

**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 September 20, 2012, at 7:00 p.m. with Chairman William Villanova presiding.

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

**Date of Hearing:** September 20, 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.**

**Michael James Defonce**

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

None

**Summary of statement or evidence presented:**

The 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 in favor of this application 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-abstain**

**Close Public Hearing**

- F Petrone**
- Luiso**
- F D’Estrada**
- F Espinoza**
- 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 September 20, 2012, at 7:00 p.m. with Chairman William Villanova presiding.

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

**Date of Hearing:** September 20, 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:**

Mr. Maron stated that he would not be presenting anymore testimony but he wanted to give a short note of explanation and apology for his late submission of his summary. He also stated that it was his understanding that Commissioner Petrone had requested a summary memo of the facts of the case and not memorandum of law thus he submitted a 7 page summary memo. Mr. Maron also apologized for the lateness of his submission due to a number of personal and family issues which set him back greatly.

Commissioner Petrone accepted Mr. Maron's apology and also stated that the submission was received the day before via e-mail from the Board Secretary and a paper copy tonight, certainly is not enough time for the Board members to appropriately review the documents. An extension had been requested by the Board last month in order to review these documents. Commissioner Petrone stated that the neighbor's attorney had submitted his documents on time within the 3 week period. Commissioner Petrone noted that there was no memorandum of law cited within the memo nor were there any legal opinions in the submission of Mr. Maron. Commissioner Maron extended to Mr. Maron additional time (til October 2<sup>nd</sup>) to submit any additional materials on this matter.

Mr. Grimaldi requested equal time to speak and was reminded by Commissioner Petrone that this is not a Public Hearing. Mr. Grimaldi stated that he felt that Mr. Maron was given an unfair

advantage because he was given additional time to rebut any points that he had made in his submission. Mr. Grimaldi also brought up the issue of the Lot size which he stated is 5719 square ft and not 5864 square ft.

Ms. Petrone thanked Mr. Grimaldi for his input and advised that all information would be reviewed thoroughly. She also stated that she would not be asking Mr. Grimaldi to submit any additional information and the matter would be decided on at the next meeting.

A neighbor, Ms. Eileen Geasor approached the podium and stated that although this is not a Public Hearing the attorneys were allowed to speak and she should be allowed to speak as well because at the last meeting the Village presented brand new evidence regarding the size of the lot. Commissioner Petrone advised Ms. Geasor to be seated that this is not a Public Hearing. Ms Geasor stated that according to public meeting law, the attorneys were not the only ones that should be able to speak. Ms. Geasor was again admonished by Commissioner Petrone to take her seat.

**Findings of Board:**

**Action taken by Board:**

On the motion of Commissioner Strauch seconded by Commissioner Petrone, seconded by Commissioner Strauch, the matter was adjourned to the October 18, 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  
      Luiso  
F     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 September 20, 2012, at 7:00 p.m. with Chairman William Villanova presiding.

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

**Date of Hearing:** September 20, 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.**

None

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

Mr. Vitagliano stated that the application is currently before the Planning Board. He also stated that at the last Board meeting there were several items that the Board needed answers to and they were addressed in a letter to the Board for tonight's meeting. (dated September 14, 2012).

The 3 items of concern were;

\* Height in the Downtown area – the comp plan is seeking 6 story height limits, the new construction of this building is 5 feet.

\*Loading space – a Village owned loading space exists in front of 20-24 King Street (across the street) Any deliveries to the restaurant would be from merchants delivering food or beverage and would require minimal use of loading space.

\*Trash Compactor – the trash and recyclables would be placed in a trash closet in the areas reserved in the final building plans. Residential occupants would be responsible for complying with municipal schedules regarding trash placement and pick-ups.

MR. Ridberg reviewed new plans that address the elimination of the need for a trash compactor and the location of the refuse rooms and indicated the plans are also going to be presented to the Planning Commission.

**Findings of Board:**

Several members of the Board expressed their pleasure in working with this applicant and their willingness to work with the Board making necessary changes for a positive application.

**Action taken by Board:**

On the motion of Commissioner Strauch, seconded by Commissioner D'Estrada the Public Hearing was closed. The Board unanimously agreed with the Chairman's directive for the Village Attorney to prepare favorable Findings for the applicant for the October 18, 2012 meeting.

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

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

**Close Public Hearing**

**F     Petrone  
      Luiso  
F     D'Estrada  
F     Espinoza  
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 September 20, 2012, at 7:00 p.m. with Chairman William Villanova presiding.

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

**Date of Hearing:** September 20, 2012  
**No. of Case:** 2012-0039  
**Applicant:** Sonia Hedvat  
44-48 North Main Street, LLC  
44-48 North Main Street  
Port Chester, New York 10573

#### **Nature of Request**

on the premises No. **44-48 North Main Street** in the Village of Port Chester, New York, situated on the **East** side of **North Main Street** distant 0 feet from the corner formed by the intersection of **Adee & King Street** being **Section 142.31, Block No. 1, Lot No. 35** 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 345-29A, 345-13 or in the alternative 345.30 of the Zoning Ordinance of the Village of Port Chester for permission to: construct 11 dwelling units in an existing mixed use building located in the C2 Zone. Multi Dwellings above 1<sup>st</sup> floor are permitted through Special Exception Use only Approval is currently being sought through Planning Commission.

#### **Dimensional regulations**

Minimum Size lot require is 750 sq ft per dwelling unit; proposed is 529 sq. ft. therefore a variance of 221 sq. ft is required

The minimum required rear yard is 20 ft; proposed is 0.0 ft, therefore a variance is required.

#### **Special conditions/safeguards Special Exception uses**

Multifamily dwellings minimum lot size required 20,000 sq ft; proposed is 5,817 sq ft. therefore a variance is required of aprox. 14,000 sq ft

Adequate laundry facilities is required; proposed s none, therefore a variance is required

Multifamily dwellings require trash compactors; none are proposed therefore a variance is required

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

Sonia Hedvat - applicant  
Harry Hedvat – applicant

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

None

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

Ms. Hedvat stated that the architect (David W Mooney) was unable to be present tonight but provided a letter which would summarize and address this application. Ms. Hedvat read the letter to the Board and public.

Paragraph 2 of Mr. Mooney's letter – Building Department & Planning Board Support  
per Chairman Villanova this paragraph may not be correct. The Planning Board has not rendered a decision and the Building Department has not issued any permits. (Confirmed by Mr. Miley). Per the Village Attorney, the applicant and the Village Building Department have been very

cooperative over the past few months but it should not be viewed as an endorsement of the project.

Short Environmental Assessment Form – Item #6 “To legalize an existing mixed use building”

Per the building inspector upon initial inspection of the 11 residential units several of them were there without a permit – believed to have been there prior to the applicant’s purchase of the property. In summation a condition exists that is unapproved – a fire on the property triggered an inspection; the inspection uncovered the units without certificates of occupancy. The application also does not meet the zoning in the area and a number of the units are illegal because no certificate of occupancy has ever been issued.

The Building Inspector further stated that 3 apartments were originally approved; the property has the ability through proper code analysis and proper permitting provide for 11 units, however the Planning Consultant suggested a reduction in the amount of apartments. Without variances the building would legally allow 3 apartments. The 11 units need to be altered to meet the code.

Applicant Sonia Hedvat stated the property was purchased 7 years ago

To date:

The floors have been upgraded

Apartments are vacant and have been vacant for 1 year (People were living there until the fire)

Work done on the apartments have been cosmetic only – no permits needed or issued

There was no electrical or plumbing work done

Holes in the walls were repaired and repainted

Pipe from sinks were changed

Upgrades – added surveillance cameras throughout the building

Open air rooftops are also proposed with cameras

Bottom floor 1 North Main Street - remodeled with façade grant program (May 2012)

Adee street 3 commercial areas – empty

North Main Street and Adee Street – ladies clothing store, next door at # 46 Pizzeria Shop (Arcuri), A new tenant in 44 ½ North Main Street is a Barber Shop (moved in after the fire after the money transfer business left) A new store is being built on 44 North Main Street is going to be a frozen yogurt store.

Adee Street – a gift shop that has been there for 5 yrs

2 empty spaces at 108 and 110 Adee Street and on the corner of King and Adee Streets there is another Barber Shop.

Financial Summary does not include Sprinkler System. Also does not include the surveillance system.

Per the Building Inspector 30% of the commercial space has been inspected. There are still properties needed to be inspected to close existing permits and to bring the building into compliance.

It was suggested by Chairman Villanova that the applicant should come back before the Board with a clean property (violations corrected and permits obtained) to grant variances on existing violations. The new work has been inspected but the upstairs apartments need to be designed to code.

A breakdown of suggested rents was given for the 11 units

5 studios @ \$800.00

5 1 bedroom units @ \$1200.00

1 2 bedroom unit @ \$1300.00

**Action taken by the Board**

The Board suggested that the applicant find space in the basement with regard to the garbage disposal

Laundry Facilities – applicant was asked to provide a rendering of Laundromats in the area in order to further discuss the laundry facilities for this application

**Findings of Board:**

On the motion of Commissioner Petrone, seconded by Commissioner Espinoza the Public Hearing was adjourned to the October 18, 2012 meeting.

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

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

**Adjourn Public Hearing**

**F     Petrone  
      Luiso  
F     D'Estrada  
F     Espinoza  
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 September 20, 2012, at 7:00 p.m. with Chairman William Villanova presiding.

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

**Date of Hearing:** September 20, 2012  
**No. of Case:** 2012-0040  
**Applicant:** Sabrina Greco  
58 Haines Boulevard  
Port Chester, New York 10573

### **Nature of Request**

on the premises No. **58 Haines Boulevard** in the Village of Port Chester, New York, situated on the **West** side of **Haines Boulevard**, distant **240 ft** from the corner formed by the intersection of **Betsy Brown Road and Haines Boulevard** being **Section 135.52, Block No. 1, Lot No. 40** 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 345-29A, 345-13 or in the alternative 345.30 of the Zoning Ordinance of the Village of Port Chester for permission to: construct a new wood deck on rear of home. The property is located in R7 District- where the minimum rear-yard setback is 30 feet and the proposed is 20.2 feet, therefore a variance is required

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

Sabrina Greco – Applicant  
Oscar Jones – Architect

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

None

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

House was built in 1941 in the R7 Zone – Single family house  
Deck was built 10 years ago – 24ft in length and extends out to the back of building 10ft.  
Deck is structurally sound with footings 3.6 ft below grade  
Applicant is seeking a variance to reduce rear yard setback from required 30 ft to 20.2ft.  
Owner is seeking to possibly relocate and discovered the deck does not have a certificate of occupancy.  
A height variance from the state has been granted with regards to the basement.  
(Requirement is 6.8 ft actual is 6.7ft)  
There is a garage in rear of property which is primarily used for storage only, Deck extends in front of garage and has been walled up to be used as storage space. Garage is not being used as living space.  
There is a 4ft fence on the rear boundary of the property

### **Findings of Board:**

On the motion of Commissioner Petrone, seconded by Commissioner Espinoza the Public Hearing was closed.

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

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

**Close Public Hearing**

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

On the motion of Commissioner Petrone, seconded by Commissioner Espinoza, the Village attorney was directed to prepare Findings of Fact in favor of this application for the October 18, 2012 meeting.

**Prepare Findings**

**F     Petrone**  
**Luiso**  
**F     D'Estrada**  
**F     Espinoza**  
**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 September 20, 2012, at 7:00 p.m. with Chairman William Villanova presiding.

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

**Date of Hearing:** September 20, 2012  
**No. of Case:** 2012-0043  
**Applicant:** Jose and Raquel Viera  
10 Edison Place  
Port Chester, New York 10573

### Nature of Request

on the premises No. **10 Edison Place** in the Village of Port Chester, New York, situated on the **East** side of **Edison Place** distant 179.36 feet from the corner formed by the intersection of **Edison Place and Terrace Avenue** being **Section 136.72, Block No. 1, Lot No. 11** 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 345-29A, 345-13 or in the alternative 345.30 of the Zoning Ordinance of the Village of Port Chester for permission to: renew expired building permit to construct a one car garage in rear of property an addition to rear corner of the home.

Garage was constructed 1929 in the "Residence C District where minimum least width of sideyard was 3 ft.; proposed is 1.6 ft therefore a variance of 1.4 ft is required.

Structure is located in the R2F Zone where the minimum (1) side yard setback is 8ft., total of 2 on an interior lot (feet) is 14ft. Proposed side-yard setback is 2.2 ft on the south west side of home, therefore a sideyard variance of 3.8 ft is required.

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

Kelly Molloy – Attorney  
Raquel Viera – Applicant

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

None

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

A municipal search revealed there was no certificate of occupancy on file for the original building and garage structures. The house is currently under contract to sell. The garage was built in 1929. A permit was obtained for the garage but never closed, therefore no C of was ever issued. There was a permit for the house but not for the little structure/addition to the rear corner of the house. The addition was added prior to the applicant's purchase of the house. Both structures already existed when applicant purchased the home in 1988. The rear structure is an access door to the rear of the home. The permit that was taken out in 1929 was proper but not clear as to why it was never closed. Currently the garage is being used for storage.

Chairman Villanova stated for the record that this and other properties are sometimes shaped like a triangle, the property is a unique design and when first looked at it appears like the applicant is coming for a large variance however when looked at closely the property comes to a point and the variance is usually for a very small corner.

Applicant was advised to re-draw the plans to show the legal parking spaces. Planning director needs to check for non – conformities  
Plans should also show the radius of the car to the garage  
Building inspector still needs to inspect the garage for location vs. the original building permit and the integrity of the garage.

**Findings of Board:**

On the motion of Commissioner Petrone, seconded by Commissioner D'Estrada the Public Hearing was adjourned to the October 18, 2012 meeting.

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

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

**Adjourn Public Hearing**

**F     Petrone  
      Luiso  
F     D'Estrada  
F     Espinoza  
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 September 20, 2012, at 7:00 p.m. with Chairman William Villanova presiding.

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

**Date of Hearing:** September 20, 2012  
**No. of Case:** 2012-0044  
**Applicant:** Richard Galasso  
83 Grant Street  
Port Chester, New York 10573

### Nature of Request

on the premises No. **83 Grant Street** in the Village of Port Chester, New York, situated on the **North** side of **Grant Street** distant 275 feet from the corner formed by the intersection of **Grant Street and Grandview Avenue** being **Section 144.44, Block No. 2, Lot No. 57** 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 345-29A, 345-13 or in the alternative 345.30 of the Zoning Ordinance of the Village of Port Chester for permission to: convert existing 1 family residence into a 2 family residence.

The structure is located in the R2F District where usable open space on a lot, per dwelling is 800 sq. ft requiring a total of 1600 sq. ft., proposed is 1233 sq. ft. therefore a variance of 367 sq. ft. is required.

The structure is a legal 1 family non conforming building in the R2F District where the minimum front yard setback is 20 ft; proposed is 12.2 ft, therefore a variance of 7.8 ft. is required. Dwelling units in converted 1 family dwelling require a minimum of 750 sq. ft. per unit and a first floor enclosed area of a one-two family dwelling shall be 750 sq. ft. and least overall dimension of 20ft.; proposed first floor area is 618 sq. ft. therefore a variance of 132 sq ft is required.

1 and 2 family dwellings require 2 parking spaces per unit; proposed is 3 parking spaces, therefore a variance of 1 parking space is required.

Detached accessory buildings located within a rear yard require at least 5 ft. From any side or rear lot line and shall not exceed 1 story or 15ft.; proposed is 1 story garage with side yard setback of 1.3 ft, therefore a variance of 3.7 ft is required.

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

Gary Gianfrancesco & John M. Crane – Arconics Architecture

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

None

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

The house was built in the 1920's and the applicant purchased home in May 2012. The house is located in the R2F Zone. In the process of doing a municipal search the applicant found that the house is a legal 1 family use. The applicant was too far along in the process and purchased the house anyway. The applicant is seeking a conversion from the legal 1 family use to the legally required 2 family use. Based on a tax search the premise was being taxed as a legal 2 family use home. The house has a C of O for one family and is currently being used as a 1 family. There is a second existing apartment in the house. Based on the recollection of Mr. Gianfrancesco it is his belief that the house has always been used as a 2 family house. In 1960 Russo Pontiac used this property for the storage of cars.

Applicant proposes to legitimize the use of the property

A remnant of the original garage exists on the property – permit issued in 1933 and is shown on a survey dated 1990

There would be no issues with 3 car parking – on tenant would have to jockey their car to allow another's use. (1 vehicle inside – 2 vehicles outside and 3<sup>rd</sup> car on the diagonal outside).

It is still unclear as to why the house was originally a 1 family use, converted to a 2 family use and then converted back to a 1 family use. Also if a Certificate of Occupancy was issued for the conversion of a patio to living space

John Crane provided 3 multiple listings for the property, 2007, 2008 and 2010.

April 5, 2007 listed as 2 family house

May 19, 2008 listed as 2 2br units

June 27, 2010 listed as 2 2br units

The use is a permitted use, applicant is seeking all area variances.

The Board requested of Mr. Miley to confirm if the property has a C of O for the House and for the addition.

Mr. Crane then took the opportunity to review the 5 factors for granting variances and how they applied to this application

### **Findings of Board:**

On the motion of Commissioner Petrone, seconded by Commissioner D'Estrada the Public Hearing was adjourned to the October 18, 2012 meeting.

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

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

### **Adjourn Public Hearing**

**F Petrone**  
**Luiso**  
**F D'Estrada**  
**F Espinoza**  
**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 September 20, 2012, at 7:00 p.m. with Chairman William Villanova presiding.

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

**Date of Hearing:** September 20, 2012  
**No. of Case:** 2012-0045  
**Applicant:** Amos Ventura  
36 Halstead Avenue  
Port Chester, New York 10573

### Nature of Request

on the premises No. **36 Halstead Avenue** in the Village of Port Chester, New York, situated on the **South** side of **Halstead Avenue** distant 275 feet East of the corner formed by the intersection of **Halstead Avenue and Hewlett Place** being **Section 136.55, Block No. 1, Lot No. 25** 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 345-29A, 345-13 or in the alternative 345.30 of the Zoning Ordinance of the Village of Port Chester for permission to: construct a new 1 car garage in rear of home

The structure is located in the R7 District where minimum usable open space on a lot per dwelling unit is 3,500 sq. ft.; proposed is 2,216 sq. ft therefore a variance of 1,283.75 sq. ft. is required

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

Michiel Boender – Edgewater Architects

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

None

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

Garage meets all required setbacks except minimum usable space. No variance is required for the side or rear yards. The existing lot itself is deficient for the R7 Zone. There is an existing house on the property; the existing 8 x 10f shed (which does not meet the side yard setback requirement) is being taken down. The application started out as a deficient non conforming lot and this application will further this deficiency.

The maximum height for a garage is 15 ft to the top (accessory structure) the application is 15.2 Therefore a height variance is needed. Applicant has decided to drop the garage height 2' to avoid the need for a variance. The garage is a 1 car garage with storage. The 5 ft setback on the side and the rear for detached accessory structures is correct.

Storm water detention chamber will be provided as required so water will not run off into neighbor's property. Garage is an upgrade to the site and will not have an adverse affect on the neighborhood.

**Findings of Board:**

On the motion of Commissioner Espinoza, seconded by Commissioner Strauch the Public Hearing was closed

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

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

**Close Public Hearing**

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

On the motion of Commissioner Petrone, seconded by Commissioner D'Estrada the Village Attorney was directed to prepare Findings of Fact in favor of this applicant for the October 18, 2012 meeting.

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

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

**Prepare Findings**

**F Petrone  
Luiso  
F D'Estrada  
F Espinoza  
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 September 20, 2012, at 7:00 p.m. with Chairman William Villanova presiding.

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

**Date of Hearing:** September 20, 2012

**No. of Case:**

**Applicant:**

**Nature of Request:** ADJOURN MEETING TO: October 18, 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 Strauch, seconded by Commissioner Espinoza the meeting was adjourned to October 18, 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**  
      **Luiso**  
F     **D'Estrada**  
F     **Espinoza**  
F     **Strauch**  
F     **Villanova**

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