

MINUTES OF MEETING

Application for Permit or Variance

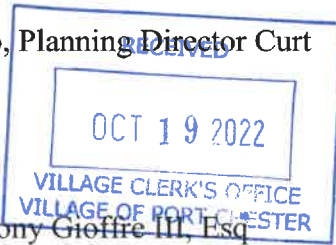
A meeting of the Zoning Board of Appeals was held at the Courtroom of the Police Headquarters Building, 350 North Main Street, Port Chester, NY, on August 18, 2022, at 7:00 p.m. with Chairman Evelyn Petrone presiding.

Present in addition to Ms. Petrone were Messrs., Morlino, Simmons and Falk

Also in attendance was Village Attorney Anthony Cerreto, Planning Director Curt Lavalla, and Building Inspector Kevin Donohue

Date of Hearing: August 18, 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.

Summary of statement or evidence presented:

A letter dated August 18, 2022 was received from Anthony Gioffre Esq., of Cuddy & Feder LLP, attorney for the applicant, requesting the matter be adjourned and placed on the September 15, 2022 agenda

Action taken by Board:

On the motion of Commissioner Simmons, seconded by Commissioner Falk, the matter was adjourned to the September 15, 2022 meeting.

Record of Vote: For 4 Against Absent Abstain
List names of members & how voted – F-for, A-against, Ab-absent, Abs-Abstain

Adjourn Hearing to September 15, 2022

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

Signed 

Evelyn Petrone
Title Chair

ATTEST:

MINUTES OF MEETING

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Also in attendance was Village Attorney Anthony Cerreto, Planning Director Curt Lavalla, and Building Inspector Kevin Donohue

Date of Hearing: August 18, 2022
Case No.: 2022-0214
Applicant: 44 Broad Street Owner, LLC
Stephen Matri
271 Madison Avenue
New York, NY 10016



Nature of Request:

On the premises **44 Broad Street**, located in the CD-6T Zoning District, being **Section: 142.22, Block: 2, Lot(s): 69, 70, 71, 72, 73, 74, 75** on the assessment map of the Town of Rye, New York the applicant is requesting three area variances relating to the location of curb cuts and a loading area. Specifically, in order to increase pedestrian safety and the convenience of vehicular ingress/egress to the Property, the Applicant is seeking to maintain: (i) two curb cuts on a single lot (one curb cut per lot is the maximum (§ 345.405.N-4); (ii) a driveway width of 26 feet (24 feet is the maximum) (§ 345.405.A-9); and (iii) a loading area rolling gate set back 1 foot 4 inches from the lot line (20 feet is the minimum) (§ 345.405.N-4(2)(d)).

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

No one

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

No one

Summary of statement or evidence presented:

A letter dated August 12, 2022 was received from David Cooper, Esq. of Zarin & Steinmetz requesting an adjournment of this matter to the September 15, 2022 meeting

Findings of Board:

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Action taken by Board:

On the motion of Simmons, which was seconded by Commissioner Morlino, the matter was adjourned to the September 15, 2022 meeting

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Adjourn to September 15, 2022 Meeting

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

Signed



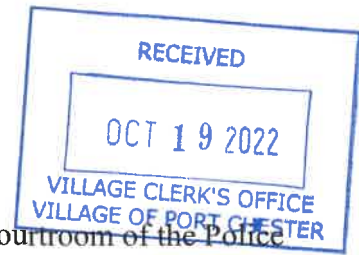
Evelyn Petrone

Title Chair

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Also in attendance was Village Attorney Anthony Cerreto, Planning Director Curt Lavalla, and Building Inspector Kevin Donohue

Date of Hearing: August 18, 2022
Case No.: 2022-0216
Applicant: Damion Barrett Estate of Jennie Mary Prescott by Deborah Prescott
463 Pelham Road
New Rochelle, NY 10575

Nature of Request:

On the premises **245 Mortimer Street**, located in the CD-3.R5 Zoning District, being **Section:136.63, Block: 1, Lot(s): 63.2** on the assessment map of the Town of Rye, New York, the applicant is requesting two area variances related to construction of a new Single Family Dwelling.

Attachment "A" - Village of Port Chester Zoning Table 345-405.A-4, CD-3.R5 District Standards requires a minimum of 20 feet of Street/Highway Frontage. *The construction plans propose 0 feet.*

Attachment "B" - NYS Village Law section 7-736 requires access from the structure to a street or highway duly placed on the Official Map (Public Street). *The site plan proposes an easement access to Mortimer Street a Public Street.*

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

None

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

Summary of statement or evidence presented

Jack Adesso Esq., 153 Stevens Ave, Mt Vernon, NY represented this matter for the applicant Damien Barrett.

Mr Adesso began by saying that at their last appearance they were requested to present certain deeds proving that there is an easement requiring the abutting property owners to maintain that road 1/3 each among themselves. Documents were sent to the Board and to the Village attorney, however they may not have been at a sufficient quality for review.

In 1951 Mr. Prescott purchased the entire property from the Dime Savings Bank. Shortly thereafter in 1951 he issued a deed to Edward G Prescott and Jennie m Prescott. In that deed an easement was created "The property is subject to the right of way over the same to be used by the parties of the second part with all owners of the adjoining said parcels. Said parcel is also subject to an easement for the installation and maintenance of public utilities. The parties of the second part by acceptance of this deed agree to pay 1/3 of the cost of upkeep of said right of way as a way to be determined by the majority of the owners of the property or the parcels abutting it".

In 1984 he appeared before the Zoning Board to divide the property and he created a lot that the ZBA allowed him to build a home on. 1991 The variances were extended for an additional six months giving time for the 2nd of the 3 lot to be built upon That left the current lot to be unsold and undeveloped.

The Village currently picks up the garbage. The purpose of this applicant coming before the Board is because the 3rd lot does not have direct access onto Mortimer and has to come across the right of way to do so. Since there are no longer flag lots allowing this to happen the applicant has to request an area variance from the ZBA in order to come have use of the right of way.

It was noted by a ZBA Commissioner that upon a site visit the right of way is currently being improperly used and has become an eyesore with debris and parked cars and illegal keep out signage. To which Mr. Adesso replied that was not the intent or proper usage of the right of way. The right of way is inly for access in or out.

Village Attorney Anthony Cerreto and Planning Director Curt LOaValla determined that this is a Type II Action under SEQRA and no further review is required and the ZBA is free to act on their decision.

Public:

Julie DeRosa – 241 Mortimer Street
Anthony- son in law of Julie DeRosa
Sara Tobias – Brook Road

Findings of Board:

Action taken by Board:

On the motion of Commissioner Morlino, which was seconded by Commissioner Simmons, the Public Hearing was closed.

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Adjourn Prepare Findings

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

On the motion of Commissioner Simmons, which was seconded by Commissioner Morlino, the Village Attorney was directed to prepare Findings of Fact in favor of this matter for the September 15, 2022 meeting.

Record of Vote: For 4 Against Absent Abstain

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Date of Hearing: August 18, 2022

Case No.: 2022-0217

Applicant:

SJA Reconstruction LLC
435 Pleasantville Road
Briarcliff Manor, NY 10510

Aldo Vitagliano, Esq.
150 Purchase Street
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 appeal/interpretation of the decision of the compliance officer that the proposed lots for the subject parcel lack minimum street or highway frontage is in error as application located on a paper street has rights of ingress and egress - the standard of which is governed by NYS Village Law 7-736.

An appeal of his determination is allowed under NYS Village Law Section 7-736-3 as well as the Village Code. Section 7-736 (2) requires that "No permit for the erection of any building shall be issued unless a street or highway giving access to such proposed structure has been duly placed on the official map or plan, or if there be no official map or plan, unless such street or highway is (a) an existing state, county, town or village highway, or (b) a street shown upon a plat approved by the planning board as provided under the provisions of this article, as in effect at the time such plat was approved, or (c) a street on a plat duly filed and recorded in the office of the county clerk or register prior to the appointment of such planning board and the grant to such board of the power to approve plats." Sylvan Road satisfies this provision. Section 7-736(2) give authority to the Planning Board to determine that the street has been suitably improved to their satisfaction. The decision of the Zoning Compliance officer requires a plat demonstrating compliance with the cited section or this appeal. Application is before the Planning Commission to resolve decision of Building Inspector attached hereto

Summary of proceedings

Chair Petrone asked the applicants for this matter to step forward. She informed them that she is going to read the case into the record, however they would be adjourning the case to which she would explain after reading in the case.

Aldo Vitagliano, Esq. and Frank Sileo represented this matter for SJA Reconstruction LLC

After reading the case into the record Village Attorney Anthony Cerreto informed the Board and the Public that consistent with his position in an earlier proceeding on this matter that he intends to recuse himself from acting as Counsel for the Zoning Board. He will be sitting in the audience through these proceedings.

Chair Petrone informed the applicants and public that having heard that from the attorney, the Board obviously needs Counsel for this matter and will need to get approval from the Village Board of Trustees for funding which may have already been put into works. A list of attorneys have been submitted to the staff to obtain an attorney. The Board hopes to have all that in place by the September meeting and the matter will be adjourned from tonight's proceedings.


Applicant also noted for the record that he was prepared for tonight and had all intentions of moving forward. At 4pm letters of opposition were emailed to the applicsnt.

On the motion of Commissioner Morlino, which was seconded by Commissioner Simmons, the matter was adjourned to the September 15, 2022 meeting.

Record of Vote: For 4 Against Absent Abstain
List names of members & how voted – F-for, A-against, Ab-absent, Abs-Abstain

Adjourn to September 15, 2022

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

Signed 

Evelyn Petrone
Title Chair

ATTEST:

MINUTES OF MEETING

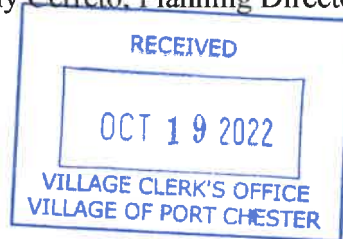
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ADJOIURN MEETING

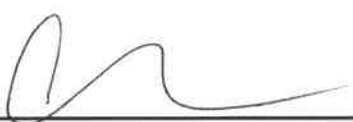
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Record of Vote: For 5 Against Absent Abstain

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

Adjourn meeting to September 15, 2022

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

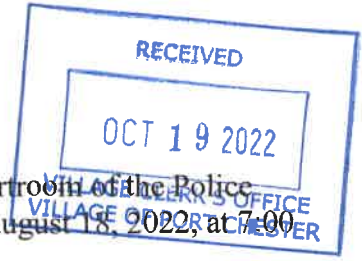
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Title Chair

ATTEST:

MINUTES OF MEETING

Application for Permit or Variance



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No. of Case: 2022-0211
Applicant: Port Chester OZ Fund III Anthony Gioffre III, Esq
181 Eastchester Avenue Cuddy & Feder, LLP
Port Chester, NY 10573 445 Hamilton Avenue
White Plains, NY 10601

Nature of Request:

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

Signed 
Title Chair

ATTEST:

MINUTES OF MEETING

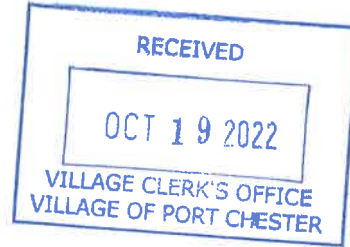
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Stephen Matri
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Nature of Request:

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D'Estrada	Ab
Morlino	F
Simmons	F
Falk	F

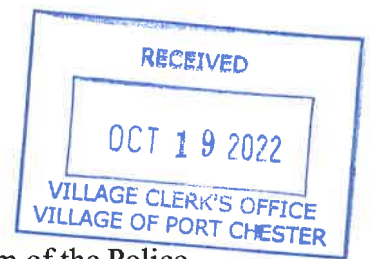
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Nature of Request:

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Public:

Julie DeRosa – 241 Mortimer Street
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Findings of Board:

Action taken by Board:

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Adjourn Prepare Findings

Petrone	F
D'Estrada	Ab
Morlino	F
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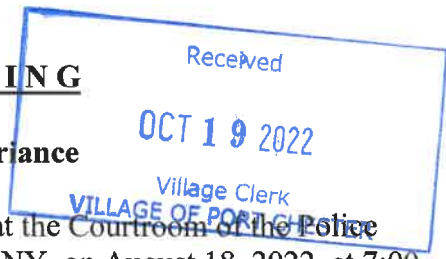
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Evelyn Petrone
Title **Chair**

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Date of Hearing:	August 18, 2022	
Case No.:	2022-0217	
Applicant:	SJA Reconstruction LLC 435 Pleasantville Road Briarcliff Manor, NY 10510	Aldo Vitagliano, Esq. 150 Purchase Street Rye, NY 10510

Nature of Request:

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Morlino	F
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Evelyn Petrone
Title Chair

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Morlino	F
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Title Chair

ATTEST: