

**VILLAGE OF PORT CHESTER  
ZONING BOARD OF APPEALS AGENDA  
October 20, 2016**

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**Findings**

**1. Case No. 2016-0133 – Findings**

Lawrence Bennett/Applicant  
312 Ronbru Drive  
New Rochelle, NY 10804

Eswin Hernandez/Owner  
83 Inwood Avenue  
Port Chester, NY 10573

on the premises No. **83 Inwood Avenue** in the Village of Port Chester, New York, located in the R2F Two Family Zone Building Zone District being **Section 141.44, Block 3, Lot 16 and** on the tax assessment map of the Town of Rye, New York.

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 to: **construct a study room off of an existing basement.**

Property is located in the R2F Two Family District where the required minimum (1) side yard setback is 8.0 feet, proposed is 3.0 feet, therefore a side yard setback variance of 5.0 feet is required.

The home is a preexisting non-conforming three family dwelling. No such non-conforming use of land shall be enlarged or increased; therefore a use variance is required for the proposed enlargement of a non-conforming use.

**2. Case No. 2016-0139 – Findings**

Post Road Iron Works  
North Main Street, LLC  
345 North Putnam Avenue  
Greenwich, CT

on the premises No. **16-18 North Main Street** in the Village of Port Chester, New York, located in a Commercial (“C4”) Building Zone District being **Section 141.32, Block 1, Lot(s) 25 and 26** on the tax assessment map of the Town of Rye, New York.

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

**to: renovate a portion of the building and demolish existing tower and adjoining store to make a new 2 story restaurant with 3 floors of residential use.**

Property is located in the C2 Main Street Business District. Per §345 Attachment 3B, the minimum usable open space is 50 square feet per dwelling unit. The proposal provides no usable open space, therefore a variance if 300 square feet is required.

Per §345-8, the minimum required floor area per family for a multiple dwelling, except one room studio apartment, is 600 square feet. The proposal provides 596 and 586 square feet for two of the proposed dwelling units, **therefore variances of 4 and 14 square feet respectively are required**

### **Continued Public Hearing**

#### **3. Case #2016-0129 – Continued Public Hearing**

Laura and Joseph Devita  
1 Shore Drive  
Port Chester, NY 10573

on the premises No. **1 Shore Drive**, being **Section 142.63, Block No 1, Lot No. 4** 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 2<sup>nd</sup> curb cut and driveway and parking area in front yard.**

Property is located in the R7 One family Residential District where Accessory off-street parking spaces, other than those which might be incidentally available within an actual access driveway area, shall not be located within the required front yard.

Proposed is the construction of a new driveway and (2) parking spaces to be located within the required front-yard and therefore, a variance to construct a new driveway and permit parking to be located within a required front is required.

Access driveways through the required front yards and required side yards shall not exceed 10 feet in width, except that in the instance where a garage two car spaces wide is set back beyond the required front yard, such garage may have an access driveway as wide as the parking spaces in the garage, which driveway extends not more than 30 feet in front of the access doors to such garage. **Proposed driveway varies from 12 to 16 feet wide therefor a 6' variance for driveway width is required.**

Proposed is the construction of a new driveway that will exceed 10 feet in width with a proposed maximum width of 16 feet at the front courtyard within the required front-yard and therefore, a **variance to construct a new driveway exceeding the maximum width of 10 feet to be located within a required front is required**

**Continued Public Hearing**

**4. 2016-0135 – Continued Public Hearing**

Maria Sinis  
P.O. Box 204  
Rye, NY 10580

on the premises No. **167 Irving Avenue** in the Village of Port Chester, New York, located in the C2 Main Street Business District being **Section 142.22, Block 2, Lot 25** on the tax assessment map of the Town of Rye, New York

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: acquire variances to obtain Certificate of Occupancy

Required Variances:

Use Variance: Per Section 345 Attachment 3A, residential is not a permitted use within the C2 District, therefore **a use variance is required.**

Off Street Loading Space Variance: Per Section 345-14, 1 off street loading space is required, proposed is 0 off street loading spaces; therefore **a variance of 1 off street loading space is required.**

**Continued Public Hearing**

**5. Case No. 2016-0137 - Continued Public Hearing**

Grace Powers-Fraioli  
43 Elizabeth Street  
Port Chester, NY 10573

on the premises No. **43 Elizabeth Street** in the Village of Port Chester, New York, located in the R5 Building Zone District being **Section 136.69, Block 1, Lot 59** on the tax assessment map of the Town of Rye, New York

Property is located in the Residential R5 zone. A review of the site plan reveals that an additional curb cut and off street parking space will be located next to an existing driveway along Columbus Avenue.

Village of Port Chester Zoning Regulation of 1975 section 345-6 I. (3) prohibits off street parking spaces in the front yard and section 345-14 H. one- and/or two-family are limited to one curb cut per lot.

Section 345-6 I. (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.”

Section 345-14 H. “Lots containing or restricted to one- and/or two-family dwellings shall be limited to one curb cut per lot.”

### **Continued Public Hearing**

#### **6. Case No. 2016-0138 – Continued Public Hearing**

Michael and Susan Marino  
65 Glendale Place  
Port Chester, New York 10573

on the premises No. **65 Glendale Place** in the Village of Port Chester, New York, located in the R5 Building Zone District being **Section 136.70, Block 1, Lot 61** on the tax assessment map of the Town of Rye, New York

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: **alter a rear deck**

The property is located in the R5 Zoning District which requires a 30’ rear yard setback and where the survey shows the rear deck to be located 26.4’ from the rear property line.

### **Continued Public Hearing**

#### **7. Case #2013-0076 – Extension Request – Continued Public Hearing**

**Luis Perez**  
**Bandito’s Restaurant**  
**139 South Main Street**  
**Port Chester, NY 10573**

A letter and related material dated March 7, 2016 was received from Luis Perez applicant, regarding variances granted on October 17, 2016 which have expired for property located at **139 South Main Street**, Port Chester, NY 10573. (**Section 142.55, Block 1, Lot 3**) Due to circumstances explained in the correspondence the applicant has been unable to start/complete the project in the time frame allowed per Village Code. §345.23 (6)

The applicant is requesting an extension of the granted variances.

**8. Case #2016-0141 – New Public Hearing**

**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.

Frank A. Santoro  
214 Grace Church Street  
Port Chester, New York 10573

on the premises No. **214 Grace Church Street** in the Village of Port Chester, New York, located in a R2F Zone, being **Section 141.32, Block 1, Lot(s) 25 and 26** on the tax assessment map of the Town of Rye, New York.

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 to: construct a deck and re-issue a permit to install an Above Ground Pool.

The Code of Port Chester section 258-11 B. states that “No private swimming pool shall be constructed or erected nearer than 10 feet to side or rear lot lines and a similar distance from existing and contemplated structures, and a distance no less than the required setback from the front lot line in the district in which the pool is located.”

Please be advised that your Building Permit application construction of a decks and above ground pool is hereby **DENIED** for non-compliance with the Code of Port Chester section 258-11 B., which requires a 10 foot yard setback and where the site plan shows the rear deck attached to the above ground pool to be located 5 feet from the side yard property line,

and that a public hearing on said application will be held before said Board on the **20th day of October, 2016** at **7:00 o'clock** in the evening at the Court Room, Police Headquarters Building, 350 North Main Street, Port Chester, New York.

Zoning Board of Appeals

October 20, 2016

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**NEXT ZONING BOARD OF APPEALS MEETING WILL BE HELD ON:**

**November 17, 2016**

**THE ZONING BOARD OF APPEALS MEETING WILL BE HELD ON THE 3<sup>RD</sup>  
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**