

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 August 15, 2013 at 7:00 p.m. with Commissioner Villanova presiding

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

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

Case Update

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

William & Drayton Gerety	Leslie Maron, Esq.
2 Deerfield Lane	5 Westchester Avenue
Mamaroneck, New York 10543	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 Petrone presided over this portion of the meeting. Commissioner Petrone informed everyone that this case was adjourned several times pending Supreme Court Action between the parties for Adverse Possession and other claims. The parties were going to make depositions and those depositions are now completed. Ms. Petrone asked if someone from the public would provide an update. An update was provided by Eileen Geasor, 30 Pilgrim Drive, Port Chester, NY (in opposition to the application)

Ms. Geasor stated that the Court filed a trial readiness order on August 1, 2013. Her attorney Mr. Grimaldi has 20 days to file a Notice of Issue. Once that is filed both sides have 60 days to file for Summary Judgment. Village Attorney Anthony Cerreto agreed with Ms. Geasor’s summation/case update.

Commissioner Petrone stated that the Board will wait until the Notice of Summary Judgment has been served and possibly decided by the court. It was noted that the court can take up to 60 days from the date of submission to take an action.

On the advice of the Village Attorney Anthony Cerreto the case was adjourned for another 60 days (October 17, 2013) for control purposes. Mr. Cerreto stated that he would like to see and review the motion papers before that date.

Action taken by Board:

On the motion of Commissioner Luiso, seconded by Commissioner D’Estrada, the matter was adjourned to the October 17, 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 October 17, 2013

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

Signed

 William Villanova
Title Acting Chairman

MINUTES OF MEETING

Application for Permit or Variance

A meeting of the Zoning Board of Appeals was held at the Courtroom of the Police Headquarters Building, 350 North Main Street, Port Chester, NY, on August 15, 2013 at 7:00 p.m. with Commissioner Villanova presiding

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

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

Date of Hearing: August 15, 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

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

None

Summary of statement or evidence presented:

Chairman Villanova informed the Board that the applicant had requested a 30 day adjournment of the case to September 19, 2013

Findings of Board:

Action taken by Board:

On the motion of Commissioner Luiso, seconded by Commissioner Espinoza, the matter was adjourned to the September 19, 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 September 19, 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 August 15, 2013 at 7:00 p.m. with Commissioner Villanova presiding

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

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

Date of Hearing: August 15, 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 representative Joel Sachs, requesting that the matter be withdrawn without prejudice.

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 D’Estrada, the matter was withdrawn without prejudice

Record of Vote: For Against Absent

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

Withdraw without prejudice

- 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 August 15, 2013 at 7:00 p.m. with Commissioner Villanova presiding

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

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

Date of Hearing: August 15, 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.

None – application was expedited at previous meeting and Chairman was authorized to sign prior to this meeting.

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

None

Summary of statement or evidence presented:

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

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

Approve Findings

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

Signed

William Villanova

Title Acting Chairman

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 August 15, 2013 at 7:00 p.m. with Commissioner Villanova presiding

Present in addition to Commissioner Villanova were Messrs. Petrone, Luiso, D'Estrada, Strauch and Espinoza.
Also in attendance were Anthony Cerreto Village Attorney, Peter Miley, Building Inspector and Christopher Gomez Planning Director.

Date of Hearing: August 15, 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 2nd 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.

None

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

None

Summary of statement or evidence presented:

Commissioner Petrone summarized the Favorable 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 D'Estrada, the Favorable Findings of Fact 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
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 August 15, 2013 at 7:00 p.m. with Commissioner Villanova presiding

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

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

Date of Hearing: August 15, 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 1 detached 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, AIA Arconics Architecture

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

None

Summary of statement or evidence presented:

Mr. Gianfrancesco stated that the application is about signage for this application. The signage in question is on the front face Boston Post Road side elevation. No relief is necessary for that sign. There is additional signage on the Parking Lot side of the building which is being proposed and some relief is required for that sign. The last element of the application is the Pylon sign which was discussed at great length at the last meeting. The applicant is looking to replace the current MaryAnn's logo on the pylon and keep the pylon in its current location. Mr. Gianfrancesco provided the Board with photos of properties within a 200 foot radius and their signage along the Boston Post Road. (see below)

1. Mary Ann's – existing Non-conforming; the area of signage is 100 sq. ft., height 24 ft.
2. Property adjacent to 275 Boston Post Road; empty Wendy's sign is right at property line
3. Westy Storage; Low pylon does not have a 20 ft. setback
4. US 1 Carwash; 2 pylons, neither of which has a 20 ft. setback
5. Nissan City; Appears to have the appropriate setback Branding on Parking lot side of the building as well as on the Boston Post Road side of the building.
6. Shell Gas Station; Pylon not set back 20 ft., lower portion of the pylon also indicates that there is a convenient store at this location. Also a canopy has "Shell" branding on all three sides
7. Burger King; represents a reader board similar to what was presented for this application at last month's meeting.
8. L.A. Fitness; Signage on front of building as well as on the parking lot side of the building.
9. TD Bank; area seem to be ok however it is no 20 ft. setback
10. BP Gas Station; there is branding on 3 sides of the canopy and there is no 20 ft. setback for the pylon sign. The pylon sign also has a reader board indicating there is a convenient store on the premises.

The next handout provided by Mr. Gianfrancesco shows the plan for the original sign that was submitted and denied by Mr. Miley, Building Inspector. This submission would have required a 139sq. ft. area variance for all of the signage and a height variance. (The pylon is 7ft. tall). Last month Mr. Gianfrancesco submitted an alternate plan with significantly reduced the amount of square footage required. (76 sq. ft. for both sides) and a variance of 6.6ft for the pylon sign. The most important element regarding the use of a reader board is to be able to have some wording to indicate that this location has a drive thru. The drive thru is located on the rear of the building. The menu/reader board has been eliminated from the proposal. Requires a 2 ft. variance on the height of the sign.

Mr. Miley, Building Inspector indicated that through his research all of the signage presented in Mr. Gianfrancesco's handout are all non-conforming. Most of the signs however do have ZBA approval. Mr. Miley reviewed his findings with the Board.

On the Boston Post Road side elevation of the building there is approximately 70 sq. ft. of signage proposed. 100 sq. ft. of signage is allowed if the applicant should choose to do so. 70 sq. ft. will keep in proportion of the building and be more tasteful. This will have the brand and medallion over to the side.

On the right side of the building which is the parking lot side of the building which the entrance off the parking lot and 56 sq. ft. of signage is proposed. The medallion will not be a part of the signage on this side of the building. The parking lot is not a public parking lot which therefore requires approval from the Zoning Board. There is no signage proposed at the rear of the building.

No one from the public spoke for against this application

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 _____

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 Petrone, seconded by Commissioner Luiso, the Village Attorney was directed to prepare Favorable Findings of Fact for the next meeting

Record of Vote: For 5 Against _____ Absent _____

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**
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, Strauch and Espinoza.

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

Date of Hearing: August 15, 2013

No. of Case: 2013-0070

Applicant: Carlos Solano Raul Bello, Architect
25 Pumhouse 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

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

None

Summary of statement or evidence presented:

Before the proceeding started Chairman Villanova requested an update on this case from the Building Inspector Peter Miley regarding the construction of the deck, its size and any other alterations or changes. The original deck was a small 4ft.x8ft. landing that went down to a set of stairs. Proposed today is 9ft.1in. in depth and 12ft.9in. in width which is an increase of 5ft 1in. in setback and 4ft. 9in. in width. So to the Board's question of whether the deck has been increased, there are documents to support the fact that from 2009 until the present time it has been increased. (Handouts provided to Board by Peter) This information does not change the requested variance but does answer the question of whether the deck has been increased.

Chairman Villanova reminded the Board that at a previous meeting the applicant stated that when he bought the house in 2008-09 the deck was already existing. The deck was in a state of disrepair and he made the needed repairs. The repairs consisted of new decking and rails with no increase in size. Now we have conflicting reports with evidence the deck was increased and the applicant's testimony that the deck was not increased.

Mr. Bello said he was at the site and took some photos and it appears that there are some new joists that were sistered to old ones and those joists appear to be bigger than four feet. This was verified by the Building Inspector. (photos in the handout substantiate that information) There is a possibility that the deck may have been increased two times. In addition no permit was originally taken out for the deck. The original deck based on the tax assessors records was built in

1967. Building Inspector cannot confirm if a permit was taken out at that time. There was no permit issued for any other increases in size. Increases to the size of the deck remains questionable as to when it was enlarged. Mr. Miley has not looked at the footing for the deck as of yet, and it may not be necessary.

Currently there are violations on the property. Mr. Miley will research the appearance tickets for violations that are currently on this property. The Village Attorney will render an opinion regarding "proceeding on applications where the properties have violations" Chairman Villanova requested that the applicant be present at the next meeting to review his testimony regarding increases to the size of the deck.

No one from the public spoke for or against this application.

Findings of Board:

Action taken by Board:

On the motion of Commissioner Luiso, seconded by Commissioner Strauch, the meeting was adjourned to September 19, 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 September 19, 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 August 15, 2013 at 7:00 p.m. with Commissioner Villanova presiding

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

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

Date of Hearing: August 15, 2013
No. of Case: 2013-0072
Applicant: Anne Lee
61 Robert Avenue
Port Chester, New York 10573

Nature of Request:

on the premises No. **61 Robert Avenue** in the Village of Port Chester, New York, situated on the **South** side of **Robert Avenue** distant **100 feet** from the corner formed by the intersection of **Glen Avenue and Robert Avenue** being **Section 136.45, Block No 2, Lot No. 55** 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 an expired building permit issued in 1929 to construct a new single family house and obtain a front yard variance.

In 1929 the building was located in the Residence A District where the least distance from the street lot line back to any part of the building is 30 ft., proposed is 13.45 ft.; therefore a variance of 16.55 ft. is required

Note: Commissioner Petrone recused herself because she has had other dealings with regard to this case.

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

Martha Sokol McCarty, Esq.
910 E. Boston Post Road
Mamaroneck, New York

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

None

Summary of statement or evidence presented:

Ms. McCarty stated that the applicant has owned the house for nine years and is currently under contract to sell. When doing the general housekeeping paperwork it was discovered in the Building Department that there was an open permit which had expired and a setback variance was also needed. This application is similar to other homes in the neighborhood which are all about twenty feet from the curb. She further stated that it is not a self-created hardship, does not affect the character of the neighborhood and it is not a substantial variance.

Mr. Miley agreed that most of the houses were within ten inches, but probably were not sent to the Zoning Board however, this application is about five feet of from the houses to the left and to the right. There has not been any construction on the house since 1929. Mr. Miley stated the house was misaligned and this is more of a housekeeping matter.

No one from the public spoke for or against the application.

Ms. McCarty requested of the Board to expedite the matter, because her client has been under contract to sell and was going to sell the house last month before these housekeeping items came to light. It has become a financial burden for the applicant at this time.

Findings of Board:

Action taken by Board:

On the motion of Commissioner Luiso, seconded by Commissioner D'Estrada, 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

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

On the motion of Commissioner Luiso, seconded by Commissioner Espinoza, the Village Attorney was directed to prepare Favorable Findings of Fact for the applicant and Chairman to sign and the Building Department was asked to expedite the matter.

Record of Vote: For 5 Against _____ Absent _____

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

Prepare Findings and Expedite

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 August 15, 2013 at 7:00 p.m. with Commissioner Villanova presiding

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

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

Date of Hearing: August 15, 2013

No. of Case: 2013-0072

Applicant: James F. Lomiento John B. Colangelo
111 Smith Street 211 South Ridge Street
Port Chester, NY 10573 Rye Brook, NY 10573

Nature of Request:

on the premises No. **111 Smith Street** in the Village of Port Chester, New York, situated on the **Easterly** side of **Smith Street** distant **100 feet** from the corner formed by the intersection of **Smith Street and William Street** being **Section 142.38, 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 5 open building permits, legalize a roof enclosure over an existing porch and convert a basement apartment with an existing non-conforming 3 family residence into a 4 family residence.

The structure is located in the R2F Two Family Residential District 345-42 where Multi Family Dwellings are not a permitted use in that district, therefore a use variance is required

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

John B. Colangelo, Esq.

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

None

Summary of statement or evidence presented:

Mr. Colangelo stated that the applicant is not converting the structure into a four family residence because it already exists as such and has existed as such since 1942 when the family purchased the property. This house was purchased by the parents of the current owners in the 1930's. The younger members of the family plan to sell the house and discovered that there is a problem with the use of the property as a four family house. Over the years various improvements have been made to the property. The owners have filed for permits over the years and the use as a four family house has never before come into question. This application is really for an approval of an existing non-conforming use that has existed since the 1940's. Open violations from 1947, 1949, 1950, 1952, 1961, and multiple dwelling cards all indicate that the structure is a four family use. Multiple inspections of the property never had any issues with the dwelling being a four family use.

The property is in contract to sell, and architect was hired to alleviate some of the existing conditions that existed since 1947 which came to light during a fire inspection. During an amnesty application review, the report came back indicating there were a number of open permits. Mr. Colangelo stated that many inspections were done over the years however the permits remained open and were never closed. The applicant would like to legalize the non-conforming four family house. The assessor's records were verified and indicate the dwelling as a four family use. Unfortunately there is no Certificate of Occupancy on file to confirm this fact. The current owners did not add to the structure to make it a four family use. The four family use has existed since the 1930's. There will not be any changes to the neighborhood. One family member still resides in the

house however the house is under contract to sell. This is not a self-created hardship, the house was legally non-conforming and applicant was not trying to hide the fact because several permits to do work were taken out over the years. It was also noted that the building itself pre dates the Code. (1890)

Chairman Villanova asked the Building Inspector Mr. Miley “for the permits that have expired, can you verify that the work has been done?” Mr. Miley could not verify that the work was done because he has not been in the house. Confirming the work to the permit obtained is an integral part of obtaining variances. The last fire inspection failed and plans have been submitted by the architect for corrective measures.

The house consists of three floors and a basement. There is an apartment on each floor including the basement. There are a number of permits that are open that will require a Certificate of Occupancy. Mr. Miley stated that there is no permit for the lower basement apartment. It was also noted that there are conflicting reports on the Town of Rye’s Tax Assessor’s records. At some intervals in time the house was listed as a 3 family yet taxed as a four family, there was a record of four kitchens and three full bathrooms

James Lomiento, 620 King Street, Port Chester – testified that he was born and raised in the house in the apartment on the first floor. His mother’s sister’s apartment was on the second floor and his mother’s brother’s apartment was on the third floor and her other brother lived in the basement. There were nine parents and eight children. Originally there was no bathroom or kitchen on the first floor. They were added in 1947. The basement had a step up separate room with a toilet and next to it a step up separate room with a shower. There are 5electrical meters on the house, one for each apartment and the fifth one for the boiler and the light on the front porch. There are four gas meters.

There is pending legislation before the Board of Trustees that may have a significant bearing on this application. The Board will meet on August 19th to discuss this new local law. It was suggested by Mr. Colangelo to adjourn this application until after the BOT meets and determine if an action is taken how and if this application will be affected by the outcome.

Anthony Tirone, Esq., 10 Bank Street, White Plains, NY – on behalf of the surrounding neighbors who oppose this application. Mr. Tirone stated that this is a 2 family zone, across the street and adjacent to this property is an M1 Zone. He thinks that the applicant is requesting further use of non-compliance simply because it has existed for seventy years. The other families who reside on Smith Street are single family houses. To go from 2family to four family on a sale is that brings a profit is unfair to the remaining residents. The use is not welcome in the neighborhood.

Action taken by Board:

On the motion of Commissioner Luiso, seconded by Commissioner Petrone, the meeting was adjourned to September 19, 2013.

Record of Vote: For 5 Against _____ Absent _____

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

Adjourn to September 19, 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 August 15, 2013 at 7:00 p.m. with Commissioner Villanova presiding

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

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

Date of Hearing: August 15, 2013

No. of Case: 2013-0074

Applicant: Rye House Port Chester
Strathmar Equities
109 Willett Avenue
Port Chester, NY 10573

Michiel A. Boender
163 North Main Street
Port Chester, NY 10573

Nature of Request:

on the premises No. **126 North Main Street** in the Village of Port Chester, New York, situated on the **West** side of **North Main Street** distant **0 feet** from the corner formed by the intersection of **North Main Street and Willet Avenue** being **Section 142.23, Block No 1, Lot No. 33** 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 variance relative to two off-street loading spaces

Property is located in the C5T Downtown Mixed Use Transitional District where two off-street loading spaces are required for restaurants between 5,000-14,999 sq. ft. in area: none are proposed, therefore a variance for two off-street loading spaces is required.

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

Anthony Tirone, Attorney – Michiel Boender, Architect and Rob Lombardi, Applicant

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

None

Summary of statement or evidence presented:

Mr. Tirone stated that Mr. Lombardi is the proprietor and day to day manager of the other establishments that share the Rye House and Sala names. Sala is located in Croton on Hudson and three Rye House establishments are located in NYC. Rye House would like to bring their business to Port Chester. They are well known restaurateurs with extensive experience in this type of business. This application was presented to the Planning Board on July 29th and it was noted that a variance was needed for the off street loading and unloading. The property is a landlocked parcel and was originally built as United Hospital and operated for a long time until taken over by the American Red Cross as their Headquarters. The application before the board does not have the ability to provide off street loading and unloading space which is required. The variance is requested so the restaurant can receive their deliveries curbside. There is a driveway in back of the property but it is not owned by the applicant. There are some metered parking spaces on Willett Avenue and some not metered spaces on North Main Street. There is a receiving area on the back of the building on Willett Avenue and that is where the deliveries would come in. Based on the type of restaurant, there would be no tractor trailer deliveries, the deliveries would be via box trucks. An explanation of the term "Land Locked" was explained by M. Tirone as the building covers the entire area/site (edge to edge).

Mr. Lombardi stated that the restaurant would probably use four to five food purveyors and the same amount in alcohol, wine and beer purveyors. The deliveries would be about once or twice per week as well as a fish delivery once per week. Roughly there would be a dozen deliveries on a

weekly basis. The plans to open the restaurant suggest early Spring, (March) 2014. Chairman Villanova suggested to Mr. Tirone and Mr. Lombardi that perhaps they could work with the Village on the timing and the location of the deliveries.

Mr. Tirone stated that there is an easement with the neighboring property on the rear of the building (driveway). He stated that once the Planning Commission reviews the application again there might be an opportunity to use the easement for the driveway as an area for the trucks to pull into for deliveries. Mr. Gomez also stated that with some other Planning applications as a condition of Site Plan Approval easements, loading and deliveries are specifically spelled out as a condition of that approval. Another concern was regarding the easement and safety regulations. There is a lower level to the pub which empties into the easement area and in an emergency situation there is a potential for that access to be blocked by cars etc. Mr. Lombardi stated that the deliveries would pretty much be in the mornings and the deliveries would be made to the first floor.

Mr. Boender stated that they would never look to use that area as a permanent space for cars or trucks, it would be strictly for delivery purposes. There are two contiguous lots that wrap around the building in an L shaped fashion and they could potentially use those areas for loading. There is also Marvin Place which is a public parking area and there is space directly below the trestle which are nearby to accommodate the deliveries. It was also noted that the nearest Village designated loading area is on Abendroth Avenue which is not close to this location. Further investigation is needed to determine if there is another one on Main Street just beyond Chase Bank which is a little closer to this location.

Mr. Gomez informed the Board that the Planning Commission did review the application and has declared itself lead agency for SEQR Determination. This application will also have to make an appearance before the Waterfront Commission because it is technically within the LWRP boundary. They will appear before the Waterfront Commission in September .If the Zoning Board grants approval, the application will go before the Waterfront Commission and then back to the Planning Commission for Final Site Plan approval.

No one from the public spoke for or against this application

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 _____

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 Petrone, seconded by Commissioner Luiso, Village attorney was directed to prepare Favorable Findings of Fact for this application.

Record of Vote: For 5 Against _____ Absent _____

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 August 15, 2013 at 7:00 p.m. with Commissioner Villanova presiding

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

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

Date of Hearing: August 15, 2013

No. of Case:

Applicant:

Nature of Request: ADJOURN MEETING TO September 19, 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 September 19, 2013

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

Signed _____
William Villanova
Title Acting Chairman