

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 October 18, 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 and Peter Miley Assistant Building Inspector.

Date of Hearing: **October 18, 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.

Oscar Jones – Architect

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

None

Summary of statement or evidence presented:

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

Findings of Board:

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

Favorable Findings

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

Note: Chairman Villanova stated for the record that the permitting process can be sought through the Building Department however at that time the applicant must allow the Building Department to examine a footing of choice. If the footings are not appropriate the Building Department can determine the appropriate course of action to remedy the situation.

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 and Peter Miley Assistant Building Inspector.

Date of Hearing: **October 18, 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.

Amos Ventura - Applicant

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

None

Summary of statement or evidence presented:

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

Findings of Board:

On the motion of Commissioner Petrone, seconded by Commissioner D'Estrada the Favorable Findings of Fact as prepared by the Village Attorney were approved.

Record of Vote: For Against 5 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
 Espinoza
F Strauch
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, D'Estrada, Strauch and alternate member Espinoza. Also in attendance were Anthony Cerreto, Village Attorney and Peter Miley Assistant Building Inspector.

Date of Hearing: **October 18, 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 2nd 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 1st 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

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

None

Summary of statement or evidence presented:

Findings of Board:

Action taken by Board:

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

Record of Vote: For Against 5 Absent _____

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

Favorable 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 October 18, 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 and Peter Miley Assistant Building Inspector.

Date of Hearing: **October 18, 2012**
No. of Case: **2011-0006**
Applicant: Phoenix Castle
 Willett & Abendroth Place
 Port Chester, New York 10573

Nature of Request

Requesting 90 day extensions for previously granted Zoning Variances. At the July 2012 meeting an extension was granted for 90 days and is due to expire this month. Additionally variances approved August 16, 2012 are set to expire in November. Applicant is looking for a 90 day extension of all variances to bring uniformity to the extension dates.

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

Anthony Mirando, Esq. – Cuddy & Feder LLP
 445 Hamilton Avenue
 White Plains, New York 10601

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

None

Summary of statement or evidence presented:

Letter and associated fees were received from applicant requesting the extensions
No opposition or legal ramifications of unifying the time tables per Village Attorney

Findings of Board:

On the motion of Commissioner Luiso, seconded by Commissioner D'Estrada, 90 day extensions were granted. (90 days from today October 18, 2012)

Record of Vote: For Against 5 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 **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 October 18, 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 and Peter Miley Assistant Building Inspector.

Date of Hearing: **October 18, 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

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

Summary of statement or evidence presented:

Findings of Board:

Commissioner Petrone stated that today the Board received papers for its Counsel regarding action by the Supreme Court and a decision on a motion to re-argue a previous motion made by the defendant to dismiss the Supreme Court Action. A case was motion was presented to the Supreme Court to dismiss this action and that motion to re-argue was denied. The Supreme Court case seems to be moving forward and a lot of the proceedings of the Supreme Court have been brought to the Boards attention during the presentation of this case. Although the Village Attorney advised that the proceedings of the Zoning Board could go forward irrespective of the Court Case. The question remains: Is this property a lot and do the plaintiffs have an easement for any portion or all of the lot, which is not an issue to be determined by the Zoning Board but is ready for the Supreme Court to consider.
At previous meetings the litigants were asked to provide some summary of the case via a memorandum of law which would help tie all the pieces together. There are many complicated issues in this case and over the various months enormous amounts of testimony and assorted documents have been heard, read and reviewed. The applicant’s attorney provided discussion notes whereas the attorney for the neighbors did provide the memorandum of law. At the last meeting the applicant’s attorney was given additional time to provide the memorandum if so desired. Nothing further was received from the applicant’s attorney.

Commissioner Petrone summed up the proceeding by stating that with the pending litigation, any decision that is made tonight could deeply impact or negate any decisions made tonight. Also any decisions made tonight could possibly result in additional litigation and appeals pushing the application further back in time. It was suggested that this case be adjourned to a control date of 90 days (January 17, 2013).

Action taken by Board:

On the motion of Commissioner Luiso seconded by Commissioner D'Estrada, Strauch, the matter was adjourned 90 days to the January 17, 2013 meeting.

Note: It was noted that the Public Notice signs can be removed from the property since the Public Hearing on this matter is closed.

It was also noted by the applicant's attorney his opposition to this case being put on hold because he believes it can be decided without the decision of the Supreme Court.

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 January 17, 2013

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

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

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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 October 18, 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 and Peter Miley Assistant Building Inspector.

Date of Hearing: October 18, 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 1st 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. 14,100 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.

David Mooney, Architect
Sonia Hedvat - applicant
Harry Hedvat – applicant

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

None

Summary of statement or evidence presented:

Mr. Mooney stated that one of the remaining issues was trash disposal. The trash units have been moved to an open roof terrace. Seven receptacles will be available to contain the trash. All of the tenants will have access to the receptacles and the trash will be taken out two times per week. Another remaining issue was the laundry facilities. A map showing the location of the Laundromats near the building was presented to the Board.

Commissioner Petrone stated that one of the Boards main concerns was the number of units that are proposed. It was understood by the Board that the applicant had a discussion with a member of the Village staff who suggested a lower number of units than the number proposed. The proposed number is 11, staff suggested 7. Applicant does not want to reduce the number of units. It was explained to the Board that 3 bedroom units are not a part of this application and the need is for smaller units as proposed by this application. This allows for the control of how many

persons live in the building. The size of the units will draw the business professional rather than large families. Studios' are 400 square feet and 1 bedroom units are 600 square feet and does provide for the open space per unit on the rooftop. A detailed discussion regarding the unit size being 400 square feet ensued. MS Petrone offered to the Board that per NY State The law requires 70 square feet for the first occupant and 50 square feet for other occupants in a unit. Although we might like to see less population in a unit, the law has set forth these guidelines. The applicant stated that a person has been secured to take the seven trash receptacles down to the street level on garbage collection days.

A review and status of the commercial space was provided by Building Inspector Peter Miley. The occupied commercial spaces have all been inspected and received a certificate of occupancy. The applicants have taken advantage of the Façade Program and renovated the façade on North Main Street which looks beautiful. Currently on the upper floor there are no tenants or occupants. The units on the upper floor are all locked. It was suggested that the trash receptacles on the upper floor be placed in a covered unit. The trash from the commercial units is stored in each establishment and only put it out for pickup the night before collection.

Per the Building Inspector the facility will be subject to an 18 month fire inspection, per the Village Code.

Action taken by the Board

Findings of Board:

On the motion of Commissioner Strauch, seconded by Commissioner Espinoza the Public Hearing was closed and the Village Attorney was directed to prepare Favorable Findings of Fact for this application.

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/Prepare Findings

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

Record of Vote: For Against 5 Absent _____

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

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 October 18, 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 and Peter Miley Assistant Building Inspector.

Date of Hearing: **October 18, 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.

None – a discussion was held with Board Secretary and required drawings were not available to meet submission date, therefore an adjournment to the next meeting was suggested.

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

None

Summary of statement or evidence presented:

Findings of Board:

On the motion of Commissioner Luiso, seconded by Commissioner Espinoza, the Public Hearing was adjourned to the November 15, 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
F Luiso
F D'Estrada
 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 October 18, 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 and Peter Miley Assistant Building Inspector.

Date of Hearing: **October 18, 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.

John M. Crane – Arconics Architecture

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

None

Summary of statement or evidence presented:

Mr. Crane stated that the property existed in its current condition for over 40 years. The home itself has existed at least 80 years with an existing garage. Part of the garage had been removed and an automobile dealer used to park cars on that lot.

According to the records of the Building Inspector Peter Miley, the records of the Tax Assessor currently show the house being taxed as a 2 family dwelling.

According to prior Building Department records two inspections were done (10/10/66 and 01/13/67) and the records at those times indicated the dwelling to be a 1 family 2 story dwelling. The first floor consisted of a living room, kitchen, bathroom, dining room and an office. The second floor consisted of 2 bedrooms, family room, full bathroom and a study.

There are no records, permits or certificate of occupancy to show the legal conversion of the property from a 2family house to a 1 family house.

In 1998 a new rear addition (312 sq ft) and a new second story rear addition (84 sq ft) were added in the rear including the right rear corner of the home. Certificate of Occupancy for the addition was granted on 10/17/2000.

5/4/1932 permit was issued for a 4 car garage. 11/10/1936 permit shows a 2 car garage and on 10/10 1966 and 1/13/1967 permits shows a 5 car garage and a 2 car garage. There are no records to indicate how this transition/restructuring of the garages came about.

There are no other permits for this property on file. However it appears that the 1st and 2nd floors were squared off and in total added 400 sq ft to the existing property.

A discussion was held discussing parking issues. The variance for an additional parking space was discussed because although the cars would fit there would be a lot of jockeying or movement of cars to accommodate the tenants. It was noted that the tenants in this house are all part of the same family.

It was noted for the records that there are holes in the history of this property which cannot be resolved because records are nonexistent. Records do not clearly define who assessed and or inspected the house previously and determined it to be a two family house. In addition there are no records to clearly indicate when the house was determined to be a 1 family 2 story house.

Findings of Board:

On the motion of Commissioner Luiso, seconded by Commissioner D'Estrada 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
F Luiso
F D'Estrada
Espinoza
F Strauch
F Villanova

On the motion of Commissioner Luiso, seconded by Commissioner D'Estrada the Public the Village Attorney was directed to prepare Favorable Findings of Fact for this application for the next 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
F Luiso
F D'Estrada
Espinoza
F Strauch
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, D'Estrada, Strauch and alternate member Espinoza. Also in attendance were Anthony Cerreto, Village Attorney and Peter Miley Assistant Building Inspector.

Date of Hearing: **October 18, 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. DuBono, Applicant

Rosie Salono – a patron of Floral Fashions spoke in favor of this application

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

Summary of statement or evidence presented:

Mr. Colangelo stated that since his last appearance before this Board several things had transpired. An appearance was made before the Board of Trustees for the minor encroachment over the right of way which was granted

A request was sent to the Board of Trustees asking them to rezone this area with the new comprehensive plan, making the area a commercial zone – no response as of yet

An amended application was submitted removing the request for an interpretation and replacing it with a request for a use variance to allow for outdoor storage as an accessory use. A more detailed plan was submitted to the Board showing a detailed layout of the location which will allow for better enforcement of the site.

Construction materials are not being stored at this site, this is for plant materials. It was noted that the variance would be for this particular use for this particular application. A brief discussion was held regarding the removal of parking spaces and increasing the size of the retail/selling space when the application is for a use variance.

Seasonal layouts were provided to the Board. It was noted that this is a unique business with a unique area and use. The applicant was asked if he was sure he could comply with the stipulations that were going to be a permanent part of the record. The applicant stated he would have no problem complying with the stipulations.

A short form EAF was submitted with this application which also has a second part SEQRA Neg. Dec. It was suggested that the Planner, Christopher Gomez could provide the report for the next meeting.

Findings of Board:

Action taken by Board:

On the motion of Commissioner Petrone, seconded by Commissioner Luiso the matter was adjourned to the November 15, 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** _____

MINUTES OF MEETING

Application for Permit or Variance

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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 and Peter Miley Assistant Building Inspector.

Date of Hearing: **October 18, 2012**
No. of Case: **2012-0046**
Applicant: **Rosemarie Solano**
 117 Neuton Avenue
 Port Chester, New York 10573

Nature of Request:

on the premises No. **117 Neuton Avenue** in the Village of Port Chester, New York, situated on the **South** side of **Neuton Avenue** distant 50 feet from the corner formed by the intersection of **Wesley Avenue and Neuton Avenue** being **Section 135.68, Block No. 2, Lot No. 15** 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: obtain a Certificate Of Occupancy for a 2nd story addition as a legal, non conforming single family dwelling.

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

Rosemarie Solano - applicant

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

None

Summary of statement or evidence presented:

The house was built in 1951; the applicant purchased the house in 1998. In 2006 ago the applicant applied for a building permit to add a second floor addition. Construction commenced and the permit was renewed two years ago to allow the applicant to continue with the construction of the second floor addition. The addition was built in the original footprint of the existing boundaries of the house with no increase in width only in height. The applicant recently finished the construction and applied for a certificate of occupancy from the building department only to learn that the house does not comply with the legal side yard setbacks. This was an oversight of the previous building inspector who issued the initial and subsequent building permits.

Mr. Miley the current building inspector reviewed the survey and determined that although permits to build were issued, a variance is needed before a certificate of occupancy can be granted. (A certificate of occupancy was granted for the initial house). The Board thanked Mr. Miley for his diligence and attention to details of this nature. The Board also agreed that the variances requested on this application were not significant.

Findings of Board:

Action taken by Board:

On the motion of Commissioner Luiso, seconded by Commissioner D'Estrada the Public Hearing was closed

Record of Vote: For 5 Against _____ Absent _____
List names of members and how voted – symbols as follows: F-for, A-against, Ab-abstain

Close Public Hearing

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

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

Note: the Building Inspector was directed to expedite the processing of the applicant's Certificate of Occupancy because the applicant is refinancing and trying to get a better rate and time is of the essence.

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 October 18, 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 and Peter Miley Assistant Building Inspector.

Date of Hearing: **October 18, 2012**

No. of Case:

Applicant:

Nature of Request: **ADJOURN MEETING TO: November 15, 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 Commissioner D'Estrada the meeting was adjourned to **November 15, 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
F D'Estrada
 Espinoza
F Strauch
F Villanova

Signed _____

William Villanova

Title Acting Chairman