

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, on March 15, 2012, at 7:00 p.m. with Chairman William Villanova presiding.

Present in addition to Mr. Villanova were Messrs Petrone, Luiso, D'Estrada, Strauch Alternate Member Espinoza. Also in attendance were Anthony Cerreto, Village Attorney, Christopher D. Steers, Assistant Village Manager and Christopher Gomez, Director of Planning & Development

Date of Hearing: **March 15, 2012**

No. of Case: **#2011-0006**

Applicant:	Phoenix Castle, LLC 411 Theodore Fremd Avenue Suite 206 South Rye, NY 10580	Anthony B. Gioffre, III Cuddy & Feder, LLP 445 Hamilton Avenue, 14 th Floor White Plains, NY 10601
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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.

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

Summary of statement or evidence presented:

Findings of Fact in favor of the applicant

Findings of Board:

Action taken by Board:

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

Record of Vote: For 5 Against _____ Absent _____

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

Favorable finding of Fact

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

Signed _____
William Villanova
Title **Acting Chairman** _____

Attest:

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Date of Hearing: **March 15, 2012**

No. of Case: **2012-0016**

Applicant:

Peter Templer & Kathryn Loosemore
1 Miles Standish Circle
Port Chester, New York 10573

Rex Gedney, AIA
Crozier, Gedney Architects
41 Elm Place
Rye, New York 10580

Nature of Request:

Construct addition to a single family residence where minimum required front yard is 30 feet and proposed is 17 feet 4 inches

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:

Findings of Fact in favor of the applicant

Findings of Board:

Action taken by Board:

On the motion of Commissioner Petrone, seconded by Commissioner Luiso, the findings of fact as prepared by the Village Attorney were accepted.

Record of Vote: For 5 Against _____ Absent _____

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

Favorable finding of Fact

F Petrone
F Luiso
F D’Estrada
Ab Strauch
F Espinoza
F Villanova

Signed _____
William Villanova
Title **Acting Chairman** _____

ATTEST:

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Date of Hearing: **March 15, 2012**

No. of Case: **2012-0020**

Applicant:

Estate of Donald Mackenzie
90 Shelly Avenue
Port Chester, New York 10573

Aldo Vitagliano
150 Purchase Street
Rye, New York 10580

Nature of Request:

Maintain a bedroom addition over an existing attached garage; Permit and occupancy fees paid; no Certificate of Occupancy has been located. Bedroom addition was approved & built on existing garage built in 1928. A rear yard variance was also granted by Zoning Board.

Property is located in the R5 district where the minimum side yard setback on Jan 23, 2012 & at time of original construction permit is 6 feet; proposed is 3ft 6 inches, therefore a variance is required

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:

Findings of Fact in favor of the applicant

Findings of Board:

Action taken by Board:

On the motion of Commissioner Petrone, seconded by Commissioner Luiso, the findings of fact as prepared by the Village Attorney were accepted.

Record of Vote: For 5 Against _____ Absent _____

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

Favorable finding of Fact

- F Petrone**
- F Luiso**
- F D'Estrada**
- Ab Strauch**
- F Espinoza**
- F Villanova**

Signed _____
William Villanova
Title Acting Chairman _____

ATTEST:

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Present in addition to Mr. Villanova were Messrs Petrone, Luiso, D'Estrada, Strauch Alternate Member Espinoza. Also in attendance were Anthony Cerreto, Village Attorney, Christopher D. Steers, Assistant Village Manager and Christopher Gomez, Director of Planning & Development

Date of Hearing: **March 15, 2012**
No. of Case: **2012-0021**
Applicant: **Steve & Judy Gagnon**
 30 Austin Place
 Port Chester, New York 10573

Nature of Request:

To construct a 2nd floor addition above an existing den. The property is located in the R7 District where the minimum side yard setback is 10 feet; proposed is 7ft 3 in., therefore a variance is required

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:

Findings of Fact in favor of the applicant

Findings of Board:

Action taken by Board:

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

Record of Vote: For 5 Against _____ Absent _____

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

Favorable finding of Fact

F Petrone
F Luiso
F D'Estrada
Ab Strauch
F Espinoza
F Villanova

Signed _____
 William Villanova
Title **Acting Chairman** _____

ATTEST:

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Present in addition to Mr. Villanova were Messrs Petrone, Luiso, D'Estrada, Strauch Alternate Member Espinoza. Also in attendance were Anthony Cerreto, Village Attorney, Christopher D. Steers, Assistant Village Manager and Christopher Gomez, Director of Planning & Development

Date of Hearing: **March 15, 2012**
No. of Case: **2012-0018**
Applicant: **Marie Heil**
 46 Sherman Street
 Port Chester, New York 10573

Nature of Request:

The property is located in the R2F district where the minimum side yard setback is 8 ft and proposed is 7ft 9 in., therefore a variance is required.

Rear yard garage requires a minimum of 5 feet, proposed is 3 feet, therefore a variance is required

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

Marie Heil

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

None

Summary of statement or evidence presented:

Mr. Steers did an additional investigation regarding minimum side yard setback.

Permit # F2478 issued in 1952 was subject to 1927 Zoning Code

(Residential B District – Side yard setback was 4 feet)

Existing Code today is 7ft. 9 in. therefore a variance is not required.

Issue of rear yard garage which requires a minimum of 5 ft and proposed is 3 ft

Garage was built in 1964, permit was issued and never closed out and no Certificate Of Occupancy was issued

Findings of Board:

Action taken by Board:

On the motion of Commissioner Luiso, seconded by Commissioner D'Estrada, the Public Hearing was closed.

Record of Vote: For 5 Against _____ 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 Espinoza
F Villanova

On the motion of Commissioner Luiso, seconded by Commissioner D'Estrada, the Village Attorney was directed to prepare Findings of Fact in favor of the applicant. The building Department was directed to execute the Certificate of Occupancy.

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

Favorable finding of Fact

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

Signed _____
 William Villanova
Title **Acting Chairman** _____

ATTEST:

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Present in addition to Mr. Villanova were Messrs Petrone, Luiso, D'Estrada, Strauch Alternate Member Espinoza. Also in attendance were Anthony Cerreto, Village Attorney, Christopher D. Steers, Assistant Village Manager and Christopher Gomez, Director of Planning & Development

Date of Hearing: **March 15, 2012**
No. of Case: **2012-0019**
Applicant: **78 -80 Purdy Avenue Holdings John B. Colangelo, Esq.**
 78-80 Purdy Avenue 211 South Ridge Street
 Port Chester, New York 10573 Rye Brook, New York 10573

Nature of Request:

Eliminate existing 6 parking spaces so that applicant may utilize area for outdoor display of retail product. Property is located in R2F Zone where 20 spaces are required. (Applicant was previously granted a variance to reduce parking to 6 spaces)

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

John Colangelo, Esq. & Applicant, Mr. Dubono
Ted Johnsowitz (neutral) not in favor of or against application
Sal Sagsostune 76 Purdy Avenue, Port Chester, NY 10573

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

Summary of statement or evidence presented:

Mr Colangelo stated he has had additional meetings with Staff to gather additional information An Interpretation is still needed to determine if the application is a usual and customarily permitted use for a retail business. Also an Area Variance is needed Rotor Rooter and an Auto Detailing Business were previously granted approvals on this site Parking was granted for commercial use & carried over when applicant bought building Traffic patterns are not suitable for retail use/were suitable for commercial use Applicant used parking area as a display area for product Tapes of previous meetings where approvals were granted were inaudible and cannot be used Diagrams were presented demonstrating the difficulty of using the Parking Lot for parking Comprehensive Plan may have some impact on this application (rezoning)

Findings of Board:

Action taken by Board:

On the motion of Commissioner Luiso, seconded by Commissioner Espinoza, the matter was adjourned to the April 19, 2012 meeting.

Record of Vote: For 5 Against _____ Absent _____

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

Adjourn to next meeting

F **Petrone**
F **Luiso**
F **D'Estrada**
F **Strauch**
F **Espinoza**
F **Villanova**

Signed _____
William Villanova
Title Acting Chairman _____

ATTEST:

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Date of Hearing: March 15, 2012

No. of Case: 2011-0011

Applicant: Father Richard Alejunas SDB	Peter F. Gaito & Associates
Church of Our Lady of the Rosary	399 Knollwood Road
22 Don Bosco Place	Suite 106
Port Chester, New York 10573	White Plains, New York 10603

Nature of Request:

Applicant proposes to erect a two story addition to the Don Bosco Community Center located at 22 Don Bosco Place & a Certificate of Occupancy for an existing porch enclosure to the Rectory. The premise is located in the R2F Zoning District. Plans submitted for a Building Permit do not comply with front yard and rear yard setbacks.

Community Center

Rear Yard: 30ft – proposed 0.3ft Front Yard: 20 ft. – proposed 11 ft 7 in

Max Height 35 ft. – proposed 54 ft **Rectory:** Front yard 20 ft – proposed +1.25 ft

Parking: 48 spaces required – proposed 0

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

Juan Sanchez – Port Chester High School

Father Steve Shank

DeSean Bishop – Student

Andreas Putz – Neighbor on Harbor Drive

Nicholas Mecca – Resident – 45 Alto Ave

Jose Batista – Resident 431 Franklin Avenue

Sara Gonzales – Resident 8 Nella Lane

Peter Gaito, Peter Gaito, Jr. Architects

A letter was also received from Mark Marino of Trumbull Ct. in favor of the application

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

Summary of statement or evidence presented:

Add additional 5,000 square feet to existing 25,000 sq feet

2 additional floors on south wing

Building is overcrowded and no room to run programs

Serve over 1000 children per year – social outreach day laborer center, open clothes closet and food pantry, etc.

Supplemental Disapproval was given to Board

Certificate of Occupancy is separate issue

Rectory was constructed in 1979 with no variances on record

Discussions were held relative to parking, traffic flow, traffic congestion, pickups & drop offs

Variance is basically needed for parking

Findings of Board:

Traffic report is needed. Sgt. Vaccaro should be contacted regarding current conditions as well as other potential conditions.

Signage might be needed

Action taken by Board:

On the motion of Commissioner Luiso, seconded by Commissioner D'Estrada, the matter was adjourned to the April 19, 2012 meeting.

Record of Vote: For 5 Against _____ Absent _____

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

Adjourn to next meeting

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

Signed _____
William Villanova
Title Acting Chairman _____

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Date of Hearing: March 15, 2012
No. of Case: 2011-0014
Applicant: Charles Nielsen
2 Harbor Drive
Port Chester, New York 10573

Nature of Request:

Applicant proposes to install a new 3 story modular frame 1-family residence on an existing foundation. The property is located in an R7 District whereas a maximum of 2 ½ stories and 35 ft in height is permitted. The proposed construction 44'8" exceeds permitted limits in an R7 District

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

Anthony Provenzano, Attorney

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

None

Summary of statement or evidence presented:

Applicant is attempting to refinance property
Requesting a 2 ft front yard variance
Muni search revealed – property was built in 1962 did not have a Certificate of Occupancy but did have a filed plan, although plan was filed a variance was not requested at the time. House has been there over 50 years, no changes to structure

Findings of Board:

Action taken by Board:

On the motion of Commissioner Luiso, seconded by Commissioner D'Estrada, the Public Hearing was opened.

Record of Vote: For 5 Against _____ Absent _____

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

Open Public Hearing

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

On the motion of Commissioner Luiso, seconded by Commissioner D'Estrada, the Public Hearing was closed and the Village Attorney was directed to prepare Findings of Fact in favor of the applicant.

Record of Vote: For 5 Against _____ Absent _____

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

Close Public Hearing

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

Signed _____
 William Villanova
Title Acting Chairman _____

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Present in addition to Mr. Villanova were Messrs Petrone, Luiso, D'Estrada, Strauch Alternate Member Espinoza. Also in attendance were Anthony Cerreto, Village Attorney, Christopher D. Steers, Assistant Village Manager and Christopher Gomez, Director of Planning & Development

Date of Hearing: March 15, 2012
No. of Case: 2012-0017
Applicant: John Wyles
6 Harbor Drive
Port Chester, New York 10573

Nature of Request: Applicant requests a rear yard setback variance in the amount of 23'0" +/-.
Existing rear yard is 15.5' -0"

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

Christopher Colby AIA, Spire Architecture
Jody Petrovsky – 19 Shore Drive

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

Summary of statement or evidence presented:

Applicant proposes a 1 story 1 car garage to the rear of the property
Garage will be positioned in a rear nook –existing shed will be removed
Garage will be 12 ft wide 20 ft deep
Materials of garage will be similar to what's on house currently
Roof – very low pitch
Lot is triangular
Variance is needed to attach garage to existing house as positioned any-
where else would cut through center of property
No curb cuts or driveway roadway is needed

Findings of Board:

Action taken by Board:

On the motion of Commissioner Luiso, seconded by Commissioner Espinoza, the Public Hearing was opened

Record of Vote: For 5 Against _____ Absent _____

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

Open Public Hearing

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

On the motion of Commissioner Luiso, seconded by Commissioner D'Estrada, the Public Hearing was adjourned to the April 19, 2012 meeting. The Building Department was requested to review files to determine when the existing garage was converted.

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

Adjourn to next meeting

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

Signed _____
William Villanova
Title **Acting Chairman** _____

ATTEST:

MINUTES OF MEETING

Application for Permit or Variance

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Present in addition to Mr. Villanova were Messrs Petrone, Luiso, D'Estrada, Strauch Alternate Member Espinoza. Also in attendance were Anthony Cerreto, Village Attorney, Christopher D. Steers, Assistant Village Manager and Christopher Gomez, Director of Planning & Development

Date of Hearing: March 15, 2012
No. of Case: 2012-0022
Applicant: Oakridge Drive LLC
16 Oakridge Drive
Port Chester, New York 10573

Nature of Request: Applicant proposes to legalize existing wood stairs as a secondary means of egress from rear of premises. The property is a part of an approved subdivision & an updated survey indicates the rear yard setback shows an offset of 25.60 ft where the minimum rear yard setback in an R7 zone is 30 feet, therefore a variance is 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:

Application is for a new house in a Sub-division
Plans were submitted and approved by a previous Building Inspector
There were no indications of problems
Stairs encroached on rear yard setback – indicated by new Building Inspector
Pending closing on this unit is at hand- records were unavailable, therefore applicant could not appear earlier
Stairway leading down 3 -4 steps to patio, not a full deck
Stairs are a secondary means of egress
Topography if the land does not allow an alternative way of building the stairway – stairway meets code
This is a clean-up application and the only issue is the setback

Findings of Board:

Action taken by Board:

On the motion of Commissioner Espinoza, seconded by Commissioner D'Estrada, the matter Public Hearing was closed

Record of Vote: For 5 Against _____ Absent _____

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

Close Public Hearing

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

On the motion of Commissioner Petrone, seconded by Commissioner Espinoza, the Village Attorney was directed to prepare Findings of Fact in Favor of the applicant

Record of Vote: For 5 Against Absent

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

Prepare findings

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

Signed _____
 William Villanova
Title **Acting Chairman**

ATTEST:

MINUTES OF MEETING

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Present in addition to Mr. Villanova were Messrs Petrone, Luiso, D'Estrada, Strauch Alternate Member Espinoza. Also in attendance were Anthony Cerreto, Village Attorney, Christopher D. Steers, Assistant Village Manager and Christopher Gomez, Director of Planning & Development

Date of Hearing: March 15, 2012
No. of Case: 2012-0023
Applicant: William & Drayton Gerety
28 ½ Pilgrim Drive
Port Chester, New York 10573

Nature of Request: Applicant proposes to construct a single family dwelling. The property is located in the R7 District where the minimum lot size is 7,500 sq. ft and the proposed lot size is 5,864 sq. ft. and therefore a lot area variance is required

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

Leslie Maron, Esquire

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

Tina Telesco – 28 Pilgrim Drive
Ted McCalum – 29 Pilgrim Drive
Regina Sams – 23 Pilgrim Drive
Christopher Sams – 23 Pilgrim Drive
Eileen Geasor – 30 Pilgrim Drive

Summary of statement or evidence presented:

Chairman Villanova stated for the record that communication from a resident was sent to the Village regarding the case prior to the hearing. As with all communication, no favoritism is given to individual communications and all communication is equally shared with the Board. The pre-submitted communication was not read by the Chairman. However, a copy of the letter is now being submitted for distribution to all Board members.

The Property is currently vacant land
R& District / Code requires minimum square footage of 7,500 square feet
Property is currently 5,864 square feet
Lot was created by a sub division in 1947/original sub-division showed property as part of a mapped street; street only appeared on the sub division map 7 never appeared on any official Village maps
Property was carried on Tax map of Village/ Taxes were always paid/ records show private ownership from 1947 going forward

Lengthy discussions were held to give insight into the history of the lot, history of other similar properties in the area, how some lots were sold off and/or became part of other resident's properties, etc.

It was noted that in 1994 the Town of Rye acquired the property due to unpaid taxes. Brian Salerno bought property in 1995
Mr. and Mrs. Dreyton bought the property in 2007 with the conditions being they would not close on the property unless it was deemed a buildable lot. In 2008 the Dreyton's filed with the Building Department and were told the lot was a buildable lot.

The History of this property continued by Mr. Maron

Several residents within the legal radius of the property gave statements opposing this application. Ms Eileen Geesor gave a lengthy PowerPoint presentation which also gave the history of the property from the documents she acquired. An abundant amount of handouts were also presented to the Board for further review.

Findings of Board:

It was determined that more time and more information is needed before any type of ruling can take place

Action taken by Board:

On the motion of Commissioner Luiso, seconded by Commissioner D'Estrada, the Public Hearing was opened

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

Open Public Hearing

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

On the motion of Commissioner D'Estrada, seconded by Commissioner Strauch, the matter was adjourned to the April 19, 2012 meeting.

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

Adjourn to next meeting

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

Signed _____
William Villanova
Title Acting Chairman

ATTEST