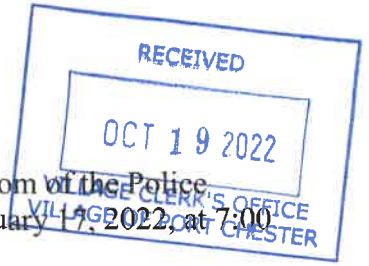


MINUTES OF MEETING

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 February 17, 2022, at 7:00 p.m. with Chairman Evelyn Petrone presiding.

Present in addition to Ms. Petrone were Messrs., D'Estrada Morlino, Simmons and Falk. Commissioner Allen joined later in the evening via WebEx

Also in attendance was Village Attorney Anthony Cerreto and Peter Feroe of AKRF.

Date of Hearing: February 17, 2022
No. of Case: 2022-0212
Applicant: SJA Reconstruction LLC Aldo Vitagliano, Esq.
435 Pleasantville Road 150 Purchase Street
Briarcliff Manor, NY 10510 Rye, NY 10510

Nature of Request:

On the premises **no # at this time Sylvan Road** in the CD-3.R7 Zoning District, being **Section: 135.44, Block: 2, Lot(s): 8** on the assessment map of the Town of Rye, New York the applicant is requesting an interpretation that proposed access to applicant's property via a driveway onto Sylvan Road constitutes a street; that such a street need not be located entirely within the Village of Port Chester as a pre-condition to receipt of a Building permit; and further than the dedication of Sylvan Road by the Town of Rye constitutes a determination that same has been suitable improved to the satisfaction of the Planning Board.

Prior to the start of this case the Board called for an Executive Session to confer with the Village Attorney.

On the motion of Commissioner Simmons, which was seconded by Commissioner Morlino, the Board entered into an Executive Session at 7:05pm

Record of Vote: For 5 Against 1 Absent Abstain
List names of members & how voted – F-for, A-against, Ab-absent, Abs-Abstain

Enter Executive Session

Petrone F
Allen Absent for Roll all
D'Estrada F
Morlino F
Simmons F
Falk F

On the motion of Commissioner Simmons, which was seconded by Commissioner Morlino, the Board Exited the Executive Session at 7:28pm

Record of Vote: For Against Absent Abstain
List names of members & how voted – F-for, A-against, Ab-absent, Abs-Abstain

Exit Executive Session

Petrone F
Allen Absent for Roll Call
D'Estrada F
Morlino F
Simmons F
Falk F

Action taken by Board:

Upon the Board’s return from Executive Session Chairwoman Petrone asked the applicant Aldo Vitagliano to approach the podium. After which Ms. Petrone said she had a statement that she would like to read to the applicant and public.

She began by 1st reading the Public Notice as described above (Nature of Request) Next she stated as an outcome of the Executive Session the Village Attorney said that he would be recusing himself from this matter and it is necessary for the Board to get a Special Counsel to hear this case. Therefore, the Board will be adjourning this case until next month while this matter is brought before the Board of Trustees requesting Special Counsel.

On the motion of Commissioner Morlino, which was seconded by Commissioner D’Estrada, the matter was adjourned to the next meeting March 17, 2022 while Special Counsel is obtained.

Record of Vote: For ___ Against ___ Absent ___ Abstain ___

List names of members & how voted – F-for, A-against, Ab-absent, Abs-Abstain

Exit Executive Session

Petrone	F
Allen	Absent for Roll all
D’Estrada	F
Morlino	F
Simmons	F
Falk	F

NOTE:

The applicant was informed that a notice must be sent to the Town of Rye Brook which was omitted in the first mailing and the signage on the property must be changed to reflect the new meeting date. In addition, the applicant will verify with the ZBA Secretary any correspondence indicating some addresses had been omitted in the initial mailing. A member of the public had been asked prior to the meeting to bring printouts of the vast correspondence he emailed the Board, The applicant provided the printed copies which were distributed to Board members.

On the motion of Commissioner Simmons, which was seconded by Commissioner D’Estrada, the Board proposed a resolution to the BOT to obtain Special Counsel at a price no higher than \$7,500 to be placed on the next BOT agenda.

Record of Vote: For 5 Against ___ Absent ___ Abstain ___

List names of members & how voted – F-for, A-against, Ab-absent, Abs-Abstain

Exit Executive Session

Petrone	F
Allen	Absent for Roll all
D’Estrada	F
Morlino	F
Simmons	F
Falk	F

Signed 

Evelyn Petrone
Title Chair

ATTEST:

MINUTES OF MEETING

Application for Permit or Variance

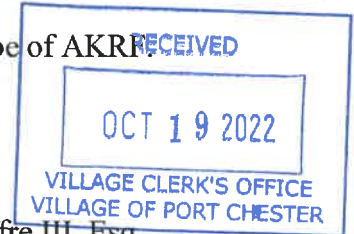
A meeting of the Zoning Board of Appeals was held at the Courtroom of the Police Headquarters Building, 350 North Main Street, Port Chester, NY, on February 17, 2022, at 7:00 p.m. with Chairman Evelyn Petrone presiding.

Present in addition to Ms. Petrone were Messrs., D'Estrada Morlino, Simmons and Falk. Commissioner Allen joined later in the evening via WebEx

Also in attendance was Village Attorney Anthony Cerreto, and Peter Feroe of AKR

Date of Hearing: February 17, 2022
No. of Case: 2022-0211
Applicant: Port Chester OZ Fund III
181 Eastchester Avenue
Port Chester, NY 10573

Anthony Gioffre III, Esq
Cuddy & Feder, LLP
445 Hamilton Avenue
White Plains, NY 10601



Nature of Request:

On the premises **140-150 Westchester Avenue** in the CD-6 Zoning District, being **Section: 142.30, Block: 2, Lot(s): 17 & 65** on the assessment map of the Town of Rye, New York, the applicant is requesting area variance relief from the following provisions of the Village of Port Chester Character Based Code:

Section 345.405.N.1.v “Lots shall be limited to one curb per lot” The applicant is proposing 3 curb cuts

Section 345.405.2.d “Any gates, arms, or booths must be set back at least 20 feet from the Frontage” The applicant proposes to locate the security grills within 20 feet of the frontage.

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:

Anthony Gioffre III, Esq. of Cuddy & Feder represented this matter along with Pierre Sarrazin of Sarrazin Architecture. Mr. Gioffre’s presentation included the following.

The applicant is requesting area variance relief in connection with the Applicant’s proposed redevelopment of the proposed new 12-story mixed-use building. The Development includes approximately 5,766 s/f of commercial space located along the Westchester Avenue, New Broad Street, and Pearl Street frontages and 223 residential units (97 studios; 83 one-bedroom; 43 two-bedroom) with residential amenities and structured parking. The Proposed Development also proposes an approximately 1,020 s/f pocket park within the Village right-of-way at the corner of Westchester Avenue and New Broad Street.

The Applicant submits this application upon a positive referral received from the Village of Port Chester Planning Commission during its January 18, 2022 meeting.

The Proposed Development has undergone several months of Planning Commission review and has incorporated numerous revisions in response to comments raised by the Village Planning Commission, staff, and consultants. This thorough review and revisions have helped the Applicant narrow the relief to the minimum area variances required. This includes reducing the number of curb cuts from 4 to 3 per the Planning Commission’s request which now requires a significant investment in stackers and valet to maximize available parking. While the Applicant has gone to great lengths to submit plans for a redevelopment that fully complies with the recently adopted Character-Based Code, the following area variance relief must be granted in order for the Applicant to propose a project which both meets the Village’s goals for this location

The Applicant requests area variance relief from the standards contained in Section 345.405 as follows:

• Section 345.405.N.1.i.v: “Lots shall be limited to one (1) curb cut per Lot.” The Applicant proposes 3 curb cuts.

• Section 345.405.N.2.d: “Any gates, arms, or booths must be set back at least 20 feet from the Frontage.” The Applicant proposes to locate its security grills within 20 feet of the Frontage.

Mr. Gioffre indicated that this application is also looking to include a pocket park which is not part of this application but is before the Planning Commission

Regarding the curb cut referral to the ZBA the Commission’s vote on 1 Curb cut on Pearl Street and 2 Curb cuts on Broad Street was 7 votes to 1 in favor of the Curb Cuts

The Board asked the Village’s consultant to provide insight on traffic and curb cut for the March meeting.

Public:

Anthony Tirone Esq. – Capitol Theater – Port Chester

Findings of Board:

Action taken by Board:

On the motion of Commissioner Morlino, which was seconded by Commissioner Simmons, the public hearing is adjourned to March 17th, the public hearing will remain open and the AKRF Traffic Consulting is requested to be present to opine on the matter.

Record of Vote: For 5 Against Absent Abstain

List names of members & how voted – F-for, A-against, Ab-absent, Abs-Abstain

Adjourn Public Hearing

Petrone	F
Allen	F
D’Estrada	F
Morlino	F
Simmons	F
Falk	

Signed 

Evelyn Petrone
Title Chair

ATTEST: