#### **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 January 17, 2013, at 7:00 p.m. with Chairman William Villanova presiding.

Present in addition to Mr. Villanova were Messrs. Petrone, Luiso and D'Estrada, Strauch and Espinoza.

Date of Hearing: January 17, 2013

No. of Case: 2012-0048

**Applicant**: McDonalds Corporation Bohler Engineering

One McDonalds Plaza Eric Meyn

Oak Brook, IL 60523 2002 Orville Drive North

Ronkonkoma, New York 11779

# **Nature of Request:**

on the premises No. **321 Boston Post Road** in the Village of Port Chester, New York, situated on the **South** side of **Boston Post Road** distant 0 feet from the corner formed by the intersection of **Boston Post Road & South Regent Street** being **Section 142.45**, **Block No. 1**, **Lot No. 18** 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: add an additional identification sign on the front of building

The property is located in the CD District where the maximum permitted signage is 1 wall sign on each public street or municipal off street parking lot and 1 detached or ground sign pursuant to 345-15E. Proposed are 3 additional identification signs to be located at the front right and left side elevations of the building adjacent to private properties and therefore a variance to add 3 additional identifications signs is required

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

No One

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

No One

**Summary of statement or evidence presented:** 

# **Findings of Board:**

Applicants have been instructed to be present when the Findings of fact are read into the record and voted on. There was no one present to represent this application. It was also noted that the signs have already been changed on the McDonald site prior to the Findings being signed. No action will be taken tonight on the Findings. A representative must be present at next month's meeting or the application will be in violation and the signs will come down.

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

On the motion of Commissioner Luiso, seconded by Commissioner D'Estrada, the matter was adjourned to the February 21, 2013 meeting.

<b>Record of Vote:</b>	For _	<u>5</u> Again	st	Absent		
List names of me	mbers	and how	voted – symbol	ls as follows:	F-for, A-against, A	<b>Ab-abstain</b>

# <u>Adjourn</u>

F Petrone

F Luiso

F D'Estrada Espinoza

Strauch

F Villanova

Signe	l	
	William Villanova	
Title_	Acting Chairman_	

#### **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 January 17, 2013, at 7:00 p.m. with Chairman William Villanova presiding.

Present in addition to Mr. Villanova were Messrs. Petrone, Luiso and D'Estrada, Strauch and Espinoza.

Date of Hearing: January 17, 2013

No. of Case: 2012-0049
Applicant: Chrissy Handel

107 Munson Street

Port Chester, New York 10573

#### **Nature of Request:**

on the premises No. **107 Munson Street** in the Village of Port Chester, New York, situated on the **West** side of **Munson Street**, distant 86.14 feet from the corner formed by the intersection of **Munson Street & Shelly Avenue** being **Section 136.45**, **Block No. 2**, **Lot No. 20** 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 a Building Permit issued in 1963 to construct a one story addition to an existing single family dwelling.

The structure is located in the R5 One-Family Residential District where the minimum side yard setback dimensions are **8ft** (one) and a total of 1**4ft** (two) on an interior lot; home is legally non-conforming.

At the time construction of the addition commenced the home was located in the R5 One Family Zoning Ordinance adopted August, 1954 where regulations differed from today and were **6ft** (one side) and **16 ft** (two sides) on an interior lot.

The proposed addition on the survey provided indicates that it is set 3.9 ft on the Southwest corner of the lot therefore s 2.1 ft minimum (1) side yard setback variance is required

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

Chrissy Handel

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 Luiso the Findings of Fact in favor of the application were approved.

Recor List na	d of Vote: For <u>4</u> Against ames of members and how voted –	Absent symbols as follows:	Abstain <u>1</u> F-for, A-against, Ab-	-abstain
<u>Findir</u>	<u>ıgs</u>			
F F Ab F	Petrone Luiso D'Estrada Espinoza Strauch Villanova			
		Signed William Vil	lanova	

Title Acting Chairman

#### **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 January 17, 2013, at 7:00 p.m. with Chairman William Villanova presiding.

Present in addition to Mr. Villanova were Messrs. Petrone, Luiso and D'Estrada, Strauch and Espinoza.

Date of Hearing: January 17, 2013

**No. of Case**: 2012-0050

**Applicant**: Peter Coperine & Megan Chumenti

166 Betsy Brown Road

Port Chester, New York 10573

# **Nature of Request:**

on the premises No. **166 Betsy Brown Road** in the Village of Port Chester, New York, situated on the **South** side of **Betsy Brown Road**, distant 66.99 feet from the corner formed by the intersection of **Betsy Brown Road and West Glen Avenue** being **Section 135.44**, **Block No. 2**, **Lot No. 30** 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 wood deck in the rear South East corner of the home.

The structure is located in the R7 One-Family Residential District where the minimum rear yard setback is 30ft, proposed is 26ft, therefore a variance of 3.8 ft is required.

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

Peter Coperine

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 Luiso the Findings of Fact in favor of the application were approved.

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

# **Findings**

- F Petrone
- F Luiso
- F D'Estrada

Espinoza

Abs Strauch

F Villanova

Signe	<u>u</u>
,	William Villanova
Title	Acting Chairman

#### **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 January 17, 2013, at 7:00 p.m. with Chairman William Villanova presiding.

Present in addition to Mr. Villanova were Messrs. Petrone, Luiso and D'Estrada, Strauch and Espinoza.

Date of Hearing: January 17, 2013

**No. of Case**: 2012-0051

**Applicant**: Elna Barrese/Estate of Anthony Barrese John B. Colangelo

56 Grant Street 211 S. Ridge Street Port Chester, NY 10573 Rye Brook, NY 10573

#### **Nature of Request:**

on the premises No. **56 Grant Street** in the Village of Port Chester, New York, situated on the **Southerly** side of **Grant Street**, distant 100.96 feet from the corner formed by the intersection of **Grant Street and Grandview Avenue** being **Section 141.44**, **Block No. 2**, **Lot No. 50** 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

The structure is a legal 1 family dimensionally non conforming building located in the R2F 2Family District where the minimum front yard setback of one is 20 ft, proposed is 7.6 ft; therefore a front yard setback variance of 12.4 ft. is required.

Additionally the minimum side yard setback of one is 8ft and total of 2 on interior lot is 14 ft; proposed is 6.2 ft at the northwest side yard setback; therefore a side yard setback variance of 1.8 ft is required. 1 and 2 family dwellings require 2 parking spaces per dwelling unit, requiring a total of 4 parking spaces for a 2 family dwelling; proposed is 0 parking spaces; therefore a variance of 4 parking spaces is required

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

John Colangelo, Esq. and John Metrano, Architect

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

None

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

The house was built in the4 1940's. It is located in the R2F Zone. In 1951 the current owners bought the house but did not know there were several open building permits. The status of those permits became apparent after both owners were placed in Nursing homes and the property needed to be sold. It is a two family house and has existed as such since the owners purchased it. Open building permits for the renovations date back to 1947. Mr. Colangelo stated that he does not represent the applicants on the sale of the property only for the matters before the Zoning Board. The variances are all area variances, no use variances required. The applicant is requesting front yard, side yard and parking variances. Setbacks have existed since the house was built and there are no changes to the house. The other houses in this area have non conforming setbacks as well but there is a consistency among the houses. There is sufficient parking in the driveway for four cars and there is room to park in rear of the house if necessary. There is a financial hardship with this application because the house is in contract to sell. No violations are cited on this property. Since 1967 the house has been taxed as a 2 family house. Open permits

#1736 New dwelling – 1947; #F2232 Open porch to be converted to a pantry – 1950; #4111 Extend upper rear to add 2 rooms above apartments – 1964; conversion from 1 family to two family – date unknown. If the variances are granted, Building Inspector will inspect and require and upgrade to current fire code standards.

# **Findings of Board:**

The Board requested that the applicant redraw the parking plans showing the ability to park the four cars on the property. There is no garage on the property. A variance is needed because the cars are being parked in the driveway. According to Village Code cars cannot park in the driveway unless there is a structure.

Action taken by board	Action	taken	bv	Boar	d:
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Acm	m taken by board.
Hear	On the motion of Commissioner Luiso, seconded by Commissioner D'Estrada the Public ing was closed.
Reco List	rd of Vote: For <u>5</u> Against <u>Absent</u> names of members and how voted – symbols as follows: F-for, A-against, Ab-abstain
Close	e Public Hearing
F	Petrone
F	Luiso
$\mathbf{F}$	D'Estrada
	Espinoza
F	Strauch
F	Villanova
Depa parki	On the motion of Commissioner Luiso, seconded by Commissioner D'Estrada the Village mey was directed to prepare Favorable Findings of Fact for this application. The Building rtment was directed to expedite this application dependent upon receiving the redrawn ng plans within the next 10 days.
Reco List	rd of Vote: For <u>5</u> Against <u>Absent</u> names of members and how voted – symbols as follows: F-for, A-against, Ab-abstain
<u>Find</u>	<u>ings</u>
F	Petrone
F	Luiso
F	D'Estrada
	Espinoza
F	Strauch
F	Villanova

Signe	d	
	William Villanova	
Title	Acting Chairman	

# **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: January 17, 2013

No. of Case: 2011-0006

**Applicant:** Willett Place & Abendroth Avenue (Phoenix Castle)

#### **Nature of Request:**

A letter dated December 12, 2012 was received from Anthony Gioffre of Cuddy & Feder LLP requesting an extension of all variances previously granted for Phoenix Castle, which are due to expire this month (January 2013). Applicant is requesting a 90 day extension of all variances.

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

Anthony Mirando of Cuddy & Feder LLP

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 Espinoza a 90 day extension was granted. (April 2013)

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

### **Grant Extensions**

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

Signed	1	
	William Villanova	
Title_	<b>Acting Chairman</b>	

#### **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 January 17, 2013, at 7:00 p.m. with Chairman William Villanova presiding.

Present in addition to Mr. Villanova were Messrs. Petrone, Luiso and D'Estrada, Strauch and Espinoza.

Date of Hearing: January 17, 2013

**No. of Case**: 2012-0052

Applicant:Milton CampoverdeGary Gianfrancesco, AIA46 Leicester StreetArconics Architecture

Port Chester, New York 10573 Rye Brook, New York 10573

## **Nature of Request:**

on the premises No. **46 Leicester Street** in the Village of Port Chester, New York, situated on the **West** side of **Leicester Street**, distant 100+/- feet from the corner formed by the intersection of **Leicester Street and Irving Avenue** being **Section 136.77**, **Block No. 1**, **Lot No. 36** 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 Permission to interpret the intent of past Building Inspector's letters or grant variances as described: Property is currently located in an R5 1 Family residential zoning district (345-41) where 2 family & multiple family dwellings are not a permitted use. Property was rezoned to R2FA 2 family residence (10/17/60) & currently exists as a lawful, non conforming 2 family dwelling. The expansion of use and increase in intensity of the property to a 3 family dwelling is prohibited in the R5 zone; therefore a variance is required.

Additionally the maximum height of buildings in stories is 2 ½ stories and 35 ft. in height; proposed is 3 stories with overall existing height of 30 ft; therefore a ½ story variance is required.

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

None – A letter was received from Arconics Architecture requesting an adjournment of this application to the next meeting because Mr. Gianfrancesco was ill and Mr. Crane was unavailable.

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

**Summary of statement or evidence presented:** 

Findings of Board:
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F

F

# **Action taken by Board:**

Strauch

Villanova

On the motion of Commissioner D'Estrada, seconded by Commissioner Espinoza the matter was adjourned to February 21, 2013

matt	i was adjourned to reordary 21, 2013
Rec	ord of Vote: For <u>5</u> Against <u>Absent</u>
List	names of members and how voted – symbols as follows: F-for, A-against, Ab-abstain
Adje	ourn to next meeting
F	Petrone
$\mathbf{F}$	Luiso
$\mathbf{F}$	D'Estrada
	Espinoza

Signed	l	
	William Villanova	
Title	Acting Chairman_	

#### **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 January 17, 2013, at 7:00 p.m. with Chairman William Villanova presiding.

Present in addition to Mr. Villanova were Messrs. Petrone, Luiso and D'Estrada, Strauch and Espinoza.

Date of Hearing: January 17, 2013

**No. of Case**: 2012-0023

**Applicant**: William & Drayton Gerety Leslie Maron, Esq.

2 Deerfield Lane 5 Westchester Avenue

Mamaroneck, New York 10543 Pound Ridge, New York 10576

# **Nature of Request:**

on the premises No **28** ½ **Pilgrim Drive** in the Village of Port Chester, New York, situated on the **Northwest** side of **Pilgrim Drive**, distant **670** ft. of the corner formed by the intersection of **Pilgrim Drive and Quintard Drive**. being Section 136.39 Block No.1, Lot No. 43 on the Assessment Map of the said Village, being a variance from the applicable Zoning Ordinance or Ordinances in the following respects: Applicant proposes to construct a single family dwelling. The property is located in R7 District-minimum lot size is 7,500 sq. ft & minimum lot width is 70 ft. Proposed lot size is 5,864 sq. ft. & proposed width is 50 ft. therefore lot area variances are required

### This is a Continued Case: (Public Hearing for this matter is closed)

- 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:**

Chairman Villanova recused himself from this matter and it was presided over by Commissioner Petrone.

The Last time the case was before the Board was October 2012. The case was adjourned after the Public Hearing so the applicant and neighbors could move forward with their case in the Supreme Court. To date there has been no movement with this case. It has come to the Board's attention that the Applicant and neighbors received a letter from the Supreme Court inviting them to a meeting on February 20, 2013 regarding this case. Deciding at this time would probably not be in the best interest of the parties. Perhaps a decision could be made after hearing the outcome of the Supreme Court Case.

# **Action taken by Board:**

On the motion of Commissioner Luiso, seconded by Commissioner D'Estrada the matter was adjourned to March 21, 2013

Record of Vote: For <u>5</u> Against <u>Absent</u> List names of members and how voted – symbols as follows: F-for, A-against, Ab-abstain				
Adjourn to March 21, 2013  F Petrone				
F F F	Luiso D'Estrada Espinoza Strauch Villanova			

William Villanova

Title Acting Chairman

# **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.

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	dition to Mr. Villanova were Messrs. Petrone, Luiso, D'Estrada, Strauch and pinoza. Peter Miley, Building Inspector was also in attendance.
Date of Hearing: No. of Case: Applicant:	January 17, 2013
Nature of Request:	ADJOURN MEETING TO: February 21, 2013
1. Names and addr	esses of those appearing in favor of the application.
2. Names and addre	esses of those appearing in opposition to application.
Summary of statem	ent or evidence presented:
Findings of Board:	
Action taken by Boa	ard:
	n of Commissioner Luiso, seconded by Commissioner D'Estrada the ed to <u>February 21, 2013</u>
Record of Vote: Fo List names of memb	r <u>4</u> Against <u> </u>
Adjourn to next me	eting
F Petrone	
F Luiso	
F D'Estrada	
Espinoza	

Strauch

Villanova

F

<u>Signed</u>		
	William Villanova	
Title_	Acting Chairman	