

## 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 May 17, 2012, at 7:00 p.m. with Chairman William Villanova presiding.

Present in addition to Mr. Villanova were Messrs Petrone, Luiso, D'Estrada, and Strauch. Also in attendance were Anthony Cerreto, Village Attorney and Christopher D. Steers, Assistant Village Manager.

<b>Date of Hearing:</b>	<b>May 17, 2012</b>	
<b>No. of Case:</b>	<b>2011-0014</b>	Michiel Boender, AIA
<b>Applicant:</b>	Sara Putz 2 Harbor Drive Port Chester, NY 10573	Edgewater Architects 163 North Main Street Port Chester, New York 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.**

#### **Summary of statement or evidence presented:**

Findings as prepared by the Village Attorney were summarized by Commissioner Petrone

#### **Findings of Board:**

#### **Action taken by Board:**

On the motion of Commissioner Petrone, seconded by Commissioner Luiso, the Findings of Fact on Favor of the applicant 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**

#### **Findings**

**F Petrone**  
**F Luiso**  
**F D'Estrada**  
**F Strauch**  
**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, and Strauch. Also in attendance were Anthony Cerreto, Village Attorney and Christopher D. Steers, Assistant Village Manager.

**Date of Hearing:**      **May 17, 2012**

**No. of Case:**        **2011-0011**

<b>Applicant:</b>	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
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**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:**

Negative Declaration SEQR Resolution Prepared by the Planning Consultant was summarized Findings in Favor of the Applicant as prepared by the Village Attorney were also summarized

**Findings of Board:**

**Action taken by Board:**

On the motion of Commissioner Luiso, seconded by Commissioner D’Estrada, Resolution of Negative Declaration SEQR was accepted.

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

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

**Neg Dec SEQR Resolution**

- F     Petrone**
- F     Luiso**
- F     D’Estrada**
- F     Strauch**
- F     Villanova**

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 Findings**

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

**Signed** \_\_\_\_\_  
                  William Villanova  
**Title** **Acting 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, on May 17, 2012, at 7:00 p.m. with Chairman William Villanova presiding.

Present in addition to Mr. Villanova were Messrs Petrone, Luiso, D'Estrada, and Strauch. Also in attendance were Anthony Cerreto, Village Attorney and Christopher D. Steers, Assistant Village Manager.

**Date of Hearing:** May 17, 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.**

### **Summary of statement or evidence presented:**

Findings in Favor of the Applicant as prepared by the Village Attorney were summarized by Commissioner Petrone

### **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** 4 **Against** \_\_\_\_\_ **Absent** \_\_\_\_\_ **Abstain** 1 \_\_\_\_\_

**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**  
**Ab**    **Strauch**  
**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 May 17, 2012, at 7:00 p.m. with Chairman William Villanova presiding.

Present in addition to Mr. Villanova were Messrs Petrone, Luiso, D'Estrada, and Strauch. Also in attendance were Anthony Cerreto, Village Attorney and Christopher D. Steers, Assistant Village Manager.

**Date of Hearing:** May 17, 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:**

Favorable Findings of Fact as prepared by the Village Attorney were summarized by Commissioner Petrone

### **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 4 Against \_\_\_\_\_ Absent \_\_\_\_\_ Ab 1

**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  
**Ab** Strauch  
**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 May 17, 2012, at 7:00 p.m. with Chairman William Villanova presiding.

Present in addition to Mr. Villanova were Messrs Petrone, Luiso, D’Estrada, and Strauch. Also in attendance were Anthony Cerreto, Village Attorney and Christopher D. Steers, Assistant Village Manager.

**Date of Hearing:** May 17, 2012

**No. of Case:** 2012-0017

**Applicant:** John Wyles Christopher Colby  
6 Harbor Drive Spire Architecture  
Port Chester, New York 10573 3286 Franklin Avenue  
Millbrook, New York

**Natuure of Request:**

Appliant proposes 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, Spire Architecture

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

None

**Summary of statement or evidence presented:**

Favorable Findings of Fact as prepared by the Village Attorney were summarized by Commissioner Petrone

**Findings of Board:**

**Action taken by Board:**

On the motion of Commissioner Petrone, seconded by Commissioner D’Estrada, The Favorable 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 Findings**

- F Petrone
- F Luiso
- F D’Estrada
- F Strauch
- 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 May 17, 2012, at 7:00 p.m. with Chairman William Villanova presiding.

Present in addition to Mr. Villanova were Messrs Petrone, Luiso, D’Estrada, and Strauch. Also in attendance were Anthony Cerreto, Village Attorney and Christopher D. Steers, Assistant Village Manager.

**Date of Hearing:** May 17, 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

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

None

**Summary of statement or evidence presented:**

Favorable Findings of Fact as prepared by the Village Attorney were summarized by Commissioner Petrone

**Findings of Board:**

**Action taken by Board:**

On the motion of Commissioner Petrone, seconded by Commissioner D’Estrada, the Favorable 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 Strauch  
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 May 17, 2012, at 7:00 p.m. with Chairman William Villanova presiding.

Present in addition to Mr. Villanova were Messrs Petrone, Luiso, D'Estrada, and Strauch. Also in attendance were Anthony Cerreto, Village Attorney and Christopher D. Steers, Assistant Village Manager.

**Date of Hearing:** May 17, 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:**

Favorable Findings of Fact as prepared by the Village Attorney were summarized by Commissioner Petrone

**Findings of Board:**

**Action taken by Board:**

On the motion of Commissioner Petrone, seconded by Commissioner D'Estrada, the Favorable 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     **Strauch**  
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 May 17, 2012, at 7:00 p.m. with Chairman William Villanova presiding.

Present in addition to Mr. Villanova were Messrs Petrone, Luiso, D'Estrada, and Strauch. Also in attendance were Anthony Cerreto, Village Attorney and Christopher D. Steers, Assistant Village Manager.

**Date of Hearing:**      **May 17, 2012**

**No. of Case:**            **#2012-0025**

<b>Applicant:</b>	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:**

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 was re-summarized due to a technicality related to the noticing of this application to the surrounding neighbors.  
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

**Findings of Board:**

Because this case has no adverse impact on the community, and applicant has no other method to resolve the situation and this application was resummarized from last month’s Public Hearing, the 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     Strauch**  
**F     Villanova**

At the previous month’s meeting the Village Attorney was directed to prepare Favorable Findings of Fact for this application.

The Favorable Findings of Fact as prepared by the Village Attorney were summarized by Commissioner Petrone.

On the motion of Commissioner Petrone which was seconded by Commissioner Luiso, the Favorable 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     Strauch**  
**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 May 17, 2012, at 7:00 p.m. with Chairman William Villanova presiding.

Present in addition to Mr. Villanova were Messrs Petrone, Luiso, D'Estrada, and Strauch. Also in attendance were Anthony Cerreto, Village Attorney and Christopher D. Steers, Assistant Village Manager.

**Date of Hearing:** May 17, 2012  
**No. of Case:** 2011-0001  
**Applicant:** SAC Developers GaryGianfrancesco, AIA  
57 Soundview Street Arconics Architecture  
Port Chester, New York 10573 545.5 Westchester Avenue  
Rye Brook, New York 10573

On the premises known and 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, the applicant requests an extension of previously granted zoning variances

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

Gary Gianfrancesco, AIA

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

None

**Summary of statement or evidence presented:**

Mr. Gianfrancesco stated that this application received Site Plan Approval on January 30, 2012. Mr. Gianfrancesco also stated that they are in the process of finalizing the construction documents and a permit should be issued within a 90 day period, therefore he is requesting a 90 day extension of the previously granted approval.

**Findings of Board:**

**Action taken by Board:**

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

**90 Day Extension**

F Petrone  
F Luiso  
F D'Estrada  
F Strauch  
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 May 17, 2012, at 7:00 p.m. with Chairman William Villanova presiding.

Present in addition to Mr. Villanova were Messrs Petrone, Luiso, D'Estrada, and Strauch. Also in attendance were Anthony Cerreto, Village Attorney and Christopher D. Steers, Assistant Village Manager.

**Date of Hearing:** May 17, 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  
Mr. Tom DuBuono - applicant  
Marvin Ravikoff, 33 New Broad Street  
Henry Gordon, 70 Purdy Avenue  
Mr. Terranova, Woodworking shop on Merritt Street

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

#### **Summary of statement or evidence presented:**

Mr. Colangelo stated that the application had been amended and re noticed to include and interpretation regarding the fence. After extensive meetings with Village Staff the notice is including whether outside display space is permitted as part of the retail space.

The applicant proposes to move carts inside the warehouse at night, therefore eliminating overnight outside storage

The shrubbery would be displayed along the perimeter of the property on the fence supports and act as screening around the property

There is a setback requirement for the fence since the application falls within themR2F zone.

Although the original chain link fence was replaced (in the same footprint) with deco and wood supports it may be deemed as a structure because the wood poles are placed 3 -4 ft in the ground and on the plans the architect refers to the fence as a pergola.

Commissioner Luiso presented photos taken that morning showing bins, forklifts, and carts that had been on the street overnight. Trucks and such are a violation of the Villages Right of Way.

Commissioner Strauch indicated that this application is not decreasing space but is actually an extension of the retail selling area

Issues are      Storage vs Display – no outside overnight storage  
Pergola vs Fence

20 Parking Spaces to 0 Parking Spaces (Original approval was 20 parking spaces to 6 parking spaces – overall from 20 spaces to 0 spaces)

**Findings of Board:**

3 main issues need clarification (see above)  
Property lines need to be defined with a survey  
Need the new official denial from the Building Department (Pergola & overhang)

**Action taken by Board:**

No motion was actually taken but the matter was adjourned to the June 21, 2012 meeting.

**Record of Vote: For \_\_\_\_\_ Against \_\_\_\_\_ Absent \_\_\_\_\_**

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

**Adjourn to next meeting**

**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 May 17, 2012, at 7:00 p.m. with Chairman William Villanova presiding.

Present in addition to Mr. Villanova were Messrs Petrone, Luiso, D’Estrada, and Strauch. Also in attendance were Anthony Cerreto, Village Attorney and Christopher D. Steers, Assistant Village Manager.

**Date of Hearing:** May 17, 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.**

Philip Grimaldi, Esq. (for adjoining neighbors Geasor and Telesco)  
Eileen Geasor 30 Pilgrim Drive, Port Chester, NY  
Chris Sands 23 Pilgrim Drive, Greenwich, CT

\*\*\*\*\*  
\*\*NOTE 1\*\*

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

\*\*\*\*\*  
**Summary of statement or evidence presented:**

Mr. Maron gave the definition of a lot as described in the Village Code  
Mr. Maron also stated that there is no definition of “Parcel” in the Village Code but deferred to the definition as defined by New York State Law, Section 102  
Mr. Maron stated that pending litigation and title issues are not related to this case, therefore he would respectfully request the hearing be closed and focus on the original issue only.

Mr. Steers presented a detailed memo to the Board with supplemental information about this application. The applicant’s attorney was also provided a copy of the memo.

Mr. Grimaldi disagreed with the information provided by Mr. Maron regarding definition of a “lot”

Mr. Grimaldi suggested that a decision not be made until pending litigation is resolved.

Mr. Grimaldi stated there is still a legal issue around the Title for this lot

Mr. Grimaldi stated that the notice is incorrect and should be renoticed. The notice only refers to width not length. 50 ft wide is proposed 70 feet is required

Neighborhood opposition was discussed in detail by Mr. Grimaldi who stated it is not a trivial issue as he cited several cases.

Ms. Geasor stated that several statements from a previous presentation of Mr. Maron are incorrect.

Ms. Geasor referred to a letter regarding a buildable lot that Mr. Maron stated was in “their” file; clarification of this letter was requested by Ms. Geasor

Ms. Geasor compared 28 ½ Pilgrim Drive and the R7 Zone along with other variances that have been granted in the area

Ms. Geasor stated that the applicant is missing the width, the depth and side yard requirements which are very significant as a whole.

Ms. Geasor stated that generalized community objections as stated by Mr Maron as being insignificant are significant and are factual.

Ms. Geasor suggested environmental/drainage issues are a factor that should not be overlooked.

Ms. Geasor stated that the difficulty was self created and had the opportunity to come before this Board in 2007 as the Contract Vendee (\$250,000.00)

Ms. Geasor submitted more letter of objection from surrounding neighbors.

It was noted by a surrounding neighbor that there are underground springs that should be taken into consideration with this application

It was noted by the Board that there are no construction drawings have been submitted. The drawings submitted are just a sketch.

### **Findings of Board:**

The Board needs additional time to review the memorandum provided by Mr. Steers.

A new denial letter will be issued at the expense of the Village to reflect the required 70ft minimum lot width in an R7 District where the 50 ft width is proposed

### **Action taken by Board:**

On the motion of Commissioner Luiso, seconded by Commissioner D’Estrada, 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     Strauch**  
**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 May 17, 2012, at 7:00 p.m. with Chairman William Villanova presiding.

Present in addition to Mr. Villanova were Messrs Petrone, Luiso, D'Estrada, and Strauch. Also in attendance were Anthony Cerreto, Village Attorney and Christopher D. Steers, Assistant Village Manager.

**Date of Hearing:** May 17, 2012  
**No. of Case:** 2012-0030  
**Applicant:** Estate of Francis C. Nugent  
80 North Regent Street  
Port Chester, New York 10573

#### **Nature of Request:**

on the premises No. **80 North Regent Street** in the Village of Port Chester, New York, situated on the **Westerly** side of **North Regent Street**, distant feet from the corner formed by the intersection of North Regent Street and Elizabeth Street being Section 136.69, Block No.1, Lot No. 6 on the Assessment Map of the said Village, being a variance from the applicable Zoning Ordinance or Ordinances in the following respects: Application is hereby made under the discretionary power vested in you by Section 345.30 of the Zoning Ordinance of the Village of Port Chester for permission to: close in an existing open porch and to create a 2<sup>nd</sup> floor bedroom. Home is in R5 District where minimum side yard setback on one side is 8 ft and minimum total of no less than 14 ft for 2 side yards. Proposed is 5.89 on one side and 4.10 totaling 9.9 ft therefore a variance is required and that a public hearing on said application will be held before said Board on the **17<sup>th</sup> day of May, 2011 at 7:00 o'clock** in the evening at the Court Room, Police Headquarters Building, 350 North Main Street, Port Chester, New York.

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

Anthony Tirone, Attorney (Kathleen Nugent Barnhart)

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

None

#### **Summary of statement or evidence presented:**

Mr. Tirone stated that this application is currently under contract with a closing date of May 30, 2012

A 9ft 9in variance is requested on an existing house which has been in existence for 49 years.

In 1991 a 1<sup>st</sup> floor bedroom was added to the house. The permits for this addition were opened and closed, however the permit for the house remains open.

There have been no other changes to the footprint of the house, the variance was not self created, and this would not cause any negative impacts to the community or to the environment.

#### **Findings of Board:**

The Board commended Mr. Tirone for the application and history which was well put together for the 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     **Strauch**  
F     **Villanova**

On the motion of Commissioner Luiso, seconded by Commissioner D’Estrada, the Village Attorney was directed to prepare favorable Finding of Fact for this application. The applicant has a May 30, 2012 Closing therefore the Building Department shall be notified to expedite the Certificate of Occupancy prior to receiving the Findings of Fact.

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/Expedite Certificate of Occupancy**

F     **Petrone**  
F     **Luiso**  
F     **D’Estrada**  
F     **Strauch**  
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 May 17, 2012, at 7:00 p.m. with Chairman William Villanova presiding.

Present in addition to Mr. Villanova were Messrs Petrone, Luiso, D'Estrada, and Strauch. Also in attendance were Anthony Cerreto, Village Attorney and Christopher D. Steers, Assistant Village Manager.

**Date of Hearing:** May 17, 2012  
**No. of Case:** 2012-0031  
**Applicant:** Andrew P. & Lynsey A. Clark  
432 Glen Avenue  
Port Chester, New York 10573

#### **Nature of Request:**

on the premises No. **432 Glen Avenue** in the Village of Port Chester, New York, situated on the **Southerly** side **Glen Avenue**, distant **50** feet from the corner formed by the intersection of **Glen Avenue and Adam Street** being Section 136.45, Block No.1, Lot No. 2 on the Assessment Map of the said Village, being a variance from the applicable Zoning Ordinance or Ordinances in the following respects: Application is hereby made under the discretionary power vested in you by Section 345.30 of the Zoning Ordinance of the Village of Port Chester for permission to: Renew expired permits for Private Residence and a 2 car garage in order to obtain a certificate of occupancy for the existing property and that a public hearing on said application will be held before said Board on the **17<sup>th</sup>** day of **May, 2011** at **7:00 o'clock** in the evening at the Court Room, Police Headquarters Building, 350 North Main Street, Port Chester, New York.

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

Frank Gataleta, Attorney

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

None

#### **Summary of statement or evidence presented:**

House was built in 1928, applicants purchased house in 2007  
Original owners had a letter saying house was a legal 1 family dwelling  
When applicant did title search to sell the house it was discovered there are  
2 open Building permits  
Applicant is making no changes to footprint, an window expanded from a single  
to a double window  
There are no environmental changes or negative impacts to the neighborhood  
Applicant has a pending closing date which was moved to clear up the outstanding  
open permits.

#### **Findings of Board:**

#### **Action taken by Board:**

On the motion of Commissioner Luiso, seconded by Commissioner Strauch, the Public Hearing was closed and the Village Attorney was directed to Prepare Favorable finding of Fact

for this application. It was also noted that direction should be given to the Building Department to expedite the permitting process for this application prior to receiving the Findings of Fact.

**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/Prepare Findings and Expedite Permit**

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

**Signed** \_\_\_\_\_  
William Villanova  
**Title Acting Chairman**

ATTEST: