

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 June 16, 2016 at 7:00 p.m. with Chairman William Villanova presiding.

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

Also in attendance was Anthony Cerreto, Village Attorney and Kevin Donahue, Building Inspector

Date of Hearing: June 16, 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.

No one was present to represent this application

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

Summary of statement or evidence presented:

Findings of Board:

Chairman Villanova requested that a letter be sent to the applicant with regard to the non-appearance at tonight's meeting. As a courtesy the matter was adjourned to the next meeting.

Action taken by Board:

On the motion of Commissioner Petrone, which was seconded by Commissioner D'Estrada, the matter was adjourned to the July 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 July 21, 2016

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.: Luiso, Petrone, D’Estrada and Espinoza

Also in attendance was Anthony Cerreto, Village Attorney and Kevin Donahue, Building Inspector

Date of Hearing: June 16, 2016
No. of Case: 2016-0076
Applicant: Luis Perez
Bandito’s Restaurant
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, 2016 which have expired for property located at 139 South Main Street, Port Chester, NY 10573. (Section 142.55, Block 1, Lot 3) 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.

None

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

None

Summary of statement or evidence presented:

Luis Perez, applicant represented this case. Mr. Perez said that the matter is currently scheduled to be heard before the Planning Commission on the 27th of the month.

Findings of Board:

Action taken by Board:

On the motion of Commissioner Petrone which was seconded by Commissioner Luiso, an extension was granted for 60 days to enable the applicant to proceed with the Planning Commission Hearing.

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 August 21, 2016

- 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.: Luiso, Petrone, D'Estrada and Espinoza

Also in attendance was Anthony Cerreto, Village Attorney and Kevin Donahue, Building Inspector

Date of Hearing: June 16, 2016

No. of Case: 2016-0132

Applicant: Mary Lou Cassone
202 South Regent Street
Port Chester, NY 10573

James McTigue
Risoli Engineering
1166 East Putnam Avenue
Riverside, CT 06878

Nature of Request:

on the premises No. **202 South Regent Street**, being **Section 141.36, Block No 2, Lot No. 46** 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: **Obtain a Use variance and Parking variances.**

Property is located in the C4 General Commercial District where per Section 345 Attachment 3A, retail is not a permitted use in the C4 District. **Therefore a Use Variance is required.**

Parking Variance per 345-14 – 4,476 sq. ft. of office space requires 23 off street parking spaces; 1,129 sq. ft. of retail requires 6 off street parking spaces and 72,209.4 sq. ft. of bakery plant requires 72,209.4 sq. ft. of off street parking for a total of 43 spaces and 72,209.4 sq. ft. of required of street parking. Applicant will provide 48 parking spaces. Applicant will need a parking area variance to account for the required parking square footage incurred by the bakery plant.

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

No one was present to represent this matter

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

None

Summary of statement or evidence presented:

Findings of Board:

Chairman Villanova requested that a letter be sent to the applicant with regard to the non-appearance at tonight's meeting. As a courtesy the matter was adjourned to the next meeting.

Action taken by Board:

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

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.: Luiso, Petrone, D'Estrada and Espinoza

Also in attendance was Anthony Cerreto, Village Attorney and Kevin Donahue, Building Inspector

Date of Hearing:	June 16, 2016	
No. of Case:	2016-0133	
Applicant:	Lawrence Bennett/Applicant	Eswin Hernandez/Owner
	312 Ronbru Drive	83 Inwood Avenue
	New Rochelle, NY 10804	Port Chester, NY 10573

Nature of Request:

on the premises No. **83 Inwood Avenue** in the Village of Port Chester, New York, located in a Commercial ("C4") Building Zone District being **Section 141.44, Block 3, Lot 16 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 to: **construct a study room off of an existing basement.**

Property is located in the R2F Two Family District where the required minimum (1) side yard setback is 8.0 feet, proposed is 3.0 feet, therefore a side yard setback variance of 5.0 feet is required.

The home is a preexisting non-conforming three family dwelling. No such non-conforming use of land shall be enlarged or increased; therefore a use variance is required for the proposed enlargement of a non-conforming use,

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:

Correspondence was received from the applicant requesting the matter be adjourned to the July 21, 2016 meeting.

Findings of Board:

Action taken by Board:

On the motion of Commissioner Petrone, which was seconded by Commissioner D'Estrada, the matter was adjourned to the July 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 July 21, 2016

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.: Luiso, Petrone, D'Estrada and Espinoza

Also in attendance was Anthony Cerreto, Village Attorney and Kevin Donahue, Building Inspector

Date of Hearing: June 16, 2016

No. of Case: 2016-0134

Applicant: 430 Westchester Avenue LLC
c/o Feryal Alidadi
15 Colonial Road
White Plains, New York 110605

John B. Colangelo, Esq.
211 S. Ridge Street
Rye Brook, NY 10573

Nature of Request:

on the premises No. **430 Westchester Avenue** in the Village of Port Chester, New York, located in the C2 Building Zone District being **Section 135.84, Block 3, Lot 51** 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: **install one double sided aluminum monument sign to replace existing wooden sign.**

The property is located in the RA-3 Zoning District where the maximum permitted area of an identification sign is 12 sq. ft. Proposed sign is 28 sq. ft.; therefore a variance of 16 sq. ft. is required.

In addition the identification is required to be at least 25 ft. from the side property line. Proposed sign is 10 ft. from side property line; therefore a variance of 15 ft. 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.

Correspondence was received from:
Manuel Davila Molina
1 Parade Lane
Rye Brook, NY

Summary of statement or evidence presented:

Dan Tartaglia, Esq. represented the application for the applicant. Mr. Tartaglia began by saying he was representing the applicant for John Colangelo who was unable to attend the meeting. The applicant is the owner of the building and owner of 430 Westchester Avenue LLC. It is the building on the corner of Westchester Avenue and North Pearl Street. The building was brown when the applicant bought the building and the applicant has since painted the building to a nice yellow color. There is currently a wooden identification sign there and looks like it was made from the same texture of the building. The current sign has gotten old and it is falling apart and is not a sign that patients can easily read. Motorists looking for the office have to turn around and come in front of the building on order to read the sign thus adding to traffic and congestion in the area. Mr. Tartaglia also pointed out that the notice indicated the building is in the C2 Building

Zone, however the building is in the RA3 Zone. Mr. Tartaglia said there are two variances that are being sought, both are very small. One is for the square footage of the sign, which will consist of all new materials, aluminum type and illuminated. It will be visible on both sides and will be in the same location as it currently, and is just a little bit larger than the existing sign. Because of the odd configuration of the lot and it is a corner lot, there is a setback requirement. Since the sign is a little bit larger it does require a variance because of the square footage. Per 345.15 - Identification signs, one is allowed on each frontage, so technically the property would be entitled top two signs. The signs are 28 square feet where 24 square feet is permitted so the variance is really not that substantial.

The sign will be metallic with a nice background and will keep in line with other updated signs on Westchester Avenue. The sign is also illuminated from within, very soft lighting not like neon lighted. The lighting will not exceed 15 watts and will be illuminated within the time frames designated by the Village Code.

Findings of Board:

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

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 Espinoza, the Village Attorney was directed to prepare Finding in favor of this application for the next meetong.

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

Prepare Findings

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

Signed _____
 William Villanova
Title Chairman _____

ATTEST:

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

Also in attendance was Anthony Cerreto, Village Attorney and Kevin Donahue, Building Inspector

Date of Hearing: June 16, 2016

Case No.

Applicant:

Nature of Request: ADJOURN MEETING TO: July 21, 2016

On the motion of Commissioner Petrone, which was seconded by Commissioner Espinoza, the meeting was adjourned to June 16, 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 July 21, 2016

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

Signed _____
 William Villanova
Title Chairman _____

ATTEST: