

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 June 20, 2013 at 7:00 p.m. with Commissioner Villanova presiding

Present in addition to Commissioner Villanova were Messrs. Petrone, Luiso, Strauch and Espinoza.

Also in attendance were Peter Miley, Building Inspector, Christopher Gomez, Planning Director and Jessica Youngblood, Planner.

Case Update

Case # 2012-0023 *(Public Hearing for this matter is closed)*

William & Drayton Gerety
2 Deerfield Lane
Mamaroneck, New York 10543

Leslie Maron, Esq.
5 Westchester Avenue
Pound Ridge, New York 10576

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

Commissioner Petron presided over this portion of the meeting. Ms. Petrone reminded the Board that this case was pending from March 2013 awaiting a decision from the Supreme Court.

Eileen Geasor, 30 Pilgrim Drive, Port Chester, New York addressed the Board giving a status update of the case. Ms. Geasor stated that the paper street case was due to conclude on June 26, 2013 however she does not feel that it will happen on that date because the attorney for the Gerrity’s would like to take depositions from the Telesca family and Ms. Geasor which will happen well after the June 26th date. Ms. Geasor also stated that her lawyer Mr. Grimaldi appealed the Adverse Possession portion of the case. Mr. Mandell the Attorney for the Gerrity’s made a motion to dismiss it however the motion was denied.

Commissioner Petrone reminded the audience that the hearing for this case is closed and depositions probably will not happen until July and an outcome may be available by the August meeting. Ms. Petrone suggested that the case be adjourned for another 60 days.

On the motion of Commissioner Luiso, seconded by Commissioner Strauch, the matter was adjourned to the August 15, 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

Approve Findings

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

Signed _____
William Villanova
Title Acting Chairman

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Present in addition to Commissioner Villanova were Messrs. Petrone, Luiso, Strauch and Espinoza.

Also in attendance were Peter Miley, Building Inspector, Christopher Gomez, Planning Director and Jessica Youngblood, Planner.

Date of Hearing: June 20, 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.

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. This matter was expedited at last month's meeting and the Building Department completed it's inspections and issued the applicant the needed documents/variances.

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 5 Against _____ Absent _____

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

Approve Findings

F Petrone
F Luiso
 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 June 20, 2013 at 7:00 p.m. with Commissioner Villanova presiding

Present in addition to Commissioner Villanova were Messrs. Petrone, Luiso, Strauch and Espinoza.

Also in attendance were Peter Miley, Building Inspector

Date of Hearing: June 20, 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.

None - A letter was received from Joel H. Sachs, Senior Counsel of Keane and Beane PC. requesting an adjournment of the Verizon application to the ZBA from the June 20, 2013 meeting.

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

Summary of statement or evidence presented:

Findings of Board:

Action taken by Board:

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

- F Petrone**
- F Luiso**
- D'Estrada**
- F 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, Strauch and Espinoza.

Also in attendance were Peter Miley, Building Inspector

Date of Hearing: June 20, 2013
No. of Case: 2013-0067
Applicant: Hashimi Mgmt Group Gary Gianfrancesco
2082 Rockaway Parkway 545 ½ Westchester Avenue
Brooklyn, NY 11236 Rye New York 10580

Nature of Request:

on the premises No. **275 Boston Post Road** in the Village of Port Chester, New York, situated on the **South** side of **Boston Post Road** distant +/- **400 feet** from the corner formed by the intersection of **Boston Post Road, Pearl Street and South Main Street** being **Section 142.45, Block No 1, Lot No. 9** 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 345.15 and 345.15E of the Zoning Ordinance of the Village of Port Chester for permission to: erect new wall signs on 2 different renovated building elevations, reuse existing freestanding pylon foundation with new pylon signage.

Property is located in (2) Commercial Districts 1. CD Design Shopping Center District and II. C4 General Commercial District

Zoning 345-15. Sign Regulations B.Schedule of Permitted Signs.Village of Port Chester E. Other Commercial and Industrial Districts (2)

The proposed pylon sign is located CD Design Shopping Center District: A detached or ground identification sign may only be erected where the building is set back from the street line a distance of 40 feet or more. A detached or ground identification sign may be double-faced. Such sign shall not:

- (a) Exceed 80 Sq. square feet in total area.
- (b) Exceed 18 feet in height, measured from the ground level.
- (c) Have less than three feet of clear space between the ground level and the bottom of the sign board, provided that necessary supports may extend through such clear space.
- (d) Be set back less than 20 feet from any property line, except that if the average front setback of existing buildings within the same block is less than 10 feet, then the average setback so established shall be applied to such sign.

Zoning 345.15. Sign Regulations Village of Port Chester Permitted Signs Identification Signs in Other Commercial and Industrial Districts

One (1) wall sign on each public street or municipal off-street parking lot, and 1detached or ground sign, pursuant to § 345-15E

Variances Required

I. An initial variance of 34 feet is first required that would permit a detached or ground identification to be erected where the building is only set back 6 feet from the property line where a building is required to be set back a minimum distance of 40 feet or more to allow the erection of a detached ground or identification sign.

II. Proposed Pylon Sign is setback 10.5 Feet from the property line, according to section (d) such sign shall not be set back less than 20 feet from any property line, therefore a 9.5 ft. front setback variance is required unless applicant can establish an average front setback of existing buildings within the same block.

III. Proposed Pylon Sign in total area is 219 sq. ft. according to section (a) that total area cannot exceed 80 sq. feet, therefore; a 139 sq. feet variance is required.

IV. Proposed Pylon Sign stands a total of 29ft high from the ground level. According to section (b) a sign cannot exceed 18 ft. in height measured from the ground level, therefore; an 11 ft. height variance is required.

V. Proposed are (2) Wall Identification Signs (1) parallel to Boston Post Road and the other sign location perpendicular of Boston Post Road facing East, visible approaching and heading West on Boston Post Road, therefore a variance to install (1) additional sign is required

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

Gary Gianfrancesco

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

None

Summary of statement or evidence presented:

Correspondence was received from Mr. Gianfrancesco requesting an adjournment from tonight's proceedings while they do further investigation with the Corporate Brand in an attempt to reduce the many variances that are currently needed.

Findings of Board:

Action taken by Board:

On the motion of Commissioner Luiso, seconded by Commissioner Strauch, the matter was adjourned to the July 18, 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 July 18, 2013

F Petrone
F Luiso
 D'Estrada
F 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, Strauch and Espinoza.

Also in attendance were Peter Miley, Building Inspector

Date of Hearing: June 20, 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.

Gary Gianfrancesco AIA
John Crane, Attorney

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

None

Summary of statement or evidence presented:

Chairman Villanova stated that the Board received from the Building Department 49 pages of documents today which pertain to this case. The Building Inspector Peter Miley stated that there are quite a few pictures which might help illustrate some of the points referenced in the presentations. Mr. Gianfrancesco also provided a letter to the Board summarizing the two interpretations sought by the applicant.

Mr. Crane and Mr. Gianfrancesco provided a detailed summary of the case which included Studies by the Village's Planning Consultant in 1968 identifying that multifamily conversions were permitted as of right in the R2FA Zone.

The R2FA Zone provided for 1 or 2 family dwelling to convert to multiple dwellings of 3 or more provided the conditions listed in the Provisions and Requirements for the R5C Zone were met and that the 46 Leicester property complied with the criteria.

Findings of Board:

Action taken by Board:

On the motion of Commissioner Luiso, seconded by Commissioner STRAUCH, the matter was adjourned to the July 18, 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 July 18, 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 June 20, 2013 at 7:00 p.m. with Commissioner Villanova presiding

Present in addition to Commissioner Villanova were Messrs. Petrone, Luiso, Strauch and Espinoza.

Also in attendance were Peter Miley, Building Inspector

Date of Hearing: June 20, 2013
No. of Case: 2013-0068
Applicant: Liborio and Rosa Castillo Michiel A. Boender
110 North Main Street Edgewater Architects
Port Chester, NY 10573 163 North Main Street
Port Chester, NY 10573

Nature of Request:

on the premises No. **110 North Main Street** in the Village of Port Chester, New York, situated on the **West** side of **North Main Street** distant **66 feet** from the corner formed by the intersection of **North Main Street and Adee Street** being **Section 142.23, Block No 1, Lot No. 6.1** 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: construct habitable space on existing second floor of building.

The building is located in the C2Main Street Business District, Schedule of Regulations for Non residence Districts Part 2 Dimensional Regulations where the minimum rear yard setback is 20 feet, proposed is 0 feet; therefore a minimum 20 ft. rear yard setback variance is required.

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

Michiel Boender represented this application

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

None

Summary of statement or evidence presented:

Mr. Boender stated that the application has currently been before the Planning Commission. This application is for the expansion of an existing 1 story restaurant with a ¾ story mechanical loft partial office area on the second floor which will house additional dining space, a service kitchen and some offices for the restaurant.

The building currently occupies the entire site (47 ft. x 100 ft.) on the first floor and is legally non-conforming as it exists today. The expansion of the 2nd floor requires a 20 ft. rear yard setback.

The building front is on North Main Street and the rear overlooks a parking lot that is accessed via King Street. The elevation on North Main Street will be changed as well as the elevation on the rear of the building. The applicant is also proposing a roof access on the rear of the building. The rear of the building is has a cinder-block façade with a railing.

The height of the building in the front is 19.4 ft. and the projected height is 28.3 ft. (adding 9 ft. to the front of the building); The height of the building in the rear is 16.7 ft. and the proposed height is 24.3 with a para-pit height of 27.8 ft. the original footprint of the building goes to the property line and the second floor unit increases the legally non-conforming setbacks.

There will not be dwelling units on the 2nd floor, there will be office space to compliment the restaurant. The added attributes to the exterior of the building will compliment the existing downtown streetscapes. The application has no negative impact to the community and has received temporary site plan approval from the Planning Commission pending the outcome of the Zoning Board approvals if granted.

Findings of Board:

Action taken by Board:

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

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

On the motion of Commissioner Petrone, seconded by Commissioner Luiso, A positive Recommendation will be given to the Planning Commission for this application and the Village Attorney was directed to prepare Favorable Findings of Fact for the July 18, 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

Close Public Hearing

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

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

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Present in addition to Commissioner Villanova were Messrs. Petrone, Luiso, Strauch and Espinoza.
Also in attendance were Peter Miley, Building Inspector

Date of Hearing: June 20, 2013

No. of Case:

Applicant:

Nature of Request: ADJOURN MEETING TO July 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 Petrone, seconded by Commissioner Espinoza, the meeting was adjourned to July 18, 2013.

Record of Vote: For 5 Against _____ Absent _____

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

Signed _____

William Villanova

Title Acting Chairman