

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 January 16, 2014 at 7:00 p.m. with Commissioner Petrone presiding

Present in addition to Commissioner Petrone were Messrs. Luiso, D'Estrada and Strauch. *Chairman Villanova was not present for this matter but was in attendance later in the evening.*

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

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

An update on this case was given by Ms. Eileen Geasor, 30 Pilgrim Drive, Port Chester, NY 10573

Ms. Geasor informed the Board that the Supreme Court action is that the defendants filed for a re-judgment motion and the opposition filed for a re- judgment motion as well. All parties are currently awaiting the judge's decision on the summary judgment motions. Village Attorney Anthony Cerreto was in agreement with Ms. Geasor's status update.

Action taken by Board:

It was suggested by the Board that the case be adjourned for an additional 90 days while awaiting the decision of the Supreme Court. Village Attorney Anthony Cerreto suggested if a decision is made earlier than the 90 days, the aboard may want to have a special meeting to dispose of this matter.

On the motion of Commissioner Luiso, seconded by Commissioner D'Estrada, the matter was adjourned for 90 days to the April 17, 2014 meeting.

Record of Vote: For 4 Against _____ Absent _____

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

Withdraw without prejudice

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

Signed _____
 William Villanova
Title Chairman

Application for Permit or Variance

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

Chairman Villanova was not present for this matter but was in attendance later in the meeting

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

Date of Hearing: January 16, 2014
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

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

None

Summary of statement or evidence presented:

The Findings of Fact as prepared by the Village Attorney were summarized by Commissioner Petrone

Findings of Board:

Action taken by Board:

On the motion of Commissioner Petrone, seconded by Commissioner Luiso, the Findings of Fact as prepared by the Village Attorney were approved with the condition that the applicant would change the size and the area of the deck as outlined in the Findings.

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**
 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 January 16, 2014 at 7:00 p.m. with Commissioner Petrone presiding

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

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

Date of Hearing: **January 16, 2014**

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 1st 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 at last month's meeting the Board requested additional information on two issues. 1) More detail with regard to the interior layout of the apartments. Preliminary sketch plans had been submitted, subsequent to that meeting a more detailed layout has been submitted, showing where kitchen tables would be placed without changing the dimensions of the unit. There appeared to be four bedrooms on the third floor but no living area, (Plan A100), which Mr. Miley explained was an error by the architect and there would be living space on the third floor. Closets will be added to all the bedrooms that previously weren't provided. Bedroom #2 on the drawing will be living space similar to the second floor. This is a building Code issue and not required to come before the Board again. The apartments will be three bedrooms each.

2) Parking; the Board requested different layouts for parking in the rear of the building. The architect made 4 sketch plans to show how parking of four cars could be accommodated. There is a fence behind the currently existing house and behind that fence is some green space. In three of the plans that were submitted the space remains separated from the parking area. Plan #3 shows parking for five vehicles and seems to be a more effective use of the property however it incorporates the green space. This would also allow for a delivery truck to unload on the property. The entrance to the rear of the property is on Willow Street.

The issue of this location being two properties has been resolved. . For zoning purposes it is considered one property with two structures. There are two units in the 2 ½ story building and two units in the other structure with the store/commercial use on the first floor. The prior non

conforming use did not continue since there was no permit on file for the previously existing rooming house even though people were still living there until a couple of months ago. This application is before the Board for a Use Variance; parking for residential, parking for commercial and truck loading space. This application will also have to go back to the Planning Commission for Final Site Plan approval. The residential units are vacant but the units over the store/commercial space are currently occupied.

A memo was prepared by Mr. Gomez, Director of Planning indicating that this current application is a better use than the previous use and is supported by Planning. This application is still subject to the Planning Commission's decision once they evaluate the ability to maneuver in and out of the parking spaces. In summation this application is for a use variance and a reduction in the number of parking spaces from 14 spaces to 12 spaces. After a lengthy discussion regarding the parking situation the Board was in favor of the 5 space parking configuration.

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 Chairman Villanova, the Village Attorney was directed to prepare Favorable Findings of Fact (using Parking diagram #3 for 5 parking spaces) for the February 20, 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

Prepare Findings

F **Petrone**
F **Luiso**
F **D'Estrada**
 Espinoza
F **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 January 16, 2014 at 7:00 p.m. with Commissioner Petrone presiding

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

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

Date of Hearing: January 16, 2014
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

Summary of statement or evidence presented:

Ms. Granata stated that she had new evidence that she would like to present which was taken directly from the Village Code. She stated that her shed did not require a permit. She then proceeded to read excerpts from Village Code §151-4 Building Permits.

Chairman Villanova informed Ms. Granata while a permit may not be necessary the issue lies with the placement of the shed. Commissioner Petrone also stated that there is an additional variance requested which deals with the placement of the generator on the side of the house. She also stated there is no further discussion required on that piece of the application as there is no other place to move the generator and the electrical service is at that location. The generator is behind a fence, it's close to the house and it is low in height.

Commissioner Petrone stated that once she did a physical inspection of the property and assessed all the factors regarding the shed, she did not have a problem with the .99ft side yard setback variance. It would be difficult to move the shed to the left. The shed appears to be smaller than 12 x12 ft. It is a moveable shed, there is no foundation. However behind the shed appears to be a fence which is holding the earth of the neighboring property and the fence behind the shed

shows evidence of the pressure of holding back the dirt. The shed appears to be in the best position as to keep the dirt wall from shifting. The Board expressed that there is no problem with the side yard setback. At the last meeting a statement was made that chemicals were being stored in the shed. Upon examination the shed was filled with lawn chairs, pool floats, yard items etc. and no chemicals. Ms. Petrone also stated that although the shed is moveable it may be a problem with the rear yard foundation and run-off from the neighbor's yard if the shed is moved forward. It was observed by several Board members that the lot line where the properties come together there appears to be sheds on the various properties. This particular shed appeared to be further off the lot line than the others. In the rear of this shed are concrete blocks and the soil comes up to those concrete blocks and the fence has a bow in it from the pressure of holding back the soil. If the shed is moved forward, there will be a need for some type of remediation. The Board is in favor of giving the application a timeline for moving the shed and determining the remedy for the soil behind the shed.

Ms. Granata also submitted a petition from her neighbors requesting the Code be updated regarding Rubbermaid and Keter type shed which were not around when the Code was written.

Findings of Board:

Action taken by Board:

On the motion of Commissioner Petrone, seconded by Chairman Villanova, 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 Chairman Villanova, seconded by Commissioner Luiso, the matter was adjourned to the April 17, 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 April 17, 2014

F Petrone
F Luiso
F D'Estrada
Espinoza
F 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 January 16, 2014 at 7:00 p.m. with Commissioner Petrone presiding

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

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

Date of Hearing: **January 16, 2014**
No. of Case: **2013-0083**
Applicant: Mount Zion Baptist Church
 Ms. Janice Davis, Secretary
 23 Slater Street
 Port Chester, New York 10573

Nature of Request

on the premises No. **23 Slater Street** in the Village of Port Chester, New York, situated on the **North** side of **Slater Street** distant **265 feet** from the corner formed by the intersection of **Slater Street and Boston Post Road** being **Section 142.38, Block No 2, Lot No. 61** 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 wall identification sign.

Property is located in the C4 General Commercial District where a professional office building, an apartment building of 50 or more dwelling units or a church or other place of worship may have one identification sign not over 12 sq. ft. in area; proposed is 18 sq. ft., therefore a variance of 6 sq. ft. is required.

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

Janice D. Davis

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

None

Summary of statement or evidence presented:

Ms. Davis informed the Board that the Church is requesting to install a wall identification sign which is 18 sq. ft. and they are requesting a variance of 6 sq. ft. because 12 sq. ft. are allowed in that area. The existing sign on the church is a little under 12 sq. ft. and electrical current is already in existence. The sign is being upgraded because it is for informational purposes and the current sign requires a person to physically place the letters on the board. The letters are sometimes lost or misplaced based on weather conditions. It is an old outdated type of sign. The new sign's top portion is called a custom lighted box and contains the Church logo. Ms. Davis said that the Church considered the sign to be one sign, however when they went before the Architectural Review Board, they were only given approval for the top portion of the sign which is under the 12 ft. ordinance. Mr. Miley, Building Inspector confirmed Ms. Davis' statement and offered that she does not need approval from the Zoning Board for the upper half of the sign.

The lower portion of the sign, which is the announcement section incorporated with the upper part of the sign is a total of 18 sq. ft. Although the sign appears as two pieces it is only one sign. The wording on the lower announcement section of the sign can be changed via laptop or desktop computer. This is a LED sign. Per the Village Code and the Building Inspector Peter Miley, there are specific guidelines that the sign must be compliant with, i.e. no flashing, no scrolling, the lighting must be under a specific power wattage, etc. Mr. Miley stated that they are here before the Board today to obtain a variance and if successful the Building Department would work with the Church and the sign company to make sure the sign adheres to the code.

When the sign is positioned on the church it would be facing commercial real estate across the street and to the left of the property is a motorcycle shop. This is a commercial area and not a residential area. The color of the sign is Burgundy and Black. If approved the applicant will go

back before the Architectural Board to have the lit portion of the sign approved. Mr. Miley will work with the sign company to assure compliance with the Village Code.

It was suggested by Chairman Villanova and Commissioner Petrone suggested that the sign lettering be one color and the Board concurred.

Ms. Davis also told the Board that there is currently a Cross above the Door of the Church which Reads Mt. Zion Baptist Church. The lettering will be removed from the cross and a solid white cross will remain. The sign will display the weekly schedule of church services and events.

On the motion of Chairman Villanova, seconded by Commissioner Luiso, 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 Chairman Villanova, seconded by Commissioner Luiso, the Village Attorney was directed to prepare Findings of Fact for the February 20, 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

Close Public Hearing

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

Chairman Villanova also made a recommendation to other Boards that may be listening to tonight’s meeting that the ZBA recommends that signs of this nature in the Village have only one color.

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: February 20, 2014

No. of Case:

Applicant:

Nature of Request: ADJOURN MEETING TO February 20, 2014

On the motion of Commissioner Petrone, seconded by Commissioner Luiso, the meeting was adjourned to February 20, 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 February 20, 2014

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

Signed

William Villanova

Title Chairman
