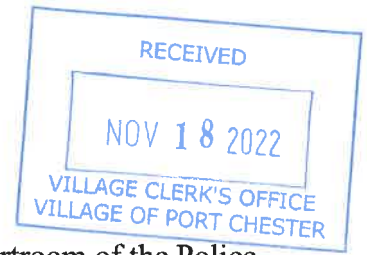


MINUTES OF MEETING

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 October 20, 2022, at 7:00 p.m. with Chairman Evelyn Petrone presiding.

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

Also in attendance was Village Attorney Anthony Cerreto (via WebEx), Planning Director Curt Lavalla, and Building Inspector Kevin Donohue and AKRF Team Consultants

Date of Hearing:	October 20, 2022	
Case #	2022-0212	
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 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.**

Summary of statement or evidence presented

A request to adjourn to the November 17, 2022 meeting was received from Aldo Vitagliano Esq.

Findings of Board:

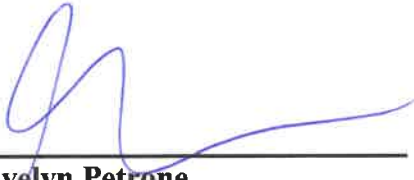
Action taken by Board:

On the motion of Commissioner Morlino, which was seconded by Commissioner D'Estrada, the meeting was adjourned to November 17, 2022.

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

Adjourn to November 17, 2022

Petrone	F
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 October 20, 2022, at 7:00 p.m. with Chairman Evelyn Petrone presiding.

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

Also in attendance was Village Attorney Anthony Cerreto (via WebEx), Planning Director Curt Lavalla, and Building Inspector Kevin Donohue and AKRF Team Consultants

Date of Hearing: October 20, 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:

2. 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

Anthony Gioffre Esq. of Cuddy & Feder represented this matter for the applicant along with his team members. SEQRA Neg Dec resolution was approved by the Planning Commission at their last meeting.

Findings of Board

Action taken by the Board

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

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

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

Close Public Hearing

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

On the motion of Commissioner Falk, seconded by Commissioner Morlino, the Village Attorney was directed to prepare Favorable Findings of Fact for the November meeting

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

Prepare Findings

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

Signed



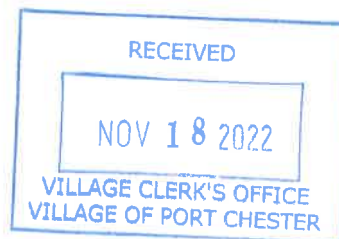
Evelyn Petrone

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 October 20, 2022, at 7:00 p.m. with Chairman Evelyn Petrone presiding.

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

Also in attendance was Village Attorney Anthony Cerreto (via WebEx), Planning Director Curt Lavalla, and Building Inspector Kevin Donohue and AKRF Team Consultants

Date of Hearing: October 20, 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:

David Cooper of Zarin & Steinmetz represented this matter along with Kevin Lahey The SEQRA Neg Dec Resolution was approved by the Planning Commission at their last meeting.

Findings of Board:

Action taken by Board:

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

Record of Vote: For 5 Against Absent Abstain

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

Close Public Hearing

Petrone F
D'Estrada F
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 favorable findings of fact for the November 17, 2022 meeting

Record of Vote: For 5 Against Absent Abstain

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

Prepare Findings

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

Signed



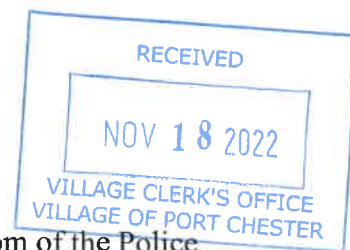
Evelyn Petrone

Title Chair

ATTEST:

MINUTES OF MEETING

Application for Permit or Variance



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

Also in attendance was Village Attorney Anthony Cerreto (via WebEx), Planning Director Curt Lavalla, and Building Inspector Kevin Donohue and AKRF Team Consultants

Date of Hearing: October 20, 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.

Debra Prescott

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

Dean Santon Pearl River, NY
Julie DeRosa Mortimer Street
Toni Janesco Argyle Road
Dominique? Mortimer Street

Summary of statement or evidence presented

Jack Adesso Esq. represented this matter for the applicant. Mr. Adesso began by addressing the documents that were not received by Mr. Cerreto pertinent to the case (deeds, Title Report and easements) In addition Mr. Adesso clarified that the applicant for this case is Damion Barrett who was present and has been present every evening of the ZBA meetings. The seller of the property is Debra Prescott who was and has also been present for each appearance before the Board

Chair Petrone suggested that Mr. Adesso verbally review the documents for the benefit of the public and provide Board Secretary Connie Phillips with hard copies that she can distribute to the ZBA Board members and post on the ZBA Website

Mr. Adesso agreed to this, reviewed the documents for the public and will provide hard copies to the secretary.

PUBLIC Dean Santon Pearl River, NY
Julie DeRosa Mortimer Street
Toni Janesco Argyle Road
Dominique? Mortimer Street

Findings of Board:

Action taken by Board:

On the motion of Commissioner Morlino, which was seconded by Commissioner Simmons, the Matter was adjourned to the November 17, 2022 meeting.

Record of Vote: For 5 Against Absent Abstain

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

Adjourn to November 17, 2022

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

Note: the documents were received from Mr. Oddesso several days after the meeting. They were distributed to the Board members and posted on the ZBA Website

They can be accessed using the following link:

<https://www.portchesterny.gov/AgendaCenter/ViewFile/Agenda/10202022-410?html=true>

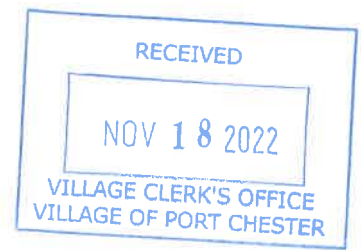
Signed



Evelyn Petrone

Title Chair

ATTEST:



MINUTES OF MEETING

Application for Permit or Variance

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

Also in attendance was Village Attorney Anthony Cerreto (via WebEx), Planning Director Curt Lavalla, and Building Inspector Kevin Donohue and AKRF Team Consultants

Date of Hearing: October 20, 2022

ADJOURN MEETING

On the motion of Commissioner D'Estrada, seconded by Commissioner Morlino, the meeting was adjourned to November 17, 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 November 17, 2022

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

Signed 
Evelyn Petrone
Title **Chair**

ATTEST: