

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 September 15, 2022, at 7:00 p.m. with Chairman Evelyn Petrone presiding.

Present in addition to Ms. Petrone were Messrs., Morlino, D'Estrada and Falk

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

Date of Hearing: September 15, 2022

ADOPTION OF ZBA RULES AND PROCEDURES

On the motion of Commissioner Morlino, which was seconded by Commissioner D'Estrada, the Board approved and adopted the ZBA Rules of Procedure.

See Attachment A – next page



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	F
Morlino	F
Simmons	Abs
Falk	F

Signed


Evelyn Petrone

Title Chair

ATTEST:

RULES OF PROCEDURE
ZONING BOARD OF APPEALS OF THE VILLAGE OF
PORT CHESTER, NEW YORK



Adopted:

2022

PREAMBLE

Pursuant to Section 120-2 of the Village Code, the Zoning Board of Appeals (“Board”) hereby adopts these Rules of Procedure, and any amendments later adopted, for its procedure and government. A copy of these Rules and any amendments thereto shall be filed with the Village Clerk and provided to all applicants upon the filing of an application.

SECTION 1: GENERAL RULES

1.1 Members shall be familiar with the Port Chester Zoning Code, Chapter 345, Village Law, Article 7, as well as with all applicable state statutes.

1.2 Members shall be familiar with the community vision, goals, objectives and policies as expressed in the comprehensive plan.

1.3 Members shall be familiar with Village Code, Chapter 53, “Code of Ethics”, and General Municipal Law, Article 18 “Conflict of Interest”. Each April, members shall certify in writing to the Village Clerk that they have read and understand the Code of Ethics. Members are encouraged to seek guidance from the Board of Ethics for an advisory opinion to guide their service on the Board.

1.4 The Board is a quasi-judicial agency. As such, members shall not interact with an applicant, witnesses or the general public outside of a meeting. Should a member be the subject of an outside, or ex parte, communication, he/she shall disclose on the record the nature and extent of such communication at the next meeting when the application is heard.

SECTION 2: OFFICERS AND DUTIES

2.1 The Officers of the Board shall consist of a chairperson, an acting chairperson and Secretary.

2.2 Designated by the Village Board of Trustees, the Chairperson shall perform all duties required by law and these rules. The chairperson shall also preside at all meetings. The chairperson shall rule on all points of order and procedure at meetings. The Chairperson may administer oaths/affirmations and compel the attendance of witnesses as necessary to carry out the business of the Board. The Chairperson's signature shall be the official signature of the Board and shall appear on all decisions.

2.3 The Acting Chairperson shall serve in place and stead of the Chairperson in the event of his/her absence, disability, or disqualification at a meeting. .

2.4 The Secretary shall conduct the correspondence of the Board; review all applications to determine completeness in compliance with applications requirements; keep calendars of all meetings; file with the Village Clerk all papers and records as required by law; maintain all official records of the Board; and such other duties as directed by the Board or the Chairperson.

SECTION 3: STAFF

The Building Inspector or his/her designee, the Director of Planning and Economic Development or his/her designee and the Village Attorney have been assigned by the Village Manager as staff to the Board.

SECTION 4: MEETINGS

4.1 An Annual Meeting shall be held at the regular January meeting of the Board, at which time the Board shall designate an Acting Chairperson to serve for the new calendar year, appoint a Secretary, consider any amendment to these Rules and determine the regular meeting schedule for the coming year.

4.2 The regular meeting of the Board shall be held on the third Thursday of each month at 7 p.m. at the Rye Town Justice Court Courtroom, 350 North Main Street, 2nd Floor, and at such other times and places as the Board may determine.

4.3 Special meetings of the Board may be called by the chairperson or at the request of two members of the Board to consider a particular, specified matter or object. Notice of a special meeting shall be given to each member at least forty-eight (48) hours before the time set for the special meeting.

4.4 All meetings shall be open to the public. The Board may hold executive sessions, but they shall be conducted in accordance with the requirements of the Open Meetings Law.

4.5 A majority of the Board (e.g. three members) is required to constitute a quorum for the conduct of business at a meeting.

4.6 All meetings shall be duly recorded.

SECTION 5: APPLICATIONS

5.1 The Board shall hear and decide all applications/appeals for variances and interpretations from any order, requirement, decision or determination made by the zoning administrative officer. It shall also hear and decide all matters referred to it or upon which it is required to determine under applicable law.

5.2 Such applications may be made by any person aggrieved, which threshold determination shall be made before the Board's consideration of the merits.

5.3 An application or appeal must be made within sixty (60) days of the determination of the zoning administrative officer.

5.4 On the filing of any application, which shall include the requisite fees and supporting documentation, the Secretary shall review same and determine if it satisfies the application requirements of the Zoning Code and thereby complete to be heard by the Board. Failure to meet such requirements shall result in the rejection of the application.

5.5 On the filing of a complete application, the Secretary shall assign a case number for each application by year and number in the order that they are filed.

5.6 Applications must be filed and deemed complete no less than twenty one (21) calendar days to be placed on the agenda for the next regular meeting. If the 21st day falls on a Saturday or Sunday, the deadline shall be on the following Monday.

5.7 The Secretary shall prepare and make available to the public a meeting agenda at least five days prior to a regular meeting and within such time as may be practicable prior to a special meeting.

5.8 Applications shall be heard in the order in which they appear on the agenda unless otherwise determined at the meeting by the majority of the Board.

SECTION 6: ORDER OF BUSINESS AND PROCEDURES AT REGULAR MEETINGS

The order of business at regular meetings shall be as follows:

1. Open the meeting
2. Approval of minutes
3. Public hearings on all adjourned cases
4. Public Hearings on new cases
5. Other Business
6. Adjournment

6.2 The applicant may appear on his/her behalf or by a duly authorized representative, and present such witnesses as he/she may determine.

6.3 Except when the Board is required by law to receive a report from a public body or agency, no materials, including additional submissions and materials requested by the Board, shall be accepted unless received by the Secretary at least ten (10) days prior to the public hearing. This requirement may be waived upon good cause shown.

6.4 Requests from an applicant for an adjournment shall be in writing, and made within three days of the hearing. The applicant's personal appearance is not necessary for an initial adjournment. The Board may grant additional adjournments, but only upon personal appearance and a showing of good cause.

6.5 Request to withdraw an application must be made in writing and filed with the Secretary. The Board may, in its discretion, accept such request and impose such terms and conditions as deemed appropriate.

6.6 Owing to the lateness of the hour at a meeting, the Board may determine not to consider further matters before it and adjourn the hearing of same to the next regular or special meeting as the case may be. The Board shall announce a date certain for such adjourned matter(s).

SECTION 7: DECISIONS

7.1 Upon the closing of a public hearing and following deliberations, the Board may determine whether to direct the Village Attorney to prepare written Findings of Fact and Determination for or against the application for its review and consideration at the next regular meeting or special meeting. On the majority vote of the Board, the Chairperson shall sign such Findings and Determination.

7.2 All decisions of the Board shall be announced at a public meeting with the vote of each member of the Board recorded and entered into the record.

7.3 All decisions of the Board shall be duly filed with the Village Clerk within five (5) business days therefrom and a copy provided to the applicant.

7.4 A copy of the decision shall also be forwarded to the applicable zoning administrative officer.

SECTION 8. VOTING

8.1 All matters shall be decided by a roll call vote (either for "Aye" or against "Nay") unless excused by the Chairperson or due a member having a conflict of interest which fact shall be disclosed on the record; in such case the member's action shall be noted as "Excused").

8.2 The Chairperson is entitled to vote, but shall vote last.

8.3 Decisions on any matter shall require the affirmative vote of three (3) members of the Board. A tie or vote to grant an application by a lesser number shall be deemed a denial of the application.

8.4 In the event that an application does not obtain the affirmative vote of three (3) members of the Board, the application shall be deemed denied.

8.5 No member shall vote on the determination of any application requiring a public hearing unless he has familiarized him/herself with such matter by reading the record and so state at a meeting.

8.6 No member of the Board shall participate or vote on any matter in which he/she is personally or financially interested, or when doing so would present an appearance of impropriety.

SECTION 9: PUBLIC COMMENT

9.1 The public may submit written comment on a pending application which must be filed with the Secretary twenty-four hours before the public hearing. Timely comment will be read into the record at the hearing.

9.2 The public shall be allowed to speak only during public hearings.

9.3 Public speakers must be recognized by the chairperson.

9.4 Public speakers must step to the front of the room and speak into the microphone or at the lectern should one be provided. Speakers are not to approach the dais without invitation and are directed to make their remarks from the microphone or lectern. Speakers are encouraged to sign in and introduce themselves before speaking.

9.5 Public speakers should observe generally accepted norms of good order and decorum. Speakers shall not engage in profanity, advocate violence or crime.

9.6 No items or documents may be placed on the dais or directly presented to the Board.

9.7 Public speakers have a maximum of five (5) minutes to address the Board. Speakers may not yield their time to another speaker. Speakers are not authorized to return for additional testimony at the same meeting.

9.8 Public comment is intended to assist the Board in its deliberations. As such, remarks must be directed to the Board. There shall be no discussion or colloquy between public speakers and the applicant or to the public. Public comment is not a question and answer session or debate.

9.9 Public speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste and shall not use profanity, display unacceptable behavior, or be disruptive of the proceedings.

9.10 The Board may hold the record open after a public hearing for written public comment for such period as it deems appropriate and in accordance with applicable law.

SECTION 10: USE OF RECORDING EQUIPMENT

Members of the public may photograph and tape or video record public meetings so long as the photography or recording is done in a manner that does not interfere with the meeting. On the Chairperson's determination that a particular instance of photography or a recording is being done in a manner that interferes with the meeting, he/she may call upon the person responsible for such interference to cease and desist. If the Chairperson's request is not complied with, he/she may seek the removal of such person from the meeting room.

SECTION 11: AMENDMENT OF THE RULES

These rules may be amended by a vote of a majority of the members on ten (10) days' notice to each member. All amendments adopted shall be filed with the Village Clerk.

END OF ATTACHMENT A

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 September 15, 2022, at 7:00 p.m. with Chairman Evelyn Petrone presiding.

Present in addition to Ms. Petrone were Messrs., Morlino, D'Estrada and Falk

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

Date of Hearing: September 15, 2022
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 Decision of Zoning 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.

- 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
Toni Janesco
Walter Janesco
Sandra Truesdale

Summary of statement or evidence presented

Aldo Vitagliano, Esq. represented this matter for the applicant Frank Sileo (SJA Reconstruction) who was also present and sworn in by the Chair.

Before the case began Chair Petrone informed everyone that this case was adjourned last month while the Board sought legal counsel to assist with this matter. The Board of Trustees is considering the request and we believe it's going to pass. This matter will be before the Board of Trustees on the upcoming Monday night. We have decided to allow the application to go forward tonight knowing that once our Counsel is retained he will be able to view the video and get caught up on the proceedings and we will meet with him at the next meeting to discuss pertinent items.

Mr. Vitagliano said he had comments that he provided for the last meeting that have been posted on the Website, and he brought copies for those who don't have them. (see Attachment B) In addition to a review of the submitted presentation, Mr. Vitagliano informed the Board that the application is also before the Planning Commission picking up where they left off more than a year ago. At this point Mr. Vitagliano reviewed his presentation which a link is provided below to review Attachment B.

Attachment B (Please click link for Attachment B)

[8 \(civicplus.com\)](http://8.civicplus.com)

Mr. Vitagliano said they are before the Commission because there is a Zoning Compliance Determination dated July 6th and they believe that it relates to the fact that the proposed lot on the southern end does not have frontage and the same issue relates to lot 1. It's unclear why they are here, but it is the determination of the Building Inspector.

Mr. Vitagliano asked the Board why he was before them to which the Chair replied its not up to us to tell you why you are here. You brought the application to us and we will opine on whatever you are seeking from this Board. Planning Director Curt LaValla also added that the applicant is here because he is in disagreement with hos Zoning decision. Mr. LaValla said his zoning determination decision pertains to proposed lot 2. The Building Inspector in his prior determination made the determination with regard to proposed lot 1. So they involve two different lots of this 2-lot subdivision.

For clarity, the chair reiterated that this application is only for proposed lot 2, Lot 1 applies to Rye Brook and not Port Chester.

Mr. Vitagliano said the issue tonight is whether they have frontage on a street, and a portion of the area on Lot 1 that is in Port Chester that they need to traverse to get to the improved area lot 2. There is a question as to whether the street has been improved exists. Lot 2 is fine, that's why they are here but if lot 1 gets brought in at a later time it is requested that it be included as part of this application for purposes of defining a proper determination or not.

Ms. Petrone said if there is anything that pertains to lot 1 that is to be determined by Port Chester she thinks that would have to be a part of the Public Notice.

Mr. LaValla said he did not cite lot 1 because it is under the jurisdiction of Rye Brook. Port Chester and Rye Brook are involved agencies and there is only going to be 1 SEQRA Determination and both have agreed to a coordinated review.

Mr. Vitagliano continued on with excerpts and explanations from his prepared presentation (Attachment B)

Mr. Vitagliano also asked that the proceedings from last month's meeting, although the matter was dismissed be made a part of this record as well. (Attachment C)

Public:

Dean Santon
Toni Janesco Argyle Road
Walter Janesco Argyle Road
Sandra Truesdale Sylvan Road

Findings of Board:

Action taken by Board:

On the motion of Commissioner Morlino, which was seconded by Commissioner Falk, the meeting was adjourned to October 20, 2022.

Record of Vote: For 4 Against Absent Abstain

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

Adjourn to October 20, 2022

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

Signed 

Evelyn Petrone
Title **Chair**

ATTEST:

Attachment C



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
Case No.: 2022-0217
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 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:

END OF

ATTACHMENT C

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 September 15, 2022, at 7:00 p.m. with Chairman Evelyn Petrone presiding.

Present in addition to Ms. Petrone were Messrs., Morlino, D'Estrada and Falk

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

Date of Hearing: September 15, 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.**

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

Summary of statement or evidence presented

Village Attorney Anthony Cerreto told the Board that at the last meeting he was directed to prepare Findings of Fact for this meeting, however upon review he found that the record was not clear as to two particular items: **1.** The identity of all persons associated with the application **2.** The change of title from the original grantor to the subject present property as well as the two adjoining properties that all front on the current right of way as they go on to the Village's portion of Mortimer Street.

Mr. Cerreto said he contacted the applicants counsel for discussion purposes and relayed the same thoughts on the matter and Mr. Adesso said he would speak to his client to try and provide the information necessary for the Board to make a more informed decision. He was also informed that the process at this meeting that if the Board were inclined to do so, they would need to have another Public Hearing (the Public Hearing on this matter is closed) which would need to be noticed. So tonight the Board would schedule another Public Hearing for October and accept all the materials from the applicant as well as the public on the two aforementioned items. It's a very limited reopener for the purpose of the 2 aforementioned items. This is the applicants' time to respond to what his views on the matter may be.

Jack Adesso Esq., 153 Stevens Ave, Mt Vernon, NY represented this matter for the applicant Damien Barrett. Mr. Adesso said he did speak with Mr. Cerreto and submitted a package by email to him containing the additional documentation that he wanted. Unfortunately, he was away at training and did not have an opportunity to see the package. Mr. Adesso said he will send it again to Ms. Phillips (ZBA Secretary) who will distribute the materials to the Board Members. Mr. Adesso said that his clients are here tonight. Mr. Damien Barrett is the Contract

Vendee. He is buying the property from the estate of Jenny Prescott. Debra Prescott is the Executrix of the estate and is present tonight. Mr. Barrett is under contract to buy this land subject to approval by this Board and what is needed to be done with regard to the right of way.

Chair Petrone asked that the applicant reiterate who the parties are at the October Public Hearing. By that time we will have reviewed your newly submitted documentation (deeds, title reports, etc.)

A brief mention was made with regard to the expense of re-noticing the new public Hearing. Mr. Cerreto said he would take this under consideration and render a decision at a later time. He also stated that in other cases when the applicant was not at fault, the Village has borne the expense. However, no decision will be made tonight.

Findings of Board:

Action taken by Board:

On the motion of Commissioner D'Estrada, which was seconded by Commissioner Morlino, the Matter was adjourned to October 20th to review materials and re-open the limited Public Hearing.

Record of Vote: For 4 Against Absent Abstain

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

Adjourn to October 20, 2022

Petrone	F
D'Estrada	F
Morlino	F
Simmons	Abs
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 September 15, 2022, at 7:00 p.m. with Chairman Evelyn Petrone presiding.

Present in addition to Ms. Petrone were Messrs., Morlino, D'Estrada and Falk

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

Date of Hearing: September 15, 2022
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:

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:

Chair Petrone said a letter was received from the applicant's attorney requesting an adjournment to the October 20th meeting as they are still preparing documents for the Board of Trustees and the Planning Commission.

Action taken by Board:

On the motion of Commissioner Morlino, seconded by Commissioner Falk, D'Estrada, the matter was adjourned to the October 20, 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 October 20, 2022

Petrone F
D'Estrada F
Morlino F
Simmons Ab
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 September 15, 2022, at 7:00 p.m. with Chairman Evelyn Petrone presiding.

Present in addition to Ms. Petrone were Messrs., Morlino, D’Estrada and Falk

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

Date of Hearing: September 15, 2022

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:

Chair Petrone said a letter was received from the applicant’s attorney requesting an adjournment to the October 20th meeting as they are still preparing documents for the Board of Trustees and the Planning Commission.

Findings of Board:

Action taken by Board:

On the motion of Commissioner D’Estrada, which was seconded by Commissioner Falk, the matter was adjourned to the October 20, 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 October 20, 2022 Meeting

Petrone	F
D'Estrada	F
Morlino	F
Simmons	Abs
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 September 15, 2022, at 7:00 p.m. with Chairman Evelyn Petrone presiding.

Present in addition to Ms. Petrone were Messrs., Morlino, D’Estrada and Falk

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

Date of Hearing: September 15, 2022

ADJOURN MEETING


On the motion of Commissioner D’Estrada, seconded by Commissioner Morlino, the meeting was adjourned to October 20, 2022.

Record of Vote: For 4 Against Absent Abstain

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

Adjourn meeting to October 20, 2022

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

Signed 

Evelyn Petrone
Title Chair

ATTEST: