

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

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

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

Date of Hearing:	July 21, 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.

None

Summary of statement or evidence presented:

John Colangelo, Esq, represented this application. 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 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

Approve Findings

F Petrone
Ab Luiso
F D’Estrada
Ab 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 and D’Estrada.

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

Date of Hearing: July 21, 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:

Action taken by Board:

No action was taken on this matter.

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 and D'Estrada.

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

Date of Hearing: July 21, 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:

Due to illness the applicant was unable to attend the meeting. The matter was adjourned to the August 18, 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 August 18, 2016 meeting.

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

Adjourn to August 18, 2016

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

Signed _____
William Villanova
Title **Chairman** _____

ATTEST:

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

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

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

Date of Hearing: July 21, 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.

None

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

None

Summary of statement or evidence presented:

Anthony Tirone, Esq. represented this matter. Mr. Tirone said two months ago this matter was represented by another person and there was some question regarding the adjacent lot next to the bakery. Mr. Tirone said he is not representing the matter and will need additional time to re-work the application to eventually obtain full site plan approval. Mr. Tirone asked that the matter be adjourned to September 15, 2016.

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 September 15, 2016 meeting.

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

Adjourn to September 15, 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

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

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

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

Date of Hearing:	July 21, 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 the R2F Two Family 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:

Initially no one was present to represent this matter. The Chairman said it would be recalled again before the end of the meeting.

On the second call the matter was represented by Lawrence Bennett. Mr. Bennett began by saying this is the second meeting because at the last meeting they were unable to address the Use Variance portion of the application. Mr. Bennett said he was sent the criteria for the Use variance and based his case on the "Otto" case. Mr. Bennet cited specific criteria from that case. Mr. Bennett also provided the Board with a handout which reflected the applicant's finances with regard to the mortgage on the residence.

At that point Chairman Villanova summed up what had transpired with this application to date. Mr. Villanova said that instead of having to go into the side yard, the proposed renovation could go off the rear of the property, to which the applicant said it was agreed that the addition would be cut three feet shorter to align with the side of the property.

Findings of Board:

The board further engaged in a discussion to determine the applicant's need for a use variance. The current use of the property is a 3 family house in a two family zone. In addition it was requested that the applicant provide revised plans to which he said they were submitted to the Building Department. Mr. Donohue said that he has 3 sets of plans that show a change in the location of the proposed addition. The plans were shown to the Board and it was also established that the property is in an R2F zone.

Mr. Bennett said the hardship is that the first and second floor apartments are rented out at \$1,000 per month each. The owner lives in the basement and does not pay rent to himself. The applicant is a contractor and owns his own business however, currently he is unemployed. The total mortgage per month is \$3,100. His house was originally a full rental property because the applicant had a 2nd house in which he resided. However the applicant lost his job, had to sell his other property on Brentwood and move into the current house. The applicant said his wife works and currently brings home approximately \$600 per week. This leaves the applicant with approximately \$1300 per month living money for a family of four. Mr. Bennett said that the property is unique because it is the only three family in the neighborhood. The property card and tax records indicate it is a 3 family house. When the property was purchased, the applicant was not told that the property was a legally non-conforming structure. An inquiry was made by the Board to whether or not there is a Certificate of Occupancy for the Property. Mr. Donohue said it was not part of the application and requested the Building Inspector provide data on the matter.

Mr. Cerreto Village Attorney said that we need to first establish the current use and then work from that point. If it's a three family, the applicant has less of an issue.

For next month's meeting 9 set of new drawings need to be submitted, a determination as to whether the property has a valid Certificate of Occupancy and the agenda be corrected to reflect the property being in an R2F Zone.

Action taken by Board:

On the motion of Commissioner Petrone, which was seconded by Commissioner D'Estrada, the matter was adjourned to the August 18, 2016 meeting.

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

Adjourn to August 18, 2016

F Petrone
Ab Luiso
F D'Estrada
Ab 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 July 21, 2016 at 7:00 p.m. with Chairman William Villanova presiding.

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

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

Date of Hearing: July 21, 2016
No. of Case: 2016-0136
Applicant: Gary Gianfrancesco
545 ½ Westchester Avenue
Rye Brook, NY 10573

Nature of Request:

on the premises No. **531 North Main Street** in the Village of Port Chester, New York, located in the C2 Building Zone District being **Section 136.64, Block 1, Lot 33** 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: acquire variances to obtain Certificate of Occupancy

Property is located in the C4-R Gateway Retail District

Required Variances:

Area Variance: Per Section 345 Attachment 1B, the minimum side yard setback is 10 feet. The proposal provides a side yard setback of 5 feet 11 inches; therefore a variance of 4 ft 3 inches is required

Off Street Loading Variance:

Per Section 345-14, 1 off street loading space is required. The proposal provides 0 off street loading spaces; therefore a variance of 1 off street loading space 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:

Gary Gianfrancesco of Arconics Architecture represented this matter for Port North LLC. Mr. Gianfrancesco began by saying, the property 531 North Main Street is the first step in a lengthy process that began some time ago. The BOT was petitioned for a text change to create a C4RRetail Zone which would enable by special exception retail in a C4 Zone. Approval was granted by the BOT and the matter is now in the Planning process and concurrently with Planning they are processing variances needed and Waterfront Commission etc. The requested variance is the left side yard the required the code currently requires either 0 or 10 and the building is five feet eleven inches from the closest point top the adjacent property line. The structure will be demolished, the old café mirage, and may require a side yard variance but are farther away from the left side yard than the previous structure which was three to four feet from the property line. The building has been adjusted as far as practicable for the site plan.

The other relief being sought is for the loading space, and while they can accommodate the area with the loading space it conflicts with the existing parking. Many uses in the downtown corridor have this problem. The use is being changed to accommodate 3300 square feet of retail space which the parking to support it is compliant. The amount of impervious surface will also be

reduced. There will be water quality and storm drainage improvements, better lighting etc. there will also be a viewing area since this is the LWRP District. Although the river is not navigable, the ducks can be viewed.

No one from the public spoke for or against this matter

Findings of Board:

Action taken by Board:

On the motion of Commissioner Petrone which was seconded by Commissioner D'Estrada the Public Hearing was closed.

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 August 18th meeting.

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

Prepare Findings

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

Signed _____
William Villanova
Title **Chairman** _____

ATTEST:

MINUTES OF MEETING

Application for Permit or Variance

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

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

Date of Hearing: July 21, 2016
No. of Case: 2016-0135
Applicant: Maria Sinis
PO Box 204
Rye, NY 10580

Nature of Request:

on the premises No. **167 Irving Avenue** in the Village of Port Chester, New York, located in the C2 Main Street Business District being **Section 142.22, Block 2, Lot 25** 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: acquire variances to obtain Certificate of Occupancy

Required Variances:

Use Variance: Per Section 345 Attachment 3A, residential is not a permitted use within the C2 District, therefore a use variance is required.

Off Street Loading Space Variance: Per Section 345.14, 1 off street loading space is required, proposed is 0 off street loading spaces; therefore a variance of 1 off street loading space 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.

Anthony Tirone, Esq. for the Capitol Theatre.

Summary of statement or evidence presented:

Kevin Pellon of DSB+ Architects represented this application. Mr. Pellon began by saying this matter was referred to the ZBA because it is a property two blocks away from the train station. It used to be a residential house that had a garage in the front which was turned into a deli. The garage wrap the entire front of the house and previously to enter the house, it had to be done through the back yard. Five or 6 years ago there was a fire in the deli and the owners did not repair the house in time and lost their Certificate of Occupancy for the residential use. Some modifications have been made to the property, the creation of another entrance for the residents, no construction has been done on the site yet. In addition the property has some legal issues with the village.

The residential portion has two 3 bedroom apartments. The proposed design is for two 2 bedroom apartments. The deli portion of the property will be reduced in order to create a hallway for a front entrance to the property. The intention is to maintain the first floor deli use.

While the plans were being discussed it was noted that there was an office depiction on the drawings to which Mr. Pellon said was incorrect.

Chairman Villanova suggested that the matter be withdrawn and the applicant provide new corrected drawings. Village Attorney Anthony Cerreto suggested the applicant review the application again with the Building Department to address any newly discovered concerns.

Public Comment

Anthony Tirone Esq. representing the Capitol Theater opposed the application. The Capitol Theatre is 1 block away and they are opposing Residential Housing in a C2 District. Mr. Tirone said the Use Variance criteria has not been met.

Findings of Board:

Action taken by Board:

On the motion of Commissioner D'Estrada, which was seconded by Commissioner Petrone, the matter was adjourned to the August 18, 2016 meeting

Record of Vote: For 3 Against 2 Absent _____

List names of members and how voted – symbols as follows: F-for, A-against, Ab-absent

Adjourn to August 18, 2016

F Petrone
Ab Luiso
F D'Estrada
Ab 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 and D'Estrada.

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: August 18, 2016

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

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

Signed

William Villanova

Title Chairman

ATTEST: