

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 June 19, 2014 at 7:00 p.m. with Chairman William Villanova presiding

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

Also in attendance were Christopher Gomez, Planning Director and Jesica Youngblood, Planner.

Case Update

Case # 2012-0023 (*Public Hearing for this matter is closed*)

William & Drayton Gerety 2 Deerfield Lane Mamaroneck, New York 10543	Leslie Maron, Esq. 5 Westchester Avenue 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 turned the meeting over to Commissioner Petrone for this matter. Ms. Petrone asked Ms. Geasor (neighbor representative) if there were any new developments with the case. Ms. Geasor indicated that the case is still in the summary judgment phase although the motion had been submitted more than 2 months ago. (November 2013)

On the motion of Commissioner Luiso, seconded by Commissioner D'Estrada the matter was adjourned for 90 days. (September 18, 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 90 Days

F Petrone
F Luiso
F D'Estrada
F 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 June 19, 2014 at 7:00 p.m. with Chairman William Villanova presiding

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

Also in attendance were Christopher Gomez, Planning Director and Jesica Youngblood, Planner.

Date of Hearing: **June 19, 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:

Commissioner Petrone summarized the Findings of Fact in Favor of this application as prepared by the Village Attorney Anthony Cerreto.

Findings of Board:

Action taken by Board:

On the motion of Commissioner Petrone, seconded by Commissioner Luiso, the Favorable Findings of Fact 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**
F **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 June 19, 2014 at 7:00 p.m. with Chairman William Villanova presiding

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

Also in attendance were Christopher Gomez, Planning Director and Jesica Youngblood, Planner.

Date of Hearing: June 19, 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.

Nolbert Gonzales, Applicant

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

None

Summary of statement or evidence presented:

Commissioner Petrone summarized the Favorable Findings of Fact as prepared by the Village Attorney Anthony Cerreto.

Findings of Board:

Action taken by Board:

On the motion of Commissioner Petrone, seconded by Commissioner Luiso, Favorable Findings of Fact were approved.

Record of Vote: For 5 Against _____ Absent _____

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

Approve 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 June 19, 2014 at 7:00 p.m. with Chairman William Villanova presiding

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

Also in attendance were Christopher Gomez, Planning Director and Jesica Youngblood, Planner.

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:

A letter was received from the applicant to formally withdraw the matter from the proceedings because the matter is being reviewed as part of the amnesty program.

Action taken by Board:

No action was taken by the Board on this matter

Record of Vote: For Against _____ Absent _____

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

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 June 19, 2014 at 7:00 p.m. with Chairman William Villanova presiding

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

Also in attendance were Christopher Gomez, Planning Director and Jesica Youngblood, Planner.

Date of Hearing: **June 19, 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.

Anthony Gioffre, Esq. – Cuddy & Feder LLP and Phil Fructure, Architect – Papp Architects

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

None

Summary of statement or evidence presented:

Mr. Gomez, Planning Director summarized the information that was requested by the Board relative to this application. (The Original Local Law 345-61) Mr. Gomez said this application is the first to take advantage of the density bonus that was adopted by the BOT for our downtown districts. This is an application for residential special exception in our downtown district. As of right this property could get 38 units and the density bonus they are seeking allows them an additional 12 units for a total of 50 units. This is in line with comprehensive plan which was adopted March 2013 which suggests the attraction of density to the downtown area and focus development pressures around the train station area. Transit oriented development residents are a push for this area. Mr. Gomez summarized the applicant's submission which was followed by Mr. Gioffre. A Public hearing is scheduled for the Planning Commission for July 28, 2014 and the applicant will also be making an application to the Board of Trustees for the density bonus at a later date.

Mr. Gioffre started by saying that the applicant is seeking variance relief from Village Of Port Chester Zoning Code Section 345-61Q -2 to construct a multifamily building in line with the Comprehensive Plan. The Code requires a 500 foot distance between a multifamily dwelling and the adjacent R2F Two Family District Boundary Line.

Mr. Gioffre further states that this proposal would not need a variance if the premises were an acre in size or larger. The premises is approximately 28.753 (.66 acres). In 2011 the Planning Commission approved a similar multifamily development that was for 25 two bedroom units. While the previous approval had 50% fewer dwelling units the Floor Area Ratio of this proposal is an increase of 20% only. This application proposes 15 studios, 26 one bedrooms and 9 two bedroom units. The proposed project is shorter in height than the previously approved development. The neighborhood around the project is fully developed and this proposal will not interfere with the development or redevelopment of these properties.

Mr. Fructure, Architect gave a walkthrough of the proposed units, the building structure, the parking etc.

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 _____

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 June 19, 2014 at 7:00 p.m. with Chairman William Villanova presiding

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

Also in attendance were Christopher Gomez, Planning Director and Jesica Youngblood, Planner.

Date of Hearing: June 19, 2014

Case No: 2014-0094

Applicant: Dan Krizan, Applicant
26 Perry Avenue
Port Chester, New York 10573

Michiel Boender, Architect
The Edgewater Group
163 North Main Street
Port Chester, NY 10573

Nature of Request:

on the premises No. **26 Perry Avenue** in the Village of Port Chester, New York, situated on the **West** side of **Perry Avenue** distant **100 feet** from the corner formed by the intersection of **Perry Avenue and Irving Avenue** being **Section 135.64, Block No 2, Lot No. 55** 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 side yard variance for a new deck

Property is located in the R5 One Family Residential where the minimum (one) side yard setback is 8 feet. Proposed is a side yard setback of 1 ft. 7 in; therefore a 6ft. 5 in. side yard setback variance is required

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

Michiel Boender, AIA

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

None

Summary of statement or evidence presented:

Michiel Boender of The Edgewater Architect Group represented this application. He said the deck was discovered to be in violation on a recent title search that was completed because of the selling of the property at the end of the month. The deck was found to be in violation of the side yard setback which in the R5 Zone is a minimum of 8 feet. The deck is within 2 feet on one end and 1 foot 7 inches on the other. The house itself is within 4 feet 2 inches of the side yard setback. The deck itself could be considered a patio and is approximately 12 to 14 inches above grade. It is a wood deck and does extend into the side yard setback. The deck/patio has been there since 2006. There have been no complaints from the neighbors with regards to this deck. The owner has owned the property since the late 1990's (Mr. Boender is unsure of exact date.) and the owner built the deck/patio himself without a permit. A discussion ensued as to whether the property is a deck or a patio. It was decided that based on the height of the structure it is deemed to be a deck. The applicant is selling the house and the deck is the only unresolved issue with the property.

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

1. Case No. 2014-0093

NOTICE OF HEARING ON APPLICATION

NOTICE IS HEREBY GIVEN that the undersigned has applied to the Zoning Board of Appeals of the Village of Port Chester, N.Y.

Capitol Theatre LLC
Capitol Enterprises, Inc.
Peter Shapiro, Owner
145/149-151 Westchester Avenue
Port Chester, NY 10573

Anthony Tirone, Esq.
202 Mamaroneck Avenue
White Plains, NY 10601

in the premises No. **149-151 Westchester Avenue** in the Village of Port Chester, New York, situated on the **North** side of **Westchester Avenue** distant approximately 100 feet from the corner formed by the intersection of **Westchester Avenue and Broad Street** being **Section 142.30 Block No. 2, Lot No. 19** 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 Off-Street Parking Space Variance

Property is located in the C5 Train Station Mixed Use Zoning District 345-14 Off Street parking, Truck Loading and Vehicular Access C. (2) For Non-Residential Non Uses, combined uses of a Cabaret, Catering Events, and Bar require a minimum of 412 Off-Street Parking Spaces. Proposed is 0, therefore a 412 Off-Street Parking Space variance is required

and that a public hearing on said application will be held before said Board on the **19th** day of **June, 2014** at **7:00 o'clock** in the evening at the Court Room, Police Headquarters Building, 350 North Main Street, Port Chester, New York.

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:

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 _____