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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 April 19, at 7:00 p.m. with Chairman William Villanova presiding.

Present in addition to Mr. Villanova were Messrs Petrone, Luiso, D'Estrada, 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: April 19, 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.

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

None

Summary of statement or evidence presented:

Findings of fact in favor of the applicant were prepared by the Village Attorney.

Findings of Board:

Action taken by Board:

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

Record of Vote: For 5 Against _____ Absent 1

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 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, 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, Esquire

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 were prepared by the Village Attorney.

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 Findings of Fact

F Petrone
F Luiso
F D'Estrada
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, 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: April 19, 2012
No. of Case: 2012-0024
Applicant: Charles Nielsen
84 Putnam Drive
Port Chester, New York 10573

Nature of Request: Applicant request permit existing sidewalk with setbacks. Property is in R5 1 family Zoning District where minimum front yard setback is 25 ft. Rezoning designated the property as R2F with minimum front yard setback of also 25ft. Existing front yard setback is 22 ft. 3 in., therefore a variance is required.

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

Charles Nielsen

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 were prepared by the Village Attorney.

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 Findings

F Petrone
F Luiso
F D'Estrada
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, 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: **April 19, 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 |
|-------------------|--|--|

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 Mirando, Cuddy& Feder LLC

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

Summary of statement or evidence presented:

Applicant is requesting an extension of previously granted Zoning Variances. This request is for an extension of the “old” variances.

Findings of Board:

Action taken by Board:

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

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 | 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, 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: April 19, 2012

No. of Case: #2012-0025

| | | |
|-------------------|------------------------------|---------------------------|
| Applicant: | Estate of Frances V. Perri | Gary Gianfrancesco |
| | 23 Austin Place | Arconics Architecture |
| | Port Chester, New York 10573 | 545.5 Westchester Avenue |
| | | Rye Brook, New York 10573 |

Nature of Request:

being Section 136.54 2 Block No 1 Lot No. 49 on the Assessment Map of the said Village, being a variance from the applicable Zoning Ordinance or Ordinances in the following respects: Section 345 Attachment 1 Village of Port Chester Schedule of Regulations for Residential Districts, Part 2, Dimensional Regulations

Applicant proposes to renew expired permits issued 1928 and 1975 to construct a new single family dwelling and an addition to a rear room. The property at the time was located in an A District; Today the A District has been rezoned to R-7 therefore a

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

Gary Gianfrancesco – Arconics Architecture

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

None

Summary of statement or evidence presented:

This application is not about any new or additional construction

There are 2 open expired permits and therefore no Certificate of Occupancy for the building

The house was constructed in 1928 (permit #1)

An addition to the property in 1975 (permit #2)

The Building is 2.8" off the spot where it belongs /a 9.9" and 9.8" variance is needed on the left side of the property

If a 9.8 variance is granted, for the original construction of 1928, this would resolve the need for a second variance.

There was no additional construction after 1975

Commentary:

This is another item in the Building Department's Inventory of items needing to be procedurally closed out.

Bldg inspector cannot vary from the building code no matter how diminutive the case may be

Findings of Board:

Because case has no adverse impact on community and no other method to resolve the situation application is granted and can be expedited by the Building Department immediately.

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-abstain

Close Public Hearing

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

On a unanimous motion and a unanimous seconding by the Board the Village Attorney was directed to prepare Findings of Fact in Favor of the applicant. The Building Department should be notified to expedite the permitting process

Record of Vote: For 5 Against _____ Absent _____

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

Favorable Findings/Expedite Permit

F **Petrone**
F **Luiso**
F **D’Estrada**
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, 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: April 19, 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
1 North Broadway
White Plains, NY 10601

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

Phillip Grimaldi, Attorney
245 Saw Mill River Road
Hawthorne, NY

Ted McCallum, 29 Pilgrim Drive
C. Christopher Semmes. 23 Pilgrim Drive
Eileen Geasor, 29 Pilgrim Drive

****NOTE 1****

Prior to the start of this case Chairman Villanova recused himself and the case continued under the direction of Commissioner Petrone.

****NOTE 2****

The Village Attorney also stated for the record that he was contacted by one of the property owners who retained an attorney. The attorney requested Mr Cerreto stay this application for tonight. Mr. Cerreto said he could not do so and recommended that the Zoning Board not stay the application either. The applicant also made a request to the Supreme Court which was denied as well.

In an unrelated discussion with the applicant’s attorney Mr. Cerreto relayed the above information to the attorney. Mr. Cerreto stated there is a lawsuit pending against the Village of Port Chester and the Zoning Board of Appeals. However, he has not been served as yet.

Summary of statement or evidence presented:

Mr. Maron addressed some of the key issues that were addressed at the March meeting. Adverse possession – the lot is a legal lot that conforms to all of the setbacks although the lot size is smaller; Drainage - an issue for the Building Department, not Zoning Board; Community Character – It will be a simple frame house, very similar to others in the community; in 2007 the ARB approved plans for the structure putting it in character with the neighborhood; Mr.- Maron concluded by saying most of the opposition can be characterized as Generalized Community Opposition which should not be the basis for denying an application.

Mr. Maron Stated that this application has met the 5 test while referring to section 7-7 12B of New York State Village Laws

Mr Grimaldi addressed the Board stating he represented a few neighbors, Eileen Geasor and Tim & Tina Telesco. He also stated the lot is and never was a buildable lot. He tried to get a TRO but was unable to do so Citing Article 15 of the Real Property Actions & Proceedings of the State of NY, he has obtained an order to show cause.

Mr Grimaldi gave each member of the Board a copy of his affirmation and began to give a detailed overview of the history of the property.

This is not a formal serving of the documents, but asking the Board to review the exhibits and documents and not to make a decision until the court decides the case. Mr. Grimaldi clarified once again he was unable to get a TRO; therefore the case is not stayed.

Findings of Board:

It was determined that more time and more information and a ruling from the court is necessary to proceed further.

Action taken by Board:

On the motion of Commissioner Petrone, seconded by Commissioner Luiso, the Public Hearing was adjourned.

Record of Vote: For 5 Against _____ Absent _____

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

Adjourn Public Hearing

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

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

ATTEST

MINUTES OF MEETING

Application for Permit or Variance Application for Permit or Variance

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Present in addition to Mr. Villanova were Messrs Petrone, Luiso, D'Estrada, 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: April 19, 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)

****Note****

Chairman Villanova informed the Board that an audio tape was submitted from a resident who was unable to be here tonight. The resident wanted the Board to play the tape during the hearing. Chairman Villanova indicated he could not allow the playing of the tape and offered the tape to the applicants attorney.

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

John Colangelo, Esq. & Applicant, Mr. Dubono
Marisa Santini
Ted Johnsowitz
Sal Sagsostune
?? 76 Purdy Avenue
Mr. Gordon

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

Summary of statement or evidence presented:

Applicant is trying to improve the area
Permitted accessible use, proposed use is not a garden center as described by Village Code
There is sufficient street parking
The outdoor storage is for plants, not equipment or construction materials
Overnight storage – 30 – 35 carts /25-30 can be moved inside and remainder will be used as screening on perimeter
Deliveries are staggered
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

Mr. Steers referred to his March 15 memo – resembles a Garden Center and Applicant continues to utilize public right of way for storage / unpotted plants – trees
Across the street abutting the G & S Property, loading and unloading continues

Ongoing case in Court
Zoning application stays the proceedings in court.
It appears applicant wants Boards to make concessions without applicant complying or making any concessions
There are still parking concerns being addressed by residents. 1 employee drives , all others walk

Findings of Board:

Action taken by Board:

On the motion of Commissioner D'Estrada, seconded by Commissioner Luiso, the matter was adjourned to the May 17, 2012 meeting allowing the applicant to revise his applicant to reflect items discussed that are not reflected in the current application.

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 Espinoza
F Villanova**

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

ATTEST

MINUTES OF MEETING

Application for Permit or Variance Application for Permit or Variance

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Present in addition to Mr. Villanova were Messrs Petrone, Luiso, D'Estrada, 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: April 19, 2012
No. of Case: 2011-0014
Applicant: 2 Harbor Drive
Port Chester, NY 10573

Nature of Request:

To construct a install a new 3 story frame 1-family residence on an existing foundation. The property is located in an R7 District whereas a maximum of 2 ½ stories and 35ft 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.

John Colangelo, Esq.
Michiel Boender, AIA

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

Resident, Monica ????/ 1 Hilltop Drive
Not in opposition of the application, but very concerned with regard to flooding issues that may affect her property at 1 Hilltop Drive

Summary of statement or evidence presented:

A concern from the last meeting regarding a fence at the bottom of Harbor Drive is not part of this application and does not belong to the applicant

The variance is for a height difference of 3.8 ft over the required /allowed 35 ft. (tower)

The revised plans incorporated the changes suggested by the Board

Additionally, a reduction of 1 ft was made to the foundation of the 3 story structure in tower area rather than having the floors below inconsistent with 1 floor 8ft high and another floor 9 ft high

The denial letter from the building department has been revised to reflect the changes and the actual variance required is 3.8ft

The topography of the area is hilly; therefore no view from the neighbors houses will be blocked by this application

The variance is consistent with other variances that have been granted in the area
Additionally there is no negative impact to the community.

Chairman Villanova applauded this applicant as an excellent example of working with the Zoning Board/Village in developing a workable application/plan!

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-abstain

Close Public Hearing

**F Petrone
F Luiso
F D’Estrada
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 for the next meeting

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 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, 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: April 19, 2012

No. of Case: 2011-0011

Applicant:

Father Richard Alejunas SDB
Church of Our Lady of the Rosary
22 Don Bosco Place
Port Chester, New York 10573

Peter F. Gaito & Associates
399 Knollwood Road
Suite 106
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.

Father Richard Alejunas SDB
Peter F. Gaito

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

None

Summary of statement or evidence presented:

At a previous meeting a Traffic report was requested. The report has been received and reviewed by the Board.

Significant testimony was given from the applicant and residents last month in support of this application

This application was made better by coordinating with the Traffic Sergeant and requesting his review and input

Pedestrian Controllers can be phased in to correspond with the busy activity days at the location

This can be done by the Traffic Sergeant

Father Richard institute and Prohibit Parking in front of the location to allow for a drop-off/pick up area for the safety and well being of the children

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-abstain

Close Public Hearing

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

On the motion of Commissioner Luiso, seconded by Commissioner D’Estrada, Village Attorney was directed to prepare Findings of Fact in favor of the applicant for the next meeting.

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 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, 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: April 19, 2012
No. of Case: 2012-0026
Applicant: Louis Larizza _ Contract Vendee JOHN Colangelo, Esq
120 Hobart Avenue 211 South Ridge Street
Port Chester, NY 10573 Rye Brook, NY 10573

Nature of Request:

Applicant proposes to legalize existing 2 car garage (1.4ft side yard variance and existing staircase 6" variance. The property is located in the R7 District therefore an area and a setback 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.

George Ford, Quintard Drive

Summary of statement or evidence presented:

Application is to close out an existing permit and to legalize a structure
No change to the existing footprint or to the environment
No encroachment on setbacks regarding existing 2 car garage
Existing stairway encroaches on side yard by 6 inches
Current owners purchased house in 1950
Conditions pre-existed current owners – house was built in 1920's/garage built in 1930's
No new or additional structures are being built

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-abstain

Close Public Hearing

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

On the motion of Commissioner Petrone, seconded by Commissioner Luiso, the Village Attorney was directed to prepare Findings of Fact in favor of this application

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 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, 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: April 19, 2012
No. of Case: 2012-0027
Applicant: Delfin Mango
50 Putnam Drive
Port Chester, New York 10573

Nature of Request:

Applicant proposes to construct a new one story addition, and enlargement of kitchen. The property is located in the R7 District. The minimum side yard setback is 10 feet, proposed is 9ft 6 in. therefore a Variance is required

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

Delfin Mango

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

None

Summary of statement or evidence presented:

Applicant proposes to enlarge kitchen area. Upon review of survey, house is default of side yard setbacks on both sides by a total of 6 inches. This is a pre-existing condition. Applicant is extending kitchen along same existing lines. Therefore there will be no widening or change to the existing setbacks. There is no negative impact to the neighborhood, so diminutive it may not even be noticed. Applicant also proposes to repair kitchen area structure, which appears to be sinking somewhat, thus making a quality improvement to the area.

Findings of Board:

Action taken by Board:

On the motion of Commissioner Petrone, seconded by Commissioner Luiso, 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-abstain

Close Public Hearing

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

On the motion of Commissioner Luiso, seconded by Commissioner Petrone the Village Attorney was directed to prepare Findings of Fact in favor of this application.

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 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, 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: April 19, 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

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

None

Summary of statement or evidence presented:

Applicant is proposing to build a single car garage (12' x 20') on the rear of the property and is requesting a 24ft rear yard setback

The Property is a triangle shaped piece of land and the rear yard setback cuts through the middle of the house

The front yard setback is similar due to the odd shape of the property

A search was done by the Building Department to determine if this was a self inflicted hardship on the part of the applicant. In 1992 the previous owners converted the garage to a play space and received a certificate of occupancy in 2001

The search determined that the owner purchased the house with the conditions already existing.

Findings of Board:

Action taken by Board:

On the motion of Commissioner D'Estrada, seconded by Commissioner Villanova, 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-abstain

Close Public Hearing

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

On the motion of Commissioner Petrone, seconded by Commissioner Luiso, the Village Attorney was directed to prepare Findings of Fact in favor of the application for the next meeting

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 Espinoza
F Villanova

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, on April 19, 2012, at 7:00 p.m. with Chairman William Villanova presiding.

Present in addition to Mr. Villanova were Messrs Petrone, Luiso, D'Estrada, 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: April 19, 2012
No. of Case: 2012-0028
Applicant: Edwin page
99 Hobart Avenue
Port Chester, New York 10573

Nature of Request:

Applicant proposes to construct a new deck. The property is located in R7 District - minimum side yard setback is 10 feet, proposed plans denote a 4.2 ft. side yard setback, therefore a Variance is required

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

Edwin Page - Applicant
James Herpsher – resident – 108 Hobart Avenue

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

None

Summary of statement or evidence presented:

Property is in an R7 Zone
House was built in 1929
Applicant proposes a deck on rear of house (15 x 25)
Side yard setback of deck will maintain existing line which is a 4'2" setback (10 ft is required)
House is on a properly sized lot
Egress to basement – via garage door and a rear door. There are no side door entrances to garage
Neighbor affected by setback has no problem with the new deck

Findings of Board:

Action taken by Board:

On the motion of Commissioner Luiso, seconded by Commissioner Espinoza, 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-abstain

Close Public Hearing

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

On the motion of Commissioner D'Estrada, seconded by Commissioner Luiso the Village Attorney was directed to prepare Findings of Fact in favor of this application.

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 Espinoza
F Villanova

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, on April 19, 2012, at 7:00 p.m. with Chairman William Villanova presiding.

Present in addition to Mr. Villanova were Messrs Petrone, Luiso, D'Estrada, 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: April 19, 2012
No. of Case: 2012-0029
Applicant: Ronald Schoerner, Jr.
31 Barrett Lane
Port Chester, New York 10573

Nature of Request:

Applicant proposes to close out Certificate of Occupancy on a pre existing structure. The property is located in R7 District – minimum front yard setback is 30 ft., proposed/existing is 28.7 ft. therefore a Variance is required

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

Ronald Schoerner, Jr.

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

None

Summary of statement or evidence presented:

Applicant is selling the home and through a Title Search found an open permit for a structure built over the front door.

Structure was built in 1970

There was no survey for this property on record

Applicant obtained a new survey from the original architect

Applicant would like to close the permit and obtain the Certificate of Occupancy before closing on the property on May 10, 2012.

Findings of Board:

Action taken by Board:

On the motion of Commissioner Petrone, seconded by Commissioner Luiso, 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-abstain

Close Public Hearing

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

On the motion of Commissioner Luiso, seconded by Commissioner Petrone the Village Attorney was directed to prepare Findings of Fact in favor of this application. The Building department will be informed to expedite this application prior to receiving the written Findings in lieu of the upcoming closing date.

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 Espinoza
F Villanova

Signed _____
 William Villanova
Title **Acting Chairman**

ATTEST: