

**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 December 19, 2013 at 7:00 p.m. with Commissioner Villanova presiding

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

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

<b>Date of Hearing:</b>	<b>December 19, 2013</b>	
<b>No. of Case:</b>	2012-0052	
<b>Applicant:</b>	Milton Campoverde 46 Leicester Street Port Chester, New York 10573	Gary Gianfrancesco, AIA Arconics Architecture 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.**
- 2. Names and addresses of those appearing in opposition to application.**

**Summary of statement or evidence presented:**

Correspondence was received from Gary Gianfrancesco AIA of Arconics Architecture requesting that the matter be withdrawn without prejudice.

**Findings of Board:**

**Action taken by Board:**

On the motion of Commissioner Luiso, seconded by Commissioner Espinoza, the matter was withdrawn without prejudice.

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

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

**Withdraw without prejudice**

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

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

## Application for Permit or Variance

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

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

**Date of Hearing:** December 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.

Raul Bello, Architect

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

None

### Summary of statement or evidence presented:

Chairman Villanova reminded the Board that at the last meeting the Board was unable to vote on this matter. This matter is once again before the Board to create the record and to give direction to the Village Attorney on the matter. Commissioner Petrone briefly summarized the facts of this case which had been discussed in great detail at previous meetings. While the structure of the deck is not unacceptable, the applicant did display some questionable conduct regarding the testimony surrounding the expansion of the deck. The other factors that come in to play as they relate to the Village Code will be the determining factors for granting or denying this application. Self-created hardship? Can applicant find relief by some other means? In reviewing this supplication, it was noted that the self-created hardship weighs very heavily with this application as compared to other similar cases. Commissioner Luiso also stated that the deck is a self-imposed hardship and the expansion brings no financial gain to the applicant since it is a rented home. The Board looked at several alternatives with regard to this application and decided that the request for the side yard variance of 3.9ft. would be granted and the request for the 2.7ft rear yard variance is denied.

### Findings of Board:

### Action taken by Board:

On the motion of Commissioner Luiso, seconded by Commissioner D'Estrada, the Public Hearing was closed and the Village Attorney was directed to prepare Findings of Fact for the January 16, 2014 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

**Close Public Hearing & Prepare Findings**

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

**Signed** \_\_\_\_\_  
William Villanova  
**Title** **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 December 19, 2013 at 7:00 p.m. with Commissioner Villanova presiding

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

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

**Date of Hearing:** December 19, 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.

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

None

**Summary of statement or evidence presented:**

Mr. Colangelo stated that a question arose at the last meeting regarding the parking requirements. The original denial that was prepared did not take into account 137 South Main Street which is a two family house next door. Mr. Miley prepared a revised denial and a revised application was submitted. This would increase the number of spaces for a total of 14 spaces. The structure pre dates the code, the renovations are only being done on the inside of the structure, and there is no change to the existing use; commercial use will be on the first floor with residential use on the second floor. The premises is not adaptable for any other permitted uses in the C4 Zone. Comments from the Village Planner in reference to this application were very favorable. Mr. Colangelo said that parking in the area has always been an issue but there is sufficient street parking available as opposed to onsite parking. Mr. Colangelo stated that 3 backyard parking spaces are being proposed and will be used by the two family residence next door. Parking spaces will not be designated. Loading and unloading for the restaurant is typically done on the street with small delivery vans. It is possible to designate one of the spaces if necessary as a loading and unloading space. The original variance received was for 5 parking spaces which included the rooming house. The use of the rooming house was lost in 2001. It was suggested by the Board that the architect look at a different parking configuration and the feasibility establishing a temporary loading zone in the back of the property.

**Findings of Board:**

**Action taken by Board:**

On the motion of Commissioner Luiso, seconded by Commissioner Espinoza, the matter was adjourned to the January 16, 2014 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 January 16, 2014**

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

**Signed**  
\_\_\_\_\_  
William Villanova  
**Title   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 December 19, 2013 at 7:00 p.m. with Commissioner Villanova presiding

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

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

**Date of Hearing:** December 19, 2013  
**No. of Case:** 2013-0082  
**Applicant:** Andrea Granata  
22 Burdsall Drive  
Port Chester, NY 10573

### **Nature of Request:**

on the premises No. **22 Burdsall Drive** in the Village of Port Chester, New York, situated on the **Northwest** side of **Burdsall Drive** distant **37.5 feet** from the corner formed by the intersection of **Burdsall Drive and Mitchell Place** being **Section 136.30, Block No 2, 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 345-29A, 345-13 or in the alternative 345.30 of the Zoning Ordinance of the Village of Port Chester for permission to: install a whole house generator and shed.

Property is located in the R7 One Family Residential District where detached accessory buildings and structures may be located within a required rear yard provided they are at least 5 ft. from any side or rear lot line and do not exceed 15ft. in height. Proposed is as shed at the SW corner in the rear yard setback of property, situated at 2.64 ft. from rear yard and 4.01 ft. from side yard setback, therefore rear yard setback variance of 2.36 feet and a side yard setback variance of .99 feet are required

Accessory buildings and structures, including private garages shall not be located within a required front yard or required side yard setback. R7 one family Residential Minimum Side Yard Dimensions: One (10ft.) and a total of 2 on an interior lot (20ft.); proposed is a minimum (1) side yard setback of 9 ft., therefore a 1.0 ft. side yard variance is required.

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

Andrea Granata

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

**John Iosolo** – 11 Mitchell Place, Port Chester, New York

Mr. Iosolo stated that his home is behind Ms. Granata's home and that the shed can be seen over the fence. He also read a letter from Matt and Kerry Beatty who were unable to attend but were against having the generator in the shed. It was quickly cleared up that the generator is not going in the shed and the letter was not read. Mr. Iosolo said this shed is a hardship to his family and there are other alternatives for moving the shed to a different place. He also inquired if the pool and Jacuzzi is heated with propane and stored in the shed with chlorine. Where are the motors kept; spontaneous combustion – in the shed.

Chairman Villanova stated that we do not read letters from residents. The letters will be put into the files but unless the person is actually here to read it, it will not be done by the Board.

**Carmen DeLugo** – 17 Mitchell Place, Port Chester, NY

Recently had a kidney transplant and someone reported that her shed was too close to the property line. With no money to move it, she took it upon herself to take the shed apart and dispose of it herself and did this within a 15 day time frame. So they can be moved because she moved hers.

**Summary of statement or evidence presented:**

Ms. Granata said she is applying for a stand by generator because of all the storms and feels the generator is a requirement for her home. The shed has been there for over 13 years and it would be a hardship to move it because of the pool and the limited space in her yard. The shed is a moveable shed and not a permanent structure (Rubbermaid vinyl) Mr. Miley stated that the shed could be moved closer to the pool. The shed is currently being used as a storage area for pool floats, patio furniture, gardening pots, etc. The size of the shed is 8ft x 8ft. Mr. Miley stated that the generator is also a part of this supplication because it sits in the setback. It is essentially attached to the structure on the right side of the home, in the side yard setback. ***Can the shed be moved in order to bring it into compliance?*** Ms. Granata said no because there are huge boulders there from when the pool was excavated. Ms. Granata said she has owned the house since 1989 and installed the shed in 2000. It would be a financial hardship for her to move the shed or even downsize to a 6ft by 6ft shed. ***Can the generator be placed at the rear of the house?*** Ms. Granata said it's possible however it then become further away from the gas lines and the electrical hookup and closeness to the circuit breakers. The Board suggested that there is approximately 20 ft. of space in which the shed could either be moved or downsized. The size of the generator is 3 ft. by 2 ft. and is 18 inches off the foundation with the long side being parallel to the home. Ms. Granata and Mr. Miley worked to minimize the variance required while abiding by the manufacturers' instructions regarding how close the generator could be to the home. Board members agreed that the generator is in the best possible position that it could be in and is a very minor variance. Several of the Board members were in agreement that the shed could be moved to minimize the variance.

Ms. Granata stated that there are no chemicals in the shed.

The Board agreed to make a visit to Ms. Granata's house to look at the dimensional area and the situation of the boulders/foundation and better understand the applicants claim that the shed cannot be moved.

The Board also stated that they did not find any problems with the positioning of the generator.

**Findings of Board:**

**Action taken by Board:**

On the motion of Commissioner Espinoza, seconded by Commissioner Luiso, the matter was adjourned to the January 16, 2014 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 meeting January 16, 2014**

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

**Signed** \_\_\_\_\_  
 William Villanova  
**Title** **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 November 21, 2013 at 7:00 p.m. with Commissioner Villanova presiding

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

Also in attendance was Peter Miley, Building Inspector

**Date of Hearing:**     **December 19, 2013**

**No. of Case:**

**Applicant:**

**Nature of Request:**   **ADJOURN MEETING TO January 16, 2014**

Prior to adjourning the meeting Chairman Villanova took a few minutes to address the importance of truthful testimony when appearing before the Board. When sworn in at the ZBA meetings and giving testimony under oath, please take that oath seriously. If it is determined that the testimony is false, the applicant can be reported to the County District Attorney for further investigation and perhaps be held liable for perjury.

On the motion of Commissioner Petrone, seconded by Commissioner Luiso, the meeting was adjourned to January 16, 2014

**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 January 16, 2014, 2013**

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

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