

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 November 20, 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

Date of Hearing: November 20, 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:

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 D'Estrada, the Favorable Findings of Fact as prepared by the Village Attorney were approved.

Record of Vote: For 4 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 **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

Date of Hearing: November 20, 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:

Communication was received from the applicant requesting that the matter be withdrawn

Action taken by Board:

No action was taken by the Board and the matter was withdrawn

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 November 20, 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

Date of Hearing:	November 20, 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 December 18, 2014 meeting

Action taken by Board:

On the motion of Commissioner D'Estrada, which was seconded by Commissioner Espinoza the matter was adjourned to the December 18, 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-absent

Adjourn December 18, 2014

F **Petrone**
F **Luiso**
F **D'Estrada**
F **Espinoza**
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 November 20, 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

Date of Hearing: November 20, 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.

None

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 D'Estrada, the Favorable Findings of Fact as prepared by the Village Attorney were approved with the condition of no additional signage on the front windows.

Record of Vote: For 4 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 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 November 20, 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

Date of Hearing: November 20, 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:

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 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 **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 November 20, 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

Date of Hearing: November 20, 2014
Case No. 2014-0104
Applicant Jason & Deanne Ostrowski Luigi Demasi, Architect
84 Breckenridge Avenue 239 Lexington Avenue
Port Chester, NY 10573 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.

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 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 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 November 20, 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

Date of Hearing: November 20, 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

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

None

Summary of statement or evidence presented:

Mr. Tirone requested that the matter be adjourned for 30 days to the December 18, 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

Adjourn to December 18, 2014

- F Petrone**
- F Luiso**
- F D’Estrada**
- F Espinoza**
- 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 November 20, 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

Date of Hearing: October 16, 2014

Case #2014-0089/242 King Street

A letter dated November 3, 2014 was received from Gary Gianfrancesco, AIA of Arconics Architecture requesting an extension of the zoning approvals previously granted on May15, 2014 for **242 King Street**, as construction may not take place until the Spring of 2015.

On the motion of Commissioner Luiso, which was seconded by Commissioner Espinoza, a 90 day extension was granted (February 2015)

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

Grant 90 Day Extension

- F Petrone**
- F Luiso**
- F D’Estrada**
- F Espinoza**
- 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 November 20, 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

Date of Hearing: October 16, 2014

Case #2014-0090/25 Willett

A letter dated November 13, 2014 was received from Gary Gianfrancesco, AIA of Arconics Architecture requesting an extension of the zoning approvals previously granted on May15, 2014 for **25 Willett Avenue**, as construction may not take place until the Spring of 2015.

On the motion of Commissioner Luiso, which was seconded by Commissioner Espinoza, a 90 day extension was granted (February 2015)

Record of Vote: For 4 Against _____ Absent 1

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

Grant 90 Day Extension

**F Petrone
F Luiso
F D'Estrada
F Espinoza
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 November 20, 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

Date of Hearing: November 20, 2014
No. of Case: 2014-0105
Applicant: Michael Maroff Raul Pimentel
PO Box 733 16 Summer Street
Tallman NY 10982 Port Chester, NY 10573

Nature of Request:

on the premises No. **16 Summer Street** in the Village of Port Chester, New York, situated on the **South** side of **Summer Street** distant **153 feet** from the corner formed by the intersection of **Summer Street and King Street** being **Section 136.7, 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: **construct a new garage**

Property is located in the R5 One Family Residential District. Detached accessory buildings and structures may be located within a required rear yard, provided that they are at least five feet from any side or rear lot line and they shall not exceed one story of 15 feet in height. The proposed garage is located at the rear, south center of the home 3.10 feet from the rear lot line and therefore a 1.9 ft. rear yard variance is required,

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

Silvio Buccieri – King and Summer Street, Port Chester, NY (neighbor)
Antonio – Across the street neighbor – no address given
Mr. Coyt – 24 Summer Street (neighbor)

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

None

Summary of statement or evidence presented:

Raul Pimentel Sr., Raul Pimento Jr., and Michael Maroff, contractor, all represented this application. Mr. Maroff told the Board that Mr. Pimento had a garage on his property that was built in 1910. During Hurricane Sandy (2012) the garage was structurally destroyed and in July 2014 the garage collapsed. There is a house on the property that was also constructed in 1910. The applicant would like to rebuild the garage using the existing foundation which is structurally sound. It was determined that the land is not a perfect rectangle shape. The front of the property is fine however one side of the property is roughly 148 feet and the other side is approximately 150 feet. The garage is dimensionally correct however because of the shape of the land a variance is required before the garage can be reconstructed. If the shape of the land were perfectly rectangular, no variance would be required. The previous garage had existed on the property without a problem since being built in 1910. The garage is an oversized one car garage. There is also a brick shed on the property to the left of the proposed garage.

The applicant received a stop work order from the Building Department when he was beginning to rebuilding the garage. The applicant thought that because he was building on the same foundation he did not need to obtain a variance. Construction was stopped and the applicant is here before the Board to obtain the necessary variances.

Findings of Board:

Action taken by Board:

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

Record of Vote: For 4 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 **Villanova**

On the motion of Commissioner D’Estrada, which was seconded by Commissioner Espinoza, the Village Attorney was directed to prepare Favorable Findings of Fact for this application.

Record of Vote: For 4 Against _____ Absent 1

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

Prepare Findings

F **Petrone**
F **Luiso**
F **D’Estrada**
F **Espinoza**
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 November 20, 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

Date of Hearing: November 20, 2014
No. of Case: 2014-0106
Applicant: Robert Lombardi Michiel Boender
Strathmore Equities, Inc. Edgewater Architect Group
109 Willett Avenue 163 North Main Street
Port Chester, NY 10573 Port Chester, NY 10573

Nature of Request:

on the premises No. **126 North Main Street** in the Village of Port Chester, New York, situated on the **West** side of **North Main Street** distant **0 feet** from the corner formed by the intersection of **North Main Street and Willett Avenue** being **Section 142.23, Block No 1, Lot No. 33** 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: **erect a third identification sign on the premises diagonally facing North Main Street and Willett Avenue**

Property is located in the C2 Zoning District where maximum permitted signage is one wall sign on each public street or municipal off-street parking lot. Proposed are three identification signs (1 facing North Main Street, 1 facing Willett Avenue and 1 sign facing both fronts); therefore a variance to add one additional identification sign is required,

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

Frank Raffa Jr. - neighbor

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

*Correspondence was received in opposition

Summary of statement or evidence presented:

Michiel Boender of Edgewater Architects represented this application. Mr. Boender told the Board that he was representing the Rye House which is currently under construction. Architectural Board of Review has given its approval for the already allowed signs. (one facing Willett and one facing North Main Streets) The building is a little unique because its entrance is on the diagonal of Willett and North Main Street. The applicant is proposing a small sign to fill in the transom above the entrance door. The sign is 2 ft. by 3 ft. and is made of Hemlock salvaged barn wood and brushed flat cut aluminum letters. The sign is compatible with the inside finishes of the restaurant. The letters range from 9 ½ inches to 12 ½ inches with some lettering being 4 ½ inches.

Part of the Site Plan Approval is to redo the sidewalks and include trees. It was determined that when walking down the street towards the building the side window signs are not readily visible. The proposed sign will have goose neck lighting shining on the sign, there is no neon or LED lighting. This is a unique building because it has a diagonal which most of the other building do not have.

*Commissioner Petrone said while it is not the Board's policy to read written correspondence in lieu of the correspondent being present, for the record correspondence was received and is available in the case file for anyone who would like to review it. The correspondence was not in favor of 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 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 **Villanova**

On the motion of Commissioner D'Estrada, which was seconded by Commissioner Espinoza, the Village Attorney was directed to prepare Favorable Findings of Fact for this application.

Record of Vote: For 4 Against _____ Absent 1

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

Prepare Findings

F **Petrone**
F **Luiso**
F **D'Estrada**
F **Espinoza**
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 November 20, 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

Date of Hearing: November 20, 2014
Case # 2014-0107
Applicant: The Shade Store LLC
Adam Gibbs
21 Abendroth Avenue
Port Chester, New York 10573
Anthony R. Tirone, Esq.
Law Office of Anthony Tirone
202 Mamaroneck Avenue
White Plains, NY 10601

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

Frank Raffa Jr.

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

None

Summary of statement or evidence presented:

Anthony Tirone Esq. of the Law Firm of Anthony Tirone, on behalf of the Shade Store LLC along with Adam Gibbs who is the applicant/owner and Michiel Boender Architect of Edgewater Architects represented this application.

Mr. Tirone told the Board that this application is for shared or joint use parking as described in the Village Code §345-14 B(7). It allows business that are contiguous or in the same neighborhood to use the same parking areas in the off hours. (Non-competing hours for parking spaces) The Shade Store is a business that operates during the day from 9am or earlier to 5pm daily. The Tarry Lodge Restaurant is located directly across the street and would like to utilize this parking area for its patrons after the Shade Store closes. The Site Plan that was prepared and submitted by Mr. Boender is in compliance with the code. Mr. Tirone said he has met with the Village Attorney Anthony Cerreto and the Building Inspector Peter Miley and Planning Director Christopher Gomez prior to making the submission. Mr. Tirone said the application is not for a variance it is for an approval statute. He also said that they have used this same statute for other applications within the Village.

Commissioner Petrone inquired of the Village Attorney Anthony Cerreto as to why a business would need the ZBA approval to allow another business to park on their property? Mr. Cerreto responded by saying that the Village Code does not allow for this arrangement unless there is Board approval. Under the Code this is not a variance request but a special permit request. Mr. Cerreto also said this application has nothing to do with on street valet parking.

Mr. Tirone said that they have amended their site plan that was submitted to the Planning Commission to allow for the joint use parking under the Shade Store's Site Plan approval. The Tarry Lodge is not before the Board because they do not own the lot. The Shade Store owns the lot and is offering the lot for their use, therefore the Shade Store is the applicant making the request before the Zoning Board.

Mr. Boender told the Board that the Shade Store's Site Plan approval allows for 20 parking spaces which is what they originally applied for. The Shade Store has met their requirement for parking, Tarry Lodge has no parking requirement. However as a restaurant owner you want to have your patrons close and the Shade Store lot is an available source of parking.

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 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 Villanova**

On the motion of Commissioner D'Estrada, which was seconded by Commissioner Espinoza, the Village Attorney was directed to prepare Favorable Findings of Fact for the December 18, 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

Prepare Favorable Findings

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

Signed _____
William Villanova
Title **Acting 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 November 20, 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

Date of Hearing: November 20, 2014

Applicant:

Nature of Request: ADJOURN MEETING TO December 18, 2014

On the motion of Commissioner Luiso, which was seconded by Commissioner Espinoza the meeting was adjourned December 18, 2014

Record of Vote: For 4 Against _____ Absent 1

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

Adjourn meeting to December 18, 2014

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

Signed

William Villanova
Title Chairman