

**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 October 17, 2013 at 7:00 p.m. with Commissioner Villanova presiding

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

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

**Date of Update:      October 17, 2013**

**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.

Correspondence was received from Phillip A. Grimaldi, Jr. Esq. stating that the Gerety's attorneys have moved for summary judgment on the case that is pending in the Supreme Court. Mr. Grimaldi is in the process of opposing the motion, as well as cross moving for a summary judgment. Papers will be submitted by Monday October 21, 2013.

Ms. Eileen Geasor, a resident of Port Chester who is in opposition of the application also informed the public of the same information.

Village Attorney Anthony Cerreto also concurred with the information provided.

**Action taken by Board:**

On the motion of Commissioner D'Estrada, seconded by Commissioner Strauch, the matter was adjourned to the January 16, 2014 meeting.

**Record of Vote: For   3   Against            Absent**  
**List names of members and how voted – symbols as follows: F-for, A-against, Ab-abstain**

**Adjourn to January 16, 2014**

	<b>Petrone</b>
<b>F</b>	<b>Luiso</b>
<b>F</b>	<b>D'Estrada</b>
	<b>Espinoza</b>
<b>F</b>	<b>Strauch</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 October 17, 2013 at 7:00 p.m. with Commissioner Villanova presiding

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

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

**Date of Hearing:**      **October 17, 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.

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

None

**Summary of statement or evidence presented:**

Mr. Colangelo stated that he had read the Findings of Fact as prepared by the Village Attorney and would forego the reading of the document.

**Action taken by Board:**

On the motion of Commissioner Luiso, seconded by Commissioner D’Estrada, the Findings of fact as prepared by the Village Attorney were approved.

**Record of Vote: For 4 Against \_\_\_\_\_ Absent \_\_\_\_\_**

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

**Approve Findings**

**F     Petrone**  
**F     Luiso**  
**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 October 17, 2013 at 7:00 p.m. with Commissioner Villanova presiding

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

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

**Date of Hearing:**      **October 21, 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.**

**Summary of statement or evidence presented:**

Findings of Fact were prepared by the Village Attorney. Reading of the Findings were waived by the applicant.

**Findings of Board:**

**Action taken by Board:**

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

**Record of Vote: For 4 Against \_\_\_\_\_ Absent \_\_\_\_\_**

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

**Approve Findings**

**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 October 17, 2013 at 7:00 p.m. with Commissioner Villanova presiding

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

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

**Date of Hearing:**      **October 17, 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.**

Luis Perez - Applicant

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

No one

**Summary of statement or evidence presented:**

Village Attorney Anthony Cerreto prepared Findings of Fact for this application however the reading of the Findings were waived by the applicant.

**Findings of Board:**

**Action taken by Board:**

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

**Record of Vote: For 4 Against \_\_\_\_\_ Absent \_\_\_\_\_**

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

**Approve Findings**

**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 October 17, 2013 at 7:00 p.m. with Commissioner Villanova presiding

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

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

<b>Date of Hearing:</b>	<b>October 17, 2013</b>	
<b>No. of Case:</b>	<b>2013-0077</b>	
<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

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

**Summary of statement or evidence presented:**

Findings of Fact were prepared by the Village Attorney Anthony Cerreto for this Application. Mr. Gioffre agreed to forego the reading of the findings but noted one correction to paragraph 4 which should read: “The applicant seeks to legalize an existing deck”.

**Findings of Board:**

**Action taken by Board:**

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 \_\_\_\_\_ 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>Espinoza</b>
<b>A</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 October 17, 2013 at 7:00 p.m. with Commissioner Villanova presiding

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

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

**Date of Hearing:**      **October 17, 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.**

**Summary of statement or evidence presented:**

Findings of Fact were prepared by Village Attorney Anthony Cerreto for this application. Reading if the Findings were waived by the applicant.

**Findings of Board:**

**Action taken by Board:**

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

**Record of Vote: For 4 Against \_\_\_\_\_ Absent \_\_\_\_\_**

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

**Approve Findings**

**F      Petrone**  
**F      Luiso**  
**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 October 17, 2013 at 7:00 p.m. with Commissioner Villanova presiding

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

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

**Date of Hearing:**      **October 17, 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.**

**Summary of statement or evidence presented:**

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

Findings of Fact were prepared by Village Attorney Anthony Cerreto for this application. Reading of the Findings were waived by the applicant.

**Findings of Board:**

**Action taken by Board:**

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

**Record of Vote: For 3 Against \_\_\_\_\_ Absent \_\_\_\_\_**

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

**Approve Findings**

<b>R</b>	<b>Petrone</b>	
<b>R</b>	<b>Luiso</b>	<b>(Recuse)</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 October 17, 2013 at 7:00 p.m. with Commissioner Villanova presiding

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

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

**Date of Hearing:**      **October 17, 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 November 21, 2013 meeting

**Findings of Board:**

**Action taken by Board:**

On the motion of Commissioner D’Estrada, seconded by Commissioner Luiso, the matter was adjourned to the November 21, 2013 meeting.

**Record of Vote: For   4   Against \_\_\_\_\_ Absent \_\_\_\_\_**

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

**Adjourn to November 21, 2013**

**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 October 17, 2013 at 7:00 p.m. with Commissioner Villanova presiding

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

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

**Date of Hearing:**      **October 17, 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.**
  
- 2. Names and addresses of those appearing in opposition to application.**

**Summary of statement or evidence presented:**

Correspondence was received from the applicant requesting an adjournment to the November 21, 2013 meeting.

**Findings of Board:**

**Action taken by Board:**

On the motion of Commissioner Petrone, seconded by Commissioner Luiso, the matter was adjourned to November 21, 2013.

**Record of Vote: For 4 Against \_\_\_\_\_ Absent \_\_\_\_\_**

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

**Adjourn matter to November 21, 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 October 17, 2013 at 7:00 p.m. with Commissioner Villanova presiding

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

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

**Date of Hearing:**      **October 17, 2013**

**No. of Case:**        **2013-0079**

<b>Applicant:</b>	Martha and Miguel Aceiunto 302 William Street Port Chester, NY 10573	Michiel Boender Edgewater Architects 163 North Main Street Port Chester, NY 10573
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### **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 the applicant.

**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 4 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**  
**Espinoza**  
**F Strauch**  
**F Villanova**

On the motion of Commissioner Luiso, seconded by Commissioner Strauch, the Village Attorney was directed to prepare Favorable Findings of Fact for the November 21, 2013 meeting and the Building inspector was directed to expedite the matter for the new buyer of the property

**Record of Vote: For 4 Against \_\_\_\_\_ Absent \_\_\_\_\_**

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

**Prepare Findings**

**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 October 17, 2013 at 7:00 p.m. with Commissioner Villanova presiding

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

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

**Date of Hearing:**      **October 17, 2013**

**No. of Case:**        **2013-0081**

**Applicant:**         SR Holdings I, LLC                     John B. Colangelo  
                             200 Railroad Avenue                 211 S. Ridge Street  
                             Greenwich, CT 06830                 Rye Brook, NY 10573

### **Nature of Request:**

on the premises No. **135 South Main Street/4 Willow Street** in the Village of Port Chester, New York, situated on the **Southerly** side of **South Main Street** at the corner formed by the intersection of **Willow Street and South Main Street** being **Section 142.38, Block No 2, Lot No. 54** 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 use variance for residential 2 family in the C4 General Commercial District and to create 2 residential units over 1<sup>st</sup> fl. commercial space with less than required parking for residential two family use (2 spaces per unit – 4 spaces required) and restaurant use (35 patron seat – 9 spaces required), without required off-street loading space for commercial use.

Property is located in the C4 General Commercial District where applicant must provide 13 off street parking spaces to accommodate residential 2 family use and restaurant use. Proposed is 3spaces, therefore a variance for 10 spaces is required. Applicant is also required to have 1 off street truck loading space, 0 spaces are proposed, therefore a variance of 1 off street truck loading space is required

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

John Colangelo Esq. Mike Casabas-property manager

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

None

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

Mr. Colangelo stated that the application is a fairly simple one in that it is a confirmation of what has already been in existence for many years. On the first floor, Willow and South Main Street, the use has always been commercial. There is a restaurant there now and has a certificate of occupancy for its use. The second and third floor had been used as a rooming house for many years dating back to 1954 according to Village records. The proposal is to convert from a rooming house into two apartments thus reducing the density and removing a less desirable use. All renovations will be on the interior of the structure with some cosmetic changes to the outside for a better aesthetic look. The application is maintaining the mixed use. Various permits and CO's have been issued on this property over the years.

At this time a memo from Mr. Gomez, Planning Director was read into the record by Mr. Miley, Building Inspector as follows:

### **General Operations:**

As indicated on the Project Proposal Form (PPF) provided and subsequent pre-submission meetings with Planning Staff:

- The proposal does not involve any changes to existing restaurant on the ground floor, i.e. increased patrons, truck deliveries, changes to hours of operation, etc.

- The existing rear parking area requires restriping; there is no increase in the total square footage of impervious surface
- The property is connected to the Village storm/sewer system

### **Zoning Compliance Review:**

The attached **Zoning Compliance Form** completed and certified by the Village Building Inspector indicates that the proposed two-family residence is not permitted in the C4 General Commercial District and all dimensional standards are either compliant or legally non-conforming. A use variance for a two-family residence is required for this project and will require four (4) off-street parking spaces per Village Zoning Code Section 345 Parking 345-14(C). Although a variance for five (5) off-street parking spaces was granted in 1986, the variance was attached to the use of the site as a boarding house. The variance is no longer eligible due to the change of use to a two-family residence. Additionally, no variance for parking exists for the restaurant on the ground floor.

### **Comprehensive Plan Consistency:**

The application seeks to create a two-family residence in an existing building formerly used as a boarding house. After being vacant for a number of years, the existing building shows signs of extensive use and age. The proposed project will provide both interior and exterior improvements to the site, whereby aesthetically improving the intersection of South Main Street and Willow Street. The building will provide a mix of both residential and commercial uses, which is wholly in concert with one of the overarching goals of the Village's Comprehensive Plan. Additionally, the application is compliant with 'Housing Recommendation #1: 'Preserve, restore and revitalize Port Chester's housing stock and neighborhoods.'

### **SEORA Classification:**

The application is a Type II action under SEORA and does not require determination of a Lead Agency.

### **Required Approvals**

- Site Plan Approval (Planning Commission)
- Use Variance for residential use in C4 District (Zoning Board of Appeals)
- Variance for one (1) off-street parking space (Zoning Board of Appeals)
- Westchester County Planning Board Referral

### **Next Steps**

It is recommended that the Commission consider setting a public hearing on the matter and refer the application to both the Zoning Board of Appeals for the required use variance and off-street parking space variance.

Chairman Villanova asked the building inspector what are the current parking regulations. Mr. Miley will provide the information prior to the next meeting. A lengthy discussion took place regarding the application, the comprehensive plan and the current and proposed use of the structure and parking.

Additional discussions were held regarding the lot as shown on the survey. Mr. Colangelo said that for tax purposes property was taxed as two lots and not as one. However as a building lot, it is one sub divided lot. The lot will not be divided again. Mr. Miley stated that he will have to do a new Zoning Analysis on the property to verify the calculations that were represented tonight. Chairman Villanova also requested updated construction plans for the property.

### **Public - Michael Scarola, 14 Marathon Place, Port Chester NY**

Mr. Scarola said as a result of the ZBA's discussion with another applicant regarding loading zones, the Planning Commission had a discussion with Mr. Gomez and he is now constructing a Village wide map of all of the Loading Zones and to imbed the identification of the nearest loading zone in the application process front. The Planning Commission will also develop recommendations for new loading zones.

### **Findings of Board:**

**Action taken by Board:**

On the motion of Commissioner Luiso, seconded by Commissioner D'Estrada, the matter was adjourned to the November 21, 2013 meeting.

**Record of Vote: For 4 Against \_\_\_\_\_ Absent \_\_\_\_\_**

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

**Adjourn to November 21, 2013**

	<b>Petrone</b>
<b>F</b>	<b>Luiso</b>
<b>F</b>	<b>D'Estrada</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 October 17, 2013 at 7:00 p.m. with Commissioner Villanova presiding

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

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

**Date of Hearing:**      **October 17, 2013**

**No. of Case:**

**Applicant:**

**Nature of Request:**    **ADJOURN MEETING TO November 21, 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 Chairman Strauch, the meeting was adjourned to November 21, 2013

**Record of Vote: For 4 Against \_\_\_\_\_ Absent \_\_\_\_\_**

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

**Adjourn meeting to November 21, 2013**

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

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