

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

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

Also in attendance were Anthony Cerreto Village Attorney, Peter Miley, Building Inspector and Christopher Gomez Planning Director.

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

**No. of Case:** 2013-0068

<b>Applicant:</b>	Liborio and Rosa Castillo 110 North Main Street Port Chester, NY 10573	Michiel A. Boender Edgewater Architects 163 North Main Street Port Chester, NY 10573
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**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 resisting 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.

**1. 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:**

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 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**

**Findings**

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

**Signed** \_\_\_\_\_  
 William Villanova  
**Title Acting Chairman** \_\_\_\_\_

**MINUTES OF MEETING**

**Application for Permit or Variance**

A meeting of the Zoning Board of Appeals was held at the Courtroom of the Police Headquarters Building, 350 North Main Street, Port Chester, NY, on July 18, 2013 at 7:00 p.m. with Commissioner Villanova presiding

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

Also in attendance were Anthony Cerreto Village Attorney, Peter Miley, Building Inspector and Christopher Gomez Planning Director.

**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 – Correspondence was received from the applicant requesting an adjournment from tonight’s proceedings

**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 Luiso, seconded by Commissioner Espinoza, the meeting was adjourned to August 15, 2013, 2013.

**Record of Vote:** For      Against                      Absent   1  

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

**Adjourn to August 15, 2013**

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

**Signed** \_\_\_\_\_  
William Villanova  
**Title Acting Chairman** \_\_\_\_\_

# MINUTES OF MEETING

## **Application for Permit or Variance**

A meeting of the Zoning Board of Appeals was held at the Courtroom of the Police Headquarters Building, 350 North Main Street, Port Chester, NY, on July 18, 2013 at 7:00 p.m. with Commissioner Villanova presiding

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

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

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

**No. of Case:** 2013-0071

**Applicant:** Antonio Bellomusto FAI Engineering  
43 Priscilla Lane 244 Fifth Avenue  
Port Chester, NY 10573 New York, NY 10001

### **Nature of Request:**

on the premises No. **43 Priscilla Lane** in the Village of Port Chester, New York, situated on the **Right** side of **Priscilla Lane** distant **310 feet** from the corner formed by the intersection of **Priscilla Lane and Miles Standish Circle** being **Section 136.38, Block No 2, Lot No. 49** 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 a new, elevated patio/terrace at the rear of home.

The structure is located in the R7 One-family Residential District where the minimum rear yard setback is 30 ft.; proposed is a rear yard setback of 18.60 ft; therefore a 11.40 ft. rear yard variance is required;

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

Anthony Provenzano, Esquire

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

None

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

Mr. Provenzano told the Board that 15 years ago the applicant had a deck on the rear of his home which he replaced with a wooden patio/platform. At that time he was told by the Building Inspector that everything was fine and no permits were issued. Several years after the patio was built and addition was added to the home( 9 years ago) and permits were opened and closed relative to the addition and once again there was no mention of any type of documents or violations regarding the deck. Recently the applicant went to refinance his home for a lower rate mortgage and was told upon a title/property search that there was a violation with the patio. Without the patio the rest of the house is fully compliant. The patio is 30" from the ground. The patio is also in character with the rest of the neighborhood.

### **Findings of Board:**

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

On the motion of Commissioner Luiso, seconded by Commissioner D'Estrada, the variance was granted and the Village Attorney was directed to prepare favorable Findings of Fact. The Building Department was asked to expedite the application due to the pending mortgage and refinancing status of the applicant.

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

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

**Findings**

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

**Signed** \_\_\_\_\_  
          William Villanova  
**Title** **Acting Chairman** \_\_\_\_\_

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

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

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

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

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

Gary Gianfrancesco AIA

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

None

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

Peter Miley, Building Inspector requested an adjournment of this case because staff did not have an opportunity to review the submitted documents. This application requires a change in the Notice of disapproval and a new mailing to surrounding neighbors. Mr. Miley also noted for the record that the applicant did submit the documents on time.

Mr. Gianfrancesco stated that at the April 18<sup>th</sup> meeting the Zoning Board requested of the Building Department a summary of the case for the May 16<sup>th</sup> meeting. The Building Department rescinded the original Notice of Disapproval Notice changing the status of the residence to a single family dwelling at the May 16<sup>th</sup> meeting. At the June 24<sup>th</sup> meeting the summary requested from the Building Department was submitted. However it was too late for any written response from the applicant. At the same meeting (June 24<sup>th</sup>) The Board made a request to obtain any Case Law similar to this application. Mr. Gianfrancesco had also requested that any such materials found be submitted to the applicant in a timely manner so the supplicant could respond. To date no such materials has been given to either the Board or Mr. Gianfrancesco. Village Attorney Anthony Cerreto stated for the record that he has not provided any materials relative to the matter. Chairman Villanova reiterated for the record that any information forthcoming from the Village Attorney be shared with Mr. Gianfrancesco. Mr. Cerreto said that would be find barring any confidential memos that might be for the Board only and the Board would have the right to waive that confidentiality if so desired. Mr. Gianfrancesco also stated that the applicant's lives have been turned around by the actions or inactions of the Village and they are caught up in the Code Enforcement net. For the record, Milton Campoverde no longer lives at 46 Leicester Street, however when he purchased the property he was living there with his family. Mr. Campoverde is currently in bankruptcy and this is a weighing matter in that process.

**Findings of Board:**

**Action taken by Board:**

On the motion of Commissioner D'Estrada, seconded by Commissioner Espinoza, the matter was adjourned to the August 15, 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 August 15, 2013**

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

**Signed** \_\_\_\_\_  
William Villanova  
**Title Acting Chairman** \_\_\_\_\_

# MINUTES OF MEETING

## **Application for Permit or Variance**

A meeting of the Zoning Board of Appeals was held at the Courtroom of the Police Headquarters Building, 350 North Main Street, Port Chester, NY, on July 18, 2013 at 7:00 p.m. with Commissioner Villanova presiding

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

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

**Date of Hearing:** July 18, 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

### Variations 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:**

Mr. Gianfrancesco stated that he represented Hashimi Management Group who proposes to renovate the building to accommodate a Popeye's Restaurant. The property from its inception has had a food use as far back as the late 1960's with the last establishment being the recently vacated MaryAnn's Mexican Restaurant. and Mr. Gianfrancesco gave a brief summary of food establishments that previously occupied that site.

Mr. Gianfrancesco stated the site and the building will be completely renovated with curbing, pedestrian walks, paving, fencing, site will have new controlled lighting. Interior will be renovated according to the Popeye's franchise guidelines. The property is located on the South side of Boston Post Road and there are other similar fast food restaurants in the vicinity with drive thru's, i.e. Burger King, McDonalds, the recently vacated Wendy's etc. The building is in the CD district and the Parking lot is located in the C4 District. The proposal eliminates 957 sq. ft. of the existing restaurant for a total of 2202 sq. ft. The proposal will also eliminate 818 sq. ft. of existing cellar space, it reduces the seating from 90 seats to 38 seats; also eliminating 1400 sq. ft. of impervious surface which will now be plantings. No change to the one way in and one way out, the curb cuts will remain unchanged, refuse pick up will be scheduled at off hours and deliveries will be scheduled on off hours when the restaurant is closed to the public. This restaurant will be open 7 days a week opening at 10:30 am daily; Closing at 11pm on Sunday and 1 am Friday and Saturday. By reducing the footprint of the building, the setbacks are far greater than required and having 22 parking spaces more than doubles the amount required. A parking study was completed by Adler consulting with no major concerns. Handicapped accessible parking spaces will be provided close to the entry door. The building will have a new face of synthetic stucco

There is a patron entrance from the parking lot into the establishment and a patron entrance on the Boston Post Road side of the building, thus the request for additional signage. The main sign Popeye's Louisiana Kitchen is 58 square feet in size. A new branding is in effect with the Popeye's signs requiring the addition of a medallion similar in effect to the Golden Arches of McDonalds. The signage on Boston Post Road will be 70 square feet and the applicant is looking for relief to add similar signage on the facing of the parking lot entrance. This requires an additional 58.3 sq. ft. of signage. Mr. Gianfrancesco reviewed a handout which showed signage along Boston Post Road, most of which is legally non-compliant. The Pylon sign will be a new structure on the old foundation

Mr. Miley stated the first variance required would be for the ground sign. The building is set back 6ft from property line and the minimum is 40ft. Mr. Gianfrancesco proceeded to review all of the needed variances. Mr. Miley stated that the pylon sign (Maryanne's) there was no permit for its initial installation.

A very lengthy discussion ensued about the proposed Pylon sign and the other multiple pylons and their size and legality on Boston Post Road. Commissioner Petrone requested a rendering of what other free standing Popeye's Restaurants looked like with signage. Secretary Constance Phillips found a picture of Popeye's Restaurants on her cell phone and passed it around for Board members and the applicant to view. The Board reiterated its concern with the size of the sign and the menu board. Mr. Miley stated that the application would also require review by the Architectural Review Board. Mr. Gianfrancesco was asked to address the Board's concerns with the applicant to see if there were alternative solutions for signage.

**Findings of Board:**

**Action taken by Board:**

On the motion of Commissioner Luiso, seconded by Commissioner D'Estrada, the matter was adjourned to the August 15, 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 August 15, 2013

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

**Signed** \_\_\_\_\_  
          William Villanova  
**Title**   **Acting Chairman**

# MINUTES OF MEETING

## **Application for Permit or Variance**

A meeting of the Zoning Board of Appeals was held at the Courtroom of the Police Headquarters Building, 350 North Main Street, Port Chester, NY, on July 18, 2013 at 7:00 p.m. with Commissioner Villanova presiding

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

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

**Date of Hearing:** July 18, 2013  
**No. of Case:** Case No. 2013-0069  
**Applicant:** John DeMatteo  
24 West Glen Avenue  
Port Chester, NY 10573

### **Nature of Request:**

on the premises No. **24 West Glen Avenue** in the Village of Port Chester, New York, situated on the **West** side of **West Glen Avenue** distant **110 feet** from the corner formed by the intersection of **West Glen Avenue and Hawley Street** being **Section 135.52, Block No 2, Lot No. 20** on the Assessment Map of the said Village, being a variance from the applicable Zoning Ordinance or Ordinances in the following respects: 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 variances for an existing dormer built in 1957

At the time of construction the 2<sup>nd</sup> story dormer was located in the R7 One Family Residential District where the minimum yard dimensions for side yard setbacks are at "least (1) of 8ft. and a total of (2) combined of 20 ft."

The dormer is currently located at the rear, North West corner 4.0 ft. from the side of line; therefore a 4.0 ft. side yard variance is required.

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

John DeMatteo

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

None

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

Building Inspector Peter Miley started off by informing the Board that this application is another housekeeping issue. The applicant did a municipal search and discovered something was built that was conforming to the Zoning Code at that time.

Mr. DeMatteo stated that he and his wife were trying to refinance when the Title Company discovered setback violations. The house was built in the 1940's, the construction took place in 1957 and he and his wife purchased the house in 2002. Mr. DeMatteo also read excerpts from a letter written by former Building Inspector L. Cuzamano who stated that the house was located in an R7 Zone and occupancy of the house could continue as a one family residence and there were no violations on record.

Mr. Miley informed the Board that the original footprint of the house is conforming. A permit was obtained to build the dormer however it was non-conforming and variances were never obtained and the permit is expired and still open. In checking the survey for this property the setback requirements are verified and this application did not meet the requirements. The dormer extends the square footage of the second floor and creates a non-conforming setback.

**Findings of Board:**

There are many houses in the neighborhood that are similarly designed. The dormer does not change the character of the neighborhood. He applicant did nothing wrong, a permit was obtained and was valid at that time, however it remains open and variances are needed with regard to the setback requirements.

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

On the motion of Commissioner D’Estrada, seconded by Commissioner Espinoza, the Public Hearing was closed once again, the Village Attorney was directed to prepare Favorable Findings of Fact for this application and the Building Department was directed to expedite this matter.

**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/Prepare Findings/Expedite**

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

**Signed** \_\_\_\_\_  
 William Villanova  
**Title Acting Chairman** \_\_\_\_\_

# MINUTES OF MEETING

## **Application for Permit or Variance**

A meeting of the Zoning Board of Appeals was held at the Courtroom of the Police Headquarters Building, 350 North Main Street, Port Chester, NY, on July 18, 2013 at 7:00 p.m. with Commissioner Villanova presiding

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

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

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

**No. of Case:** 2013-0070

**Applicant:** Carlos Solano Raul Bello, Architect  
25 Pumphouse Road 36 New Street  
Brewster, NY 10509 Rye, NY 10509

### **Nature of Request:**

on the premises No. **4 Clark Place** in the Village of Port Chester, New York, situated on the **Left** side of **Clark Place** distant **30 feet** from the corner formed by the intersection of **Clark Place and Irving Avenue** being **Section 136.77, Block No 2, Lot No. 10** 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: legalize existing wood deck at rear of building.

The structure is located in the R5 One-family Residential District where the minimum rear yard setback is 30 ft. and the minimum one) side-yard setback is 8ft.; proposed is a rear yard setback of 4.1 ft.; therefore a 2.7 ft. rear yard variance and a 3.9 ft. side yard setback variance is required

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

Mr. Raul Bello - Architect, Mr. Carlos Solano - Applicant

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

None

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

Mr. Bello informed the Board that they were there to legalize an existing deck at the rear of the house. When Mr. Solano bought the house in 2008-09 the deck was already existing. The deck was in a state of disrepair and Mr. Solano made the needed repairs. (New decking and rails). The applicant is requesting 2 variances; side yard and rear yard. The variances are for the deck only.

The Building Inspector has not reviewed/inspected the deck footings as yet as is customary for all applications with a deck. The applicant also stated that three new footings for the deck are proposed on the plans.

The house is a two family house in an R5 Zone. Both apartments in the house are currently being rented. There is one family on the first floor and one family on the second floor and there is also an attic. On a separate application the applicant stated that the matter of the attic is being dealt with. As far as the applicant knows the deck is the original deck on the house. The applicant has put down new decking and new railings. This matter came before the Board as a result of a stop work order. The applicant did not know that he needed a work order to replace the railings. The Building Inspector said it is considered structural and requires a permit. Questions arose as to when the deck was added or if it was part of the original house. The owner Mr. Solano testified that when he bought the house the deck was part of the original structure. He also stated that it is the original size and that he did not enlarge the deck. Mr. Solano stated that he does not live in the house. He bought the house and rented it out. While his home in Brewster was being renovated he lived in the house for a year and a half. After renovations were completed on his home in Brewster, he returned there and rented the two apartments in the Clark Place residence.

The Public hearing will be adjourned on this matter. The Building Inspector will inspect the deck to determine its original size, determine if the deck is an addition or part of the original structure. The footings will be inspected at a later time.

**Findings of Board:**

**Action taken by Board:**

On the motion of Commissioner Luiso, seconded by Commissioner Espinoza, the meeting was adjourned to August 15, 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 matter to August 15, 2013**

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

**Signed**  
\_\_\_\_\_  
William Villanova  
**Title Acting Chairman**

**MINUTES OF MEETING**

**Application for Permit or Variance**

A meeting of the Zoning Board of Appeals was held at the Courtroom of the Police Headquarters Building, 350 North Main Street, Port Chester, NY, on July 18, 2013 at 7:00 p.m. with Commissioner Villanova presiding  
Present in addition to Commissioner Villanova were Messrs. Petrone, Luiso, D'Estrada and Espinoza.  
Also in attendance were Anthony Cerreto Village Attorney, Peter Miley, Building Inspector

Also in attendance were Peter Miley, Building Inspector

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

**No. of Case:**

**Applicant:**

**Nature of Request: ADJOURN MEETING TO August 15, 2013**

- 1. Names and addresses of those appearing in favor of the application.**
  
- 2. Names and addresses of those appearing in opposition to application.**

**Summary of statement or evidence presented:**

**Findings of Board:**

**Action taken by Board:**

On the motion of Commissioner Luiso, seconded by Commissioner Espinoza, the meeting was adjourned to August 15, 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 meeting to August 15, 2013**

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

**Signed** \_\_\_\_\_  
William Villanova  
**Title Acting Chairman**