

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 November 15, 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. Peter Miley, Building Inspector was also in attendance.

Date of Hearing: November 15, 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.

Harry Hedvat – 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.

Action taken by the Board

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.

Record of Vote: For Against 4 Absent 1

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

Favorable Findings

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

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

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Date of Hearing: November 15, 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
Richard Galasso - 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 5 Against _____ Absent _____

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

Favorable Findings

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

Signed _____

William Villanova
Title Acting Chairman

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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. Peter Miley, Building Inspector was also in attendance.

Date of Hearing: November 15, 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.

None

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:

Action taken by Board:

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

Record of Vote: For 5 Against _____ Absent _____

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

Favorable Findings

- F Petrone
- F Luiso
- F D’Estrada
- F Strauch
- Espinoza
- 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 November 15, 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. Peter Miley, Building Inspector was also in attendance.

Date of Hearing: **November 15, 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

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

None

Summary of statement or evidence presented:

Ms Molloy stated that per the Board's request the plans were redrawn to show the parking spaces and the turning radius

Building Inspector Peter Miley stated that he inspected the garage and everything was fine.

Findings of Board:

On the motion of Commissioner Luiso, 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

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. Peter Miley, Building Inspector was also in attendance.

Date of Hearing: November 15, 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 he had no additional information to add for this application

Findings of Board:

A SEQR Determination has been prepared by Village Staff and reviewed by the Board. There were no additional items/comments to add to this document.

Action taken by Board:

On the motion of Commissioner D'Estrada, seconded by Commissioner Espinoza the SEQR Negative Declaration as prepared by the Planning Commissioner was accepted

Record of Vote: For 4 Against 1 Absent _____
List names of members and how voted – symbols as follows: F-for, A-against, Ab-abstain

SEQR Neg Dec

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

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

The Village Attorney was directed to prepare favorable findings of fact for this application and to include the stipulations discussed with the applicant regarding the 10ft striping of the driveway. It was also noted that the applicant has submitted two sets of plans for this location. One plan reflects the Spring/Summer operation and the other plan reflects the Fall/Winter (more winter) operation of the business. The applicant was reminded that the plans are part of the approval and are subject to enforcement by the Code Enforcement Department.

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. Peter Miley, Building Inspector was also in attendance.

Date of Hearing: November 15, 2012

No. of Case:

Applicant: Justin F Minieri AIA
Michael Curry
37 Browndale Place
Port Chester, New York 10573

Nature of Request:

on the premises No. **37 Browndale Place** in the Village of Port Chester, New York, situated on the **West** side of **Browndale Place**, distant **264** feet from the corner formed by the intersection of **Indian Road and Browndale Place** being Section **136.53** Block No. **2** Lot No. **33** 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 2 story addition.

Property is located in R7 District where minimum sideyard setback is 10ft with a minimum total of 2 sideyard setbacks on an interior lot combined is 20 ft. Proposed is 5 ft setback on NE side of lot, therefore a variance of 5 ft. is required

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

Justin Minieri – Architect
Michael Brescio – New Owner/Applicant

George Ford
Quintard Drive – supportive

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

Dick O'Connell
45 Browndale Place – opposed

Anthony Gioffre
65 Browndale Road – opposed

Summary of statement or evidence presented:

The home is a 4 bedroom 3 bathroom home with 3 of the bedrooms being a part of the main structure and 1 bedroom above the garage. The home will remain a 4 bedroom home. The existing garage in the rear of the home encroaches on the side yard setback by 5 feet. The family room addition will extend back from the main house 22 feet and align with the edge of the existing garage. The addition will not be visible from the front of the home. The roof will not be any higher than the existing height line. The stucco exterior will match what currently exists on the home.

It was also noted that Mr. Brescio is the new owner of the home. The home was purchased last week from Michael Curry whose name appeared on the application. The home was purchased with an open permit for a finished basement, playroom and laundry facility. The basement is approximately 95% finished. The open permit is was not in violation and a brand new permit has been issued for 1 year.

The applicant stated that he has met with the neighbors about his intent. Applicant states that he is not trying to change the character of the home and plans to live in the house for a long time and raise his family.

Findings of Board:

Perhaps the applicant can redesign the application without using the 5 foot variance that was requested. Applicant was advised to provide sketches of different renderings and share the ideas with the neighbors. It was also suggested that the applicant provide the landscaping plan that will surround the home. The house is on a big lot. All the houses in the neighborhood are on big lots and have open space. If the 5 foot variance is granted it will change the character of the neighborhood because it will not have the open space as all the other houses do.

Action taken by Board:

On the motion of Commissioner Petrone, seconded by Commissioner D'Estrada the Matter was adjourned to the December 20, 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
 Espinoza
F Strauch
F Villanova**

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

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Present in addition to Mr. Villanova were Messrs. Petrone, Luiso, D'Estrada, Strauch and alternate member Espinoza. Peter Miley, Building Inspector was also in attendance.

Date of Hearing: November 15, 2012

No. of Case:

Applicant:

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

Signed _____
William Villanova
Title Acting Chairman