

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

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

Also in attendance was Steven Velardo, assistant Building Inspector.

**Date of Hearing:**      **October 15, 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.

**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

**3. Summary of statement or evidence presented:**

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

**Findings of Board:**

**Action taken by Board:**

On the motion of Commissioner Petrone, which was seconded by Commissioner D'Estrada, 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**  
**Ab    Luiso**  
**F     D'Estrada**  
**F     Espinoza**  
**F     Villanova**

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

## MINUTES OF MEETING

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

Also in attendance was Steven Velardo, assistant Building Inspector.

**Date of Hearing:**      **October 15, 2015**  
**Case No.**             **2014-0095**  
**Applicant:**         **Bernard Edelstein, Esq.**  
                              **220 Westchester Avenue**  
                              **Port Chester, NY 10573**

#### **Nature of Request:**

A letter was received from Bernard M. Edelstein, Attorney representing 220 Westchester Corporation for property located at **220 Westchester Avenue Section 142.22, Block 1, Lot 6** on the Assessment Map of the said Village requesting an adjournment of their application to the November 19, 2015 meeting. The matter is currently pending before the Board of Trustees (Medical Uses in the Proposed C1M District). If the local law is enacted no variance will be needed.

On the motion of Commissioner D'Estrada, which was seconded by Commissioner Espinoza, the matter was adjourned to the November, 2015 meeting.

**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*

#### **Adjourn to November 19, 2015**

**F      Petrone**  
**Ab    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 October 15, 2015 at 7:00 p.m. with Chairman William Villanova presiding.

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

Also in attendance was Steven Velardo, assistant Building Inspector.

**Date of Hearing:** October 15, 2015  
**Case No.:** 2015-0124  
**Applicant:** Frank Carpenteri Jr.  
140 Midland Avenue  
Port Chester, NY 10573

### **Nature of Request:**

John Colangelo, Esq. represented this application

#### **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

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

Mr. Colangelo started by saying that this is a pretty straight forward application to legalize an existing sign. The applicant has been operating at this location since 2001. The sign was installed by a prior owner many years before this owner. It has been in existence for at least 25-30 years. The applicant wants to change the interior lens of the sign and applied for the appropriate permits and was informed by the Building Department that the sign was not legal and the applicant must obtain a variance. The applicant made an application which was denied and that's why the applicant is here before the Board tonight. The sign is consistent with other signs in the neighborhood. It is a commercial area (M2 Zone) and without that sign the business would not be visible to those travelling along Midland Avenue. The main sign fronts the private parking lot which also houses other stores in the mini strip mall. The size of the sign will not be changing, is only the interior lens. There was a chicken and ribs restaurant located in the spot prior to the applicant's Garden Catering Restaurant which is an established business here in Port Chester as well as Fairfield County.

The variance does not affect the use or any of the other businesses in the area. The sign is needed to identify the business to those cars travelling east on Midland Avenue. The sign will be the same size with a different internal lens. The sign will not be a neon sign. The applicant does not own the property, he is a tenant who has been renting the space for over 14 years. The sign and lens on the front of the building has already been approved by the Building Department and does not require a variance. (It's the one sign that is allowed by code).

Assistant Building Inspector Steven Velardo gave an interpretation of the Code as applied to this variance because there were several interpretations given by Board members seeking clarity with regard to the slowed sign versus the additional sign.

No one from the public spoke for or against this 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   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**
- Ab   Luiso**
- F     D’Estrada**
- F     Espinoza**
- F     Villanova**

On the motion of Commissioner Petrone, which was seconded by Commissioner Espinoza, the Village Attorney was directed to prepare Findings of Fact for the November 19, 2015 meeting.

**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**
- Ab   Luiso**
- F     D’Estrada**
- F     Espinoza**
- F     Villanova**

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

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

Also in attendance was Steven Velardo, assistant Building Inspector.

**Date of Hearing:     October 15, 2015**

**Case No.**

**Applicant:**

**Nature of Request:   ADJOURN MEETING TO November 19, 2015**

On the motion of Commissioner Luiso, which was seconded by Commissioner D'Estrada, the meeting was adjourned to November 19, 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*

**Adjourn to November 19, 2015**

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

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