

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 April 16, 2015 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 Peter Miley – Building Inspector and Jesica Youngblood - Planner

Date of Hearing: April 16, 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

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:

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
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 April 16, 2015 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 Peter Miley – Building Inspector and Jesica Youngblood - Planner

Date of Hearing: April 16, 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.

None

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

None

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 requested that approval of the Favorable Findings of Fact be postponed to the May 21, 2015 meeting because he has some additional coordination concerns and matters to discuss with the Village Attorney

Findings of Board:

Action taken by Board:

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 4 Against _____ Absent 1

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

Adjourn Findings to May 21, 2015

**F Petrone
F Luiso
F D’Estrada
F Espinoza
 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 April 16, 2015 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 Peter Miley – Building Inspector and Jesica Youngblood - Planner

Date of Hearing: April 16, 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.

None / John Colangelo Esquire represented this application

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

None

Summary of statement or evidence presented:

Findings of Board:

Commissioner Petrone summarized the Favorable Findings of Fact as prepared by the Village Attorney Anthony Cerreto. The findings reflect approval of the identification signs and disapproval of the gazebo placement.

Action taken by Board:

On the motion of Commissioner Luiso which was seconded by Commissioner D'Estrada the Favorable Findings of Fact at prepared by the Village Attorney were approved.

Record of Vote: For 3 Against _____ Absent 1

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

Approve Findings

F Petrone (Recused)
F Luiso
F D'Estrada
F Espinoza
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 April 16, 2015 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 Peter Miley – Building Inspector and Jesica Youngblood - Planner

Date of Hearing: April 16, 2015

Case No.: 2015-0116

Applicant: Munzer Kara, DDS
49 Sammis Lane
White Plains, NY 10605

John B. Colangelo, Esq.
211 S. Ridge Street
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 / 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

Action taken by the Board

On the motion of Commissioner Petrone, 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 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
 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 April 16, 2015 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 Peter Miley – Building Inspector and Jesica Youngblood - Planner

Date of Hearing: April 16, 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.

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

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
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 April 16, 2015 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 Peter Miley – Building Inspector and Jesica Youngblood - Planner

Date of Hearing:	April 16, 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 an additional month. The applicant has submitted an amnesty application and the matter is currently being reviewed for compliance

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 May 21, 2015 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 to May 21, 2015

F **Petrone**
F **Luiso**
F **D'Estrada**
F **Espinoza**
 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 April 16, 2015 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 Peter Miley – Building Inspector and Jesica Youngblood - Planner

Date of Hearing: April 16, 2015

Case No.

Applicant:

Nature of Request: ADJOURN MEETING TO May 21, 2015

On the motion of Commissioner Petrone, which was seconded by Commissioner Luiso, the meeting was adjourned May 21, 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

Adjourn meeting to May 21, 2015

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

Signed _____
William Villanova
Title **Chairman** _____