

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 May 21, 2015 at 7:00 p.m. with Commissioner William Villanova presiding.

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

Also in attendance was Steven Velardo – Assistant Building Inspector, Anthony Cerreto – Village Attorney and Jessica Youngblood - Planner

Date of Hearing: May 21, 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.

Before the Findings of Fact were reviewed the Board took a vote for the Negative Declaration Resolution prepared for this matter.

Record of Vote: For 4 Against _____ Absent 1 Recuse _____ Abstain _____
List names of members and how voted – symbols as follows: F-for, A-against, Ab-absent, R-recuse, Abs-Abstain

Approve Negative Declaration Resolution

F Petrone
F Luiso
D'Estrada
F Espinoza
F Villanova

Findings of Board:

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

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 Recuse _____ Abstain _____
List names of members and how voted – symbols as follows: F-for, A-against, Ab-absent, R-recuse, Abs-Abstain

Approve Findings

F Petrone
F Luiso
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 May 21, 2015 at 7:00 p.m. with Commissioner William Villanova presiding.

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

Also in attendance was Steven Velardo – Assistant Building Inspector, Anthony Cerreto – Village Attorney and Jesica Youngblood - Planner

Date of Hearing: May 21, 2015
Case No. 2014-0089
Applicant: O'Connor Redd, LLP
242 King Street
Port Chester, NY 10573

Nature of Request:

A letter dated May 12, 2015 was received from Gary Gianfrancesco AIA, AICP of Arconics Architecture on behalf of O'Connor Redd LLP for property as known and designated as **Section 136.78, Block 3, Lot 39** located at **242 King Street**, Port Chester, NY, requesting an extension of a previously approved site plan which was granted in May, 2014. It is anticipated that construction will not take place until the fall of 2015.

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:

Findings of Board:

Action taken by Board:

On the motion of Commissioner Petrone, which was seconded by Commissioner Luiso, the Zoning board of Appeals granted an extension to August 2015

Record of Vote: For 4 **Against** _____ **Absent** 1 **Recuse** _____ **Abstain** _____
List names of members and how voted – symbols as follows: F-for, A-against, Ab-absent, R-recuse, Abs-Abstain

F Petrone
F Luiso
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 May 21, 2015 at 7:00 p.m. with Commissioner William Villanova presiding.

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

Also in attendance was Steven Velardo – Assistant Building Inspector, Anthony Cerreto – Village Attorney and Jesica Youngblood - Planner

Date of Hearing: **May 21, 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:

Steven Velardo Assistant Building Inspector informed the Board that the applicant was able to be benefitted by the Amnesty Program and requested that the application be withdrawn

Findings of Board:

Action taken by Board:

No action necessary – matter withdrawn

Signed _____
William Villanova
Title Chairman _____

MINUTES OF MEETING

Application for Zoning Variance

A meeting of the Zoning Board of Appeals was held at the Courtroom of the Police Headquarters Building, 350 North Main Street, Port Chester, NY on May 21, 2015 at 7:00 p.m. with Commissioner William Villanova presiding.

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

Also in attendance was Steven Velardo – Assistant Building Inspector, Anthony Cerreto – Village Attorney and Jesica Youngblood - Planner

Date of Hearing: May 21, 2015
Case No. 2015-0118
Applicant: Douglas Siekierski SCF Holdings
1 Touraine Avenue PO Box 143
Port Chester, NY 10573 Scarsdale, NY 10583

Nature of Request:

on the premises No. **1 Touraine Avenue** in the Village of Port Chester, New York, situated on the **South** side of **Touraine Avenue** distant **0 feet** from the corner formed by the intersection of **South Regent Street and Touraine Avenue** 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 deck.

The home is located in the R2F Two Family District where the minimum rear yard setback is 30.0 feet, proposed is 10.7 feet, therefore a rear yard setback variance of 19.3 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:

Douglas Siekierski (applicant) represented the application. Mr. Siekierski said the deck was there when he purchased the house, the title report said everything was fine and was led to believe everything was ok. He later received a letter as a result of the Amnesty Program informing him that there was no Certificate of Occupancy. In trying to rectify the situation, and through the inspection process Mr. Siekierski learned that whoever built the deck (8 years prior) did so without obtaining a permit. Mr. Siekierski said this is the last step in legalizing the dwelling. He also stated that he has a contract to sell the house within the next three weeks. In summation, this is a two family dwelling (two floors). Through the amnesty program Mr. Siekierski learned that he did not have a C of O for the house and through the inspection process he learned that a permit was not given to build the deck. The variance is for a rear yard setback as there is no side yard requirement for the deck.

Steve Velardo, Assistant Building Inspector told the Board that the original house did not receive a C of O. The house was bought with the deck already there but under the amnesty program he could not qualify because it was less than 10 year ago. The deck to date has not been inspected. The drawing of the elevations and the footing for the deck were prepared specifically for this application's appearance before the Board.

Chairman Villanova informed the applicant that although the Board may approve this application, it does not remove the fact that the deck must be inspected for compliance.

No one from the Public spoke for or against this application.

The approval would be subject to the deck being in compliance with Building Code

Findings of Board:

Action taken by Board:

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

Record of Vote: For 4 Against _____ Absent 1 Recuse _____ Abstain _____
List names of members and how voted – symbols as follows: F-for, A-against, Ab-absent, R-recuse, Abs-Abstain

Close Public Hearing

F Petrone
F Luiso
D'Estrada
F Espinoza
F Villanova

On the motion of Commissioner Luiso which was seconded by Commissioner Espinoza, the Village Attorney was directed to prepare Favorable Findings of Fact for the June meeting depending on approval from the Building Department.

Record of Vote: For 4 Against _____ Absent 1 Recuse _____ Abstain _____
List names of members and how voted – symbols as follows: F-for, A-against, Ab-absent, R-recuse, Abs-Abstain

Prepare Findings

F Petrone
F Luiso
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 May 21, 2015 at 7:00 p.m. with Commissioner William Villanova presiding.

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

Also in attendance was Steven Velardo – Assistant Building Inspector, Anthony Cerreto – Village Attorney and Jesica Youngblood - Planner

Date of Hearing: May 21, 2015
Case No. 2015-0118
Applicant: Jose Perez Martinez
23 Riverdale Avenue
Port Chester, NY 10573

Nature of Request:

On the premises No. **23 Riverdale Avenue** in the Village of Port Chester, New York, situated on the **East** side of **Riverdale Avenue** distant **250 feet** from the corner formed by the intersection of **Putnam Avenue and Riverdale Avenue** being **Section 136.56, 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:

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 driveway and one parking space within the required front yard.**

Property is located in the R5, One Family Zoning District.

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

Peggy Anne Munich – resident – 25 Riverdale Avenue

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

None

Summary of statement or evidence presented:

Michiel Boender, of Edgewater Architects Group represented this application. Mr. Boender started by saying the property is located on Riverdale Avenue near the Clay fitness Center and the property is lot number 43 where parking is not available on one side of the street. It's a little unique among properties on the street because there is no back yard. There is a common access way that serves the Clay Fitness Center. None of the properties from lots 42 to 47 are able to have garages in their back yard as the houses are lot line to lot line. Mr. Boender said that there are two properties on the row of lots that have front yard parking. (lots 42 & 46) One of the houses has a curb cut and the other uses the access way of the Clay Fitness Center and the benefit of having a curb cut is that street parking is not reduced because there is no parking on that side of the street at any time. The applicant is proposing one curb cut and one 9x19 ft. parking space in the front yard.

Mr. Jose Perez Martinez (applicant) explained to the Board that the reason he needs to create a parking space for himself is because the businesses in the area use the residents parking and the residents have nowhere to park. As soon as a resident leaves, the public is waiting for the parking space. When his wife and others in the neighborhood return home in the evening, they have to wait sometimes several hours to find a place to park, or they have to park several blocks away.

Chairman Villanova suggested the Building Department report on the legality of the two driveways on the block. In order to substantiate that there are others on the block it must first be determined if the other driveways are legal with a Certificate of Occupancy.

Public

Resident - **Peggy Ann Munnick** – 25 Riverdale Avenue – fully supportive of applicant. She said that her residence has parking in the front yard and was there when she purchased the house in 1990.

Ms. Munnick also informed the aboard of an automotive dealership in the area that is utilizing all of the parking in the area. They are not in compliance and has been doing this illegally for several years. Cars with out of state plates have been parking in the area on Riverdale Avenue and on Madison Avenue. The dealership has recently taken down the fence that is in the front of their property and cars are being parked there.

Mr. Ken Munnick – 25 Riverdale Avenue – supportive of applicant. Mr. Munnick told the Board that on Hillside/Putnam Avenue, pavers were recently installed and now cars can enter from Putnam Avenue, cars are now parked on the grass and if you are coming out of Riverdale and you look to the left to see if traffic is speeding down Putnam Avenue, you are unable to see anything. There is no curb cut there ant these actions are not in compliance with Village Code. Mr. Munnick also said that the rental car business takes up all the residential parking spaces and they are nasty to the residents.

Chairman Villanova asked Steve Velardo, Assistant Building Inspector to look into 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 June 18, 2015 meeting.

Record of Vote: For_4_ Against_____ Absent_4_ Recuse_____ Abstain_____
List names of members and how voted – symbols as follows: F-for, A-against, Ab-absent, R-recuse, Abs-Abstain

F Petrone
F Luiso
D'Estrada
F Espinoza
F Villanova

Signed _____
William Villanova
Title Acting Chairman _____

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

Also in attendance was Steven Velardo – Assistant Building Inspector, Anthony Cerreto – Village Attorney and Jesica Youngblood - Planner
Miley – Building Inspector and Jesica Youngblood - Planner

Date of Hearing: May 21, 2015

Case No.

Applicant:

Nature of Request: ADJOURN MEETING TO June 18, 2015

On the motion of Commissioner Luiso, which was seconded by Commissioner Espinoza, the meeting was adjourned June 18, 2015, beginning at 6:30 pm to allow for the Village to provide an ethics overview.

Record of Vote: For_____ Against_____ Absent_____ Recuse_____ Abstain_____

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

Adjourn meeting to May 21, 2015

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

Signed

William Villanova

Title Chairman