

**VILLAGE OF PORT CHESTER
ZONING BOARD OF APPEALS AGENDA
August 16, 2012**

Findings of Fact

Case No. 2012-0035

NOTICE OF HEARING ON APPLICATION

NOTICE IS HEREBY GIVEN that the undersigned has applied to the Zoning Board of Appeals of the Village of Port Chester, N.Y.

Juan C. Rodriguez
Melina Bustamante
562 Willett Avenue
Port Chester, New York 10573

on the premises No. **562 Willett Avenue** in the Village of Port Chester, New York, situated on the **Left** side of **Willett Avenue** distant 300 feet from the corner formed by the intersection of **Putnam Avenue and Willett Avenue** being **Section 136.55, Block No. 1, Lot No. 51** on the Assessment Map of the said Village, being a variance from the applicable Zoning Ordinance or Ordinances in the following respects:

Application is hereby made under the discretionary power vested in you by Section 345-29A, 345-13 or in the alternative 345.30 of the Zoning Ordinance of the Village of Port Chester for permission to: construct a new 3 story addition, build roof & portico over residence entrance, with new door for access to basement and a new 3 car garage. The property is located in an R5 one family residence zoning district where the minimum front yard setback is 25 ft and the side yard setback minimum is 8 ft and a total of no less than 14 ft. combined, proposed is 17ft (front yard) and 2ft 5in (side yard), therefore a variance is required.

Extension Request

Case No. 2011-0006

Phoenix Castle, LLC
411 Theodore Fremd Avenue
Suite 206 South
Rye, NY 10580

Anthony B. Gioffre, III
Cuddy & Feder, LLP
445 Hamilton Avenue, 14th Floor
White Plains, NY 10601

Willett Avenue and Abendroth Place

Letter dated July 23, 2012 was received from Cuddy & Feder, Anthony B. Gioffre requesting a 90 day extension of previously granted variances which are set to expire this month, August 2012. The Planning Commission has approved the Final Site Plan and Special Exception Use applications for this matter.

Withdrawal of Application

Case No. 2012-0038

Maureen & Theodore J. Darash
40 Puritan Drive
Port Chester, New York 10573

Michiel Boender
163 North Main Street
Port Chester, New York 10573

40 Puritan Drive

Letter dated August 1, 2012 was received from Michiel Boender, AIA requesting that the application for the above referenced case be withdrawn. Applicants have decided to revisit and redesign their project so no variance will be required.

Continued Public Hearing

Case No. 2012-0019

NOTICE OF HEARING ON APPLICATION

NOTICE IS HEREBY GIVEN that the undersigned has applied to the Zoning Board of Appeals of the Village of Port Chester, N.Y.

78-80 Purdy Avenue Holdings
78-80 Purdy Avenue
Port Chester, New York 10573

John B. Colangelo, Esq.
211 South Ridge Street
Rye Brook, New York 10573

on the premises No **78-80 Purdy Avenue** in the Village of Port Chester, New York, situated on the Southerly side of Purdy Avenue, distant approx 175 feet from the corner formed by the intersection of **Purdy Avenue** and **Don Bosco Place** being Section 142.38, Block No.2 Lot No. 24 and 25 on the Assessment Map of the said Village, being a variance from the applicable Zoning Ordinance or Ordinances in the following respects:

Application is hereby made under the discretionary power vested in you by Section 345-29A, 345-13 or in the alternative 345.30 of the Zoning Ordinance of the Village of Port Chester for

permission to: Eliminate existing 6 parking spaces so that applicant may utilize area for outdoor display of retail product. Property is located in R2F Zone where 20 spaces are required. (Applicant was previously granted a variance to reduce parking to 6 spaces)

Continued Public Hearing

Case No. 2012-0023

NOTICE OF HEARING ON APPLICATION

NOTICE IS HEREBY GIVEN that the undersigned has applied to the Zoning Board of Appeals of the Village of Port Chester, N.Y.

William & Drayton Gerety
2 Deerfield Lane
Mamaroneck, New York 10543

Leslie Maron, Esq.
5 Westchester Avenue
Pound Ridge, New York 10576

on the premises No **28 ½ Pilgrim Drive** in the Village of Port Chester, New York, situated on the **Northwest** side of **Pilgrim Drive** , distant **670 ft.** of the corner formed by the intersection of **Pilgrim Drive and Quintard Drive.** being Section 136.39 Block No.1, Lot No. 43 on the Assessment Map of the said Village, being a variance from the applicable Zoning Ordinance or Ordinances in the following respects: Applicant proposes to construct a single family dwelling. The property is located in R7 District- minimum lot size is 7,500 sq. ft & minimum lot width is 70 ft. Proposed lot size is 5,864 sq. ft. & proposed width is 50 ft. therefore lot area variances are required

Public Hearing

Case No. 2012-0032 Revised

NOTICE OF HEARING ON APPLICATION

NOTICE IS HEREBY GIVEN that the undersigned has applied to the Zoning Board of Appeals of the Village of Port Chester, N.Y.

Michael James DeFonce
47 Haines Boulevard
Port Chester, New York 10573

on the premises No. **47 Haines Boulevard** in the Village of Port Chester, New York, situated on the **East** side of **Haines Boulevard** distant 100 feet from the corner formed by the intersection of **Haines Boulevard and Hawley Avenue** being **Section 135.052, Block No. 2, Lot No. 11** on the Assessment Map of the said Village, being a variance from the applicable Zoning Ordinance or Ordinances in the following respects:

Application is hereby made under the discretionary power vested in you by Section 345-29A, 345-13 or in the alternative 345.30 of the Zoning Ordinance of the Village of Port Chester for permission to: construct a 2nd story addition, a new front entry portico, convert existing garage into living space and create 2 parking spaces in rear yard. Property is in an R7 District; Minimum required side yard setback of an interior lot is 10ft on one side with a combined minimum on both sideyards of 20ft. The proposed 2nd story provides 9ft side yard setback on the North therefore requiring a 1.0 ft variance; provides a 4.0 ft side yard setback on the South therefore requiring a 6.0 ft variance. The minimum front yard setback is 30 ft., proposed portico is 24.5 ft. therefore a variance is required.

applicant proposes to change existing attached garage accessory to living space where the existing access driveway is proposed to remain. Applicant loses the accessory use and existing access driveway for off street parking, therefore a variance for off street parking in rear yard accessible by an existing access without a garage is required.

and that a public hearing on said application will be held before said Board on the **16th** day of **August** at **7:00 o'clock** in the evening at the Court Room, Police Headquarters Building, 350 North Main Street, Port Chester, New York.

Dated, Port Chester, New York

July 30, 2012

Public Hearing

Case No. 2012-0042

NOTICE OF HEARING ON APPLICATION

NOTICE IS HEREBY GIVEN that the undersigned has applied to the Zoning Board of Appeals of the Village of Port Chester, N.Y.

Post Road Iron Works
16-18 North Main Street
Port Chester, New York 10573

on the premises No. **16-18 North Main Street** in the Village of Port Chester, New York, situated on the **West** side of **North Main Street** distant 100 feet from the corner formed by the intersection of **Westchester Avenue and Liberty Square** being **Section 142.31, Block No. 1, Lot No. 25 & 26** on the Assessment Map of the said Village, being a variance from the applicable Zoning Ordinance or Ordinances in the following respects:

Application is hereby made under the discretionary power vested in you by Section 345-29A, 345-13 or in the alternative 345.30 of the Zoning Ordinance of the Village of Port Chester for permission to:

merge 16 and 18 North Main Street in order to renovate an existing restaurant which will span the building and include 2nd floor dining; and to renovate an existing building and construct a new building that will house 6 new residential units.

The property is located in the C2 District. Multi Family Dwellings (above the 1st floor) are permitted through Special Exception only. Therefore approval or conditional approval is required from the Planning Commission and is currently being sought, hence the referral from Planning Commission.

Maximum floor area ratio is 3.20: proposed is 3.43 therefore F.A.R. variance of 0.23 is required The minimum lot size required is 750 square feet per dwelling unit; 610 square feet is proposed, therefore a lot area variance of 140 square feet is required.

The minimum required rear yard is 20 feet; proposed is 0 feet, therefore a variance is required. Minimum useable open space per dwelling unit is 100 square feet per unit thereby requiring a minimum of 600 square feet. Rooftop terrace area proposed is 678 square feet but only 17 feet wide. No dimension of an area of useable open space can be less than 20 feet, therefore a useable open space variance of 3 feet is required.

Off street parking is not required; however off street truck loading is required for the restaurant and a variance is therefore required

For multifamily dwellings the minimum lot size is 20,000 square feet, proposed is 3,661 square feet, therefore a variance is required.

For multifamily dwellings each building shall have a trash compactor capable of handling the expected volume of trash to be generated therein; proposed is none, therefore a variance is required.

and that a public hearing on said application will be held before said Board on the **16th** day of **August** at **7:00 o'clock** in the evening at the Court Room, Police Headquarters Building, 350 North Main Street, Port Chester, New York.

Dated, Port Chester, New York

August 1, 2012

Zoning Board of Appeals

August 16, 2012

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**THE ZONING BOARD OF APPEALS MEETING WILL BE HELD AT 7:00
O'CLOCK IN THE EVENING AT THE COURT ROOM, POLICE HEADQUARTERS
BUILDING, AT 350 NORTH MAIN STREET, PORT CHESTER, NEW YORK**