

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 July 17, 2025, at 7:00 p.m. with Chairman Evelyn Petrone presiding.

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

Also in attendance were Village Attorney James Carpinello, Assistant Planning Director Curt LaValla, and Building Inspector Steve Velardo

Date of Hearing:	July 17, 2025	
No. of Case:	2025-0242	
Applicant:	Waldir and Vera Correia	Jacob Amir, Esq.
	30 Old Mamaroneck Road	Zarin & Steinmetz LLP
	White Plains, NY 10605	81 Main Street
		White Plains, NY 10601

Nature of Request:

On the premises 47 Ellendale Avenue, located in the CD.3-R-2F Zoning District, being Section 141.28, Block 3, Lot(s) 16 on the assessment map of the Town of Rye, New York, an application submitted by Jacob Amir, Esq., on behalf of the above-named applicants, requesting an interpretation that the property is a prior existing legal non-conforming3 family dwelling or in the alternative, a Use Variance to continue the property to be maintained as a 3 family dwelling

1. Names and addresses of those appearing in favor of the application.
- No One
- George Ford – Quintard Drive, port Chester, NY
2. Names and addresses of those appearing in opposition to application.

Summary of statement or evidence presented

This matter was represented by Jacob Amir, Esq. of Zarin & Steinmetz who said at the last meeting they had a review of the history of the property and the applicants acquisition of the property in 2002. His wife was added to the deed in 2007.

When the property was acquired it was a 3-family unit – verified by the fire department – a building permit was issued for a 3-car garage and other property cards all confirming the premises as a 3 family unit.

Tonight’s appearance before the Board is for a dollar and cents analysis in connection with a use variance

Profit and loss itemization (exhibit F) takes into account all the expenses on the property. This does not cover all the additional items that may come up each month. Applicant said it would be impossible to maintain the premises as a two family unit and make a profit.

The house was purchased for \$450,000 in 2002
A refinance mortgage of \$473.000 was obtained in 2004
A refinance of \$560,000 was obtained in 2006
In 2007 when applicant’s wife was added to the Deed, there was a refinance of \$625.000

Findings of Board

The Board denied the variance request

The applicant obtained a cash out mortgage which caused the mortgage payments to be higher

In addition, there were several refinances which were not applied to lowering the mortgage /operating costs. It was deemed a self-imposed hardship.

Action taken by Board

On the motion of Commissioner D’Estrada, which was seconded by Commissioner Falk the Board closed the Public Hearing and denied the applicant’s request for a variance.

Record of Vote: For 4 Against Absent 2 Abstain

List names of members & how voted

Deny Variance	
Petrone	F
D’Estrada	F
DeVita	Abs
Falk	F
Morlino	F
Simmons	Abs

Signed



Evelyn Petrone

Title Chair

ATTEST:

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 July 17, 2025, at 7:00 p.m. with Chairman Evelyn Petrone presiding.

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Also in attendance were Village Attorney James Carpinello, Assistant Planning Director Curt LaValla, and Building Inspector Steve Velardo

Date of Hearing:	July 17, 2025	
No. of Case:	2025-0248	
Applicant:	250 Boston Road, LLC	Gary Gianfrancesco
	250 Boston Post Road	Arconics Architecture
	Port Chester, NY 10573	545.5 Westchester Avenue
		Rye Brook, NY 10573

Nature of Request:

On the premises **250 Boston Post Road**, located in the CD-4MU Zoning District, being **Section 142.39, Block 1, Lot(s) 3** on the assessment map of the Town of Rye, New York, an application submitted by Gary Gianfrancesco AIA of Arconics Architecture, on behalf of 250 Boston Post Road, LLC requesting variances pertaining to:

- 1. Section 345.405.A-13 (CD-4MU) (g) Front Setback, Principal Frontage, 0 ft minimum 20 ft maximum.
- 2. Section 345.405.A-13 (CD-4MU) (i) [1] Principal Buildings Stories, 3 Stories Maximum
- 3. Section 345.405.A-13 (CD-4MU)) (i) [3] Finished Floor Level, 2 to 6 ft above average grade at façade.
- 4. Section 345.405.A-13 (CD-4MU) (l) Garage Location, Third Lot Layer only

A letter dated July 16, 2025 was received from the applicant’s representatives requesting this matter be adjourned to thee September 18, 2025 meeting

Action taken by Board

On the motion of Commissioner Falk, which was seconded by Commissioner Morlino, the matter was adjourned to the September 18, 2025 meeting

Record of Vote: For 4 Against Absent 2 Abstain

List names of members & how voted

Action Taken	
Petrone	F
D’Estrada	F
DeVita	Abs
Falk	F
Morlino	F
Simmons	Abs

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VILLAGE OF PORT CHESTER


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 July 17, 2025, at 7:00 p.m. with Chairman Evelyn Petrone presiding.

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

Also in attendance were Village Attorney James Carpinello, Assistant Planning Director Curt LaValla, and Building Inspector Steve Velardo

Date of Hearing: July 17, 2025
Case # 2025-0243

Applicant: Jerica & Antonio Adorno Jan Cadek, Hans Cadek Architecture
90 Shelley Avenue 63 Shelley Avenue
Port Chester, NY 10573 Port Chester, NY 10573

On the premises **90 Shelley Avenue**, located in the CD-3.R5 Zone, being **Section 136.45, Block 2, Lot(s) 44** on the assessment map of the Town of Rye, New York, an application submitted by Hans Cadek., on behalf of Jerica & Antonio Adorno requesting an area variance in connection with the proposal to add a second floor addition over the existing first floor at the back of an existing single family home. The home is legally non-conforming (front, rear and side setbacks)

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

George Ford – Quintard Drive – Port Chester, NY

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

No one

AUG 22 2025

VILLAGE CLERK
VILLAGE OF PORT CHESTER

Summary of statement or evidence presented

The matter was represented by Jan Cadek, Architect of Hans Cadek Architecture
The extra space needed is for an additional bedroom They currently have 3 bedrooms on the 2nd floor. This bedroom will allow for each child to have their own bedroom. A variance was granted for the first-floor expansion several years ago, now the applicant would like to build the bedroom on top of that expansion Most of the houses in the neighborhood have a bedroom and bathroom on the rear of the house. Although this is a 2nd floor expansion, there is a 6 ft fence and shrubbery separating the house from the neighbors.

Findings of Board

The Board approved the variance request. The variance request was considered very minor.

Action Taken By Board

On the motion of Commissioner Morlino, which was seconded by Commissioner D’Estrada, the Public Hearing was closed

Record of Vote: For 4 Against Absent 2 Abstain

List names of members & how voted

Action Taken

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

On the motion of Commissioner Falk, which was seconded by Commissioner Morlino, the Public Hearing was closed and the variance was granted and the staff will prepare Findings of Fact.

Record of Vote: For 4 Against Absent 2 Abstain

List names of members & how voted

Close Public Hearing-Prepare Findings

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



Signed

Evelyn Petrone

Title Chair

ATTEST:

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 July 17, 2025, at 7:00 p.m. with Chairman Evelyn Petrone presiding.

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

Also in attendance were Village Attorney James Carpinello, Assistant Planning Director Curt LaValla, and Building Inspector Steve Velardo

Date of Hearing: July 17, 2025
Case # 2025-0244

Applicant	Manuel Caivinagua 245 Madison Avenue Port Chester, NY 10573	Jan Cadek, Hans Cadek Architecture 63 Shelley Avenue Port Chester, NY 10573
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On the premises **245 Madison Avenue**, located in the CD-3.R5 Zone, being **Section , Block , Lot(s)** on the assessment map of the Town of Rye, New York, an application submitted by Hans Cadek., on behalf of Manuel Cavinagua requesting an area variance in connection with the proposal to finish a cellar as a habitable space in an existing 2 family home (two apartments) a variance for 1 additional story is requested

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.

George Ford – Quintard Drive – Port Chester, NY

Summary of statement or evidence presented

The matter was represented by Jan Cadek, Architect, of Hans Cadek Architecture and Manuel Caivinagua Applicant (with interpreter Jose Menendez)

The homeowner lives on the first floor and has a tenant on the second floor. He is trying to finish an existing basement to obtain additional space. The homeowner has 2 children. The first floor is bedrooms with one Livingroom, kitchen and bathroom. The basement/cellar consists of a sink and counter and a refrigerator would probably be added. There is also a bathroom with a shower. In 2023 the applicant started to finish the basement/cellar and received a stop work order because they did not have a permit. The applicant would like to put a washer and dryer in the basement/cellar and 1 side egress door.

Findings of Board

The board had some discussions and concerns with the basement/cellar request. This is a two-family house and would not like to see it turned onto a 3-family house with the addition of a bedroom. There was a stop work order in 2023 and additional complaints were lodged against the property in 2024 for construction noises. It was suggested that the sink with the hood should be removed. There should not be the construction of a demising wall. It was suggested that the applicant might consider revising the plan

Action taken by Board

On the motion of Commissioner D’Estrada, which was seconded by Commissioner Falk, the matter was adjourned to the August 21, 2025 meeting

Record of Vote: **F**or 4 **A**gainst **A**bsent 2 **A**bstain

List names of members & how voted

Adjourn to August 21, 2025

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



Signed

Evelyn Petrone

Title Chair

ATTEST:

A meeting of the Zoning Board of Appeals was held at the Courtroom of the Headquarters Building, 350 North Main Street, Port Chester, NY, on July 17, 2025, at 7:00 p.m. with Chairman Evelyn Petrone presiding.

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

Also in attendance were Village Attorney James Carpinello, Assistant Planning Director Curt LaValla, and Building Inspector Steve Velardo

Date of Hearing: July 17, 2025
No. of Case: 2025-0250
Applicant: Frank Valvona
60 Lafayette Drive
Port Chester, NY 10573

Nature of Request:

On the premises 60 Lafayette Drive located in the CD-3.R7 Zone, being Section: 136.53, Block: 1, Lot(s) 35 on the assessment map of the Town of Rye, New York , an application submitted by Frank Valvona for the legalization of a cellar as a habitable level in an existing two story, single family dwelling. 1 additional story is requested

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.

George Ford – Quintard Drive, Port Chester, NY

Summary of statement or evidence presented:

The property was inherited by the owner and has not been changed. Changes to the Zoning Code makes the basement, which is now considered a cellar and constitutes a third story. There will be no visible change that can be seen by neighbors.

Findings of Board:

The existing kitchen must be permanently removed and cannot be used as a bedroom

The Zoning Board agreed to grant the variance

Action taken by Board:

On the motion of Commissioner Falk, which was seconded by Commissioner D’Estrada, the Public Hearing was closed

Record of Vote: For 4 Against Absent 2 Abstain

List names of members & how voted

Close Public Hearing	
Petrone	F
D’Estrada	F
DeVita	Abs
Falk	F
Morlino	F
Simmons	Abs

On the motion of Commissioner Falk, which was seconded by Commissioner Morlino, the Board approved the variance and requested Findings be prepared

Record of Vote: For 4 Against Absent 2 Abstain

List names of members & how voted

Approve & Prepare findings

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

Signed 

Title Chair

ATTEST:

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

Also in attendance were Village Attorney James Carpinello, Assistant Planning Director Curt LaValla, and Building Inspector Steve Velardo

Date of Hearing:	July 17, 2025	
No. of Case:	2025-0251	
Applicant:	Regency Port Chester JV, LLC	Anthony Gioffre, Esq
	Rajeev Chennattu	Cuddy & Feder LLP
	455 Central Park Avenue	445 Hamilton Avenue
	Scarsdale, NY 10583	White Plains, NY 10610

Nature of Request:

On the premises 208-216 King Street located in the CD-6 Zone, being Section: 142.22, Block: 2, Lot(s) 45 & 46 on the assessment map of the Town of Rye, New York , an application submitted by Anthony Gioffre Esq, of Cuddy & Feder LLP on behalf of regency Port Chester JV, LLC, for area variances in connection with its amended site plan application for a variance for two additional stories above the max permitted, and for setbacks greater than 0 at the corners.

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.

George Ford – Quintard Drive – Port Chester, NY

Summary of statement or evidence presented:

Daniel Patrick Esq. of Cuddy & Feder along with Rubin Almeda Architect for the project represented this matter. The project was approved in 2022 for 12 stories and the approvals are still valid. The applicant would like to amend the site plan by reducing the mass size of the building and reducing the height by approximately 20 ft. by moving the mechanicals that would be on top of the building to the interior of the building. The density would remain the same. There will still be 185 units but the sizes of the units will change. Parking spaces will increase to 185 providing a 1 to 1 parking ratio per unit. . Based on comments from the Board the exterior design of the building has changed. Since there was a change in the Code in 2023 the variance approved before was for a 12 story building with a basement and a cellar. Now it is a 12 story building plus 2 cellars. Based on the new Zoning Code the 2 cellars are now considered stories. There is no change to the building except for greater setbacks from 0 ft to 5 to 11 feet. The variance is based on interpretation of the two cellars being classified as stories

Findings of Board:

Board agreed to grant variance pending a SEQRA review and approval from the Planning Commission

Action taken by Board:

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

Record of Vote: For 4 Against Absent 2 Abstain

List names of members & how voted

<u>Close Public Hearing</u>	
Petrone	F
D'Estrada	F
DeVita	Abs
Falk	F
Morlino	Abs
Simmons	F

On the motion of Commissioner Falk, which was seconded by Commissioner D'Estrada, the staff was directed to prepare Findings to be voted on at the August meeting.

Record of Vote: For 4 Against Absent 2 Abstain

List names of members & how voted

<u>Prepare Findings</u>	
Petrone	F
D'Estrada	F
DeVita	Abs
Falk	F
Morlino	Abs
Simmons	F

Signed



Evelyn Petrone

Title

Chair

ATTEST:

MINUTES OF MEETING

Application for Permit or Variance

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Also in attendance were Village Attorney James Carpinello, Assistant Planning Director Curt LaValla, and Building Inspector Steve Velardo

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Date of Hearing: July 17, 2025

No. of Case:

Applicant:

AUG 22 2025

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VILLAGE OF PORT CHESTER

Nature of Request: Adjourn Meeting

On the motion of Commissioner Falk, which was seconded by Commissioner Morlino, the meeting was adjourned to August 21, 2025

Record of Vote: For 4 Against Absent 2 Abstain

List names of members & how voted

Adjourn to August 21, 2025

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

	
Signed	Evelyn Petrone
Title	Chair

ATTEST: