

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 16, 2026, at 7:00 p.m. with Chairman Evelyn Petrone presiding.

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

Also in attendance was Planning Director Greg Cutler, Assistant Planning Director Curt LaValla, and Building Inspector Steve Velardo

Date of Hearing:	July 16, 2026		
No. of Case:	2026-0259		
Applicant:	Jose Avelar	Kristen K. Wilson	
	68 Indian Road	MDW Law	
	Port Chester, NY 10573	235 Main Street	
		White Plains, NY 10601	

Nature of Request:

On the premises **68 Indian Road**, located in the CD-3.R7 Zoning District, being **Section:136.53, Block: 2, Lot(s):19** on the assessment map of the Town of Rye, New York, an application submitted by Kristen K Wilson, Esq, on behalf of the above-named applicant requesting an area variance to allow parking in the front yard setback.

Summary of statement or evidence presented:

Prior to the Board voting on the Findings the Applicant’s attorney asked to be heard on the merits of the new Findings

The matter was represented by Kristen K Wilson Esq. Ms. Wilson stated although the matter was slated for Findings to be voted on at this meeting, she would like to have the opportunity to be heard regarding the Findings Documents.

Ms. Wilson stated that the record has been changed based on a comparison of the original Findings and the new Findings. She also stated that the photos of other houses in the area have driveways similar to that of her client and therefore does not support the denial. In addition, the applicant is in the middle of court proceedings to rectify violations and is doing a massive storm water retention effort.

Findings of Board:

Chair Petrone summarized the Findings to deny this matter and equated the request to each of the five factors for granting a variance. It was determined by the Board that the application failed the test and therefore the variances should not be granted. Many of the pictures submitted with the application show the majority of the houses in the neighborhood have two car garages or very short driveways. This application has a very long driveway which goes all the way to the rear of the house where parking is available. This driveway was not an original part of the house. The applicant or the previous owner added the driveway. There are many cases that come before the Zoning Board that are involved with court violations. In this case the applicant went against what the Building Department told him to do. He had started to make the new driveway and was told to put it back the way it was and instead of taking up the gravel and restoring it to its original form the applicant paved over the gravel. This situation was self cresented.

Action taken by Board: On the motion of Commissioner Morlino, which was seconded by Commissioner D’Estrada, the Board voted to accept the Findings to deny the requested variance. meeting.

Record of Vote: **F**or 5 **A**gainst **Ab**sent 1 **Ab**stain
List names of members & how voted

Approve Findings

Petrone	F
D’Estrada	F
DeVita	F
Gluck	F
Morlino	F
Simmons	Ab

<u>Signed</u>	_____
	Evelyn Petrone
<u>Title</u>	<u>Chair</u>

ATTEST:

MINUTES OF MEETING

Application for Permit or Variance

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

Also in attendance was Planning Director Greg Cutler, Assistant Planning Director Curt LaValla, and Building Inspector Steve Velardo

Date of Hearing:	July 16, 2026		
No. of Case:	<u>Case #2026-0264</u>		
Applicant:	Lauro and Maria Tapia	John G. Scarlato Jr, Architect	
	5 Clark Place	33 Byram Hii Road	
	Port Chester, NY 10573	Armonk, NY 10504	

Nature of Request:

On the premises **5 Clark Place**, located in the CD-3.R5 Zoning District, being **Section: 136.77, Block: 2, Lot(s): 37** on the assessment map of the Town of Rye, New York, an application submitted by John Scarlato Jr., on behalf of the above-named applicant requesting rear yard variance of 9 ft. to construct a new deck

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:

Public:

Findings of Board:

Chair Petrone summarized the favorable Findings of Fact as prepared by Village Staff while addressing each of the 5 factors for area variances.

Action taken by Board:

On the motion of Commissioner Morlino, which was seconded by Commissioner D’Estrada, the Findings were approved and the variance was granted

Record of Vote: **F**or 5 **A**gainst **A**bsent 1 **A**bstain
List names of members & how voted

<u>Approve Findings</u>	
Petrone	F
D’Estrada	F
Gluck	F
Morlino	F
Simmons	Abs
DeVita	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, Morlino, Gluck and DeVita

Also in attendance was Planning Director Greg Cutler, Assistant Planning Director Curt LaValla, and Building Inspector Steve Velardo

Date of Hearing: July 16, 2026
No. of Case: Case #2026-0265
Applicant: Janaina & Anderson Andrade
21 Arnett Street
Port Chester, NY 10573

Nature of Request:

On the premises **21 Arnett Street**, located in the R2F Zoning District, being **Section: 142.46, Block: 2, Lot(s): 59** on the assessment map of the Town of Rye, New York, an application submitted by the above-named applicant requesting a 15.5 rear yard variance to legalize an existing deck.

- 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:

Public:

Findings of Board:

Chair Petrone summarized the favorable Findings of Fact as prepared by Village Staff while addressing each of the 5 factors for area variances.

Action taken by Board:

On the motion of Commissioner D’Estrada, which was seconded by Commissioner Gluck, the Findings of Fact were approved and the variance was granted

Record of Vote: **For** 5 **Against** **Ab**sent 1 **Ab**stain
List names of members & how voted

<u>Approve Findings</u>	
Petrone	F
D’Estrada	F
Gluck	F
Morlino	F
Simmons	Ab
DeVita	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 July 16, 2026, at 7:00 p.m. with Chairman Evelyn Petrone presiding.

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

Also in attendance was Planning Director Greg Cutler, Assistant Planning Director Curt LaValla, and Building Inspector Steve Velardo

Date of Hearing:	July 16, 2026		
No. of Case:	<u>Case 2026-0266</u>		
Applicant:	William Doty	Leitenberger Design Group	
	247 North Regent Street	650 Halstead Street	
	Port Chester, NY 10573	Mamaroneck, NY 10543	

Nature of Request:

n the premises **247 North Regent Street**, located in the CD-3.R7 Zoning District, being **Section: 136.61, Block: 2, Lot(s): 34** on the assessment map of the Town of Rye, New York, an application submitted by Daniel Sanchez, Architect on behalf of the above named applicants for a 1.2 foot side yard variance for a new second story addition to an existing home.

- 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:

Public

Findings of Board:

Chair Petrone summarized the favorable Findings of Fact as prepared by Village Staff while addressing each of the 5 factors for area variances.

Action taken by Board:

On the motion of Commissioner Morlino, which was seconded by Commissioner Gluck, the Findings of Fact were approved and the variance was granted

Record of Vote: **F**or 5 **A**gainst **A**bsent 1 **A**bstain
List names of members & how voted

<u>Approve Findings</u>	
Petrone	F
D’Estrada	F
Gluck	F
Morlino	F
Simmons	Ab
DeVita	F

<u>Signed</u>	_____
	Evelyn Petrone
<u>Title</u>	<u>Chair</u>

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 16, 2026, at 7:00 p.m. with Chairman Evelyn Petrone presiding.

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

Also in attendance was Planning Director Greg Cutler, Assistant Planning Director Curt LaValla, and Building Inspector Steve Velardo

Date of Hearing:	July 16, 2026		
Case #	2026-0262		
Applicant:	D&B Company	Anthony Gioffre, Esq.	
	315 Boston Post Road	Cuddy & Feder LLP	
	Port Chester, NY 105	445 Hamilton Avenue	
		White Plains, NY 10601	

Nature of Request

On the premises **315 Boston Post Road**, located in the CD-4MU Zoning District, being **Section:142.45, Block: 1, Lot(s):15** 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 DSD Company requesting an Interpretation on whether the existing shipping containers constitute developments and improvements that require approval pursuant to the Village of Port Chester Zoning Code §345-402(A)

A letter was received from the applicant requesting the matter be adjourned to the August meeting.

On the motion of Commissioner D’Estrada, which was seconded by Commissioner DeVita the matter was adjourned to the August 20th meeting

Record of Vote: **F**or 5 **A**gainst **A**b sent 1 **A**b stain
List names of members & how voted

Adjourn to June

Petrone	F
D’Estrada	F
DeVita	F
Gluck	F
Morlino	F
Simmons	Ab

Signed _____
Evelyn Petrone
Title **Chair** _____

ATTEST:

Application for Permit or Variance

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

Date of Hearing:	July 16, 2026		
No. of Case:	<u>Case #2026-0261</u>		
Applicant:	Spanish United Pentecostal Church	Ana Soto Fedigan	
	35 Traverse Avenue	Omni Architecture	
	Port Chester, NY 10573	43 Union Avenue	
		Harrison, New York 10528	

On the premises **35 Traverse Avenue**, located in the CD-5 Zoning District, being **Section: 142.39, Block: 1, Lot(s): 38** on the assessment map of the Town of Rye, New York, an application submitted by Ana Soto Fedigan of Omni Architecture requesting a variance for 19 parking spaces

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

Applicant will be adjourned to the August 20th meeting because of Public Noticing .

Action taken by Board:

On the motion of Commissioner Gluck, which was seconded by Commissioner DeVita, the matter was adjourned to the August 20th meeting.

Record of Vote: For 5 Against _____ Absent 1 Abstain _____
List names of members & how voted

Petrone	F
D'Estrada	F
DeVita	F
Gluck	F
Morlino	F
Simmons	Ab

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 16, 2026, at 7:00 p.m. with Chairman Evelyn Petrone presiding.

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

Also in attendance was Planning Director Greg Cutler, Assistant Planning Director Curt LaValla, and Building Inspector Steve Velardo

Date of Hearing July 16, 2026
Case # 2026-0267
Applicant Luis Lopez
 7 Leonard Street
 Port Chester, NY 10573

Nature of Request

On the premises **7 Leonard Street**, located in the R2F Zoning District, being **Section: 142.54, Block: 1, Lot(s): 31** on the assessment map of the Town of Rye, New York, an application to add a 2nd story addition to rear of existing building where a 1.43’ side yard setback variance is required.

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:

The matter was represented by David Mooney and Daniel Sanchez of David Mooney Architects, The applicant Luis Lopez was also present to give testimony

A 4.57-ft. side yard is proposed where the Form-based Code requires 6 ft. The resulting relief requested is 1.43 ft.

The applicant is looking to add a new addition to the rear of the house to accommodate a new bedroom with a bathroom. The property is a two family house (upstairs and downstairs) There was an illegal apartment in the basement which has since been removed. The addition will be a second story addition going over the existing footprint of the first floor.

The first floor of the residence has three bedrooms. The applicant proposes adding two additional bedrooms on the second floor. One bedroom already exists on the second floor. The applicant does not reside in the property. The tenants will be moving out while renovations are being made.

Building Inspector Steve Velardo indicated that there is currently a Notice of Violation saying the building is unfit for human occupancy. The official authorized use is Single Family. The original house predates 1902 CO requirements. In 2013 there was also a stop work order for work without permits. The property has a long history of violations. The house is in a two family zone and currently does not have a legal CO. Illegal basement apartment, overcrowding, and property maintenance were a few of the violations that were issued. Violations have been issued since July of 2022, and July 2024. A recent violation was issued for putting an addition on a garage.

Findings of Board:

Applicant has been cited for overcrowding, he is an absentee landlord and does not maintain the property. There are questions regarding upkeep after adding additional bedrooms. Although the garage had a permit and certificate of occupancy, an illegal addition was added in the rear. Based on the history of this property the4 Board is inclined to deny the variance application

Action taken by Board:

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

Record of Vote: For 5 Against Absent 1 Abstain
List names of members & how voted

<u>Close Public Hearing</u>	
Petrone	F
D’Estrada	F
DeVita	F
Gluck	F
Morlino	F
Simmons	Ab

On the motion of Commissioner DeVita, which was seconded by Commissioner Gluck, the staff was directed to prepare Findings to approve the variance.

Record of Vote: For 5 Against Absent 1 Abstain
List names of members & how voted

<u>Prepare Findings</u>	
Petrone	F
D’Estrada	A
DeVita	F
Gluck	A
Morlino	A
Simmons	Ab

The vote did not pass, therefore the variance is denied.

Signed

Evelyn Petrone

TitleChair

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Also in attendance was Planning Director Greg Cutler, Assistant Planning Director Curt LaValla, and Building Inspector Steve Velardo

Date of Hearing	July 16, 2026
Case #	2026-0260
Applicant	Sonora Group Inc 179 Rectory Street Port Chester, NY 10573

On the premises **179 Rectory Street**, located in the R2F Zoning District, being **Section: 136.71, Block: 1, Lot(s): 50** on the assessment map of the Town of Rye, New York, an application submitted by Rafael Palomino of Palomino Restaurant Group for installation of an awning over the outside patio area of Sonora Restaurant

Although this application was slated for tonight’s agenda, it could not be heard due to deficient public noticing.

No action was taken on this matter.

Signed	_____
	Evelyn Petrone
Title Chair	_____

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

Also in attendance was Planning Director Greg Cutler, Assistant Planning Director Curt LaValla, and Building Inspector Steve Velardo

Date of Hearing: July 16, 2026

Adjourn Meeting

On the motion of Commissioner Morlino, which was seconded by Commissioner Gluck, the meeting was adjourned to **August 20, 2026**

Record of Vote: **F**or 5 **A**gainst **A**bsent 1 **A**bstain

List names of members & how voted

Adjourn to August 20, 2026

Petrone	F
D’Estrada	F
DeVita	F
Gluck	F
Morlino	F
Simmons	Ab

Signed	_____
	Evelyn Petrone
Title	Chair _____

ATTEST: