

# 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 September 19, 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.

Christopher Gomez, Planning Director provided the Board with a brief overview of the new Planning process and how the Project Proposal Form and the Zoning Compliance form helps applicants to submit more efficient and complete submissions.

**Project Proposal Form** – Any application which goes before the Planning Commission must first fill out the Project Proposal Form prior to the pre submission conference. This form entails a lot of the basic questions that the Planning Commission asks the applicant relevant to their application. (Hours of operation, number of employees, delivery schedules if applicable, parking requirements, etc.) This helps to streamline the process by obtaining all of the necessary information up front.

**Zoning Compliance Form** – This is another new form that can be used in conjunction with the Project proposal form for any type of variance that may come before the Zoning Board. During the submission process this form is signed off by the Building Inspector for all applications that require Zoning Variances on applications that come through the Planning Commission. The Notice of Disapproval letter will still be used for those applications that are not submitted via the planning process.

Mr. Gomez also stated that at the request of Commissioner Strauch, some research was done with regard to Village Loading Zones. In conversations with Traffic Sergeant Vaccaro he informed Mr. Gomez that he has been analyzing this for some time. Mr. Gomez and Sgt. Vaccaro will continue to work together to identify and analyze the loading zones throughout the Village.

**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:** September 19, 2013  
**No. of Case:** 2012-0052  
**Applicant:** Milton Campoverde Gary Gianfrancesco, AIA  
46 Leicester Street Arconics Architecture  
Port Chester, New York 10573 Rye Brook, New York 10573

**Nature of Request:**

on the premises No. **46 Leicester Street** in the Village of Port Chester, New York, situated on the **West** side of **Leicester Street**, distant 100+/- feet from the corner formed by the intersection of **Leicester Street and Irving Avenue** being **Section 136.77, Block No. 1, Lot No. 36** on the Assessment Map of the said Village, being a variance from the applicable Zoning Ordinance or Ordinances in the following respects: Application is hereby made under the discretionary power vested in you by Section 345-29A, 345-13 or in the alternative 345.30 of the Zoning Ordinance of the Village of Port Chester  
Permission to interpret the intent of past Building Inspector’s letters or grant variances as described: Property is currently located in an R5 1 Family residential zoning district (345-41) where 2 family & multiple family dwellings are not a permitted use. Property was rezoned to R2FA 2 family residence (10/17/60) & currently exists as a lawful, non-conforming 2 family dwelling. The expansion of use and increase in intensity of the property to a 3 family dwelling is prohibited in the R5 zone; therefore a variance is required. Additionally the maximum height of buildings in stories is 2 ½ stories and 35 ft. in height; proposed is 3 stories with overall existing height of 30 ft.; therefore a ½ story variance is required.

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

None

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

None

**Summary of statement or evidence presented:**

Chairman Villanova informed the Board that correspondence has been received from the applicant requesting an adjournment of the case to the October 17, 2013 meeting

**Findings of Board:**

**Action taken by Board:**

On the motion of Commissioner Luiso, seconded by Commissioner Espinoza, 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**  
**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 September 19, 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:** September 19, 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.**

Chairman Villanova informed the Board that he had been in communication with the applicant who was unable to attend this evening.

**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 Anthony Cerreto.

**Findings of Board:**

**Action taken by Board:**

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

**Record of Vote: For 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** \_\_\_\_\_

# 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 September 19, 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:** September 19, 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. The Findings of Fact were summarized by Commissioner Luiso*

### **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:**

Commissioner Luiso summarized the Favorable Findings of Fact as prepared by the Village Attorney Anthony Cerreto.

### **Findings of Board:**

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

On the motion of Commissioner Luiso, seconded by Commissioner D'Estrada, Favorable Findings of Fact as prepared by the Village Attorney Anthony Cerreto 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:**

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

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

**MINUTES OF MEETING**

**Application for Permit or Variance**

A meeting of the Zoning Board of Appeals was held at the Courtroom of the Police Headquarters Building, 350 North Main Street, Port Chester, NY, on September 19, 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:** September 19, 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

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

None

**Summary of statement or evidence presented:**

Commissioner Petrone summarized the Favorable Finding of Facts as prepared by the Village Attorney Anthony Cerreto.

**Findings of Board:**

**Action taken by Board:**

On the motion of Commissioner Petrone, seconded by Commissioner Luiso, the Favorable Findings of Fact as prepared by the Village Attorney Anthony Cerreto 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**  
          **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 September 19, 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:** September 19, 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, Nancy Alvarado – wife of applicant

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

None

**Summary of statement or evidence presented:**

Mr. Bello introduced Nancy Alvarado owner of the house, wife of applicant Carlos Solano. Mr. Bello stated that at the last meeting the Building Inspector said that the deck existed as a 4ft x 8ft deck when the house was built. The deck existing today is now larger and questions arose as to when the deck was enlarged. Mr. Bello said he visited the site today and drew some pictures that may explain some of the discrepancies. In Mr. Bello's drawing the framing members on the left side in red are old members and have been in place for quite a long period of time. The line in blue denotes the 4x8 deck that was already in place. Based on the members it appears that the deck was an original structure. The photographs Mr. Bello provided to the Board indicate shows the old framing. The property cards indicate there was a 4x8 deck. Mr. Bello said he is not disputing the fact that the deck existed or has been enlarged but asked if the deck may have been enlarged by a previous owner and not by this owner?

Ms. Alvarado was sworn in to give her testimony and stated that she purchased the house in 2008. Mr. Miley, Building Inspector stated that there were possibly two enlargements to the deck. Ms. Alvarado testified that the deck was not enlarged after she and her husband purchased the house. Mr. Miley stated that there was a stop work order issued for the deck because the applicant indicated that he was replacing the railings and the decking. The railings require a work order permit because they must meet code requirements. (height & strength). Ms. Alvarado testified that she did not know that her husband was working on the deck and he is not working on the deck currently. Ms. Alvarado said she misunderstood the question and is not sure exactly what her

husband was doing to the deck back then. Mr. Miley said he could not definitely say that Mr. Solano was extending the deck.

The question still remains when and who extended the deck 1 foot 3 inches. Mr. Strauch also reminded the Board that no permits were taken out to do initially do the work and the Board is now being asked to grant a variance on an application that did not have a permit to begin with. Ms. Petrone stated that the deck does not stick out into the setback any further than the house. Chairman Villanova stated that the deck as it exists today is in line with the original deck (on the short side of the house).

Last month Mr. Miley provided the Board with a picture of the deck in 2009 which shows the deck was 4x8ft. Mr. Solano (last month) and Ms. Alvarado (tonight) both testified that the deck had not been altered by them and they purchased the house in 2008. Mr. Miley stated that the tax assessor's website may or may not have the most current records and he would have to re-verify the records for proof certain of when the picture was taken of the 4x8 ft. deck.

A lengthy discussion continued regarding the deck and it was decided that Mr. Miley would work with the Tax office to verify the records. Mr. Cerreto also suggested that it might be helpful for the applicant to get in touch with the prior owners of the property to help clarify when the deck was enlarged.

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

**Findings of Board:**

**Action taken by Board:**

On the motion of Commissioner Petrone, seconded by Commissioner Luiso, the matter was adjourned to October 17, 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 October 17, 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 September 19, 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:** September 19, 2013

**No. of Case:** 2013-0073

**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. – Michiel Boender Architect and the applicant

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

None

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

Mr. Colangelo stated that this application was adjourned from last month because there was some additional information that needed to be discussed with the Village Attorney and the Building Inspector. The application is for the legalization of an existing non-conforming four family use in a two family zone. The house was built in 1890 and was structurally built as a four family house. On the Village records of 1953 a four family use is indicated on the record card. The assessor's records show a four family use. The premises has had numerous fire safety inspections since that time, as a four family structure. The amnesty report shows that there were various permits applied for over the last sixty years and the permits were for the four family structure. The permits were for additions and modifications and there was never a violation filed by the Village to indicate that this was not a four family structure. The permits were not closed out but never was there a use violation. The applicants bought the structure in the 1940's as a four family structure. There are 5 Con Edison meters on the house; one for each unit and one for the landlord. The structure pre dates the code (built in 1890). This is not an application to expand, but an application to legalize what already exists. It would cost approximately \$75K to \$100K to convert this structure to a two family structure plus the loss of two rental units at approximately \$3K per month is prohibitive to the applicant's wellbeing. This would also affect the sale price of the house because the value would be decreased.

Mr. Colangelo provided a handout to the Board which showed the various multifamily dwellings in the area. There are various four family uses within one hundred feet of this

application. His house is consistent with the area. This house is listed as a four family on the tax records.

Mr. Lomiento stated for the record once again that his family purchased the house in 1942 and lived throughout the entire house.

Mr. Miley stated that the building department does not have the original plans for the home because it was built in 1890 and a building permit was not required at the time. Mr. Miley also stated that the house is currently being taxed as a four family however there are records to indicate that some years the house was not taxed as such and tax records indicate 0 sq. ft. in the basement as finished space. Mr. Miley stated he has not been in the house to inspect it as of yet. Mr. Colangelo stated that there is indeed a finished basement, it is a walkout basement. Mr. Boender also verified that the ceilings are of legal ceiling height. There are no new renovations to the structure. Mr. Miley said that a municipal search indicates that the basement was finished without a permit and the date is unknown. Mr. Boender said he is working with the building department to close any open permits. There is a garage in the rear of the property that can house three vehicles with tandem parking outside. The granting of a four family requires parking.

Mr. Lomiento verified the parking and stated that his family has lived in the house since 1942, his grandparents and their four children were the inhabitants of the house. As each child married they moved into one of the apartments in the house. It may have been a three family at the time and converted to a four family but he is not sure.

Mr. Cerreto, Village Attorney reminded the Board of the criteria for granting a "Use Variance" as requested by Mr. Strauch.

The property will be required to have a fire safety inspection if the four family use is maintained. The inspection is on hold until a determination is made. The property does have a history of previous inspections.

No one from the public spoke against this application

**Action taken by Board:**

On the motion of Commissioner Petrone, 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**

Village Attorney Anthony Cerreto also stated that a Negative Declaration is also necessary for this application and suggested that Mr. Gomez prepare one for the October 17, 2013 meeting

On the motion of Commissioner Petrone, seconded by Commissioner Espinoza, Village Attorney was directed to prepare Favorable Findings of Fact for 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**

**Prepare Findings & Neg. Dec.**

**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 September 19, 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:** September 19, 2013  
**No. of Case:** 2013-0075  
**Applicant:** Louis Pirilli  
47 Sylvan Road  
Port Chester, NY 10573

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

on the premises No. **47 Sylvan Road** in the Village of Port Chester, New York, situated on the **Right** side of **Sylvan Road** distant **1500 feet** from the corner formed by the intersection of **Ridge Boulevard and Sylvan Road** being **Section 135.6, Block No 2, Lot No. 28** 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 building permit to construct a new deck on rear of home and obtain front yard and rear yard setback variances

The structure is located in the R7 District where the minimum rear yard setback is 30 ft. proposed is 21.06 ft. therefore a rear yard variance of 8.94 ft. is required. At the time of the original application the minimum front yard setback was 30 ft., proposed is 26.45 ft.; therefore a front yard variance of 3.55 ft. is required

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

Luigi DiMasi, Architect

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

None

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

Mr. DiMasi told the Board that the house was constructed in 1975 and in 1988 the deck was enlarged to its current size. The deck is well screened from the neighbors and is used by the owners because of the topography of the land there is no access from the upper floor where the kitchen is located down to the lower portion of the property and therefore the applicant had a deck constructed to increase their living space for the first floor. Mr. DiMasi showed the Board a survey showing the location of the deck. This set of plans was not previously submitted to the Board, only the original survey was submitted. Mr. DiMasi stated that there were a couple of structural issues that will be corrected such as the stairs and the framing, some of the framing needs to be replaced.

The original building permit was taken out to build the house in 1974 and the house was not built until 1975. The permit for the original smaller deck was incorporated with the permit to build the house. This application is submitted under the amnesty program. The amnesty application states to close out an existing open permit and to add a new deck. This deck is essentially a new deck because there was no permit for the larger deck. Mr. Miley stated that the variance for the front yard can be removed from this application as it falls under the amnesty umbrella. The rear yard variance still remains. The new amended permit for this application will now include a permit for a new deck.

Commissioner Petrone stated that this application has a well maintained backyard that has substantial screening from the neighbors and although the deck is sitting in the setback there are no

intrusive factors about it. The variance is not substantial and it will not change the character of the neighborhood. Many houses on the street have decks and it appears to keep in character with the other houses in the neighborhood.

The building inspector Peter Miley stated that the deck will be inspected as though it were built today.

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 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  
Espinoza  
F Strauch  
F Villanova

On the motion of Commissioner Petrone, seconded by Commissioner D'Estrada, the Village Attorney was directed to prepare Favorable Findings of Fact for 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**

**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 September 19, 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:** September 19, 2013  
**No. of Case:** 2013-0076  
**Applicant:** Luis Perez (Bandito's Restaurant)  
139 South Main Street  
Port Chester, NY 10573

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

on the premises No. **139 South Main Street** in the Village of Port Chester, New York, situated on the **East** side of **South Main Street** distant **56.2 ft.** of the corner formed by the intersection of **Willow Street and South Main Street** being **Section 142.38, Block No 2, Lot No. 56** 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: Convert an existing building into a new restaurant

Property is located in the C4 General Commercial District where the off-street parking requirement is 11 spaces, proposed is 0 therefore a variance for 11 spaces is needed. Additionally the off street loading requirement is 1 space, proposed is 0 spaces therefore a variance of 1 space is required

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

Ted D'Amore – Architect and Luis Perez - Applicant

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

No one

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

Mr. D'Amore told the Board the sight is approximately 2000 sq. ft., and is 22 ft. wide. The building is a one story building approximately one hundred years old and has always been a commercially used building. The building has never had parking nor has it had a loading space. The parking variance of eleven spaces is actually less than the number required if the building continued its current use as a commercial building. The commercial use would require fourteen spaces but by repurposing the space as a restaurant eleven spaces are required. The outgoing commercial use at the location was Willow Motors. Mr. D'Amore further stated that there is no room to put a loading dock and there is no room to put one, additionally there has never been a loading dock at this site. The restaurant use may have deliveries from box trucks or vans, no tractor trailers. It was noted by Chairman Villanova that Willow Motors had their loading on Slater Street. Cars were unloaded on Slater and put in the lot right across the street.

Mr. D'Amore said the building will not be a detriment to the neighborhood that in fact the 35 seat restaurant will be an improvement to the neighborhood. Mr. Perez stated the hours of operation are: weekdays from 10am to 9pm and weekends 10am to 10pm. The restaurant will serve lunch and dinner, no breakfast.

Chairman Villanova asked Mr. Gomez how this application fits into the Comprehensive Plan being that this is on one of the gateway streets into the Village. Mr. Gomez responded by saying that the applicant currently operates a business two doors down the street from the proposed new location (on the corner of Willow St.) Mr. Perez has operated at the former site successfully for a number of years. The applicant is currently in front of the Planning Commission for Site Plan



Approval and has been referred to the Zoning Board for the variances requested tonight. The application is located in the C4 District and is a permitted use. Restaurants are permitted in the C4 District. With the Village's current rezoning the actual Willow Motors sight across the street was rezoned from C4 to C2 and no parking requirements are in the C2 anymore. There is a little island of C4 on that side of the street which does permit restaurants and he is moving two doors down from the corner with his existing business of similar size.

The applicant said he is moving because he is looking to purchase the property and do something a little more upscale. The old restaurant will be closed and the property is no longer available. Mr. Miley also stated that based on a search it has come to his attention that the building where the applicant currently has his business has been sold and renovations will take place shortly. When asked about the parking situation for current patrons, the applicant stated that he has a great deal of walk in clientele. He cited several business in the area that frequent his establishment and noted that a great deal of his business during the day is take out service. He also noted that after 4:30 there is a large number of parking spaces available. Most of the businesses in that area have day hours only and close around 5pm or 5:30pm.

The applicant Mr. Perez stated that he does not have a big menu, his menu is very basic and for the past 12 years he has owned a refrigerated vehicle that he uses to do his own deliveries which he hauls in the door himself. He basically uses Restaurant Depot as his primary food purveyor.

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

**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  
F D'Estrada  
Espinoza  
F 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 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**

**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 September 19, 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:** September 19, 2013

**No. of Case:** 2013-0077

<b>Applicant:</b>	Lewis Porter	Anthony Gioffre III
	86 Birch Street	Cuddy & Feder LLP
	Port Chester, NY 10573	445 Hamilton Avenue
		White Plains, NY 10601

### **Nature of Request:**

on the premises No. **86 Birch Street** in the Village of Port Chester, New York, situated on the **Northeast** side of **Birch Street** distant **228.61 feet** from the corner formed by the intersection of **Parkway Drive and Birch Street** being **Section 136.63, Block No 1, Lot No. 22** 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 an existing rear yard deck constructed 27 years ago.

Property is located in the R5 Residential District where minimum rear yard setback is 30 ft. – existing is 17.5ft, therefore a 12.5ft variance is required. Minimum side yard setback is 8 ft. – existing is 2 ft. therefore a 6 ft. variance is required

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

Anthony Gioffre, Applicant Attorney and Lewis Porter, applicant

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

None

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

Mr. Gioffre told the Board that this application seeks two variances to legalize an existing deck that was constructed at least 27 years ago. A survey done in 1986 was provided in the submission to substantiate the existence of the deck and a current survey done this year also substantiates the existence of the deck. The application is a single family home with a deck and a recently removed shed. The applicant was trying to refinance his home when these variance issues surfaced. Mr. Porter purchased the property in 2003, and the deck has been in existence since 1986. It cannot be determined how long the deck existed before 1986. The premises has changed ownership two times since 1986.

This application also addresses the recently removed shed that was in the rear of the property and can be seen on the aerial view of the property which was also submitted to the Board. Mr. Porter had the option of relocating or removing the shed and opted to remove it from the property.

The deck has been part of the community character for over 27 years with no detriment to the surrounding community and neighborhood by the existence of the deck. As it relates to the side yard line it is set back farther than the existing home which does have a certificate of occupancy. The location of the deck and any potential impacts to the surrounding neighbors and is mitigated by the existing mature vegetation, especially for the two closest neighbors. From the aerial view,

the location of the existing structures are in character with what exists in the neighborhood. If you look at the homes in the immediate vicinity there are structures that are actually built in the lot line. This deck is also situated in an area where any deck whatsoever would require a variance. The house is built on the rear building envelop envelope and any deck would require a variance. Mr. Porter is trying to legalize the existing deck and this is not a self-created hardship. Mr. Porter did his due diligence when purchasing the home and was not aware of the needed variances. This is a type 2 action exempt from any further environmental review. The current survey shows a change to the deck and the stairs which was done by the previous owner.

The Building Inspector stated that this application is a housekeeping issue. The applicant applied for refinancing and a municipal search turned up the need for variances for the deck. Mr. Porter purchased the property as is and has not made any changes to the deck. The size of the deck is 12 ½ ft. by 30 ft.

No one spoke for or against this application.

**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**  
**F     D’Estrada**  
          **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 October 17, 2013 meeting.

**Record of Vote: For 4 Against 1 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**  
**A     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 September 19, 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:** September 19, 2013  
**No. of Case:** 2013-0078  
**Applicant:** Andrew and Amy Swank  
2 Shore Drive  
Port Chester, NY 10573

### **Nature of Request:**

on the premises No. **2 Shore Drive** in the Village of Port Chester, New York, situated on the **North** side of **Shore Drive** distant 0 ft. of the corner formed by the intersection of **Shore Drive and Bay Drive** being **Section 142.70, Block No 1, Lot No. 5** 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 one story garage addition

Property is located in the R7 One Family Residential District where the minimum rear yard setback is 30 ft. and the minimum side yard setback is 10 ft.; Proposed is a rear yard setback of 22.5 ft. and a side yard setback of 8.02 ft., therefore a 7.5 ft. rear yard variance and a 1.98 ft. side yard variance is required

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

Mark Mustacato – Architect

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

None

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

Mr. Mustacato stated the applicant is proposing to build a one story one car garage on the property on the right side of the house. The existing property is non-conforming with regard to its depth which is 75 ft. and 100 ft. is required. The existing house is 18.2 ft. from the rear property line. The garage will be set back from 22.5 ft. The garage's exterior is 12ft. wide. There was concern regarding trees along the property line. There is a 22 inch Evergreen tree that will be 6 ft. from the proposed garage. There is also a 110 inch Oak that is beyond the property line and will not be affected by the garage. There is a plan to preserve the tree roots by altering the foundation to include a grade beam that raises the foundation so the excavation can be shallower as to not injure the tree roots. This is the minimum variance to relieve their hardship and there is no solution that would not require a variance. There is no detriment to the community by building this garage. At some point the house was altered and what was maybe once a garage has become a storage shed with an overhead door and is only eight feet deep. There is a curb cut on the property and a driveway but no garage. By building this garage the property would no longer be in violation of Village Code.

The shrubbery that separates the residences will be maintained or augmented depending on their condition. There will be sufficient screening to separate the residences. There is a certificate of occupancy for the house and a permit was obtained for all of the renovations made on the house. This was verified by the Building Inspector Peter Miley.

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 Luiso, seconded by Commissioner D'Estrada, the Village Attorney was directed to prepare Favorable Findings of Fact for 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**

**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 September 19, 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:** September 19, 2013

**No. of Case:** 2013-0079

**Applicant:** Martha and Miguel Aceiunto  
302 William Street  
Port Chester, NY 10573

Michiel Boender  
Edgewater Architects  
163 North Main Street  
Port Chester, NY 10573

### **Nature of Request:**

on the premises No. **302 William Street** in the Village of Port Chester, New York, situated on the **South** side of **William Street** distant 0 ft. of the corner formed by the intersection of **William Street & Spring Street** being **Section 142.29, 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: 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 an existing 2 story addition to an existing single family home.

Property is located in the R2F Two Family District where the minimum front yard setback is 20 ft., proposed is 13.5 ft.; therefore a front yard setback variance of 6.5 ft. is required.

The Property is located in the R2F Two Family District where the minimum (one) 1 side yard setback is 8 ft., proposed is 0 ft.; therefore a side yard setback variance of 8 ft. is required

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

Michiel Boender – Architect

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

None

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

Mr. Boender stated that this property is a single family home on the corner of Spring Street and William Street. The address is 302 William Street although the house fronts onto Spring Street. The door faces William Street but the path from the front door exits onto Spring Street and the garage also faces Spring Street. The rear yard setback for the house is in compliance. The house to the left of the property is six feet off the setback and the house to the right is 13 feet off the setback. This house is a similar situation being non-compliant with the setback requirements. The addition is approximately six by nine and one half feet. It does not encroach beyond the original footprint established in 1900 either to the front yard or to the side yard. The house was built in 1900, A survey from 1967 that shows this corner filled out indicating the addition existed as far back as 1967. The Aceiutuno family discovered the need for a variance when they tried to sell the house. No permit for the addition was discovered, and there was a discrepancy between the photography and the Village records. Mr. Miley could not substantiate that there was a certificate of occupancy for the house being it was built in 1900. Somewhere between 1900 and 1967 the corner addition was built. When the current owners purchased the house in 1984, the addition already existed.

The Building Inspector said this is another housekeeping item that surfaced during a municipal search that was done when the applicant tried to sell the residence. A certificate of occupancy will be provided for this residence.

No one from the Public spoke for or against this application. And the Building Inspector was directed to expedite the matter for t

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

On the motion of Commissioner Luiso, seconded by Commissioner D'Estrada, the Village Attorney was directed to prepare Favorable Findings of Fact for the October 17, 2013 meeting and the Building inspector was directed to expedite the matter for the new buyer of the property Bruce Marziani. (Mr. Marziani was present in the audience)

**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 September 19, 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:** September 19, 2013

**No. of Case:** 2013-0080

**Applicant:** Buchanan Executive Park, Inc.                      John B. Colangelo  
38 Townsend Street    211 South Ridge Street  
Port Chester, NY 10573    Port Chester, NY 10573

### **Nature of Request:**

on the premises No. **45 Townsend Street** in the Village of Port Chester, New York, situated on the **Easterly** side of **Townsend Street** distant 200 ft. of the corner formed by the intersection of **Dock Street and Townsend Street** being **Section 142.29, 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: 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: use space for outdoor storage of equipment or materials

Property is located in the DW District where outdoor storage of equipment or materials is not a permitted use, therefore a variance is required.

Schedule of Off Street Parking Space Requirements state applicant must provide 9 parking spaces, proposed is 0; therefore a variance is required

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

John Colangelo, Attorney      Michael Luiso, Contract Vendee

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

None

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

*Commissioner Luiso recused himself from the proceedings because of his close relationship to the applicant.*

Mr. Colangelo stated that the applicant is the "Contract Vendee" of the application. Presently on the property is an old two family house approximately 100 years old and in very poor condition. The current owner inherited the house from his deceased parents and is experiencing financial problems and want to sell the house. The current proposal is to demolish the old house and use the open space for outdoor storage of materials as part of an already established business which is across the street. (Stone slabs and stone veneers, no gravel or sand would be stored in this area similarly to what is already existing on Townsend Street.) No additional structures are proposed it will just be a flat open storage yard. No additional structures are proposed it would be a flat open storage yard. The yard is not open to the public and there will not be any employees and the property will be entirely fenced in. Mr. Colangelo further noted that this applicant has a long standing history of business on Townsend Street. A color coded chart was provided to the Board indicating the properties owned by the applicant. Townsend Street used to run from Purdy Street all the way down to the waterfront. This no longer exist since the construction of the Costco Warehouse. In 1987 through after the Redevelopment of the waterfront, this business was located to the top of Townsend Street. It was formally an old junk yard (H & H Brown) Pre Dating the G & S Development Project the applicant's business obtained all the necessary variances and approvals for the continuation of this type of business on Townsend Street. The applicant previously owned part of the land that is now a part of the G & S Development Project. The applicant did not have to sell and could have waited for condemnation and held up the whole



project but it was important for G&S because the property went down to the Waterfront and is not the site of the Costco G&S Redevelopment project. Without the applicant's cooperation this project would have been held up for a significant amount of time. In exchange the applicant negotiated his uses for other parts of Townsend Street. And at the time it was an M1 Industrial Use Zone). The applicant proposes to take down the two family structure in the new DW District which is not allowed and use the lot as outside storage, put in another use which is non-conforming but consistent with the other uses in the area. Mr. Colangelo provided the Board with a handout which depicted a timeline of events in the development of this particular area.

This application would not be a negative change to the area but would be consistent with the other uses in the area. There is no parking on site for this application, no employees, this is strictly for the storage of materials and the use requires no parking. The material deliveries are to the main yard across the street and will be transferred to this storage lot via forklift. The applicant, Michael Luiso stated there will not be storage no lose materials, topsoil or sand and there will not be any runoff onto the streets or into the sewers. The yard will store palletized materials only. The application will need Site Plan approval from the Planning Commission and Waterfront approval. This application appeared before the Planning Commission last month and they have declared Lead Agency for SEQRA Determination which would have to be approved before any Site Plans would be granted. Conditions to be included in the approvals would specify that no large machinery could operate on the property and the applicant would be limited to the types of materials to be stored such as Bluestone, Granite, Flagstone etc. and no lose materials such as gravel sand or topsoil could be stored on the property.

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

**Findings of Board:**

**Action taken by Board:**

On the motion of Commissioner Petrone, 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  
      Luiso  
F     D'Estrada  
F     Espinoza  
F     Strauch  
F     Villanova**

On the motion of Commissioner Petrone, seconded by Commissioner D'Estrada, the Village Attorney was directed to prepare Favorable Findings of Fact which would include conditions regarding storage and use of the site for 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**

**Prepare Findings**

**F     Petrone  
      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 September 19, 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:** September 19, 2013

**No. of Case:**

**Applicant:**

**Nature of Request:** ADJOURN MEETING TO October 17, 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 Chairman Villanova, the meeting was adjourned to October 17, 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 October 17, 2013**

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

**Signed**

\_\_\_\_\_  
William Villanova

**Title Acting Chairman**