

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 February 21, 2013, at 7:00 p.m. with Chairman William Villanova presiding.

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

Date of Hearing: February 21, 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.

Jared Jones

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

No One

Summary of statement or evidence presented:

Findings of Board:

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

Action taken by Board:

On the motion of Commissioner Petrone, seconded by Commissioner D'Estrada, 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

Findings

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

Signed _____
William Villanova
Title Acting Chairman

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

Date of Hearing: February 21, 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.

Estate representative

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

None

Summary of statement or evidence presented:

Findings of Board:

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

Action taken by Board:

On the motion of Commissioner Petrone, seconded by Commissioner D'Estrada, 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

Findings

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

Signed _____
William Villanova
Title Acting Chairman _____

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

Date of Hearing:	February 21, 2013	
No. of Case:	2012-0052	
Applicant:	Milton Campoverde	Gary Gianfrancesco, AIA
	46 Leicester Street	Arconics 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 matter from tonight's agenda

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 D'Estrada, seconded by Commissioner Espinoza the matter was adjourned to March 21, 2013

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	Espinoza
	Strauch
F	Villanova

Signed _____
 William Villanova
Title Acting Chairman _____

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

Date of Hearing: February 21, 2013
No. of Case: 2013-0053
Applicant: Jose Ramirez
254 Grace Church Street
Port Chester, New York 10573

Nature of Request:

on the premises No. **254 Grace Church Street** in the Village of Port Chester, New York, situated on the **North** side of **Grace Church Street**, distant 0 feet from the corner formed by the intersection of **Cottage Street & Grace Church Street** being **Section 142.62, Block No. 1, Lot No. 52** 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: Build a new one story 12 x 20 ft 1 car garage.

The property is located in the R2F District where the minimum front yard setback is 20ft; the property also lies in an area where there are three frontages – Grace Church Street, Cottage Street and The NYS Thruway. Proposed front yard setback along NYS Thruway is 20 ft; therefore a 10ft variance is required.

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

Mr. Oscar, representative for Daniel Mayet, Architect

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

None

Summary of statement or evidence presented:

Applicant proposes to build a 12 x 20 ft garage along the NYS Thruway side of the property. He doesn't want to go 10 ft. further into the back yard because the yard is very small. The neighbor's garage is located 6 ft. from the applicant's property line. Currently the backyard is empty. No driveway will be created because the applicant will be using the garage for storage. A discussion was held to determine if the applicant was building a garage or a storage shed. It was noted that the requirements for each are very different. Although there are three frontages the actual front of the house is Grace Church Street and the entrance to the proposed garage is on Cottage Street. The applicant currently parks in this entranceway. Several questions remain uncertain at this time: Does the applicant live in the house? Is it a one or two family house? Is there a garage currently on the property? Is the applicant looking for storage or a place to park a vehicle?

Findings of Board:

It was noted that the adjoining municipalities and the NYS Thruway must be notified regarding this application and that the applicant should make an appointment to speak with the Building Department with regards to this application to determine what the intended use will be for the proposed structure.

Action taken by Board:

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

F Petrone
F Luiso
F D'Estrada
F Espinoza
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 February 21, 2013, at 7:00 p.m. with Chairman William Villanova presiding.

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

Date of Hearing: February 21, 2013
No. of Case: 2013-0054
Applicant: The Capitol Theatre & Capitol Enterprises Inc. Anthony Tirone, Esq.
145 & 149-151 Westchester Avenue 10 Bank Street
Port Chester, New York 10573 White Plains, New York 10606

Nature of Request:

on the premises No. **145 Westchester Avenue** in the Village of Port Chester, New York, situated on the **North** side of **Grace Church Street**, approximately 50 feet from the corner formed by the intersection of **Westchester Avenue and Broad Street** being **Section 142.40, 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:

on the premises No. **149 - 151 Westchester Avenue** in the Village of Port Chester, New York, situated on the **North** side of **Grace Church Street**, approximately 50 feet from the corner formed by the intersection of **Westchester Avenue and Broad Street** being **Section 142.30, Block No. 2, Lot No. 19** 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: expand capacity and use and increase currently approved theatre occupancy form 1835-2205. To expand the use and operation of the annex space currently approved for additional egress and accessible ADA compliant restroom(s) use into a cabaret use.

Board of Appeals approval is required for the joint use of parking space by two or more establishments on the same lot.

Off street loading spaces shall be 15 ft wide by 25 ft long and 14ft high, applicant is required to provide 3 off street loading spaces, none are proposed, therefore a variance is required.

All accessory off street parking & truck loading facilities shall be located on the lot with the use they serve, proposed are none, therefore a variance is required

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

Anthony Tirone, Esq. /Peter Shapiro, owner, Tom Bailey, General Manager and Scot Raved, Operations Manager.

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

Jesus (Jay) Barajas Owner of El Tio Restaurant, Corner of Westchester Avenue and Broad Street (concerns regarding parking of Tour busses on Broad Street)

Summary of statement or evidence presented:

Mr. Tirone explained that the application is a two part application and that they are still before the Planning Commission for approvals.

The first part of the application deals with the on-site truck parking spaces. Based on the size of the Theatre, 3 spaces are required. The Capitol Theatre was built in 1926 and the first zoning codes were in 1927. At that time size and dimensions of trucks and loading docks were very different, much smaller. The building is landlocked therefore additional truck parking cannot be added. The types of deliveries are not intensive, mostly food, water and beer. Most of the deliveries are done through a sidewalk material lift on Broad Street which was approved by the Planning Commission. Delivery time is approximately 15 minutes, once per week. Because of the extensive refurbishments made to the Theatre, the more intense deliveries are lighting and sound equipment for the performers/acts. Most performers/acts do not have to bring in excessive sound and lighting equipment and if were required they would remain offsite. This

equipment is still less intense than it would have been had improvements not been made to the Theatre. The Capitol Theatre purchases meter bags from the Village to accommodate Tour Bus Parking on Broad Street. The bags and parking spaces are released as quickly as possible after a show.

The second part of the application is for approval of joint use parking. The Village Code allows for joint use parking for opposing businesses. An application is currently before the Planning Commission to increase occupancy from 1835 to 2205. The increase is reflected by the removal of seats and having standing room only accommodations. The Capitol Theatre has searched and acquired various locations to meet the increased numbers. 425 spaces By Building Inspector vs. 366 spaces calculated by the Capitol Theatre, are required for the Theatre at capacity use.

The Capitol Theatre has obtained parking at private lots via lease agreements and private ownership agreements. These agreements range from non-restricted time frames, 6 month intervals and open ended agreements. By using these private lots 470 parking spaces have been obtained through some type of agreement for parking by Capitol Theatre patrons. (an independent study identified 1226 evening spaces and 1220 daytime open and unused Public parking spaces throughout the Village, but the Capitol Theatre will be using Private Parking agreements). The Capitol Theatre has agreed to come back on an annual basis to certify to the Village that the parking agreements are still in effect. If any of the numbers should change, counsel for the Capitol Theatre is obligated to come and report those changes to Village Staff. The annual review of lease agreements could be reviewed by the Building Department and it is not necessary for the applicant to appear before the Zoning Board annually.

The owner of El Tio restaurant voiced concerns about his ability to load and unload food/supplies for his restaurant because there are no parking spaces when there are shows at the Capitol Theatre. He said he double parks to unload his trucks and shares a similar concern with 2 other restaurants in the area. It was suggested by the Chairman that the applicant and the restaurant owners have a dialogue with each other to address the concerns and perhaps come up with a win-win solution. The Capitol Theatre said although they buy and pay for the meters when needed, they do allow for the corner space at Broad Street and Westchester Avenue be available for deliveries to the restaurant 80 % of the time and will continue to do so as good neighbors.

Findings of Board:

Action taken by Board:

On the motion of Commissioner Luiso, seconded by Commissioner Espinoza, Public Hearing was closed and the Village Attorney was directed to prepare Findings of Fact for the March 21, 2013 meeting.

(It was noted that the applicant would adhere to the annual review of parking agreements and be forthcoming in alerting Village Staff of any changes thereof. This would be a condition of approval and included in the Findings of Fact).

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 Espinoza
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 November 15, 2012, at 7:00 p.m. with Chairman William Villanova presiding.

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

Date of Hearing: February 21, 2013

No. of Case:

Applicant:

Nature of Request: ADJOURN MEETING TO: March 21, 2013

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 March 21, 2013

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 Espinoza
F Strauch
F Villanova

Signed _____
William Villanova
Title Acting Chairman _____