

**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 August 16, 2012, at 7:00 p.m. with Chairman William Villanova presiding.

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

**Date of Hearing:** August 16, 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.

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

None

**Summary of statement or evidence presented:**

Mr. Colangelo stated that a submission has been made to the Board of Trustees requesting variances and an interpretation to permit the floral shop operations. Mr. Colangelo further sought relief for a wooden structure which encroaches on the public sidewalk. A resolution was received from the BOT granting permission to encroach into the public right of way and the Village of Port Chester would be relieved of any liability. Mr. Colangelo further stated that he may be amending the application due to the changes in the new Comprehensive Plan.

Mr. Colangelo requested an adjournment of this application to the October 18, 2012 because he will be on vacation during the month of September.

**Findings of Board:**

**Action taken by Board:**

On the motion of Commissioner Luiso, seconded by Commissioner Strauch, the matter was adjourned to the October 18, 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  
       D’Estrada  
F      Strauch  
F      Espinoza  
F      Villanova

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

# MINUTES OF MEETING

## **Application for Permit or Variance**

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

**Date of Hearing:** August 16, 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.**

None

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

None

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

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

### **Findings of Board:**

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

On the motion of Commissioner Petrone, 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  
D'Estrada  
F Espinoza  
F Strauch  
Villanova

**Signed** \_\_\_\_\_

William Villanova

**Title** Acting Chairman

MINUTES OF MEETING

**Application for Permit or Variance**

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

**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<sup>th</sup> Floor  
Rye, NY 10580 White Plains, NY 10601

**Nature of Request:**

A letter dated July 23, 2012 was received from Cuddy & Feder, Anthony B Gioffre requesting a 90 day extension of previously granted variances which are set 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.**

Anthony Gioffre, Esq.

**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**

**90 Day Extension**

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

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

**MINUTES OF MEETING**

**Application for Permit or Variance**

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

<b>Date of Hearing:</b>	<b>August 16, 2012</b>	
<b>No. of Case:</b>	<b>2012-0038</b>	
<b>Applicant:</b>	<b>Maureen &amp; Theodore J. Darash</b>	<b>Michiel A. Boender</b>
	<b>40 Puritan Drive</b>	<b>163 North Main Street</b>
	<b>Port Chester, NY 10573</b>	<b>Port Chester, NY 10573</b>

**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: add/alterations to existing garage.

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

Michiel Boender – Architect

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

None

**Summary of statement or evidence presented:**

Mr. Boender stated that since his appearance at the last meeting the applicants have decided to revise their plans so it would not be necessary to seek a variance.

**Findings of Board:**

**Action taken by Board:**

On the motion of Commissioner Luiso, seconded by Commissioner Espinoza, the matter was withdrawn without prejudice.

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

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

**Withdraw Application**

<b>F</b>	<b>Petrone</b>
<b>F</b>	<b>Luiso</b>
	<b>D’Estrada</b>
<b>F</b>	<b>Espinoza</b>
<b>F</b>	<b>Strauch</b>
<b>F</b>	<b>Villanova</b>

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

**MINUTES OF MEETING**

**Application for Permit or Variance**

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

**Date of Hearing:** August 16, 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

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

Phillip Grimaldi  
245 Saw Mill River Rd,  
Hawthorne, NY 1053

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

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**Summary of statement or evidence presented:**

Commissioner Petrone stated that this has been a very unusual and difficult case. She reminded everyone that the Public Hearing is closed but the record remains open to receive additional information regarding the flood zones and the wetlands. The Board has reread the minutes and re-watched the videos pertaining to the case. Commissioner Petrone requested of the applicant a 1 month extension over the normal 62 days in order for the Board to pull the various pieces of the case together. Ms. Petrone further asked Mr. Maron and Mr. Grimaldi to put together some sort of legal briefs that would help tie everything together. The documents were requested to be submitted within the next 3 weeks. The attorneys were also directed to exchange briefs with each other.

Peter Miley also indicated that 28 ½ Pilgrim Drive is not located in the flood zone or in wetlands. An aerial view / radius map depicting substandard lots within a 2 mile radius of 28 ½ Pilgrim Drive was provided by Mr. Gomez and explained by Mr. Miley.

Mr. Grimaldi also stated for the record that the preliminary injunction that was denied did not suggest that the defendants lost their case, it was denied without prejudice and not a win lose verdict.

**Findings of Board:**

The Board instructed the attorneys to provide to the secretary within a 3 week time frame legal briefs that would tie the case together. The Secretary will make copies and distribute to the Board members prior to the September meeting.

**Action taken by Board:**

On the motion of Commissioner Strauch seconded by Commissioner Luiso, along with the agreement of the applicants and attorneys the matter was adjourned to the September 20, 2012 meeting

**Record of Vote: For   4   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  
      D’Estrada  
F     Espinoza  
F     Strauch  
      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 August 16, 2012, at 7:00 p.m. with Chairman William Villanova presiding.

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

**Date of Hearing:** August 16, 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 2<sup>nd</sup> 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.

Luigi DeMase – Architect

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

None

#### Summary of statement or evidence presented:

The applicant revised the application and in summation this application is a 1 story existing house with non conforming setbacks on an existing lot where the applicant proposes to add a second floor addition.

Applicant proposes renovating the garage by changing it into to living space. The garage is currently unusable because of the inability to maneuver into it. Applicant currently parks on the side of the house.

The front stoop is pre existing and applicant proposes to add columns to the top of the stoop (similar to a portico) and a variance is therefore required. Most houses in the neighborhood have changed their garages at various times into living space.

The overall size of the house is 2500 sq. ft. The footprint of the house will not be changed. The proposed five bedrooms have been decreased to four bedrooms. The 2<sup>nd</sup> floor, which already exists will not be made wider the walls will be increased to increase height only. The Driveway is being shared by neighboring house with 9 feet on either side. Required driveway size is 8 feet.

**Public: John De Mateo/24 West Glen Avenue** voiced concerns regarding applicant's property being black- topped and causing additional flooding and cited several properties with current flooding issues; 22,26, and 28 West Glen Avenue.

Applicant stated that no black topping would be occurring; using pre-existing pavement- as parking spaces

**Cathy York/neighbor-no address given** voiced concern with new plan. She previously FOILED plans and was shown the earlier version. Ms. York requested an opportunity to review the new plans.

**Gregory Rakoczy/28 West Glen Avenue** the back yard line and existing trees  
Applicant was given the opportunity to share the new plans with the neighbors before a decision by the Board is given.

Upon the applicants return it was noted that no additional surfacing of driveway would take place and the tree concern of the adjoining neighbor was satisfied and no trees would be cut.

**Wendy DeMateo/24 West Glen Avenue** spoke for the neighbors stating there was no objections to this application. There was an initial concern regarding a dry well however, the applicant stated that no dry well would be installed.

**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 Findings of Fact for 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**

**Close Public Hearing**

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

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



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**Date of Hearing:** August 16, 2012  
**No. of Case:** 2012-0042  
**Applicant:** Post Road Iron Works  
16-18 North Main Street  
Port Chester, New York 10573

### Nature of Request

Applicant proposes to merge 16 and 18 North Main Street in order to renovate an existing restaurant which will span the building and include 2<sup>nd</sup> floor dining; and to renovate an existing building and construct a new building that will house 6 new residential units.

The property is located in the C2 District. Multi Family Dwellings (above the 1<sup>st</sup> floor) are permitted through Special Exception only. Therefore approval or conditional approval is required from the Planning Commission and is currently being sought, hence the referral from Planning Commission.

Maximum floor area ratio is 3.20: proposed is 3.43 therefore F.A.R. variance of 0.23 is required The minimum lot size required is 750 square feet per dwelling unit; 610 square feet is proposed, therefore a lot area variance of 140 square feet is required.

The minimum required rear yard is 20 feet; proposed is 0 feet, therefore a variance is required. Minimum useable open space per dwelling unit is 100 square feet per unit thereby requiring a minimum of 600 square feet. Rooftop terrace area proposed is 678 square feet but only 17 feet wide. No dimension of an area of useable open space can be less than 20 feet, therefore a useable open space variance of 3 feet is required.

Off street parking is not required; however off street truck loading is required for the restaurant and a variance is therefore required

For multifamily dwellings the minimum lot size is 20,000 square feet, proposed is 3,661 square feet, therefore a variance is required.

For multifamily dwellings each building shall have a trash compactor capable of handling the expected volume of trash to be generated therein; proposed is none, therefore a variance is required.

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

**Aldo Vitagliano, Attorney**  
**Rudy Ridberg, Architect**

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

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

Buildings are located off Liberty Square, former bank building and the former site of Chavin Restaurant which is now closed. Both buildings are currently owned by Post Road Iron Works. Application is currently seeking approval before Planning Commission for Special Exception Use for Multi Family Dwellings above 1<sup>st</sup> floor in the C2 District. The 6 story building containing the proposed apartments has been unusable for 20 -30 years because there is no ingress and egress to the upper floors; code requires 2 ways out. Applicant proposes to preserve the History of the Bank building although not on any historic registry. Application has received a favorable recommendation from the Planning Commission.

Applicant proposes to maintain restaurant building and demolish other building and rebuild a 5 story building. The five story building will contain 2 apartments. The six story building contains

2 three bedroom apartments and will be changed to 6. The existing elevator and staircase will be made to access the upper floors.

Project does not need financing – applicant is ready to start

Apartment units are 850 to 900 square feet each

-There will be no garbage sitting outside in bins – Restaurant will have in-house disposals

-A private carting company will pick up waste

- additional information is needed on the pickup times and frequency.

-No rooftop parties should be a condition of approval

-basement in new building is food prep and storage only

-Truck loading will be on King Street as for previous restaurant

-Maintenance protection plan has been prepared for the Planning Commission

**Findings of Board:**

Zoning Commission requested more information regarding Traffic and Loading Zones and a more comprehensive plan for trash removal

**Action taken by Board:**

On the motion of Commissioner Luiso, seconded by all Commissioners the meeting was adjourned September 20, 2012

**Record of Vote: For Against 5 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**  
**D'Estrada**  
**F     Espinoza**  
**F     Strauch**  
**F     Villanova**

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

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**Date of Hearing:** August 16, 2012

**No. of Case:**

**Applicant:**

**Nature of Request:** ADJOURN MEETING TO September 20, 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 September 20, 2012

**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  
D'Estrada  
F Espinoza  
F Strauch  
F Villanova

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