

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

Present in addition to Mr. Villanova were Messrs. Petrone, Luiso, D’Estrada, Strauch and alternate member Espinoza. Also in attendance were Anthony Cerreto, Village Attorney, Christopher Steers, Assistant Village Manager and Peter Miley, Building Inspector.

Date of Hearing: July 19, 2012
No. of Case: 2012-0034
Applicant: Christopher & Anita Wolf
12 Irenhyl Avenue
Port Chester, NY 10573

Nature of Request:

Application is hereby made under the discretionary power vested in you by Section 345-29A, 345-13 or in the alternative 345.30 of the Zoning Ordinance of the Village of Port Chester for permission to: renew an expired building permit to construct a 2 car garage on rear of property

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

None

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

None

Summary of statement or evidence presented:

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

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 _____

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 Espinoza
Ab Strauch
Ab Villanova

Signed _____
William Villanova
Title Acting Chairman _____

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Date of Hearing: July 19, 2012 **Raul Bello, Architect**
No. of Case: 2012-0033 **36 New Street**
Applicant: David & Herman DeLaRosa **Rye, NY 10573**
17 -19 Summer Street
Port Chester, New York 10573

Nature of Request:

Application is hereby made under the discretionary power vested in you by Section 345-29A, 345-13 or in the alternative 345.30 of the Zoning Ordinance of the Village of Port Chester for permission to: amend building permit to include addition of 2 emergency egress platforms & ladders on each side of the house

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

John Colangelo, Esq.
David DeLaRosa, Owner
Raul Bello, Architect

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

None

Summary of statement or evidence presented:

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

Findings

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

Signed _____
William Villanova
Title Acting Chairman _____

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Date of Hearing: July 19, 2012
No. of Case: 2012-0036 /65 South Regent Street
Applicant: S.R. Holdings I, LLC
200 Railroad Avenue
Greenwich, CT 06830

Nature of Request:

Application is hereby made under the discretionary power vested in you by Section 345-29A, 345-13 or in the alternative 345.30 of the Zoning Ordinance of the Village of Port Chester for permission to: renew building permit to construct a 1-story, four car garage.

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

None

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

None

Summary of statement or evidence presented:

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 Espinoza, the Findings of Fact as prepared by the Village Attorney were accepted.

Record of Vote: For 4 **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 Espinoza
Ab Strauch
Ab Villanova

Signed _____

William Villanova

Title Acting Chairman

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Date of Hearing: July 19, 2012
No. of Case: 2012-0037
Applicant: Carole & Harold Handwerger Michiel A. Boender, AIA
11 Lafayette Drive 163 North Main Street
Port Chester, NY 10573 Port Chester, NY 10573

Nature of Request:

Application is hereby made under the discretionary power vested in you by Section 345-29A, 345-13 or in the alternative 345.30 of the Zoning Ordinance of the Village of Port Chester for permission to: construct a wood deck & garage within appropriate side & rear setbacks.

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

none

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

None

Summary of statement or evidence presented:

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 _____

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 Espinoza
Ab Strauch
Ab Villanova

Signed

William Villanova

Title Acting Chairman

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Date of Hearing: July 19, 2012

No. of Case: #2011-0006

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

Nature of Request:

Applicant is requesting an additional extension of previously granted variances. At the April 2012 meeting an extension was granted and is due to expire this month. The Planning Commission has approved the Final Site Plan & special Exception Use applications for this matter

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

None

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

None

Summary of statement or evidence presented:

A letter was received from Cuddy & Feder/ Anthony Gioffre, Esq., requesting an extension as stated above

Findings of Board:

Action taken by Board:

On the motion of Commissioner Petrone, seconded by 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	Strauch
	Espinoza
F	Villanova

Signed _____

William Villanova

Title Acting Chairman

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Date of Hearing: July 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)

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

John Colangelo, Esq.
Tom. DuBuono - owner
Juan Carlos Rodriguez – Port Chester resident
Mr. Terranova – Port Chester resident

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

None

Summary of statement or evidence presented:

Mr. Colangelo stated that Last month a survey was requested and has been submitted. A new denial letter was generated and a new notice was sent to the public. The new denial letter specifically addressed in detail the variances needed for front and side yard setbacks.

The overhang of the pergola is an issue to be decided by the Board of Trustees. Mr. Steers provided an interpretation memo as requested by Commissioner Strauch. This memo indicated that if retail space increases so does the increased need for parking. Instead of eliminating 6 spaces the need actually increases to 21 spaces (assuming the area of the 6 eliminated parking spaces is used for retail).

It was also discussed that the display in the parking area should be taken in at night/every night and would be a condition of approval.

Discussions were also held relative to the parking variance if granted going with the land and what implication(s) does that have for future applicants on this site.

It was understood that this case is unique being zoned R2F and not included in the C2 Zone by the Board of Trustees.

The Village Attorney was asked to prepare a memo regarding the facts of this case, zoning implications, uniqueness etc. for the August meeting.

Findings of Board:

Action taken by Board:

On the motion of Commissioner Luiso, seconded by Commissioner D'Estrada, the matter was adjourned to the August 16, 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
 Espinoza
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 and alternate member Espinoza. Also in attendance were Anthony Cerreto, Village Attorney, Christopher Steers, Assistant Village Manager and Peter Miley, Building Inspector.

Date of Hearing: July 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 lot width is 70ft. the proposed lot size is 5,864 sq. ft. and proposed width is 50 ft. 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	William Gerety, Applicant 2 Deerfield Lane Mamaroneck, New York 10576
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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
Tina Telesco, 28 Pilgrim Drive
Ted Johansowitz, ?Pilgrim Drive

NOTE: *Chairman Villanova, recused himself from this matter and turned the proceedings over to Commissioner Petrone.*

Summary of statement or evidence presented:

Commissioner Petrone stated the Public Hearing on this matter has been going on for many months. At the last meeting several jurisdictional issues were brought before the board and needed a response. She further stated the Board received a confidential memo from the Village Attorney indicating that the Board had significant Jurisdictional grounds to proceed with this case.

Commissioner Petrone asked if there was anything new or different that the applicant would like to present to the Board. Mr. Maron, attorney for the applicant said there was no new evidence to present and that they had answered all the issues and state laws and was satisfied that he provided enough information for the Board to act.

Phillip Grimaldi, attorney for the applicant stated for the record that he was not made aware of any memo from the Village Attorney. He also briefly discussed how lots are created and indicated that this is his 4th time looking for evidence on how the lot was created and only received an opinion memo from Mr. Steers which in his opinion did not get to the issue. Mr. Grimaldi also asked for a copy of the confidential memo. Discussions with regard to the memo were held and questions about it is relative to the decision/definition and determination of what rights the neighbors sand the applicant have to the “paper street”.

The Board stated that they were not making any decision tonight but now have the jurisdiction to move the case forward. The issue at hand is was there a conveyance yes or no? is it a non conforming lot, yes or no? should the Board grant relief, yes or no? The Board also

stated they would take a month to review the multitude of data and render a decision if possible next month.

Tina Telesco, neighbor, read a letter from her husband Tim Telesco recalling a conversation he had with Mr. Gerety advising him not to buy the lot. Mr. Telesco is requesting that the Board reject this application.

Ms. Eileen Geasor made a detailed presentation with visuals and handouts in opposition of this application. The basis of her presentation is Area Variance under Village Law 7-712-b(3)(b) and related the 5 factors to this application.

It was noted that the Building Department File would be part of the evidence for this case. Copies will be provided to each member.

Findings of Board:

Action taken by Board:

On the motion of Commissioner Luiso seconded by Commissioner Strauch, the Public Hearing was closed. The record is to remain open for information and data regarding wetlands and information regarding any springs underneath the property.

Record of Vote: For 4 Against _____ Absent 2

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

Close Public Hearing with record held open

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

**Signed _____
William Villanova
Title Acting Chairman**

Adjourn to next meeting

F Petrone
F Luiso
F D'Estrada
 Espinoza
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 and alternate member Espinoza. Also in attendance were Anthony Cerreto, Village Attorney, Christopher Steers, Assistant Village Manager and Peter Miley, Building Inspector.

Date of Hearing: July 19, 2012
No. of Case: 2012-0035
Applicant: Juan C. Rodriguez
Melina Bustamante
562 Willett Avenue
Port Chester, NY 10573

Nature of Request:

Application is hereby made under the discretionary power vested in you by Section 345-29A, 345-13 or in the alternative 345.30 of the Zoning Ordinance of the Village of Port Chester for permission to: build roof & portico over residence entrance, and new door for access to basement

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

Robert Jefferson, Architect
Juan Carlos Rodriguez

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

None

Summary of statement or evidence presented:

Mr. Jefferson stated that there are other houses in the neighborhood with enclosed porches (cited 3 addresses on Willett Avenue

The 2 ½ story house with addition in back is being built to code – no variance required

The Deck that is being built will also be built to code – no variance required

The detached garage meets the setback requirements – no variance required

The new door for access to the basement is considered a structure and lies within the side yard setback.

The entire portico structure will be built complete with columns and footings as required.

The Board suggested the applicant move the Bilco door to the rear of the structure therefore eliminating a need for the variance.

Findings of Board:

Action taken by Board:

On the motion of Commissioner Luiso, seconded by Commissioner D'Estrada, the Public hearing was closed and the Building Inspector was directed to inform the Village Attorney to prepare Favorable Findings of Fact for the next meeting. The Building Inspector was also directed to work with the applicant in the moving of the door.

Record of Vote: For 4 Against _____ Absent 2

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
Strauch
Villanova

Signed

William Villanova

Title Acting Chairman

MINUTES OF MEETING

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Present in addition to Mr. Villanova were Messrs. Petrone, Luiso, D'Estrada, Strauch and alternate member Espinoza. Also in attendance were Anthony Cerreto, Village Attorney, Christopher Steers, Assistant Village Manager and Peter Miley, Building Inspector.

Date of Hearing: July 19, 2012
No. of Case: 2012-0032
Applicant: Michael James DeFonce
47 Haines Boulevard
Port Chester, NY 10573

Nature of Request:

Application is hereby made under the discretionary power vested in you by Section 345-29A, 345-13 or in the alternative 345.30 of the Zoning Ordinance of the Village of Port Chester for permission to: build 2nd floor addition and reconstruct a new front entry portico and a 1 story garage

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

Anthony DeFonce - applicant
Luigi DeMase – Architect

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

None

Summary of statement or evidence presented:

This application was in the agenda last month but no action was taken because the applicant decided not to build a garage and therefore needed an updated set of plans reflecting this change. This application is a 1 story existing house on an existing lot where the applicant proposes to add a second floor addition. There will be 4 bedrooms instead of 5. The house is currently non conforming due to side yard setbacks and adding an upper floor would increase the non conformance. There are no changes to the footprint of the building, the proposed garage has been eliminated and the applicant will just be building upwards. Proposed Portico is 6 ft by 5 ft – foundation already exists. The existing terrace will not change the setbacks already exist therefore a side yard variance of 7 feet is required.

Lengthy discussions were held regarding the removal of the garage and parking. If the garage was already built and was non conforming, that would be one issue; but removal of the garage is completely different. The number of parking spaces is not the issue, if the garage is eliminated the driveway is not an accessory to anything because the garage is the “thing” and parking is an accessory to the garage. It was also discussed that there is a paved area in back that may be able to be used for parking.

Findings of Board:

Action taken by Board:

On the motion of Commissioner Luiso, seconded by Commissioner Strauch, the matter was adjourned to the August 16, 2012 meeting with the Public Hearing remaining open.

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**
 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 and alternate member Espinoza. Also in attendance were Anthony Cerreto, Village Attorney, Christopher Steers, Assistant Village Manager and Peter Miley, Building Inspector.

Date of Hearing: July 19, 2012

No. of Case:

Applicant:

Nature of Request: ADJOURN MEETING TO AUGUST 16, 2012

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 Board:

Action taken by Board:

On the motion of Commissioner Luiso, seconded by all Commissioners the meeting was adjourned to August 16, 2012

Record of Vote: For 7 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 Strauch
F Villanova

Signed _____
William Villanova
Title Acting Chairman _____