

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 May 16, 2013, 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:	May 16, 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.

None

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

None

Summary of statement or evidence presented:

Correspondence was received from Mr. Vitagliano asking that the application be withdrawn.

Findings of Board:

Action taken by Board:

On the motion of Commissioner Luiso, seconded by Commissioner D’Estrada the matter was withdrawn.

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**
- F Espinoza**
- Strauch**
- F Villanova**

Signed _____
 William Villanova
Title Acting Chairman

MINUTES OF MEETING

Application for Permit or Variance

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Present in addition to 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: May 16, 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.

None

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 as prepared by the Village Attorney.

Findings of Board:

Action taken by Board:

On the motion of Commissioner Petrone, seconded by Commissioner Strauch, the Findings of Fact were approved.

Record of Vote: For 5 Against _____ Absent 1

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

Approve Findings

- F Petrone**
- F Luiso**
- F D'Estrada**
- F 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 May 16, 2013, 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:	May 16, 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

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

None

Summary of statement or evidence presented:

A letter was received from Mr. Gianfrancesco requesting an adjournment of this matter. (The building Inspector will request the adjournment) The letter stated that Mr. Miley, Building Inspector will be revising the letter of Disapproval issued on October 26, 2012 which indicated that the dwelling was classified as a lawful, non-conforming 2 family dwelling; the dwelling has now been reclassified as a single family dwelling.

Findings of Board:

Action taken by Board:

On the motion of Commissioner D'Estrada, seconded by Commissioner Luiso, the matter was adjourned to the June 20, 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 June 20, 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 May 16, 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:	May 16, 2013	
Case No.	2013-0062	
Applicant:	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.

None

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

None

Summary of statement or evidence presented:

Communication was received from the applicant requesting the application be withdrawn.

Findings of Board:

Action taken by Board:

On the motion of Commissioner D'Estrada, seconded by Commissioner Strauch the matter was withdrawn.

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 May 16, 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: May 16, 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

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 as prepared by the Village Attorney

Findings of Board:

The Board verified with Mr. Miley, Building Inspector verified that the Footings for the Deck had been inspected and were satisfactory.

Action taken by Board:

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

Record of Vote: For 5 Against _____ Absent 1

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

Approve 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 May 16, 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:	May 16, 2013	
No. of Case:	2013-0065	
Applicant:	Robert Varbaro	Agnes H. Fidelibus
	61A Haines Boulevard	3 Rye Ridge Plaza
	Port Chester, NY 10573	Rye Brook, NY 10573

Nature of Request:

on the premises No. **62 Robert Avenue** in the Village of Port Chester, New York, situated on the **Northeast** side of **Robert Avenue** distant **600 feet** from the corner formed by the intersection of **Robert Avenue & Glen Avenue** being **Section 136.37, Block No 1, Lot No. 2** on the Assessment Map of the said Village, being a variance from the applicable Zoning Ordinance or Ordinances in the following respects: Application is hereby made under the discretionary power vested in you by Section 345-29A, 345-13 or in the alternative 345.30 of the Zoning Ordinance of the Village of Port Chester for permission to: renew expired building permit (1935) for a 1 story addition on NE side of dwelling.

In 1935 when permit was issued, dwelling was in Residence “A” District where least distance from the street lot-line back to any part of the building/structure was 30 ft.; proposed is 21.02 ft., therefore a variance of 8.98 ft. is required.

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

Agnes Fidelibus, Esq.

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

None

Summary of statement or evidence presented:

Ms. Fidelibus informed the Board that a permit was issued in 1935 for a building addition. The permit was never closed out and has since expired. The addition consisted if a sun room with a fill bathroom on the right hand side of the house. This is noted on the as built plan. The code at the time required the structure to be 30 ft. from the lot line. The current survey denotes the as built structure /survey indicates the structure was built 21.02 ft. from the lot line.

There have been several changes in ownership since the addition was built 78 years ago. The applicants acquired the house from their parents in 1959. The house was built in 1927.

The applicants have an executed contract to sell and have had the contract since mid-December 2012. The variance is the only deterrent preventing the sale of the property. The variance if granted will not change the character of the neighborhood and is the only way to legalize the addition.

Findings of Board:

Action taken by Board:

On the motion of Commissioner Luiso, seconded by Commissioner D’Estrada, the Public Hearing was closed and the Village Attorney was directed to prepare Findings of Fact for this application. The building Department was also informed that this matter could be expedited

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 and Prepare/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

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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.

Date of Hearing: **May 16, 2013**

No. of Case: **2013-0066**

Applicant: **Verizon New York Inc**
140 West Street
New York, NY 10007

Joel H. Sachs
Keane & Beane, PC
445 Hamilton Avenue
White Plains, NY 10601

Nature of Request:

on the premises No. **50 Broad Street** in the Village of Port Chester, New York, situated on the **North** side of **Broad Street** distant 80 feet from the corner formed by the intersection of **Broad Street & King Street** being **Section 142.22, Block No 2, Lot No. 77** 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: separate lot 77 into two lots with an existing 2 story building on one lot and vacant land on the other. The proposed subdivision incorporates an existing building on the proposed subdivision map located on Lot 1 where the proposed Lot-line located at the rear, opposite of the Lot-Front (Broad Street) is located in the C5 District where the minimum rear yard setback is 20 ft.; proposed is 10.62 ft., therefore a rear yard setback variance of 9.38 ft. is required,

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

Joel Sachs, Esq., Keane & Beane
Paul Sisack, John Meyer Consulting

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

Michael Scarola – 14 Marathon Place – Member of Planning Commission

Mr. Scarola said he came to share and give history of discussions that transpired at the Planning Commission meeting and not to represent or speak for the Commission. Mr. Scarola said although the Planning Commission had a quorum the votes supported a neutral referral to the Zoning Board,(not in favor or against this application). He also stated that the C5 Zone was just approved as a part of the new Comprehensive Plan and would suggest the Zoning Board request a Build-out Analysis. If the property is fully built out under the new zone and fully built out under the old zone, what is the Gap? Mr. Scarola also summarized the Planning Board's discussion of this matter and told the Board that the Planning Commission is all right with the sub-division but is mostly concerned with the setback issue.

Summary of statement or evidence presented:

Mr. Sachs sated that Verizon owns a building at 50 Broad Street that is the Central Office Building, which houses the major cable and switching system equipment for Verizon's network. Verizon used to have a second building directly behind the first building, facing North Pearl Street, which was where customers would come to pay their phone bills. Verizon decided they no longer needed this building because most customers pay on line and therefore decided to sell the lot. An application was made to sub divide the property and the Planning Commission approved the subdivision based on the outcome of a decision of the Board of Trustees. The application went before the Board of Trustees and the Board denied the application because they wanted the empty building on the lot to be demolished. Verizon went ahead and demolished the building and decided that they now want to sell the empty lot.

Mr. Sachs informed the Board that Verizon resubmitted a new application to the Planning Commission and during this process the Village was rezoned and the area fell into the C5 District where the rear yard setback is 20 feet. It was noted by the applicant that by adhering to the 20 ft. setback for the Central Office Building, it would render the second lot to be less than a tenth of an acre in size and not very marketable. Mr. Sachs also stated that Verizon is seeking an Area Variance, and has weighed the request against the 5 Factors of Village Law and Zoning Code requirements.

A lengthy discussion ensued on the impact of having or not having the variance and what affect it would have on the value of the property. Mr. Scarola stated that the lot may be challenged but does not feel that it is unviable. Mr. Sachs stated that without the variance the lot is less marketable and probably non sellable. Mr. Sachs offered to have Verizon's real estate broker/agent (Cushman and Wakefield) appear at the next hearing to support his claim.

The Zoning Board expressed that Verizon has been in the community for many years and has been a good neighbor. As Board members it is their responsibility to ensure the quality and protect the integrity of the neighborhood. Therefore a plan or potential plan for the use of the property is needed. The Board has to do a balancing act but there is not enough information to act on at this time. Although Mr. Sachs stated that Verizon plans to keep the current building because it is the nucleus of the communications for the Village, the Board feels that it is essential to have more information to support this application. In summation it was suggested/requested that Mr. Sach's Engineer provide a build out analysis of the C5 Zone and with and without the variance; Provide the Analysis to Mr. Miley in the Building Department, who will verify the information and pass the information along to the Board. A rendering should be submitted showing what could potentially be built in the smaller lot if no variance is granted; also provide a rendering of what could be developed if the lot is not subdivided and Verizon maintains the entire property. Mr. Sachs will bring Cushman and Wakefield to the next Zoning Board meeting and they could possibly provide the Board with a marketing study with respect to the smaller lot.

Findings of Board:

Action taken by Board:

On the motion of Commissioner Petrone, seconded by Commissioner D'Estrada, the meeting was adjourned to June 20, 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 June 20, 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

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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.

Date of Hearing: **May 16, 2013**

No. of Case:

Applicant:

Nature of Request: **ADJOURN MEETING TO JUNE 20, 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 Commissioner D'Estrada, the meeting was adjourned to June 20, 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 MEETING TO JUNE 20. 2013

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

Signed _____
 William Villanova

Title **Acting Chairman**