

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 March 21, 2013, at 7:00 p.m. with Commissioner Evelyn Petrone presiding

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

Date of Hearing: March 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,

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,

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

Anthony Tirone, Esq. represented this application

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

None

Summary of statement or evidence presented:

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

Findings of Board:

Action taken by Board:

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

Record of Vote: For 4 Against _____ Absent 2

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
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 March 21, 2013, at 7:00 p.m. with Commissioner Evelyn Petrone presiding

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

Date of Hearing: **March 21, 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.

None

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

None

Summary of statement or evidence presented:

The matter is the subject of litigation in the Westchester County Supreme Court. A memo was received from the Village Attorney, Anthony Cerreto indicating that last month the Parties entered into a pretrial discovery order. A compliance conference has been scheduled for May 15, 2013. It is presumed that the matter will be certified trial ready in July.

Findings of Board:

Action taken by Board:

On the motion of Commissioner Luiso, seconded by Commissioner D’Estrada the matter was adjourned **June 20, 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 June 20, 2013

F Petrone
F Luiso
F D’Estrada
F Espinoza
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 March 21, 2013, at 7:00 p.m. with Commissioner Evelyn Petrone presiding

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

Date of Hearing: March 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 Ovalle, representative for Daniel Mayet, Architect

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

None

Summary of statement or evidence presented:

Mr. Ovalle indicated that a garage is no longer being built and the application is for a storage shed for household items and tools. Although the shed is large in size, no vehicles will be parking inside the building. The residence is a four family house in a two family district with no parking. The house is occupied by the owner and his family. Mr. Ovalle indicated that sometimes two cars park in the driveway but others utilize street parking. *(Because of the change from the original notice, this matter was re-noticed indicating the request to build a storage shed instead of a 1 car garage. Notifications regarding this hearing were sent to the Town of Rye, New York State Thruway Authority and Westchester County).* It was suggested to the applicant to move the shed back a few feet and no variance would be required. The applicant stated that the backyard is already very small and that they do not want to lose additional open space. The house is deemed to be legally non-conforming regarding the parking situation and being a four family house in a two family zone, but however this will be verified by the Building Inspector via a municipal search.

Findings of Board:

The Board requested that a municipal search be prepared by the Building Inspector and that the owner of the property be present at the next meeting.

Action taken by Board:

On the motion of Commissioner D'Estrada, seconded by Commissioner Luiso, the matter was adjourned to the April 18, 2013 meeting with the Public Hearing remaining open.

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 April 18, 2013

F Petrone
F Luiso
F D’Estrada
F Espinoza
 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 March 21, 2013, at 7:00 p.m. with Commissioner Evelyn Petrone presiding

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

Date of Hearing:	March 21, 2013	
No. of Case:	2012-0052	
Applicant:	Milton Campoverde 46 Leicester Street Port Chester, New York 10573	Gary Gianfrancesco, AIA Arconics Architecture 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.

Gary Gianfrancesco AIA, Arconics Architecture and John Crane, Esq. represented this application

Ted Jensowitz, Port Chester Resident –Neutral Comments

Aldo Vitagliano – a letter from Title Company from 1983 with respect to the wording of Certificate of Occupancies and how it was applied to the Codes in effect during that time. It also demonstrate how before 1975 no one really understood how the Code was administered for Certificates of Occupancy but after 1983 there was some sort of change in the procedures.

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

None

Summary of statement or evidence presented:

A substantial sized booklet giving the history of this matter with supporting documentation was submitted to each Board member enabling them to follow along as Mr. Gianfrancesco made his presentation. Mr. Gianfrancesco stated that he is a native of Port Chester 45 years and actually lived on Leicester Street from 1982 to 1989 and has direct knowledge of the neighborhood relative to this application. He also took a few minutes to establish his credibility by reviewing the various positions he has had on Village Boards and Commissions in the Village. Mr. Gianfrancesco stated for the record that record keeping in Rye and Port Chester has traditionally been sketchy at best. Arconics Architecture has had a relationship with this property dating back to 2010.

Mr. Campoverde purchased the house for his family of four back in 2002. (the house was actually built in 1902 and was probably built as a single family house with three finished floors). At that time there was a finished basement and bathroom. An inspection by Code Enforcement in 2007 did not indicate a kitchen in the basement area, however was referred to as a non-conforming three family unit. A spiral staircase connected the basement to the upper floor living area. In 1958 an application to use the premises as a rooming house (which never happened) indicated that there were 3 finished floors, not three finished apartments.

Mr. Campoverde moved from the building in 2005 and closed off access to the basement. The basement was used by him for personal storage of furniture and other items and also as a home office. A request for fire inspection was applied for in 2010 and the application indicates that the number of units as

three. A building permit issued by Dan Gray in October, 2010 also indicated the property as a 3 family house. A certificate of occupancy and approval also issued by Dan Gray on October 27, 2010 to restore stairway to connect first floor living space to basement and to legalize unauthorized finished basement.

An as of right conversion to a multiple family dwelling **interpretation** is what the applicant is asking the Zoning Board to interpret.

On January 3, 2011 a walk thru inspection pertinent to a court case indicated the presence of a living room-recreation area, kitchen-pantry area, computer room-office, exercise-bedroom; bathroom, meter room, mechanical room. Four areas remain outstanding. It was also noted that the house is a three family house and not a four family. The basement will be used with the first floor apartment.

Mr. Gianfrancesco and Mr. Crane reviewed all documents submitted in evidence for this case. In summation the applicant is looking for an interpretation of previous building inspectors determinations; A determination of the house as a non-conforming 3 family house and/or grant a variance for house to be used as a 3 family house.

Findings of Board:

Action taken by Board:

On the motion of Commissioner Luiso, seconded by Commissioner Espinoza, the matter was adjourned to the April 18, 2013 meeting.

Record of Vote: For 4 Against _____ Absent _____

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

Adjourn to April 18, 2013

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

Signed _____
 William Villanova
Title Acting Chairman

On the motion of Commissioner Luiso, seconded by Commissioner D'Estrada the Village Attorney was directed to Prepare Favorable Findings of fact for this application and the Building Department was to be notified that this application could be expedited because it is time sensitive.

Record of Vote: For 4 Against _____ Absent _____

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

Prepare Findings and Expedite Application

**F Petrone
F Luiso
F D'Estrada
F Espinoza
 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 March 21, 2013, at 7:00 p.m. with Commissioner Evelyn Petrone presiding

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

Date of Hearing: **March 21, 2013**
No. of Case: 2013-0056
Applicant: Estate of Grace Lamantia John B. Colangelo
 Nanette Suppa, Executrix 211 S. Ridge Street
 71 Haines Boulevard Rye Brook, NY 10573
 Port Chester, NY 10573

Nature of Request:

on the premises No. **71 Haines Boulevard** in the Village of Port Chester, New York, situated on the **Easterly** side of **Haines Boulevard** distant approx. 150 feet from the corner formed by the intersection of **Haines Boulevard and Betsy Brown Road** being **Section 135.44, Block No 2, Lot No. 38** 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 existing expired building permit for a preexisting structure which requires a front yard variance of 2.13 ft, also a side yard variance of 1.52 ft. is required

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

John Colangelo, Esq. represented this application

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

None

Summary of statement or evidence presented:

Mr. Colangelo stated that the house had been owned by the Lamantia family for many years and had taken out various building permits during that time. Mrs. Lamantia died about a year or so ago and her daughter is the executrix of the estate and is in the process of selling the property. The applicant is in the middle of a purchase and in doing the municipal search it was discovered that there is an expired building permit that is still open for a set-back issue for a slight front yard and side yard setback. House was built slightly off center due to the nature of the lot. The applicant will not be making any changes to the existing structure but merely wants to close this long standing open building permit and proceed with the sale of the house. Over the years the applicant has tried to legalize the house with the issuance of various building permits however this particular zoning variance was overlooked.

Findings of Board:

Action taken by Board:

On the motion of Commissioner Luiso, seconded by Commissioner Espinoza, The Public Hearing was closed; the Village Attorney was directed to prepare favorable Findings of Fact and the Building Department was informed that this application could be expedited.

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

Prepare Findings and Expedite Application

F Petrone
F Luiso
F D'Estrada
F Espinoza
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 March 21, 2013, at 7:00 p.m. with Commissioner Evelyn Petrone presiding

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

Date of Hearing: March 21, 2013
No. of Case: 2013-0057
Applicant: Estate of Frank C. Barbato
Helene C. Feeney, Administrator
53 West Glen Avenue
Port Chester, New York 10573

Nature of Request:

on the premises No. **53 West Glen Avenue** in the Village of Port Chester, New York, situated on the **Easterly** side of **West Glen Avenue** distant 100 feet from the corner formed by the intersection of **West Glen Avenue and Robert Avenue** being **Section 135.52, Block No 2, Lot No. 29** 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: Grant variance for a pre-existing garage built in 1957 on northwest corner of property 3 feet from side lot line. Detached accessory buildings which do not exceed one story or 15 ft in height may be erected, altered, enlarged or moved as long as no part shall be nearer than 5 ft. to a side or rear lot line. A 2.0ft side lot line variance is required.

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

Luigi DeMase, Architect

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

None

Summary of statement or evidence presented:

Mr Demase stated that the House was built in 1954 and a permit for a one car garage was opened in 1957. The garage was constructed at that time and the permit was never closed. A recent survey was done after the owner recently passed away and in the discovery process it was determined that the house was non conforming by two feet on the side lot line. It was noted that in this area there are three other houses that have a similar situation. There have been no other changes or plans to make any other changes to the property.

Findings of Board:

Action taken by Board:

On the motion of Commissioner Luiso, seconded by Commissioner Espinoza the Public Hearing was closed, the Village Attorney was directed to prepare Favorable Findings of Fact and the Building Department was informed that this application could be expedited.

Record of Vote: For 4 Against _____ Absent _____

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

Prepare Findings and Expedite Application

F Petrone
F Luiso
F D'Estrada
F Espinoza
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 March 21, 2013, at 7:00 p.m. with Commissioner Evelyn Petrone presiding

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

Date of Hearing: March 21, 2013
No. of Case: 2013-0058
Applicant: Angelo DeRaffelle
511 Locust Avenue
Port Chester, New York 10573

Nature of Request:

on the premises No. **511 Locust Avenue** in the Village of Port Chester, New York, situated on the **Easterly** side of **Locust Avenue** distant 75feet from the corner formed by the intersection of **Easterly side of Locust Avenue and northerly side of Terrace Avenue** being **Section 136.63, Block No 2, Lot No. 61** 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 and close an expired building permit for construction of an existing garage in the rear southeast corner of the property. In 1940 garage was located in the Residence C District where the minimum least width of any sideyard was 3 ft. The garage lot line in any Residence District indicates no part of a garage or stable situated within 50 ft of any street line shall extend within any required sideyard. A recent as built survey indicates the garage sideyard setback is currently 1.0ft; therefore a sideyard variance is required,

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

Angelo DeRaffelle - applicant

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

None

Summary of statement or evidence presented:

The applicant stated that he purchased the house two years ago and there were no violations at that time. The applicant recently put the house on the market and sold the property. When the current owners went for their mortgage an expired building permit for an existing garage was still open. The applicant went to the Building Department to renew and close the expired permit when it was determined that a recent survey indicated the need for a side yard variance of one foot. The garage was built in 1940, no changes have been made to the garage or the building. The new owners cannot obtain their mortgage until the variance is obtained. There will be no undesirable change to the character of the neighborhood.

Findings of Board:

Action taken by Board:

On the motion of Commissioner D'Estrada, seconded by Commissioner Luiso the Public Hearing was closed, the Village Attorney was directed to prepare Favorable Findings of Fact and the Building Department was informed that the application could be expedited.

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

Prepare Findings and Expedite Application

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

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

MINUTES OF MEETING

Application for Permit or Variance

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

Date of Hearing:	March 21, 2013	
No. of Case:	2013-0060	
Applicant:	Ni-Co Enterprises, Inc. Roosevelt Holding, LLC 22 Broad Street Port Chester, NY 10573	Aldo Vitagliano, Esq. 150 Purchase Street Rye Brook, New York 10573

Nature of Request:

on the premises No. **22 Broad Street** in the Village of Port Chester, New York, situated on the **Westerly** side of **Broad Street** distant 60 feet from the corner formed by the intersection of **Irving Avenue and Broad Street** being **Section 142.22, Block No 2, Lot No. 1** 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: Appeal the Architectural Review Board decision to reject the applicants request to include a “fish” logo as part of the original sign permit application. (The sign application was approved with the condition that the “fish” logo be removed and taken off the sign).

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

Aldo Vitagliano, Esq. represented this application

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

None

Summary of statement or evidence presented:

Mr. Vitagliano requested an adjournment on this matter to allow for a follow up meeting with the Architectural Review Board and the Building Department.

Findings of Board:

Action taken by Board:

On the motion of Commissioner Luiso, seconded by Commissioner D’Estrada the matter was adjourned to the April 18, 2013 meeting.

Record of Vote: For 4 Against _____ Absent _____

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

Adjourn to April 18, 2013

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

Signed _____
 William Villanova
Title Acting Chairman

MINUTES OF MEETING

Application for Permit or Variance

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

Date of Hearing: **March 21, 2013**
No. of Case:
Applicant: **ADJOURN MEETING TO APRIL 18, 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 Espinoza, seconded by all, the meeting was adjourned to April 18, 2013 meeting.

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

Adjourn to April 18, 2013

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

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