

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

Present in addition to Commissioner Petrone were Messrs: Luiso, D’Estrada, and Espinoza.

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

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.

Correspondence was received from the applicants attorney requesting the matter be adjourned to the January 2015 meeting.

On the motion of Commissioner Luiso, seconded by Commissioner D’Estrada, the matter was adjourned to the January 15, 2015 meeting.

Record of Vote: For 4 Against Absent 2

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

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

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

Date of Hearing: October 16, 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:

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, which was seconded by Commissioner Luiso, the Favorable Findings of Fact as prepared by the Village Attorney were approved

Record of Vote: For 4 Against _____ Absent 2

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**
A **Villanova**

Signed _____
William Villanova
Title **Chairman** _____

MINUTES OF MEETING

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

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

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

Date of Hearing: **October 16, 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 Demasi, Architect

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 Luiso, which was seconded by Commissioner Espinoza Favorable Findings of Fact as prepared by the Village Attorney were approved

Record of Vote: For 4 **Against** _____ **Absent** 2 _____

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
F Espinoza
A Strauch
A 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 October 16, 2014 at 7:00 p.m. with Commissioner Evelyn Petrone presiding

Present in addition to Commissioner Petrone were Messrs: Luiso, D’Estrada, and Espinoza.

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

Date of Hearing: **October 16, 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 several meetings with the applicant and there is a possibility that the applicant may not need a variance. The applicant would like to adjourn the matter to the November 20, 2014 meeting.

Action taken by Board:

On the motion of Commissioner Luiso, seconded by Commissioner Espinoza, the matter was adjourned to the November 20, 2014 meeting

Record of Vote: For 4 Against _____ Absent 2

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

Adjourn to November 20, 2014

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

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

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

Date of Hearing:	October 16, 2014	Michael Piccirillo Architecture
Case No.:	2014-0098	962 East Main Street
Applicant:	609 Wood Street	Shrub Oak, NY 10588
	Mamaroneck, NY 10543	

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 of **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:

Peter Miley Building Inspector requested an adjournment of this application to the November 20, 2014 meeting

Action taken by Board:

On the motion of Commissioner Luiso, which was seconded by Commissioner Espinoza the matter was adjourned to the November 20, 2014 meeting

Record of Vote: For 4 Against _____ Absent 2

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

Adjourn November 20, 2014

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

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

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

Date of Hearing: **October 16, 2014**
Case No. **2014-0101**
Applicant Mark Goldberg, Esq.
 Enoch Brady, Esq.
 130 North Main Street
 Port Chester, NY 10573

Nature of Request:

on the premises No. **130 North Main Street** in the Village of Port Chester, New York, situated on the **West** side of **North Main Street** distant **30 feet** from the corner formed by the intersection of **Willett Avenue and North Main Street** being **Section 142.23, Block No 1, Lot No. 34** 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 1 additional identification sign on the front of the building (facing North Main Street).

Property is located in the C2 Zoning District where the maximum permitted identification signage is 1 wall sign on each public street or municipal off street parking lot. Proposed are 2 identification signs to be located t the front of the abuilding (facing North Main Street) therefore; a variance to add 1 additional identification sign is required

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

Mark Goldberg, Esq. / applicant represented this application. In addition to Mr. Goldberg, Ray Russo (sign maker) was also present

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

None

Summary of statement or evidence presented:

Mr. Goldberg said they are requesting an additional identification sign for the front of the building because there is currently a sign above the front door advertising a trucking company that is located in the rear of the building. This sign has caused a lot of confusion to the public and suggests that the law firm is no longer located in the building. The building has two windows on either side of the entrance way and the applicant would like to have an identification sign in each. There is currently one sign in one of the windows.

The Architectural Review Board and have made the changes that were suggested. The Architectural Review Board has given a soft approval for the sign depending upon the outcome of the ZBA hearing. The sign contains the name of the office, the type of law that is practiced and the telephone number. The signs will be in English and in Spanish.

The signs will be in the upper portion of the window. No other signage will be in the windows. The signs will be internally lit via an internal LED System behind the Plexi-glass face plate and the lights will be on a timer. It will be a soft glow and only shine where there are letters.

Mr. Goldberg submitted pictures of a similar business in the Village, Ronai and Ronai, Attorneys at Law and pointed out that they have an abundance of identification signs in their window.

No one from the public spoke for or against the application

Findings of Board:

The Board agrees that the sign is needed and would suggest that no other signage be allowed in the lower portion of the window. The applicant was agreeable to the suggestion. The applicant would be allowed to put signage in the inner windows as long as they are Code Compliant with regard to the percentage of coverage.

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 4 Against _____ Absent 2

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**
A **Villanova**

On the motion of Commissioner Luiso, which was seconded by Espinoza, the Village Attorney was directed to prepare Favorable Findings of Fact for the November 20, 2014 meeting.

Record of Vote: For 4 Against _____ Absent 2

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

Prepare Findings

F **Petrone**
F **Luiso**
F **D’Estrada**
F **Espinoza**
A **Strauch**
A **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 October 16, 2014 at 7:00 p.m. with Commissioner Evelyn Petrone presiding

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

Also in attendance was Village Attorney Anthony Cerreto and Peter Miley Building Inspector and Jessica Youngblood Planner

Date of Hearing:	October 16, 2014	
Case No.	2014-0102	
Applicant	Aldo Genovese	John Colangelo, Esq.
	40 Sylvan Road	211 South Ridge Street
	Port Chester, NY 10573	Rye Brook, NY 10573

Nature of Request:

on the premises No. **40 Sylvan Road** in the Village of Port Chester, New York, situated on the **Westerly** side of **Sylvan Road** distant **616 feet** from the corner formed by the intersection of **Sylvan Road and Ridge Boulevard** being **Section 135.52, Block No 1, 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 an existing non-conforming rear deck**

Property is located in the R7 One Family Residential District where the minimum rear yard setback is 30 feet, proposed is 26.33 feet; therefore a variance of 3.67 feet is required

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

John Colangelo, Esq. represented this application

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

None

Summary of statement or evidence presented:

Mr. Colangelo said this is an application to legalize a non-conforming rear deck. The house was constructed in 1998 as a modular structure. The modular unit did not include a deck. There was only a small landing on the backside of the house and the modular builder decided to add a deck. Unlike the other permits for building the house, none was obtained to build the deck. It was not until the applicants were filing an amnesty application did they find out that the deck was non-conforming. The house was built with the assumption that all of the necessary permits had been obtained. Basically it was builder's error. He constructed the deck a few feet too close to the property line causing the non-conformity. The variance requested is minimal and has no detrimental effect on the health and safety of the neighborhood. Most of the homes in the neighborhood are newly constructed. Sylvan Road was connected to Argyle Road in the late 1990's. Most of the houses in the area have similarly sized decks in their rear yards. The deck has existed for 16 years and there have been no complaints or problems. Had the applicant not filed an amnesty application, he would not have known that the deck was non-conforming. The deck is architecturally compliant and meets all of the structural criteria. The applicant is before you tonight for a variance for the encroachment on the rear yard. The deck is not that big and does not extend the full length of the house, nor does it encroach on the side yard requirements.

Mr. Miley said the deck will be inspected and that the architect has already prepared plans for him to review. Mr. Miley also said that if the Board grants the variance a full submission to the Building Department by the applicant will be necessary to allow for proper inspections for structural integrity etc.

No one from the public spoke for or against this application

Findings of Board:

Action taken by Board:

On the motion of Commissioner Luiso, which was seconded by Commissioner D'Estrada, the Public Hearing was closed

Record of Vote: For 4 Against _____ Absent 2

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
A Villanova

On the motion of Commissioner Luiso, which was seconded by Commissioner D'Estrada, the Village Attorney was directed to prepare Favorable Findings of Fact for the November 20, 2014 meeting.

Record of Vote: For 4 Against _____ Absent 2

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

Prepare Findings

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

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

Also in attendance was Village Attorney Anthony Cerreto and Peter Miley Building Inspector and Jessica Youngblood Planner

Date of Hearing: **October 16, 2014**
Case No. **2014-0103**
Applicant Frank Caputzal Luigi Demasi, Architect
 12 Rex Road 239 Lexington Avenue
 Port Chester, NY 10573 Mt. Kisco, NY 10549

Nature of Request:

on the premises No. **12 Rex Road** in the Village of Port Chester, New York, situated on the **Southerly** side of **Rex Road** distant **100 feet** from the corner formed by the intersection of **Rex Road and King Street** being **Section 136.54, Block No 1, Lot No. 3** 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 wood deck (enlarge existing deck)**

Proposed is a non-conforming use of land to be enlarged and increased to occupy a greater area of land, therefore a variance is required.

The structure is located in the R7 One Family Residential District where the minimum rear yard setback is 30 feet and the minimum (1) side yard setback is 10 feet, proposed is a rear yard setback of 3.02 feet and a side yard setback of 3.0 feet; therefore a 26.98 ft. rear yard setback and a 7.0 ft. side yard setback is required

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

Luigi Demasi, AIA represented this application, the applicant Frank Caputzal was also present

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

None

Summary of statement or evidence presented:

Before the case was presented the Village Attorney Anthony Cerreto offered the following: In the letter of Disapproval provided by the building department the objection of Zoning 345-13 Non-conforming Uses and Non-Conforming Buildings and Structures is incorrect for this application. Therefore the application will only need one variance for setback requirements per Zoning 345 Attachment 1 Village of Port Chester Schedule or Regulations for Residential Districts Part 2. Dimensional Regulations.

Mr. Demasi said this is an existing deck, the owner thought it was a patio because it is 6 inches off the ground on one side and wraps around and is 17 inches of the ground on the other side. The deck/patio has existed for twenty-five years and is well screened, and the structural integrity is fine. There is one step on the rear and the side and three steps closer to the garage. Because of the side elevation, the patio is considered a deck because it is a little bit higher than the requirements of a patio. (structure is considered a deck.) There are several footings to this deck. The deck is made of wood and not synthetic materials, there are concrete footings along with

pressure treated framing. There is a paver patio all around the deck and also extends a little under the deck (6 inches). There are no railings or obstructions around the deck.

Mr. Miley, Building Inspector said that if the Board grants the variance a full submission to the Building Department by the applicant will be necessary to allow for proper inspections for structural integrity etc. The total size of the deck is 27 feet x 25.11 feet

No one from the public 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 4 Against _____ Absent 2

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
A Villanova

On the motion of Commissioner Luiso, which was seconded by Espinoza, the Village Attorney was directed to prepare Favorable Findings of Fact for the November 20, 2014 meeting.

Record of Vote: For 4 Against _____ Absent 2

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

Prepare Findings

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

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

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

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

Case No. **2014-0104**

Applicant

Jason & Deanne Ostrowski
84 Breckenridge Avenue
Port Chester, NY 10573

Luigi Demasi, Architect
239 Lexington Avenue
Mt. Kisco, NY 10549

on the premises No. **84 Breckenridge Avenue** in the Village of Port Chester, New York, situated on the **Left** side of **Breckenridge Avenue** distant **0 feet** from the corner formed by the intersection of **Westchester Avenue and Breckenridge Avenue** being **Section 135.76, Block No 3, Lot No. 36** 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 an addition on the North side of the property

The property is located in the R5:345-41 One Family Residential Zoning District where the minimum required one side yard setback is 8 feet. Proposed is a minimum one side yard setback of 6.5 feet, therefore a 1.5ft side yard variance is required

The minimum usable open space in the R5:345-41 One Family Residential Zoning District is 2000 sq. ft., proposed is 1598 sq. ft.; therefore a 402 sq. ft. minimum usable open space variance is required,

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

Luigi Demasi, AIA represented this application. The applicant Deanne Ostrowski was also present,

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

None

Summary of statement or evidence presented:

Mr. Demasi said pertain to the open space, this house never conformed. The house was constructed in 1932. He said he will address the side yard variance first. Mr. Demasi started by saying that the applicant and her husband have a large family and have only three bedrooms upstairs in their house. They would like to add an additional bedroom. Careful consideration was given to the layout and the final area to construct the additional bedroom. After getting an updated survey of the house it was determined that the property line is on an angle and the bump out that they are trying to accommodate with an additional bathroom and bedroom puts the structure into the side yard setback. The variance is very small about a foot and a half.

They will space out the existing bathroom and increase it into the side yard. They will also create a habitable bedroom that is compliant with code. Towards the front of the house a well needed closet will be added. On the first floor they will be extending the kitchen out aligning with the second floor addition. A full bathroom with a shower will also be made on the first floor. It was determined it was better to bump out into the side yard as opposed to the small rear yard. The improvement will be better suited for Architectural review and approval. The support for the addition will have concrete footings and a concrete wall to provide the support that is needed and

additional storage space. If the addition were added in the rear, there would be a need for more usable open space. Side yard was best choice.

No one from the public 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 4 Against _____ Absent 2

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**
A **Villanova**

On the motion of Commissioner Luiso, which was seconded by D'Estrada, the Village Attorney was directed to prepare Favorable Findings of Fact for the November 20, 2014 meeting.

Record of Vote: For 4 Against _____ Absent 2

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

Prepare Findings

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

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

Also in attendance was Village Attorney Anthony Cerreto and Peter Miley Building Inspector and Jessica Youngblood Planner

Date of Hearing: **October 16, 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.

Dennis Scheck, proprietor of Sam's Bar & Grill, Port Chester
Tim Shanley, proprietor of Coals Pizza, 35 North Main Street, Port Chester
Lou Cuglietto, JFK Magnet School, Port Chester
Dennis Pilla, Lafayette Drive, Port Chester
Chris Piero, 24 University Place, Port Chester
Marshall Toppo, Port Chester

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

None

Summary of statement or evidence presented:

Anthony Tirone, Esq. represented this application on behalf of the Capitol Theatre. Tom Bailey, General Operations Manager for The Capitol Theater was also present. Also present was Brian Dempsey, Engineer from TRC Traffic Engineers

Mr. Tirone started by saying he would like to amend the application back to the date of the original submission (May 27, 2014). Instead of a variance for 412 off street parking spaces he would like to amend the application nun pro tunc, to 200 off street parking spaces. Everything that has been considered by the Board up to this point would be relative to the 200 off street parking space variance request. The Board agreed to this request and a vote was taken

On the motion of Commissioner Luiso, seconded by Commissioner D'Estrada the application was amended nun pro tunc to 200 off street parking spaces.

Record of Vote: For 4 Against Absent 2

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

Amend Application

- F Petrone**
- F Luiso**
- F D’Estrada**
- F Espinoza**
- A Strauch**
- A Villanova**

Mr. Tirone continued by saying he would request that all information submitted to this date be considered as if it were submitted for the amended application.

The complexity of the application is the area of the Capitol Theatre, what’s available for parking, the will of patron to park in the available lots, and the availability of the train station. It is an attractive location for patrons of the Capitol Theatre. Mr. Tirone expressed in detail the benefits of having the Capitol Theatre in the area and how businesses in the area are benefiting.

Mr. Tirone said with the Capitol Theatre doing 150 shows per year, with a capacity of 2,205 they are bringing 150,000-300,000 people into the Village for a period of time. Mr. Tirone said when you look at people coming into Port Chester per show, especially those who have never been before, parking becomes very much distributed as people which is in complete opposite of what the code contemplates 412 spaces of parking. §345.14 Section A2 and A3 states that an application can come back before the Zoning Board for relief from a condition or hardship etc. The demand for the use of 412 parking spaces has not been there. Requiring the Capitol to maintain a use for something that is not being utilized has brought the Capitol Theatre back before the Zoning Board. A parking study was performed which substantiates that the maintained parking spaces are not being utilized. Mr. Tirone also said that there are other venues such as restaurants which are calling for people to park elsewhere, people also take the train to Port Chester and local people very often walk. At the prompting of Commissioner Luiso a 2 part study was performed from August to September. Based on the study it was determined that on the busiest of nights, the parking lots were underutilized.

Brian Dempsey of TRC provided an overview of his Traffic Study which looked at every show from July through September. All the parking in the area was reviewed and there were over 2,000 spaces available for parking. The chart below summarizes each of the lots and the percentage utilized at 9pm

Concert Date	7/24	7/25	7/26	8/5	9/19	9/20	9/21	9/25	9/26	9/27
Lot #12 Capacity 65 Spots %	100%	32%	100%	65%	94%	85%	85%	95%	28%	83%
Lot #13 Capacity 36 spots %	86%	53%	78%	88%	100%	100%	100%	100%	44%	44%
Lot #8 Capacity 40 %	100%	43%	28%	95%	100%	100%	100%	100%	65%	30%
Lot #10 Capacity 60 %	100%	90%	26%	95%	100%	100%	100%	100%	78%	67%
Lot #7 MTA Capacity 271 %	91%	79%	85%	83%	93%	90%	94%	96%	79%	80%

The applicant and the Board had a long discussion on “capacity” vs “sold out” and how it differs and how the parking is affected by both scenarios. Mr. Tirone was unwilling to identify on camera the vendors with whom he has active contracts stating it would hinder his efforts to negotiate effectively. The information will be provided to the Village Attorney only. Mr. Tirone stated that there were agreements with the following lots by number 12, 16, 13, 8, 9 15 partial, 10 as needed and 7 via an agreement. (depending upon the demand of the show)

Findings of Board:

Action taken by Board:

On the motion of Commissioner Luiso, seconded by Commissioner Espinoza, the matter was adjourned to the November 20, 2014 meeting.

Record of Vote: For 4 Against Absent 2

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

Adjourn to November 20, 2014

F **Petrone**
F **Luiso**
F **D’Estrada**
F **Espinoza**
A **Strauch**
A **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 October 16, 2014 at 7:00 p.m. with Commissioner Evelyn Petrone presiding

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

Also in attendance was Village Attorney Anthony Cerreto and Peter Miley Building Inspector

Date of Hearing: October 16, 2014
Applicant:

Nature of Request: ADJOURN MEETING TO November 20, 2014

On the motion of Commissioner D'Estrada, which was seconded by Commissioner Espinoza the meeting was adjourned November 20, 2014

Record of Vote: For 4 Against Absent 2

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

Adjourn meeting to November 20, 2014

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

Signed _____
William Villanova
Title **Chairman** _____