

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 August 18, 2016 at 7:00 p.m. with Commissioner Evelyn Petrone presiding.

Present in addition to Commissioner Petrone were Messrs.: Luiso and D'Estrada.

Also in attendance was Kevin Donohue, Building Inspector and Daniel Messplay, Planner.

Date of Hearing: August 18, 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:

Commissioner Petrone summarized the Favorable Finding 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 4 Against Absent 1 Recuse Abstain
List names of members and how voted – symbols as follows: F-for, A-against, Ab-absent, R-recuse

Approve Findings

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

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 August 18, 2016 at 7:00 p.m. with Commissioner Evelyn Petrone presiding.

Present in addition to Commissioner Petrone were Messrs.: Luiso and D'Estrada.

Also in attendance was Kevin Donohue, Building Inspector and Daniel Messplay, Planner.

Date of Hearing: August 18, 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

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:

No one was present to represent this matter and no correspondence was received from the applicant. Commissioner Petrone directed Secretary Constance Phillips to send a letter to the applicant and informing them that if no one is present at the September 15, 2016 meeting that the matter will be dismissed.

Findings of Board:

Action taken by Board:

On the motion of Commissioner Luiso which was seconded by Commissioner D'Estrada the matter was adjourned to the September 15, 2016 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

Adjourn to September 15, 2016

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

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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 August 18, 2016 at 7:00 p.m. with Commissioner Evelyn Petrone presiding.

Present in addition to Commissioner Petrone were Messrs.: Luiso and D'Estrada.

Also in attendance was Kevin Donohue, Building Inspector and Daniel Messplay, Planner.

Date of Hearing: August 18, 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:

No one was present to represent this matter. The Board was informed that the applicant was told no further actions would be taken on this matter until the financial restitution is made with the Village.

Findings of Board:

Action taken by Board:

On the motion of Commissioner Luiso which was seconded by Commissioner D'Estrada, the matter was adjourned for 90 days (November 17, 2016)

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 November 17, 2016

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

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 August 18, 2016 at 7:00 p.m. with Commissioner Evelyn Petrone presiding.

Present in addition to Commissioner Petrone were Messrs.: Luiso and D'Estrada.

Also in attendance was Kevin Donohue, Building Inspector and Daniel Messplay, Planner.

Date of Hearing: August 18, 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:

Lawrence Bennett of L A Home Designs studio represented the applicant. Commissioner Petrone said the Board received correspondence from the Building Department Code Enforcement citing various Notices of Violation on the property and a lack of fire and safety inspections. The property is a legal non-conforming residence. Mr. Bennett said there is no C of O for the property because the work on the property was done in 1955 and the permit was never closed out. Mr. Bennett said they would like to remediate the situation via the current application. A fire inspection will be scheduled to satisfy the fire inspection violations. The Board stated that since the house is occupied, a fire/safety inspection should be scheduled immediately. (The notice was issued in 2015) Commissioner Petrone said that if this matter is not resolved and the applicant finds himself with a court appearance, the Board could technically suspend this matter until those issues are resolved.

There are three families residing in the house including the home owner. Mr. Bennett reviewed the criteria for a use variance and indicated the land cannot return a reasonable return and the Board did a mathematic calculation of provided finances to determine this fact. Mr. Bennett also said that all the other homes in the area are two family however this property was purchased as a legal non-conforming three family and is not changing the character of the neighborhood. The

Applicant's tax returns should be provided to the Board to assist in determining hardship. Mr. Bennett said the hardship was not self-created. The area variance portion of this application was resolved by squaring off the property by 2 feet. Building Inspector Kevin Donohue provided the sizes of the three units. Basement 959 square feet, 1st floor 959 square feet and 2nd floor 881 square feet. The proposed addition is 72 square feet which is less than 10% expansion of the non-conforming use.

Commissioner Petrone requested that the applicant return with tax statements and a profit and loss spread sheet of some type to justify the hardship .

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 4 Against Absent 1 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 Chalcoff
Ab Villanova

Signed _____
William Villanova
Title **Chairman** _____

ATTEST:

MINUTES OF MEETING

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 August 18, 2016 at 7:00 p.m. with Commissioner Evelyn Petrone presiding.

Present in addition to Commissioner Petrone were Messrs.: Luiso and D'Estrada.

Also in attendance was Kevin Donohue, Building Inspector and Daniel Messplay, Planner.

Date of Hearing: August 18, 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.

None

Summary of statement or evidence presented:

A letter was received from Kevin Pellon, architect/representative for the applicant requesting an adjournment from tonight's proceedings while they revise their plans and consult further with the building Department

Findings of Board:

Action taken by Board:

On the motion of Commissioner Luiso, which was seconded by Commissioner D'Estrada, the matter was adjourned to the September 15, 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 September 15, 2016

F Petrone
F Luiso
F D'Estrada
F Chalcoff
Ab 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 August 18, 2016 at 7:00 p.m. with Commissioner Evelyn Petrone presiding.

Present in addition to Commissioner Petrone were Messrs.: Luiso and D'Estrada.

Also in attendance was Kevin Donohue, Building Inspector and Daniel Messplay, Planner.

Date of Hearing: August 18, 2016

Case No.

Applicant:

Nature of Request: ADJOURN MEETING TO: September 15, 2016

On the motion of Commissioner Petrone, which was seconded by Commissioner D'Estrada, the meeting was adjourned to September 15, 2016.

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 September 15, 2016

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

Signed _____

William Villanova

Title Chairman

ATTEST: