subject to the condition that: (1) should the applicant conduct outdoor storage of equipment, vehicles or supplies, this grant of approval shall be subject to revocation, and that (2) in any event, the matter shall be reviewed by the Board one year from this date for compliance; finds that this matter is a Type II action requiring no further environmental review; and authorizes the Chairman to sign these Findings on its behalf.

Dated: November 18, 2011
Port Chester, New York



William Villanova
Chairman

MINUTES OF MEETING

Application for Permit or Variance

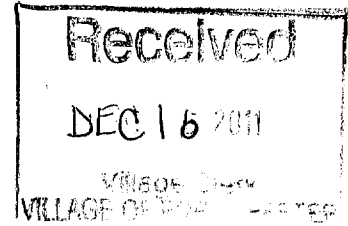
A meeting of the Zoning Board of Appeals was held at the Courtroom of the Police Headquarters Building, 350 North Main Street, Port Chester, NY, November 17, 2011, at 7:00 p.m. with Evelyn Petrone presiding.

Present in addition to Ms. Petrone were Messrs Luiso, D'Estrada, Strauch, and Alternate Member Espinoza. Also in attendance were Anthony Cerreto, Village Attorney and Peter Miley, Building Inspector.

Chairman Villanova was absent.

Date of Hearing: November 17, 2011

No. of Case: 2011-0010 – 25 Willett Avenue
Applicant: John B. Colangelo, Attorney



Nature of Request:

Applicant proposes to 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). The premise is located in the C2 Zone.

Applicant is requesting variances per Section 345-48: Minimum Yard Dimension Variance required for rear yard (20' required 0.1' proposed) and side yard (2) (6.1' proposed; minimum of 10' required).

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

John Colangelo, Esq.

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

None

Summary of statement or evidence presented:

At a previous meeting of the Board, (October 20, 2011) the Public Hearing was closed and the Village Attorney was directed to draft Findings of Fact favorable to the applicant.

Findings of Board:

It was noted that the applicant shall provide a self policing plan acceptable to the Village prior to the issuance of a Certificate of Occupancy. The Village Attorney stated that the inclusion of this action is at the request of the Building Department Director, Christopher Steers and further stated this is a Type II action requiring no further environmental review and authorizes the Chairman to sign these Findings on its behalf.

Mr. Colangelo also clarified for the record that the applicant in paragraph six is also the proposed tenant.

Action taken by Board:

On the motion of Commissioner Petrone, which was seconded by Commissioner D'Estrada the findings as prepared by the Village Attorney were accepted.

Record of Vote: For 5 Against 0 Absent

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

Acceptance of Findings:

F - PETRONE
F - LUISO
F - D'ESTRADA
F - STRAUCH
F - ESPINOZA

Signed

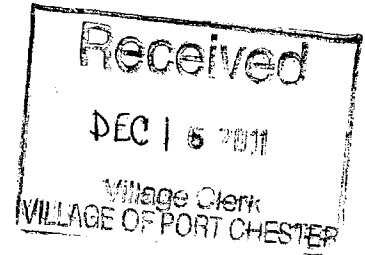


William Villanova

Title **Acting Chairman**

ATTEST:





ZONING BOARD OF APPEALS OF THE
VILLAGE OF PORT CHESTER

-----x
In the Matter of the Application of
Collimore, Inc.

Case No. 2011-0010

-----x
FINDINGS OF FACT

1. The applicant is the contract-lessee of property located at 25 Willett Avenue, Port Chester, also designated as Section 142.23, Block 2, Lot 22 on the Tax Map of the Town of Rye, New York.

2. The subject premises are owned by Bordeaux 25 Realty Inc.

3. The subject premises are improved by a vacant two-story building.

4. The subject premises are located in a C-2 Central Business District.

5. The applicant proposes a restaurant.

6. The Building Department denied the application for a building permit by Notice of Disapproval dated August 24, 2011 which stated, in pertinent part, as follows:

Minimum yard dimension required for rear yard (20' required 0.1' proposed) and side yard (6.1' proposed, minimum of 10' required).

7. A public hearing was conducted on September 15, 2011 and continued on October 20, 2011 wherein the applicant and all interested parties were given a full and complete opportunity to be heard.

8. The presentation was made by John Colonel, Esq, and Pierre Sarazin, AIA Both reviewed the plan in detail. The existing building is vacant and a non-complying structure. The proposed use is a permitted use and consistent with the downtown which is known for its many and diverse restaurants. The applicant has no intention of providing any entertainment on the premises. Mr. Colangelo noted that the usual off-street parking requirements do not apply since the premises are located in the C2 District. Further, he

stated that based on the Village's own traffic expert, Adler Consulting, the proposed restaurant would not have a significant impact on traffic or parking in the area. Mr. Colangelo discussed the applicant's other businesses in the City of White Plains, "The Brazen Fox" and "Ron Blacks" which he said were successful and well-run and that the proposed restaurant would be an enhancement to the downtown. The second floor will be occupied by an office and is not part of this application.

9. The Zoning Board raised a number of questions as to operations, the proposed outdoor seating area, maximum occupancy and noise impacts. The Board asked the applicant to return with more information to assist it in making a determination.

10. Mrs. Carillo (first name not obtained), the owner of 29 Willett Avenue, testified concerning the impact of the proposed addition blocking the windows of her building. She was concerned about lack of light and ventilation, as well as availability for ingress/egress in the event of a fire. She was also concerned about the noise from the operation of the restaurant.

11. Christopher Steers, Assistant Village Manager/Director of Code Enforcement and Acting Building Inspector stated that the Village had anticipated a question such as that raised by the neighboring property owner. There was a prior meeting with an official from the New York Department of State, the Village and the applicant when it was determined that there was no issue with the State Fire Prevention and Building Code.

12. At the subsequent hearing, the applicant's representatives provided additional information and showed revised plans showing that the air conditioning units and exhaust fans would be relocated so as to mitigate any noise impacts.

CONCLUSIONS OF LAW

1. With regard to a request for an area variance, Village Law , Section 7-712-b(3)(b) requires the Zoning Board of Appeals to balance the benefit to the applicant if the variance is granted as against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board shall consider: (1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse impact on the physical or environmental conditions in the neighborhood; and (5) whether the alleged difficulty was self-created, which consideration shall be relevant to

the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

2. The Zoning Board takes judicial notice that the Zoning Regulations provides for favored treatment with regard to properties located d in the C2 Zoning District with regard to the general requirement for off-street parking requirements.

3. The requested variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The proposed new restaurant will, in fact, add to the appeal of the Village's downtown shopping district.

3. The applicant cannot otherwise provide a means of improving the property for the proposed use without variances.

4. The requested variances are not substantial.

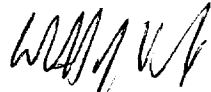
5. The requested variances will not have any adverse impact on the physical or environmental conditions in the neighborhood. The variance will not result in any decrease of light, air, privacy, security for fire and other dangers or overcrowding. Nor is there any evidence that the variance would negatively impact the natural environment and/or any ecological systems.

6. Since the applicant purchased the property with presumptive knowledge of the restrictions contained within the C-2 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 its favor.

DETERMINATION

On motion of *MS PETRONE* seconded by *MR D'ESTRADA*, the Zoning Board of Appeals of the Village of Port Chester, New York, grants the application of Collimore, Inc., Case No. 2011-0010, for area variances, subject to the applicant shall provide a self-policing plan acceptable to the Village, prior to the issuance of a certificate of occupancy, which is a Type II action requiring no further environmental review and authorizes the Chairman to sign these Findings on its behalf.

Dated: November *18* 2011
Port Chester, New York



William Villanova
Chairman

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, November 17, 2011, at 7:00 p.m. with Evelyn Petrone presiding.

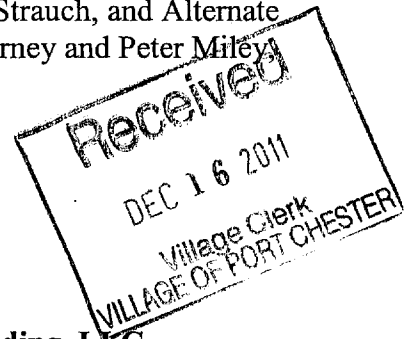
Present in addition to Ms. Petrone were Messrs Luiso, D 'Estrada, Strauch, and Alternate Member Espinoza. Also in attendance were Anthony Cerreto, Village Attorney and Peter Miley Building Inspector.

Chairman Villanova was absent.

Date of Hearing: November 17, 2011

No. of Case: 2011-0005 – 22 Broad Street
Applicant: Aldo Vitagliano, P.C.

Roosevelt Holding, LLC



Nature of Request:

An interpretation/variance is requested under Section 345-29A, 345-13 or in the alternative 345-30 of the Zoning Ordinance or Ordinances for permission to:

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, variances from the requirement of Section 345-48 of the said Zoning Ordinance.

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

Aldo Vitagliano, P.C.

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

None

Summary of statement or evidence presented:

Affidavit of sign postings were submitted to the Secretary. It was noted that the Public hearing was still open.

A discussion ensued relative to memos and documents submitted to the Board and to Mr. Vitagliano from Mr. Christopher Steers, Assistant Village Manager. Memo dated Nov 16, 2011- Carwash final follow up report, correspondence from 1988 – 1995 regarding interpretations and business uses, a previous memo from Mr. Steers dated October 20, 2011 Carwash follow up report. Mr. Vitagliano stated as a result of prior hearings and the memos last month he met with Mr. Steers to clarify the record and to clear up any misunderstandings.

Russo Pontiac closed in 1980 was not true, Russo Pontiac was approved for 22 Broad Street as a Customer Service Center

Data from 1995 was provided from Mr. Steers; A use variance had been granted

Bruno Gioffre provided Mr. Vitagliano with a 10 yr lease from 1995 which was handed up to secretary for the record and relevant portions of the lease were given to Board Members.

Findings of Board:

Auto Detailing is a non conforming use in the C2 Zone

Action taken by Board:

On the motion of Commissioner Petrone which was seconded by Commissioner Luiso the Public Hearing was 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

OPEN/CLOSE
PUBLIC HEARING

F - PETRONE
F - LUISO
F - D'ESTRADA
F - STRAUCH
F - ESPINOZA

Action taken by Board:

On the motion of Commissioner Strauch, which was seconded by Commissioner Espinoza the Board determined that this application is a non conforming use in a C2 District.

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

Non-conforming Use

F - PETRONE
F - LUISO
F - D'ESTRADA
F - STRAUCH
F - ESPINOZA

Action taken by Board:

Discussion: can the applicant can take advantage of the section of our Village code which allows changing from one non conforming use to another provided that there are no structural alterations and the proposed non conforming use is less intensive than the prior use.

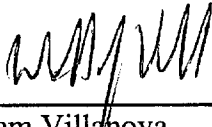
On the motion of Commissioner D'Estrada which was seconded by Commissioner Luiso The Village Attorney was directed to prepare Findings of Fact both ways which will include the previously voted on non-conforming use decision. The Board will vote on these findings at the next meeting, December 15, 2011

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

Prepare Findings both ways

F - PETRONE
F - LUISO
F - D'ESTRADA
F - STRAUCH
F - ESPINOZA

Signed _____


William Villanova

Title Acting Chairman

ATTEST:



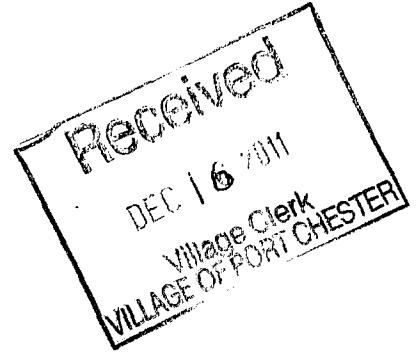
MINUTES OF MEETING

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, November 17, 2011, at 7:00 p.m. with Evelyn Petrone presiding.

Present in addition to Ms. Petrone were Messrs Luiso, D 'Estrada, Strauch, and Alternate Member Espinoza. Also in attendance were Anthony Cerreto, Village Attorney and Peter Miley, Building Inspector.

Chairman Villanova was absent.



Date of Hearing: November 17, 2011

No. of Case: 2011-0010 – 22 Don Bosco Place
Applicant: Peter F. Gaito & Associates

Nature of Request:

Applicant proposes to erect a two-story addition to the Don Bosco Community Center located at **22 Don Bosco Place**. The premise is located in the R2F Zoning District. Plans submitted for a Building Permit do not comply with front yard and side yard setbacks. Zoning Regulations, Section 345 Attachment 1:3, require a front yard setback of 25 feet and a total side yard setback of 40 feet total. Applicant's plan denotes front yard setback of 11.3 feet, a total side yard setback of 14 feet (same as existing) and a rear yard setback of 0.3 feet (same as existing).

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

none

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

**Soledad Picciano
Richard Picciano
108 Don Bosco Place
Port Chester, NY 10573
914-937-8254**

Summary of statement or evidence presented:

Applicant was not present. No properly noticed application
Applicant owes neighbor an apology. Applicant could not speak
Must re-notice if they wish to continue with this application and serve notices on the neighbor

Findings of Board:

Action taken by Board:

No action taken

Record of Vote: For ___ Against _____ Absent _____

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

Signed

William Villanova

Title Acting Chairman

ATTEST:

MINUTES OF MEETING

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Chairman Villanova was absent.

Date of Hearing: November 17, 2011

Case #2011-0001

Applicant: S.A.C. Developers LLC/ Gary Gianfrancesco. AIA



Nature of the request:

On the premises No **57 Soundview Street** in the Village of Port Chester, New York, also designated as Section 142.29, Block 2, Lot 30.1, 30.2, 30.3 and 30.4 on the Tax Map of the Town of Rye, New York

Applicant requests extensions of previously granted Zoning Variances. The applicant proposes to construct an eight-unit attached residential cluster development

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

None

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

None

Summary of statement or evidence presented:

No one was present to represent the application. It was noted by the Village Attorney that although the applicant wasn't present the Board could still make a ruling because the application was a request to extend previously granted Zoning Variances.

Findings of Board:

Although the applicant was not present the Board granted a 30 extension and stated that applications before the Board should be represented by an applicant. There were a couple of questions regarding the extension of this Variance that could not be answered at this time.

Action taken by Board:

On the motion of Commissioner D'Estrada which was seconded by Commissioner Espinoza a 30 Day Extension was granted and a letter sent to applicant informing them of the need to be present for future applications.

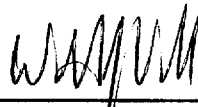
Record of Vote: For 5 Against 0 Absent

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

Grant 30 Day Extension

F - PETRONE
F - LUISO
F - D'ESTRADA
F - STRAUCH
F - ESPINOZA

Signed



William Villanova

Title Acting Chairman


ATTEST:

MINUTES OF MEETING

Application for Permit or Variance

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Chairman Villanova was absent.

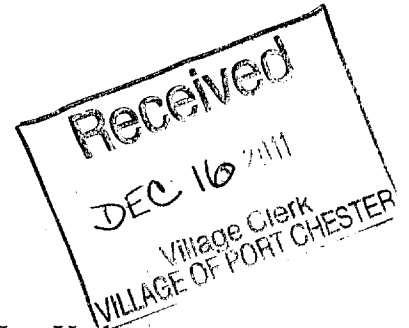
Date of Hearing: November 17, 2011

Case No. 1473 (F367)

Applicant: Segunda Iglesia Pentecostal/ Gary Gianfrancesco. AIA

On the premises No. **54 Poningo Street** in the Village of Port Chester, New York, also designated as Section 142.22, Block 1, Lot 54 on the Tax Map of the Town of Rye, New York

Applicant requests extensions of previously granted Zoning Variances. The applicant proposes to convert an existing building to a church



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

None

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

None

Summary of statement or evidence presented:

No one was present to represent the application. It was noted by the Village Attorney that although the applicant wasn't present the Board could still make a ruling because the application was a request to extend previously granted Zoning Variances.

Findings of Board:

Although the applicant was not present the Board granted a 30 extension and stated that applications before the Board should be represented by an applicant. There were a couple of questions regarding the extension of this Variance that could not be answered at this time.

Action taken by Board:

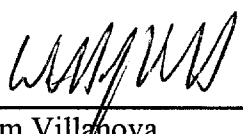
On the motion of Commissioner D'Estrada which was seconded by Commissioner Espinoza a 30 Day Extension was granted and a letter sent to applicant informing them of the need to be present for future applications.

Record of Vote: For 5 Against 0 Absent

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

Grant 30 Day Extension

F - PETRONE
F - LUISO
F - D'ESTRADA
F - STRAUCH
F - ESPINOZA

Signed 

William Villanova
Title Acting Chairman

ATTEST:



MINUTES OF MEETING

Application for Permit or Variance

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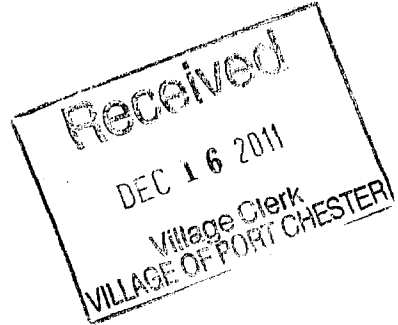
Chairman Villanova was absent.

Date of Hearing: November 17, 2011

No. of Case:

Applicant:

Nature of Request: Adjourn Meeting



Action taken by Board:

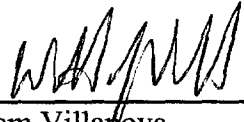
On the motion of Commissioner Petrone which was seconded by Commissioner Espinoza the meeting was adjourned at 9:10 p.m.

Record of Vote: For ___ Against _____ Absent _____

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

Adjourn meeting

- F - PETRONE
- F - LUISO
- F - D'ESTRADA
- F - STRAUCH
- F - ESPINOZA

Signed 
 Title **Acting Chairman**

ATTEST:

