

**VILLAGE OF PORT CHESTER
ZONING BOARD OF APPEALS AGENDA
September 18, 2014**

Case Update

Case # 2012-0023 (Public Hearing for this matter is closed)

William & Drayton Gerety 2 Deerfield Lane Mamaroneck, New York 10543	Leslie Maron, Esq. 5 Westchester Avenue Pound Ridge, New York 10576
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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

Extension Requests

None

Continued Public Hearing

1. Case No. 2014-0093

Capitol Theatre LLC Capitol Enterprises, Inc. Peter Shapiro, Owner 145/149-151 Westchester Avenue Port Chester, NY 10573	Anthony Tirone, Esq. 202 Mamaroneck Avenue White Plains, NY 10601
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on the premises No. **149-151 Westchester Avenue** in the Village of Port Chester, New York, situated on the **North** side of **Westchester Avenue** distant approximately 100 feet from the corner formed by the intersection of **Westchester Avenue and Broad Street**

being **Section 142.30 Block No. 2, Lot No. 19** 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: Obtain an Off-Street Parking Space Variance

Property is located in the C5 Train Station Mixed Use Zoning District 345-14 Off Street parking, Truck Loading and Vehicular Access C. (2) For Non-Residential Non Uses, combined uses of a Cabaret, Catering Events, and Bar require a minimum of 412 Off-Street Parking Spaces. Proposed is 0, therefore a 412 Off-Street Parking Space variance is required

Continued Public Hearing

(Request Adjournment to December)

2. Case No. 2014-0095

Aline Polimeni
220 Westchester Corp.
220 Westchester Avenue
Port Chester, New York 10573

Bernard A. Edelstein, Esq.
315 Westchester Avenue
Port Chester, NY 10573

on the premises No. **220 Westchester Avenue** in the Village of Port Chester, New York, situated on the **South** side of **Westchester Avenue** distant **110 feet** from the corner formed by the intersection of **Westchester Avenue & Grove Street** being **Section 142.22, Block No 1, Lot No. 6** 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: **Create medical and dental offices on 2nd floor of an existing mixed use building.**

Property is located in the C1 Neighborhood Retail District where a Use Variance is required for medical/dental office use with X-Ray per Village Code 345 Attachment #A Schedule of Regulations for Non-residence Districts

Continued Public Hearing

3. Case No. 2014-0096

Joseph & Deryl DePauw
12 Chestnut Street
Port Chester, NY 10573

on the premises No. **12 Chestnut Street** in the Village of Port Chester, New York, situated on the **North East** side of **Chestnut Street** distant **125 feet** from the corner formed by the intersection of **Chestnut Street and Willett Avenue** being **Section 136.71, Block No 1, Lot No. 61** 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: Convert a single family home and rear barn into a two family dwelling by connecting two structures via a breezeway.

Property is located in the R2F Zoning District. Per Article IV Supplementary Regulation 345-6 Accessory Buildings and Uses (I) *In One and Two Family Residential Districts: (3) Accessory off-street parking spaces, other than those which might be incidentally available within an actual access driveway area shall not be located within a required front yard nor within a required side yard.* Proposed are 4 parking spaces, one space can be utilized and relocated by use of the proposed 1 car garage. Three spaces are located within the required side yard and one space is located within the required front yard; therefore a variance to allow 3 spaces to be located within the required side yard and one space to be located within the required front yard is requested

Continued Public Hearing and Findings of Fact

4. Case # 2014-0097

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

Wine Easy Corp	John Cotugno – Architect
449 Boston Post Road	15 Claremont Road
Port Chester, NY 10573	Scarsdale, NY 10583

on the premises No. **449 Boston Post Road** in the Village of Port Chester, New York, situated on the **East** side of **Boston Post Road** distant **600 feet** from the corner formed by the intersection of **Boston Post Road and High Street** being **Section 142.53, Block No 1, Lot No.**

1 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: install 2 additional wall identification sign

Property is located in the CD Design Shopping Center District. Per Zoning 345-15E Sign Regulations - Permitted Signs Identification, Identification Signs in Other Commercial and Industrial Districts: One wall sign on each public street or municipal off-street parking lot, and 1 detached or ground sign. Proposed are two additional Wall Identification Signs, therefore a variance for two additional Wall Identification Signs is requested.

New Public Hearing

5. Case # 2014-0098

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

Toni Ann Albanese	Michael Piccirillo Architecture
609 Wood Street	962 East Main Street
Mamaroneck, NY 10543	Shrub Oak, NY 10588

on the premises No. **47 Halstead Avenue** in the Village of Port Chester, New York, situated on the **East** side of **Renshaw Street** distant **30 feet** from the corner formed by the intersection of **Halstead Avenue and Renshaw Street** being **Section 136.47, Block No 2, Lot No. 24** 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 second story addition and deck.

Zoning 345-13 Nonconforming Uses and Nonconforming Building and Structures

1. B. Nonconforming use of land. No such nonconforming use of land shall be enlarged or increased, nor shall it be extended to occupy a greater area of land than that occupied by such use at the time of the adoption of this Regulation, nor shall any such nonconforming use be moved in whole or in part to any other portion of the lot or parcel of land occupied by such nonconforming use at the time of the adoption of this Regulation, provided, further, that if such nonconforming use of land, or any portion thereof, ceases for any reason for any continuous period of more than 90 days or is changed to a conforming use, any future use of the land shall conform with the provisions of this Regulation.

Proposed is a nonconforming use of land to be enlarged and increased to occupy a greater area of land therefore a variance is required.

Zoning 345 Attachment 1B Village of Port Chester Schedule of Regulations for Residential Districts Part 2, Dimensional Regulations for R7 One-Family Residential Districts 345-40.

Property is located in the R7 One Family Zoning District. The Maximum Floor Area Ratio (FAR) is **0.50%**; proposed is **0.74%**, therefore a FAR variance of **0.24%** is requested, and,

The Usable Open Space Lot for per dwelling unit is **3,500 sq. ft.** Home is a two family dwelling requiring **7,000 sq. ft.**; proposed is **2,982 sq. ft.** of usable open space, therefore a usable open space variance of **4,018 sq. ft.** is requested,

and that a public hearing on said application will be held before said Board on the **18th** day of **September, 2014** at **7:00 o'clock** in the evening at the Court Room, Police Headquarters Building, 350 North Main Street, Port Chester, New York.

New Public Hearing

6. Case No. 2014-0099

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

BMW Automotive/Penske Automotive
PAG Greenwich BI, LLC
475 Commerce Drive
Fairfield, CT 06825

on the premises No. **8 Slater Street** in the Village of Port Chester, New York, situated on the **West** side of **Slater Street** distant **600 feet** from the corner formed by the intersection of **Slater Street and Midland Avenue** being **Section 142.46, Block No. 1, Lot No. 6** 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: forego three off street truck loading spaces as required by Village Code

Property is located in the M2 General Industrial District District. Per Zoning 345-14(D) Schedule of off street truck loading requirements, three off street truck loading spaces are required; proposed are zero spaces, therefore a variance for three off street truck loading spaces is requested

and that a public hearing on said application will be held before said Board on the **18th** day of **September, 2014** at **7:00 o'clock** in the evening at the Court Room, Police Headquarters Building, 350 North Main Street, Port Chester, New York.

New Public Hearing

7. Case # 2014-0100

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

Hector German
349 William Street
Port Chester, NY 10573

on the premises No. **349 William Street** in the Village of Port Chester, New York, situated on the **left** side of **William Street** distant **225 feet** from the corner formed by the intersection of **William Street and South Regent Street** being **Section 142.29, Block No. 2, Lot No. 6** 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 floor addition above an existing first floor.

Property is a legal one family dimensionally non-conforming structure located in the R2F Two Family Residential District where the addition would require a minimum rear yard setback of 30 feet, proposed is 7.3 feet; therefore s rear yard setback variance of 22.7 feet is requested

and that a public hearing on said application will be held before said Board on the **18th** day of **September, 2014** at **7:00 o'clock** in the evening at the Court Room, Police Headquarters Building, 350 North Main Street, Port Chester, New York.

Adjourn Meeting to October 16, 2014

Zoning Board of Appeals

September 18, 2014

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THE ZONING BOARD OF APPEALS MEETING WILL BE HELD ON THE 3RD THURSDAY OF EVERY MONTH AT 7:00 O'CLOCK IN THE EVENING IN THE COURT ROOM, POLICE HEADQUARTERS BUILDING, AT 350 NORTH MAIN STREET, PORT CHESTER, NEW YORK 10573