

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 January 21, 2016 at 7:00 p.m. with Chairman William Villanova presiding.

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

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

Date of Hearing: **January 21, 2016**
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:

Charles Gottlieb Esq. of Cuddy & Feder represented this application for VLS Realty.

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 Luiso, the Favorable Findings of Fact as prepared by the Village Attorney were approved.

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

Findings

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

Signed _____
William Villanova
Title **Chairman**

ATTEST:

MINUTES OF MEETING

Application for Zoning Variance

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

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

Date of Hearing: **January 21, 2016**

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
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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.

None

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

None

3. Summary of statement or evidence presented:

Luigi Demasi, AIA of Goewey & Demasi Architects represented the applicant in this matter. The applicant Alberto Heredia was also present. Chairman Villanova asked Steve Velardo Assistant Building Inspector what new information was discovered since the last meeting. Mr. Velardo started by saying that some work had been started in the front of the dwelling, masonry work and front porch work that would have required a building permit prior to starting which they

did not obtain. This included the front entry steps to the porch. The walkway was also redone along with some archways that were started on the facade. It was noted that there was also a hot tub in the rear yard but based on records it was prior to this owner and no permit was found in the records for the hot tub.

An additional submission was received from the applicant pertinent to the height of the garage. Drawings were submitted which depicted different elevations with three different heights. The garage is a detached garage. The first drawings is what was originally proposed (19.6 ft.) and the other two drawings are what is proposed if the pitch I lowered to 17 feet or to the required 15 feet. The garage is a two car garage with a one door entrance in the front. The rear yard and the side yard setbacks are conforming and the only variance needed is for the height of the garage.

Mr. Velardo, Assistant Building Inspector said upon a visit to the premises, it appears that the first and second floor are vacated and someone is residing in the basement level. The basement was a habitable space.

The house needs two variances, one for an FAR and the other is for an existing sider yard. The house is not parallel to the property. When the proposed addition is squared off. The house will encroach by 3 inches.

The landscaping behind the garage to shield it from the view of the neighbors will be 8 ft. high arborvitaes. Mr. Demasi said all of the items are depicted in the new site plan drawings. There will be no additional floors in the garage. The height is strictly for aesthetics. The Board was in agreement that 17ft in height was a better height than 19ft.

The house will consist of four bedrooms, two bathrooms on the second floor, a full bathroom on the third floor with a laundry room on the third floor as well. This will be a one family house although it is in a two family zone.

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

Correspondence was received from the neighbor at 27 Madison Avenue who stated that the applicant has commercial work equipment in the driveway. Mr. Heredia said that his business is too big for the driveway and he will no longer be using the driveway for that purpose. His trucks will be located to Martin Place which is a commercial area. The garage will be used to store his outdoor patio furniture and storage

Mr. Heredia gave testimony that the house was basically too small for his family in its current size. In addition the bedrooms are very small. Mr. Heredia said he would like to keep the house on the future for his children. It will be maintained as a one family house, and no rental. Mr. Heredia said that the house had been previously rented but he will be living there with his family once the construction is completed.

Findings of Board:

The applicant testified he has three children and this will make a nice large comfortable family home and the aesthetics are very pleasing. The children will have their own bedrooms which is an acceptable request. By making a one family home in a two family District will decrease the density, and keeps in line with the comprehensive plan. The applicant has also agreed to reduce one of the variances by agreeing to the alternate garage height of 17ft. The request for the side yard variance is not a substantial change.

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 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

Close public Hearing

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

Chairman Villanova also reminded the applicant that in the future before doing any renovations he should first check with the Building Department to determine if permits are needed for the work.

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

Prepare Findings

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

Signed _____
 William Villanova
Title **Chairman** _____

ATTEST:

MINUTES OF MEETING

Application for Zoning Variance

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

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

Date of Hearing: **January 21, 2016**
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:

Correspondence was received from the applicant requesting that this matter be adjourned to the February 18th meeting while the plans are being reworked to incorporate some of the suggestions made by the Board at the last meeting.

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 ___5__ 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 February 18, 2016

F Petrone
F Luiso
F D’Estrada
F Espinoza
F Villanova

Signed _____
William Villanova
Title **Chairman** _____

ATTEST:

MINUTES OF MEETING

Application for Permit or 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 January 21, 2016 at 7:00 p.m. with Chairman William Villanova presiding.

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

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

Date of Hearing: **January 21, 2016**
No. of Case: **2015-0128**
Applicant: Mary and Frank Strauch
 81 Glendale Place
 Port Chester, NY 10573

Nature of Request:

on the premises No. **81 Glendale Avenue**, being **Section 136. 62, Block No. 1, Lot No. 12** 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 kitchen addition and new wood deck to an existing single family dwelling.

Property is located in the R5 Single Family District where the required minimum (1) side yard setback is 8.0 feet, proposed is a 5.16 feet side yard setback; therefore a 2.84 feet side yard setback 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:

The applicant Mary Strauch and accompanied by her architect Maron Cascella? Represented this application. The applicant architect said they are doing a small renovation to the kitchen 138 sq. ft. and they are trying to square the property off because of the existing conditions. Only one variance is being requested and that is for the side yard. There is no second floor to this addition and will keep in line with the existing footprint. No variance is needed for the deck. The location of the kitchen will not change, it will just be made larger. (longer)

No one from the public spoke for or against the application

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 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

Close Public Hearing

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 Village Attorney was directed to prepare Favorable Findings of Fact for the February 18, 2016 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

Prepare Findings

F Petrone
F Luiso
F D’Estrada
F Espinoza
F Villanova

Signed _____
 William Villanova
Title **Chairman** _____

ATTEST:

MINUTES OF MEETING

Application for Zoning Variance

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

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

Building Inspector.

Date of Hearing: January 21, 2016

Case No.

Applicant:

Nature of Request: ADJOURN MEETING TO: February 18, 2016

On the motion of Commissioner Petrone, which was seconded by Commissioner Espinoza, the meeting was adjourned to February 18, 2016.

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 to February 18, 2016

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

Signed _____
William Villanova
Title Chairman _____

ATTEST: