

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 April 18, 2013, at 7:00 p.m. with Commissioner Villanova presiding

Present in addition to Commissioner Villanova were Messrs. Petrone, Luiso, D’Estrada, and Strauch.

Also in attendance were Peter Miley, Building Inspector and Anthony Cerreto, Village Attorney.

<b>Date of Hearing:</b>	<b>April 18, 2013</b>	
<b>No. of Case:</b>	<b>2013-0055</b>	
<b>Applicant:</b>	Lena Bellantoni	John Colangelo, Esq.
	Barbara Bellantoni Fiori	211 South Ridge Street
	283 North Regent Street	Rye Brook, New York 10573
	Port Chester, New York 10573	

**Nature of Request:**

on the premises No. **283 North Regent Street** in the Village of Port Chester, New York, situated on the **Southerly** side of **North Regent** distant 150 feet from the corner formed by the intersection of **North Regent Street and King Street** being **Section 136.54, Block No 1, Lot No. 14** 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 rear yard setback of 23.4 ft. of which a variance of 6.6 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:**

Findings of Fact for the applicant had been prepared by the Village Attorney and reviewed beforehand by Mr. Colangelo. Mr. Colangelo waived the reading of the document and stated that he was in agreement with the Findings of Fact as written.

**Findings of Board:**

**Action taken by Board:**

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

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

**Findings**

<b>F</b>	<b>Petrone</b>
<b>F</b>	<b>Luiso</b>
<b>F</b>	<b>D’Estrada</b>
	<b>Espinoza</b>
<b>Ab</b>	<b>Strauch</b>
<b>F</b>	<b>Villanova</b>

**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 April 18, 2013, at 7:00 p.m. with Commissioner Villanova presiding

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

Also in attendance were Peter Miley, Building Inspector and Anthony Cerreto, Village Attorney.

**Date:** April 18, 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.**

Applicant representative

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

None

**Summary of statement or evidence presented:**

Commissioner Petrone summarized the Findings of Fact for this application 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 as prepared by the Village Attorney were accepted.

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

**Findings**

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

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

**MINUTES OF MEETING**

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 April 18, 2013, at 7:00 p.m. with Commissioner Villanova presiding

Present in addition to Commissioner Villanova were Messrs. Petrone, Luiso, D’Estrada, and Strauch.

Also in attendance were Peter Miley, Building Inspector and Anthony Cerreto, Village Attorney.

**Date of Hearing:** April 18, 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.**

None – This application was expedited at the previous meeting. Mr. Miley stated that the Building Department has issued the applicant the necessary permit.

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

None

**Summary of statement or evidence presented:**

Commissioner Petrone summarized the Findings of Fact for this application as prepared by the Village Attorney.

**Findings of Board:**

**Action taken by Board:**

On the motion of Commissioner Petrone4, seconded by Commissioner Luiso. The Findings of Fact as prepared by the Village Attorney were approved.

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

**Findings**

**F Petrone**  
**F Luiso**  
**F D’Estrada**  
**Espinoza**  
**Ab 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 April 18, 2013, at 7:00 p.m. with Commissioner Villanova presiding

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

Also in attendance were Peter Miley, Building Inspector and Anthony Cerreto, Village Attorney.

<b>Date of Hearing:</b>	<b>April 18, 2013</b>	
<b>No. of Case:</b>	<b>2013-0059</b>	
<b>Applicant:</b>	Elisa Rivera	Aldo Vitagliano, Esq.
	21 Gerry Street	150 Purchase Street
	Greenwich, CT 06830	Rye Brook, New York 10573

**Nature of Request:**

on the premises No. **465 West Street** in the Village of Port Chester, New York, situated on the **Northerly** side of **West Street** distant 350 feet from the corner formed by the intersection of **West Street and Bent Avenue** being **Section 141.36, 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 two expired building permits for alterations and a rear yard addition. The addition consisting of two rooms above the other attached to original structure. 1954 Zoning regulations require minimum yard dimensions in feet (side) in an R2F District indicate least one 6ft, total of two 16ft. An as built survey indicates 1 side yard setback is 3.66ft; therefore a side yard variance of 2.34ft is required.

**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:**

Commissioner Petrone summarized the Findings of Fact for this application as prepared by the Village Attorney.

**Action taken by Board:**

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

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

**Findings**

<b>F</b>	<b>Petrone</b>
<b>F</b>	<b>Luiso</b>
<b>F</b>	<b>D'Estrada</b>
	<b>Espinoza</b>
<b>Ab</b>	<b>Strauch</b>
<b>F</b>	<b>Villanova</b>

**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 April 18, 2013, at 7:00 p.m. with Commissioner Villanova presiding

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

Also in attendance were Peter Miley, Building Inspector and Anthony Cerreto, Village Attorney.

**Date of Hearing:** April 18, 2013  
**Case No.:** 2012-0006  
**Applicant:** The Castle  
Abendroth Place and Willett Avenue  
Port Chester, New York 10573

**Nature of Request:**

A letter dated March 20, 2013 was received from Anthony Gioffre, of Cuddy and Feder LLP requesting 90 day extension of previously granted variances which are set to expire this month. The applicant needs the additional time to prepare and process a building permit application.

**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:**

A letter was received from Anthony Gioffre of Cudy and Feder requesting thst the Extension Request be withdrawn from the agenda because they received the necessary Building Permit today and would no longer need an extension.

**Action taken by Board:**

On the motion of Commissioner Luiso, seconded by Commissioner D'Estrada, the application was withdrawn without prejudice,

**Record of Vote: For 5 Against \_\_\_\_\_ Absent 1 \_\_\_\_\_**  
**List names of members and how voted – symbols as follows: F-for, A-against, Ab-abstain**

**Withdraw Application**

**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 April 18, 2013, at 7:00 p.m. with Commissioner Villanova presiding

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

Also in attendance were Peter Miley, Building Inspector and Anthony Cerreto, Village Attorney.

<b>Date of Hearing:</b>	<b>April 18, 2013</b>	
<b>Case No.:</b>	<b>2013-0064</b>	
<b>Applicant:</b>	Marcos Cueto – Contract Vendee	John Colangelo, Esq.
	344 Willett Avenue	211 S. Ridge Street
	Port Chester, NY 10573	Rye Brook, NY 10573

on the premises No. **31 Quintard Drive** in the Village of Port Chester, New York, situated on the **North** side of **Quintard Drive**, approximately 150 feet from the corner formed by the intersection of **Field Place & Quintard Drive** being **Section 136.46, Block No 2, 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: renewal and closure of expired building permit (issued 1961) for new 1 family dwelling.

Located in the R7 District where minimum yard dimensions in feet (side yard) is at least 8 ft. for one and a minimum total of two combined is 20 ft. Proposed is a one side yard setback dimension of 5.7 ft. therefore a minimum side yard setback variance of 4.3 ft. is required

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

John Colangelo represented this application

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

Maria Cobos – 29 Quintard Drive asked questions about the footprint of the structure and asked if it was going to change or remain the same. Upon hearing that there are to be no changes, Ms. Cobos had no problems with this application.

**Summary of statement or evidence presented:**

Mr. Colangelo stated that the applicant is the Contract Vendee on this property and a municipal search indicated that there was an open building permit from 1961 when the house was originally constructed. In addition there was no “as built” survey submitted at the time. The applicant obtained an “as built” survey and that’s when it was determined that there was a side yard deficiency. The lot is 50 feet wide and almost 200 ft. deep it is a long lot and a non-conforming lot in an R7 Zone. The lot was created in 1938. Most of the lots on Quintard Drive are similar in size. The footprint of the house has not changed since the original structure was built. The variance of 4ft is not substantial and will not change the character of the neighborhood. This structure has been the same way since 1961 and there are no proposals to change the footprint of the structure so therefore there will be no changes to the neighborhood. The applicant purchased the house without the knowledge of the need for the variance.

**Action taken by Board:**

On the motion of Commissioner Luiso, seconded by Commissioner Petrone, the Public Hearing was closed.

**Record of Vote: For 5 Against \_\_\_\_\_ Absent 1 \_\_\_\_\_**  
**List names of members and how voted – symbols as follows: F-for, A-against, Ab-abstain**

**Close Public Hearing**

<b>F</b>	<b>Petrone</b>
<b>F</b>	<b>Luiso</b>
<b>F</b>	<b>D’Estrada</b>
	<b>Espinoza</b>
<b>F</b>	<b>Strauch</b>
<b>F</b>	<b>Villanova</b>

On the motion of Commissioner Luiso, seconded by Commissioner Petrone, Village Attorney was directed to prepare Favorable Findings of Fact for this application and the Building Department will be alerted to expedite this matter authorize the Chairman to sign the Findings before the next meeting

**Record of Vote: For 5 Against \_\_\_\_\_ Absent 1 \_\_\_\_\_ \_\_\_\_\_**  
**List names of members and how voted – symbols as follows: F-for, A-against, Ab-abstain**

**Prepare Findings & Expedite**

**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 April 18, 2013, at 7:00 p.m. with Commissioner Villanova presiding

Present in addition to Commissioner Villanova were Messrs. Petrone, Luiso, D’Estrada, and Strauch.

Also in attendance were Peter Miley, Building Inspector and Anthony Cerreto, Village Attorney.

<b>Date of Hearing:</b>	<b>April 18, 2013</b>	
<b>No. of Case:</b>	<b>2013-0060</b>	
<b>Applicant:</b>	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 another adjournment on this matter to allow the Architectural Review Board to reconsider their decision and re-vote on the matter. At the last ARB meeting there were not enough members for a quorum therefore the matter could not be voted on.

**Findings of Board:**

**Action taken by Board:**

On the motion of Commissioner Luiso, seconded by Commissioner D’Estrada the matter was adjourned to the May 16, 2013 meeting.

**Record of Vote: For 5 Against \_\_\_\_\_ Absent 1**

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

**Adjourn to April 18, 2013**

<b>F</b>	<b>Petrone</b>
<b>F</b>	<b>Luiso</b>
<b>F</b>	<b>D’Estrada</b>
<b>F</b>	<b>Espinoza</b>
	<b>Strauch</b>
<b>F</b>	<b>Villanova</b>

**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 April 18, 2013, at 7:00 p.m. with Commissioner Villanova presiding

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

Also in attendance were Peter Miley, Building Inspector and Anthony Cerreto, Village Attorney.

**Date of Hearing:** April 18, 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, Architect and Mr. Jose Ramirez, Applicant

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

None

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

Mr. Miley the Building Inspector did a municipal search and determined the following: The construction of this home pre-dates our Zoning Ordinances and no CO is required. The survey indicates that the property is not in conformance with the R2F Zone, however it is legally non-conforming. There was a building permit issue for a two car garage that also predates the Building Code Ordinances. In 1926 another Building permit was issued to move the building which once again pre-dates our Zoning Ordinances. There were some alterations done to the home for which 1 permit has expired; There is a building permit for an addition of a bedroom which has also expired; another building permit issued in 2002 to convert the garage and basement space as a computer center for which plans are on file but no CO was issued; The applicant recently submitted documents for a garage but the application did not meet the requirements (driveway access etc.) The application was revised and the applicant applied for a garden shed For the storage of tools. The house is a legally non-conforming four family home. Per the Building Inspector, Peter Miley, the expired Building Permits can be incorporated into this application so the applicant will not have to return before the Board several times.

Regarding the noticing requirements because of the three frontages, The State of New York, The City of Rye and the NYS Thruway, it was noted that the Secretary sent notices to all three entities over 30 days ago. No one has responded.

Mr. Oscar Ovalle once again indicated that a garage is no longer being built and the application is for a storage shed (12 ft. by 20 ft.) for household items and tools. Mr. Jose Ramirez, the applicant also confirmed the statement and emphasized that although the shed is large in size, no vehicles will be parking inside of the building. Mr. Ovalle stated that if the applicant move the shed 10 ft. to conform with the setbacks it would greatly affect the size of the back yard which is already small. The Building Department will do a Fire and Safety Inspection and the applicant can apply for the necessary permits to close out these matters. Mr. Ramirez stated that he is a landscaper by trade but will not be storing or operating his landscaping business from this storage shed.

**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   1**

**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, Village Attorney was directed to prepare Favorable Findings of Fact for the May 16, 2013 meeting.

**Record of Vote: For   5   Against \_\_\_\_\_ Absent   1**

**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**

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 April 18, 2013, at 7:00 p.m. with Commissioner Villanova presiding

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

Also in attendance were Peter Miley, Building Inspector and Anthony Cerreto, Village Attorney.

<b>Date of Hearing:</b>	<b>April 18, 2013</b>	
<b>No. of Case:</b>	2012-0052	
<b>Applicant:</b>	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

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

None

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

Mr. Gianfrancesco stated that at the last meeting he gave a lot of documentation to the Board along with a summary. Mr. Gianfrancesco stated that this case is very complex in nature and wants to make sure that the record reflects all of the points in its entirety. Mr. Gianfrancesco stated that two members of the Board were not present last meeting but hopes that the members have read last month's minutes and reviewed the tapes in preparation for tonight. Board members gave a verbal yes and Mr. Gianfrancesco wanted it noted for the record.

Mr. Gianfrancesco stated that the Campoverde's purchased in good faith what they believed to be a non-conforming 3 family house with finished basement in early 2002. From 2002 to 2005 the Campoverde family of four lived in the house. They utilized the first floor as their living space along with a finished basement and bathroom. They continued to rent the second and third floor apartments as they existed at the time of purchase. The finished basement existed as early as 1981. The conditions of a certificate of occupancy issued by then Building inspector Dan Gray stipulated that the finished basement would remain and the use would be a 3 family nonconforming house presumably by using the letters issued in lieu of CO's which was a customary practice until recently.

Notice of Disapproval dated 10/26/2012 cites the issues as expansion of non-conforming 2 family dwelling to a 3 family dwelling in the current R5 Zone as being prohibited. The notice of disapproval also states the dwelling as being 3 stories in the current R5 Zone thus both items need relief from the Zoning Board. Mr. Gianfrancesco stated that the current R5 Zoning is totally irrelevant to this matter and the current R2FA Zoning on this property from 1960 to 1975 permitted as of right conversions to multifamily dwellings and that the 3 story construction of this structure was completed in 1910 when the building was originally constructed 3 finished floors prior to any zones. This is not a case of the owner having performed illegal work to create the third apartment. This is also not a matter of overcrowding for which the owner is trying to rectify. This building was built in 1910 which predated the first village zoning laws by 20 years. This also predates the need for Certificates of Occupancy. There is no CO for 36 Leicester and there never



**MINUTES OF MEETING**

**Application for Permit or Variance**

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

Also in attendance were Peter Miley, Building Inspector and Anthony Cerreto, Village Attorney.

<b>Date of Hearing:</b>	<b>April 18, 2013</b>	
<b>Case No.</b>	<b>2013-0062</b>	
<b>Applicant:</b>	Eric Salinas	Erik Blischke
	30 Quintard Drive	1 Landmark Square
	Port Chester, New York 10573	Port Chester, New York 10573

**Nature of Request:**

on the premises No. **30 Quintard Drive** in the Village of Port Chester, New York, situated on the **South** side of **Quintard Drive** distant 600 feet from the corner formed by the intersection of **Renshaw Place and Quintard Drive** being **Section 136.46, 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: Demolish existing dwelling and construct a new single family dwelling.

Located in the R7 District where minimum size of lot; area, total sq. ft. is 7500, proposed is 6,562.17 sq. ft. therefore a variance of 937.83 sq. ft. is needed.

Minimum size of lot: width, is 70 ft., proposed is 51 ft. therefore a variance of 19 ft. is needed.

Minimum Usable Open Space on Lot for each dwelling unit is 3500 sq. ft., proposed is 3302 sq. ft. therefore a variance of 198 sq. ft. is needed.

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

Eric Salinas the contractor represented this application. Overall goal is to knock down the existing house and build a new house with a new foundation that will be outside the footprint of the currently existing foundation. The current house is approximately house is 900 square feet and the owner needs more space for his family (needs 3 bedrooms). The size of the proposed new house is comparable to others in the neighborhood. The house will be shifted to have 10 ft. on both the right and left sides. The applicant met with a representative of the Building Department and determined the house is currently on a legally non-conforming lot. The setbacks are not the issue the issue is the non-conforming lot. Mr. Strauch inquired, "If the applicant is taking down an old house and putting up a new house, do they maintain the status as a legally non-conforming lot for area and frontage?" Mr. Miley responded "no, not according to our Village Code" If the house is a casualty or a loss of 50% or more the applicant would still be entitled to non-conforming legal status, but in this case the applicant is taking down the house voluntarily and the legally non-conforming status previously granted does not apply. By voluntarily taking down the lot, the applicant is now creating a non-conforming lot by today's standards. The applicant is aware of this matter and also has an alternate plan (not included in this application). The applicant bought the house knowing it was too small for his family. It is actually the smallest house in the area. Most of the lots in the neighborhood are the same size, the applicant's house is the smallest. The applicant assumed that he could do what others in the neighborhood did, build "up and out" to accommodate his family.

After a lengthy discussion regarding this application and compliance with the Village Code, it was determined that the matter should be adjourned and the applicant should meet with the Building Inspector to determine the best course of action and determine if there is a need for a variance at all.

**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:**

On the motion of Commissioner D'Estrada, seconded by Commissioner Petrone the matter was adjourned to the May 16, 2013 meeting.

**Record of Vote: For 5 Against \_\_\_\_\_ Absent 1**

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

**Adjourn to May 16, 2013**

**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 April 18, 2013, at 7:00 p.m. with Commissioner Villanova presiding

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

Also in attendance were Peter Miley, Building Inspector and Anthony Cerreto, Village Attorney.

**Date of Hearing:** April 18, 2013  
**Case No.** 2013-0063  
**Applicant:** Ann Peterson  
15 Burdsall Drive  
Port Chester, New York 10573

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

on the premises No. **15 Burdsall Drive** in the Village of Port Chester, New York, situated on the **North** side of **Burdsall Drive** distant 0 feet from the corner formed by the intersection of **Fairhaven St and Castle Landing** being **Section 136.30, Block No 1, Lot No. 37** 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 an existing deck which requires side yard and rear yard variances.

Located in the R7 District where minimum rear yard setback is 30 ft. and the minimum (1) side yard setback is 10 ft., combined total of (2) side yard setbacks on an interior lot is 20 ft. Proposed is rear yard setback of 27.9 ft. and 1 side yard setback of 7.2 ft.; therefore a 2.1 rear yard variance and a 2.8 ft. side yard setback variance is required.

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

Ann Peterson, applicant represented this application

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

None

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

Applicant moved into house in 1992. Applicant rented the house and bought it in 1998. The applicant made no changes or improvements to the already existing deck. When the house was purchased there were no issues with the deck. Applicant is now ready to sell house and the deck is in need of the variances as previously described. The deck or the house will not be changed. It has existed as is for the past 25-30 years. No permit was ever taken out for this deck. There was never a permit issued for the deck but there are other open permits for this location. With the amnesty program all of the open permits were rolled into this matter as to close all open permits and to obtain a permit and certificate of occupancy for the already existing deck. Mr. Miley will inspect the deck and make sure the footings for the deck are sound. Applicant is currently in a contract to sell the house and the closing is based upon completion of this proceeding.

#### **Findings of Board:**

The Board approved this application with the clause that the building inspector will inspect the deck and the footings. Once the inspection is complete the Building inspector can issue the permits asap so the applicant can continue with the sale of the property.

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

On the motion of Commissioner D'Estrada, seconded by Commissioner Petrone the Public Hearing was closed and the Village Attorney was directed to prepare Favorable Findings of Fact which would be expedited by the Building Department.



**Record of Vote: For 5 Against \_\_\_\_\_ Absent 1**

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

**Close Public Hearing/Expedite 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**

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 April 18, 2013, at 7:00 p.m. with Commissioner Villanova presiding

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

Also in attendance were Peter Miley, Building Inspector and Anthony Cerreto, Village Attorney.

**Date of Hearing:**           **April 18, 2013**

**No. of Case:**

**Applicant:**                   **ADJOURN MEETING TO May 16, 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 Petrone, seconded by all, the meeting was adjourned to May 16, 2013.

**Record of Vote: For 5 Against \_\_\_\_\_ Absent 1**

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

**Adjourn to May 16, 2013**

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

**Signed** \_\_\_\_\_  
William Villanova

**Title** Acting Chairman