

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 September 18, 2014 at 7:00 p.m. with Chairman William Villanova presiding

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

Also in attendance was Peter Miley Building Inspector

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 recused himself from this application. Commissioner Petrone provided the case update. Commissioner Petrone started by saying Ms. Geasor was present on behalf of the neighbors and the Board has determined that the case would be adjourned to the October 16, 2014 meeting in order to give the Board enough time to discuss the matter with Village Counsel in light of the recent court decision.

On the motion of Commissioner Luiso, seconded by Commissioner D'Estrada, the matter was adjourned to the October 16, 2014 meeting.

Record of Vote: For 4 Against Absent 1
List names of members and how voted – symbols as follows: F-for, A-against, Ab-abstain

Extension

F	Petrone
F	Luiso
F	D'Estrada
F	Espinoza
A	Strauch
	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 September 18, 2014 at 7:00 p.m. with Chairman William Villanova presiding

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

Also in attendance was Peter Miley Building Inspector

Date of Hearing: September 18, 2014
No. of Case: 2014-0097
Applicant: Wine Easy Corp
449 Boston Post Road
Port Chester, NY 10573

Nature of Request:

on the premises No. **449 Boston Post Road** in the Village of Port Chester, New York, situated on the **East** side of **Boston Post Road** distant **600 feet** from the corner formed by the intersection of **Boston Post Road and High Street** being **Section 142.53, Block No 1, Lot No. 1** 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 2 additional wall identification sign

Property is located in the CD Design Shopping Center District. Per Zoning 345-15E Sign Regulations - Permitted Signs Identification, Identification Signs in Other Commercial and Industrial Districts: One wall sign on each public street or municipal off-street parking lot, and 1 detached or ground sign. Proposed are two additional Wall Identification Signs, therefore a variance for 2 additional identification signs is requested

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

Cameron Servas, applicant represented the matter

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.

Findings of Board:

Action taken by Board:

On the motion of Commissioner Petrone which was seconded by Commissioner Luiso the Favorable Findings of Fact as prepared by the Village Attorney were approved.

Record of Vote: For 5 Against Absent 1

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
F Espinoza
A 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 September 18, 2014 at 7:00 p.m. with Chairman William Villanova presiding

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

Also in attendance was Peter Miley Building Inspector

Date of Hearing: September 18, 2014

Case No: 2014-0095

Applicant:	Aline Polimeni	Bernard A. Edelstein, Esq.
	220 Westchester Corp.	315 Westchester Avenue
	220 Westchester Avenue	Port Chester, NY 10573
	Port Chester, New York 10573	

Nature of Request:

on the premises No. **220 Westchester Avenue** in the Village of Port Chester, New York, situated on the **South** side of **Westchester Avenue** distant **110 feet** from the corner formed by the intersection of **Westchester Avenue & Grove Street** being **Section 142.22, Block No 1, Lot No. 6** 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: **Create medical and dental offices on 2nd floor of an existing mixed use building.**

Property is located in the C1 Neighborhood Retail District where a Use Variance is required for medical/dental office use with X-Ray per Village Code 345 Attachment #A Schedule of Regulations for Nonresidence Districts

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:

Chairman Villanova said that communication has been received from the applicant requesting an adjournment of this matter to the December 18, 2014 meeting. The applicant is currently exploring other options with regard to this application.

Action taken by Board:

On the motion of Commissioner Luiso, seconded by Commissioner D'Estrada, the matter was adjourned to the December 18, 2014 meeting.

Record of Vote: For 5 Against _____ Absent 1

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

Adjourn to December 18, 2014

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

Signed

William Villanova

Title Chairman

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 September 18, 2014 at 7:00 p.m. with Chairman William Villanova presiding

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

Also in attendance was Peter Miley Building Inspector

Date of Hearing: September 18, 2014
Case No: 2014-0096
Applicant: Joseph & Deryl DePauw
12 Chestnut Street
Port Chester, NY 10573

Nature of Request:

on the premises No. **12 Chestnut Street** in the Village of Port Chester, New York, situated on the **NorthEast** side of **Chestnut Street** distant **125 feet** from the corner formed by the intersection of **Chestnut Street and Willett Avenue** being **Section 136.71, Block No 1, 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: Convert a single family home and rear barn into a two family dwelling by connecting two structures via a breezeway.

Property is located in the R2F Zoning District. Per Article IV Supplementary Regulation 345-6 Accessory Buildings and Uses (I) *In One and Two Family Residential Districts: (3) Accessory off-street parking spaces, other than those which might be incidentally available within an actual access driveway area shall not be located within a required front yard nor within a required side yard.* Proposed are 4 parking spaces, one space can be utilized and relocated by use of the proposed 1 car garage. Three spaces are located within the required side yard and one space is located within the required front yard; therefore a variance to allow 3 spaces to be located within the required side yard and one space to be located within the required front yard is requested

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:

Peter Miley Building Inspector said that he has had meetings with the applicant and there is a pretty good possibility that the applicant may not need a variance. Correspondence was received from the applicant requesting an adjournment to the October 16, 2014 meeting.

Action taken by Board:

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

Record of Vote: For 5 Against _____ Absent 1

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

Adjourn to October 16, 2014

F Petrone
F Luiso
F D'Estrada
F Espinoza
A 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 September 18, 2014 at 7:00 p.m. with Chairman William Villanova presiding

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

Also in attendance was Peter Miley Building Inspector Planner

Date of Hearing: September 18, 2014

Case No. 2014-0093

Applicant: Capitol Theatre LLC Anthony Tirone, Esq.
Capitol Enterprises, Inc. 202 Mamaroneck Avenue
Peter Shapiro, Owner White Plains, NY 10601
145/149-151 Westchester Avenue
Port Chester, NY 10573

Nature of Request:

on 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

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

Anthony Tirone, Esq. represented this application along with Tom Bailey, General Manager of Operations for the theatre.

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

None

Summary of statement or evidence presented:

Chairman Villanova said that the Board members did receive his correspondence from the Capitol Theatre relative to the parking analysis.

Mr. Tirone said he is here to address the concerns expressed by the Zoning Board and the Planning Commission. The Capitol Theatre is in the process of undertaking a comprehensive parking study which is being conducted by TRC – Brian Dempsey in particular. What was provided in the initial submission was an overview of the parking scenario and the submission received for tonight was a brief analysis of the portion of that scenario which pertains to parking. The study is based on need and not the Code.

Findings of Board:

Action taken by Board:

On the motion of Commissioner D'Estrada, seconded by Commissioner Espinoza, the matter was adjourned to the September 18, 2014 meeting.

Record of Vote: For 5 Against Absent 1

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

Adjourn to October 16, 2014

**F Petrone
F Luiso
F D'Estrada
F Espinoza
A 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 September 18, 2014 at 7:00 p.m. with Chairman William Villanova presiding

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

Also in attendance was Peter Miley Building Inspector

Date of Hearing:	September 18, 2014	Michael Piccirillo Architecture
Applicant:	609 Wood Street	962 East Main Street
	Mamaroneck, NY 10543	Shrub Oak, NY 10588

Nature of Request:

on the premises No. **47 Halstead Avenue** in the Village of Port Chester, New York, situated on the **East** side of **Renshaw Street** distant **30 feet** from the corner formed by the intersection of **Halstead Avenue and Renshaw Street** being **Section 136.47, Block No 2, Lot No. 24** 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 second story addition and deck.

Property is located in the R7 One Family Zoning District. The Maximum Floor Area Ratio (FAR) is **0.50%**; proposed is **0.74%**, therefore a FAR variance pf **0.24%** is requested, and,

The Usable Open Space Lot for per dwelling unit is **3,500 sq. ft.** Home is a two family dwelling requiring **7,000 sq. ft.**; proposed is **2,982 sq. ft.** of usable open space, therefore a usable open space variance of **4,018 sq. ft.** is requested,

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:

Commissioner Petrone stated that at the request of the Building Department the application is requesting an adjournment to the September 18, 2014 meeting.

Findings of Board:

Action taken by Board:

On the motion of Commissioner D'Estrada, which was seconded by Commissioner Espinoza the matter was adjourned to the September 18, 2014 meeting

Record of Vote: For 3 Against _____ Absent 2

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

Adjourn October 16, 2014

F **Petrone**
F **Luiso'Estrada**
F **Espinoza**
A **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 September 18, 2014 at 7:00 p.m. with Chairman William Villanova presiding

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

Also in attendance was Peter Miley Building Inspector

Date of Hearing: September 18, 2014
No. of Case: 2014-0099
Applicant: BMW Automotive/Penske Automotive
PAG Greenwich BI, LLC
475 Commerce Drive
Fairfield, CT 06825

Nature of Request:

on the premises No. **8 Slater Street** in the Village of Port Chester, New York, situated on the **West** side of **Slater Street** distant **600 feet** from the corner formed by the intersection of **Slater Street and Midland Avenue** being **Section 142.46, Block No. 1, Lot No. 6** 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: forego three off street truck loading spaces as required by Village Code

Property is located in the M2 General Industrial District. Per Zoning 345-14(D) Schedule of off street truck loading requirements, three off street truck loading spaces are required; proposed are zero spaces, therefore a variance for three off street truck loading spaces is requested

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

Nolan Redding, Penske Automotive Group, representing the applicant BMW Automotive/Penske Automotive PAG Greenwich BI, LLC

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

None

Summary of statement or evidence presented:

Mr. Nolan stated that his client is currently going through the Planning process to gain approval to do renovations to increase inside storage at 8 Slater Street. Mr. Nolan said they currently operate at 110 Midland Avenue (two properties over) for the BMW Service Center. They currently rent the space at 8 Slater Street to store the vehicles. The shape, size and height of the building is able to accommodate the addition of a mezzanine level to accommodate the storage of additional vehicles. There will be not additions to the size of the building, no change to the footprint and no employees on site.

Cars come into Port Chester and go onto the 110 Midland Avenue site and unload in a designated loading area which is designated on their site plan, the cars are then driven to the Slater Street facility where they are stored and staged for eventual sale to customers. From Slater Street the cars would come in from the North and drive along the Eastern side of the building and come into the garage door which is at the Southern tip of the building. Sales are done in Mamaroneck NY and Greenwich CT for BMW and the 8 Slater Street facility is a storage area for new BMWs. Currently the Slater Street facility stores 110 new vehicles, they would like to increase the storage to 200 new vehicles.

Mr. Redding said that he also has a clause in the lease from the landlord of 8 Slater Street which states that if BMW should vacate the warehouse, the structure would have to be removed upon their departure.

Mr. Miley stated that the intensity in use was the trigger for the increase in the number of truck loading spaces. However Mr. Redding stated cars come into Port Chester and go onto the 110 Midland Avenue site and unload in a designated loading area which is designated on BMW's site plan. The cars are then driven across the lot to the Slater Street facility where they are stored and staged for eventual sale to customers. There is an easement in place with the landlord for travelling along the easterly side of Slater Street to go into the building.

No one appeared in favor or against this application

Findings of Board:

Action taken by Board:

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

Record of Vote: For 5 Against _____ Absent 1

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

Close Public Hearing

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

On the motion of Commissioner Petrone, which was seconded by Commissioner Espinoza, the Village Attorney was directed to prepare favorable findings of fact for the October 16, 2014 meeting

Record of Vote: For 5 Against _____ Absent 1

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

Prepare Favorable Findings

F Petrone
F Luiso
F D'Estrada
F Espinoza
A 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: Luiso, Petrone, D'Estrada, and Espinoza.

Also in attendance was Peter Miley Building Inspector Planner

Date of Hearing: September 18, 2014
No. of Case: 2014-0100
Applicant: Hector German
349 William Street
Port Chester, NY 10573

Nature of Request:

on the premises No. **349 William Street** in the Village of Port Chester, New York, situated on the **left** side of **William Street** distant **225 feet** from the corner formed by the intersection of **William Street and South Regent Street** being **Section 142.29, Block No. 2, Lot No. 6** 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 2nd floor addition above an existing first floor.

Property is a legal one family dimensionally non-conforming structure located in the R2F Two Family Residential District where the addition would require a minimum rear yard setback of 30 feet, proposed is 7.3 feet; therefore as rear yard setback variance of 22.7 feet is required

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

Luigi DiMasi, Architect and Hector German, applicant, represented this application.

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

None

Summary of statement or evidence presented:

Mr. DiMasi started by saying that the applicant is looking to construct a second floor addition on top of an already existing structure. There will be no additional impervious surfaces and by adding onto an existing structure it will minimize the impact of the overall house. The backyard to the house will be heavily screened so there will be no impact to what the neighbors will see. Mr. DiMasi passed out photos to the Board to illustrate where and how the addition will look. The purpose of the addition is because Mr. German has a family of four, the house is currently a two bedroom house and the addition will be a master bedroom suite complete with a bathroom and closet in the rear of the house. The house will go from a two bedroom house to a three bedroom house on the second floor. The house will also remain as a one family home.

Mr. DiMasi stated that prior to the meeting he met with some of the neighbors in the area who were concerned about the property and its upkeep with previous owners. Mr. DiMasi said he assured the neighbors that the property will be cleaned up and kept up as well. The neighbors also expressed concerns with regards to a garage on the property with no gutters and the applicant stated that he will be adding gutters to the garage to minimize water going onto the neighbor's property. This was not a part of the application but the applicant is working with the neighbors and being cooperative as a good neighbor.

Mr. DiMasi reviewed the current design of the house and reviewed for the Board the current floor plan. When entering the house you will enter into a living room sized 19' by 12' behind the living room is a dining room and behind the dining room is a small kitchen. The wall that separates the kitchen and dining room will be removed to allow for additional space. An additional bathroom

will be added to the first floor. There is a staircase leading to the second floor (which will be maintained) where there are two small bedrooms and a bathroom. The size of the current bedrooms will not change but the closet space will be reconfigured. The footprint of the house will not change. The applicant and the architect looked at various ways to add the addition to the house before deciding on the current layout. The garage is an existing one car garage. The house was in disrepair for a while and the applicant is looking to make all necessary repairs along with the proposed addition. The front elevation of the house will not change. Mr. Miley said that for any renovations that are currently taking place inside the house, the applicant has a valid permit to do so. (Taking out some of the sheet rock, electrical work, etc.).

Mr. Miley said prior to Mr. German purchasing the house, it was a two family house. When Mr. German purchased the house he said he wanted it for his family and wanted to convert it to a one family home. Mr. Miley said the house is a small house and really should only be a one family home. The house was built in 1920 and is a legally non-conforming. The addition does not extend the non-conformity as the applicant is building upwards and not outward. Mr. Miley said he was glad to see the applicant purchase the home as it has been the subject of illegal use of the house and overcrowding in the past.

No one spoke for or against this application.

Findings of Board:

Action taken by Board:

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

Record of Vote: For 5 Against _____ Absent 1

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
F Espinoza
A Strauch
F Villanova

On the motion of Commissioner Petrone, which was seconded by Commissioner D'Estrada the Village Attorney was directed to prepare Favorable Findings of Fact for the October 16, 2014 meeting.

Record of Vote: For 5 Against _____ Absent 1

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

Prepare Favorable Findings

F Petrone
F Luiso
F D'Estrada
F Espinoza
A 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 September 18, 2014 at 7:00 p.m. with Chairman William Villanova presiding

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

Also in attendance was Peter Miley Building Inspector

Date of Hearing: September 18, 2014

Applicant:

Nature of Request: ADJOURN MEETING TO October 16, 2014

On the motion of Commissioner D'Estrada, which was seconded by Commissioner Espinoza the meeting was adjourned October 16, 2014

Record of Vote: For 5 Against _____ Absent 1

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

Adjourn meeting to October 16, 2014

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

Signed _____
William Villanova
Title Chairman