

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 November 19, 2015 at 7:00 p.m. with Commissioner Evelyn Petrone presiding. Chairman Villanova presided after the first case.

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

Also in attendance was Anthony Cerreto, Village Attorney and Steven Velardo, Assistant Building Inspector.

Date of Hearing: November 19, 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:

Commissioner Petrone summarized 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 Petrone, which was seconded by Commissioner D'Estrada, the Favorable Findings of Fact as prepared by the Village Attorney were approved.

Record of Vote: For 3 Against _____ Absent 2 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
Ab Villanova

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, D'Estrada and Espinoza

Also in attendance was Anthony Cerreto, Village Attorney and Steven Velardo, Assistant Building Inspector.

Date of Hearing: November 19, 2015

Case No. 2015-0125

Applicant: Ana & Alberto Heredia
170 Madison Avenue
Port Chester, NY 10573

Luigi Demasi, AIA
Goewey & Demasi Architects
239 Lexington Avenue
Mt. Kisco, NY 10549

Nature of Request:

on the premises No. **170 Madison Avenue** in the Village of Port Chester, New York, located in an R2F Building Zone District being **Section 136.64, Block 1, Lot 48** 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: construct a new detached garage and two story addition to an existing single family dwelling

Property is located in the R2F, Two Family Zoning District where the required minimum side yard setback is 8.0 feet, proposed is a 6.7 feet, therefore a side yard setback variance of 1.3 feet is required,

The maximum Floor Area Ratio is .70, proposed is .74, therefore a .74 FAR variance is required,

Detached accessory buildings and structures may be located within a required rear yard provided they are at least five feet from any side or rear lot line and shall not exceed one story if 15 feet in height. Proposed is an accessory garage structure with a height of 19 feet 6 ½ inches, therefore a 4 feet 6 ½ inch height variance is required.

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

Alberto Heredia – applicant – testified the work being done to the house is the replacement of stones around the patio. He also said he replaced the stairs because they were cracking.

John Hyss – 27 Madison Avenue – not in favor of the height of the garage

Marta Hytros – 27 Madison Avenue – provided written communication in opposition to the application with regard to the various commercial vehicles being parked there 7 days a week.

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

Loren Rodriguez – 523 Locust Avenue – not in favor of application concerned with the garage being too close to her house which is behind the applicant's house.

Veronica Chavez – 523 Locust Avenue – not in favor of application

3. Summary of statement or evidence presented:

Luigi Demasi, AIA of Goewey & Demasi Architects represented the applicant in this matter. Mr. Demasi started by saying the applicant is looking to construct a second floor addition on an existing one story house. Mr. Demasi showed pictures of the neighborhood showing most of the houses being were 2 to 2 ½ stories in height. The house is currently one story in height. The way that the property slopes in the back the basement is currently above grade and there's some finished area there that will go into the FAR. The applicant is looking to keep the same footprint but just add on top of it.

The reason for the addition is the family is 3 children plus husband and wife and they need more room. The owners are the occupants of the house. The applicant owns a landscaping business and has parked trucks at the residence from time to time, however he will refrain from parking the trucks at the residence from now on.

The need for the FAR variance is because of the proposed second floor. The basement level was counted in the FAR determination.

The two car garage in the rear is too close to the property line. (2.05 ft. from property line). The garage is in disrepair and the applicant is looking to demolish the existing garage and construct a new two car garage. The garage is currently an oversized one car garage which is falling apart. The proposed garage is a one story garage with an open attic. There will be one large 16-18 ft. single garage door. There will be stone work around the single door. There will be screenings to hide the garage.

Mr. Demasi said the applicant will also build a bathroom in the attic and in the basement. The applicant does not have any intention of renting any part of the house. The adjacent house has a two car garage with a peaked roof. Across the street is a barn looking structure which appears to be pretty high with 3 garages and is over 22 ft. The proposed additions will not be out of character with the neighborhood.

Chairman Villanova clarified for the record. This is a one family house in a two family zone. The applicant was renting the house but will be occupying the house upon completion of the construction. Chairman Villanova also inquired of Steven Velardo, Assistant Building Inspector if there were any violations on the property. Mr. Velardo said a complaint was recorded on 11/17/2015 for commercial vehicles being parked on the property but the complaint has not yet been investigated.

Mr. Demasi said with regard to egress from the attic, it will have a sprinkler system and the windows serve as a second means of egress. The first and second floor of the house total 2400 sq. ft. adding the basement and the garage comes to roughly 4400 sq. ft.

It was noted that there are currently renovations being made to the patio and no permit has been issued. Chairman Villanova asked Mr. Velardo to see what kinds of work is being done and whether or not it requires a permit. In addition there is an unacted upon complaint and a rendering of the site plan should be provided for the next meeting.

Chairman Villanova informed the applicant that he must work with the building department before doing work on the house. Replacing the stairs etc. requires a permit. Mr. Velardo, Building Inspector will be going to the property to determine what has transpired and report back to the Board at the next meeting.

Findings of Board:

Action taken by Board:

On the motion of Commissioner Petrone, which was seconded by Commissioner Espinoza, the meeting was adjourned to December 17, 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 December 17, 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 November 19, 2015 at 7:00 p.m. with Commissioner Evelyn Petrone presiding. Chairman Villanova presided after the first case.

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

Also in attendance was Anthony Cerreto, Village Attorney and Steven Velardo, Assistant Building Inspector.

Date of Hearing: November 19, 2015
Case No. 2015-0126
Applicant: Kimberly Tuteria Martelli
KTM Architect
43 North Main Street
Port Chester, NY 10573

Nature of Request:

on the premises No. **43 King Street** in the Village of Port Chester, New York, located in an R2F Building Zone District being **Section 142.31, Block 1, Lot 34** 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 sign permit application

- (1) Property is located in the C1 Commercial Retail District A wall identification sign shall be attached to or incorporated in a building wall. Such sign shall not: (b) be located above the second story of the building wall. Proposed are 4 signs to be located and displayed in the window(s) on the third floor therefore; a variance to permit the installation of identification signs above the second floor are required.
- (2) (a) One permanent, durably constructed and approved sign no greater than 20% of the window area or eight square feet, whichever is smaller. Proposed are 4 signs, each exceed the allowable are within the window that they will be located in and therefore; variances are required for each window.
 1. KTM signage: max permitted allowable area is 1.73 sq. ft., proposed is 6.09 sq. ft. therefore; a 4.36 sq. ft. allowable window area coverage variance is required.
 2. Emilia signage: max permitted allowable area is 1.73 sq. ft., proposed is 6.09 sq. ft. therefore; a 4.36 sq. ft. allowable window area coverage variance is required.
 3. Cuono signage: max permitted allowable area is 3.71 sq. ft., proposed is 15.89 sq. ft. therefore; a 12.18 sq. ft. allowable window area coverage variance is required.
 4. Well Built Company signage: max permitted allowable area is 3.71 sq. ft., proposed is 15.89 sq. ft. therefore; a 12.18 sq. ft. allowable window area coverage 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

3. Summary of statement or evidence presented:

Kimberly Tuteria Martelli (applicant) represented this matter. In attendance was Ray Russo of East Coast shades and awnings

Ms. Martelli started by saying she is one of four tenants on the third floor of 42 North Main Street. The Building is a through building which goes all the way through from Main Street to King Street. The signage being proposed is at the King Street façade. The building faces the platform of the Metro North Train Station. The ultimate goal is that each of the four businesses will be represented in the four proposed signs. The applicant said although the building is a straight through building, her office is only accessible from King Street. The front door on Main Street is locked and only accessible to the building owner. There are two means of egress from the rear of the building. Ms. Martelli said that in the visuals provided and to get a sense of their location they are the center building with Luso Taxi to the left and Back door drop off of the Salvation Army is to the right.

Ms. Martelli said since they are all licensed professional contractors and architects, it is important for the businesses to have representation on the Metro North side. Being so high up the visibility is much better, as opposed to the Main Street side which they took into consideration. The first floor is Occicone Leather and his entrance is on Main Street and the staff enters through the rear. The second floor of the building is currently vacant. Assistant Building Inspector Steven Velardo said that the building would not be able to entertain the signage on the first floor due to the fire escape.

The Board did not have pictures of the signs and the applicant was requested to provide them for the next meeting.

Ms. Martelli said the signs are just shy of the window size; they are 26 inches high and 88 inches wide. The designs were work around the business and the window size. Basically the only people to see the signs are the people on the Metro North Platform and parking lot. The signs will have interior lamination. Different options were explored by the Board with the applicants regarding the placement of the signs other than in a window. The applicants have been in the building for a little over a year. (September 2014). The space was an old photography studio. The applicant stated they are asking for this variance because they are on the third floor and it is their only means of signage. (no window signage and permanent signage)

In the Boards' opinion 8 variances are substantial. The building owner is not a co applicant in this matter and has not weighed in. Perhaps a way finding sign is the solution. Village attorney Anthony Cerreto referred to a sign across Main Street where several properties are owned by Mr. Raffa who has provided way finding signs as opposed to window signage. The Board suggested the applicant provide another option and work with the Board on reducing the variances.

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

Findings of Board:

Action taken by Board:

On the motion of Commissioner Espinoza, which was seconded by Commissioner Petrone, the meeting was adjourned to December 17, 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 December 17, 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 November 19, 2015 at 7:00 p.m. with Commissioner Evelyn Petrone presiding. Chairman Villanova presided after the first case.

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

Also in attendance was Anthony Cerreto, Village Attorney and Steven Velardo, Assistant Building Inspector.

Date of Hearing: November 19, 2015
Case No. 2015-0127
Applicant: VLS Realty Associates, LLC
55 Cutler Road
Greenwich, CT 06831

Nature of Request:

on the premises No. **314 Boston Post Road** in the Village of Port Chester, New York, located in a Commercial ("C3") Building Zone District being **Section 142.45, Block 1, Lot 3 and** 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 Site development and construction of new retail and office building with driveway and parking.

Per Village Code, 75 off street parking spaces are required, applicant proposes 62; therefore a variance of 13 off street parking spaces is required.

Applicant proposes a building height of 26 feet 2.5 inches. Applicant proposes a side yard setback of 10 feet 6 inches. Per Village Code side yard setback must be ½ the height of the building to which the yard is related, but not greater than 20 feet; therefore a variance of 2.604 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

3. Summary of statement or evidence presented:

Anthony Gioffre Esq. of Cuddy & Feder represented this application for VLS Realty. Mr. Gioffre acknowledged that Mr. Frank Morano, one of the principle applicants is also present. Mr. Gioffre said they are requesting two minor variances or in the alternative parking relief relief the Board has the authority to waive the requirement in lieu of granting the variance.

This is the Sunoco gas station in the vicinity of South Regent Street and Boston Post Road. There are no changes proposed to the gas station. To the rear of the gas station is a vacant area which has previously been used as a parking area for the storage of cars. The applicant is proposing to construct an office and retail building of 14,999 square feet. There are other related improvements, access to the rear of the building, modification of the ingress and egress, no changes to the curb cuts, no changes to the gas station and they are proposing pedestrian circulation throughout the site. This application is also before the Planning Commission who referred the matter to the Zoning Board before they take further action.

Documentation was submitted to the Board which documents the analysis to be considered with respect to granting the variances. The variance is let than a yard (2 ½ ft.) for the setback

variance which is located on the Stanley Steamer side of the building. With regard to the parking the applicant is requesting relief for 13 spaces. The plan has been changed over a significant period of time and have been able to reduce the size of the building. Because of the location and classification of the zoning district this building could be as tall as 60 feet. (5 stories) The FAR that is permitted for this site is 3.0 and only 0.284 is being requested. So a significantly larger building could be constructed here which the applicant is not doing. As part of the modification we are requesting 13 spaces because the building has been reduced to 15,000 square feet. The applicant is only required to provide one loading space. Two loading spaces are depicted on the plan and one of those spaces could be converted into an additional parking space. The gas station (front side) has 6 spaces. The gas station is only required to provide 5 spaces. Technically we would require a variance for 11 spaces but the denial presented is for 13 spaces. The layout of the gas station is consistent with the land use pattern of the area. The traffic situation will be reviewed by the Villages Traffic Consultant, The Department of Transportation and The Village Engineer Dolph Rotfeld.

Chairman Villanova said the setback variance is very diminimous and the idea of two loading spaces is a plus. Chairman Villanova asked Mr. Velardo to investigate the available loading zones throughout the village.

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 and the Village Attorney was directed to prepare Findings of Fact for the December 17th 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

Close Hearing/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 Anthony Cerreto, Village Attorney and Steven Velardo, Assistant Building Inspector.

Date of Hearing: November 19, 2015

Case No.

Applicant:

Nature of Request: ADJOURN MEETING TO December 17, 2015

On the motion of Commissioner Petrone, which was seconded by Commissioner Espinoza, the meeting was adjourned to December 17, 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 December 17, 2015

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

Signed _____
William Villanova
Title Chairman