

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 March 17, 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 Ceretto, Village Attorney and Steven Velardo, Assistant Building Inspector

Date of Hearing: March 17, 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 an adjournment of this matter to the April 21, 2016 meeting.

Findings of Board:

Action taken by Board:

On the motion of Commissioner Petrone, which was seconded by Commissioner Espinoza, the matter was adjourned to the April 21, 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

Adjourn to April 21, 2016

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

Signed _____
William Villanova
Title Chairman _____

ATTEST:

MINUTES OF MEETING

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

Date of Hearing: **March 17, 2016**
No. of Case: **2016-0129**
Applicant: Laura and Joseph Devita
 1 Shore Drive
 Port Chester, NY 10573

Nature of Request:

on the premises No. **1 Shore Drive**, being **Section 142.63, Block No 1, Lot No. 4** 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 2nd curb cut and driveway and parking area in front yard.**

Property is located in the R7 One family Residential District where Accessory off-street parking spaces, other than those which might be incidentally available within an actual access driveway area, shall not be located within the required front yard.

Proposed is the construction of a new driveway and (2) parking spaces to be located within the required front-yard and therefore, a variance to construct a new driveway and permit parking to be located within a required front is required.

Access driveways through the required front yards and required side yards shall not exceed 10 feet in width, except that in the instance where a garage two car spaces wide is set back beyond the required front yard, such garage may have an access driveway as wide as the parking spaces in the garage, which driveway extends not more than 30 feet in front of the access doors to such garage. Proposed driveway varies from 12 to 16 feet wide therefor a 6' variance for driveway width is required.

Proposed is the construction of a new driveway that will exceed 10 feet in width with a proposed maximum width of 16 feet at the front courtyard within the required front-yard and therefore, a variance to construct a new driveway exceeding the maximum width of 10 feet to be located within a required front is required

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

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

Summary of statement or evidence presented:

The matter was called by the Chairman and no one was present to represent the application. The Chairman said he would give it a second call at the end of the meeting.

On the second call the matter was represented by Paul Berte, Architect of Fusion Engineering. Mr. and Mrs. Devita were also present and gave testimony on this matter.

Mr. Berte started by saying he had four letters of support from neighbors which he wanted to submit. The Chairman directed Mr. Berte to give the letters to Connie (Board Secretary) Mr. Berte said the request was made by the property owners to install a secondary access to the driveway, to provide additional off street parking and to provide improved turning movement in and out of the property. Shore drive is mapped to fifty feet but is improved to only 20 feet. When cars are parked on the property for landscaping, maintenance or visitors, it goes down to a one lane road. Mr. Berte said there is a tree that impedes on Village property otherwise none of the improvements to the driveway will impede on Village property. It was noted that the street itself could be widened to accommodate parking. There is a 75 ft. rear backup to back out of the shore drive driveway and by adding the turnaround there can be forward movement out of the driveway. The landscaped walls that are being proposed may need a license agreement but they are outside of the property line. The stepping stones out to the curb will be removed from the application as they are on Village property. A lengthy discussion was held to determine which pieces of the application would require a license agreement because it was deemed that portions of this application involved a license agreement for using Village property. (Specifically the curbing and the apron) Village Attorney Anthony Ceretto said that the Zoning Board could rule on this case however an approval would be conditional upon an agreement with the Village for use of the public space. There is a two car garage on the property and also two parking spaces on the outside.

Ms. Devita and Mr. Devita both gave testimony as to why they are requesting the secondary access. She stated that they bought the house a year ago. They have three children, and they like living on Grey Rock. However there are a lot of little children, riding bikes and playing on the street and when the landscapers or whomever is parked on their driveway it becomes difficult to back out of the driveway safely knowing there are so many children playing in the area.

Additional discussions were held relative to impervious surfaces, water drainage and run-off etc.

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 April 21, 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

Adjourn to April 21, 2016

- F Petrone**
- F 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 Luiso, D'Estrada and Espinoza

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

Date of Hearing: March 17, 2016
No. of Case: 2013-0076
Applicant: Luis Perez
139 South Main Street
Port Chester, NY 10573

Nature of Request:

A letter and related material dated March 7, 2016 was received from Luis Perez applicant, regarding variances granted on October 17, 2013 which have expired for property located at 139 South Main Street. Due to circumstances explained in the correspondence the applicant has been unable to start/complete the project in the time frame allowed per Village Code. §345.23 (6) The applicant is requesting an extension of the granted variances.

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

No one was present to represent the application

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

Summary of statement or evidence presented:

A packet of correspondence was received from the applicant. Included in this correspondence were various court documents that needed explaining by the applicant. In addition Steven Velardo, Building Inspector told the Board that he received an email from Chris Steers, Village Manager indicating that it appears Mr. Perez is open for business at the 139 South Main Street establishment. Mr. Velardo said he would verify the situation the next day.

If Mr. Perez is operating he is in violation of Village Code being that his Site Plan and Zoning Variances have all expired. The Board graciously decided to give Mr. Perez the benefit of the doubt and give him a second chance to appear before the Board and therefore adjourned the matter to the April 21, 2016 meeting. It was also suggested the secretary send Mr. Perez a letter apprising him of the outcome of this meeting

Findings of Board:

Based on the information received tonight, some of which has to be verified, the Board feels that it is not on a position to make any decisions or extensions.

Action taken by Board:

On the motion of Commissioner Espinoza, which was seconded by Commissioner D'Estrada, the matter was adjourned to the April 21, 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

Adjourn to April 21, 2016

F Petrone
F 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 Luiso, D'Estrada and Espinoza

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

Date of Hearing: **March 17, 2016**

Case No.

Applicant:

Nature of Request: **ADJOURN MEETING TO: April 21, 2016**

On the motion of Commissioner Petrone, which was seconded by Commissioner Espinoza, the meeting was adjourned to April 21, 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 April 21, 2016

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

Signed _____
William Villanova
Title **Chairman** _____

ATTEST: