

# 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 July 16, 2015 at 7:00 p.m. with Commissioner 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:** July 16, 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.**

Michiel Boender, Architect

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

None

### **Summary of statement or evidence presented:**

Chairman Villanova started by saying at last month's meeting there was some concern and discussion on the representation of where the applicant resides and that's why we are here again this evening and the case is still open.

Mr. Boender began by saying he had submitted additional correspondence since the last meeting in order to try and explain some of the misunderstandings which transpired at the last meeting. Mr. Martinez is the owner of both properties (#15 & #23 Riverdale Avenue) and he resides at the 15 Riverdale Avenue address. Mr. Martinez is applying for the parking space for the # 23 Riverdale Avenue address. He has an arrangement with the tenant and an agreement that he would be able to park his vehicle on that premises because the property at 15 Riverdale is highly landscaped and he was hoping not to have to disturb the landscaping. However Mr. Martinez said if the variance is not feasible for #23 Riverdale because he himself is not residing there he would consider the opportunity to submit another variance application for #15 Riverdale Avenue.

Chairman Villanova said the Board would not hold this application against him should he decided to submit another application in the future.

Mr. Boender said he was at the sight to verify the dimensions and that there is ample space in the front yard for a nine by eighteen ft. parking space with three feet of buffered area to the property to the right and there is a buffered area to the left which is actually an access area to the stairs. The parking space would take up the entire front yard. In addition there was some concern with regard to run-off and the applicant is proposing to use turf stone block material so it would not be the typical paving. (Mr. Boender provided pictures to the Board) As the Board reviewed the

photos Mr. Boender explained the layout and dimensions as explained above. Mr. Boender also showed a picture of the applicant's house at 15 Riverdale Avenue with the landscaping in the front yard. The access driveway of the Clay fitness center could also be seen alongside the property.

It was clarified once again that the curb cut does not eliminate a parking space on the street because there is no parking on that side of the street.

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

**Findings of Board:**

The members of the Board expressed in their comments that they are not in favor of front yard parking.

**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 \_\_\_ 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**
- F     D'Estrada**
- F     Espinoza**
- F     Villanova**

On the motion of Commissioner Petrone which was seconded by Commissioner D'Estrada the Board denied the application for a variance for a curb cut and front yard parking and directed the Village Attorney to prepare Findings of Fact no in favor of this application for the August 20, 2015 meeting.

**Record of Vote: For 5 Against \_\_\_\_\_ Absent \_\_\_ 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**
- F     D'Estrada**
- F     Espinoza**
- F     Villanova**

**Signed** \_\_\_\_\_  
William Villanova  
**Title** **Chairman** \_\_\_\_\_

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Also in attendance was Peter Miley, Building Inspector

**Date of Hearing:** July 16, 2015  
**Case No.:** 2015-0120  
**Applicant:** Colley W. Criss  
70 Grove Street  
Port Chester, New York 10573

**Nature of Request:**

on the premises No. **70 Grove Street** in the Village of Port Chester, New York, located in an R2F Building Zone District being section 142.30, Block 1, Lot 5 on the tax assessment map of the Town of Rye, New York

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 the expansion of an existing, non-conforming structure and use. Expansion of garage housing an auto body shop by adding second floor office and storage space.

**Off-Street Parking Requirements**

Provided 0 Required 5 Variance Yes - 5 spaces

**Off-Street Loading Requirements**

Provided 0 Required 0 Variance No

**Required Variance(s)**

Per §345-13 of the Village Code, expansion of a non-conforming use requires a use variance.

Per Schedule §345, Attachment 1B, maximum FAR permitted is .70. The proposal provides an FAR of .92. A variance of .22 FAR is required.

Per Schedule §345, Attachment 1B, the minimum single side yard setback is 8'. The proposal provides a single side yard setback of 1.39'; therefore, a single side yard variance of 6.61' is required.

Per Schedule §345, Attachment 1B, the minimum combined side yard setback is 14'. The proposal provides a combined side yard of 2.68'; therefore, a combined side yard setback variance of 11.32' is required.

Per Schedule §345, Attachment 1B, the minimum permitted rear yard setback is 30'. The proposal provides a rear yard setback of 0.91'; therefore, a rear yard setback variance of 29.09' is required.

Correspondence was received from John Colangelo, Esq. who represents the applicant, requesting an adjournment to the next meeting due to the applicant being hospitalized.

**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    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**  
**F     D’Estrada**  
**F     Espinoza**  
**F     Villanova**

**Signed** \_\_\_\_\_  
William Villanova  
**Title** Chairman

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**Date of Hearing: July 16, 2015**

**Case No.**

**Applicant:**

**Nature of Request: ADJOURN MEETING TO August 20, 2015**

On the motion of Commissioner Luiso, which was seconded by Commissioner D'Estrada, the meeting was adjourned August 20, 2015.

**Record of Vote: For 5 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 August 20, 2015**

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

**Signed**

**William Villanova**

**Title Chairman**