

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 May 15, 2014 at 7:00 p.m. with Chairman William Villanova presiding

Present in addition to Chairman Villanova were Messrs: Luiso and Strauch.

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

Chairman Villanova informed the public that this item would be held over to next month's meeting. No decision has come down from the court with regard to this matter.

Signed

William Villanova

Title Chairman

MINUTES OF MEETING

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Present in addition to Chairman Villanova were Messrs: Luiso and Strauch.

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

Date of Hearing: May 15, 2014
Case No. 2013-0082
Applicant: 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.**
- 2. Names and addresses of those appearing in opposition to application.**

Summary of statement or evidence presented:

Findings of Fact to deny this application were prepared by the Village Attorney, Anthony Cerreto.

Findings of Board:

Action taken by Board:

On the motion of Commissioner Strauch, seconded by Commissioner Luiso, the application for variances were denied.

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

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

Deny Application

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

Signed _____
William Villanova
Title **Chairman** _____

MINUTES OF MEETING

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Present in addition to Chairman Villanova were Messrs: Luiso and Strauch.

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

Date of Hearing: **May 15, 2014**
No. of Case: **2014-0089**
Applicant: O'Connor Redd LLP, Applicant
 242 King Street
 Port Chester, NY 10573

Gary Gianfrancesco AIA Architect
545.5 Westchester Avenue
Rye Brook, NY 10573

Nature of Request:

on the premises No. **242 King Street** in the Village of Port Chester, New York, situated on the **West** side of **King Street** distant **300 feet** from the corner formed by the intersection of **King Street and Summerfield Street** being **Section 136.78, Block No 3, Lot No. 39** 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 RA3 Multi Family Residence District. Per Section 345-14C Schedule of off street parking Space requirements, 1 parking space per two hundred square feet of office space is required. 5,800 square feet of office space is proposed, therefore 29 off street parking spaces are required; 21 spaces are currently provided, therefore a variance of 8 off street parking spaces is required

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

Gary Gianfrancesco, AIA

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

Summary of statement or evidence presented:

Findings of Fact in Favor of this application were prepared by the Village Attorney, Anthony Cerreto.

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 in Favor of this application 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

F **Petrone**
F **Luiso**
 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 May 15, 2014 at 7:00 p.m. with Chairman William Villanova presiding

Present in addition to Chairman Villanova were Messrs: Luiso and Strauch.

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

Date of Hearing: **May 15, 2014**
No. of Case: **2014-0090**
Applicant: The American Bar & Restaurant Association
 25 Willett Avenue
 Port Chester, NY 10573

Gary Gianfrancesco, AIA Architect
Arconics Architecture
545.5 Westchester Avenue
Rye Brook, NY 10573

Nature of Request:

on the premises No. **25 Willett Avenue** in the Village of Port Chester, New York, situated on the **North** side of **Willett Avenue** distant **0 feet** from the corner formed by the intersection of **Abendroth Avenue and Willett Avenue** being **Section 142.33, Block No 2, 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: 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.

Gary Gianfrancesco, AIA

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

Summary of statement or evidence presented:

Findings of Fact in Favor of this application were prepared by the Village Attorney, Anthony Cerreto.

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 in Favor of this application 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

F Petrone
Luiso
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 May 15, 2014 at 7:00 p.m. with Chairman William Villanova presiding

Present in addition to Chairman Villanova were Messrs: Luiso and Strauch.

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

Date of Hearing: May 15, 2014
Case No: 2014-0088
Applicant: A. Cubed, LLC
By Kimberly Abate
77 Forest Avenue
Rye, NY 10580

Nature of Request:

on the premises No. **1 Rye Road** in the Village of Port Chester, New York, situated on the **North** side of **Rye Road** distant **0 feet** from the corner formed by the intersection of **Rye Road and Bay Drive** being **Section 142.71, 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: renovate and expand an existing single family residence.

Property is located in the R7 One Family Residential District where the minimum front yard setback is 30 feet, proposed is a front yard setback of 18 feet 5 ¼ inches; therefore a variance of 11 feet 6 ¾ inches is required

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

Howard Kelly, Architect

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

None

Summary of statement or evidence presented:

Howard Kelly of Brooks and Follotico Architects represented this application

Peter Miley Building Inspector provided the Board with some pictures of the improvements made to the property as requested at the last meeting because it was believed that some of the improvements were on Village owned property. One of the roadways was represented as a paper street and it was later determined that it is not a paper street but an actual improved street (the wall, the apron, the curbing etc.) with access in a defined area.

The first picture shown was of the lands topography with focus on the steep grade. The second picture shows the access street to the property. It is circular and there are two ways to access the property. The third picture depicts the additional entrance way in the circular drive that exits back onto Harbor Drive.

From some of the pictures it has been determined that some of the improvements to the property are in the public way and are also shown on the survey. The retaining wall on the left side of the photo is in the public access. There is also a fire hydrant on the property and Mr. Miley indicated that if the variance were denied for whatever reason, this would leave the fire hydrant out in the middle of nowhere in the cul-de-sac. The fire hydrant is required because there is a property to the left and to the right.

A discussion was held with Building Inspector Peter Miley and Village Attorney Anthony Cerreto with regards to a need for a license agreement with the Village. The variance is subject to License Agreement approval by the Board of Trustees.

Mr. Kelly said that the improvements that were made to the Village property was done without the knowledge of the property not belonging to the applicant. The new owners only recently became aware of this situation. Mr. Kelly said that the application is to renovate and expand the residence at 1 Rye Road. They would like to add rooms on the front of the house for a larger family. They are keeping the existing structure and would like to add eight feet to the front of the home, which requires a setback. It is a challenging lot where most of the grade is very low down. The back of the house is actually built on the cliff, overlooking Long Island Sound. Because of this, the addition must occur to the front of the house.

Mr. Kelly stated that the applicant's attorney is willing to work with the Village's attorney to draft a simple license agreement. The applicants contends that should the street be fully developed they will relinquish their rights to such and return it to the public.

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

Findings of Board:

Action taken by Board:

On the motion of Commissioner Luiso, seconded by Commissioner Strauch, the Public Hearing was closed.

Record of Vote: For 3 Against _____ Absent _____

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

Close Public Hearing

Petrone
F Luiso
D'Estrada
Espinoza
F Strauch
F Villanova

On the motion of Commissioner Strauch, seconded by Commissioner Luiso, the Village Attorney was directed to prepare Findings of Fact in favor of this application and prepare a License agreement with the Village and the Applicant to be approved by the Board of Trustees. Also the movement of the curb on the Southside of the property so that the minimum concrete is available for access to the garages (allowing for 2 cars).

Record of Vote: For 3 Against _____ Absent _____

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

Prepare Findings & License Agreement

Petrone
F Luiso
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 May 15, 2014 at 7:00 p.m. with Chairman William Villanova presiding

Present in addition to Chairman Villanova were Messrs: Luiso and Strauch.

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

Date of Hearing: May 15, 2014
Case No: 2014-0087
Applicant: Barrington Bogle Gihan & Miriam Huebscher-Naddscher
560 N. Ridgefield Avenue 1 Pondview East
Bridgeport, CT 06610 Purchase, NY 10577

Nature of Request:

on the premises No. **12-14 Parker Street** in the Village of Port Chester, New York, situated on the **Left** side of **Parker Street**, **Distant 110 ft.** of the corner formed by the intersection of **Poningo Street and Parker Street** being **Section 136.78, Block No 2, Lot No. 31** 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 garage

The property is located in the RA3 One Family Residential District where at the time of construction (1956) the minimum rear yard setback for accessory structures is 5 ft.; proposed is zero feet therefore a side yard variance of 5 ft. is required. Accessory buildings and structures including off street parking structures above the finished grade, or so much of accessory buildings and structures which is above the finished grade may be located within a required rear yard, provided that they shall be set back from any side or rear lot line a distance equal to ½ their height.

The current 1 car garage was expanded into a 2 car garage (no record of a permit). The distance required that is equal to ½ the height is 5.7ft., proposed is 4.2ft.; therefore a rear lot line variance of 1.5 ft. 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:

Mr. Miley Building Inspector informed the Board that this application was previously submitted and not a part of the amnesty program. Since that time and upon further investigation This application qualified for the Amnesty Program. Under the Amnesty Program the applicant does not require any of the requested variances, therefore the matter will be withdrawn.

Because the applicant was not present, this matter will be adjourned to the June 19, 2014 meeting at which time the applicant can formally withdraw the matter. The applicant may do this in person or may submit a letter for the records.

Action taken by Board:

On the motion of Commissioner Luiso, seconded by Commissioner Strauch, the application was adjourned to the June 19, 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 next meeting

	Petrone
F	Luiso
	D'Estrada
	Espinoza
F	Strauch
F	Villanova

Signed _____
William Villanova
Title **Chairman** _____

MINUTES OF MEETING

Application for Zoning 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 May 15, 2014 at 7:00 p.m. with Chairman William Villanova presiding

Present in addition to Chairman Villanova were Messrs: Luiso and Strauch.

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

Date of Hearing: **May 15, 2014**

No. of Case: **2014-0091**

Applicant: AGD North Pearl Street LLC
5 Waller Avenue
White Plains, NY, 10601

Anthony Gioffre, Esq.
Cuddy & Feder LLP
445 Hamilton Avenue
White Plains, NY 10601

Nature of Request:

on the premises No. **120 North Pearl Street** in the Village of Port Chester, New York, situated on the **Northern** side of **North Pearl Street** distant **336.22 ft.** from the corner formed by the intersection of **North Pearl Street and Irving Avenue** being **Section 142.22, Block No 2, Lot No. 62** 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 50 unit multifamily building on the premises.

Property is located in the C2 Main Street Business District and also borders the R2F Two Family Residence District. Per Section 345-61(Q) (2) Special Exception multifamily developments must be more than 500 linear feet from a one or two family district. Proposed location abuts an R2F Two Family District, therefore a variance of 500 ft. 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:

Findings of Board:

Action taken by Board:

Record of Vote: For _____ Against _____ Absent _____

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

Attest:

Signed

Title

MINUTES OF MEETING

Application for Zoning 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 May 15, 2014 at 7:00 p.m. with Chairman William Villanova presiding

Present in addition to Chairman Villanova were Messrs: Luiso and Strauch.

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

Date of Hearing: May 15, 2014

No. of Case: 2014-0092

Applicant: Nolberto Gonzales Vincent Castellano, Esq.
54 Haseco Avenue 35 E. Grassy Sprain Road
Port Chester, NY 10573 Yonkers, NY 10710

Nature of Request:

on the premises No. **54 Haseco Avenue** in the Village of Port Chester, New York, situated on the **Northwest** side of **Haseco Avenue** distant **311.81 feet** from the corner formed by the intersection of **Irving Avenue and Haseco Avenue** being **Section 136.78, Block No 1, Lot No. 18** 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 new deck.

Property is located in the R5 One Family Residential District where the rear yard setback is 30 ft. and the minimum (one) side yard setback is 8 ft. Proposed is a rear yard setback of 15 ft. and a minimum (one) side yard setback of 5.4 ft.; therefore a rear yard variance of 15 ft. and a side yard setback variance of 2.6 ft. is required

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

Vincent Castellano, Esq.

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

None

Summary of statement or evidence presented:

Mr. Castellano told the Board that the applicant purchased the house in November, 2011 With an existing open wood deck at the rear of the property. When the house was purchased a municipal search showed that there was a certificate of occupancy for the deck (issued in 1998). These documents were relied upon when the house was purchased. There was a certificate of occupancy for the addition of a rear deck and bathroom. Recently when the applicant wanted to replace the rotting boards and railings and applied for a permit from the Building Department, he learned that the setbacks pertaining to the deck were in violation. The applicant is not planning to make any additions to the property or change the size of the existing deck, he just wants to replace the rotting wood.

There will not be any changes impacting the neighborhood character. The deck is a square deck at the rear of the property and is constructed of good quality materials and not an eyesore to the community. There are other houses in the neighborhood with similarly sized decks. The deck has been there for the last sixteen years with a Certificate of Occupancy that was issued in 1998. (Prior to the applicant purchasing the house). The requested variance is not for an addition to the home, but for the existing deck. The size of the deck is approximately 10 ft. x 10 ft. and 9 ft. high.

Mr. Miley concurred with the information provided by Mr. Castellano. He also concurred that there are no violations on the property.

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

Findings of Board:

Action taken by Board:

On the motion of Commissioner Luiso, seconded by Commissioner Strauch, the Public Hearing was closed

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

Close Public Hearing

**F Petrone
 Luiso
 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 June 19, 2014 meeting.

Attest:

Signed _____

Title _____

MINUTES OF MEETING

Application for Permit or Variance

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Present in addition to Chairman Villanova were Messrs: Luiso and Strauch.

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

Date of Hearing: May 15, 2014

No. of Case:

Applicant:

Nature of Request: ADJOURN MEETING TO June 19, 2014

On the motion of Commissioner Espinoza, seconded by Commissioner D'Estrada, the meeting was adjourned to June 19, 2014

Record of Vote: For 3 Against _____ Absent _____

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

Adjourn meeting to June 19, 2014

Petrone
F Luiso
D'Estrada
Espinoza
F Strauch
F Villanova

Signed _____
William Villanova
Title Chairman _____