

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 March 19, 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

Date of Hearing: **March 19, 2015**

Case No. **2015-0112**

Applicant: Michael & Coral Manire John G. Scarlato Jr. – Architect
 16 Cornell Place 33 Byram Hill Road
 Rye, NY 10573 Armonk, NY 10504

Nature of Request:

on the premises No. **8 Rye Road** in the Village of Port Chester, New York, situated on the **North** side of **Rye Road** distant **0 feet** from the corner formed by the intersection of **Rye Road and Bay Drive** being **Section 142.70, Block No 1, Lot No. 7** 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 new front porch to an existing single family dwelling.

Property is located in the R7 One family Residential District where the minimum front yard setback is 30.0 ft., proposed is 20.0 ft.; therefore a minimum front yard variance of 10.0 feet 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:

Chairman Villanova asked the Board members if they had reviewed 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 the Favorable Findings of Fact as prepared by the Village Attorney were approved.

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

Approve Findings

Petrone (*not present for the vote*)
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 March 19, 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

Date of Hearing:	March 19, 2015	
Case No.	2015-0113	
Applicant:	Mathew & Maria Misco	John G. Scarlato Jr. – Architect
	6 Harbor Drive	33 Byram Hill Road
	Port Chester, NY 10573	Armonk, NY 10504

Nature of Request:

On the premises No. **6 Harbor Drive** in the Village of Port Chester, New York, situated on the **North** side of Shore Drive distant **0 feet** from the corner formed by the intersection of **Harbor Drive and Shore Drive** being **Section 142.63, Block No 1, Lot No. 9** 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 bedroom over a garage addition and new rear trellis to an existing single family dwelling.

Property is located in the R7 One family Residential District where the minimum rear yard setback is 30.0 ft., proposed is 7.6 ft.; therefore a minimum rear yard variance of 22.4 feet 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:

Chairman Villanova asked the Board members if they had reviewed 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 _____

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

Approve Findings

Petrone (*not present for the vote*)
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 March 19, 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

Date of Hearing: **March 19, 2015**
Case No. **2015-0095**
Applicant **Aline Polimeni**
 220 Westchester Corp
 220 Westchester Avenue
 Port Chester, NY 10573

on the premises No. **220 Westchester Avenue** in the Village of Port Chester, New York, situated on the **South** side of **Westchester Avenue** distant **110 feet** from the corner formed by the intersection of **Westchester Avenue & Grove Street** being **Section 142.22, Block No 1, Lot No. 6** on the Assessment Map of the said Village, being a variance from the applicable Zoning Ordinance or Ordinances in the following respects:

Application is hereby made under the discretionary power vested in you by Section 345-29A, 345-13 or in the alternative 345.30 of the Zoning Ordinance of the Village of Port Chester for permission to: **Create medical and dental offices on 2nd floor of an existing mixed use building.**

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

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

None

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

None

Summary of statement or evidence presented:

Building Inspector Peter Miley stated that correspondence was received from the applicant asking that the matter be adjourned to the June 19, 2015 meeting because the discussions and decisions regarding the C1 Districts (which affects this application) is still being heard before the Board of Trustees.

Findings of Board:

Action taken by Board:

On the motion of Commissioner Luiso, which was seconded by Commissioner D'Estrada, the matter was adjourned to the June 18, 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 June 18, 2015

Petrone (*not present for the vote*)
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 March 19, 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

Date of Hearing: **March 19, 2015**
Case No. **2015-0110**
Applicant: Carlos Sosa Alfonso Paltin & Laura Pulla
 671 Gramatan Avenue 129 Washington Street
 Mt. Vernon, NY 10552 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.

None

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

None

Summary of statement or evidence presented:

Peter Miley Building Inspector informed the Board that the applicant is requesting an adjournment of this matter for one month. Mr. Miley said that at the request of the Board a municipal search was performed after which a review of the materials indicates a strong possibility of the application being resolved through the amnesty program.

Findings of Board:

Action taken by Board:

On the motion of Commissioner D'Estrada, which was seconded by Commissioner Espinoza, the matter was adjourned to the April 16, 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 April 16, 2015

Petrone (*not present for the vote*)
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 March 19, 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

Date of Hearing: **March 19, 2015**

Case No.: **2015-0114**

Applicant:	Cantina Hospitality LLC 9 Greenwich Office Park Greenwich, CT 06831	Gary Gianfrancesco – Architect 545.5 Westchester Avenue Rye Brook, NY 10573
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Nature of Request:

On the premises No. **303 Boston Post Road** in the Village of Port Chester, New York, situated on the **South** side of Boston Post Road, distant **450 feet** from the corner formed by the intersection of **Boston Post Road and Olivia Street** being **Section 142.45, 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: **add 9.5 square feet of additional signage to existing ground sign**

Property is located in the CD Design Shopping District, and, a variance is required if the sign exceeds 80 sq. ft. in total area. Applicant proposes to add an additional 9.5 sq. ft. of additional signage to an existing non-conforming sign, therefore a 9.5 sq. ft. variance is required.

A variance is also required if the set back is less than 20 feet from any property line. Applicant proposes to add an additional sign below and attached to the existing non-conforming sign that is placed at 0 ft. from the property line, therefore a 20 ft. set back variance is required,

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

Gary Gianfrancesco

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

None

Summary of statement or evidence presented:

Gary Gianfrancesco AIA of Arconics Architecture represented this application. Mr. Gianfrancesco started by saying he was the representative for Cantina hospitality known as Taco Bell. Mr. Gianfrancesco referred to the reference sheet that was provided with his application and proceeded to give an overview of the material.

3SN102 on the document refers to the location diagrammatically of the existing pylons. Mr. Gianfrancesco indicated that the sign is probably not on the line however no survey information is available. The worst case scenario was used in consideration of the variance required. Item #2 the left pole of the double pylon lands in an area that has gravel and is not representative of the property line. In the top left hand corner, the building face which is parallel to Boston Post Road is set back from the street over 90 ft. hence the need for the pylon in its location and the need for additional signage is most appropriate on that pylon. The building face is approximately 76 feet long which will permit 152 square ft. of raw signage. The façade of the building is in good taste and is 20 sq. ft. less than permitted as a maximum. The impact of signage as it pertains to restaurants and fast foods is more appropriately placed at the point of where people are making their decisions. #3The existing sign from Wendy's was reused with a new face inside.

In order to fit the sign into the rectangle that was already there, there is a significant amount of negative space on the logo. This is another element of this application that works against conforming with the code. The sign that was reused was 87 sq. ft. which exceeds the maximum permitted by code. The applicant is looking to add the breakfast element to that sign. This is not the sign configuration the applicant would prefer (Mr. Gianfrancesco showed the Board members other sign configurations) however the old sign was being retrofitted and the new breakfast element added.

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 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 Luiso, which was seconded by Commissioner D'Estrada the Village Attorney was directed to prepare favorable Findings of Fact for the April 16, 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 March 19, 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

Date of Hearing: **March 19, 2015**
Case No.: **2015-0115**
Applicant: Brett Neri Anthony Provenzano, Esq.
 31-37 Pearl Street 320 Westchester Avenue
 Port Chester, NY 10573 Port Chester, NY 10573

Nature of Request:

On the premises No. **10 Pearl Street** in the Village of Port Chester, New York, situated on the **North** side of Westchester Avenue distant **180.50 feet** from the corner formed by the intersection of **Westchester Avenue and Pearl Street** being **Section 142.23, Block No 2, Lot No. 85** 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 five story brick building/first floor – restaurant, remaining floors-offices**

Property is located in the C3 Office and Commercial District

Off Street Parking Requirements: Provided 48, Required 61, therefore a variance for 13 off street parking spaces is required

Off Street Loading Requirements: Provided 0, Required 1, therefore a variance for 1 off street loading space is required.

Per Village Code Section 345 Attachment 3B the following variances are required:

- 1) Applicant proposes an 8ft front yard setback where a 10 ft. front yard setback is required, therefore a 2 ft. front yard setback variance is required.
- 2) Applicant proposes a FAR of 3.5 where the maximum FAR is 3.0, therefore a 0.5 FAR variance is required.
- 3) Applicant proposes a 10.14 ft. rear yard setback where a 20 ft. rear yard setback is required, therefore an 8.86 ft. rear yard variance is required.
- 4) Applicant proposes a 5 ft. side yard setback on each interior side, provided are two side yards of 5ft. therefore a side yard setback variance of 15 ft. and a total combined side yard variance of 15 ft. is also required.

Applicant also seeks shared parking approval from the Zoning Board of Appeals per Village Code Section 345-14-B7 as the alternative to remove the required parking variance described above.

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

Bishop Girtman
Chris Pirro
Anthony Tirone

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

Summary of statement or evidence presented:

Anthony Provenzano, Esquire represented this application for applicant Brett Neri along with Mr. Rhino Acerno who is the architect for the project. Mr. Provenzano began by saying this building is the old Town of Rye offices building which was in disrepair and the Town sought to sell the property which was purchased by Mr. Neri. To renovate the building is costly so the applicants seeks to demolish the old building and rebuild within the same footprint. The variances required are not de minimis, but the variances are the same exact footprint of the existing building. The only difference will be in the rear of the building where the applicant proposes to square out the building. The FAR will deviate from standard because the applicant is adding two additional floors to the building. With regard to parking and the client also purchased the parking lot across the street, 10 Pearl Street is a stand-alone building. Technically it is not the parking for the building because it is not contiguous. The applicant says that this parking lot will act at the de facto parking. The parcel purchased will still require additional parking of 13 spaces and is asking the Board to consider shared parking. There is another parking lot that the applicant owns which approx. 150 ft. to the left of the Main Bakery. (It was noted that if the application was granted, the variance for parking would be in place as long as the application is in place; should the business change the variances are lost).

Shared Parking because the lot is not within 100 ft. as per Village Code and the applicant does not have a parking lot, they would like to share parking with the lot across the street which was purchased by the applicant which would allow for 48 spaces and for the additional 13 required spaces they would like to share parking with the Neri Kids owned parking lot across the street which is across from the main bakery. If the shared parking is allowed the variance will not be necessary. The overall plan would restrict parking to employees and visitors of 10 Pearl Street. Because of the opposing hours of operation of the restaurant, offices and proposed restaurant, shared parking would be feasible. 61 parking spaces is a combination of the restaurant and the offices. (18 spots are required by the restaurant) This lot was also one of the lots being used for parking by the Capitol Theatre. Mr. Provenzano said that currently the Capitol Theatre is allowed to park in the lot on the performance nights. The agreement is not in perpetuity. Mr. Neri does not expect to have the arrangement go on forever. They don't have an approval, the building hasn't been torn down and the restaurant is not there yet.

A rendering of the proposed building was shown to the Board. The outside architecture is very similar to what currently exists today. The building will be taller than the existing building. A combined office and conference room will be on the top floor of the proposed building. The base of the building will be concrete, the three floors above, excluding the top floor will be cement and brick similar to the existing building. The difference in height between the existing building and the proposed new building is 12-14 feet. The first floor restaurant will have 1800 square feet of dining area. (65 – 70 seats) In reviewing the requested variances, it was understood that the proposed new building will not exceed the current footprint and the shape of the building will be squared off in the rear left corner.

It was noted for the record that Mr. Provenzano provided a letter detailing the application and its operation and a letter was also received from the Westchester County Planning Board having no problems with the application and suggesting more green space be provided by the applicant if possible.

Public Comment:

Bishop Bob Girtman – Pastor of local Port Chester Church – in favor of application

Resident- name not clear – Believes Pearl Street is very narrow and is in opposition to the application

Chris Pirro – 24 University Place – in favor of application

Anthony Tirone Esq. – in favor of application as property owner (11 South Pearl Street)

Anthony Tirone Esq. – as representative for Capitol Theatre – The Capitol Theatre in order to meet the required 225 spaces that were approved by the Board, does utilize the parking at 10 Pearl Street. Mr. Tirone also stated that the 18 spaces that are used by the restaurant at night will defer to this application and parking will be sought elsewhere.

Findings of Board:

Action taken by Board:

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

Record of Vote: For 5 Against _____ Absent _____

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 Luiso, which was seconded by Commissioner Petrone, the Village Attorney will prepare favorable Findings of Fact for the April 16, 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

It was suggested that the Village Attorney confer with Mr. Provenzano prior to preparing the Findings to finalize the shared parking agreements and have a clause in the Findings to preserve the parking in perpetuity until the building is operating and no changes can be made maintaining the use. In addition a condition should be contained in the Findings to allow for shared parking. There will not be a need for a variance for 13 parking spaces.

Signed _____
William Villanova
Title Chairman _____

MINUTES OF MEETING

Application for Zoning Variance

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

Also in attendance was Peter Miley – Building Inspector

Date of Hearing: **March 19, 2015**
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.

Frank Hedland, 15-17 University Place – in favor of application
Chris Pirro, 24 University Place – in favor of application

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

None

Summary of statement or evidence presented:

John Colangelo Esq. and Paul Berte AIA represented this application for UCF Regent Park LLC. Before Mr. Colangelo started his presentation of the application, Commissioner Petrone recused herself from this case. Mr. Colangelo started out by saying there were a few minor revisions to the plan, however the Board members have the most recent revision tonight. This is a 72 Unit complex which was built in the early 1950's and there is no evidence of a zone change over the years to accommodate this type of structure. The building is in the R5 zone and was in the R5 zone at the time of construction. The setback requirements were the same back then as they are today. The building is a little unusual for the area, a 72 unit building is traditionally not in the

middle of an R5 zone. This is a multi-unit rental facility and the present owners titled the facility in May 2012. The premises had not been modernized for decades and the previous owner had financial difficulties and lost this project. (Sagamore Fund) The current owners at substantial cost embarked upon major improvements to the site. There are many pending building permit applications for the upgrading of all 72 units. There have been building permit mishaps and violations from the building department along the way which have been corrected and the applicant is cleaning things up as they make improvements. This application is also before the Planning Commission for site plan approval and is still pending. The applicant will continue to work with the Building Department to resolve the violations.

Mr. Colangelo further stated that these are exterior cosmetic improvements. There were two signs constructed and a gazebo. There was a sign that already existed on the corner of University Place. To cosmetically balance the look another sign was constructed on the corner of Columbus Avenue. The building occupies the entire block North Regent Street, Columbus Avenue and University Place. There was an overzealous effort to obtain permits and upgrade the facility that some of the construction took place without the benefit of some permits which were inadvertently overlooked and that is why the applicant is before the Board. The setback for the signs are almost to the building. Anything outside of the building envelope will be right to the street and there is very little area to work with. These variances are all area variances. The new signs are bigger and replace the one old dilapidated wooden sign that were originally there. The wooden sign and an additional sign are both made of stone.

The gazebo was built and it encroaches over the setback line. (4.6 ft.) There are no other exterior improvements to the building requiring variances other than the signs and the gazebo. The building envelope is basically on the setback line. There are very few buildings like this in this section of town. There are no physical or environmental issues with this application. There are pergolas on the property but are not part of this application.

With regard to the fence there were 3 options; the fence can either be removed, it can be moved back to the setback line, or an attempt can be made to negotiate a license agreement with the BOT. The applicant will seek a license agreement from the BOT

Findings of Board:

After a lengthy discussion about the Gazebo it was determined that the applicant can move the structure back into the setback (move the gazebo back 4.6 ft.)

The fence will be negotiated with the Board of Trustees

Action taken by Board:

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

Record of Vote: For 4 Against _____ Absent _____

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

Close Public Hearing

Petrone (Recused)
F Luiso
F D'Estrada
F Espinoza
F Villanova

On the motion of Commissioner Luiso, which was seconded by Commissioner Petrone, the Village Attorney will prepare favorable Findings of Fact for the April 16, 2015 meeting. The sign variances are approved and the variance for the Gazebo is denied and the applicant will move the gazebo 4.6ft back to the setback.

Record of Vote: For 4 Against _____ Absent _____

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

Prepare Findings

Petrone (recused)
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 March 19, 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

Date of Hearing: **March 19, 2015**
Case No.: **2015-0116**
Applicant: Munzer Kara, DDS John B. Colangelo, Esq.
 49 Sammis Lane 211 S. Ridge Street
 White Plains, NY 10605 Rye Brook, NY 10573

Nature of Request:

On the premises No. **110 Westchester Avenue** in the Village of Port Chester, New York, situated on the **Southerly** side of Westchester Avenue distant **30 feet** from the corner formed by the intersection of **Westchester Avenue and South Main Street** being **Section 142.30, Block No 2, Lot No. 55** on the Assessment Map of the said Village, being a variance from the applicable Zoning Ordinance or Ordinances in the following respects:

Application is hereby made under the discretionary power vested in you by Section 345-29A, 345-13 or in the alternative 345.30 of the Zoning Ordinance of the Village of Port Chester for permission to: **make interior renovations to existing building; converting space to a dental office.**

Property is located in the C5T Downtown Mixed Use Transitional District.

Per Village Code Section 345-61-U Medical and Dental offices including x-ray and therapy room, variances for the following three Special Exception criteria are required: **1)** the use shall not be permitted on a lot having an area of less than 12,500 sq. ft.; **2)** the site must be located within 500 ft. of an M-1 Zone; and **3)** the site must be located no more than .6 miles from a hospital,

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:

John Colangelo, Esq. along with Pierre Sarrazin, AIA represented this application. Mr. Colangelo started by saying the applicant proposes to rent the 2nd floor at 110 Westchester Avenue for the purposes of opening a dental office. The application will need site plan approval as well as special exception use approval. There will be no exterior improvements to the site, the site is currently vacant, and there is a separate egress off the rear of the building which was approved by the Board of Trustees as a pedestrian walkway from the building to an adjacent municipal parking lot on Broadway. In the past there were many medical and dental uses in Downtown Port Chester. The zone in this area was changed to C5T and the use is an approved use, but only by special exception. The special exception criteria in §345.60 must be met in order to go forward. The application meets most of the criteria however it is impossible to meet the standards that are set forth in §345.61 because those standards are site specific. Those standards were developed for an application that was before the Board 15 years ago. It was a large medical office in town and they were looking to have dental services in the building. At that time there was no criteria for medical use in that area and the Board of Trustees at that time was very adverse to medical clinics or store front clinics popping up all over town. In order to accommodate the medical office the standards 345.61U were developed. There is no other place in town that could meet the criteria today

because we no longer have a hospital (site must be located no more than .6 miles from a hospital) The Planning Department is currently working on revising these standards but in the meantime the applicant is forced to abide by the old ones and come before the Board to ask for variances that cannot be met by any other district in the Village.

One of the variances that are requested, the applicant may be compliant with (the site must be located within 500 feet of an M-1 Zone). The use shall not be permitted on a lot having an area of less than 12,500 sq. ft. and the site must be located no more than .6 miles from a hospital, are the two variances that will be unable to be met anywhere in the Village.

Mr. Sarrazin said that there are currently no plans to develop the exterior of the building however a request will be made to the building owner. The 2nd floor access will be a secondary egress as the main entrance is on Westchester Avenue. Mr. Sarrazin said they do not plan on asking for any variances for the signage but according to the code if they are facing a municipal lot; that counts as a street frontage so there will probably be an awning with a canopy facing the parking lot on the upper level. Nothing has been designed for the lower level but it may be an awning with signage as well. They are not requesting any variances for signage and the application will go before the architectural review board.

This application is for a single dental practitioner who will have five dental stations with office space. Mr. Sarrazin said it was difficult for him to verify accurately if the site falls within the 500 ft. of an M1 Zone requirement. The County GIS mapping tool was used to verify the distance and it measured approximately 400 ft. However the Planning Department and Mr. Miley will verify the distance back in the office on Monday.

With regard to the criteria the use shall not be permitted on a lot having an area of less than 12,500 sq. ft.; the current lot size is 3,920 square feet and the Board said they did not have an issue with that variance

No one from the Public spoke for or against this application

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 D'Estrada, the Village Attorney will prepare favorable Findings of Fact for the April 16, 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

The Village Attorney will concur with the Planning Department to determine if a variance is needed for the 500 ft. criteria, if needed the findings will reflect the value amount needed.

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 March 19, 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

Date of Hearing: **March 19, 2015**
Case No.: **2015-0117**
Applicant: Makan Land Development II, LLC
 P.O. Box 979
 Harriman, NY 10926

Nature of Request:

On the premises No. **88 Perry Avenue** in the Village of Port Chester, New York, situated on the **left** side of Perry Avenue, distant **180 feet** from the corner formed by the intersection of **Perry Avenue and Irenhyl Avenue** being **Section 135.76, Block No 3, Lot No. 60.2** on the Assessment Map of the said Village, being a variance from the applicable Zoning Ordinance or Ordinances in the following respects:

Application is hereby made under the discretionary power vested in you by Section 345-29A, 345-13 or in the alternative 345.30 of the Zoning Ordinance of the Village of Port Chester for permission to: **construct a new deck**

Property is located in the R5 One Family Residential District where the minimum rear yard setback is 30 ft., proposed is a rear yard setback of 26.50 ft., therefore a rear yard variance of 3.50 ft. is required

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

William Steikhold

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

Mr. Ruffler – fence/hedge issue

Summary of statement or evidence presented:

Michael Stein, President of Hudson Engineering represented this application. Mr. Stein said the applicant is proposing build stairs and a platform to access the rear of the house. There currently are no other doors to enter the house other than the front door or to access the rear of the property from within the house. A small platform is proposed at the rear so the occupants can exit the house and walk down some stairs to the rear of the house and the rear yard. (Approximately 3 ft. high) This is a new house and plans were submitted when built showing a rear door and a platform with stairs, however the latter was never completed. Mr. Stein said the deck is not for entertainment purposes it is strictly for access.

Peter Miley, Building Inspector concurred that it is a new house and the plans that were submitted did show a rear platform, however they house was located a little too far back when the foundation was built. The as built survey indicates that the platform was incorrect but no plans were made to dig up the foundation and the deck will encroach the setback if the variance is permitted.

The deck is 3ft 4in off the house and barely covers the doors leading from the rear of the house. (Mr. Miley stated that it meets the minimum standards that can be used). There only four stairs needed to reach the deck from the ground. Because of the slope of the property the four stairs are needed, if the property sloped in the opposite direction, the deck would be even closer to the ground. Mr. Miley also stated that other than the deck issue the structure is sound and safe.

Public

Henry Ruffler – (neighbor behind applicant’s house) 101 Breckenridge Avenue *concerned with the property line where the two houses meet. Concerned with not having a fence and the hedges and privacy.*

Nicholas Shirrah – (partner of the builder) *proposes that the applicant/owner will build a fence to separate the two properties and resolve the privacy issues*

Father of the applicant – (co-owner of the home) *gave testimony that the variance is strictly for access and the safety of his grandchildren.*

Mr. Miley stated after all of the testimony and discussions that the deck is more like a landing vs a deck and it will be used as a secondary access.

Findings of Board:

Action taken by Board:

On the motion of Commissioner Luiso and 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 Luiso, which was seconded by Commissioner D’Estrada, the Village Attorney will prepare favorable Findings of Fact for the April 16, 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 March 19, 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

Date of Hearing: March 19, 2015

Case No.

Applicant:

Nature of Request: ADJOURN MEETING TO April 16, 2015

On the motion of Commissioner Petrone, which was seconded by Commissioner Luiso, the meeting was adjourned April 16, 2015,

Record of Vote: For 5 Against _____ Absent 1

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

Adjourn meeting to April 16, 2015

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

Signed _____

William Villanova

Title **Chairman** _____