

MINUTES OF MEETING

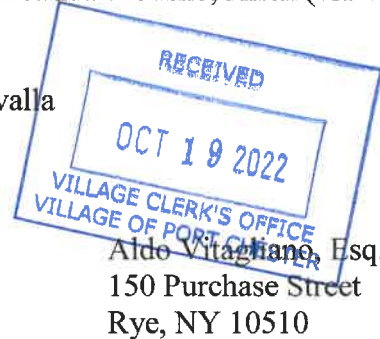
Application for Permit or Variance

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

Present in addition to Ms. Petrone were Messrs., D'Estrada Morlino, Allen (via WebEx), and Falk

Also in attendance was Village Planning Director Curt Lavalla

Date of Hearing: March 17, 2022
No. of Case: 2022-0212
Applicant: SJA Reconstruction LLC
435 Pleasantville Road
Briarcliff Manor, 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.

***NOTE:** The public hearing on this matter was opened strictly to give the applicant an opportunity to present the case and allow the public to provide comments on the application. Because the Board is in the process of obtaining special counsel for this matter, no action will be taken on this matter at tonight's meeting.*

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

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

Dean Santon – Pearl River, NY
Toni Gianesco – 35 Argyle Road
Walter Gianesco – 35 Argyle Road
Christine Aiello – 27 Sylvan Road
Sandra ? - 31 Sylvan Road
Ken Gorman – 32 Sylvan Road

Summary of statement or evidence presented:

Aldo Vitagliano, Esq. represented this matter for the applicant Frank Sileo who was also present.

Mr. Vitagliano submitted his presentation to the Board prior to the meeting and took the opportunity to go over it again with the Board.

Mr. Vitagliano's presentation is attached

(attachment 1)

Public:

Dean Santon – Pearl River, NY Mr. Santon had submitted an in depth document to the Board at last month's meeting which he reviewed with the Board. The presentation is attached (attachment2)

Toni Gianesco – 35 Argyle Road
Walter Gianesco – 35 Argyle Road
Christine Aiello – 27 Sylvan Road

Sandra ? - 31 Sylvan Road
Ken Gorman – 32 Sylvan Road

Findings of Board: No action was taken on this matter

Action taken by Board:

No action was taken on this matter

On the motion of Commissioner Allen, which was seconded by Commissioner Morlino, the matter was adjourned to the April 17TH meeting.

Record of Vote: For 5 Against Absent Abstain

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

Adjourn meeting

Allen	F
D'Estrada	F
Morlino	F
Simmons	Ab
Falk	F

Signed



Evelyn Petrone

Title Chair

ATTEST

MINUTES OF MEETING

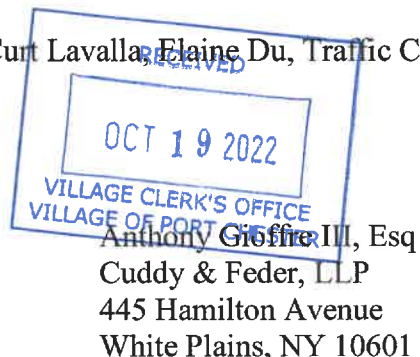
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Present in addition to Ms. Petrone were Messrs., D'Estrada Morlino, Allen (via WebEx), and Falk

Also in attendance was Village Planning Director Curt Lavalla, Elaine Du, Traffic Consultant of AKRF

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



Anthony G. Goffre 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:

Daniel Patrick of Cuddy & Feder represented this matter along with Pierre Sarrazin of Sarrazin Architecture, Carlito Holt - project Engineer and Nick Williams - Applicant. Mr. Patrick said at the end of the meeting the Board asked the Village's consultant to opine on various items for this meeting. The AKRF Consultant Elaine Du provided the following memo and summarized the findings.

PEARL STREET DRIVEWAY

According to the engineering site plans, the proposed driveway along Pearl Street is located approximately 80 feet south the Pearl Street and Westchester Avenue intersection, and approximately 100 feet north of the Neri's Bakery northern driveway, as shown in **Figure 1**. As analyzed by DTS Provident, under the future condition with the proposed project, the anticipated queue along southbound Pearl Street entering the site is fewer than one vehicle.

SECURITY GRILL SETBACK

Because the security grill proposed at the Pearl Street driveway is set back approximately six feet from the building frontage, vehicles queuing to park in the garage would extend into the roadway by three to five feet, which may block traffic along Pearl Street. With both the proposed building setback and a zoning-compliant 20-foot setback, one vehicle would be able to queue within the driveway and would not block the sidewalk or traffic along Pearl Street. Therefore, **AKRF recommends having the security grill along Pearl Street be set back 20 feet (i.e., to be zoning compliant) in order to accommodate a vehicle entering the garage without blocking traffic along Pearl Street.**

As shown in Attachment B of the DTS Provident letter dated March 9, 2022, sufficient sight distance is provided at the Pearl Street driveway for safe operations. There are no parked vehicles, plantings, or other obstructions within the sight distance triangles that would obscure adequate sight distance for a driver exiting the parking garage along Pearl Street.

OFF-STREET LOADING

The Applicant proposes an off-street loading area that would be accessed off Broad Street via a curb cut directly south of a separate curb cut proposed to access an additional parking area within the Site. In total, the Applicant proposes two driveways and curb cuts along Broad Street. As shown in Attachment A of the DTS Provident letter dated March 9, 2022, the loading area cannot be accessed at the northern Broad Street driveway by an SU-40 truck, which is not a standard design vehicle. **The truck turning diagrams should be updated to reflect the largest anticipated vehicle at the site, which is an SU-30 design vehicle.**

The truck turning diagrams shown in Appendix E of the traffic impact study indicate that a standard box truck (SU-30 design vehicle) has sufficient space to turn into and out of the off-street loading area driveway. Furthermore, as shown on page SD-1 of the engineering site plans, sufficient sight distance is provided at the Broad Street driveways.

OFF-STREET VS ON-STREET LOADING

The ZBA asked AKRF to opine on whether it was preferable for this project to have an off-street or on-street loading area. An on-street loading area would require the removal of several on-street parking spaces along Broad Street or Westchester Avenue. Additionally, if vehicles were illegally parked in the loading area, trucks may double park and block the roadway while loading and unloading goods. Having an off-street loading area allows on-street parking spaces to remain and may prevent trucks from double parking.

In general, additional driveways and curb cuts could detract from pedestrian safety. In the case of the 140-150 Westchester Avenue Project, we note that a pedestrian would need to cross an approximately 24-foot-wide driveway and then a 10-foot-wide driveway. However, the sidewalk terminates just to the south of the driveways. The main use of the sidewalk in front of the Broad Street curb cuts would be to access the municipal parking lot pay station. Given that the parking areas served by this pay station are south of the station (and the proposed Broad Street curb cuts), the impact on pedestrian safety at this location would likely be minimal.

For the 140-150 Westchester Avenue site, on-street loading zones are not feasible or recommended along Westchester Avenue, Pearl Street, or Broad Street due to the potential for trucks to double park and block traffic. Therefore, **AKRF recommends an off-street loading area for this site.**

TRUCK ACCESS

Neri's Bakery has large vehicle freight loading operations (e.g., tractor trailers) primarily along Broad Street approximately 450 feet south of the 140-150 Westchester Avenue site. The New Broad Street municipal parking lot along the eastern frontage of Neri's Bakery is primarily used for public parking, with some spaces signed for Neri's Bakery employees and an office entrance.

There is a smaller loading area for Neri's off the New Broad Street parking lot, which is likely utilized by box trucks. While it appears that box trucks could make the turns into and out of the New Broad Street parking lot in the future with the proposed pedestrian plaza, **DTS Provident should also provide truck turning diagrams for a truck turning into and out of the New Broad Street lot for access to the Neri's Bakery small loading area.**

Public:

Anthony Tirone Esq. – Capitol Theater – Port Chester

Findings of Board:

The removal of parking spaces is under the jurisdiction of the BOT

The proposed public plaza/pocket park is not a part of this application and is also under the jurisdiction of the BOT

The ZBA does not have all the information it needs to make a decision, there is still an issue of standing

The Planning Commission has been declared lead agency for SEQRA and no action can be taken until their review is complete

Action taken by Board:

On the motion of Commissioner Allen, seconded by Commissioner D'Estrada, the meeting was adjourned to April 21, 2022.

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	Abs
Falk	F

Signed



Evelyn Petrone

Title Chair

ATTEST:

MINUTES OF MEETING

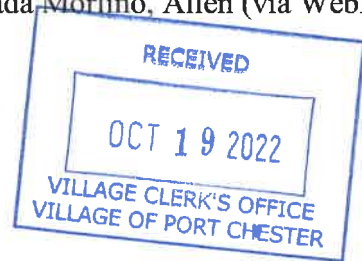
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Also in attendance was Village Planning Director Curt Lavalla

Date of Hearing: March 17, 2022



ADJOIURN MEETING


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Adjourn meeting to April 21, 2022

Petrone	F
Allen	F
D'Estrada	F
Morlino	F
Simmons	Abs
Falk	F

Signed 
 Evelyn Petrone
 Title **Chair**

ATTEST: