

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 January 15, 2015 at 7:00 p.m. with Chairman William Villanova presiding

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

Also in attendance was Peter Miley – Building Inspector, Anthony Cerreto - Village Attorney

Case Update

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

William & Drayton Gerety	Leslie Maron, Esq.
2 Deerfield Lane	5 Westchester Avenue
Mamaroneck, New York 10543	Pound Ridge, New York 10576

on the premises No **28 ½ Pilgrim Drive** in the Village of Port Chester, New York, situated on the **Northwest** side of **Pilgrim Drive**, distant **670 ft.** of the corner formed by the intersection of **Pilgrim Drive and Quintard Drive.** being Section 136.39 Block No.1, Lot No. 43 on the Assessment Map of the said Village, being a variance from the applicable Zoning Ordinance or Ordinances in the following respects: Applicant proposes to construct a single family dwelling. The property is located in R7 District- minimum lot size is 7,500 sq. ft. & minimum lot width is 70 ft. Proposed lot size is 5,864 sq. ft. & proposed width is 50 ft. therefore lot area variances are required.

Commissioner Petrone presided over this case. Chairman Villanova recused himself from this matter.

Commissioner Petrone said that this matter has been pending for more than two years on the Board's calendar. It was pending before the Supreme Court in the state of NY. There was a decision made in the Supreme Court which has been appealed and the appeal is pending. One of the parties in this matter has asked for an extension with regard to that appeal. Ms. Geasor, the opponent to the application has submitted a letter and several pages of back up documentation. Ms. Petrone stated for the record that while she appreciated the documentation, she must point out that the Public Hearing for this matter is closed and has been closed for a long time, therefore this documentation cannot be a part of the record. However, Ms. Petrone took note that there was an email as part of Ms. Geasor's submission from the applicant's attorney (Les Maron) asking for an adjournment to tonight's meeting. (Mr. Maron was a no-show at tonight's meeting) Ms. Petrone said that Mr. Maron will have to waive anything at tonight's meeting because he was the one who asked that the meeting be adjourned to this meeting.

Commissioner Petrone further stated that having considered all of the proceedings that the Board has heard, the legal advice from our counselor, all the documentation etc. and the fact that this case is now pending on an appeal before the Appellate Division which could take many more months, even a year or more to be submitted, heard and decided, Ms. Petrone suggested that the case be dismissed from the Zoning Board without prejudice to the applicant; renew this in the future depending upon the outcome of the appeal. There is a decision in the Supreme Court which is the governing law of this case and suggest the case be dismissed without prejudice to the applicant.

Ms. Eileen Geasor, opponent in this case asked if this meant that he (applicant) wouldn't have to start the process over again in the unlikely event that he exhausts the appeal and wins? Commissioner Petrone, along with the Village Attorney Anthony Cerreto further clarified the question and then informed Ms. Geasor should this come back before this Board, the applicant would start over with a new application, public notice etc. To which Ms. Geasor said that this is not what Village Attorney Cerreto said in front of the judge. Ms. Geasor said that Mr. Cerreto said that Mr. Cerreto told the judge that it would be denied due to lack of jurisdiction.

Commissioner Petrone reminded Ms. Geasor that they are no longer taking testimony as the Public Hearing is closed. Ms. Petrone told Ms. Geasor that she read everything that she submitted and understood the points she was making and that it was not testimony in front of this Board.

Village Attorney Anthony Cerreto said that he believed that both parties are saying the same thing just differently. The Board is willing to dismiss without jurisdiction and without prejudice to the applicant. If there is something new that comes back from the lower court and the decision is reversed, the applicant might want to come back before the Zoning Board. In summation, the case is still pending on appeal, the applicant's attorney did not show although he requested an adjournment to tonight, and the Board would like to clear this matter from the calendar without prejudice.

Ms. Geasor asked is to deny the application due to lack of jurisdiction different from dismissing the case? Are you saying they are the same thing? Commissioner Petrone answered that she would entertain a motion tonight to dismiss without prejudice pending the outcome of the Appellate Division's decision or any other appeal that may come about in the future.

On the motion of Commissioner Luiso, which was seconded by Commissioner D'Estrada, the case was dismissed without prejudice pending the outcome of the appeal pending before the Appellate Division

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

F Petrone
F Luiso
F D'Estrada
F Espinoza
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 January 15, 2015 at 7:00 p.m. with Chairman William Villanova presiding

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

Also in attendance was Peter Miley – Building Inspector, Anthony Cerreto - Village Attorney

Date of Hearing: January 15, 2015

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:

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

Findings of 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 _____

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
F Villanova

On the motion of Commissioner Luiso, which was seconded by Commissioner Espinoza the SEQRA Negative Declaration Resolution as prepared by the Planning Director was approved.

Record of Vote: For 5 Against _____ Absent _____

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

Approve SEORA Resolution

F Petrone
F Luiso
F D’Estrada
F Espinoza
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 January 15, 2015 at 7:00 p.m. with Chairman William Villanova presiding

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

Also in attendance was Peter Miley – Building Inspector, Anthony Cerreto - Village Attorney

Date of Hearing: December 18, 2014
Case No.: 2015-0111
Applicant: UCF Regent Park LLC@ 14 University Place
745 Boston Street, Suite 502
Boston, MA 02116

Nature of Request:

on the premises No. **14 University Place** in the Village of Port Chester, New York, situated on the **West** side of **University Place** distant **100 feet** from the corner formed by the intersection of **North Regent Street and University Place** being **Section 136.61, Block No 1, Lot No. 27** 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: **Reconcile cosmetic improvements made to the site.**

Property is located in the R5 One Family Residence District 5,000 sq. ft. min lot size. Per Village Code 345 Attachment 1B signs located at N. Regent Street & University Place require a side yard variance of 16'4" The sign located at N. Regent Street and Columbus Avenue require a front yard variance of 20'10"

Residence Districts allow for one identification sign, two identification signs are shown on property, and therefore a variance for one additional identification sign is required.

Both of the existing identification signs exceed 12 square feet in size requiring two variances. One sign is 10' x 4'6" requiring a variance of 33 sq. ft. The other sign is 7'6" x 4'6" requiring a variance of 21'9"

The gazebo installed near intersection of North Regent Street and Columbus Avenue requires a front yard setback variance of 4'8" and a side yard variance of 1 ft.

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

John Colangelo, Esq. represented the applicant.

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

Summary of statement or evidence presented:

This application was not heard due to an error in the Notice that was printed in the newspaper and mailed to the surrounding neighbors. Chairman Villanova said that he is aware that the matter will be adjourned and that Mr. Colangelo would like to make a statement.

Commissioner Petrone said before Mr. Colangelo speaks that she would like to recuse herself because she has represented the applicant on legal matters.

Mr. Colangelo said he found out at 5:30 this evening that there was an error in the Notice in the Newspaper and the sign is in error so they have to republish and the Village will bear the expense. Based on legal counsel with Mr. Cerreto it would be impossible to open the Public Hearing tonight and make a presentation. Mr. Colangelo said he will not be present at next month's meeting but will send a representative in his place.

There was no one present from the Public to speak on this matter

Findings of Board:

Action taken by Board:

On the motion of Commissioner Luiso, which was seconded by Commissioner Espinoza, The matter was adjourned to the February 19, 2015 meeting.

Record of Vote: For 4 Against _____ Absent _____

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

Adjourn to February 19, 2015

	Petrone
F	Luiso
F	D'Estrada
F	Espinoza
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 January 15, 2015 at 7:00 p.m. with Chairman William Villanova presiding

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

Also in attendance was Peter Miley – Building Inspector, Anthony Cerreto - Village Attorney

Date of Hearing:	January 15, 2015	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.

Michael Piccirillo – MAP Architects –applicant representative
Dan Tella – 2 Renshaw Place

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

William Van Black - 51 Halstead Avenue
Tom Ceruzzi – 84 Hobart Avenue
Gregg Gregory – 40 Halstead Avenue
Bernadette – 54 Halstead Avenue

Summary of statement or evidence presented:

Michael Piccirillo, Architect represented this application. In addition, Judge Christie Derrico who represented the applicant. Mr. Piccirillo said they are returning with the same application that was submitted a few months ago. His client (Ms. Albanese) is looking to reoccupy the house as her permanent dwelling. In doing so, there is a need to increase the second floor of the house 1140 square feet which is too small for her use and therefore would like to enlarge the second floor only. This would increase the size of the second floor to 1700 square feet.

The existing house is non-conforming so any change to the house will require a variance. It is a legal two family house and the usable open space requirement cannot be met, therefore a variance will be needed. In addition there is a need to increase the Floor Area Ratio and they are looking for 0.74% and the maximum is 0.50% therefore a variance will be required.

Mr. Piccirillo said that this home and the renovations will not have any adverse effects on the neighborhood. There are several other large houses in the neighborhood and this house will be in character with those houses. If the house was on a corner lot there would be less of a problem with the open space. The side yards cannot be counted as open space because they do not meet the minimum requirements for the dimensions.

Mr. Piccirillo said the applicant is willing to invest money in the house as her full time residence house. She will be the owner and occupier of the house. They are in need of two variances and were very careful to maintain the existing line so as not to need a side yard variance. The house will be maintained as a two family house, the home went through the amnesty program and is a legal two family house. The owner will be an occupant

Mr. Peter Miley, Building Inspector said that there is a certificate of occupancy for the house as a two family dwelling. The owner had some open permits and it was recommended that she apply to the amnesty program. April 24, 1929 legal permit was issued, the permit language indicates it was for a two family home with two future bedrooms in the attic. At that time it was part of the Resident B District and in line with the 1927 Zoning Code. It was a permitted use up until 1954. This permit was never closed, it was recommended they apply to amnesty to get the two family use established because the house was built as a legal two family house and it was not done so before. One permit was obtained through amnesty to rectify all open permits, so currently there are no violations because of amnesty. Before amnesty there would have been two open violations or unclosed permits. The open items needing attention prior to amnesty deal with electrical and plumbing.

Mr. Piccirillo said that the applicant is currently in the process of having the electrical and plumbing issues resolved with contractors performing the work. Mr. Miley said under the amnesty program the applicant has 18 months to resolve the issues and is eligible to apply for an extension if necessary. Mr. Piccirillo also stated that there is no work being done in the attic.

Christy Derrico, Esq. on behalf of the applicant explained that the third floor or attic is typical of houses of this age. It's basically a bedroom an open area and a bathroom. The state was brought in to have the bathroom legalized. There were some height issues, however there is no kitchen on the third floor and is not utilized as another apartment. There are no doorways blocking the entrance from the 2nd floor to the 3rd floor. The applicant is a single mother with adult children of which one is about to go to college and the area is used for the child's privacy.

Chairman Villanova said that the plans that they are reviewing show a kitchen existing on the third floor. If that's not the case, the submitted plans need to be revised to reflect that fact.

Village Attorney Cerreto also said this application should needs a use variance to extend the non-conforming use as a two family house. In essence this application needs an area variance, an open space variance and a use variance. Chairman Villanova said that he would like the Village Staff to review this property and give a report next month of their observations.

Ms. Derrico, Esq. summarized for the Board the following: The 3rd floor in the structure of the main house does not have a pull down stair for access, there is a staircase in the middle of the 2nd floor ascending to the 3rd floor. There are no doors blocking the stairway, the stairway is open, no separate locking system and no separate entrance. Once entering the third floor it is completely open with an open floor plan and no kitchen. There is a bathroom. This is a very common layout for houses of this age. This layout was included in the permit issued in 1929.

Members of the public voiced their approval-disapproval (names and addresses listed above) issues included sump pump discharge, intensifying a non-conforming use, potential illegal use of third floor, 3,527 sq. ft. is 33 times the sq. footage of most houses on the block, The applicant is currently not living there and may not after a variance is granted, etc.

Action taken by Board:

On the motion of Commissioner Luiso, which was seconded by Commissioner Espinoza the matter was adjourned to the February 19, 2015 meeting

Record of Vote: For 5 Against _____ Absent _____

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

Adjourn to February 19, 2015

F **Petrone**
F **Luiso**
F **D'Estrada**
F **Espinoza**
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 January 15, 2015 at 7:00 p.m. with Chairman William Villanova presiding

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

Also in attendance was Peter Miley – Building Inspector, Anthony Cerreto - Village Attorney

Date of Hearing: January 15, 2015
Case No. 2014-0108
Applicant: Guiracocha's Group, LLC
Jorge Guiracocha, Owner
10 Bulkley Avenue
Port Chester, NY 10573

Nature of Request:

on the premises No. **10 Bulkley Avenue** in the Village of Port Chester, New York, situated on the **North** side of **Bulkley Avenue** distant **200 feet** from the corner formed by the intersection of **Bulkley Avenue and Poningo Street** being **Section 142.22, Block No. 1, Lot No. 49** 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: an opinion per Section 345-13C3 to change one non-conforming use (auto body repair shop) to another non-conforming use (wood working shop) provided the proposed use is more restrictive and less intense in nature. Property is located in the R2F District

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

David Mooney – Architect
Jorge Guiracocha - Owner

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

Tom Ceruzzi – 84 Hobart Avenue

Summary of statement or evidence presented:

Mr. Mooney said at the end of the last meeting it was suggested that Peter Miley, Building Inspector visit the property to ascertain the use for a commercial building.

Mr. Miley interjected by saying that he did visit the property and performed an inspection of the site and followed up with some research on the certificates of occupancy that were given to this property. 10 Bulkley Avenue did receive a CO for the property in the rear in 2008. That was where the auto body was contained. It received a CO for the auto body use in 2010. It received ABR approval for the sign in 2009. Received a sign permit in 2010. Had a certificate of compliance for an auto body office in 2010. Mr. Miley also said that the current conditions as of yesterday (January 14, 2015) match the plans that were submitted and approved. In terms of the intensification of use, this application is actually less intense per our building code. Based on conversations with the applicant, the auto body spray booth will be removed and replaced with other machinery. Mr. Miley showed the Board pictures that were taken during his visit to the site which showed the building being consistent with the plans that were originally submitted and the lower level is also consistent with submitted plans. Mr. Miley also stated that during his visit there were no machines in use nor were there any cabinets being constructed. Mr. Miley said he inspected the three family house and it appears as though they just poured a new floor and that the items from the house were being temporarily stored in the commercial building.

Commissioner Luiso said that when he had previously visited the site he was unable to enter the building due to a large pile of materials blocking the entrance. The plans show two parking spaces inside the building, but he did not see that marked off anywhere. Mr. Luiso said that the pictures that were submitted by Mr. Miley are much different from what he saw when he visited the site. There was also machinery in operation when he visited. The application is for a determination of less intensive use which everyone agrees this application is, however the interior of the building is 1670 sq. ft. and as depicted in the drawings should allow for two cars to be parked inside.

Chairman Villanova reiterated for the applicant and to the public that you cannot just take a property and change the use without first coming before the appropriate Boards and Commissions

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

Record of Vote: For 5 Against _____ Absent _____
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
F 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 in support of this application which is of a less intensive use than what previously existed at this site for the February 19, 2015 meeting..

Record of Vote: For 5 Against _____ Absent _____
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
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 January 15, 2015 at 7:00 p.m. with Chairman William Villanova presiding

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

Also in attendance was Peter Miley – Building Inspector, Anthony Cerreto - Village Attorney

Date of Hearing: **January 15, 2015**
Case No.: **2015-0109**
Applicant: Mark & Stephanie Basso
 26 Quintard Drive
 Port Chester, NY 10573

Nature of Request:

on the premises No. **26 Quintard Drive** in the Village of Port Chester, New York, situated on the **Right** side of **Quintard Drive** distant **400 feet** from the corner formed by the intersection of Renshaw Place and Austin Place being **Section 136.46, Block No 1, Lot No. 37** 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 to the rear of an existing home.**

The structure is located in the R7 One Family Residential District where the minimum required (one) side yard setback is 10 feet, proposed is 7.3 feet therefore, a 2.7 feet minimum (one) side yard setback variance is required

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

Stephanie Basso - applicant

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

None

Summary of statement or evidence presented:

Ms. Basso started by saying currently her house is a 3 bedroom house and they have two children. Son 14 who is very tall and has a really small bedroom. A twin bed and a dresser is all that can fit in the room. Ms. Basso said she would like to move her son into her bedroom and propose to build a new bedroom for her and her husband and a guest room for when her parents come to visit from Florida. The 2 bedroom addition will be above the garage and family room on the left side of the house. (When facing the house) The addition will bring the house into conformity with the houses on both sides. (the applicants house is currently smaller than both of the neighbor's houses. There will be no changes to the first floor of the house. A new walk in closet will be constructed in the master bedroom floor because there is currently not enough closet space in the current master bedroom. A new bathroom will also be built in the master bedroom and the hallway bathroom will remain for the other bedrooms.

Mr. Miley said there were no issues with this application, and agreed with the testimony of the applicant.

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 5 Against _____ Absent _____
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
F Villanova

On the motion of Commissioner Petrone, which was seconded by Commissioner Luiso, the Village Attorney was directed to prepare Favorable Findings of Fact in support of this application

Record of Vote: For 5 Against _____ Absent _____
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
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 January 15, 2015 at 7:00 p.m. with Chairman William Villanova presiding

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

Also in attendance was Peter Miley – Building Inspector, Anthony Cerreto - Village Attorney

Date of Hearing: January 15, 2015

Case No. 2015-0110

Applicant:

Carlos Sosa

671 Gramatan Avenue

Mt. Vernon, NY 10552

Alfonso Paltin & Laura Pulla

129 Washington Street

Port Chester, NY 10573

Nature of Request:

on the premises No. **129 Washington Street** in the Village of Port Chester, New York, situated on the **South** side of **Washington Street** distant **257 feet** from the corner formed by the intersection of **Washington Street and Olivia Street** being **Section 142.37, Block No 1, Lot No. 29** 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 a previously constructed 1 story addition to an existing home.**

The home is a 2 family dimensionally non-conforming dwelling located in in the R2F Two Family District where the southeast addition would require a minimum (1) side yard setback of 8.0 feet and a minimum rear yard setback of 30.0 feet. Existing is 5.0 feet side yard setback and a 27.40 feet rear yard setback therefore, a side yard setback variance of 3.0 feet and a rear yard setback of 2.60 feet is required. The minimum usable open space for each dwelling unit (Square feet) is 800 square feet per unit. Existing is 1370 square feet per unit therefore, a 230 square feet usable open space variance is required

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

Jack Odesso, Esq. – 153 Stevens Avenue Mt. Vernon, NY

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

None

Summary of statement or evidence presented:

Mr. Miley said that the setbacks are proposed although the addition is already constructed however they do need a building permit.

Mr. Odesso started by saying he is the attorney for Mr. Sosa, the applicant and the property owners are seated in the audience. The house was constructed around 1902 prior to the Village of Port Chester's Zoning Codes. The house was constructed as it is today. The applicant is here because of a boiler breakdown in the building and a complaint was made about the lack of heat and the Building Department investigated the complaint and during the inspection noticed an illegal occupancy in the basement of the building and work done around the house without a permit. The applicant has removed the illegal tenant and has submitted plans to return the basement back to its original use as a storage area. The owners bought the house ten years ago exactly as it exists

today. No changes have been made to the property. When the applicant purchased the house, there was a tenant in the basement who remained for a while and the applicant lived on the second floor and a tenant was on the third floor. The applicant believed that they were buying a three family house and the tax assessors records showed the house being taxed as a three family house. The applicant proposes to remove the basement partitions and return the area to storage use. The building will house two families only. All of the setbacks of the property are the setbacks that existed when the house was purchased. Mr. Odesso provided the Board with supporting pictures.

Mr. Miley, Building Inspector said perhaps the best route to take at this point is to have a municipal search done on the property to determine when additions if any were made to the property and to determine if in fact the property is legally non-conforming which he cannot say at this time. This may lessen the variance and or determine if a variance is even needed. Mr. Miley said looking at the records there is a lot of history on this property, however they have not conducted a municipal search yet. There is a possibility that this application could be resolved through amnesty

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

Findings of Board:

Action taken by Board:

On the motion of Commissioner Petrone, which was seconded by Commissioner Espinoza, the matter was adjourned to the February 19, 2015 meeting.

Record of Vote: For 5 Against _____ Absent _____

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

Adjourn to February 19, 2015

**F Petrone
F Luiso
F D’Estrada
F Espinoza
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 January 15, 2015 at 7:00 p.m. with Chairman William Villanova presiding

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

Also in attendance was Peter Miley – Building Inspector, Anthony Cerreto - Village Attorney

Date of Hearing: January 15, 2015

Case No.

Applicant:

Nature of Request: ADJOURN MEETING TO February 19, 2015

On the motion of Commissioner Petrone, which was seconded by Commissioner Espinoza the meeting was adjourned February 19, 2015,

Record of Vote: For 5 Against _____ Absent _____

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

Adjourn meeting to February 19, 2015

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

Signed

William Villanova

Title Chairman
