

**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 February 20, 2014 at 7:00 p.m. with Chairman Villanova presiding

Present in addition to Chairman Villanova were Messrs. Petrone, Luiso, Strauch and Espinoza.

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

<b>Date of Hearing:</b>	<b>February 20, 2014</b>	
<b>No. of Case:</b>	<b>2013-0081</b>	
<b>Applicant:</b>	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.**

Micah Salvesen - Site Manager

**2. 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 aloud 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.

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

A SEQR Negative Declaration Resolution was prepared for this application by the Planning Commission.

On the motion of Commissioner Strauch, seconded by Commissioner Luiso, the SEQR Negative Declaration Resolution as prepared by the Director of Planning was 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 SEQR Resolution**

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

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

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

**Date of Hearing:** February 20, 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. Church Secretary

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

None

**Summary of statement or evidence presented:**

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

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

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

# MINUTES OF MEETING

## **Application for Permit or Variance**

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Present in addition to Chairman Villanova were Messrs. Petrone, Luiso, Strauch and Espinoza.

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

**Date of Hearing:** February 20, 2014

**No. of Case:** 2013-0084

<b>Applicant:</b>	Bart Didden	Muhammed Nouman
	117 North Main Street Corp	Papa Johns Restaurant
	117 North Main Street	117 North Main Street
	Port Chester, NY 10573	Port Chester, NY 10573

### **Nature of Request**

on the premises No. **117 North Main Street** in the Village of Port Chester, New York, situated on the **East** side of **North Main Street** distant **125 feet** from the corner formed by the intersection of **North Main Street and Willett Avenue** being **Section 142.23, Block No 2, Lot No. 41** 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 an area variance for Off Street Loading

Property is located in the C2 Main Street Business District. Per Section 345-14D Schedule of off street truck loading requirements 1 off street loading space for restaurant use is required, applicant proposes 0 therefore a variance for 1 off street loading space is required

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

Bart Didden – Property owner and Nick Faustini - Architect

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

None

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

Mr. Didden introduced himself, president of 117 North Main Street Realty Corp and introduced his architect Mr. Faustini for the Papa Johns' application as a new tenant. Mr. Didden told the Board that the Village Code has a requirement that physically cannot be accomplished with this application. The building at 117 North Main Street is built out to the lot line and is in the middle of the block in the C2 District. The requirement is one on site truck loading spot which is impossible to do. Mr. Didden also stressed that this was not a self-created hardship. Mr Didden was asked the most recent use of the property to which he replied the most recent use of this space was a personal services money wiring type of operation which is no longer there.

Mr. Faustini gave an overview of the application beginning with proposing a new restaurant with 10 new dining tables, approximately 30 seats. There are two loading spaces close by; 1 approximately 34 feet away and another directly across the street. Deliveries will be made two times per week with straight trucks sized 30 feet or less. Local panel vans will also deliver fruits and vegetables. The deliveries will be made early in the morning.

Mr. Didden told the Board that the Loading Zone directly across the street was created in 2006 for Village Appliances. The Loading Zone 34 feet away is actually a fire hydrant and that fire hydrants in the Village do double duty as Loading Zones.

Ms. Youngblood stated that the Village Manager's office along with the Planning Department are currently doing an assessment/identification of loading zones throughout the Village.

The Building Inspector said he and the architect went over the plans thoroughly and revisions were made and everything is now in compliance.

No one from the public spoke for or against this application

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

On the motion of Commissioner Luiso, seconded by Commissioner Espinoza, the Village Attorney was directed to prepare Findings of Fact for the March 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**  
      **D'Estrada**  
F     **Espinoza**  
F     **Strauch**  
F     **Villanova**

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

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Present in addition to Chairman Villanova were Messrs. Petrone, Luiso, Strauch and Espinoza.

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

**Date of Hearing:**      **February 20, 2014**

**No. of Case:**

**Applicant:**

**Nature of Request:**    **ADJOURN MEETING TO March 20, 2014**

On the motion of Commissioner Luiso, seconded by Commissioner Espinoza, the meeting was adjourned to March 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 March 31, 2014**

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

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