

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 May 15, 2025, at 7:00 p.m. with Chairman Evelyn Petrone presiding.

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

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

Date of Hearing: May 15, 2025

No. of Case: 2025-0240

**Applicant: 140 Owner LLC
33 New Broad Street
Port Chester, NY 10573**

**Anthony Gioffre, Esq.
Cuddy & Feder LLP
445 Hamilton Avenue
White Plains, NY 10601**

Nature of Request:

On the premises **30-32 North Main Street**, located in the CD-5 Urban Center Character District, being **Section 142.31, Block 1, Lot(s) 31** on the assessment map of the Town of Rye, New York, an application submitted by Anthony Gioffre, Esq., on behalf of 140 Owner LLC requesting an area variance in connection with the proposal to re-establish the previously existing 3rd story of an existing building. The proposal involves interior renovations in support of the continued personal services and office uses throughout the 1st and 2nd stories and to construct the 3rd story to support two 1-bedroom residential units.

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 Daniel Patrick, Esq. of Cuddy & Feder LLP along with Pierre Sarrazin of Sarrazin Architecture.

The Premises consists of a single tax parcel with a total lot area of 0.06 acre (2,423 s/f) with frontage along the western side of North Main Street and eastern side of King Street. The Premises is classified within the Character-Based Code's CD-5 - Urban Center Character District ("CD-5 District") which promotes higher density mixed-use developments

The Applicant proposes to re-establish the 3rd story and proposes to retain the existing personal service and office uses within the 1st and 2nd stories.

The 3rd story will support two 1-bedroom residential units. The proposed uses are all permitted as-of-right in the CD-5 District and comply with all applicable bulk and dimensional standards, with the exception of required parking as noted by the Certificate of Compliance.

The Applicant is proposing to retain the existing structure and its current footprint, which covers the entire site. Due to the limited size of the Premises and the unavailability of vacant, unimproved lot area, no off street parking can feasibly be provided

There will be no increase to the footprint of the building

Public: No one from the public spoke for or against this application

Findings of Board:

Not in favor of waiving the fee in lieu of parking. In addition this action may set a precedence for future applications.

Action taken by Board:

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

Record of Vote: For ~~-5-~~ Against _____ Absent _____ Abstain _____

List names of members & how voted

<u>ACTION Taken</u>	
Petrone	F
D’Estrada	F
DeVita	F
Falk	F
Morlino	Ab
Simmons	F

On the motion of Commissioner Simmons, which was seconded by Commissioner Falk, the proposed variance request was denied

Record of Vote: For ~~-5-~~ Against _____ Absent _____ Abstain _____

List names of members & how voted

<u>ACTION Taken</u>	
Petrone	F
D’Estrada	F
DeVita	F
Falk	F
Morlino	Ab
Simmons	F

Signed

Evelyn Petrone

TitleChair

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

Date of Hearing: May 15, 2025
No. of Case: 2025-0241
Applicant: Barry P & Elisabeth M Mitchell Anthony Tirone, Esq.
81 Hillside Road 170 Hamilton Avenue
Rye, NY 10580 White Plains, NY 10601

Nature of Request:

On the premises **19 Harbor Drive**, located in the R-7 Zoning District, being **Section 142.63, Block 1, Lot(s) 25** on the assessment map of the Town of Rye, New York, an application submitted by Anthony Tirone, Esq., on behalf of the above-named applicants, requesting an area variance for use of the lower level as habitable space which will create a 3 story principal building

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

Lou Larizza
John Mantzel & Spouse – 12 Hilltop Drive
Michael Ivliano – 11 Rye Road
Ally Powell – 1 Harbor Drive
Michael Woodrow – 125 Shore Drive
Matt Misco – 6 Harbor Drive

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

No one

Summary of statement or evidence presented:

Anthony Tirone, Esq of Anthony Tirone Law along with the applicant Barry Mitchell represented this matter

Mr. Tyrone started out by saying that there was a misunderstanding with the public with regard to this application. This is a single-family home that was approved and is currently under construction. (the excavation work is almost complete)

The height of the submitted plans will not increase. This is an application to finish the lower level to make bedrooms for their children.

The way the form-based code is written, upon completion of the basement, it creates a 3rd story within the R-7 Zone.

The windows in the basement are actually at or above grade.

When plans for the house were submitted, the basement was included as unfinished uninhabitable space.

The topography (rocks) of the lot, the sloping of the land and the setbacks, etc. only allowed for 1 bedroom above the medium grade.

Public: No one spoke in opposition of the project. Six residents as listed above spoke in favor of the project

Findings of Board:

Action taken by Board:

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

Record of Vote: **F**or 5 **A**gainst _____ **Ab**sent _____ **Ab**stain _____

List names of members & how voted

<u>ACTION Taken</u>	
Petrone	F
D’Estrada	F
DeVita	F
Falk	F
Morlino	Ab
Simmons	F

On the motion of Commissioner Simmons, which was seconded by Commissioner D’Estrada, the Variance request was granted

Record of Vote: **F**or 5 **A**gainst _____ **Ab**sent _____ **Ab**stain _____

List names of members & how voted

<u>ACTION Taken</u>	
Petrone	F
D’Estrada	F
DeVita	F
Falk	F
Morlino	Ab
Simmons	F

Signed

Evelyn Petrone

Title

Chair

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

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

Date of Hearing:	May 15, 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

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

No One

Summary of statement or evidence presented:

Jacob Amir, Esq. of Zarin & Steinmetz along with the applicant Waldir Correia represented this application.

The applicant purchased the property in 2002 and has maintained it ever since. The house was built in 1972.

There is a 3-car garage on the property

There are 4 gas/electric meters on site (one for the common areas and one for each of the units).

And there are 4 on-site parking spaces.

Per the Building Department, this property would have met the amnesty program guidelines however the property was taxed as a one family residence up until 2008

In 2002 the municipal search listed the house as a two-family use

The applicant does not reside at the premises and all three units sre rented and have been rented since purchasing the property.

Over the years there have been several violations that were issued, satisfied and reissued.

There are a number of issues with his application. The applicant will go forward seeking a use variance. Therefore, the matter will be adjourned so the applicant can provide the necessary documents to substantiate a use variance.

Public: No one from the public spoke for or against this application

Findings of Board:

Action taken by Board:

On the motion of Commissioner Simmons, which was seconded by Commissioner D’Estrada, the matter was adjourned to the June 18, 2025 meeting.

Record of Vote: **F**or 5 **A**gainst _____ **A**bsent _____ **A**bstain_____

List names of members & how voted

<u>ACTION Taken</u>	
Petrone	F
D’Estrada	F
DeVita	F
Falk	F
Morlino	Ab
Simmons	F

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

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Date of Hearing: May 15, 2025

Adjourn meeting to June 18, 2025

Action taken by Board:

On the motion of Commissioner Simmons, which was seconded by Commissioner D’Estrada, the meeting was adjourned to June 18, 2025

Record of Vote: **F**or 5 **A**gainst **Ab**sent **Ab**stain

List names of members & how voted

ACTION Taken

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

Signed	_____
	Evelyn Petrone
Title	Chair _____

ATTEST: